Preface to the Second Edition: Ocean and Coastal Law and Policy

The next generation of challenges to our life-sustaining oceans and coasts is already upon us. Several species of marine life are struggling to survive in waters that have become more acidic due to increasing atmospheric carbon dioxide, with implications for shellfish, coral reefs, and entire marine ecosystems. Warming ocean temperatures are causing Arctic sea ice to retreat. Communities from Florida to Alaska are being forced to confront the very real and costly challenges posed by sea level rise, saltwater intrusion, storm surge, and flooding. At the same time, coastal wetlands and other natural features that offer cost-effective buffers against storms and filters for fresh water are vanishing.

Yet the economic imperative of managing our oceans as a public trust to secure the health and wealth of our ocean nation has never been greater. As we embark on a century characterized by unimaginable advances in technology and access to information, we have a moment of unprecedented opportunity to get it right. Indeed, we have an obligation to continue and improve on the progress being made under the visionary Executive Order establishing a National Ocean Policy, signed by President Obama in 2010.

This policy is supporting nascent multi-state regional ocean partnerships in the Great Lakes, Gulf of Mexico, Mid-Atlantic, Northeast, South-Atlantic, West Coast, Caribbean, and Pacific Island regions. This approach recognizes that decisions led by states, regions, and localities, with strong federal support in the form of technical resources and engaged commitment, are more effective and durable than those driven exclusively from the federal level.

Balancing multiple demands on resources and space to support thriving ocean and coastal economies creates enormous challenges not just for government but for all sectors of society. The editors of this updated edition of Ocean and Coastal Law and Policy have recruited some of the most capable minds in the country to sort through the complex myriad of laws and policies governing our oceans. It is an invaluable resource for all of us striving to bring coherence to often fragmented laws and confusing and overlapping jurisdictions. Its focus extends to the boundaries of national and international jurisdiction, fisheries, emerging and competing uses of the ocean, oil spills, and coastal challenges. It culminates in recent reforms beginning to take hold due in part to the recommendations of several national commissions, the Joint Ocean Commission Initiative, and the National Ocean Policy.

In the preface to the first edition of this publication in 2008, our preceding Joint Ocean Commission Initiative co-chairs Admiral James D. Watkins and the Honorable Leon E. Panetta observed that “the laws and policies governing ocean and coastal resources are necessarily complex because of the vast and interconnected nature of the resources themselves, and this will always be the case. However, improvement in the integration and coordination of these laws is essential if our nation is to make significant progress dealing with the next generation of ocean-related issues that cut across political, social, economic, geographic, and scientific boundaries.”
Improving the coordination of these laws and policies is still the challenge for citizens as well as ocean leaders from industry, policy, science, and government at all levels, including the Administration and Congress. We have made tangible progress since the landmark call for ocean policy reform by the Stratton Commission more than half a century ago. We have a much better understanding of the value of America’s oceans and coasts, and of the impacts of our collective actions on these resources. We have the National Oceanic and Atmospheric Administration dedicated to understanding and conserving our oceans, and we have the Coastal Zone Management Act that recognizes the nation’s coasts as a national resource, rather than resources of merely local or state significance. And, finally, we have the first National Ocean Policy in U.S. history.

Our oceans are essential to the health, safety, and quality of life for all Americans. They are the engines of our planet’s weather and climate systems. The challenges we face in managing them effectively also present opportunities for innovation, collaboration, and action. But first we must understand and better integrate the mosaic of legal authorities that enable managers to carry out their responsibilities and make coordinated and informed decisions.

This law and policy guide is a valuable tool to anyone participating in the national effort to realize a future in which our oceans, coasts, and Great Lakes are healthy and productive, and our use of their resources is both profitable and sustainable.

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September, 2014