

TOPIC: *NONLIVING MARINE RESOURCES*

KEY ISSUE: *Coordination and Responsibility for Management*

ISSUES RAISED

- Coastal sediment management Issues:
 - 1) Shoreline recession;
 - 2) Reduction in sand supply;
 - 3) Loss of coastal wetlands;
 - 4) Contaminated sediment loading;
 - 5) Lack of coordination.
- Current activities to address coastal sediment management challenges:
 - 1) Bypassing of sediments where navigation structures interfere;
 - 2) Restoration of coastal ecosystems; dredging in-situ polluted sediment and enhancing wetland and estuarine ecosystems by increasing circulation and restore lost habitat;
 - 3) Identify opportunities to beneficially reuse dredged sediments;
 - 4) With EPA, identifying and designating ocean disposal sites for non-contaminated sediments;
 - 5) Studies to control contaminated sediments at their source.
- National Programs:
 - 1) National regional sediment management demonstration program: assessing benefits of managing sediment resources as regional scale resource;
 - 2) Shoreline erosion control development and demonstration program: evaluates functional and structural performance of innovative approaches for abating erosion. (Thompson)
- Issues with federal consistency in other Gulf states than Florida: Texas, Louisiana, Mississippi, and Alabama successfully balance interests and “adequately consider” energy development. [excerpts from program’s provided] (Fury)
- Why oil and gas program has so much difficulty along Atlantic and Pacific coasts and Florida:
 - 1) Gulf of Mexico has long tradition and realizes economic benefits;
 - 2) Industries image tarnished with 1969 Santa Barbara blowout, people need to understand new technologies better. (West, JR)
- Role as manager of nation’s OCS energy and nonenergy mineral resources, MMS long-term strategy seeks to: assess availability of OCS energy and nonenergy resources; determine, in consultation with affected parties, if resources can be developed in environmentally sound manner; and, regulate all operations activities when leasing occurs to ensure safety and environmental protection. (Oynes)
- Changing legislation may make it easier for platforms to be reused for other purposes. Financial issues biggest problem with reusing platforms, particularly for aquaculture. (Oynes)
- Development of resources from submerged lands of federal OCS involves coordination of converging interests. (Talbert)
- Major MMS issues:
 - 1) Deepwater development (1,000 ft)— unparalleled expansion in deepwater began in 1996, likely to continue;
 - 2) Deep gas in shallow water: production in decline, MMS trying incentives for exploration;
 - 3) Ability to integrate conflicting mandates: MMS has merged commands from 10 major laws to produce growing level of energy production;
 - 4) Safety: OCS oil and gas program has remarkable safety record; [data provided]
 - 5) Sand Program: partnerships with states to identify sand deposits in federal waters for beach nourishment;

Coordination and Responsibility for Management (continued)

- 6) Scientific and technical research: robust program, GOOMEX study found mercury levels in fish near platforms no different from levels away from platforms, Technical Assessment and Research program supports research associated with operational safety and pollution prevention and spill response;
 - 7) Proposed Atlantic Pipelines do not involve production only transport through OCS; Blue Atlantic Pipeline, Ocean Express pipeline. (Oynes)
- Most serious impediment to implementation of a predictable offshore energy program that Commission could offer a recommendation: Lack of predictability caused by regulations and statutes that govern consistency determinations under CZMA. Industry wants a clear process and timeframe for evaluating risks. (Talbert)
 - OCSLA and CZMA recognize importance of cultivating domestic energy; however, conflicts between many uses of ocean resources have cropped up:
 - 1) Enhanced communication under CZMA often not the case; central and western Gulf multiple uses of oceans generally successful, other areas (Atlantic, Pacific coasts and eastern Gulf) CZMA misused to block responsible energy development;
 - 2) Lessons from Gulf of Mexico and common sense improvements in CZMA will go a long way to achieving reliable and efficient energy production. (Talbert)
 - Perhaps not too late to begin thinking about impacts of OCS development in coordinated way. Debate for central Gulf must be over how to live with the leases and development that are there:
 - 1) Onshore cumulative impacts not being fully evaluated now; NEPA does not capture full cumulative impacts: i.e., Port of Fourchon;
 - 2) Overall approach to impacts, and potential impacts; mercury from drilling muds moving up the food chain should be of concern to all; err on side of caution; apply the precautionary principle (not without precedent in law). MMS could apply principle, particularly for rig removal. (Wiyqu)
 - CZMA consistency process is most serious obstacle to explore and produce offshore oil and gas. (Caveney)
 - Offshore oil and gas industry has served as an incubator for innovation/catalyst for leading-edge technologies. (Fry)
 - CZMA has been misused by states to stall or halt offshore development on public lands. (Fry)
 - Key challenge facing DOI is need to balance protecting coastal and marine environments, providing recreational opportunities in those environments and meeting needs of American public for food, energy, and mineral resources. (Kearney)
 - Federal consistency: do not tamper with it. [detailed discussions provided] (Jackalone)
 - The regulatory structure for offshore development is complex, overlapping, and not well coordinated in state and Federal waters. (Durand)
 - Our nation lacks a policy and the mandate to develop long-term regional plans to address shoreline protection and sea level rise mitigation needs. (Koning)
 - Current government processes for reviewing proposed submarine cables have multiple problems. A proposed new cable system must run a gauntlet of Federal, state, and local reviewing agencies. On the Federal level, the FCC, the ACOE and NOAA each play a role. (Shorb)
 - The current governmental review procedures have a number of problems that threaten not only to unfairly burden and delay projects that are in the national interest, but also to kill such projects through delay. [discussion provided]. (Shorb)

- Regarding a special permit for cables to cross a National Marine Sanctuary, the August 2000 publication by NOAA was titled: “Advanced Notice of Proposed Rule Making.” NOAA has not explained why special use permits should be required for commercial cables crossing sanctuaries and not other cables, for example. Two of the three commercial cables that have crossed National Marine Sanctuaries required a special use permit from NOAA. NOAA has been a bit inconsistent. Also, in dealing with the states and the Coastal Zone Management Act, there are routing restrictions or requirements for the cable to be buried or compensation to be paid to fishermen, out to 1000 fathoms, which is a practical limit for trawling on the West Coast. Similar permit conditions have gone out that far, dozens of miles from shore, which is beyond the state’s territorial jurisdiction and going into offshore into Federal waters. That is also way beyond the limits where the Federal government should be restricting cables according to UNCLOS. (Shorb)
- What is absent is a long term plan for restoring and protecting this great natural treasure – a system wide plan that will address key issues associated with the Great Lakes such as international shipping that has brought in many invasive species, the value of the drinking water supply to those within and without the Great Lakes basin, drilling in the lakes, toxic sediment cleanup and much more. (Jimenez)
- We must manage the resource of the Great Lakes for our collective use and for the future. Municipalities are on the front lines of management, as we care for the shores of the lakes and safeguard most of the interactions between people and the water. (Jimenez)
- The Great Lakes Governors have committed to the development of a Comprehensive Great Lakes Restoration Plan that will outline our vision, guiding principles and our priorities for action to ensure that needed restoration activities are undertaken, and which will allow for continued environmentally responsible economic growth in the region. Have established guiding principles. (Vonnahme)
- Today, preserved by the waters on which they once served, the historic shipwrecks of the Great Lakes are arguably the world’s best collection of shipwrecks. This underwater museum presents a unique opportunity to open windows to the past that would otherwise remain shut. Despite the incredible preservation of sites, shipwrecks are among the most fragile resource in the underwater environment. Unlike most natural resources, shipwrecks are non-renewable. Once a site or artifact is damaged or lost, it is gone forever. Removing artifacts from a shipwreck without conducting proper archaeology robs the site of its historic integrity, permanently diminishes its recreational and educational value. (Gray)
- The importance of weather information for commodity analysis can not be over emphasized. Weather data are closely scrutinized to analyze the impact on crop yield potential. On a daily basis, meteorologists track global weather developments and keep analysts informed of forecasts and predictions in the major crop areas around the world. The agricultural meteorologists interpret the impact of seasonal weather to date on crops at their various growth stages. (Motha)
- Existing U.S. legislation for archaeological sites on land are clearly designed to protect and preserve these resources for the benefit of humankind. Unfortunately, sites underwater do not receive the same level of protection. (Keith)
- Concur with comments and opinion of Advisory Council on Underwater Archaeology. (Noble)
- In the U.S., ownership of a particular historic shipwreck rests with either the Federal government or the state in whose waters it is located. While some U.S. states do not permit non-scientific recovery of submerged cultural material, others allow it and are awarded a share of the spoils. (Neyland)
- The most serious governance impediment to the nation’s offshore energy program currently is the lack of predictability caused by implementing regulations and statutes that govern state/federal consistency determinations under the Coastal Zone Management Act (CZMA). (Fry)

PRESENTER RECOMMENDATIONS

- Begin work on National Shoreline Management Study. (Thompson)
- Participate in RSM National Policy Development. (Thompson)
- Set up national low interest loan program administered by DOT to improve shipping infrastructure. (Colom-Agaran)
- Give MMS primary responsibility for permitting OCS-related activities (one-stop shopping). (Oynes)
- A clear and predictable regulatory structure:
 - 1) Adheres to a transparent and consistent process to arrive at determinations within reasonable timeframe;
 - 2) Frustrating for companies involved in CZMA disputes is lack of consistency, example between review of pipeline impacts (o.k.) and platform impacts (denied). (West, JR)
- Clearly define roles and responsibilities of regulatory, enforcement, intelligence agencies, and coordination conducted by a lead agency staffed with expertise to identify and allocate tools available to protect Gulf resources. (Thompson)
- Examine CZMA regulations for projects on-and-offshore. (Kearney)
- We need a cohesive Federal national salvage policy. Should identify a Federal agency to take the lead for managing such a policy, such as the Coast Guard, Navy or other agency who is best suited for the role. Once the appropriate agency assumes responsibility, there should be some high profile issue that will start things off. (Feldman)
- A more comprehensive EEZ management and leasing authority is needed to provide planning, coordination, regulatory oversight, leasing, and environmental protection for the full range of EEZ uses, including open ocean aquaculture. (Durand)
- Create a Federal 2050 and 3000-shoreline profile and institute management plans accordingly. (Koning)
- North American Submarine Cable Association (NASCA) believes that the Executive Branch should clarify the jurisdictional issue, and that a nationally consistent Federal permitting regime should be created to set the conditions for installing submarine cables. This Federal regime would operate in lieu of state and local permitting processes. This recommendation may be carried out by NOAA more strictly policing the state coastal zone management programs. NOAA could protect the national interest in telecommunications infrastructure by requiring certain provisions and procedures as a condition of Federally approving those state programs. (Shorb)
- Charge NOAA's Ocean and Coastal Resource Management division with overseeing the development of a coordinated and proactive framework for environmental protection, economic use, and scientific exploration for the EEZ, as well as state territorial seas. [Further description provided.] (Durand)
- The industry is asking for a more simple process from the principles of the CZMA, similar to what they did with the Natural Gas Act. (Shorb)
- Urge the Commission to consider the energy potential of Alaska and remember that Alaskan natives have relied on living marine resources for thousands of years and will do so for 1,000 more. The effort to develop marine resources off our North Slope must respect their subsistence living tradition. If the future is to include energy exploration activity off Alaska's coast, due consideration has to be given to the subsistence traditions of our areas. History shows that energy can be developed without interfering with subsistence activities. (Stevens)
- The Commission must consider the future of the gas and not make proposals that will lead to Congress and the Federal government to make enormous withdrawals of the areas off the shores of Alaska that will prevent eventual exploration and development of the oil and gas resources of the outer continental shelf for future Americans. (Stevens)

- Anything that sets up a process of withdrawals off the Alaska's shores that are not managed by the local area would be opposed by me. (Stevens)
- The City of Chicago, and other cities and rural areas around the Great Lakes, need federal support for the development of a Great Lakes protection and restoration plan. (Jimenez)
- Federal policy must above all seek to protect the Great Lakes, for all they mean to us as a natural environment, an economic resource and a cornerstone of our shared culture and identity. Clearly we must clean up pollution that has been introduced to the Lakes and prevent further degradation. (Jimenez)
- Part of a funded strategy for protecting and restoring the Great Lakes would almost certainly include the infrastructure investments cities need to make. (Jimenez)
- Shipwrecks are underwater museums that need research, protection and management to ensure continued enjoyment and educational benefit for future generations. (Gray)
- A uniform national policy that embodies the basic provisions of preservation for the benefit of humanity, as found in the UNESCO Convention, and research guidelines for sites that guarantee scientific study, as codified in the annex rules of that document. (Keith)
- Strengthening the Abandoned Shipwreck Act to remove problematic language that has resulted in treasure salvage and control of state-managed shipwrecks. (Keith)
- Drafting and supporting new legislation that prohibits the treatment of underwater cultural heritage sites and objects as items to be exploited for their alleged commercial value. (Keith)
- Place the responsibility for management of underwater cultural heritage beyond three miles under the umbrella of the National Park Service. (Keith)
- Work towards full implementation of the UNESCO Convention provisions even though the U.S. is not a member of UNESCO. (Keith)(Noble)(Neyland)
- Adopting a uniform national policy similar to that proposed by UNESCO for underwater cultural heritage worldwide would be a way to ensure that submerged archaeological sites are preserved and studied by scientists and enjoyed by the public in perpetuity. (Neyland)
- Improvements in the CZMA process with respect to energy-related actions and projects through appropriate statutory, rule and/or policy amendments are proposed. (Fry)

TOPIC: *NONLIVING MARINE RESOURCES*

KEY ISSUE: *Federal Policy Regarding New and Emerging Uses and Activities*

ISSUES RAISED

- There are no alternative energy resources on the horizon that can be developed in a timely manner. (Craven)
- Conceive of an alternate development strategy: must first adopt a concept of complementary and supplementary energy resources and recognize greatest untapped pool is the cold deep ocean water. (Craven)
- A supplementary energy resource has been developed for U.S. military submarines: pressurized water nuclear reactor. Pressurized water reactors at 300 feet or more depth could feed 1000 megawatts of power each. (Craven)
- Drilling has increased nationwide but gas deliverability not keeping up with demand. [statistics provided] To fully develop OCS potential must develop deep subsurface reservoirs. [statistics provided] (French)
- Development of new technologies needed to fully develop potential of OCS; [examples of new technologies being tried are provided] (French)
- Precluding areas from pre-leasing activities inhibits, rather than promotes, gathering information needed to make informed decisions. (West, JR)
- System of regulation utilized in oversight of deepwater port activities like LOOP has been successful as well as user-friendly. Lead agencies were designated at federal and state levels to coordinate regulatory and permitting issues eliminating potential for conflicting requirements and expectations. Having lead agency identified in statute to issue permit made permitting clear. (Thompson)
- Everything that happens on federal OCS affects state waters, and the land and people of adjoining states. (Wiygul)
- U.S. in intellectual leadership role internationally for hydrates, lagging behind in dollars spent. (Woolsey)
- Much of the energy needed to meet nation's future energy requirements lies under U.S. waters off coasts but is currently off limits. A sounder policy could correct this. (Caveney)
- Policymakers have limited industry's access to hydrocarbons. (Fry)
- Executive Order and Congressional statute placing entire OCS lands off East and West coasts good example of negative impact on industry; neither necessary because of OCS Lands Act. (Fry)
- Chevron drilling at Destin Dome. [detailed discussion of Chevron's track record: oil spills, off-shore drilling pollution and illegal water pollution] (Jackalone)
- Energy security versus oil dependency: Only route to national security through energy independence is breaking fossil fuel industry's hold on renewable energy research and make use of available sources of nonpolluting, decentralized natural energy. (Jackalone)
- Concerns: Florida ports are competing in a dredging frenzy to accommodate larger ships; injection well drilling in FL does not have science backing it; offshore oil and gas development off coast of Florida; MOU between cruise industry and FL-DEP instead of adopting enforceable laws. (Lee)
- Leaders must think "out of the box." A comprehensive energy policy based on facts, not fears, must be enacted. Constructive engagement and real attempts at formulating future solutions are needed. Rainey Preserve is good example; owned by Audubon and oil drilling is allowed; money buys other lands. (Moore, E)

- Create a national goal. Need to create an ocean use plan for the EEZ; zoning; We know a lot about our EEZ, no reason this cannot happen. Lots of good examples to look at. [example provided] (Ogden)
- Industry concerned about submerged cultural resources and any ocean or coastal policies, which may affect them. Believe that professional salvage, archaeology, and conservation work can be accomplished and should be financed as much as possible without tax dollars. Be careful of wording recommendations. Any government claiming a pre 1900 warship because of technology or loss of life is just performing a grab. Sometimes professionals have misguided conceptions about issues such as “in situ” and “intact collections.” [discussion of each provided]. Urge Commission to consider submerged cultural resource plans that truly have the resources at heart. (Abt)
- Majority of shipwrecks in U.S. and Caribbean are in various states of progressive decay. Without help of private sector who will rescue imperiled artifacts from shipwrecks. [discussion provided]. Governments and private sector need to learn to work with each other and support multiple uses of the resources. (Sinclair)
- Underwater archaeological resources: Ideas for a workable underwater cultural heritage resource policy;

Common ground: Adherence to strict archaeological guidelines reaps financial gain for salvors; enhances value of artifacts, media rights, public acceptance. Archaeological community has seen need to demonstrate more business acumen in addressing funding requirements of their own expeditions;

Artifact dilemma: should define different categories of artifacts; 1) those whose economic resource value outweighs archaeological significance; and, 2) those whose archaeological or cultural importance should preclude sale or dispersal. Could distinguish between “Trade Goods” and ‘Cultural Artifacts’; [discussion of each provided]

Artifact registration and documentation would be way to minimize loss of access and keeping track of ultimate disposition. (Stemm)

- There is presently no policy framework to address the licensing, leasing, or permitting of non-extraction energy facilities (such as wind or wave turbines) in waters of the U.S. (Koning)
- Submarine cables are essential infrastructure because they are the primary way that communication cuts across the oceans. The telecommunications services these cables provide consist not only of voice calls but also data transfers and Internet telecommunications traffic between the U.S. and points outside of North America. The main reason that submarine cables rather than satellites are the dominant international communications infrastructure is that modern fiber-optic technology allows huge and increasing capacity per cable. Submarine cable projects typically cost \$1/2 billion to \$1 billion each. (Shorb)
- A threat exists today from wind power. This threat will use public Federal land to destroy the peace, the tranquility, the recreational public usage, the natural ecosystems and basic public access to one of the nation’s most beloved coastal areas. (Gill-Austern)
- Yes, there is certainly the appreciation that there are significant methane hydrate reserves, to be used as a potential energy resource, in Alaska. (Newton)
- One thing that we have not talked about very much is permafrost and the climate change. The permafrost is decaying significantly. The U.S. and the State of Alaska have already moved two villages in Alaska because of the threat to the ocean. (Newton)
- We are working to secure permits to build America’s first offshore wind farm on Horseshoe Shoal in Nantucket Sound. We would harvest the winds on this shoal five and a half miles off the south shore of Cape Cod, to provide, on average, half of the power used on Cape Cod and the Islands from clean, renewable energy. (Rogers)

- US offshore wind resources are abundant, inexhaustible, sustainable and secure. Europeans are now greatly accelerating their use of ocean based wind power which they first pioneered twelve years ago. Of these ocean renewable technologies, offshore wind is the farthest along in being commercially available and cost competitive and it is consistent with the Stewardship Working Group's goal to promote ocean policy that enables the nation to use its ocean resources in a responsible and sustainable manner. (Rogers)

PRESENTER RECOMMENDATIONS

- The U.S. must help establish a comprehensive and effective regime to govern the sea shipments of radioactive materials. [discussion provided] (Van Dyke)
- Promote sensitive energy exploration and new clean energy sources:
 - 1) Provide incentives to use and develop environmentally sensitive methods for tapping existing petroleum reserves in coastal areas;
 - 2) Continue to promote development of renewable, clean, low-impact energy sources to minimize probability of environmental damages from petroleum product spills. (Carpenter)
- Consider new or modified oil and gas policies: With concentration of anything, problems occur. Other areas of country should be open to mineral extraction so effects may be distributed rather than concentrated in Gulf. (Simpson)
- The U.S. must allow its Territories and Commonwealths to manage the living and nonliving resources within their 200-nautical-mile EEZ and to utilize the revenues generated from these resources for their own prioritized purposes. (Van Dyke)
- Reexamine need for moratoria that prohibit offshore drilling and development in most U.S. waters. (Caveney)
- Continue funding further development of beneficial uses of dredged material. Continued need for dredging: federal funds and re-establish regional dredging teams. (Edmunds)
- Request Commission includes the need to provide adequate federal funding for our beach restoration. (Daughters)
- Define a national policy for non-extraction energy projects in ocean and coastal waters. (Koning)
- U.S. energy policy is inextricably linked to a successful ocean policy. Any new ocean policy initiative must be accompanied by a progressive energy policy that emphasizes conservation and renewable energy. [discussion provided] (Delaney)
- Legislation that recognizes the national interest in this infrastructure and creates a nationally consistent, Federally-implemented process for reviewing such projects and timely approving them, with appropriate conditions to protect the environment. Congress granted the Federal Energy Regulatory Commission similar power in Section 7 of the Natural Gas Act. (Shorb)
- No authority exists for the Federal government to convey rights to develop certain projects, including the Cape Wind project. The Commission has a responsibility to recommend appropriate policy principles in this void. (Gill-Austern)
- Congress should confront the gaps in HR 5156, a just-introduced bill that proposes new measures that would broadly authorize any use of the outer continental shelf not already authorized. There should be clear policy and a commitment to specific protocols. (Gill-Austern)
- Please vote a resolution that would speak nationally, while at the same time send to the ACOE the message that there should be no action on the Cape Wind project until all responsible Federal agencies have the benefit of your deliberations and your recommendations. We urge the Commission to vote a resolution entitled Towards Protecting the Federal Public Trust. [discussion and draft resolution included] (Gill-Austern)

- Address the issue of compensating the public for the loss of the public lands that are now being proposed. Design a program similar to the Outer Continental Shelf Lease program to compensate the public. (Buchsbaum)
- The Commission's recommendations on the energy policy should not be used to grease the skids for industries to take over our ocean resources. Look carefully at extraction of resources from the ocean, oil, and gas. (Nelson)
- Cape Wind Associates respectfully ask this Commission to use your unique perspective and expertise to make recommendations that encourage and expedite our nation's development of ocean based renewable energy to help protect the health of the ocean and to demonstrate the commitment of the United States to ocean stewardship. (Rogers)
- One of the most important outcomes of the Commission's ocean governance recommendations should be clear support for the President's National Energy Policy. (Fry)

TOPIC: *NONLIVING MARINE RESOURCES*

KEY ISSUE: *Assessment, Distribution, and Use of Federal Revenues Derived from Nonliving Marine Resource Activities*

ISSUES RAISED

- Direct revenue to federal government from Louisiana OCS Mineral Leases by year- through 2001 is \$91.6 billion; disbursement to Louisiana from OCS federal production by year through 2001 is \$928 million. (French)
- Detailed discussion of production revenues provided. (West, JR)
- Federal and state governments have received funds from offshore leasing and development under Land and Water Conservation Fund and National Historic Preservation Fund. (West, JR)
- Governors support legislation that dedicates and equitably distributes meaningful portion of OCS mineral revenues with all states and territories. (Cooksey)
- Economic effects of offshore drilling in the Gulf of Mexico on Florida's economy. [detailed discussion and facts provided] (Jackalone)
- In Federal waters, no fee structure exists, except for the extraction of hard minerals, oil, and gas. (Durand)

PRESENTER RECOMMENDATIONS

- Divert part of existing healthy revenue cash flow stream to conservation, etc. (French)
- Need the President to say CARA is good and it will probably pass. (Caldwell)
- Stimulate more activity by foregoing some up front revenue and getting back revenue later on. (French)
- Should look further at more equitable OCS revenue support for coastal communities that directly support offshore energy production. Some revenues that flow into federal treasury should enhance local counties, parishes, and municipalities that support development. (West, JR)
- Attention must be given to effective allocation of resources for homeland security. (Thompson)
- Support an economic stimulus package for living marine resources under the Conservation and Reinvestment Act:
 - 1) Portion of OCS revenues should go to states for fisheries and coastal wetlands activities. Legislation like CARA would provide dedicated, much needed funds for fishery and habitat work;
 - 2) Revenue from onshore drilling is shared 50/50 with states, 100% of OCS revenue from oil and gas leases goes to U.S. Treasury. (Simpson)
- Sufficient resources should be allocated for development and improvement of onshore public infrastructure to support growth of marine-related commerce. (Thompson)
- Support efforts such as proposed Conservation and Restoration Act of 2000 and Coastal and Estuarine Land Conservation Program of 2002. (Murley)
- Should look at CARA-like revenue sharing legislation. (Fry)
- The funds from marine environment and land and water conservation funding, that principally come from leases from the marine environment should be targeted to reduce impact to the coastal zone and some of it for coastal acquisition. There is not an existing mechanism to direct those funds. (Beck)

- Establish a Federal EEZ leasing structure as a means of ensuring that the public receives benefit from privatization of public resources. Lease payments could be used to help support ocean and coastal management efforts, or related projects, such as monitoring and mapping. (Durand)
- Revisit the system of distributing OCS revenues proposed in the CARA legislation of previous years. (Stahl)

TOPIC: *NONLIVING MARINE RESOURCES*

KEY ISSUE: *Environmental Concerns*

ISSUES RAISED

- Environmental impacts and perceptions of offshore development on onshore ecosystems and life needs to be addressed by more attention and funding for impact assessment and amelioration: Louisiana incurred substantial costs in building and sustaining infrastructure for offshore development activity; does not share in wealth from offshore development other than 27% share in narrow 3-mile wide transition zone. (French)
- Industry has story to tell about environmental and safety record. Development operations clean, ready to contain and capture oil spill should one occur. Have reduced impact to wetlands by 90% since 1982. Why oil and gas industry has such hard time connecting with American people:
 - 1) Lack of knowledge about energy; industry and government must work together to demonstrate energy production does not compromise environmental quality;
 - 2) Administration's May 2001 National Energy Policy establishes basic principles that are applicable to national ocean policy. [3 policies stated] (Fury)
- Concerned about offshore fisheries and hypoxia, discharges only under strict permit limits, structures provide important habitats. (Fury)
- Flower Garden Banks National Marine Sanctuary partnership with oil and gas industry good example how to utilize science and partnerships to achieve multiple-use goals; energy security and environmental conservation. (Fry)
- What the energy industry is doing to get its story of environmental ethic and programs to public:
 - 1) API, NOIA, Offshore Operators Committee, state trade groups conduct public outreach and education oriented toward environmental stewardship activities; API website has media and education information;
 - 2) Industry associations and companies are active in coastal communities sponsoring beach, marine life, wetlands programs each year along Gulf
 - 3) Industry also supports research, education and outreach with federal agencies; [listed]
 - 4) Workshops for policy makers and citizens in Florida about mercury in OCS drilling fluids;
 - 5) Rigs-to-Reefs program. (Fury) (West, JR)
- Ecological effects of offshore drilling in Gulf of Mexico. [detailed discussion with facts provided] (Jackalone)
- Florida maintains that oil and gas exploration or development in territorial seas of coast poses real risks to other Florida coastal interests; lack adequate scientific data on offshore physical and biological communities. (Haddad)
- There is a nation-wide problem of contaminated sediments in urban rivers and estuaries, resulting in the degradation of aquatic productivity, threats to human health, and long-term economic liability. (Koning)
- Submarine cables are environmentally benign: Submarine fiber-optic cables typically have only the diameter of a garden hose. They typically are laid by a large specialized cable-laying ship, spooling the cable out of huge holding tanks. (Shorb)
- Four cable installation techniques may be used:
 - 1) At the shoreline, directional drilling is often used to install cable conduits passing under the beach and any near shore reef
 - 2) When crossing soft bottom areas that are potentially subject to ship anchoring and trawling or other bottom-fishing techniques, the cable typically is buried, to protect the cable from the fishing gear

- 3) When crossing hard bottom areas where burial is infeasible and anchoring or bottom-fishing gear is expected, “armored” cable is used. It has a diameter no more than a soft drink can. The evidence shows that such cables do not move laterally once placed.
 - 4) When crossing the deep ocean where no anchoring or bottom-fishing gear is expected, the cable typically is just laid flat on the ocean bottom. It has no known adverse effects. (Shorb)
- Cables have been taken out of telecommunication service, not because they don’t work, but because they are not as economically effective as the high-capacity cables that have been used and are available to be used. So, there are owners that one could deal with and they most likely could convert those cables for scientific use. No cable is laid without the bottom first being surveyed by sonar techniques. Those records are also not kept forever but the last five years are still probably available and have been used for scientific research that hinges on topography such as wave effects on the ocean bottom. (Shorb)
 - The DOI has launched an aggressive new oil and gas leasing program across Alaska’s Outer Continental Shelf. [Further description provided.] (Miller)
 - Offshore exploration and development threatens the integrity of the Arctic Refuge from oil spills caused by offshore wells, noise from industrial activity, and the threat of onshore support infrastructure in the biological heart of the refuge itself. (Miller)
 - The cumulative impacts from offshore development (and associated onshore infrastructure and practices) are altering biological communities and ecosystem processes. (Miller)
 - But considerably more offshore development is planned for the future. [Further description provided.] (Miller)
 - Just 30 miles of coastline are protected, and just 5% of Alaska’s North Slope is protected (both within the Arctic National Wildlife Refuge). (Miller)
 - Offshore oil and gas development off Alaska endangers the fragile marine environment, including endangered species, seabirds, and marine mammals, rich fishing grounds, national parks, wildlife refuges, forests, and wilderness areas. [Further description provided.] (Robards)
 - Coastal communities are at risk from potential blowouts and pipeline oil spills. [Further description provided.] (Robards)
 - Undersea noise is deleterious to many acoustically sensitive organisms, particularly cetaceans. [Further description provided.] (Steiner)
 - A recent investigative news series in the mobile register showed how MMS’ own studies found excessively high mercury levels in fish taken near oil and gas platforms in the Gulf of Mexico. Significantly, MMS found mercury levels known to pose harm to human consumers and these findings relate to the very same types of discharges currently allowed. Perhaps equally important, MMS’ seems to appear to have a conflict of interest, which undermines public confidence. (Shavelson)
 - The last half of the last century, each decade has been warming on the order of a degree Celsius per decade. There are temperate glaciers that occur around 32 or 0 degrees Celsius and polar glaciers such as Greenland and Antarctic. Seventy-five percent of the world’s fresh water occurs in glaciers and 97 percent of Alaska glaciers are in the sub-Arctic. Temperate glaciers that occur in Alaska are key and sensitive indicators of climate change. Glaciers can affect various fisheries and economic issues. One near Juneau, the Taku Glacier, is presently advancing and has actually closed off its fjord. Extensive research shows in the state that less than one percent of the some 2,000 glaciers in Alaska are presently advancing. There has been so much emphasis on fish and the oceans, it is important to note the importance of coastal areas and the indicators in those coastal margins. Temperate glaciers, again, are unique indicators of climate change. [discussion provided] (Miller)

Environmental Concerns (continued)

- The North Slope provides approximately one-fifth of our nation's non-renewable resources of domestic oil. The rapid growth in population, economic development and national security are continuing to create more needs for energy. The responsible parties for offshore development in the ice ridden Beaufort Sea have not proven that they can respond to a major spill in an environment where heavy ice conditions and long, dark and severely cold winters are a reality. (Snyder)

PRESENTER RECOMMENDATIONS

- MMS needs to implement a comprehensive study program to address documented lack of information for Eastern Gulf of Mexico, Straits of Florida, and South Atlantic. (Haddad)
- Need to separate past poor environmental practices from current practices. (French)
- Continue Prohibitions on New Leasing in Environmentally Sensitive Areas Such as the Pacific Coast: [discussion provided]
 - 1) NRDC opposes MMS' planned opening of "frontier" OCS basins in fragile Alaskan waters. (Nothoff)
- Reduce the Risk of Oil Spills:
Establish additional tanker safety routes along environmentally sensitive coastlines. (Nothoff)
- Support OCS moratorium and presidential deferrals, and within Alaskan waters (cleanup infeasible). (Hopkins)
- Establish a dedicated fund and program authority for the evaluation and remediation of contaminated sediments in our coastal watersheds. (Koning)
- The Commission should see that the oil companies involved in the Exxon Valdez oil spill finish their ongoing litigation with the local people affected by the spill before they are allowed to exploit more resources. (Riedel)
- The Commission is urged to call for Alaska's immediate inclusion in the moratorium on offshore oil and gas development. (Robards)
- Enact legislation to reduce undersea noise, mandating the incorporation of ship quieting technologies for all new merchant vessels. (Steiner)
- Close the loophole on toxic oil and gas dumping. (Shavelson)
- Incorporate in your report a total system approach to global climate change addressing glaciers and how they can affect various resources in the oceans and the oceans and climate itself. (Miller)

TOPIC: *NONLIVING MARINE RESOURCES*

KEY ISSUE: *U.S. Policy Regarding International Issues*

ISSUES RAISED

- International attitudes on oil and gas include: no large areas off-limits in North Sea; governments do all they can to encourage/support exploration and production. (West, JR)
- A few of the countries signed UNCLOS reserving the rights to exert jurisdiction beyond the 12-nautical-mile limit but it is difficult to say what the mechanisms are to, for example, influence China or Russia. (Shorb)
- The United States delegation to the World Summit on Sustainable Development was extraordinarily successful on a number of fronts. In the area of oceans, we achieved particularly dramatic successes. First, the Plan of Implementation contains strong, positive oceans language. Second, a number of important oceans-related partnerships were announced. (Connaughton)
- Annex 2001 calls for decision making standards that govern the conditions under which water may be withdrawn from the Great Lakes Basin. (Davis)
- History and purpose of the International Joint Commission is presented. (Chandler)
- Since 1997 IMO has been actively engaged in the development of a globally applicable instrument to control the spread of aquatic nuisance species from discharges of ships ballast water and sediments. A diplomatic conference to conclude this treaty is tentatively scheduled for November 2003. A largely complete convention text has been drafted, using a base text developed by the United States. The draft treaty has two substantive mechanisms to control ballast water and sediment discharges. These are commonly known at IMO as “Tier 1” and “Tier 2.” (Kenney)
- A description of the IOC is provided. (Bernal)
- IOC research projects have left behind a legacy of permanent Ocean Services, that is, ensemble of automatic instruments operating over vast extensions of oceans deployed to optimally acquire data and information on a specific set of properties of the world ocean. (Bernal)
- Operational Oceanography is being made possible by the development of the Global Ocean Observing System, GOOS: the integrated operation of a series of Ocean Services covering the world Ocean. (Bernal)
- In an unprecedented step forward in inter-agency co-operation, the 13th Congress of the World Meteorological Organization (WMO) and the 20th Assembly IOC of UNESCO, approved the fusion of several long standing independent committees belonging to both organizations into a single body: The Joint Technical Commission for Oceanography and Marine Meteorology (JCOMM). JCOMM is charged with the supervision of all the technical groups in charge of the operational systems for the Global Ocean Observing System. (Bernal)
- From a practical point of view, there are absolute limits (spatial scale) beyond which appropriability of data from private observation networks face diminishing returns and a point where profitability eventually breaks down. (Bernal)
- The information obtained from these systems, once in the public domain, can be used and is being used by specialized organizations to generate and provide a wide range of applications and services, both public and private. Challenges include: institutional development, requirements for an organization of sophisticated systems for processing, modeling and distributing the information, and economic scale. (Bernal)

U.S. Policy Regarding International Issues (continued)

- Unless we do put coordination where the money is, there is no way that you can really go against years and decades of organizational culture asking for cooperation across very difficult, even intellectual boundaries. (Bernal)
- A challenge for the IOC is a single platform that can be shared private and public, but will need to negotiate certain important agreements that would guarantee access to this information to every user. (Bernal)
- Science in the U.S. can be a very big door opener and relation builder with other countries. (Turner)
- The Commission's concerns with regard to the Law of the Sea Treaty are well considered and noteworthy. At the same time, similar merits support ratification of the Convention on Biological Diversity and U.S. support for the Convention on Climate Change. (Schwabacher)

PRESENTER RECOMMENDATIONS

- A newly energized federal effort to address complex and often bi-or-multi-national issues (Van Schoik)
- Endorse a new world environmental agency and court to make sense of the hundreds of laws, treaties, and disputes over ocean issues. (Van Schoik)
- Recommend that the U.S. not encourage other nations to violate the norms of UNCLOS by violating them ourselves. (Shorb)
- The U.S. should use its numerous opportunities to regain its leadership position in the international arena beginning with the ratification of the United Nations Law of the Sea Convention and the Kyoto Treaty and supporting the ocean and water quality provisions that were presented at the World Summit on Sustainable Development in Johannesburg, South Africa in August 2002. [discussion provided] (Delaney)
- The U.S. cannot become dependent now on gas from overseas the way it has become dependent upon oil from overseas. The gas potential of this country lies offshore. (Stevens)
- Ratify the UNCLOS and commence immediately a program of bathymetric surveys to meet requirements of Article 76 on all the U.S. coasts. (Newton)
- Recognize and consistently support what the USA has been leading in the International arena to build a Global Ocean Observing System. (Bernal)
- We urge the creation of a World Ocean Organization under the auspices of the United Nations to spearhead international cooperation on technical issues related to ocean management, including ocean and climate forecasting, hazard prediction, living resource management, and other issues. (NASULGC)