

**The Pacific Basin Development Council:
Work on 200-Mile/Ocean Management Issues
in the American Flag Pacific Islands**

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(Editors' Note: As background to his presentation, Mr. Norris has provided the following information on the activities of the Pacific Basin Development Council)

In October of 1980 the Governors of the U.S. Territories of American Samoa and Guam, the Commonwealth of the Northern Mariana Islands and the State of Hawaii established the Pacific Basin Development Council (PBDC). PBDC is a non-profit, public organization and addresses and articulates, through its Board of Directors, the economic and social development concerns of the Pacific Islands. PBDC has been sponsoring and/or cosponsoring annual meetings of the Coastal Zone Management (CZM) Managers since 1980 and has an established PBDC CZM Working Group.

As a result of a March 10, 1983 Presidential Proclamation, the U.S. Flag Islands have expanded their resource base ten-fold, or about one million square miles. Of the total U.S. Exclusive Economic Zone (EEZ) area of 3.9 billion acres, the non-contiguous states and territories account for more than 50% of this ocean expanse. With this expansion, the Islands must adopt new responsibilities in monitoring, managing, and utilizing this new resource. These new responsibilities have been given with little legal or financial support. The American Flag Pacific Islands (AFPI), are either surrounded by or share

boundaries with independent Island nations that are parties to the United Nations Law of the Sea Treaty (the U.S. is not a signatory). In working with the CZM work group members, it was felt that the EEZ issue was of priority importance, especially in the areas of technology transfer. A conference/workshop to focus on the problems, issues, and opportunities facing Federal, state, and Territorial representatives in the management and use of the coastal and ocean (living and non-living) resources. The major objectives of the conference were:

1. To address existing and future roles in the management and use of coastal and ocean resources;
2. To attract appropriate expertise and to facilitate the sharing of ideas and information on these management responsibilities;
3. To publish conference proceedings and workshop recommendations on future Pacific Basin initiatives;
4. To develop a framework for future EEZ projects, including a strategy for financial and program support.

The Board approved this proposal and the submission of an application for Section 309. (CZM) funding at its June 1986 meeting. On September 11, 1986, the Office of Coastal Resources Management of the U.S. Department of Commerce awarded PBDC a grant for a workshop on the EEZ issue. The conference was held on July 8-10, 1987. The regional EEZ conference was well-attended; a proceedings volume was published in 1988. In September 1987, PBDC was awarded another grant by the U.S. Office of Coastal Resources Management to continue work on the EEZ issue; tasks completed under this award were: (1) Evaluation of existing Federal and PBDC member governments ocean-related laws and regulations relative to their intent, effectiveness, and mechanics of implementation; (2) Determination of overlaps as well as gaps in existing ocean-related Federal and local laws and regulations; (3) Analysis of Federal-local government relationships with respect to administering, coordinating, monitoring, and enforcing existing ocean-related programs and activities.

Field work on the EEZ grant project for American Samoa was

completed in August 1988, with Guam and Northern Marianas visits completed in September 1988. The field work was coordinated by the respective CZM Work Group members. At the 1989 Winter Meeting, the Board accepted the final EEZ project report. The substantive and structural recommendations centered around the establishment of an AFPI exclusive economic zone Coordinating Council and directed staff to pursue implementation of this concept. Also approved was a grant application for the implementation of the EEZ center to the U.S. Office of Coastal Resources Management, which was subsequently approved. In implementing the PBDC Board decision to establish a regional EEZ coordinating council, staff evaluated several options. Extensive discussions with member governments indicated that coordination of ocean and coastal zone activities should be a high priority for the respective governments as well as PBDC staff. At the 1990 Annual Meeting, a series of organizational alternatives were presented; the Governors decided to establish a formal regional ocean, coastal zone, and EEZ management program (ROCEMP) within PBDC, with the option to establish a separate organization in the future. The ROCEMP (activity) options presented and approved at the 1991 Winter Meeting included:

1. A project on increasing oil spill management capacity;
2. Development of a university-based research program to meet the regional oil spill management needs, through authorized and appropriated funding;
3. Development of a regional tuna policy initiative in cooperation with the Western Regional

Fishery Management Council (WesPac);

4. Defining the marine mineral potential in areas that have received little past attention;
5. Refining methods for integrating regional ocean and coastal resource management planning; and
6. Establishing a mechanism to resolve EEZ jurisdictional disputes between the Island and the Federal government.

OIL SPILL MANAGEMENT.

At the 1990 Winter Meeting, the Board directed staff to develop a project on oil spill management planning, which would build upon the U.S. regional oil spill response team system and increase local government response capacities. A grant proposal was submitted to the U.S. Office of Coastal Resources Management (OCRM) for funding of this project and a grant award received in FY 1990. With OCRM funding, a regional oil spill management project was initiated. Information on the current oil spill threat and management capacity was gathered by PBDC staff. A close working relationship with U.S. Coast Guard and U.S. Environmental Protection Agency has been established. Completion of this project has been delayed by the rulemaking process that resulted from the Oil Spill Pollution Act of 1990. These rules are essential in identification of shortfalls in oil spill management capacity in the Pacific.

At the invitation of the University of Hawaii, the PBDC Executive Director participated in a workshop on legal and policy issues created by the extension of the U.S. Territorial Sea from 3 to 12 miles. PBDC staff coordinated presentations by several member government staff

and provided materials to the conference. The general consensus of the policy maker, academic, and Federal officials attendees was that the Pacific Islands did have special circumstances that needed evaluation, not simply with regards to jurisdiction but the U.S. 200-mile EEZ as well.

PBDC, in cooperation with the Island governments, and the Oceania Regional (Oil Spill) Response Team completed a regional management planning project, funded by the Office of Ocean and Coastal Resources Management (OCRM). The project assessed oil spill risks for the Islands, existing and anticipated oil spill management capacity, and included a workshop on the Oil Pollution Act of 1990 (OPA '90) that drew Island staff, Federal officials, and representatives from oil suppliers. The analysis indicates that: the implementation of OPA '90 in the Islands could have serious economic and energy ramifications; there has been a significant increase in oil spill management capacity in the region; and there is a need to maintain dialogue with petroleum suppliers and to monitor OPA '90 regulations as well as a need to amend the law to defer certain rules that may have a negative effect until an impact analysis has been completed by the U.S. Departments of Transportation, Commerce, and Interior. Preliminary project results were reported at the 1992 Winter meeting. The Board sent letters to cognizant Secretaries and Congressional oversight committees indicating the serious economic and energy security implications of OPA '90 for the Islands. Follow-up discussions have been held with Congressional staff.

A concept paper for evaluating options for increased involvement in fisheries, seabed minerals, and

environmental resources management was developed by PBDC staff. The proposed effort would focus on Federal laws changes that are scheduled for 1993 or 1994 reauthorization, including the Fishery Conservation and Management Act, the Endangered Species Act, the Clean Water Act, the Marine Mammal Protection Act, the Submerged Lands Act, and the Coastal Zone Management Act.

Relevant Documents:

E. Kyle Datta; Pacific Basin Development Council.

Proceedings. Pacific Basin Management of the 200-Nautical Mile EEZ. Honolulu: Pacific Basin Development Council, 1988. Pacific Basin Development Council.

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Regional Ocean, Coastal Zone, and Exclusive Economic Zone Management Program: Final Report to the Office of Ocean and Coastal Resource Management. Honolulu: Pacific Basin Development Council, 1991.

Pacific Basin Development Council.

Increasing Oil Spill Management Capacity in the American Flag Pacific Islands. Honolulu: Pacific Basin Development Council, April 1992.