

REGIONAL OCEAN GOVERNANCE: A LOOK AT CALIFORNIA

BRIAN E. BAIRD†

AMBER J. MACE††

I. INTRODUCTION

There is renewed interest and momentum in the United States for regional approaches to protect and manage ocean and coastal resources. Both the Pew Oceans Commission (“Pew”)¹ and the U.S. Commission on Ocean Policy (“USCOP”)² reports recommended the initiation of regional approaches to ocean and coastal management throughout the nation. Natural resources and ecosystems do not necessarily coincide with geopolitical boundaries, and our ability to implement ecosystem-based approaches has suffered as a result. Regional approaches can help resource managers account for more factors that affect a particular resource or ecosystem, not simply the ones that fall within a particular jurisdiction.

Because California’s 1,100 mile coastline spans multiple bioregions, jurisdictions, and a diversity of resources, the state (by necessity) has developed a number of new and innovative regional approaches to address ocean and coastal management.³ Within the

† Brian E. Baird, Assistant Secretary for Ocean and Coastal Policy, California Resources Agency.

†† Amber J. Mace, California Sea Grant Fellow, California Resources Agency.

The ideas expressed in this article are those of the authors and do not necessarily reflect official policy of the state of California.

1. PEW OCEANS COMM’N, AMERICA’S LIVING OCEANS: CHARTING A COURSE FOR SEA CHANGE 33-34 (2003) [hereinafter PEW REPORT], *available at* http://www.pewtrusts.org/pdf/env_pew_oceans_final_report.pdf.

2. U.S. COMM’N ON OCEAN POLICY, AN OCEAN BLUEPRINT FOR THE 21ST CENTURY: FINAL REPORT OF THE U.S. COMMISSION ON OCEAN POLICY 86 (2004) [hereinafter USCOP REPORT], *available at* http://www.oceancommission.gov/documents/full_color_rpt/000_ocean_full_report.pdf.

3. Cal. Res. Agency, Cal. Envntl. Prot. Agency, Protecting Our Ocean: California’s Action Strategy Final Report to Governor Arnold Schwarzenegger 4-8 (2004) [hereinafter CEPA Report], *available at* http://resources.ca.gov/ocean/Cal_Ocean_Action_Strategy.pdf.

political boundaries of the state, regional approaches have been driven by natural biogeographic and socioeconomic boundaries of the target resources or management issues. For example, California developed (1) the Coastal Sediment Management Workgroup, which uses littoral cells (a complete cycle of sedimentation including sources, transport paths, and sinks) as the basis for evaluating and managing sediment transport issues;⁴ (2) the Marine Life Protection Act Initiative, which uses a science-based regional approach to assess the adequacy of the existing array of marine protected areas;⁵ and (3) the Southern California Wetlands Recovery Project for wetland restoration and management in the Southern California Bight.⁶ These regional approaches were designed to bring together stakeholders, agency missions, budgets, and in-kind efforts in a way that produces a sum that is greater than its parts.

While these examples focus on one particular resource management issue, the state of California has also created a statewide ocean protection and management council.⁷ This council could ultimately serve as the southwest regional portion of a Pacific coast regional effort if California, Oregon, and Washington establish a three state regional approach, which is suggested in the recommendations from the Pew and the USCOP reports.⁸ The California Ocean Protection Council is currently developing a strategic vision for California that is intended to improve coordination and effectiveness of ocean and coastal resource management.⁹ To date, most regional efforts have occurred along California's 1,100 mile coast, but as suggested above, the state is currently evaluating the utility of expanding these approaches to collaborate with Oregon and Washington. Using California as an example, this paper will evaluate potential for regional approaches driven by research and resource management needs.

4. *Id.* at 11.

5. *Id.* at 5.

6. *Id.* at 6.

7. *Id.* at 4.

8. USCOP REPORT, *supra* note 2, at 90; PEW REPORT, *supra* note 1.

9. CEPA Report, *supra* note 3, at 9.

II. CALIFORNIA BACKGROUND

Of the 34 million people living in California in 2000, 77% lived in coastal counties, which represents 25% of California's land.¹⁰ California's population continues to grow, which places continually increasing pressure on natural resources. In July 2005, California held an ocean economic summit in Long Beach and released a report produced by the National Ocean Economics Program.¹¹ This report detailed the coastal economy in California and found that in 2000, the overall value of the coastal economy in California was \$42.9 billion, and it created nearly 700,000 jobs.¹² This was driven primarily by the transportation and tourism sectors. For example, in 2000, California had three of the four largest ports in the United States (Los Angeles, Long Beach, and Oakland) in terms of cargo volume,¹³ and in 2005, California was the number one travel destination in the United States.¹⁴ This report highlighted the importance of ocean and coastal resources not only for their intrinsic value and use by future generations, but also for the health of "the economies of California and the nation as a whole."¹⁵

III. REGIONAL CASE STUDIES WITHIN CALIFORNIA

There are a number of existing collaborative efforts in California that bring together federal, state, and local agencies, as well as nongovernmental organizations and academia to manage resources on a regional basis. These approaches are intended to increase efficiency and effectiveness of management efforts and to leverage financial and intellectual resources. These ongoing efforts seek to achieve their goals by: (1) holding meetings with local, regional, state, and federal agencies and the public to ensure the involvement of all stakeholders when identifying management needs and opportunities; (2) assessing existing data and information related to a given issue; (3) setting priorities and outlining measurable and achievable goals; (4) identifying opportunities for interagency cooperation and public-

10. J. KILDOW & C. COLGAN, CALIFORNIA'S OCEAN ECONOMY: REPORT TO THE RESOURCES AGENCY, STATE OF CALIFORNIA 21 (2005), *available at* http://resources.ca.gov/press_documents/CA_Ocean_Econ_Report.pdf.

11. *See id.* Information on the Ocean and Coastal Economic Summit is available at http://resources.ca.gov/ocean/CBC_meeting_announcement_2005-07-11.pdf.

12. KILDOW & COLGAN, *supra* note 10, at 1.

13. *Id.* at 56-57.

14. *Id.* at 104.

15. *See generally id.*

private partnerships; and (5) proposing more consistent regulations, legislation, and policies.

A. *California Coastal Sediment Management Workgroup*

In 1999, the California Resources Agency and the U.S. Army Corps of Engineers collaborated to establish a statewide workgroup that enabled all levels of government to focus on sediment management issues such as erosion, dredging, and beach nourishment at regional scales along the entire California coast.¹⁶ The Coastal Sediment Management Workgroup (“CSMW”) has been working to develop a master plan to provide coastal managers with information to improve management methods and to identify high priority areas for focusing efforts.¹⁷ While CSMW is looking at sediment issues for the entire state, it bases its work on littoral cells.¹⁸ The focus of the master plan is to move away from case-by-case approaches, often utilized during an erosion crisis such as a major bluff failure, and move toward proactive regional sediment management solutions that could benefit large sections of the coast.¹⁹

B. *California Marine Life Protection Act*

The Marine Life Protection Act Initiative (“Initiative”) provides an example of a public-private partnership among the California Resources Agency, California Department of Fish and Game, Resources Legacy Fund Foundation, and various other organizations. In 1999, California passed the Marine Life Protection Act (“MLPA”),²⁰ which directed the state to assess the need for new marine protected areas, as well as the adequacy of existing marine protected areas, including marine reserves, parks, and conservation areas. The MLPA has provided many lessons on how to engage stakeholders in a productive process. Two attempts at implementation were made between 1999 and 2004, both of which

16. U.S. ARMY CORPS OF ENG'RS & CAL. RES. AGENCY, CALIFORNIA COASTAL SEDIMENT MANAGEMENT WORKGROUP: INITIAL REPORT 1 (2000), available at http://www.spd.usace.army.mil/csmwonline/CSMW_Introduction.pdf.

17. CAL. RES. AGENCY, CALIFORNIA COASTAL SEDIMENT MANAGEMENT MASTER PLAN WORKPLAN 1 (2002), available at http://www.spd.usace.army.mil/csmwonline/CCSMMP_Workplan16.pdf.

18. *Id.* at 2.

19. *Id.* at 1.

20. California Marine Life Protection Act, Cal. Fish & Game Code §§ 2851-2863 (1999).

suffered from inadequate funding and demonstrated the difficulty of launching a regional approach to a controversial issue.²¹

In 2004, the California Secretary for Resources formed the Initiative and appointed a MLPA Blue Ribbon Task Force (“BRTF”).²² The BRTF was established to guide a regional approach based on advice of public policy advisors, scientists, and other stakeholders, including the public.²³ The Initiative is currently focused on implementing the MLPA in the central California region from Pigeon Point in San Mateo County to Point Conception in Santa Barbara County. It will continue with analysis of other regions along the California coast to reach the goal of statewide implementation of the master plan by 2011.²⁴ Key challenges for this initiative will be the controversial nature of the designation of new marine protected areas and identifying long-term sources of funding to support them.

C. *Southern California Wetlands Recovery Project*

California has established the Southern California Wetlands Recovery Project (“SCWRP”) for wetland acquisition and restoration within the Southern California Bight from Point Conception to the international border with Mexico.²⁵ This project is a cooperative effort of public agencies, nonprofit organizations, scientists, and local communities. It was developed to focus financial and scientific resources, as well as to acquire and restore wetlands and associated resources in this region.²⁶ As of 2004, SCWRP had acquired 4,700 acres and restored 552 acres of coastal wetlands using an ecosystem-based, nonregulatory approach.²⁷ It has also funded 68 projects to date.²⁸ This program complements other regional efforts in the Southern California Bight such as the Southern California Coastal Water Research Project which monitors southern California waters. These regional approaches to wetland restoration and water quality

21. CAL. DEP’T OF FISH & GAME, CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE: MASTER PLAN FRAMEWORK 10 (2005), available at http://www.dfg.ca.gov/mrd/mlpa/pdfs/mpf0805_clean.pdf.

22. CEPA Report, *supra* note 3, at i.

23. *Id.* at iii.

24. *Id.* at ii.

25. *Id.* at 10-11; see also SOUTHERN CALIFORNIA WETLANDS RECOVERY PROJECT, available at <http://www.scwrp.org> (last visited Mar. 27, 2006).

26. CEPA Report, *supra* note 3, at 10-11.

27. *Id.* at 10.

28. *Id.*

monitoring are now being considered as models to improve management efforts along other parts of the coast.

IV. CALIFORNIA OCEAN PROTECTION COUNCIL

Even though the previously cited regional examples take multiple interacting factors into account, ecosystem-based approach efforts are primarily driven by specific resource issues. In an attempt to use an ecosystem-based approach to achieve goals of resource protection for ecologically sustainable human use and improved resource management, California has been actively implementing recommendations from the Pew and USCOP reports. Governor Arnold Schwarzenegger's administration concurred with the thrust of Pew²⁹ and USCOP³⁰ recommendations that more coordination, action, and financial support were necessary at the federal level. In response, the administration vowed to pursue similar issues at the state level to improve management and protection of ocean and coastal resources. These efforts included creation of the California Ocean Protection Council.³¹

In August 2004, Governor Schwarzenegger released a California ocean action plan called "*Protecting Our Ocean: California's Action Strategy*."³² This strategy identified a mission for California "to help ensure comprehensive and coordinated management, conservation, and enhancement of California's ocean and coastal resources for their intrinsic value and the benefit of current and future generations."³³ The strategy also called for the Governor to sign the California Ocean Protection Act³⁴ into law, establishing the cabinet level California Ocean Protection Council ("Council"). The Council was formed in September 2004 and began holding quarterly meetings in March 2005. It is chaired by the California Secretary for Resources and includes the California Secretary for Environmental Protection as well as chair of the State Lands Commission as voting members. Two

29. PEW REPORT, *supra* note 1, at 33-34.

30. USCOP REPORT, *supra* note 2, at 90.

31. CEPA Report, *supra* note 3, at 4.

32. *See generally id.*

33. *Id.* at 9.

34. California Ocean Protection Act, 2004 Cal. Stat. 92, Cal. Pub. Res. Code § 35,550 (2006).

ex officio state legislative members participate as non-voting members.³⁵

The Council has already sought active participation from federal, state, and local agencies, nongovernmental organizations, industry, academia, and the public. The Council has written to Congress in support of the oil and gas moratorium, maintaining and strengthening the Coastal Zone Management Act, and maintaining state control oversight of liquefied natural gas facilities.³⁶ The Council has been working to update the 1997 California inventory of ocean and coastal laws in preparation of the California Ocean Resources Management plan, similar to the effort by USCOP to inventory federal laws.³⁷ This inventory is intended to help identify and clarify existing roles and responsibilities and to help determine how the system can be improved.

The Council has supported existing regional efforts as well as new ones. Using \$26.2 million in funds, the Council has coordinated and funded approximately \$16 million in projects and grant programs for ocean and coastal protection to date.³⁸ Much of that investment went to projects that will support ecosystem-based management, research, and implementation. For example, \$1 million went to fund research projects focusing on ecosystem-based approaches administered by the California Sea Grant College Program, and \$500,000 was allocated to support an ecosystem-based approach to managing resources in Morro Bay, California.³⁹ These efforts are intended to help resource managers better understand and consider linkages and encourage management of the ecosystem as a whole.

The California Ocean Protection Council is currently developing a strategic vision for California that provides structure and guidance, frames its overall mission, and guides implementation of its mandated responsibilities. These responsibilities include coordinating activities and improving effectiveness of ocean related state agencies,

35. California Ocean Protection Council-Background Information, http://resources.ca.gov/copc/background_information.html (last visited Apr. 7, 2006).

36. Letter from Mike Chrisman, Chairman, Cal. Ocean Prot. Council, to Cal. Cong. Reps. Waxman, Eshoo, Capps, & Solis (Apr. 4, 2005), *available at* http://resources.ca.gov/copc/pending_national_energy_bill_ltr.pdf.

37. CAL. RES. AGENCY, CALIFORNIA'S OCEAN RESOURCES: AN AGENDA FOR THE FUTURE app. E (1997), *available at* <http://resources.ca.gov/ocean/97Agenda/PDF/>.

38. California Ocean Protection Council, *supra* note 35.

39. Memorandum from Mike Chrisman, Chair, Cal. Ocean Prot. Council, to Cal. Ocean & Coastal Cmty. (Jan. 27, 2006), *available at* http://resources.ca.gov/copc/docs/Sea_Grant_announcement_2006-01-27.pdf.

organizing the collection and dissemination of scientific data, and recommending changes in ocean and coastal laws.⁴⁰ A significant effort should be put forth to help gear these activities toward developing and implementing innovative regional approaches.

V. EXPANDING BEYOND CALIFORNIA

To date, most California regional efforts have occurred within the jurisdiction of the state. Notable exceptions include the Pacific Fisheries Management Council⁴¹ and the Pacific States-British Columbia Oil Spill Task Force, which deals with tanker safety and oil spill prevention.⁴² Recently, California began discussions with Oregon and Washington to identify ocean and coastal resource management issues and research priorities that could benefit from a multi-state approach. Emphasis in these discussions is being driven by tangible management needs and not the need to create a new regional management scheme. In other words, creation of a more formalized regional approach must be issue driven.

There are some issues, such as management of highly migratory species, oil spills that cross state boundaries, and fisheries requiring a regional approach, that span the entire marine ecosystem of the California Current. However, other shared issues, such as erosion, coastal hazards, or support for reauthorization of the Coastal Zone Management Act⁴³ are common to all three states but are not necessarily interconnected by biological or physical processes. Regional collaboration on these issues could help states argue for increased federal funding and support. Bringing regional collaboration to bear on shared problems may help develop solutions that could be applied locally within this Pacific coast region.

The large marine ecosystem along the Pacific coast spans international borders with Canada and Mexico. International collaborations can also be an area where regional ocean governance progress is made. Lessons learned from partnerships between Canada

40. CAL. STATE COASTAL CONSERVANCY, CALIFORNIA OCEAN PROTECTION COUNCIL STRATEGIC PLAN WORK PROGRAM 1-5 (2006), *available at* http://resources.ca.gov/copc/strategic_plan.html.

41. Pacific Fishery Management Council Website, <http://www.pcouncil.org> (last visited Apr. 7, 2006).

42. The Pacific States-British Columbia Oil Spill Task Force, <http://www.oilspilltaskforce.org> (last visited Apr. 7, 2006).

43. 16 U.S.C. §§ 1451-1466 (2000).

and the United States in the Gulf of Maine⁴⁴ can be used as the foundation for international discussions of collaboration at a larger level.

Currently California, Oregon, and Washington are collaborating to evaluate common research needs for implementing an ecosystem-based approach to management as a starting point for regional efforts. The states are working to develop a common set of research priorities to support ocean and coastal management. Presently there is discussion of holding workshops to refine these priorities and to consider an implementation strategy with achievable and measurable goals along with long-term funding options.

VI. CONCLUSION

California has developed a variety of regional approaches along its 1,100 mile coastline to address issues such as coastal erosion, marine protected areas, and wetland protection and restoration. California also participates in some existing Pacific coast-wide regional processes addressing fisheries, tanker and oil spill safety, and global warming. These approaches have benefited California and can provide models for how the state evaluates new regional approaches to ocean and coastal management. However, regional approaches, particularly those intending to implement ecosystem-based management, remain logistically and financially difficult to execute. New approaches must be driven by clear needs and objectives agreed upon by all participating parties in advance. If all parties cannot identify clear value-added benefits from a new regional approach, then this approach should not be pursued. In other words, a new regional relationship should not be created in search of a problem.

There are inherent difficulties with the desire to develop a comprehensive regional approach and with maintaining an effective management structure. Even if regional partners agree to focus on a few select topics, adequately addressing them will likely require resources not currently available. It is hoped that the federal government will recognize the value of regional collaborations and help support them. The U.S. Ocean Action Plan recognizes the value of some emerging regional efforts and seems to encourage

44. See GULF OF MAINE SUMMIT: COMMITTING TO CHANGE, SUMMIT REPORT (P. King & C. MacKenzie, Eds., 2004), available at <http://www.gulfofmainesummit.org/Summit%20Report/Summit%20Report.pdf>.

development of such efforts elsewhere.⁴⁵ State and federal agencies should work together in coming years to identify and expand institutional incentives so there is clear support for existing and emerging regional programs. The California and the World Ocean '06 conference to be held in Long Beach, California, September 17-20, 2006 will place significant emphasis on evaluation of existing and emerging regional approaches.⁴⁶ This emphasis will help participants learn from existing approaches and help design new approaches that will serve us throughout the remainder of the 21st century.

45. COUNCIL ON ENVTL. QUALITY: COMM. ON OCEAN POL'Y, U.S. OCEAN ACTION PLAN: THE BUSH ADMINISTRATION'S RESPONSE TO THE U.S. COMMISSION ON OCEAN POLICY 6, 10 (2004).

46. California and the World Ocean '06, Conference Homepage, <http://resources.ca.gov/ocean/cwo06/> (last visited Apr. 7, 2006).