

Marine Policy: A Capitol Hill Perspective

by

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Internship Report

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## I. Introduction

As a part of my graduate program in Marine Resource Management (MRM) at Oregon State University, I was fortunate to be able to pursue my interest in marine and coastal policy. I spent fifteen months as a Sea Grant intern in the United States Congress, challenged in ways I could not have anticipated. My unique exposure to congressional decision making from the 'inside' was an extremely stimulating education for one who had had little exposure to political science or the political process before.

I had been exploring internship possibilities, and learned of the opportunity to intern with the U.S. Congress from Dr. Daniel Panshin, former Oregon State University extension oceanographer and MRM faculty member. In July 1979 he was a subcommittee staff director of the House Committee on Merchant Marine and Fisheries. I also discussed my interests with my advisor, the late Edward Condon, and other faculty members, and decided to pursue the congressional internship opportunity.

The Oregon State University Sea Grant College Program and the House Committee on Merchant Marine and Fisheries provided me with a monthly living stipend from October through December 1979, so I went to Washington in mid-September. In November I learned that I had been selected as a finalist for the National Sea Grant Fellowship Program, one of six graduate students from marine programs across the country chosen to spend a year learning about ocean policy on Capitol Hill. The Program began in January 1980, thus my congressional education

was extended to a total of fifteen months, from October 1979 through December 1980.

During the first nine months of my internship I worked with the House Subcommittee on Maritime Education and Training, chaired by Congressman Les AuCoin of Oregon. I spent the last six months in the office of Massachusetts Senator Paul Tsongas.

I set a precedent for Sea Grant interns by serving on both sides of Congress. Congressman AuCoin and the subcommittee staff encouraged me to explore the opportunity to spend the last months of my stay learning about ocean policy in the Senate. In May, I interviewed with Senator Tsongas' chief legislative aide and learned of the Senator's interest in marine affairs, specifically outer continental shelf energy development, fisheries conflicts, and barrier island protection. The office was quite willing to take me on as a congressional fellow to work on those issues. So, with the full support and blessing of Congressman AuCoin and his staff, I moved to Senator Tsongas' office in early July 1980, where I remained for the duration of my internship.

The period I spent on both sides of Congress was illuminating in many ways. I learned much about the making of ocean policy in the House Committee on Merchant Marine and Fisheries. In the Senate I learned about slightly different legislative procedures as I became acquainted with outer continental shelf and coastal development policy as determined by the Senate Committee on Energy and Natural Resources. I was in the Senate during the highly explosive election and post-election time when the incumbent President Jimmy Carter and many members of both Chambers were unexpectedly and dramatically defeated.

The education I received while interning for Congress will forever shape my understanding of and appreciation for the nature of the legal-political world in which decisions are made that affect all citizens and so many of our natural resources. I witnessed the very real impact special interest lobbying has on the outcome of legislation and policy making. Through my good fortune of interning in both Chambers of Congress I was exposed to some extremely competent and dedicated legislators and staff. I realized the numerous demands made on those elected to public office and the importance of a dependable, capable staff. Finally, I discovered the difficulty of achieving consensus in legislative decision making which sets national goals in ocean research, resource use, development and protection.

## II. Basic Chamber Differences

The House and Senate are quite distinct political bodies, as I witnessed during the time I spent on Capitol Hill. Both have equal power to introduce and pass legislation and both have a decentralized nature with the division of labor through a committee system. The Senate, however, is charged with sole responsibility to ratify international treaties, to advise and consent on executive political appointments, and any Senator may filibuster any legislative bill. The House has sole responsibility to write revenue and tax bills.

Another difference is size. The Senate is comprised of 100 members while the House of Representatives has 435 members. The House tends to be more formal in its rules of procedure than the Senate, is more impersonal and hierarchically organized, and its rules are more rigidly adhered to. Power is less evenly distributed in the House than in the Senate. House members are generally less well known than Senators and always represent a smaller, sometimes less diverse constituent base. In the Senate, consideration of a piece of legislation or a vote may be rescheduled at the whim of an individual Senator, while the House calendar is usually strictly followed. Many members of the House work as hard or harder than members of the Senate, though because they are less visible they may not receive due credit for a particular action.

### III. Committees

A Congress lasts two years, divided equally in time between a first and second session. During the course of each session numerous legislative bills and resolutions are introduced. However, only a fraction of those introduced actually pass both Chambers and are eventually signed into law. As a congressional intern I was lucky to witness the introduction and progress of several bills which were favorably voted on by both Houses. After numerous public hearings and amendments several of these bills ultimately became public law.

A bill may originate from a legislator of either House, the Administration, a constituent, or an interest group working through a legislator. Once introduced in the House, a piece of legislation is referred by the Speaker of the House to those committees with jurisdiction in the areas which the bill addresses. Bills introduced in the Senate are referred by the Presiding Senate Officer to the appropriate committees of jurisdiction.

It is in committee that a bill is most carefully scrutinized, analyzed, amended and either tabled or sent on for the vote of the full Chamber. Each committee has an established jurisdiction. The majority of complex legislative issues considered fall into more than one area and are frequently referred to more than one committee. Intensive consideration by the committee will likely include hearings where witnesses are given an opportunity to testify on behalf of or against a bill. In a separate committee 'mark up' session the bills may be amended once the hearing process has concluded.



At the present time there are some twenty-two standing committees of the House and fifteen of the Senate. In addition to these permanent standing committees there are four joint House-Senate committees, and a number of 'select' committees established for specific purposes, fifteen in the Senate and three in the House. After a special select committee has completed its charter it is dissolved.

Committee membership is proportionally divided between the total party membership in each Chamber, with the exception of one or two committees. All members of the House may serve on more than one committee unless they serve on the Appropriations Committee. Those who sit on the Appropriations Committee may serve on no other standing committee.

The House rules state that its members who chair committees may also chair one subcommittee within that committee, no member may chair more than one legislative subcommittee, and members may not serve on more than two committees which have legislative jurisdiction. In certain special cases these conditions may not apply.

Membership on committees follow similar rules in both Houses. A congressman seeks election, by the full House, to a committee with jurisdiction of an area in which he or she is most interested. Rank in the committee is achieved according to seniority, or the order of the member's appointment. Chairmen are elected from nominations submitted by the majority party caucus. Each standing committee with more than twenty members, except the Budget Committee, must establish at least four subcommittees.

Each Senator serves on two standing committees and may only chair one committee and subcommittee except under specific circumstances. A Senator may also serve on a temporary or joint committee. Chairman of committees in the Senate are elected through a procedure similar to that of the House. Membership on various committees is determined by seniority.

In both Houses, the chairman of a committee to which a bill has been sent will generally refer the legislation for subcommittee consideration. Some bills may be considered jointly by more than one committee or subcommittee, others subsequently (after passage by one committee the bill proceeds to another committee of referral). Important and controversial bills will commonly have at least one public hearing during which citizens have an opportunity to be heard.

After the hearing process is completed the subcommittee considers a bill in a mark up session. During the session, all sides express their views and once debate has concluded a vote is taken. Subcommittee action may result in the tabling of a bill, 'voting it down', or conversely the bill may be favorably reported out to the full committee in its original form or with subcommittee amendments for further consideration.

Once the subcommittee has completed its action the full committee votes on the measure. If it votes favorably, the bill is 'reported out' with or without committee amendments to be voted on by the full House or Senate.

When a bill is reported out favorably a report must accompany it prior to its vote by the full Chamber. Committee reports are extremely important components of the legislative history which

may later be referred to by the courts, executive agencies, or the public. These reports are carefully prepared since they will be thoroughly scrutinized whether or not the bill is passed by both full Chambers and signed into law. The reports document the purpose, need, and meaning of the legislation passed by the committee, and may include additional views of committee members.

#### IV. House Experience

From mid-September until late June I worked with Congressman AuCoin's Maritime Education and Training Subcommittee staff on a wide range of ocean issues.

My first few months consisted of orientation to the non-academic, unique Capitol Hill environment. This included becoming familiar with new jargon, new important names and faces, and a new routine, which I soon learned was often subject to change.

Before long I found that Congress was the center of a major communication network which extended to government agencies, interest groups, academia, industry, and the private citizen. There was a wealth of new information to digest on marine and natural resource issues. There were endless documents to review, resources to examine, and new information to grasp. It didn't take long to ease into the congressional staffer's ten to twelve hour work day habit. After several months of workaholism I realized that there were limits to one's ability and productivity, particularly when under stress. The quality of the final product, whatever it might be, was more important than the quantity of hours put in or pages written. I developed a feel for marine legislative research and those dependable resources with the most accurate information, which I found at the Library of Congress, the library at the Office of Technology Assessment, and the National Marine Fisheries Service research room.

Contact I made over the phone and in person with various

professionals proved invaluable in my work on both sides of Congress. The congressional support agencies were helpful, particularly the ocean science specialists at the Office of Technology Assessment and the Congressional Research Service of the Library of Congress. In addition, I would seek information on various issues from ocean industry representatives and academic scientists who came to Capitol Hill to testify before Congress. The professional committee staffs, specialists in a number of fields, provided assistance on numerous occasions. The National Advisory Council on Oceans and Atmosphere (NACOA), a group of professionals versed in different aspects of ocean research and development, was quite helpful. Sea Grant was also able to provide especially valuable information on a number of issues. Various interest groups, environmental and industrial, would provide useful information, although predictably biased.

Congressman AuCoin had an interest in several legislative and non-legislative marine areas. These included enhancement of depleted Northwest salmon stocks, development of underutilized fish species, aquaculture, ocean energy research and development, use and preservation conflicts between marine mammals and fish in sport and commercial fisheries, whale conservation, coastal zone management, port development, ocean nuclear waste disposal, and foreign investment in U.S. fisheries.

During the 96th Congress, Mr. AuCoin served on the House Committee on Merchant Marine and Fisheries which dealt exclusively with a majority of these issues. As one of the senior members of the Committee he had achieved ranking majority member status which allowed for his chairmanship of one of the Committee's six subcommittees, the Ad Hoc Select Subcommittee on Maritime Education and Training. This

Subcommittee was charged with investigation of federal and state merchant marine officer education and recommendation of action to improve and coordinate this education and training.

Although I worked on several projects with the Subcommittee staff of three, I primarily covered topics of concern to the Congressman beyond the Subcommittee's express charter. In fact, most all of the legislative issues I dealt with were under the jurisdiction of the Oceanography Subcommittee on which Congressman AuCoin also sat. Dan Panshin, the subcommittee staff director helped to provide guidance and advice at various stages of my work in the House.

The areas I had full responsibility for included coastal zone management, ocean energy (including ocean thermal energy conversion (OTEC), liquified natural gas transport and storage, ocean biomass conversion, and oil and gas exploration and development on the outer continental shelf), the tuna-porpoise conflict, National Oceanic and Atmospheric Administration organic\* legislation, deep seabed mining legislation and the ongoing progress of the Law of the Sea Treaty negotiations.

Responsibility for these areas meant preparing up-to-date files and briefing materials for the Congressman's use and continually monitoring congressional activity, i.e. attending relevant meetings, hearings, and anticipating floor or committee actions. Files had been assembled on a variety of marine topics. It was important to keep them up to date after legislative activity. Congressman AuCoin would use the material prepared for his debate on the House floor or in Committee hearings and mark ups.

\* organic refers to the fundamental legal establishment of an agency

I was given full responsibility as a professional staff member. When I provided support at several hearings and mark ups it often meant that I sat in back of the Congressman in the Committee chamber and briefed him on the facts and political opinion of the issue under consideration.

I learned quickly to write concise memoranda which covered the most salient points gleaned from my research and discussion with various individuals. (Appendix A) After a hearing, mark up, or floor debate I would organize the material of most relevance and generally summarize it to add to the file for future reference on the issue. In the file would also be any written speeches delivered by the Congressman or submitted for the record. (Appendix B )

Involvement with the Coastal Zone Management Program reauthorization was one highlight of my experience in the House. This federal program was undergoing a complete and critical oversight by the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries when I got to the Capitol. I helped the Subcommittee staff schedule witnesses for the Northwest regional field hearing in Seattle and worked on some of the logistics for this hearing and the hearing in Boston, which I was fortunate to attend.

After the regional hearings had been completed, all testimony from witnesses had to be summarized concisely so that members of the Subcommittee could use it to write a new funding authorization bill. My responsibility was to summarize all testimony from the regional field hearings held on the Great Lakes, West Coast, and in the Northwest. When the total review was completed, the summaries were used by the staff to aid in drawing up a bill to reauthorize the program. (Appendix B )

I remained involved with the coastal zone management oversight process during the entire time I worked for Congressman AuCoin. My work for him included preparing two amendments to one of the House reauthorization bills, which were introduced at Subcommittee and Committee mark ups.

Preparing an amendment was exciting. I was given full responsibility to draft the language, with legal counsel guidance, and to provide material to the Congressman in support of the amendment. One of the two efforts to amend the bill succeeded. The interstate grant section was reinstated with separate funding. This section would provide grants for appropriate management projects on the Columbia River, Chesapeake Bay, and the Hudson River, among other



important multi-state resources. The amendment which failed was vigorously debated by Congressman AuCoin and other members. It would have provided the Office of Coastal Zone Management some authority to identify and inventory significant coastal resources in those coastal states which are not participating in the Coastal Zone Management Program. The amendment incited controversy over the federal versus state role in the coastal zone. (Appendix C)

The Coastal Zone Management Improvement Act of 1980 was ultimately passed by both Houses of Congress on September 30th. It was a memorable experience to watch the final stages of congressional action from the House Gallery at 1:05 a.m., after months of effort.

Another issue which I became quite familiar with in the context of my legislative work for Congressman AuCoin was Ocean Thermal Energy Conversion (OTEC). An OTEC commercialization bill had been introduced by the Chairman of the Oceanography Subcommittee, Congressman Gerry Studds of Massachusetts. This bill and an OTEC research and development bill considered by the House Committee on Science and Technology were passed by both Houses and signed into law while I was in Washington.

The OTEC technology is a fascinating one based on the heat pump principle. In regions where there is a suitable temperature gradient, at least 32° F, cold bottom water is pumped to the surface. After the warm surface water vaporizes a fluid medium, usually ammonia in a heat exchanger, the cold water condenses it. The energy derived from the process drives a turbine connected to an electric generator. The technology is presently being tested off the Hawaii coast. There are also plans to introduce it off Puerto Rico and the Gulf Coast

states if there is economic and political support to do so.

OTEC represents the harness of an alternative energy source, the sun. In regions of the oceans with appropriate thermal stratification the potential energy stored can be transferred to kinetic energy through a conversion process to produce electricity. Further technological breakthroughs in fuel cell development will make energy derived from this source available to areas of the country which aren't adjacent to warm waters.

My work on this issue included apprising Congressman AuCoin of progress made in the field, monitoring legislative activity, and providing any staff support necessary at hearings or mark ups on OTEC by the Committee on Merchant Marine and Fisheries.(Appendix D)

As a Sea Grant intern I was given a special challenging project. I was asked to look into the future and predict the legislative and political opportunities of the next decade in the ocean realm. My task was to prepare a report for Congressman AuCoin which projected into the future, anticipating questions which might effectively be answered by early planning.

This was one of my most difficult assignments. It allowed for considerable flexibility and creativity in approach. It required an examination of political and economic ocean challenges, while I was more accustomed to looking at scientific challenges in the ocean sphere. In order to make the project manageable I first narrowed the options. This required contacting a number of professionals in ocean science and ocean affairs working in government, industry and academia who might have insight into prospective trends in ocean use, development, and understanding of resources. The congressional support agencies, the Congressional Research Service

and the Office of Technology Assessment were valuable, as were professional advisory bodies such as the National Advisory Committee on Oceans and Atmospheres. I spoke with experts at Oregon State University's School of Oceanography and Sea Grant College Program. I read as much as possible about ocean opportunities in such publications as Oceanus, Science, Bioscience Abstracts, The Coastal Zone Management Journal, The Journal of Marine Affairs, Ocean Development and International Law, Marine Policy, and the Nautilus Press newsletters.

The difficulty of this assignment was to reconcile technological or scientific challenges with political realities. After I had assessed the technological feasibility of various opportunities, I had to consider each in a political light to determine its potential legislative feasibility or political attractiveness.

Finally I put together a memo which outlined many of the areas I had determined would be important and could benefit from some political or legislative action. It was neither exhaustive nor perfunctory. The memo was presented to Congressman AuCoin for his perusal after many drafts and final editing suggestions from Dan Panshin. Areas of particular interest to the Congressman were to be identified and dealt with in further detail separately. (Appendix E)

One product of the ocean opportunities memo was an attempt to address some serious shortcomings of an existing government program, the National Flood Insurance Program. I had a direct hand in drafting a letter to the powerful Chairman of the Housing Subcommittee of the House Banking Committee requesting remedial action be taken to reconcile the National Flood Insurance Program with other programs affecting our coasts. (Appendix F)

My horizons were broadened during the first nine months of my internship with Congressman AuCoin's Subcommittee on Maritime Education and Training. I was given considerable responsibility by the Staff Director, Dan Panshin, and the Congressman to pursue those marine areas of mutual interest. I was treated as a staff member throughout the period I spent with Congressman AuCoin.

I was impressed by Congressman AuCoin's concern for marine issues. He showed a sincere committment through his diligence as Chairman of the Subcommittee on Maritime Education and Training and as member of the Subcommittee on Oceanography. His staff was devoted and hard working.

Congressman AuCoin has many demands from his unusually diverse district. He endeavored to stay in tune with his constituents and respond to all requests made of him. He also demonstrated wide vision through much of his committee work which extended beyond just the needs of his constituents.

Dan Panshin was an important figure during my internship. His familiarity with my background, the MRM program, and OSU was quite important throughout the period of my internship. I owe him considerable thanks for making my adjustment to Washington easier than it might have been, and for crediting me with the maturity and ability to take on considerable responsibility.

## V. Senate Experience

I began my work for Senator Tsongas in early July. At that time he was involved as a key leader in the historic Alaska lands legislative battle. He was also quite interested in several ocean and coastal issues on the legislative agenda still to be addressed before the session ended.

As a Massachusetts Senator and member of the Senate Committee on Energy and Natural Resources, Senator Tsongas had an interest in the dispute between oil and gas interests and fishing interests off the New England coast. Oil and gas potential has been found on the Outer Continental Shelf of New England, in the rich fishing ground on Georges Bank. There is widespread fear that exploiting mineral resources in this area will seriously threaten the fisheries and livelihood of many people up and down the Northeast coast. My upbringing on the Northshore of Massachusetts had made me acutely aware of the importance of fishing to local seacoast communities. Historically, it has defined the character and economy of many coastal villages in New England.

A court battle over the relative importance of resources to the Federal government resulted in a two year delay of the first lease sale on the Bank. On December 18, 1979, Lease Sale 42 was held, despite some unresolved legal questions about resource priority.

That December a bill was introduced by Senator Tsongas on behalf of Senators Kennedy (D-MA), Magnusen (D-WA), Williams (D-NJ), Bradley (D-NJ), Weicker (R-CONN), Hatfield (R-OR), Cohen (R-ME), and himself which would place some extra safeguards on the drilling operations on the Bank. The bill was referred to the Committee on Commerce,

Science and Transportation, and the Committee on Energy and Natural Resources. A joint Committee hearing and a regional oversight hearing on the effects of oil and gas development on New England fisheries were held during the winter. The Committee on Commerce, Science and Transportation reported its version of the Georges Bank Protection Act on May 8, 1980.

When I began my work at Senator Tsongas' office the staff was attempting to schedule an Energy Committee mark up. Finally, after some political maneuvering, the bill was called for Committee consideration by Senator Jackson. On August 20 it was reported out as amended in an acceptable form by ten of the sixteen Senators present at the mark up.

After having anticipated and prepared for this illustrious event all summer it was exhilarating to finally witness passage of the measure by the Energy Committee. I had helped organize and prepare briefing material for the Senator and all other members of the Committee to update them on the bill and its implications. Also, I had helped to orchestrate and coordinate actions among the various parties involved in the bill's development. Among the briefing material was a fact sheet I helped Committee staff prepare for distribution Senate wide. (Appendix G)

Another issue Senator Tsongas was concerned about was wasteful federal expenditures to develop storm and flood prone coastal areas such as the East and Gulf Coast barrier islands. I was responsible for keeping the Senator fully apprised on a pending barrier islands bill. This bill had a House counterpart, somewhat different in form, which I had worked on while interning for Congressman AuCoin. The Senate Energy Committee passed the Barrier Islands Protection bill at

the very same mark up session during which the Georges Bank Protection Act passed.

In order to keep the Senator as informed as possible I met with a number of people on both sides of the issue. I spoke with interest group representatives and citizens who owned property which might have been affected by passage of the bill. I prepared a briefing booklet for the Senator on the barrier islands legislation which he referred to at the Committee mark up. (Appendix H)

Near the end of my internship I was able to attend the Coastal Zone '80 Conference in Hollywood, Florida. At that four day Conference I represented Senator Tsongas on a panel addressing outer continental shelf policy issues. My familiarity with the Georges Bank Protection Act was the key to my participation on this panel which was composed of experts in government and industry who had been dealing with outer continental shelf development for some time. This was an excellent opportunity for me to explain to the panel and audience the rationale behind introduction of the Senate bill. Some legislators and special interest groups felt that the existing federal law was inadequate to satisfy protection of the fisheries resource in Georges Bank. Therefore a bill had been introduced in an attempt to address the need. The bill created controversy among legislators and special interest groups with different concerns about ocean resource use. After passage by two Senate Committees and several attempts to attach the bill to energy legislation destined to pass both Houses, the bill died before debate on the Senate floor.

My experience in the Senate was informative and enlightening. I learned the logistics of coordinating meetings of various professional staff from both personal offices and Committees and was able to increase my understanding of issues through them. My eyes were opened through contact with lobbyists of some of the major oil companies, who waged a strong and effective battle against the Georges Bank Protection Act passage by the Senate, and environmental groups, who backed passage. I also witnessed turf battles between executive agencies which thwarted progress toward explicit policy goals. Furthermore, I saw ego battles between congressional staffers anxious to receive credit from their bosses.

Despite the discouraging battles and power conflicts I observed during my internship, I found a positive side to the influences on congressional decision making. I saw cooperation between people at various stages of legislative development. I came into contact with some extraordinarily competent and creative individuals, undaunted by power and deeply committed to their ideals.

Work with Senator Tsongas and his staff had a major influence on my thinking. The Senator was unusually approachable for a man of his achievement, extremely bright and insightful on a number of complex issues. He is an admirable man who struggles to maintain his values and strive toward his goals as a Senator. During the course of my internship in his office, I developed the utmost respect for Senator Tsongas and his staff.



## VI. Conclusion

I was offered a unique opportunity by Sea Grant to serve an internship for over a year with the United States Congress. The graduate studies I completed before the internship enhanced my understanding of some of the sciences influenced by marine policy. I could not possibly have had a better classroom than the Congress in which to learn about the making of marine and natural resource policy.

One of the most valuable things I learned through my internship experience was how to work with people in a high pressure environment. I also learned how to best prioritize responsibilities and duties which frequently changed; how to summarize important ideas and issues; how to express my thoughts succinctly in memo form; and how to make good use of the knowledge and terminology I have accumulated.

After fifteen months in Washington, D.C., I realized the piecemeal way in which many ocean policy goals and objectives are formulated by Congress. This reflects the variety of special interests which directly influence legislative decision making. My understanding of those factors which help to shape marine law has been immeasurably enhanced.

It is easy to be skeptical about the motives of politicians and to disdain their ability to exert undue influence. However, my experience proved that there are some truly committed legislators, uncorrupted by the power and the glory associated with 'serving the people'. I never doubted the integrity of the leaders for whom I worked. Both Congressman AuCoin and Senator Tsongas and their staffs were fully responsible for my positive learning experience. I only hope that I was able to contribute as much to their working lives as they did to mine.

APPENDIX A

TO: Les  
FROM: Ann  
SUBJ: Barrier Islands Bill  
DATE: March 31, 1980

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Congressman Phil Burton introduced a bill on November 28 to protect undeveloped barrier islands. This bill would provide for the acquisition of Gulf and Atlantic coast barrier islands identified in a draft environmental impact statement prepared by the Dept. of the Interior recently. The designated islands would be under the stewardship of the National Park Service.

The Subcommittee on National Parks and Insular Affairs of the Interior and Insular Affairs Committee held hearings on the bill last week. It was learned that the combined costs to the Federal taxpayer for development subsidies, beach rehabilitation, and the emergency rehabilitation costs after natural disasters, when examined over a 10-15 year period, would be greater than the costs to purchase and preserve the remaining undeveloped islands.

Barrier islands serve to protect extensive valuable coastal lands and form bays that are among the most biologically productive areas. They are comprised of unconsolidated sands and subject to constant erosion and periodic devastation from storms which often cause deaths and severe financial losses as well.

It is appropriate this 'Year of the Coast' to support the Burton bill. Among its co-sponsors are Studds, Stack, Udall, Florio, Lowry, Won Pat, Langomarsino, Miller, and Weaver. I recommend you sign on.

FYI the clipped articles appeared in this weekend's New York Times and illustrate the issue of barrier island protection.

According to Dale Crane, Congressman Burton's staffer, a Senate bill will be introduced soon. There is no authorization figure included in this bill as yet. The staff is awaiting the results of studies on the cost of acquiring undeveloped islands.

TO: Les  
FROM: Ann *AKY*  
SUBJ: Oversight Report on the U.S.- Canada East Coast Fishery  
Agreement and Boundary Treaty  
DATE: June 3

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The Fish and Wildlife Subcommittee has put together a report on the U.S.- Canada East Coast Treaty. The report concludes that the bilateral agreements which require Senate ratification are not in the overall fisheries interests of the U.S. It asserts that the agreements are 1) overbroad, 2) economically unfair to almost all of the affected sectors of the U.S. industry, and 3) incompatible with the fisheries development initiatives of the Congress and the Administration and with the purposes of the FCMA. The report states that it is the Subcommittee's opinion that the bilaterals should be renegotiated in accordance with specific recommendations of the Subcommittee or that ad hoc conservation and management arrangements should be pursued as the need arises.

One treaty recognizes that Canada and the U.S. cannot agree on a maritime boundary between them and commits both to accept third party arbitration by a panel appointed by the International Court of Justice at The Hague. The other treaty would set up a joint commission for the coordinated management and conservation of East Coast fisheries of concern to both countries. It includes division of a number of economically important fishing stocks in the George's Bank area.

Of the provisions which are most controversial in the Fishery Agreement are access to redfish, squid and prize scallop resources in the George's Bank area and the Gulf of Maine and establishment of a permanent regime involving entitlements and co-management of given fisheries. A permanent agreement would set a precedent in international fisheries law and would also raise problems with domestic law (namely the FCMA's policy to achieve full utilization of all U.S. fishery resources by U.S. harvesters). Furthermore, the agreement would permanently displace the New England Regional Fishery Management Councils from the role provided them by the FCMA.

The Administration supports the Treaties, arguing that the bilaterals are important to general U.S.- Canadian relations and will allow oil and gas development to move ahead in the disputed area, and will also speed up resolution of other fisheries and boundary disputes between the U.S. and Canada. The subcommittee refutes these arguments in its report, noting that West Coast agreements have been successfully concluded in the absence of a ratified East Coast regime, and that hydrocarbon development can be promoted without linkage to fisheries.

Reviewing the arguments pro and con these bilateral agreements, particularly with regards to conflicts between the FCMA (and prospective Fisheries Development legislation), I suggest that you support the findings and recommendations of the Subcommittee. There will be no formal vote on the report, simply a discussion and request for informal support.

APPENDIX B

COASTAL ZONE MANAGEMENT OVERSIGHT HEARING  
PACIFIC NORTHWEST REGION  
SEATTLE, WASHINGTON  
JANUARY 9, 1980

SUMMARY OF TESTIMONY

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MAYOR OF SEATTLE

1. Coastal zone management has enabled more efficient shoreline permit processing, identification of public shore access points, preparation of studies on actions affecting the coast, and public education.
2. local implementation of management plans through federal assistance is extremely important.
3. CZMA should be reauthorized.

PORT OF SEATTLE

1. Local plans are sensitive to community interests but don't adequately recognize the national interest that ports serve.
2. Comprehensive and systematic research efforts to establish environmental and resource criteria is of utmost necessity to enable 'balanced' development.

TACOMA AUDOBON SOCIETY

1. Strengthening language is needed in the CZMA. Coastal Alliance recommendations for CZMA should be supported.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
KING COUNTY, WASHINGTON

1. Reauthorize Section 306 funding. Activities which have been made possible by these funds include: public information effort, production of overlay maps, revision of the shoreline master program, and enhanced enforcement of coastal regulations.

SEATTLE SHORELINE COALITION

1. The CZMA should be reauthorized and funding continued.
2. If there is resistance at the local level to plan for long term marine benefit, the national program must have goals and policies with which to test consistency of local program regulations.

NISQUALLY DELTA ASSOCIATION

1. Reauthorize CZMA.
2. The Act should provide a greater balance toward the preservation of important coastal resources.

3. Authority should be provided through the Act to acquire by eminent domain the development rights in certain critical coastal areas, if necessary.

#### WASHINGTON ENVIRONMENTAL COUNCIL

1. CZMA should require that a state coastal zone management plan contain an enforceable system of use permits to control development, except where fee simple or less than fee acquisition is feasible. No other means of control has proven effective to date.

2. CZMA should be specific about what constitutes proper coastal zone uses.

3. More consideration should be given to public access.

4. Coastal zone atlases should be developed with CZMA funds prior to a state meeting all requirements for management program development grants.

5. CZMA should require that citizens advisory committees be established before any grant monies are allocated and that these groups represent balanced interests.

6. The Act should be specific in requiring disclosure of any conflict of interest by the appointees of the advisory committees.

#### GRAY'S HARBOR PANEL

#### FRIENDS OF THE EARTH

1. Congress should direct the OCZM to insure that coastal zone management planning efforts meet the public participation requirements of the Act.

2. OCZM should be directed to reject any planning effort contrary to the Clean Water Act and the Clean Air Act. OCZM should stop undermining these important environmental statutes.

3. OCZM should issue Section 312 regulations for the review of state coastal zone programs. Their refusal to do so has resulted in state evaluations which may ignore flagrant violations of the CZMA.

4. OCZM has determined that Washington is carrying out its coastal program in exceptional fashion, yet they aren't reviewing the state program goals and objectives, presumably due to insufficient staff support. "We hope you will not be deceived by OCZM and that you will ask the hard questions and determine where the process and Act need correction."

5. We do not believe that the national and state interest in preventing destruction and abuse of coastal resources has been adequately protected in Gray's Harbor or elsewhere in the state. OCZM and the CZMA need redirection to preserve, protect, restore, and enhance the coastal resources of our nation.

GENERAL MANAGER OF THE PORT OF GRAY'S HARBOR

1. The CZM challenge is how to improve the implementation of management policies before the programs are dismantled, or the permit processes are circumvented by political intervention on a large scale.

2. EPA and other Federal Agencies must provide an equal level of commitment to approve development in areas identified in the plan for such use.

WILSEY AND HAM CONSULTING FIRM

1. Special area management should be embodied in the CZMA. There are many techniques to allow for citizen involvement in decision making. To suggest one correct technique in the legislation would be ludicrous. However, the overriding principles learned through Gray's Harbor may be applicable in other situations.

PUGET SOUND POWER AND LIGHT COMPANY

1. Coastal zone management as embodied in NOAA regulations will limit the electrical industry's ability to meet national energy needs. Separate consideration of national interest in energy facilities is needed to balance other provisions of the Act designed to preserve unique coastal resources.

2. Section 307 regulations should not apply to existing facilities being issued operating licenses or the renewal or amendment of permits.

3. Inland areas should be eliminated from the definition of the coastal zone.

SEA USE COUNCIL

1. The Sea Use Council supports the objectives of Section 309 of the CZMA. Reauthorization with slight modification in language is vigorously encouraged.

PACIFIC NORTHWEST WATERWAYS ASSOCIATION

1. Broad and flexible guidelines must be maintained in the CZMA.

2. the level of funding must be maintained.

3. Cinsistency -- flexibility is necessary but improved and streamlined procedures by various Federal Agencies is needed to comply with the consistency provision.



OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

1. Continued federal funding is necessary to successfully implement the state coastal plan.
2. The state/federal relationship must be clearly delineated.
3. Confusion surrounding federal consistency must be resolved. Many federal agencies don't seem to believe that Congress really meant what it said about federal consistency. It isn't the incentive to state participation that was originally envisioned. Federal agencies use consistency when it supports their position and ignore it when it doesn't.
4. Once a state program is approved the state must be allowed to implement it without constantly being moved in new federal directions. Program stability is needed. However, sufficient administrative freedom is necessary to respond to both state and federal needs.

PLANNING DEPARTMENT  
LINCOLN COUNTY, OREGON

1. CZMA administration and implementation grants should be reauthorized and appropriated.
2. Section 309 should be funded to support inter-state task forces.
3. Section 310 should be funded to provide technical assistance with regard to estuary planning and mitigation requirements.

SOUTH SLOUGH ESTUARINE SANCTUARY  
COOS BAY, OREGON

1. Simply establishing a geographic area and designating it a sanctuary isn't enough. Support for scientific research is needed to help coastal zone decision makers.
2. Sanctuaries and state programs have become too individualistic to accomplish the CZMA national goals.

1000 FRIENDS OF OREGON

1. Articulate national policy and standards regarding the management of coastal resources of particular significance -- fisheries, wetlands, estuaries, beaches and dunes, erosion-prone and high-hazard areas, and areas especially suitable for waterfront development -- to guide development of state programs and federal agency activity.
2. Strengthen federal consistency by requiring federal agency adherence to national policy and standards on coastal resources of particular significance.

3. Clarify Section 305 (b) to require that state programs include legally enforceable and judicially reviewable standards.
4. Increase the level of funding for state programs.
5. Elevate the importance of Section 312 review to assure quality state programs: add standards for review and penalize states that fail to comply.

STATE OF ALASKA  
DIVISION OF POLICY DEVELOPMENT AND PLANNING

1. Reauthorize at or above current level the CZMA. Coastal zone management is one of the least tangible government efforts. The program needs time to mature.
2. Coastal Energy Impact Program funding should continue as long as states must assume additional burdens due to federal activities.
3. Section 307 could be simplified to provide one procedure rather than four. An amendment should be supported which would reduce the amount of time a state has to respond to federal initiatives. All federal actions which could impact the coasta should be subject to a state review process and should not be allowed to proceed without state indication of consistency with the coastal program. This in addition to a more detailed mediation and appeals process would greatly clarify matters.
4. Expansion in the national policy section should be broad rather than specific to some, not all, coastal issues.
5. Remove the excluded lands provision of the CZMA. State coastal programs should have management influence over all categories of federal ownership, especially those lands which may not remain in federal ownership for long. Plenty of protection is available for federal agencies who fear state arbitrariness if the excluded lands provision is removed from the definition of the coastal zone. If not removed, at least some categories of federal lands should be subject to state program consistency review.

ALASKA COASTAL POLICY COUNCIL  
PAST MEMBER

1. Reauthorize Section 306.
2. Continue to fund Section 308 for OCS planning. Unplanned development will result in unnecessary degradation of Alaska coastal areas just as it has in the lower 48. Preventative rather than remedial planning is imperative.

ALASKA OIL AND GAS ASSOCIATION

1. The North Slope Borough, which encompasses Prudhoe Bay and portions of the Beaufort Sea, CZM plan does not reflect the intention of the state and federal statutes. If approved it will impede energy development. The plan is too restrictive and could set a precedent that other coastal

districts might follow. This could effectively bring to a standstill the development of the majority of future domestic oil and gas reserves.

2. Congressional amendments to the CZMA now could reduce the risk of future delays in the development of vitally needed energy resources for the Nation and concurrently reduce the Nation's reliance on foreign petroleum sources.

STATE OF ALASKA

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS  
COASTAL ENERGY IMPACT PROGRAM COORDINATOR

1. Alaska doesn't benefit from the 2% provision of Section 308 (B). It should be included in the Pacific Region.

2. Funds for credit assistance which were earmarked for Alaska have been placed in a national CEIP fund available to all OCS states. Sufficient time for the full cycle preparation for probable impacts was not allowed.

3. Higher levels of funding should be appropriated to compensate for:

- a) the number of Alaskan lease sales compared with the other 49 states;
- b) the higher cost of CEIP related projects;
- c) the higher cost of CEIP administration;
- d) the need for initial planning.

OPENING STATEMENT

Congressman AuCoin  
Coastal Zone Regional Field Hearing  
Seattle, Washington  
January 9, 1980

I am most pleased that the Oceanography Subcommittee is conducting this Northwest regional field hearing on the Coastal Zone Management Act.

Oregon voices need to be heard on coastal issues -- those unique to our portion of the coast, as well as those of national concern.

I am deeply concerned with the issues of coastal management and am very much involved in this most important oversight process. In order for such a comprehensive Federal law to be effective, the legislative review process must be responsive to the voices of state and local people who actually carry out coastal management and those who are impacted by it.

Oregon has consistently shown its concern for insuring the wise management of its natural resources. Prior to promulgation of the Federal Coastal Zone Management Act in 1972, the state legislature had already charged the Oregon Coastal Conservation and Development Commission to prepare a management program for the State's coastal resources. Consequently, Oregon was one of the first states to win national approval of its coastal program when the Federal government became involved in coastal zone management. The coastal land use mandate has since been assumed by the Land Conservation and Development Commission which continues to work toward full implementation of that plan.

The first national estuarine sanctuary created through the Coastal Zone Management Act, South Slough Estuarine Sanctuary, is located in Coos Bay, Oregon. This is one of only seven estuarine sanctuaries in the nation which the Federal government helped to acquire for scientific study and management. Later today you will hear from the manager of the estuary to learn how this part of the program has worked.

The Columbia River Estuary Study Taskforce (CREST) is an organization of the type envisioned by Section 309 of the Act, which provides for interstate grants. The CREST group has been chartered by both Oregon and Washington to put together a regional study which is already being used to aid local communities in coastal land use decisions.

In 1980, designated the "Year of the Coast" by President Carter, we must address the legislative, administrative, and regulatory problems which exist in implementing a national coastal policy, while at the same time take advantage of the opportunities it provides. The testimony received here today will aid this subcommittee in its efforts to amend and reauthorize our Coastal Zone Management Act.

TO: Les, Gary, Dan  
FROM: Ann  
SUBJ: January 7-16 West Coast Trip Memo  
DATE: January 21, 1980

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SEATTLE

Icicle Seafoods: Monday, January 7, I met with Kim Suelzle and Rob Rogers, graduates of the OSU marine resource management program, who work for Icicle Seafoods of Seattle. They are involved in one of the first domestic sea-based processing ventures operating in the Bering Sea. They will be operating and managing the Bering Star processing vessel and 90 employees. Their catch will be true cod, marketed through a Gloucester, Mass. firm to consumers in Scandinavia. Depending upon the success of this venture, they may consider other markets, including domestic ones. Kim will be in touch with Dan or me to let us know how this high risk venture is proceeding. I reinforced Les' support for the development of domestic fisheries and U.S. capabilities in harvesting and processing. Kim was preparing to testify before the North Pacific Management Council to support exclusion of foreign processing vessels from within 12 miles of the U.S. coast. The meeting was in Anchorage on January 9. I don't know the outcome. Kim seemed to think that the opposition would be quite strong to such a demand. He also mentioned that joint ventures were hurting the development of U.S. processing capabilities.

Coastal Zone Management Hearings: Due to the almost unprecedented numerous white flakes which inundated the Northwest, the pre-hearing briefing at the National Marine Fisheries Service Lab and activities at the Pacific Marine Center had to be canceled for January 8. I spent the better part of the day helping out the Oceanography Subcommittee staff call witnesses from Congressman Pritchard's district office to see if they were still coming. The staff did meet with Dr. Marc Hirschman, from the University of Washington Institute for Marine Studies, to discuss his perceptions and ideas about coastal zone management. Marc has a somewhat academic approach yet quite a good grasp of some of the practical planning problems which this law attempts to address at the federal level. I expect to be back in touch with him when helping the Subcommittee wade through testimony during these next few weeks.

Although the weather prevented some of the Alaska and Oregon witnesses from coming, the hearing was not canceled. In general, it went smoothly; much was brought to light about progress and problems in coastal land use planning in OR, WA, and AK. The Member's opening statements were not given due to time considerations, so the statement I prepared for Les was submitted for the record.

Testimony from many of the Washington state and local representatives was weak, indicating some confusion about the coastal zone management program. A strong presentation was given by Nancy Tours, Oregon Coastal Management Program Coordinator. Of the three state programs examined Oregon's shone above the others, albeit LCDC does have its share of problems. Support for coastal planning in Oregon was already developing

when the feds got involved. That, in addition to the fact that only 12-15% of the state's population resides on the coast, made Oregon's coastal program acceptance somewhat easier than a number of other states. The strengths of the Oregon program lie in the joint state-local partnership and local comprehensive planning. The major difficulty at this point is getting the local plans in and approved by the July 1980 deadline. Until those plans are in, the statewide planning goals act as the guidelines in coastal development versus conservation controversies. When asked what difference the CZMA has made in coastal land use, Tours replied that the public awareness of coastal pressures has markedly increased, and state and local decision makers are more informed as a result of the federal effort.

Dr. Delane Munsen, manager of the South Slough Estuarine Sanctuary in Coos Bay testified. He noted some of the problems in state support of this part of the federal program (the Act authorizes the feds to acquire national sanctuaries, expecting state matching funds for their management and operation). Munsen is a scientist more than a manager, some contend. He is in the midst of putting together a management plan. He didn't have any concrete suggestions for legislative changes other than a firmer commitment to the estuarine sanctuaries program from the feds, i.e. more money for management and operation from feds than state.

Dick Benner, 1000 Friends of Oregon, testified on behalf of his group and the Oregon Environmental Council, which wasn't able to make it because of the weather. His testimony included lots of specific legislative amendment suggestions. I indicated that we really appreciated this and would be in contact with his group to discuss their ideas in more detail during these next few weeks.

Oscar Grainger, Lincoln County planner, testified on the local role in coastal zone planning. He brought out some of the difficulties in local-state cooperation. His testimony gave insight into how the program really affects local communities. He didn't have any legislative language changes which might make the administration of the law any more efficient or easier, but his testimony was valuable in understanding local impact.

Steve Lindstrom, Pacific Northwest Waterways Association, which represents a number of coastal ports in Oregon and Washington, including the Port of Portland, Coos Bay, and Astoria, testified about the port development interface with coastal land use law. He was concerned with resource agency conflicts which have been the basis for consistency problems that the coastal zone management law attempts to address. I made contact with him at the hearing and he indicated his group's strong desire to help out in the review process in any way possible.

In general, the hearing went well. Of the state programs, Oregon's came off as one of the most progressive environmentally. Coverage in the Seattle Times paper the following day reviewed most of the Washington testimony, indicating some of the problems inherent in carrying out this comprehensive coastal land use law.

PORTLAND. From Seattle I headed to Portland a day later than expected due to the freezing rain which had closed part of I-5 and the Portland and Seattle airports. I spent some time in the district office meeting people and becoming familiar with the setting (what a difference from the Washington, D.C., office in all ways!).

CREST: I called Donna Sue Mansfield who had not been able to make it to the hearing. She is extremely interested in lobbying for Section 309 inter-state grant funds. I indicated that Admiral Stanley of the Sea Use Council in Washington had testified at the Seattle hearing in support of appropriating these funds. She is going to contact him, since he has been lobbying for quite some time on Section 309.

PACIFIC FISHERIES MANAGEMENT COUNCIL: I spoke with Jean Mandeville about the San Diego fisheries council meeting addressing the salmon management options. Eight commercial and five recreational options were debated, with two other less restrictive troll and recreational options suggested at the meeting. Public hearings in Oregon are scheduled for Feb. 20 in Astoria and Feb. 21 in Coos Bay. The exact location has yet to be determined. Final recommendations are to be submitted to the Secretary of Commerce in March. She sent us a draft of the options for our perusal which included quotas, percentages of allowable catch along with time and area restrictions for the catch. She also relayed the Council's recommendation to the Administration that all joint venture and foreign fishing permits for Soviet and Eastern Bloc Nations be denied as further economic sanctions against aggression in Afghanistan.

CORVALLIS. From January 12-16 I visited with people in Corvallis, mostly at the University. Dr. Neal, Assistant Dean of the School of Oceanography and Director of the Marine Resource Management Program is my new advisor. I spent some time setting up a revised program with him. I also worked out the logistics of my National Sea Grant fellowship with Milt Cissell of the Oregon Sea Grant office. Bill Wick, Sea Grant Director, was out of the state at the time.

At the School of Oceanography I visited with a number of students, faculty and staff. I gave a seminar to a class of oceanography graduate students on the 96th Congress' marine policy, Les' role in the Merchant Marine and Fisheries Committee and my work for the Subcommittee.

Also, I visited with Diana Condon, widow of Ed Condon, friend and advisor at OSU who died unexpectedly in late November.

PORTLAND. I returned to Portland somewhat later than expected due to some last minute bureaucratic details at OSU. The afternoon of Jan. 16 I met with Bill Jensen, Executive Director of the West Coast Fisheries Development Foundation. We discussed the infrastructure of the organization. He stated the importance of the industrial voice in fisheries development. He is anxious that Les continue to work toward government support of fisheries development, both in presently utilized fisheries as well as stimulating underutilized fisheries technology. He will send us a copy of their development grant proposals due at DOC in early Feb. He aired a number of gripes about the lack of responsiveness of this Administration. He feels that fisheries policy-making should be made at the regional level. He will send us a copy of a Canadian study on foreign investment in the fishing industry.



APPENDIX C

TO: Les  
FROM: Ann  
SUBJ: Oceanography Subcommittee Hearing on the CZMA Amendments  
DATE: March 31, 1980

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Tomorrow morning at 10 a.m. in Room 1334 the Oceanography Subcommittee will conduct a hearing on the Administration's bill to amend the Coastal Zone Management Act. It was introduced by Congressman Murphy last week. There will be one witness, Michael Glazer, Assistant Administrator of the Office of Coastal Zone Management. The hearing is not expected to last too long.

The Studds bill was introduced today. The hearing on it will be on April 16.

Of note in the Administration's bill:

Section 309 - Interstate Grants - has been deleted in the Administration's bill. Although funds have never been appropriated, there has been lobbying for funding from groups such as CREST. The Administration contends that interstate cooperative management efforts can be funded through program administration grants (Section 306). This is how groups like CREST have been funded in the past.

Section 310 - Technical Assistance and Research - A separate authorization line for this section has also been deleted by the Administration. They claim that this may also be funded through Section 306 monies.

Section 315 - A formerly unfunded beach access provision has been amended to provide for the acquisition of undeveloped barrier islands.

Section 303 - The policy section has been amended to more clearly define the national goals in coastal zone management.

The Studds bill will address many of the issues raised at the regional oversight hearings this past fall and winter. At those hearings testimony was given in support of Sections 309 and 310 among others. I recommend that you hold off in support of this bill until the Studds bill is addressed in a hearing and you have a chance to look it over.

TO: Les  
FROM: Ann *afH*  
SUBJ: Section 309 Amendment to the CZMA  
DATE: April 22, 1980

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I sought technical assistance from a legislative counsel on amending the Studds bill to include a separate authorization line for Section 309, the interstate grant section of the Coastal Zone Management Act.

The mark up will take place on Thursday beginning at 9:30 am. Amendments will be addressed sequentially. Since you have two other conflicts that morning I suggest that you come to this mark up after delivering your bottle bill speech, before heading to the Housing Subcommittee mark up. I've checked this out with David and he thinks it is okay if you go later to the housing bill mark up.

Congressmen Pritchard and Emery will be introducing amendments to weaken the Studds bill, which gives more clout to coastal zone management and significantly strengthens the present program.

Jim Ross, Oregon LCDC, supports the Studds version, as does the National League of Cities, and a number of environmental groups.

309. I don't expect your amendment to be controversial. It takes the previously authorized, but never appropriated, sum of \$5 million from the new section entitled 'Resource Improvement Grants' (which provides low cost construction grants for port revitalization), and earmarks it for interstate grants.

In Oregon there are at least two groups which could potentially qualify for 309 funds, if they are authorized and appropriated. CREST has completed a plan for the lower Columbia River which is now being used by local jurisdictions in their comprehensive land use planning efforts. This organization could have a further role in plan implementation.

The Pacific Marine Fisheries Commission is a regional group, based in Portland, which is involved in state/federal fisheries issues. The interaction between fisheries and coastal zone management has not gotten great emphasis in the past. As coastal zone plans mature, this will become a more important issue.

TO: Les  
FROM: Ann *AK*  
SUBJ: Talking Points for 309 Amendment to Studds CZMA bill  
DATE: April 23, 1980

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Many of the problems facing the coastal zone are regional and multi-state in nature. Interstate compacts could serve an important role in effecting communication related to mutual or conflicting interests between state, federal and regional authorities. This role cannot be understated. Now is not a time to cut back on regional approaches to resource conflicts. The option for multi-state cooperative ventures must be maintained as a separate authorization, where it won't compete with other state interests, and more pressure must be put to bear to appropriate funds for this section.

#### I. History of 309

Section 309 was added to the CZMA in the 1976 amendments to provide for regional and multi-state coastal resource coordination. Separate funding was authorized in the law so that interstate groups wouldn't have to compete with other state interests for Section 306 funds. The Senate sought to appropriate a portion of the \$5 million authorized for Section 309; the House did not act on appropriating any funds. Since never appropriated, OMB did not support a separate authorization line in the Administration's bill introduced last month. The Studds bill allows use of 306 funds for interstate grants, but has no separate authorization either.

#### II. Need

No other federal legislation provides an effective means for developing cooperative multi-jurisdictional programs for conducting research, planning, and policy development. Capabilities for regional approaches to coastal zone planning and related research must be established to parallel the regional efforts of the FCMA. Regional Council authority does not extend to the coastal zone, fish and their habitat do. This is one possible institutional mechanism which would address problems inherent to the territorial seas and the coastal zone. It could apply specifically to:

1. coastal land use;
2. fisheries development;
3. estuary, wetland, and bay protection;
4. port development;
5. state/federal fisheries management programs; and
6. offshore oil development.

#### III. Eligibility

There are a number of groups which already exist and could be eligible, including:

1. Pacific Northwest River Basins Commission
2. CREST
3. Pacific Marine Fisheries Commission
4. New England River Basins Commission
5. Southeast Basins Inter-Agency Commission
6. Great Lakes Basin Commission
7. Chesapeake Bay Regional Commission
8. Atlantic States Marine Fisheries Commission
9. Gulf States Marine Fisheries Commission.

(Jim Good, Donna Sue Mansfield (CREST), and John Harville (PMFC) are lobbying for retention of this Section.)

#### IV. Why Separate Authorization?

Given the sharp limits on total federal funds available, states are constrained to give first priority to maintaining existing in-state programs. Throwing 309 into the same authorization pot as the single state projects foredooms them to almost certain loss.

TO: Les  
FROM: Ann *CPH*  
DATE: May 5  
SUBJECT: Coastal Zone Management Act Amendment

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Full Committee mark-up of the Studds CZMA bill will take place on Wednesday, May 7. The Coast Alliance, a national group of environmental organizations, has requested that you introduce a modified version of Section 306 (i) of the Studds bill which was deleted at Subcommittee mark-up. The vote at mark-up was 8 for and 11 against (1 absent). Your proxy with Chairman Studds supported the retention of this section.

Coast Alliance has spoken with Rich Benner, 1000 Friends of Oregon, and Jim Ross, LCDC, who approve of the amendment as written. In essence, it directs the Federal Office of Coastal Zone Management to inventory and designate coastal resources of 'national significance' in those states which are not participating in the voluntary CZMA program. These states include: Georgia, Virginia, Minnesota, Indiana, Ohio, New York, Florida, and New Hampshire (N.Y., N.H., and Fla. are currently developing programs). This amendment, therefore, would not affect any West Coast states. It also directs the Federal OCZM to establish specific standards to protect such resources affected by other Federal activities. It further provides for the repeal of such standards if a state chooses to participate in the program.

H.R. 6879

ANCOIN AMENDMENT TO SECTION 306 (i)

On page 28, between lines 13 and 14, insert the following:

" (2) With respect to any coastal state that, by October 1, 1982, does not have an approved management program, the Secretary shall, not later than September 30, 1984, by regulation --

" (A) inventory and designate the areas which contain one or more coastal resource of national significance; and

" (B) specify, for the purposes of administering direct federal activities (including development projects, federal licenses and permits, and federal assistance projects to state and local governments) and subject to the exceptions set forth in paragraphs (1) (B) (i) through (iv), those standards which determine permissible uses within such areas to protect such resources.

" (3) Any coastal state with respect to which the Secretary has prescribed regulations under paragraph (2) may, at any time after the taking effect of such regulation, adopt a management program, but the Secretary may not approve such program unless it is in substantial agreement with such regulation. Upon approving such management program, the Secretary shall repeal the applicable regulations issued under paragraph (2), but such repeal shall to no extent affect the responsibility of any Federal agency under Section 307 to conduct or support its activities in a manner consistent with such management program. "

On page 27, line 24, insert "(1)" immediately after "(i)".

On page 28, line 13, strike the quotation marks and the second period.

TO: Les  
FROM: Ann  
SUBJ: Talking Points for 306 (i) amendment to CZMA  
DATE: May 7

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1. Congress declared a national interest in coastal resource management in 1972 by passing the Coastal Zone Management Act. States have been encouraged to exercise their authorities over land and water use decisions. What about those states which are not addressing the issue of managing national coastal resources?
2. This amendment speaks only to states not participating in the Coastal Zone Management program. It refers only to actions taken by federal agencies. It does not preempt state or local prerogatives with respect to their own actions affecting so called nationally significant coastal resources.
3. The Federal government has been accused by some to have promoted unwise development of fragile coastal resources. This amendment is a step toward putting the Federal "house in order" by directing the Federal government to show leadership and responsibility with respect to the uses of our coastal resources.
4. Passage of this measure could result in curtailing wasteful spending of taxpayers dollars through programs which subsidize unwise development.

(Last year alone, the National Flood Insurance Program paid out some \$17 million in claims made in the coastal zone while only \$6 million was spent by communities in premiums. The taxpayer should not be asked to help finance unwise development.)

5. If a state choses to participate in the program by developing its own management plan the Secretary of Commerce would repeal any applicable regulations adopted, except those which refer to the consistency section of the CZMA.
6. This amendment provides an 'escape clause' by exempting any Federal actions which can be shown to be:
  - i) coastal-dependent;
  - ii) the benefits significantly outweigh the damage to the coastal resources affected;
  - iii) there is no practicable alternative location for the use in a less damaging location, and;
  - iv) all reasonable mitigation measures have been taken.

## FEDERAL ACTIVITIES

### 1. Federally initiated activities:

U.S. Army Corps of Engineers

Erosion control projects

Examples: Jetty construction on the South Shore of Long Island at the cost of \$135 million. National Park Service opposes action.

Oregon Inlet (located on the Outer Banks of North Carolina) Corps proposes \$70 million project to stabilize a migrating inlet and bridge which is collapsing. Renowned coastal geologist Orrin Pilkey testified before Congress that this is an extremely unwise use of taxpayers dollars.

Appalachicola Bay, Florida, oyster flats are threatened by dam construction. Citizen action is effectively blocking this action, however.

Dredging projects in general which do not fully consider the resource implications of deep draft dredging and occur on an unduly accelerated time schedule.

### 2. Federally supported activities:

i.e. Aid programs which include highway construction (Dept. of Transportation), sewage treatment plant construction (Environmental Protection Agency), Small Business Administration, Farmers Home Administration, Economic Development Administration grants or loans for development in known high hazard areas such as floodplains.

Examples: 100% highway construction funds from DOT are appropriated to reconstruct a bridge to Dauphin Island, Alabama, which was destroyed in 1979 by Hurricane Frederick. The cost of the bridge, \$32 million, exceeds purchase of the island by 4 times. Federal Emergency Management Agency report indicates that ferry transport to the island makes more sense than bridge reconstruction.

\$53 million in low interest (5%) FmHA loans is being used in the Florida Keys to finance new water supply lines which critics maintain would provide three times as much water as is needed, thus promoting development in this fragile area.

\$200 million in Federal Highway Administration funds is under consideration for use to construct a causeway to the Florida Keys.

SBA provides 3% loans for reconstruction of some floodplain areas in the Gulf which were wiped out by Hurricane Frederick.



3. Federally permitted and licensed activities:

This is primarily a siting issue. In states without coastal zone management programs the balanced view of resource use needn't be addressed by law.

Generically this applies to Nuclear Regulatory Commission licenses for siting nuclear power plants on the coast. It also applies to any Federal Energy Regulatory Commission permits necessary for power plant siting which must receive Federal approval.

Example: Portsmouth, Virginia, oil refinery.

U.S. Corps of Engineers examined some 60 potential East Coast sites for an oil refinery. Sixteen were found suitable. The Portsmouth site was one of the least suitable found. State politics had a major role in the decision to locate the refinery in Virginia. Resources which would potentially be affected by an oil spill or routine waste disposal are economically and biologically important oyster flats and blue crab fisheries of the James River.

APPENDIX D

MEMO

SUBJECT: Joint Hearings on H.R. 6154, Ocean Thermal Energy Conversion Act of 1980  
DATE: January 30, 1980

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This was the first of three days of hearing for H.R. 6154, introduced by Congressman Studds on December 14. The bill provides for a one-stop Federal licensing of OTEC facilities and plantships by the National Oceanic and Atmospheric Administration, provides that OTEC facilities and plantships be treated as U.S. vessels so as to be eligible for loan guarantees under Title XI of the 1936 Merchant Marine Act, and provides for capital differential subsidies (CDS) for such vessels. The bill addresses the negotiating text of the Third United Nations Conference on the Law of the Sea by indicating that regulations established for OTEC operation will conform to the provisions of that Treaty when ratified.

Testimony was given by the Johns Hopkins Applied Physics Laboratory which was very much in favor of the legislation. They are in the forefront of OTEC design and technology. It is an exciting technology which looks promising if the mechanical bugs are worked out. Furthermore, the development of fuel cells would enable OTEC derived electric power to be generated in any area. The OTEC produced ammonia could be dissociated at the point of use to recover hydrogen which is then used in hydrogen-chlorine fuel cells which can generate electricity at a thermal efficiency considerably greater than that of conventional power plants.

Testimony further supporting the bill to promote rapid commercialization was given by Sea Solar Power, a small company involved in manufacturing some of the OTEC components, the Transportation Institute, Fairchild Industries, and the Solar Lobby. In general, the bill is not controversial as indicated by those who testified today.

Some facts which came out at the hearing  
on present estimates of generation costs: Open Cycle OTEC \$1200/KW  
Nuclear \$1000/KW  
Coal \$ 800/KW

Perhaps the 'seven sisters' haven't caught on because there are no patentable components of this technology and for other less apparent reasons.

As for who will own these plants, until they are proven commercially feasible no utility company will commit itself. Incentives for commercialization which this bill provides will allow rapid demonstration.

MEMO

TO: Les  
FROM: Ann  
SUBJ: Final OTEC hearing on Wednesday, February 27  
DATE: Tuesday, February 26

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The last scheduled Ocean Thermal Energy Conversion (OTEC) hearing will include Administration witnesses (DOE, FTC, Coast Guard, State Dept., Commerce Dept.), industry and utility representatives (TRW, Florida Power and Light, Puerto Rico Electric Power Authority), and an ocean energy council.

The agency designated to lead in the one-stop licensing program is NOAA. The bill amends the Merchant Marine Act of 1936 to enable OTEC plantship eligibility for vessel construction and operation differential subsidies (CDS, ODS) administered by MARAD.

FTC testimony will address the relationship between OTEC and antitrust laws. Specifically, Section 101 (c) (5) requires the opinion of the FTC and Attorney General pursuant to issuance of licenses for OTEC plantships. Within the licensing framework established for OTEC facilities the industry should develop as competitively as possible. FTC would seek to insure that.

Locating OTEC plantships outside the 200 mile exclusive economic zone would subject them to provisions of the Law of the Sea Treaty, if it is ever ratified. Thus, the State Dept. becomes involved in whatever regulatory scheme is developed which might affect the international community.

Title I, Section 108 (d) (1) authorizes the Coast Guard to "designate a zone of appropriate size around and including any OTEC facility....for the purpose of navigational safety." In this zone, the Coast Guard also must prohibit any installations or structures for uses incompatible with the operation of an OTEC facility.

According to Rich Norling, Oceanography Subcommittee Staff Director, the Administration does not support the bill because it creates a new program. Fiscal conservancy in this area of new energy technology development may be questioned. In the long run, if this technology moves as it appears it will, OTEC could help relieve some of our oil dependence, as well as provide an alternative source of ammonia for fertilizers. In addition, on-board smelting of bauxite to make aluminum has been proposed as another use of the OTEC derived electrical energy. This could potentially free up hydro-electric power currently being used in this energy intensive process for other uses.

Studds has included language in the bill which would tie licensing of OTEC facilities to approved coastal zone management programs of adjacent coastal states. This is an effort to give more incentive for the Coastal Zone Management Act's voluntary state participation in the Federal program.

APPENDIX E

LEGISLATIVE AND ADMINISTRATIVE  
OPPORTUNITIES IN OCEAN POLICY  
FOR THE DECADE OF THE 1980's

March, 1980

Ann Hochberg  
Sea Grant Fellow  
Merchant Marine and Fisheries Committee  
U.S. House of Representatives

### OCEAN OPPORTUNITIES

The ocean is a vast resource which covers over 70% of the earth's surface. If we are to continue to utilize this resource for the benefit of all citizens we must consider the long term consequences of present and past political and economic decisions affecting its use.

Domestic and international ocean policy of the 1980's must continue to mandate a balance between development and conservation of ocean and coastal resources. Legislative efforts of the past decade aimed at preserving resources must not be eroded at the expense of economic development. Congressional decisions should consider the unquantifiable effects of legislation affecting resource use. Specific opportunities and problems with current policy which undoubtedly will be important in the 1980's are varied. Legislative initiatives which would lead to a more unified and comprehensive ocean policy than presently exists should be vigorously pursued.

There is much fine tuning of ocean and coastal policy which can be accomplished through legislative action as well as administrative directive. While the mood of Congress does not support new program development, ocean and coastal programs which can save taxpayers dollars in both the long and short term must be strongly supported by this Congress and future Congresses.

A National Advisory Committee on Oceans and Atmosphere (NACOA) panel of political and natural scientists have come up with an assessment of issues for the 1980's. I have drawn upon these and other recommendations in this ocean opportunities memorandum.

#### "Assessment for the 1980's

Despite this dramatic series of ocean activities, a sense of uneasiness prevails in our Nation that its ocean programs remain disjointed and lack cohesive national purposes, goals, and activities. The promise inherent in an

earlier view of the ocean as a source of new supply for vital resources and an area for increased employment and investment has not been fully realized. Although this Nation has made progress in developing scientific understanding and providing conservation and protection of marine resources, the goal of wisely developing the marine and coastal resources under our stewardship for the benefit of the Nation, the States, and local communities has not moved forward evenly. The American merchant marine continues to suffer in a highly competitive international market. New and innovative sources of foodstuffs from the oceans have not been sufficiently supported to create new markets or supplies. The recreational and esthetic resources of the marine environment have not been emphasized enough to demonstrate the benefits to the health and well-being of the citizenry.

Part of our uneven progress in realizing the potential of the oceans is due to the problem-by-problem formulation of national programs in response to emergent national needs. NACOA believes that as we enter the 1980's, and as the issues in conflict grow sharper, our Nation must assess its major oceanic purposes and directions. A wholistic approach is needed to plan for the future of the U.S. in the marine environment because of the interconnected relationships of marine resource activities with one another. A broad, high-level view is necessary to foresee and respond to competing national ocean-use goals. Development to meet economic and social goals must move forward while we preserve a significant marine heritage for future Americans. Major ocean policy concerns yet to be resolved include: marine species protection and conservation versus the need for profitable offshore energy development; allocation of marine resources that are publicly controlled and common property; public demand and the balance of payments for scarce ocean resources; and the opportunity for domestic investment and production of marine resources." <sup>1</sup>.

1. From NACOA Eighth Annual Report  
to the President and Congress,  
June 30, 1979.



## I. DOMESTIC OCEAN POLICY

Many important domestic ocean policy issues of the 1980's were initiated in the 1970's. Areas of continued importance and opportunity include fisheries development, resolution of potential ocean use conflicts, maturation of coastal zone management comprehensive planning efforts, nuclear and non-nuclear waste disposal activity, oil spill preventative and remedial efforts, and development of a commercial aquaculture industry. The following more detailed outline indicates some of the needs and opportunities in the above areas.

### 1. Fisheries Development

- A. Improving domestic capabilities in processing and marketing of previously underutilized species (e.g. hake, rockfish, pollock, squid);
- B. stimulating joint ventures to encourage technology transfer;
- C. increasing administrative support for development activities;
- D. consolidating financial assistance programs such as the capital construction fund and vessel obligation guarantee programs which apply to both off and on-shore fisheries development activities, Saltonstall-Kennedy funds, Economic Development Administration, Small Business Administration, Farm Credit Service programs which offer development assistance;
- E. promoting export of fisheries products to aid in addressing current trade imbalance.

### 2. Ocean Pollution Preventative and Remedial Measures

- A. Transport of oil and hazardous materials;
- B. production of offshore oil and gas in those areas where the biological threat is minimal and where careful oversight can be accomplished;
- C. ocean dumping of dredge and sludge should be carefully monitored for its environmental consequences, regulations should be strictly enforced;

D. nuclear waste disposal on the geologically stable areas of the deep seabed floor is currently being studied while international interest increases regarding high level nuclear waste disposal options (currently there is a domestic moratorium on ocean dumping of low and high level radioactive materials);

E. siting of offshore power plants and industry should be addressed in light of conflicting uses. OTEC plantships which could produce electricity for land based use or offshore smelting of bauxite in the aluminum reduction process and deep seabed mineral mining facilities both are examples of plants which utilize chemicals and generate some waste materials;

OPPORTUNITIES: In the area of remedial action there is a bill, H.R. 85, which cleared the Merchant Marine and Fisheries Committee last May and is still pending in Public Works and Transportation that merits your support. This comprehensive oil spill liability 'superfund' sets strict liability limits and addresses some of the serious shortcomings of present law.

Any effort to lift the moratorium on radioactive waste disposal should be very carefully weighed in light of all available disposal options and scientific data. This is an extremely difficult and sensitive issue to resolve. Attention should be paid to sub seabed disposal, but a decision should be withheld until all the scientific facts are in.

### 3. Land Use Planning and Resource Preservation

These measures may be promoted through coastal zone management efforts which began in the early 1970's. Acquisition of critical resources such as estuarine sanctuaries and undeveloped barrier islands should be encouraged through a variety of mechanisms. Specifically,

A. Development of nearshore coastal policy should be coordinated with state fishery management efforts;

B. productive state-federal and local-federal relationships should be fostered through coastal zone management programs;

C. coastal zone management energy impact program grants and loans for mitigating the on-shore impact of off-shore and coastal energy development should be carefully monitored (aside from the statewide planning money this is the second largest 'pot' in the coastal zone management act);

D. acquisition of undeveloped barrier islands, high hazard floodplain areas and estuarine sanctuaries should be supported. The House barrier island acquisition bill would put undeveloped islands under the stewardship of the National Park Service. Whether the bill moves this Congress given budgetary constraints remains to be seen. However, this is an important effort and deserves your support.

OPPORTUNITIES: There is fine tuning of the CZMA estuarine sanctuary acquisition program which should be encouraged. Limited acquisition funds are available through the Flood Insurance Administration, Disaster Recovery and Relief Program and the Small Business Administration for land and property located in high hazard areas. If fragile areas are to be preserved with the aid of the Federal government these acquisition programs should be given higher priority and appropriated greater sums.

Coastal zone management efforts can be strengthened by amending the coastal zone management act as well as other related statutes. Land use planning makes sense, especially in an area as fragile as the coast. Management of coastal resources is critical to ensure the continued viability of many of our fisheries which are dependent on estuaries as nursery grounds.

Encouraging states and local governments to balance growth and development with resource preservation for the long-term public good is a legitimate use of Federal funds. Conflict arises when the public good is perceived differently at various levels of government.

However, if Federal dollars are to aid local and state planning efforts some degree of national responsibility must be expected. The Federal Coastal Zone Management Act created a voluntary program whereby states choosing to participate attempt to respond to the 'national interest' in preserving the coast while maintaining local control of the coastal land use planning effort. This is a relatively new program and merits critical examination to allow for some necessary legislative changes. An in-depth oversight conducted this year by the Oceanography Subcommittee shows that the program has had some notable successes, especially in promoting public awareness and participation in coastal decision making. Before its full success can be evaluated this program should be allowed to mature into the decade.

Specific actions which would better clarify the national interest in wise coastal land use management include examination of the Flood Insurance Administration's Floodplain Management Program. Evidence exists indicating that this and other Federal programs (SBA, EDA, FmHA) are actually encouraging development in the coastal high hazard areas through providing housing subsidies. Furthermore, premiums paid in FY 79 amounted to some \$148 million while claims were made to the tune of \$478 million. It is becoming evident that the taxpayer is increasingly subsidizing building in known high hazard areas.

A congressional directive on this front could come in the form of a letter signed by Members of Congress who are environmentally and fiscally concerned about flood hazard and the Flood Insurance Program. The need for closer cooperation and coordination between various Federal agencies involved in land use management is apparent. At present I am drafting a letter with staffers from Congressmen Lowry and Emery's offices. This letter indicates a congressional interest in strengthening subsidy requirements and aligning various programs affecting coastal land use. I will submit it to you for your approval when it is completed.

The Office of Coastal Zone Management is undertaking a massive review of all Federal programs affecting the coast pursuant to the President's environmental message of last summer. An amendment to the CZMA mandating that the OCZM report this review to Congress would give more clout to this much needed effort. Aside from a study, coordination could be mandated through legislative or report language to the Act itself.

In my conversations with a GAO auditor who is completing a study of the CZM program I learned that they would undertake a review of the Flood Insurance Administration's Floodplain Management Program if there was Congressional interest in doing so. This would be an opportune time to do this, since the Flood Insurance Program is to be reauthorized by the Housing Subcommittee during the next fiscal year. Let me know if you are interested in commissioning such a study.

4. Ocean Energy Development

- A. Rapid commercialization of Ocean Thermal Energy Conversion should be promoted through loan guarantees and incentives provided for in Congressman Studds' OTEC commercialization bill;
- B. tax incentives to stimulate small scale energy research and development for wind, wave, tidal power, and biomass conversion should be provided. These alternatives, if found feasible, could provide for limited energy needs in certain regions of the country;
- C. conflicts over the rate of offshore oil and gas lease sales in view of domestic energy needs and concerns for marine environmental protection should be fully addressed;
- D. deepwater port development should proceed carefully if we are to develop a new phase of petroleum import capability;
- E. wind power can be promoted for use in maritime commerce. Merchant marine cargo freighters fueled by sail, with some form of auxiliary power, could be promoted as a clean, solar, innovative, and conservation oriented alternative to the fossil fueled ships of the maritime industry.

#### 5. Commercial Aquaculture

The role of the Federal government in promoting commercial aquaculture should be to support research and provide some financial incentives such as loan guarantees for the development of culture and breeding facilities. International technology transfer in this area could be promoted to a greater extent through such agencies as Sea Grant and the National Marine Fisheries Service International Affairs Office.

#### 6. National Satellite System

Remote sensing capabilities can be developed to aid climate and weather prediction, resource assessment and management of fisheries and offshore mineral production, marine research, national defense, and marine transportation.

#### 7. Education

Multidisciplinary public marine education programs such as those of Sea Grant should be fully supported. A comprehensive education program aimed at increasing the general public's understanding of the value of the ocean environment and the nature of marine policy is indisputably valuable. Such a program would aid decision makers, who depend on the general public, make the best and most representative policy decisions in the long run.

#### 8. Deep Seabed Mineral Mining

Domestic ocean mining legislation was introduced in the 92nd Congress in an effort to speed up the Law of the Sea Treaty negotiations and allow U.S. ocean mining interests federal licensure to prospect, explore and develop mineral resources. There is a question as to whether the passage of domestic legislation could adversely affect the progress of the international negotiations if the bill is perceived as antagonistic by some of the parties involved.

## II. POLICY COORDINATION

The lack of policy coordination exists throughout Federal agencies. There are some mechanisms for potential resolution of this problem which include

1. consideration of various organization options for most, if not all, Federal ocean missions;
2. consolidation of ocean authorities within the National Oceanic and Atmospheric Administration through a carefully crafted NOAA organic act;
3. increasing the use of coordination and advisory mechanisms in order to resolve conflicts and overlap between various legislation, i.e. the Marine Mammal Protection Act, the Fisheries Conservation and Management Act, the Endangered Species Act, the National Environmental Policy Act, the Coastal Zone Management Act, the Marine Protection, Research, and Sanctuaries Act, the Clean Water Act, and the Outer Continental Shelf Lands Act and amendments.

Anticipating potential conflict between the various implementing authorities and seeking constructive solutions would greatly save time and reduce turf battling.

### III. INTERNATIONAL OCEAN POLICY

In the international arena, resolution will continue to be sought toward creation of a viable forum to carry out international resource development with adequate protection.

#### U.N. CONFERENCE ON THE LAW OF THE SEA

Current UNCLOS negotiations indicate the difficulties inherent in achieving a comprehensive international consensus on ocean development needs. Fisheries jurisdiction issues and deep seabed mineral mining are currently stalemating the progress of negotiations.

The emerging new economic order defined as the lesser developed countries exert greater political and economic influence than ever before will clearly prevent exclusive U.S. leadership as it has existed in the past. Cooperative exploitation efforts in which the ocean pie is more equitably and acceptably distributed will determine the changing relationship of the 'have' nations to one another and to the 'have not' nations.

Successes of note in the negotiations to date include tentative agreement on the following matters: freedom of navigation; passage through international straits, archipelagos, the territorial sea, and 200 mile exclusive economic zones; and pollution dispute settlements.

Problems yet to be resolved remain establishing a deep seabed mining authority, renegotiating the international treaty for tropical tuna management, setting the specifics of dispute settlement over coastal state actions affecting scientific research and development, and developing an enforcement authority to prevent pollution in economic zones of coastal states.

The bulk of ocean research activities will be carried out within 200 miles, under regulation and control of national governments. Efforts at settlement are expected to continue well into this decade.

The problems of overfishing and ocean pollution will be of international significance in this decade. The only effective constraint which the UNCLOS forum can impose on coastal state fishing activity is internationally agreed upon sanctions against overfishing. However, even a ratified Law of the Sea Treaty can't



control the interaction of national and international activities if strong coastal state resistance exists.

The following international ocean resource concerns of the 1980's include:

1. Bi-lateral and multi-lateral boundary dispute settlements (e.g. the U.S.- Canadian fishery zone overlap);
2. jurisdictional conflicts over the management of highly migratory tuna;
3. U.S. trade policy restricting importation of fish products;
4. the Fisherman's Protective Act "Pelly Amendment" authorizing the President to embargo fish imports from nations which violate international fisheries conservation programs;
5. marine mammal treaty negotiations setting quotas and establishing potential moratoria on the killing of whales, fur seals, and porpoise;
6. deep seabed mineral mining in international waters and the establishment of a working international authority to regulate mining and allocate 'common heritage' resources;
7. foreign investment in the U.S. fish processing industry in view of stimulating domestic processing and markets for 'under-utilized' species;
8. technical assistance and research cooperation with the oceanographic and fisheries communities through the National Science Foundation, International Sea Grant, and the Department of Commerce Office of International Fisheries Affairs to stimulate basic and applied research cooperative programs in such areas as aquaculture development, resource assessment, and general ocean research and development.

OPPORTUNITIES: Positive results could accrue from modifications of domestic policy affecting the developing nations. In the area of migratory fisheries management there are initiatives which, if taken, could have significant repercussions in the developing international Community.

At present the U.S. government subsidizes the distant water tuna fleet to fish in foreign exclusive fishing zones without license. Since we do not recognize unilateral management of migratory tuna, we do not respect the rights of other nations to do so by statute.

Section 7 of the Fisherman's Protective Act provides for the payment of claims filed by U.S. fishermen fined in foreign waters. There is evidence that both the amount of the fines and the number of U.S. vessels picked up are increasing.

Is it in the best U.S. interest to encourage the tuna fleets to disregard other nations' self acclaimed rights? If we expect foreigners to abide by U.S. law while in U.S. waters, shouldn't we reciprocate?

If Section 7 of the FPA were repealed the industry would have to pay its own fines. One of the arguments against doing this is that the U.S. (and tuna industry) position in international treaty negotiations would be undermined if our government chose to recognize unilateral tuna management. Another argument is that the cost of the fines would be passed on to the consumer in the form of higher prices.

Negotiations to reimplement the Inter-American Tropical Tuna Convention are not progressing smoothly. Regardless of whether unilateral tuna management makes sense from a biological or political standpoint, it is reality in many nations where tuna is fished. It may well be possible to recognize this while still acknowledging that only an international body can effectively act to conserve and manage the species.

The price of tuna has risen commensurate with other goods. If the demand continues the tuna industry will continue to fish for tuna whether or not the U.S. taxpayer unwittingly condones illegal fishing by paying off the industry's fines.

Before the Fisherman's Protective Act comes up for reauthorization in fiscal year 81, Section 7 should be carefully examined. A cost-benefit analysis should be conducted in order to determine the advisability of maintaining this provision on the books.

APPENDIX F

AD HOC SELECT SUBCOMMITTEE ON MARITIME  
EDUCATION AND TRAINING  
LES AUCOIN - OR., CHAIRMAN



SUBCOMMITTEE ON FISHERIES  
WILDLIFE CONSERVATION  
AND THE ENVIRONMENT  
SUBCOMMITTEE ON OCEANOGRAPHY

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

April 29, 1980

Honorable Thomas Ashley  
Chairman  
Housing and Community Development Subcommittee  
2129 Rayburn HOB  
INSIDE MAIL

Dear Lud:

We understand that the Housing Subcommittee will be holding oversight hearings this May on the Flood Insurance Program, followed by reauthorization next year. As members of the Merchant Marine and Fisheries Committee responsible for authorizing the Coastal Zone Management Act we are concerned that actions of the Flood Insurance Administration regarding building subsidies on coastal floodplains be more closely aligned with the efforts of the Office of Coastal Zone Management and federally approved state coastal agencies to encourage wise coastal land use.

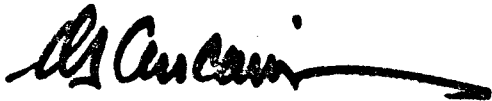
The Oceanography Subcommittee of the Merchant Marine and Fisheries Committee has recently completed a comprehensive review of the Coastal Zone Management Program prior to its reauthorization. One outcome of the review is a re-emphasis on the importance of communication and cooperation between agencies whose missions directly or indirectly affect the coast.

The Director of the Flood Insurance Administration testified before the National Parks and Insular Affairs Subcommittee of the House Interior and Insular Affairs Committee earlier this year. At the hearing Ms. Jimenez revealed that while \$6 million was paid by communities in flood insurance premiums in coastal areas in FY79, some \$17 million, nearly three times the amount, was paid by the federal government in claims. Promotion of unsafe and unwise development in coastal high hazard areas is not only an emotional and physical drain on those affected by unpredictable natural disasters, but also a drain on the federal coffers.

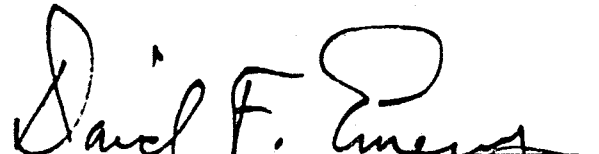
If the federal government is to stay in the insurance business in coastal high hazard areas, it makes sense to encourage wise floodplain management. We applaud those efforts currently being taken by the Flood Insurance Administration to strengthen subsidy requirements and promote community education on alternatives to floodplain development.

We strongly urge the Subcommittee to ensure that federal flood insurance work to the benefit of our nation's citizens and coastlines by directing FIA to further discourage unwise and unsafe development in coastal areas prone to natural disasters and to work closely with those agencies seeking to promote fiscally and environmentally sound land use management.

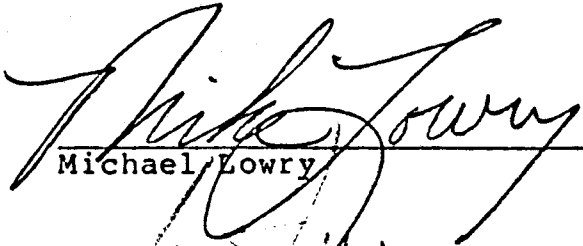
With warmest personal regards,



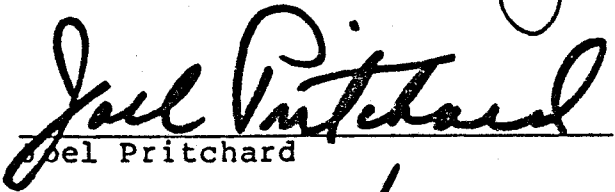
Les AuCoin



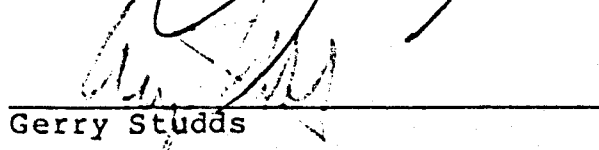
David Emery



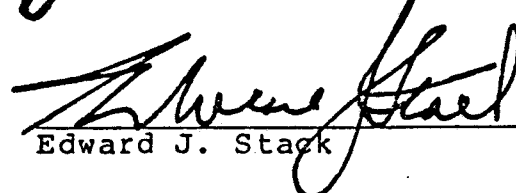
Michael Lowry



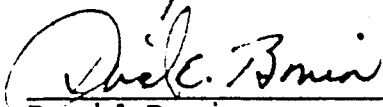
Joel Pritchard



Gerry Studds



Edward J. Stack



David Bonior

APPENDIX G

FACT SHEET

GEORGES BANK-S.2119

I. PURPOSE OF THE BILL

The bill is designed to help protect the Georges Bank fishery from the effects of discharges associated with oil and gas activity. It does so by first mandating the comprehensive study of the effects of such discharges on the marine environment and second, by prohibiting the direct discharge of drilling effluents if the study results indicate they would cause significant harm to the Georges Bank fishery.

II. NEED FOR LEGISLATION

Georges Bank is an invaluable and fragile resource where the risks involved in fossil fuel extraction are greater than in other OCS areas. In particular, there is concern that drilling effluent, muds and cuttings, may be toxic to larval and adult fish resources in the Bank. In addition, there is no assurance that the capability to respond adequately to a major oil spill in the area exists.

S. 2119 addresses these issues by resolving the information gap while allowing oil and gas exploration activity to proceed. It does not contradict currently existing mandates. It underscores the roles of all agencies involved in ocean resource use and management.

III. RISKS POSED BY OIL AND GAS OPERATIONS

In addition to the risks of conventional oil spills and blowouts such as the one which occurred in Campeche Bay, Mexico, oil and gas activity produced certain substances which can be toxic to the biological populations exposed to them. Three of these, drill muds, drill cuttings, and formation waters may be toxic to fish, especially the larval forms.



Since 1973, estimates of oil and gas resources on Georges Bank have decreased. The latest estimates for Lease Sale 42 are 123 million barrels of oil and 870 billion cubic feet of gas.

Drill muds and cuttings are discharged during drilling and accumulate on the ocean bottom to the detriment of the biological populations which rest there. Although information on these substances varies sufficient question surrounds their effects to warrant further study.

According the EPA, substances routinely discharged in the drilling process, in many cases, have not been sufficiently evaluated for toxic effects. And, according to the Joint Report on S. 2119 issued by both the Committee on Commerce, Science and Transportation and the Committee on Energy and Natural Resources the Georges Bank "is particularly susceptible to pollutants because they are not dispersed immediately as in the open ocean but are retained within the gyre for longer periods."

#### IV. FISHERIES AND OIL AND GAS RESOURCES OF GEORGES BANK

By all accounts Georges Bank is one of the most productive fisheries in the world. It is twice as productive as the North Sea, and four times as productive as the Grand Bank.

The combination of rotating currents, strong mixing and nutrient upwelling has produced a virtual fish factory on Georges Bank. More than 200 species are found within its waters, with lobster, scallops, cod, haddock, yellowtail, flounder, pollock, hake, herring, mackerel, and squid counted among its major species. In 1978 alone, total landings amounted to 126,000 tons valued at \$167 million. The maximum sustainable yield is estimated to be 420,000 tons, worth about \$229 million at today's prices. These landings support a \$1 billion per year fishing industry.

PROVISIONS OF S. 2119 AS REPORTED BY ENERGY COMMITTEE

This bill would do the following:

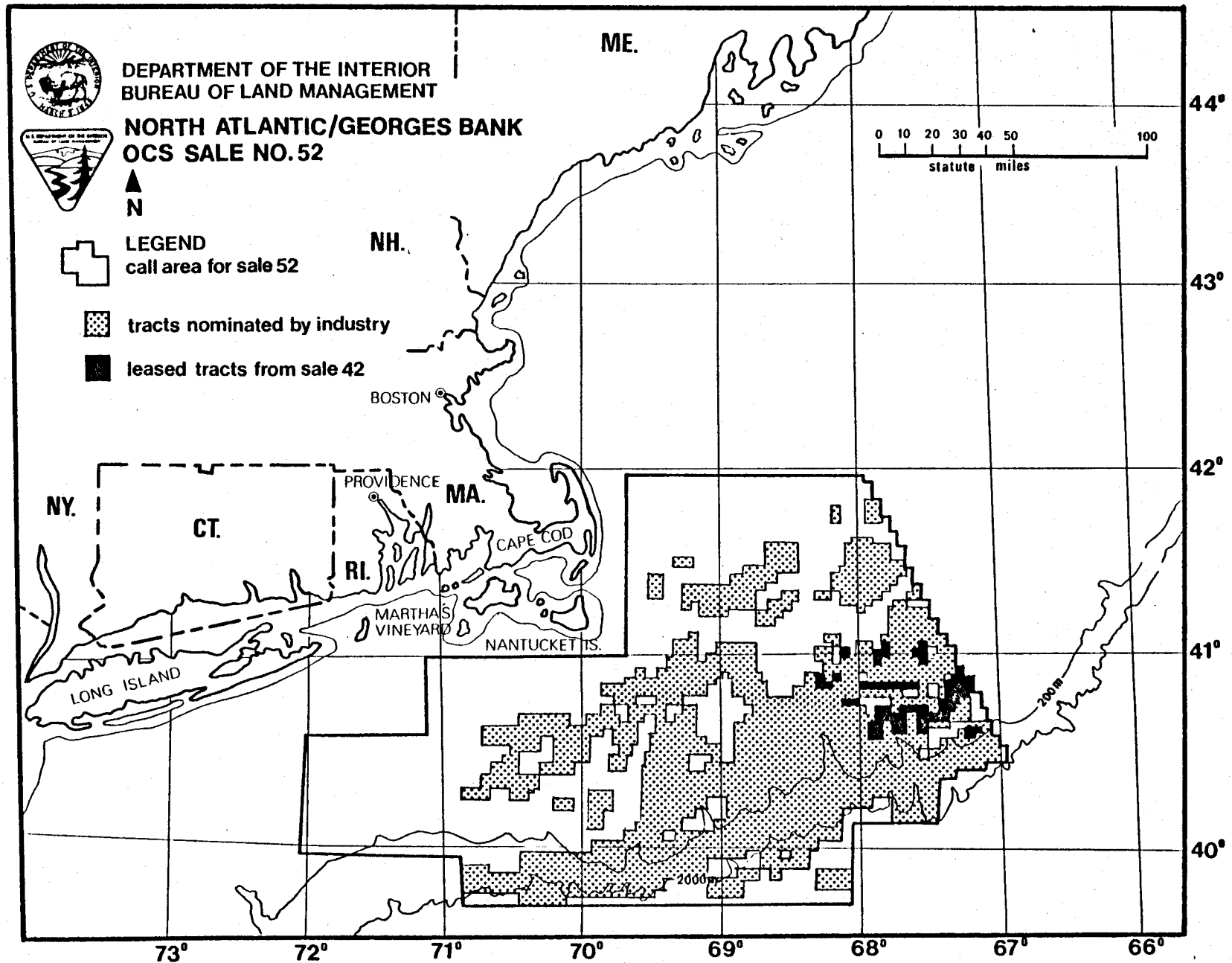
- Insure that an improved data base and analysis of the effects of drilling effluents on the fishery is available to government decision-makers by requiring systematic studies of Georges Bank.
- If scientific findings through systematic studies indicate the effluents would significantly harm the fishery, direct discharge of such effluents would be prohibited after three and one-half years.
- Establish a biological task force in legislation to monitor the effects of oil and gas activity on the biological populations of Georges Bank for the duration of drilling activity.
- Require the Coast Guard assess its oilspill clean-up capabilities and recommend actions to minimize the effects of an oilspill on the Georges Bank fishery.
- Require all federal agencies and industry involved in oil and gas activity prepare oilspill contingency plans.

This bill would not:

- Stop oil and gas development in Georges Bank;
- Change existing mandates.

# LOCATION

- Georges Bank is located approximately 50-200 miles off the coast of Massachusetts.  
Its center is about 110 miles southeast of Cape Cod.
- The Georges Bank trough covers an area some 270 miles long and 90 miles wide.



APPENDIX H

TO: Rich/Theda  
FROM: Ann  
SUBJ: Barrier Islands Bill Update  
DATE: July 9

APH

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SENATE ACTION: One day of hearing on the Bumpers barrier islands bill (S. 2686) was held on June 12. Environmentalists strongly support the bill but are pressing for an acquisition provision similar to that in the House version. Realtors and homebuilders aren't pleased with the bill and suggest that Federal acquisition through some sort of condemnation procedure would be preferable to cut off of insurance and subsidy programs alone. The Administration does not support the bill. Interior claims it needs to finish the barrier islands survey it is currently undertaking before such a bill is considered by Congress. This administration seems to feel it has sufficiently placated the environmentalists concerned with this issue through the Coastal Zone Management Act reauthorization bill which provides \$5 million for acquisition of undeveloped barrier islands (administered with matching funds by the states).

Although this is not a top priority bill for Senator Bumpers he would like to see something get through the Senate this session, according to Rob Kutler, key staffer. He would like to have some of the bill's problems ironed out before mark-up. DOI is updating their maps to include property tax information. Kutler also plans to expand the subsidy cutoff exceptions so as to get southern support. He wants to change energy development to energy development, production, and supply. This would allow offshore oil and gas development to proceed without any potential barrier islands glitches. The navigational safety exception will be modified to navigational aids so that certain Army Corps of Engineers activity (namely dredging) will be allowed. The other two exceptions, public recreation and the protection of barrier island ecosystems will be expanded upon in report language. Kutler also feels that the definition of undeveloped barrier islands needs further refinement.

By the end of July these changes are hoped to be finished and the maps in hand. Kutler claims to be shooting for a pre-August recess mark-up. He hopes that Paul will indicate his interest to Senator Bumpers in moving on this bill.

HOUSE ACTION: The National Parks and Insular Affairs Subcommittee held several days of hearing early this year on the Burton bill, H.R. 5987. Dale Crane, key staffer, told me that this bill is pending fifth on Congressman Burton's priority list. Nonetheless, he would like to move on a bill this session. He is willing to narrow acquisition to so-called 'fast lands' (non-wetlands above mean high tide) which would cut down the eligible land from some 480,000 acres to approximately 150,000 acres of undeveloped islands.

Crane admits the difficulty of getting an acquisition bill through this session of Congress. Kutler indicated that Congressman Burton might concede on the acquisition if the Senate would move on his omnibus parks bill. The ball appears to be in the Senate court to get this bill moving.

Admittedly there are a lot of problems selling an acquisition bill to Congress right now. The coastal zone management bill does have an acquisition provision. But the amount of money authorized would only be a drop in the bucket. The cost of acquisition of undeveloped Gulf and Atlantic Coast islands is not fully known, but estimates put it at over \$800 million. Alternative protection measures to outright acquisition do exist. Passage of a bill which curtails development subsidies makes sense environmentally and fiscally. The Senate alternative seems worth pursuing.

ENERGY COMMITTEE MARK UP  
AUGUST 20, 1980

BRIEFING BOOKLET

BARRIER ISLANDS BILL

- A BACKGROUND
- B S.2686 AS INTRODUCED
- C SENATOR BUMPERS AMENDMENTS
- D LOBBYING
- E COASTAL ZONE MANAGEMENT IMPLICATIONS (REQUEST FOR COMMERCE  
COMMITTEE REFERRAL)
- F MASSACHUSETTS BARRIER BEACH EXECUTIVE ORDER

TO: Paul  
FROM: Ann  
SUBJ: Energy Committee Mark-up of S. 2686, Barrier Islands Bill  
DATE: Friday, August 1

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BACKGROUND:

The barrier islands are a series of thin, elongated strips of sand situated close to shore, extending from the coast of Maine to Florida and around the peninsula to the Texas coast. There are some 300 such islands, varying in size from 50 acres to over 100,000 acres. The total land area is estimated at some 1.6 million acres. Nearly 1 million acres are privately owned, approximately one quarter are considered developed.

These islands are:

1. the front line of storm defense for over 1000 miles of U.S. Atlantic and Gulf of Mexico coastline;
2. unparalleled in scenic quality elsewhere in the coastal zone;
3. habitat for unique biotic communities of coastal birds, fish, shellfish, reptiles, and mammals;
4. unique recreation areas.

The barrier islands are vulnerable to storms and highly erosion prone. Human habitation may be unwise given these unique conditions. However, much barrier island development is subsidized through Federal programs administered through the Army Corps of Engineers, EPA, DOT, SBA and some other agencies. The Federal Flood Insurance Program and Disaster Relief Program pay communities to rebuild on the same location which has been partially or completely destroyed by storms. Ultimately, the taxpayer pays the cost of unwise development of barrier islands.

The estimated federal cost to develop half of the remaining undeveloped barrier islands over the next twenty years is near \$11.72 billion. The cost of acquiring these islands, a one time cost, is approximated at less than \$1 billion (one D.O.I. estimate puts it at \$800 million).



S. 2686

As introduced by Senator Bumpers and co-sponsored by PET,  
S.2686

- A) identifies barrier islands or portions of islands which are undeveloped,
- B) prohibits development oriented federal permits and assistance to those areas, except in specified situations, and
- C) establishes a barrier islands advisory council to help coordinate federal policy on barrier islands.

SENATOR BUMPERS AMENDMENTS

The Senator who originally introduced the bill has several amendments to it. These amendments resolve some of the questions raised at the hearings on the bill and address some of the weaknesses of the original bill.

The following is a brief summary of the six amendments:

1. Declaration of a federal policy on barrier island preservation.
2. Deletion of barrier islands Advisory Council established in original bill.

This provision raised some controversy. Its deletion resolves, in part, the jurisdictional gripe that Senator Hollings has about referral of the bill to Commerce Committee. The Secretary of Interior would have chaired the Council. Coastal zone advisory councils are already established in many states through the coastal zone management program which is administered by the states with federal funds authorized through the Department of Commerce Office of Coastal Zone Management.

3. The maps designating the 'Barrier Islands Protection System' are more clearly delineated.
4. Exceptions to the subsidy cut-off and permit restriction section of the bill are clarified.
5. Authorization of the Secretary of Interior to accept donations of land or interest in land located on barrier islands.
6. Statement of barrier islands bill intention not to supercede existing authority under Section 307 of the Coastal Zone Management Act.

This is another amendment which addresses some of the concerns of Senator Hollings about jurisdiction.

LOBBYING:

The Coast Alliance, a group of environmental organizations, is lobbying hard for passage of this bill and the Bumpers amendments. They are concerned with protection of these fragile island ecosystems through development aid and permit cutoffs and the acquisition of as many of those undeveloped islands as possible.

The National Association of Realtors does not support the bill.

Its concerns are:

1. fair compensation to private landowners whose property values are diminished if federal subsidies are cutoff (it supports federal acquisition at 'fair market value');
2. lack of an appeals and review process for individuals and local communities concerned about mapping these areas;
3. lack of detail in the National Park Service maps;
4. the need for a more thorough analysis of the effects of the legislation.

Some of these concerns have merit and may be brought up as questions in Committee mark-up. However, waiting on consideration of this bill would almost certainly kill it. There is no assurance that the next Congress would take it up again.

COASTAL ZONE MANAGEMENT IMPLICATIONS

Senator Hollings, who did not press for referral of this bill to the Commerce Committee at the outset, objects to it on the grounds that it usurps authority vested to states through the Coastal Zone Management Act (primarily section 307). He would like referral of the bill to his Committee.

The Coastal Zone Management Act vests authority in states to veto federal actions which are inconsistent with federally approved, state administered, coastal zone plans. Those states participating in the voluntary program are involved in the coastal permit review process. Many states have established elaborate procedures for such review. By cutting off state authority in barrier island permit decisions, coastal zone authority might be infringed. However, the original intent of the Coastal Zone Act was to preserve and enhance coastal areas. Clearly the intent of the barrier islands bill is to preserve those areas which have not yet been earmarked for preservation and which are under development pressure.

MASSACHUSETTS

Governor King signed a barrier beaches executive order on August 8. The order gives priority status to state and federal acquisition programs for barrier island acquisition. It prohibits development in primary dune areas of barrier beaches, and prohibits state funds and federal grants to be used for construction projects on barrier islands. The authority for coordinating this state policy is vested in the Coastal Zone Management Office in the Executive Office of Environmental Affairs.

APPENDIX I

TO: Paul  
FROM: Ann  
SUBJ: Marine Sanctuaries Letter to Stu Eizenstat  
DATE: September 3

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The Marine Sanctuaries Program has been the subject of increasing controversy recently. Congressman Breaux attempted to kill the Program earlier this year when it was up for reauthorization, contending that it provided a mechanism for impeding oil and gas development in key areas (Georges Bank, Beaufort Sea, California OCS).

A letter supporting designation of the Channel Islands Marine Sanctuaries is currently being circulated for support. The Audobon Society is pushing the Administration to support this designation so as to reaffirm its dedication to protecting marine resources while furthering OCS energy development by allowing it to occur beyond a six mile perimeter of the islands.

The DOI has stated its recognition of the unique value of the Channel Islands and supports the concept of a marine sanctuary. However, it opposes the categorical prohibition of hydrocarbon operations within the proposed sanctuary. This undermines the initial intentions of the Sanctuaries Program, which was established to provide protection for unique and valuable marine resources.

I recommend that you sign on to the Cranston letter to Stu Eisenstat. California is another testing ground, as was Georges Bank, for conflicting resource uses. Congressional concern that the Sanctuaries Program stay intact is imperative at this time. The letter asks for a presidential restatement of policy on the respective roles of DOI, EPA, and the Department of Commerce in regulating OCS operations. Your signature would further demonstrate your concern that all resources be carefully considered while OCS decisions are being made.

APPENDIX J



Ms. Ann Hochberg  
626 Independence Ave. S.E.  
Apt. 206  
Washington, D.C.  
20003

Mr. Robert Shephard  
Associate Director, NMAS  
National Sea Grant College Program  
6010 Executive Boulevard  
Rockville, Maryland  
20852

June 26, 1980

Dear Bob:

I am requesting permission from the Office of Sea Grant to spend the last six months of my twelve month National Sea Grant Internship at the Office of Senator Paul Tsongas of Massachusetts. At that office I have gotten consent to work on marine related issues both within the Senator's Committee jurisdiction and of his general interest. Such a move, I feel, would greatly broaden my overall Sea Grant experience aimed at learning about the legislative process, particularly as it relates to marine policy. Knowledge and experience gained these last months working on various marine issues for Congressman AuCoin on his Subcommittee on Maritime Education and Training will be complemented by spending the remainder of my time observing how the Senate operates and acts on marine related legislation.

Specifically, in addition to remaining involved in national issues which I covered for Congressman AuCoin, reauthorization of the Coastal Zone Management Act, Barrier Islands, Ocean Thermal Energy Conversion, and fisheries development legislation, I expect to be involved in legislative and non-legislative issues pertaining to oil and gas development in the Georges Bank area of the outer continental shelf and nuclear waste disposal in the deep seabed floor.

My advisor at Oregon State University, Dr. Victor Neal, Assistant Dean of the School of Oceanography, is supportive of this move, as is Dr. Dan Panshin of Congressman AuCoin's staff. A letter of endorsement from Senator Tsongas' office is forthcoming.

If you need any additional information please let me know. My telephone number in Senator Tsongas' office is, 224-2742.

I hope to see you sometime over the summer.

Yours,

United States Senate

WASHINGTON, D.C. 20510

July 1, 1980

Mr. Robert Shephard  
Associate Director, NMAS  
National Sea Grant College Program  
6010 Executive Boulevard  
Rockville, Maryland  
20852

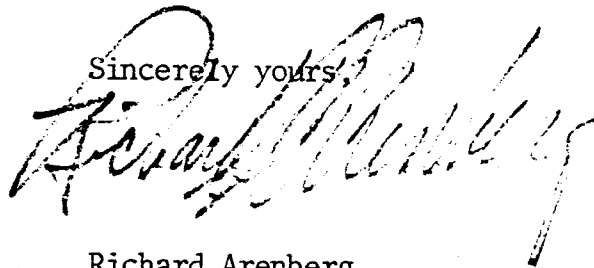
Dear Mr. Shephard:

Ann Hochberg, Sea Grant intern in the 1980 National Sea Grant Internship Program, has expressed interest in placement for the remainder of her year on Capitol Hill working with Senator Tsongas' staff on various marine related legislative and non-legislative issues.

I understand that she is one of six graduate students selected for the program, in part, because of the relevance of the internship to her educational and career objectives. She will be involved in projects with several of the Senator's legislative assistants which bear some relevance to ocean or natural resource policy. While she is expected to conform as much as possible to the normal work pattern of the Senator's office, we encourage her to take maximum advantage of educational opportunities associated with this year in Washington.

This office is pleased to serve as host for the latter portion of Ann Hochberg's Sea Grant internship on Capitol Hill.

Sincerely yours,



Richard Arenberg  
Chief Legislative Assistant