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# **CALIFORNIA AND OCEAN MANAGEMENT: PROBLEMS AND OPPORTUNITIES**

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## **Abstract**

California's experience with ocean management since the 1960s is analyzed in comparison to a set of factors or conditions which appear to facilitate the initiation and sustenance of ocean management efforts in other states. The application of these factors to the California context highlights the challenges which the Ocean Resources Task Force (newly created under the 1990 California Ocean Resources Management Act) will confront as it attempts to develop and implement an ocean management agenda. These factors include the state's maritime tradition, the existing organization of marine affairs in the state, the many conflicts that occur among diverse ocean users, and the changing political climate, both among political elites and the public.

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# CALIFORNIA AND OCEAN MANAGEMENT: PROBLEMS AND OPPORTUNITIES

By Bilitiana Cicin-Sain

## INTRODUCTION

There is no doubt that with its 1,100 mile coastline--much of it spectacular--and with the many activities--both commercial and recreational--which take place off its shores, California is one of the most important ocean and coastal states in the nation. California also has long-standing experience with offshore industrial uses, such as offshore oil and gas development. The first offshore platform in the United States was erected in 1896 near Summerland in south-central California.

The last several years have seen concerted efforts on the part of individual coastal states to systematically examine the institutions, practices, and procedures for ocean management present in their states as a precursor to seeking a more active role in the management of the Exclusive Economic Zone (EEZ). There has been a strong felt need to "put one's house in order" in state waters, while at the same time beginning to develop a cooperative state-federal approach for dealing with the federally-controlled EEZ. As discussed elsewhere in this issue, among the states most active in these endeavors have been Oregon, Washington, and Hawaii.

Surprisingly, given its extensive and heavily used ocean resources, California has lagged behind these other states in developing an ocean management framework. It was not until 1990, after a number of years of legislative-executive impasse, that an effort at integrating state ocean and coastal policy--the California Ocean Resources Management Act of 1990 (CORMA)--was enacted. The Act creates an Ocean Resources Task Force charged with preparing a report on existing ocean resources management activities and impacts for submission to the Governor and the Legislature by January 1993.

CORMA represents the first tangible action that California has taken since the 1960s to systematically assess and promote the state's interests and programs in all aspects of ocean activities and uses in both state and federal waters offshore California. The Task Force's work and its likelihood of success will be influenced by a complex set of factors, including the

state's maritime tradition, the existing organization of marine affairs in the state, the many conflicts that occur among diverse ocean users, and the changing political climate (both in terms of political elites and the public). Some of these factors will impede, while others will facilitate, the crafting of a more integrated approach to the management of ocean and coastal resources and space offshore California.

To explore these factors, I first review in very brief terms, California's experience with ocean activities and uses and the experience with ocean management efforts since the mid-1960s. Next, on the basis of a review of ocean management initiatives taken by other ocean "activist" states, I develop a list of factors or conditions which appear to facilitate the initiation and sustenance of ocean management efforts. The application of these factors to the current (1990) situation in California highlights the complexities involved in getting an ocean management agenda adopted and implemented in California--complexities which the newly designated Ocean Resources Task Force will need to confront.

#### CALIFORNIA AND THE OCEANS: A LONG AND DEEP INVOLVEMENT

The population of the nation's most populated state is largely concentrated in the coastal region--two-thirds of the state's 27 million residents live in two coastal urban centers--the San Francisco Bay area and the Los Angeles Basin.<sup>1</sup> Californians have had a deep and long involvement with the coastal zone and the ocean adjacent to its shores--as a place to get energy, to seek enjoyment, to find food, to dispose of waste, to transport goods to and from locations all over the world, and to protect the nation's security.

Among the oldest uses of the oceans off California are fishing and oil development. Commercial fisheries in the state land an average of 100 to 200 million dollars worth of fish each year; in 1988 the state ranked fourth in the nation in volume and value of fish landings while in 1989 it ranked fourth in volume and eighth in value.<sup>2</sup> The number of salt water recreational fishermen totals about 2.2 million, with the majority of the recreational fishing activity concentrated in Southern California, south of San Francisco.<sup>3</sup>

Offshore oil development, which saw its debut in the U.S. in south-central California in 1896, has been an important ocean industry since the turn of the century. A recent report from the California Coastal Commission notes that between 1929 and 1985 over \$4 billion in revenues from state offshore oil and gas operations have been generated,<sup>4</sup> while the federal government received about \$5 billion in revenues from exploitation of the federal outer continental shelf offshore California in the period 1963-1988.<sup>5</sup>

With its spectacular coastline, California has long been one of the key tourist states and recreational centers in the U.S. Californians and visitors spent over 500 million "participation days"<sup>6</sup> in outdoor recreation which were coastal related.<sup>7</sup> The annual economic value of coastal-related recreation was estimated to be (in 1987) \$54 million for boating, \$96 million for water dependent activities, and \$674 million for water enhanced activities.<sup>8</sup>

As a major gateway to trans-Pacific trade, California ports are among the nation's busiest. Los Angeles currently ranks first in the value of cargo handled, while Long Beach and Oakland rank, respectively, as the third and seventh busiest ports in the nation.<sup>9</sup>

Accompanying increases in coastal population, recreation, and industrial use of the ocean has come increased use of the oceans for the disposal of waste ranging from municipal waste to toxic metals such as lead or zinc. As one example, municipal waste facilities in California are responsible for about 20% of the nation's municipal effluents which are discharged into marine waters.<sup>10</sup> Another major user of California's ocean and coastal zone is the military. The Navy maintains 49 naval installations in California, with 125,764 naval (military) personnel out of a total of 430,232 and 77,261 civilian personnel out of a total of 312,277.<sup>11</sup> A large part of the Navy's research, development, and testing of new missiles, torpedoes and other weapons is conducted along the Southern California coast and offshore.

A growing but still underdeveloped use of the ocean and coastal zone is marine aquaculture. Commercial enterprises in California grow such species as trout and trout eggs, salmon, catfish, oysters and oyster seed clams, mussels, and abalones.

Potential activities of the ocean and coastal zone are ocean mining and ocean incineration. Although potentially economically significant deposits of polymetallic sulfides have been found in the Gorda Ridge area offshore Northern California and Oregon, to date, there are no offshore mining industries operating off the California Coast. Placer deposits of heavy minerals such as gold and titanium have been found in the nearshore areas and beaches of Northern California and Oregon but commercial mining is still in the future. Ocean incineration of waste (primarily liquid waste with low metal content), a common practice in European seas, has been discussed as a use of California waters, but no commercial ventures are currently in operation.

In addition to the human uses outlined above, California ocean waters are also the home of a wide diversity of marine creatures, such as large populations of seals and sea lions, whales, dolphins, sea otters, seabirds, brown pelicans. Several ocean areas which provide especially critical habitat for various kinds of marine species have been nominated and, in some cases, have been designated for special protection status as marine sanctuaries under the Marine Protection, Research, and Sanctuaries Act of 1972. The nation's two largest marine sanctuaries are found in California--the Channel Islands National Marine Sanctuary encompassing 1,252 square miles off the south-central coast and the Gulf of the Farallones National Marine Sanctuary covering 948 square miles offshore and north of San Francisco.<sup>12</sup> Monterey Bay, another area noted for its distinctive marine life, is currently under active consideration for sanctuary status.

In summary, the ocean offshore California is utilized by a wide variety of users which range from commercial to recreational fishermen, oil companies, aquaculture companies, shippers, waste disposal entities and the recreation-seeking public. Almost inevitably, heavy use of the ocean by a wide variety of interests has resulted in conflicts, both among user groups and the agencies that regulate them. Marine conflicts have seen different configurations in different parts of the state. While, unfortunately, no systematic studies of these conflicts are available, some examples can be cited to illustrate the types of conflicts that occur and how they do take on various configurations according to location.

Conflicts over offshore oil development have been very much in evidence in the 1980s-- offshore oil interests have clashed with commercial fishing, tourism interests, and environmental groups in the northern part of the state. In south-central California, oil development has been fought by local governments, environmentalists, some commercial fishing groups, and marine scientists. The California south-central coast has also witnessed extensive and protracted conflicts between the environmentalists who protect the endangered sea otter and shellfish fishermen who compete with the sea otter in the taking of shellfish.

Aquaculturists in Santa Barbara County have fought with sewage disposal districts to maintain adequate water quality for their aquaculture operations, while in other parts of the state (Santa Cruz County), aquaculture has been opposed because of the potential detrimental effects of aquaculture effluents on coastal water quality. Recreational fishermen, particularly strong in the southern part of the state, have battled commercial fishermen to restrict gillnetting in nearshore waters. Commercial fishermen in the northern part of the state have fought agricultural business and electrical power development interests to insure the continued availability of anadromous fish resources such as salmon.

Parallelling conflicts among user groups have been conflicts among different government agencies which, because of their diverging mandates, often take and pursue positions at odds with one another. The California Coastal Commission, for example, has often clashed with the federal Department of the Interior over the offshore oil development program, and the State Lands Commission and the California Coastal Commission have been in court over their respective jurisdictions in the ocean.

Increased use of the ocean offshore California by the very diverse cast of characters only briefly illustrated above poses a yet unmet governance challenge. Wise ocean governance, in general, is a very difficult goal to accomplish in the U.S. because of the complexity of the intergovernmental framework (with all three levels of government having a role), the fragmented and single-purpose nature of both state and federal laws dealing with ocean

resources (which makes it difficult to deal with the ocean system as a whole), and the limited scientific information that exists on ocean processes and impacts. These challenges are difficult to meet in any coastal state in the U.S., but they are particularly troublesome in California because of the sheer size, diversity, and complexity of the state. The next section provides an overview of state efforts to meet some of these challenges.

#### CALIFORNIA AND OCEAN GOVERNANCE: MUCH ACTIVITY OFFSHORE, BUT LITTLE POLICY INTEGRATION

In considering California's efforts in ocean management, it is first important to establish the difference between "ocean management" and "marine resource management." Following Hershman's formulation:<sup>13</sup>

Ocean management connotes an areal and multiple use focus, rather than a focus on a specific resource and its control, development and allocation. This is an important distinction because the individuals and agencies involved in ocean management will most likely be different than those concerned with management of a specific resource, and the approach toward management can be quite different. It is likely that those concerned with specific ocean resources will also be a part of the governmental arrangement that does ocean management, but not necessarily. . . [Moreover]. . . the philosophy or rationale behind ocean management will be concerned more often than not with the mesh or clash of many uses, and the multiple environmental values occurring within an area of the ocean. A marine resource manager will be concerned with the efficient use of a specific resource, or maximization of revenue, or resource preservation, and thus have a narrower objective than the ocean manager.

Until the last several years, California's state government efforts have primarily been focused on developing a coastal management program (largely land oriented, until recently), and in dealing with distinctive uses of the ocean, such as fisheries and offshore oil and gas development. It has only been in the past two to three years that a significant interest in ocean management has become manifest.



## A Strong but Controversial Coastal Management Program

Following the rise of the environmental movement and increasing public concern with overdevelopment of the nation's coasts, loss of public access to the shoreline, and the degradation of wetlands, California led national efforts in coastal management in the sixties and early seventies. The first coastal zone management program in the nation, the San Francisco Bay Conservation and Development Commission (BCDC) (established as a temporary entity in 1965 and later made permanent in 1969) was created in response to citizen concern with the rapid filling of San Francisco Bay and the attendant loss of public access to the shoreline. Based on the success of this effort, environmental activists turned to the state legislature to create a similar commission to deal with the uncoordinated and rapid development of the entire California coast. Efforts to enact coastal management legislation failed repeatedly in the period 1968-1972, as a result of the concerted opposition of a coalition of developers and local governments who depend on continued growth to maintain strong tax bases. Frustrated by the lack of progress in the legislature, environmentalists and other organizations supporting coastal management joined forces in the California Coastal Alliance and pressed for the passage of Proposition 20, the Coastal Initiative, in the 1972 election. Approved by 55% of the voters, Proposition 20 established an interim state coastal commission and 6 regional commissions to regulate development within the coastal zone and to develop a coastal plan for submission to the legislature.<sup>14</sup> The commission was given permit authority over development in the coastal zone, generally defined as the area spanning 1,000 yards inland from the shoreline to 3 miles offshore.

In the words of a long-time participant in coastal management in California, the initiative which set the tone for the development of coastal zone management in California "reflected the environmentalists' frustration with the legislative process. Freed of the need to moderate their goals to achieve broad legislative support, the initiative had a strong environmental protection, anti-local government bias."<sup>15</sup> Consequently, when the commission presented its coastal plan to the legislature in 1975 (containing 162 policies covering every aspect of coastal zone management) the plan was again fiercely opposed by the developer-local government coalition. The resulting compromise was the passage of the 1976 Coastal Act which, while

adopting most of the recommendations of the interim commission, also narrowed the Coastal Commission's permit authority, delegated management responsibility to local governments and ports (who are charged with developing local coastal plans (LCPs)), and weakened the public participation aspect of the process by slating the regional commissions for termination by 1981.<sup>16</sup>

Since its inception in 1972, the California coastal management program has been known as one of the toughest in the nation, and as particularly aggressive in the application of its permit authority to restrict and to mold appropriate coastal development and to insure public access to the shoreline. The California Coastal Commission, too, has been a leader in asserting and testing the limits of the consistency provision of the Coastal Zone Management Act, which gives the states with approved coastal plans the right to review developments in federal waters for their consistency with the state's coastal plan. However, the agency has also been a beleaguered one, often under attack by the developer forces which opposed its creation as well as by the environmental groups who perceive that the Commission has not done enough. In a perceptive analysis of coastal zone management in the Pacific Coast states, Hildreth and Johnson point out that the California program has had difficulty in maintaining a supportive consensus and in achieving full implementation. As the authors state,

In California, a new, independent state commission, with a cluster of regional commissions, initially administered the program at both state and local levels. Between 1972 and 1976, the state commission developed a comprehensive statewide coastal zone plan and set of goals with little input from local governments. In the 1976 Coastal Act, the legislature provided that administration and enforcement be returned to local governments, but local governments were slow to accept that responsibility. . . [since] local governments were not the principal creators or shapers of the plans which they were asked to enforce.<sup>17</sup>

While for the first decade of its existence, the coastal program was largely focused on land management issues, ocean issues began to frequently occupy the Commission's agenda in the 1980s, particularly with the increased

development of offshore oil and gas resources which began during this period. However, as the agency budget and personnel levels were systematically cut by the Deukmejian Administration, which believed that the Commission had already performed its function. Between the 1982-83 and the 1987-88 fiscal years, the Coastal Commission's professional staff was reduced by approximately 25%, while total funding for the Commission was reduced from \$10.2 million to approximately \$9.3 million.<sup>18</sup> As discussed later, this significant erosion in budget and personnel support plus the considerable demands placed on the agency to deal with offshore oil development, conspired to thwart the Commission's efforts to begin drawing up a new ocean management agenda for the state. As discussed later, this is in contrast to the situation in a number of other states where the coastal management agencies have typically moved from land-based to ocean-based concerns and have been the catalysts in the formulation of ocean management initiatives.

#### The 1980s: Offshore oil conflicts dominate

During the 1980s, California state and local authorities were kept very busy responding to controversies surrounding development of offshore resources. The most controversial of these conflicts concerned the pros and cons of development of offshore oil and gas resources, but this period, too, saw significant conflicts over fisheries and their conservation, heightened concern with coastal water quality and the effects of waste disposal, and the rise of renewed citizen interest in the ocean.

Only the highlights of the offshore oil controversy in California can be provided here, since the story is highly complex.<sup>19</sup> In south-central and southern California where there is extensive experience with offshore oil development, the debate centered on whether and how additional development should proceed. In the northern part of the state (north of San Francisco) where there was no previous history of development, the debate revolved solely on the question of whether the first step toward development, offshore leasing, ought to be taken.

South-central and Southern California (primarily Santa Barbara, San Luis Obispo, Ventura, and Los Angeles counties) have been the site of past leasing of offshore lands and of past extraction of offshore oil and gas

resources.<sup>20</sup> In fact, the first offshore platform in the U.S. was erected in Summerland near Santa Barbara in 1896. In south-central California, there was extensive development of offshore oil and gas resources in the nearshore area from the turn of the century through the 1950s when improvements in technology allowed the oil companies to go further offshore. Oil development was conducted on leases owned by the State until 1963 when the federal government began issuing leases in the federal zone (beyond three miles offshore). Oil development in California, however, came to an abrupt halt in 1969 following the Santa Barbara oil spill when up to 3 million gallons of oil were spilled, affecting 660 square miles and 150 miles of coastline.<sup>21</sup> As is well known, the Santa Barbara oil spill was one of the major catalysts for the rise of the environmental movement of the 1970s, both at the national and state levels.

After a lull in development in the early 1970s following the Santa Barbara oil spill, the federal government embarked on an aggressive schedule to lease and develop the U.S. outer continental shelf off California and other states, in response to the oil shortages of the mid-1970s (caused by the Arab oil embargos). Exploration of leases in the Santa Barbara Channel and Santa Maria Basin (offshore Santa Barbara and San Luis Obispo Counties) showed the presence of significant oil reserves, estimated at 2 billion barrels of oil, which would make this area one of the largest oil provinces in the world.<sup>22</sup> Following these discoveries, a number of large "mega" offshore oil projects (involving large platform complexes as well as related onshore processing facilities and marine terminals) were proposed by a number of the lease holders, most prominently by EXXON, ARCO, CHEVRON, and UNOCAL. Initial projections estimated a peak production of 500,000 barrels a day by 1992, but these figures have since been revised downward for a number of reasons, including the currently lower price of oil and the extensive delays which have occurred in the permitting process.

The period from about 1983 onward saw a very extensive set of negotiations between local and state authorities, the oil companies, commercial fishermen, and environmental groups over the pace and nature of the development. The County of Santa Barbara, in particular, supported by the California Coastal Commission, was able to exact a number of compromises from the oil companies and impose a large number of permit conditions to

ensure that the development would be compatible with the great beauty of the California central coast area and the many other uses of its offshore waters. The most important of these conditions included the consolidation of onshore processing facilities (to prevent the industrialization of the coast through the proliferation of facilities), oil transportation by pipeline rather than by tanker (deemed to be the safer alternative), the creation of several mitigation funds to mitigate adverse impacts on other users (a fisheries contingency fund, a fisheries enhancement fund and a coastal resources enhancement fund), and the establishment of a socio-economic monitoring program to track in a very detailed fashion the socio-economic impacts of offshore oil development to provide the basis for additional mitigation, if needed.

In contrast to the situation in the south-central coast where the controversies revolved around how oil should be developed, the issues in northern California centered on whether any initial leasing should be allowed to go forward. After the federal government put forward its intention to lease areas offshore Northern California through Lease Sale 91, an impressive coalition of environmental groups, tourism interests, commercial fishermen, and coastal residents, mobilized to block the development. The vehemence of the local opposition proved difficult for federal agencies and other national interests to understand, but was dramatically demonstrated at a number of public hearings convened to consider the proposed lease sale-- at one such meeting in Fort Bragg, several thousand individuals showed up to participate in the hearings. These local groups, together with other similar groups in other coastal communities where leases were sought (Alaska, Florida, Massachusetts) and in conjunction with national and state level environmental groups, proved successful in essentially stalling the federal government's offshore oil leasing program. This was done through the passage of a series of yearly congressional moratoria on the Department of the Interior's leasing budget (i.e., not allowing the Department to spend any funds on offshore leasing), and most recently through President Bush's decision to delay any leasing in Northern California until the year 2,000, following the recommendations of a Presidential OCS Task Force convened to assess what to do about offshore oil controversies in California, Florida, and Massachusetts.<sup>23</sup>

I should note that the offshore oil controversies in California, visible and contentious as they were (and still are) worked to mobilize parts of the public around ocean use issues and, similarly, worked to propel California legislators, such as Representative Barbara Boxer of Marin County (advocate of a complete ban on offshore development), into national limelight. Coastal groups mobilized around the state and in the 1988 elections were successful in passing citizen initiatives in 9 cities or counties to subject the permitting of onshore oil facilities to citizen approval. The controversy served to re-mobilize coastal protection groups which had been somewhat dormant since the early days of coastal management and new ocean groups were created during this time as well. A major example is the American Oceans Campaign, a celebrity-backed citizens group which started out primarily on an anti-oil campaign but which has now come to encompass a number of other ocean issues, such as marine pollution.

Concern with marine pollution offshore, particularly in widely used areas such as Santa Monica Bay in Los Angeles County, also became a prominent issue during this time, and led to a number of proposals to better protect the health of ocean waters offshore California. This issue, pushed by legislative activists such as Tom Hayden of the California Assembly, is now a central part of a widely-ranging and tough initiative to be presented to the voters on the November 1990 ballot.<sup>24</sup>

Another major ocean use issue receiving much attention during this time was conflicts between recreational and commercial fishermen over the conservation and allocation of fishery resources. In addition to holding different views on fisheries management, these groups reflect differences in the Northern and Southern parts of the state: heavily populated Southern California where recreational fishing is dominant, and sparsely populated, rural-oriented Northern California where commercial fishing is a central economic concern. Recreational fishing groups, who feel that on ocean matters the legislature is beholden to commercial fishing interests from the North Coast, are turning, too, to the initiative process to enact measures to prohibit gillnetting in waters nearshore. Both sets of groups express displeasure, although in different ways, at the management of fisheries in the state, and complain about the fact that marine fisheries concerns are

found too low in the state government apparatus, do not receive sufficient resources, and that authority for fisheries management is too diffused between the legislature, the Department of Fish and Game and the Fish and Game Commission.<sup>25</sup>

#### Actions by Other States

One should note that the time during which the issues discussed above were dominating the California ocean agenda, other coastal states showed renewed interest in ocean management, both collectively and individually. Frustrated by the lack of federal initiatives toward the oceans characteristic of the Reagan Administration in the 1980s, the states began to take significant steps to achieve a more equitable partnership with the federal government both in the making of decisions about ocean resources as well as in sharing the benefits derived from the exploitation of these resources. State efforts to carve a greater role for themselves have taken place both at a collective level, through a range of state organizations, as well as at the level of individual states, most notably Oregon, Washington, and Hawaii, whose experience is discussed in a later section.

During this time period, state organizations, such as the Coastal States Organization, the National Governors Association, the Western Governors' Association, the Western Legislative Conference, and the New England Governors' Conference conducted a number of studies and passed a number of resolutions calling for a greater state role in the management of the federal Exclusive Economic Zone (following the Presidential Proclamation of 1983 declaring federal sovereign rights over the area 3 to 200 miles offshore) and in the management of the expanded territorial sea, the ocean area 3 to 12 miles offshore. The expanded territorial sea is the result of a 1988 presidential proclamation whereby President Reagan extended the territorial sea of the United States from 3 to 12 miles offshore, following the practice established by the majority of coastal nations in the world. The domestic effect of the territorial sea extension, which was justified on the basis of national security concerns, is unclear, as the term "territorial sea" is found over 70 times in the 50 titles of the United States Codes, sometimes with a specific referent (e.g., 3 miles), sometimes not. Given the proximity of the states to the territorial sea and the impact that the use of ocean

resources in this area has on state economies, a number of the coastal states believe that the territorial sea extension represents a unique opportunity to reexamine the current federal/state relationship for managing U.S. ocean resources, and are calling for studies to elucidate the implications of this change and ultimately for Congressional action to enshrine these implications in implementing legislation.<sup>26</sup>

#### Stance of the Deukmejian Administration

The stance of the Deukmejian Administration (1982-1990) toward the oceans can perhaps best be described as "low profile." Ocean matters did not occupy a prominent place in the governor's agenda during the 1980s; in fact, as discussed later, the Governor's Office consistently opposed legislative efforts to establish a new ocean management framework for the state. Concomitantly, the California executive played a reticent role in coastal state associations such as the Western Governors' Association and the Coastal States Organization urging a restrained, not an expansive, approach to state/federal issues regarding the management of the expanded territorial sea and the Exclusive Economic Zone. As discussed earlier, the Administration also consistently opposed the work of the California Coastal Commission and severely eroded the Commission's resources during this time period.

The Deukmejian Administration did, however, initiate a number of new procedures and programs to deal with problems in specific ocean sectors, most notably offshore oil and gas development. Prominent among these were the naming of a central coordinating point for dealing with the federal government over offshore oil development (the Secretary of Environmental Affairs who was named the Governor's OCS Policy Coordinator); the development and promotion of the Joint Review Panel as a way to coordinate the preparation of federal and state environmental impact statements for offshore oil development projects (the joint document prepared by the JRP covers both the onshore and offshore components of each project and becomes the basis for any permits issued for the project); and the administration of mitigation programs to mitigate the negative effects of offshore oil development.<sup>27</sup> Following congressional settlement of the 8 (g) escrow accounts in 1986,<sup>28</sup> California established a Coastal Resources and Energy Assistance Program to assist local governments in the planning, assessment, mitigation, monitoring,



enforcement and other activities related to offshore oil development, and a Fisheries Impact Program which provides various methods of assistance to commercial fishermen negatively impacted by offshore oil development.<sup>29</sup>

#### Efforts at Policy Integration in Ocean Management

While during the 1970s and 1980s state agencies spent much of their time developing coastal management programs and dealing with the management of specific ocean uses, little effort was spent to consider strategies for policy integration in ocean management. In 1965, the California State Office of Planning commissioned a comprehensive study, California and the Use of the Ocean, covering policy issues related to all aspects of California's relationship to the ocean, but few of its many recommendations were ever implemented.<sup>30</sup> In 1982, the Ocean Study Symposium, convened by the California Coastal Commission, brought a wide number of agencies together to begin to systematically explore policy needs and alternatives vis-a-vis ocean areas offshore and to examine the relative roles of various state, federal, and local agencies in the process.<sup>31</sup> The subsequent election of Governor Deukmejian soon following the Symposium, however, dampened the prospects of Commission leadership on an ocean management agenda.

In the late 1980s, there was a resurgence of interest in ocean management, no doubt related to the various offshore controversies described above and to the growing ferment in other states on the creation of an ocean management framework. The leadership for ocean management came mainly from the legislative branch, although the executive branch did take a number of steps to begin to study ocean policy issues. The Resources Agency, for example, held a coordination meeting of all state agencies involved in ocean management in July 1988 while the State Lands Commission embarked on an ambitious but underfunded study of the state's offshore resources in 1987 following the Commission's decision to deny the offshore oil development project proposed for state waters by ARCO (the Commission tied denial of the project to the need to develop a comprehensive assessment of the state's offshore resources prior to proceeding with any development proposal).

A major impetus for legislative action in ocean management in California came from the Western Legislative Conference (WLC), a regional grouping of legislators from the Western states (including Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, plus all the western territories (Guam, American Samoa), and commonwealths (Commonwealth of the Northern Mariana Islands). In 1985, the WLC created an Ocean Resources Committee consisting of five Pacific states and three U.S. Pacific Islands to discuss their respective coastal and ocean concerns.<sup>32</sup> One of the first actions of the committee was to complete a study entitled Pacific States and Territories Ocean Agenda: Managing a Vast Resource Frontier. Through the study, the committee issued a "call to action for the states to become the leaders in developing comprehensive ocean resource policies and programs."<sup>33</sup> More specifically, the committee urged the coastal states to undertake comprehensive long-term planning for ocean resources and space, to raise the level of public awareness about ocean resources, to develop approaches for dealing with multiple use conflicts, and to develop effective decision-making partnerships between federal, state, and local communities in dealing with ocean management.

As discussed later, legislative responses first followed in Oregon with the enactment of Oregon Law SB 630 which established a comprehensive ocean planning process and established the priority, in cases of conflict, of renewable over non-renewable resources; in Washington state which undertook a number of assessments of offshore resources and policies; and later in Hawaii which enacted an ocean planning law similar to Oregon's.

In California, efforts to create an ocean management planning mechanism floundered in the legislature for about two years. As described by two principal participants in the California legislative process, the California Ocean Resources Management Act (AB 2838) was introduced by Assembly member Sam Farr from Monterey in January 1988.<sup>34</sup> The policy provisions of the bill, largely based on the recommendations from the 1982 Asilomar Ocean Studies Symposium, asserted the priority of renewable over non-renewable marine resources (following the Oregon experience), called for environmentally sound and economically beneficial ocean resources development, and coordinated management through improvement of the California

Coastal Commission. Further, the bill assured California's interest as partner with federal agencies in the management of the Exclusive Economic Zone and promoted marine research and understanding of the ocean.

AB 2838 provided for the preparation of an ocean management plan within the 200 mile EEZ. The major elements of the plan were an analysis of state and federal laws, programs, and regulations affecting ocean resources in the planning area, including gaps, overlaps, and conflicts, a study of present and future uses of shore and management practices, the collection of data on ocean conditions, uses and resources, and recommendations for improving state agency programs for managing marine resources. Under the provision of AB 2838, the California Coastal Commission would review the ocean plan for consistency with the 1976 Coastal Act and then submit it to the governor and legislature for approval. As described by Rote and Denisoff, AB 2838 was strongly opposed by business interests (primarily by the oil companies and the California Chamber of Commerce) and by the Executive for the following reasons: the priority given to living marine resources over non-living resources; the lack of legal jurisdiction of the state over EEZ waters; the important role given to the California Coastal Commission; and the lack of designation of a lead agency in the implementation of the legislation. Industry and agency opposition was successful in effectively killing the bill (by sending it to interim study by the Senate Natural Resources and Wildlife Committee) in August 1988.<sup>35</sup>

A weakened version of the bill was reintroduced in March 1989, again by Assemblyman Farr, as AB 2000, which was ultimately enacted as the California Ocean Resources Management Act of 1990. The purpose of the Act is to establish a coordinated program of ocean resources planning and management. An inter-agency ocean resources task force (aided by an advisory committee) is charged with preparing a report on existing ocean resources management activities and impacts and to submit it to the governor and the legislature by January 1, 1993. The Task Force is composed of representatives from twenty-three state agencies and representatives of all the regional water quality boards, and is chaired by the Secretary of Environmental Affairs. Upon delivery of its report to the Governor and the Legislature, the Task Force will be disbanded. In

contrast to the earlier AB 2838, AB 2000 does not give priority to living marine resources over non-living resources, it plays down the state's role in the adjacent federal EEZ, and eliminates a central role for the California Coastal Commission.

With the passage of this Act, California has taken an important tangible step toward crafting a more integrated ocean management framework for the state. Before discussing the challenges and opportunities facing the new Task Force, I briefly explore the experience of several other "ocean activist states" in an attempt to determine what factors appear to be conducive to the initiation and sustenance of state ocean management efforts.

#### FACTORS CONDUCTIVE TO INITIATING AND SUSTAINING OCEAN MANAGEMENT EFFORTS

While a thorough review of the recent experience with ocean management in other coastal states is beyond the scope of this article, I provide a thumbnail sketch of recent developments in Oregon (the most advanced case) and brief summaries of efforts made in Washington and Hawaii.

##### Comprehensive Ocean Planning in Oregon

Enacted in 1987, the Oregon Ocean Resources Management Act is a pioneering effort to organize a coordinated, comprehensive state-level program to plan for proper management of ocean uses and resources. The Act couples Oregon's respect for the ocean with a long-standing commitment to planning and management of natural resources and land uses. While many states are feeling the need to address ocean management in a comprehensive manner, Oregon is among the first to act. The Act is an important local response to growing concerns that increasing and conflicting uses of the ocean may jeopardize economic and environmental values of importance to Oregon. The Act recognized that effective state participation in federal decisions about ocean resource use requires the state to have an assertive, coordinated program of ocean resource policy and management. The Act may well set the pace for state-federal relations in ocean management by building a proactive, rather than reactive, state program that goes well beyond localized or single-purpose plans.

The Act (Senate Bill 630) creates a task force and mandates it to prepare an Oregon Ocean Resources Management Plan to be presented to the Legislature by June 1, 1990 and to the Land Conservation and Development Commission by August 1, 1990. The Planning Area covered in the plan includes the entire 200 mile zone, but special emphasis is placed on the "Oregon Ocean Stewardship Area" which includes the entire continental margin (which in Oregon ranges from about 35 to 80 miles offshore).<sup>36</sup> The Act recognized that ocean currents and resources flow back and forth across the 3-mile boundary and that federal law already gives states a right to participate in planning for ocean activities within areas of federal jurisdiction.

Perhaps the most noteworthy feature of the Oregon effort is its policy of "conserving the long-term values, benefits and natural resources of the ocean, both within the state and beyond by giving clear priority to the proper management and protection of renewable resources over non-renewable resources".<sup>37</sup> S.B. 630, in effect, reiterated Oregon's Statewide Planning Goal 19, Ocean Resources, previously a central aspect of Oregon's coastal plan, which originally gave living marine resources priority over non-living marine resources.

This pioneering Oregon effort appears to have been a response to several developments: the prospects of leasing of the outer continental shelf off Oregon, by the Department of Interior for oil and gas development; competition between state agencies in responding to new opportunities for ocean mining, in the form of placer deposits of minerals (gold, titanium) that exist on the continental shelf off the Oregon coast; and availability of a number of policy studies which, over the period from 1977 to 1987 established the groundwork for the need for change in ocean resources policy. Prominent among these is a 1987 comprehensive report on the management of Oregon's territorial sea, emphasizing inconsistencies, duplication, overlaps, or gaps in the existing legal and institutional framework authored by Dick Hildreth (University of Oregon), Jim Good (Oregon State University) and their colleagues.<sup>38</sup> Analysts close to the Oregon situation also credit the importance of Senator Bradbury, a legislative policy entrepreneur, who would be called a "fixer" in the policy literature.<sup>39</sup> Senator Bradbury served as a catalyst and constant prodder in the formulation and implementation of the concepts embodied in S.B. 630.

A number of factors present in the Oregon situation appear to make it a particularly fertile context for the development of ocean management initiatives. The first is the importance of coastal fishing as an economic and recreational activity and the sense of maritime tradition that permeates Oregon's coastal communities. As the Interim Report from the Oregon Ocean Resources Management Task Force puts it, "The Pacific Ocean characterizes the economy and social fabric of the Oregon coast and, indeed, much of Oregon. Traditional uses of the ocean and its resources such as fishing, transportation, recreation, and national defense are so obvious and accepted that sometimes it is hard to realize just how critically dependent they are on certain existing condition."<sup>40</sup> A second fact is what appears to be popular consensus for environmental protection values and for the maintenance of a particular lifestyle; as the Task Force's interim report states: "Oregonians have come to expect a wildness and unspoiled natural beauty of the coastline and the ocean. Looking seaward, they expect clean, unpolluted water, fresh winds, and sweeping natural vistas of the ocean and coastline. They anticipate clean public beaches, rocky tidepools, and the presence of sea birds and marine mammals. Commercial fishing vessels, recreation and charter boats, and barges and ships all reflect the vitality of coastal ports."<sup>41</sup>

A third factor is a well established coastal management program. Oregon was one of the first states in the nation to begin the process of managing the state's coastal zone and since the federal approval of the state coastal plan in 1977, the program has slowly but surely moved from a strong concern with land-based issues to encompass ever greater areas of the coastal zone and ocean. The fourth factor is the availability of a number of sound technical analyses on Oregon's ocean and coastal resources and on existing legal and policy issues on ocean management which have been conducted by various state agencies and academic institutions in the past decade (see listing in Oregon Ocean Resources Management Task Force, 1988, pp. 6 to 8). In terms of the last factor, it should be noted that notwithstanding the small size of its population, the State of Oregon has two excellent programs in marine resources management: the Ocean and Coastal Law Center at the University of Oregon and the Marine Resources Management Program at Oregon State University, both of which serve as an important training ground for marine policy professionals.

## Ocean Resources Assessment of the State of Washington

Prompted by the decision of the federal government (Interior Department) to offer the Outer Continental Shelf adjacent to Washington and Oregon for oil and gas leasing and exploration in 1992, the state legislature, in 1987, enacted two measures. The first Act instructed the Director of the Washington State Sea Grant Program to undertake an assessment of the impact of offshore oil leasing on the ocean resources of the region. Washington Sea Grant undertook the Ocean Resources Assessment Program (ORAP), a series of studies about the ocean environment, marine resources, and oil and gas development impacts, and produced five major reports by late 1988. The second measure created a "Joint Select Committee on Marine and Ocean Resources" and asked it to undertake, among other tasks, the review of existing state and federal laws and policies for the management, development, and use of ocean resources, and to identify changes in laws and policies needed to protect state interests. The Joint Select Committee is an eight member body composed of legislators and representing a balance among the two houses and two political parties. The Joint Select Committee developed an aggressive legislative package for the 1989 session, and worked with a broad-based advisory committee. The 1989 Washington State legislature passed the Ocean Resources Management Act. The Act establishes a general state policy that favors renewable over non-renewable resources, prescribes review criteria for new offshore projects, imposes a 6-year moratorium on oil and gas development in state waters, and mandates ocean planning by local government and two state agencies.<sup>42</sup>

## Ocean Management Planning in Hawaii

In 1985, the State of Hawaii developed and disseminated for review an Ocean Management Plan, which was intended to add a seaward dimension to the state's coastal management program, and which examined a wide range of ocean activities and processes and the interrelationships among them. The Plan set a long-term policy framework for Hawaii's ocean resources and specified actions necessary to achieve the state's overall objectives. Two state objectives were set forth: 1) public use, enjoyment and appreciation of ocean resources in a manner that minimizes environmental

degradation, reduces conflict among public resource values, and assures their long-term viability; 2) development of ocean resources of economic and social benefit in a manner that minimizes environmental degradation, reduces conflicts among public resource values, and assures their long-term viability.

In addition to the existing plan, in 1988 the Hawaii State Legislature enacted Act No. 235, the Hawaii Ocean Resources Management Act, which was closely patterned after the Oregon ocean management legislation (although not incorporating a set of priorities). The Act established a Hawaii Ocean and Marine Resources Council charged with preparing a Hawaii ocean resources management plan.<sup>43</sup> The Department of Business and Economic Development is designated as the primary agency for coordination of the program. Efforts are currently underway to coordinate the development of the new plan with the past ocean management efforts of the coastal agency.

Before the Hawaii voters in the November 1988 election was a referendum prepared by the state legislature proposing an amendment to Article XI of the Hawaii Constitution to add a new section relating to Hawaii's sovereign rights in the exclusive economic zone off its shores. The section, which was adopted by the voters, reads "The State of Hawaii asserts and reserves its rights and interests in its exclusive economic zone for the purpose of exploring, exploiting, conserving and managing natural resources, both living and nonliving, of the seabed and subsoil, and superadjacent waters." Similar language was included in Hawaii Senate Concurrent Resolution No. 100 adopted by the Hawaii legislature in 1987.

### Some Hypotheses

This brief review of the experiences of other states as well as past conceptual work on state capacity for ocean management,<sup>44</sup> suggest the presence of a number of factors which seem to encourage the formation and sustenance of ocean management. Expanding on this notion, I propose a list of four major variables which influence the likelihood that ocean management initiatives will emerge and be sustained in particular states. These variables, abstracted in Table 1, are: 1) ocean heritage and popular opinion about the oceans; 2) governmental readiness for ocean affairs; 3) the degree of severity of ocean and coastal governance problems and the role of focusing or triggering events; and 4) the degree



of political readiness. Each of these major variables is briefly described.

Figure 1

## **FACTORS CONDUCTIVE TO OCEAN MANAGEMENT INITIATIVES**

### **I. STATE OCEAN HERITAGE AND POPULAR OPINION VARIABLES**

- Relative importance of ocean resources in state
- Strength of maritime tradition and popular attachment to oceans
- Size, nature, and relative economic importance of marine industries
- Presence (*or absence*) of an ocean constituency

### **II. GOVERNMENTAL READINESS**

- Organization of marine affairs in state
- Availability of legal tools to promote integrated ocean management
- Level of effort (*budgets and personnel*) devoted to 1) specific ocean sectors, 2) to cross-cutting ocean and coastal policy activities
- Extent of experience with land use or resource planning at the regional/state level which could be expanded to the ocean side
- Status of the state's coastal management effort. Is there movement from land-based and nearshore concerns to more offshore concerns?
- Availability of broadly trained marine professionals in the state
- Relationship between state institutions and university marine teaching and research
- Availability of analytical studies on ocean and coastal governance issues

### **III. DEGREE OF SEVERITY OF OCEAN AND COASTAL GOVERNANCE PROBLEMS AND THE ROLE OF FOCUSING EVENTS**

- Nature of ocean governance problems. Extent of conflict associated with them
- Presence of external forces (*such as plans for development in federal waters*) that may catalyze state government and public attention on ocean issues
- Level of awareness among relevant political actors and general public on ocean issues
- Presence of "catalyzing" or "focusing" events (*such as EXXON Valdez*)

### **IV. POLITICAL READINESS**

- Presence of "ocean policy entrepreneurs" inside state legislature, executive branch, or outside government
- Extent of agreement between legislature and executive branch on an ocean agenda
- Extent to which ocean interest groups form coalitions together or pursue sector-based agendas
- If ocean legislation is enacted, extent to which a "fixer" is present in the legislature or executive branch to insure proper implementation

Under the first variable, state ocean heritage and popular opinion, I mean the extent to which the ocean and its associated activities represent an important part of the state's past heritage and present economy and the extent to which the citizens of the state have an attachment to the ocean and act politically to protect it or promote it. Significant indicators here include:

--The extent of productive coastal waters (sounds, bays, estuaries, etc.); extent of coastal industries (fishing, oil and gas, coastal tourism); extent of marine transportation systems, ports and harbors, and the extent to which these are visible and important to the people of the state. The state of Washington, for example, is usually thought to rate highly on this dimension--with its magnificent Puget Sound, San Juan islands, and great port of Seattle.

--The history of marine affairs in the state and the extent to which there is a strong maritime tradition and attachment to the oceans. Oregon is thought to rate highly on this dimension; just casual reading of the Oregon ocean resources management plan, for example, reveals a deeply rooted attachment by Oregonians to the sea and the coastline and a strong wish to continue to see clean beaches and pristine areas into the future.

--The size, nature, and relative economic importance of marine-oriented industries and their relation to other parts of the economy.

--The presence (or absence) of an ocean constituency, or the potential for such a constituency to arise. By "ocean constituency" I mean groups that are interested in the ocean as a whole and in the balanced management of its multiple uses. This is in contrast to the marine sector constituencies which typically prevail in most states and which are oriented to the protection or promotion of only one part of the marine environment (such as fish, marine mammals).

The second set of variables, governmental readiness, refers to the apparatus of state government and the role of marine affairs in that apparatus, and includes such factors as the following:

--The organization of marine affairs in the state. At what level in the state governmental hierarchy do marine affairs stand? To what extent (if any) is there any coordinating or planning activity at a bureaucratic level higher than the level of agencies operating particular ocean and coastal programs?

--The status of legal tools available to promote integrated ocean management; is there any cross-cutting legislation (as exists in Oregon and Hawaii, for example)? or are state laws essentially structured to deal only with each ocean and coastal use separately?

--The level of effort (budgets and personnel) being devoted to specific marine sectors such as fisheries or offshore oil development, and to cross-cutting ocean and coastal policy activities? Has the level of effort been rising or falling?

--The extent to which there is a tradition and practice of land use or resource-related planning at the regional and/or state level which could be expanded to the ocean side (Oregon is a good example where strong experience in land use planning is being applied to ocean use planning).

--The status of the state's coastal management effort and the extent to which the activities of this program have moved from land use concerns to territorial sea concerns, to broader ocean management concerns.

--The extent to which there is a cadre in the state of broadly trained marine professionals who are working on ocean governance issues and are getting into decision-making positions in the state. Similarly, the extent to which a good relationship exists between the state government and the university--are mechanisms available to encourage movement and communication between these two realms? In Oregon and

Washington, for example, where well established marine affairs university programs are in place, a relatively close relationship on ocean matters exists between state government and the university, which has been an important factor in generating new ideas and analytical efforts about ocean management.

--finally, to what extent (if any) have analytical studies examining ocean and coastal management issues been carried out? Analytical studies which portray the problems in a particular situation and point to possible new policy avenues, can often serve as catalysts (when other conditions are right) for the emergence of new policy initiatives in any area of policy. Certainly in the case of ocean policy, the Oregon territorial sea study discussed earlier, for example, was quite instrumental in demonstrating existing problems with ocean and coastal management and paved the way for the subsequent adoption of Oregon's comprehensive ocean planning effort.

The third set of variables deals with the degree of severity of ocean and coastal governance problems and the role of focusing events

--the first factor here is basically self-evident: are there important conflicts between ocean users that need to be addressed because they are causing excessive waste or delay, or posing threats to public order, or threatening the long-term viability of ocean resources?

--perhaps more importantly, are there any external forces (such as plans for development for federal waters) which could catalyze state government and public attention on ocean issues? This factor, in the form of planned federal lease sales for areas offshore Oregon and Washington, proved to be a very important catalyst in mobilizing both of these states on ocean planning efforts.

--similarly, are there any "catalyzing" or "focusing" events such as the EXXON Valdez spill or other crises which can catalyze public opinion and attract the attention of political decision makers? Often, dramatic events such as the EXXON Valdez spill and the Santa

Barbara oil spill of 1969 can serve to prompt the initiation of new policies to remedy perceived failures in an existing management system.

Finally, with regard to the fourth variable, political readiness, a number of factors are important, i.e.:

--To what extent are there "policy entrepreneurs" inside the state legislature and executive branch or outside government whose main interest is to promote an ocean agenda? Certainly, in the case of Oregon, for example, one can point to the key role of a legislator--Senator Bradbury--in the enactment of Oregon's comprehensive ocean planning bill.

--To what extent is there agreement between the executive branch of government and the legislature on ocean issues. This is a question that has plagued California for several years--a veritable policy impasse has existed between the legislative and executive branches, both of which have rather different ideas on what the role of the state in ocean management should be.

--To what extent do ocean and coastal interest groups form coalitions together or are they basically still in the traditional mold of pursuing their own separate interests in their own separate areas of concern, such as fishing or oil and gas development?

--Finally, if ocean-oriented legislation is enacted, to what extent is there a "fixer" in the legislature or in the executive branch who continually works to insure that the legislation is being implemented appropriately? The notion of a "policy fixer" is viewed as being very important in insuring policy implementation success.<sup>45</sup>

The above set of variables can also be considered in a more dynamic fashion, borrowing from the work of John Kingdon (1984) whose book Agendas, Alternatives and Public Policies<sup>46</sup> examined how issues come to be placed on the government agenda and the process whereby some issues ultimately become embodied in governmental policy while others never

become the focus of serious attention (See Knecht, Cicin-Sain, and Archer, 1988, for an application of this model to national ocean policy<sup>47</sup>).

Kingdon postulates that policy is determined by developments in three separate streams-- the "problem" stream, the "politics" stream, and the "policy stream."<sup>48</sup>

In Kingdon's view, each of these streams is largely independent of the other and has its own dynamics and rules. The greatest policy changes are possible when the three streams come together resulting in a productive coupling of problems, policy proposals, and politics.

In the problem stream, problems are brought to the attention of policy makers by systematic indicators (such as governmental indices, budgets, and studies), by focusing events like crises and disasters, or by feedback from the operation of current programs. The generation of proposals in the policy stream resembles, Kingdon posits, a process of natural selection in biology. "Many ideas are possible in principle, and float around in a 'policy primeval soup' in which specialists try out their ideas in a variety of ways --bill introductions, testimony, papers, and conversation. In those deliberations and debates, proposals are floated, come into contact with one another, are revised and combined with one another, and floated again. But the proposals that survive to the status of serious consideration meet several criteria including their technical feasibility, their fit with dominant values and the current national mood, their budget workability, and the political support or opposition they might experience."<sup>49</sup> The political stream, in turn, is influenced by such factors as swings in national mood, national elections, party control of the executive and legislative branches of government, composition of key congressional committees, degree of interest and commitment of congressional leaders to particular policy areas, and interest group pressure campaigns.

At critical times, the separate streams of problems, policies, and politics come together. "Solutions become joined to problems, and both of them are joined to favorable political forces."<sup>50</sup> In Kingdon's model, "windows of opportunity" open for brief periods when significant problems are recognized more or less at the same time as the development of a propitious political climate occurs. Policy proposals, even remotely

relevant to the perceived problem, which happen to be ready at this time, have a good opportunity to gain a place on the governmental agenda. Policy entrepreneurs, in and out of government, play a key role in joining solutions with problems and in merging both problems and solutions with politics.

#### CALIFORNIA AND OCEAN MANAGEMENT: PROBLEMS AND OPPORTUNITIES

To what extent are conditions in the "problem", "politics", and "policy" streams in California ripe for the adoption and implementation of new initiatives in ocean governance? To begin answering these questions, we apply the checklist of questions described above to the California context. This exercise highlights the difficulties and complexities that will face efforts to get an ocean agenda adopted and implemented in California.

##### State Ocean Heritage and Popular Opinion Variables

While the state has one of the largest and most beautiful coastlines in the nation and while the multiple uses that harvest, exploit, watch and enjoy California's plentiful offshore resources are among the largest and most economically significant in the U.S., ocean industries in California still pale in comparison to the economic might of other California productive endeavors, such as agriculture or the computer industry. The commercial fishing enterprise in California, while generally ranking in fourth place nationally, can only be considered as very small in comparison to other economic endeavors. Thus, while it is likely that the fishing industries in Oregon and Washington can work as catalysts in promoting ocean management, in California the influence of the fishing industry tends to be dwarfed by other economic concerns.

Traditionally, too, while the state has a long and venerable maritime tradition, this influence often gets blunted in the California context of high population diversity and mobility. This is in contrast to states such as Oregon and Washington where deeply rooted maritime concerns,

operating in a relatively smaller and less diverse context, can perhaps more readily attain center stage attention for ocean and coastal issues in the state government's agenda. There are, moreover, important differences in the background, outlook, and experience of the populations residing in Northern and Southern California. These differences, which are especially reflected in the divergent attitudes of residents from North and South toward ocean and coastal resources, often impede action on an ocean agenda. A prominent example here are conflicts between commercial and recreational fishing interests, which, in addition to holding different views on fisheries management, also reflect differences between the heavily populated South where fishing attracts millions of Southland residents and the sparsely populated and more rural North where commercial fishing thrives as a special way of life in small coastal communities.

While there has been a strong popular concern first with the coast (the coastal movement which gave rise to Proposition 20 in 1972) and now with the ocean (the movement which has been effective in stopping offshore oil leasing in Northern California), the public concern with coastal and ocean issues has mainly had protection as its end, not multiple use management. Hence, for example, in the current situation where a particularly effective popular movement has rallied against further leasing of offshore waters, this is a constituency mainly concerned with stopping development rather than seeking a better process for making ocean use decisions which involves all affected parties and seeks balanced outcomes.

#### Governmental Readiness

In bureaucratic terms, although there are many agencies and commissions dealing with ocean and coastal resources in the state, in recent years, these management activities have been suffering as a result of shrinking budgets and staffs. Moreover, in important areas such as fisheries management, marine fisheries activities are not only underfunded, but are also carried out from a low vantage point in the state governmental hierarchy, thus blunting the impact that they could otherwise have on the conduct of other ocean activities.



There appear to be no integrative mechanisms or vehicles at higher levels in the administrative hierarchy that could deal with ocean policy integration and development. The two cabinet-level agencies which perhaps could play an integrative role, the Resources Agency and the Secretary of Environmental Affairs, have stated a preference for more ad hoc integration efforts (such as the July 1988 workshop organized by the Resources Agency) rather than establishing a standing, regularized process or procedure for ocean planning and conflict resolution at the state level. As discussed, however, Environmental Affairs has been heavily involved in attempting to improve the intergovernmental environmental review process involved in offshore oil development and has been centrally concerned with methods of mitigating the effects of offshore oil development on other ocean users.

Although aimed at policy coordination and integration, it is not clear whether the mechanisms and processes set up under CORMA will be successful in attaining integration. The Task Force mechanism set up under CORMA, includes a large array of individual agencies and entities each of which will no doubt be promoting its own particular partial interest in a specific ocean resource or use. And, although the Task Force is chaired by the Secretary of Environmental Affairs, given that there is no hierarchical relationship between the Secretary and the other agencies represented on the Task Force, it will be difficult for the Secretary to insure that the process does not become a mere airing out of each agency's particular ocean "laundry list" or an exercise in protecting "turf."

With regard to legal tools available to the state for ocean management, with the passage of CORMA, there is now enabling legislation to conduct a wide-ranging assessment of ocean resources, use conflicts and jurisdictional and governance issues. The CORMA legislation, however, does not provide any policy priorities or clear guidelines for ocean use, hence offering little legislative guidance to the Task Force endeavor.

With regard to the status of the coastal zone management program and its potential for playing a catalytic role on ocean management issues (as the coastal programs in some other states have done), one can only note that under the twin pressures of reduced budgets and staffing and having

to deal with permitting of a large number of offshore oil projects, that the Coastal Commission does not appear to be well equipped, at the present time, to undertake expansive new tasks.

In terms of the availability of well-trained marine professionals, I should note that there is a serious absence of specialized university programs in marine policy and resources management in the state which hinders the development of a cadre of California-knowledgable and well-trained marine professionals to occupy state policy analysis and decision-making positions. This is, of course, in contrast to the well-established programs in marine affairs and law which exist both in Oregon and Washington. Partly as a result of this, and in spite of the fact that the California Sea Grant College Program works very hard to make the results of its sponsored research of relevance to decision makers, there are no readily available mechanisms for interchange and communication between state institutions and university institutions on ocean and coastal policy questions.

Considering next analytical studies on ocean and coastal policy, the last major study to be carried out, as discussed, was California and the Use of the Ocean, prepared twenty-five years ago, in 1965, by the Institute of Marine Resources of the University of California under contract to the state Office of Planning; the report analyzed problems and opportunities in the development of the resources of the sea, and recommended new directions for state policy.<sup>51</sup> We can see positive change on this variable, though, with the preparation of the assessments called for under CORMA and the current effort by the State Lands Commission to carry out a comprehensive ocean resources study. We can expect that both of these efforts will lay the groundwork, documenting ocean use problems and opportunities, for the adoption and implementation of a state ocean management framework.

#### Degree of Severity of Ocean and Coastal Governance Problems and the Role of Focusing Events

Here we are largely focusing on the "problem" stream posited by Kingdon. It would seem that on this factor there exists the most

"readiness" for change. Most analysts would agree, I think, with the statement that conflicts among ocean users and between these and the public have been increasing significantly in recent years. This is certainly the case in offshore oil development where the environmentalists' opposition to development of the North Coast has seriously thwarted the plans of industry and of the federal government. This certainly also appears to be the case in the conflicts that divide the commercial and the sports fishermen, such as the anti-gillnetting initiatives which sports fishing groups have sponsored in the past several years. Concern with ocean pollution has also increased considerably and recent analytical efforts (see, for example, Assemblyman Hayden's Ocean Pollution in California report, 1988) have called for an extensive program of pollution abatement, which has already received considerable public attention and support.

Catalytic events such as a new oil spill or a toxic waste accident could work to "ignite" this already ripe "problem stream," but the most likely outcome here, I think, would be for the mobilization of a very protectionist movement and the enactment of stringent protective regulation, not the development of a multiple-use constituency.

#### Political Readiness

Until recently, the situation with respect to this variable did not appear conducive to the enactment of a new ocean agenda. First, there were significant differences in approach and in outlook between the Democratically-controlled legislature and the Republican-controlled executive branch-- differences that often led to policy impasse on ocean (and other) issues, thwarting both branches of government in their attempts to pursue their own vision of an ocean agenda. Thus, while a number of ocean policy "entrepreneurs" in the state legislature, such as Assemblymen Sam Farr and Tom Hayden in the Assembly and Senator Gary Hart in the Senate frequently introduced broad-based ocean legislation, these bills were often opposed by the Executive branch.

It is quite likely, however, that with the forthcoming change in the executive branch which will result from the November 1990 election, that

the political impasse on ocean affairs between the legislature and the executive will be ended, regardless of who wins. Both of the gubernatorial candidates (Democratic Diane Feinstein and Republican Pete Wilson) have a strong interest in environmental and ocean issues and both have supported the notion of creating a special department of ocean resources for California. In this sense, then, it appears that a political window of opportunity for ocean matters may well be ahead.

To take advantage of a possible opening of political opportunity with the change of executive, however, some coalition formation will need to take place among the often warring ocean interest groups. As we have discussed, environmental interests have rallied in increased numbers and political clout in the state, often, however, taking uncompromising positions and directing much of their attention to the national government (and to Congress in particular), rather than to the state government. Other ocean and coastal interests such as commercial fishermen, recreational fishermen, boaters, aquaculturists, marine mammal protectionists, and marine transportation operators, have tended to pursue their separate and sectorally-based interests with the legislature and the executive, often emphasizing more the differences that divide these ocean interests from each other, than the commonalities that potentially unite them. With good leadership, it is possible that the consultative process currently beginning with the CORMA Task Force may facilitate the building of bridges among ocean interests, a much needed development.

#### CONCLUSIONS

A number of the factors discussed in our assessment of the likelihood that ocean management initiatives may be established and implemented in California underscore the difficulties which ocean management efforts in the state will have to face-- divisions between North and South, between the Legislature and the Executive, among ocean and coastal interests, between local governments and environmental groups and the federal government; the absence of a cohesive maritime tradition; marine industries which are still dwarfed by the economic might of other land-based California industries; the low level accorded to ocean affairs

in the state hierarchy; the absence of explicit policy priorities and guidelines; and the absence of a cadre of California-trained marine professionals.

On the other hand, the strong renewed public interest in the oceans, the presence of a number of policy entrepreneurs in the legislature, the forthcoming change in the executive which no doubt will bring leadership more interested in ocean matters, the CORMA ocean policy assessments which ought to establish an analytical base that can raise awareness of ocean problems and opportunities, suggest that a number of positive conditions exist for the emergence and sustenance of ocean management in the state.

To capitalize on a possible window of opportunity, ocean management efforts such as CORMA's will need to address a number of challenges: the building of middle-of-the-road ocean constituencies (addressing, in particular, North-South differences); the problem of competitive agencies, each with only a partial mandate on ocean issues; the need, ultimately, to establish specific policy priorities and guidelines; and finally, the need to build a capacity for ocean policy analysis in the state's educational system. Then and only then can Californians feel secure that the bountiful oceans adjacent to their golden shores are being managed in an informed and integrated fashion and with proper attention to the long-term health and welfare of this exceptionally valuable resource.

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