

The original documents are located in Box 36, folder “Transition Reports (1977) - Commerce Department: National Oceanic and Atmospheric Administration (2)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

VITAL STATISTICS

NOAA IS THE LARGEST OPERATING AGENCY IN THE DEPARTMENT OF COMMERCE
AND HAS THE WIDEST GEOGRAPHICAL DISPERSION

Our nearly 14,000 employees represent the Department in every State, and from the Pacific Trust Territories to the Arctic and Antarctic. NOAA's weather stations are located nationwide, in every State and in every Congressional district. NOAA ships map the Nation's coastline and continental shelf, its estuaries and harbors, and the Great Lakes. Our vessels also map the Nation's fishery resources from shoreline to mid-ocean. NOAA assists every coastal and Great Lakes State in developing and implementing plans for beneficial use of the coastal zone. Our aircraft map the Nation's airfields and coastal zone, penetrate hurricanes for warnings, research and modification experiments. NOAA satellites maintain daily surveillance of the earth's atmosphere and near-continuous surveillance of the Americas.

PROGRAM LEVELS: \$514 MILLION IN FY 1976; \$585 MILLION IN FY 1977.

The increase for FY 1977 provides \$70.9 million over the FY 1976 program level of which \$49.7 million is for new program efforts. The allocation is:

| | <u>FY 1976</u> | <u>FY 1977</u> | <u>Change</u> |
|---|-----------------------|----------------------|----------------|
| | <u>Program Level</u> | <u>Program Level</u> | <u>1976-77</u> |
| | (dollars in Millions) | | |
| Ocean Programs | 126.4 | 159.3 | 32.9 |
| Ocean/Atmospheric Programs | 194.3 | 225.2 | 30.9 |
| Atmospheric Programs | 149.1 | 153.7 | 4.6 |
| Other | 20.2 | 20.4 | .2 |
| Executive Direction and Administration | 23.2 | 25.5 | 2.3 |
| Construction | <u>1.0</u> | <u>1.0</u> | <u>-0-</u> |
| Total | 514.2 | 585.1 | 70.9 |



In addition to direct appropriations, NOAA's reimbursable activities will total \$66.3 million in FY 1977 for services and research. NOAA's FY 1977 program of \$585 million is 39 percent of the \$1,516 million Departmental total.

NOAA'S COMMISSIONED CORPS IS ONE OF THE NATION'S SEVEN UNIFORMED SERVICES.

The NOAA Commissioned Corps, consisting of 399 officers, represents a major source of skilled professionals. They command NOAA ships, supervise scientific and technical programs ashore and at sea, and bring scientific and engineering expertise to NOAA staff posts. A select few are recruited annually from college graduating classes, and receive basic officer training in the Department's Maritime Academy before joining the NOAA team.

NOAA'S PHYSICAL PLANT REPRESENTS A \$290 MILLION ASSET.

Buildings, equipment, ships, aircraft, computers, cars, trucks, and other items serve NOAA operations at locations within and outside the United States.

NOAA OPERATES THE NATION'S LARGEST CIVIL OCEANOGRAPHIC RESEARCH AND SURVEY FLEET.

The NOAA fleet numbers 25 major vessels with supporting boats and launches. Ships are used for oceanographic research and hydrographic surveying, as well as for fishery surveys, support and research.

The value of the fleet to this Nation increased immeasurably in 1976 with the enactment of the Fishery Management and Conservation Act (Public Law 94-265).



The Act calls for the intensification of all efforts related to the conservation and management of fishery resources located within the new 200 mile territorial limits of the United States.

NOAA IS A LARGE GOVERNMENT USER OF COMPUTERS.

As a scientific organization, NOAA depends heavily on computers for data handling, computations, and product preparation. NOAA operates 27 large and medium-scale computers plus about 200 smaller computers. The principal computer operation is at Suitland, Md., in support of meteorological and satellite programs; however, computers are a vital part of NOAA's operations on survey ships and at field operating offices and laboratories. Recent significant additions to the computer assets include the fifth generation research computer at NOAA's GFDL Laboratory at Princeton, N.J. and two large fourth generation computers at the National Meteorological Center at Suitland, Maryland.

NOAA CONDUCTS ABOUT 60 PERCENT OF ITS RESEARCH IN AN EXTENSIVE NETWORK OF GOVERNMENT RESEARCH LABORATORIES. THE OTHER 40 PERCENT IS CARRIED OUT UNDER CONTRACT AND GRANT WITH INDUSTRY AND UNIVERSITIES.

NOAA's 40 laboratory facilities are a major national asset in the attack on environmental and marine resource problems. NOAA's central Environmental Research Laboratory system is headquartered in Boulder, Colorado. It provides unified management for six atmospheric, four oceanographic, as well as for two major multi-discipline laboratories. The National Marine Fisheries Service operates 20 laboratories organized under four major Fisheries Research Centers that are dedicated to biological and ecological research. In addition, NOAA's other major bureaus operate eight laboratories and facilities for applied research and development focused on the need for new technology applications to improve services and increase the efficiency and productivity of their operations.

NOAA IS ONE OF THE NATION'S PRINCIPAL SPACE AGENCIES.

NOAA's Environmental Satellite program is one of two operational civil programs within the Federal Government to evolve from the Nation's space efforts. The National Environmental Satellite Center at Suitland is the hub for the Nation's operational weather, ocean, and environmental satellite data activities. Polar orbiting spacecraft, termed NOAA after launch, view the entire earth twice daily providing cloud photographs, measurements of vertical temperature, structure, total water content, cloud top temperature, sea surface temperatures and measurements of energetic particle movement in polar areas. A NOAA geostationary satellite in orbit, termed GOES, obtains a near-continuous view of the development and movement of destructive weather systems over much of the Western Hemisphere. Satellites are controlled and data obtained via NOAA Command and Data Acquisition Stations in Alaska and Virginia for national and international distribution.

NOAA MAINTAINS A UNIQUE AIRCRAFT CAPABILITY.

NOAA now operates nine aircraft; four are owned, two are on loan, and three are leased. These aircraft include two NOAA owned P-3D's that will be fully instrumented and operational by the spring of 1977. These two aircraft plus a WC-130B that NOAA owns will be utilized for hurricane and winter storm reconnaissance. A NOAA owned C-8 Buffalo and a leased turbo Arrow Commander are utilized for aerial photography and coastal mapping programs. A leased Skymaster is utilized for aeronautical and nautical chart verification. One leased and two loaned helicopters are utilized for the Outer Continental Shelf Environmental Assessment Program. Surveillance of commercial fishing operations is accomplished mainly by NOAA personnel flying with the Coast Guard.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- o Oceans Policy Formulation and Organization
- o Implementation of the Fisheries Conservation and Management Act (1976)
- o Deep Seabed Legislation
- o Energy Issues Related to Implementation of the Coastal Zone Management Act
- o Reducing Porpoise Mortality
- o Marine Minerals Jurisdiction
- o Resources for Implementing New Legislation

OCEANS POLICY FORMULATION AND ORGANIZATION

Background

Concern has been expressed by prominent members of both the Senate Commerce and House Merchant Marine & Fisheries Committees with regard to policy direction involving issues and programs. This concern focuses primarily on general ocean issues involving the National Oceanic and Atmospheric Administration (NOAA) and numerous other agencies and Departments from the Maritime Administration and the Coast Guard, to the Environmental Protection Agency and the State Department. Many in the Congress feel that our ocean policies, investment and organization are inadequate to deal effectively with ocean problems--ocean pollution and coastal zone congestion, for example--and unable to realize ocean potentials--food, minerals, energy, and international cooperation at the Law of the Sea Conference.

On September 9 Secretary Richardson testified before the House Committee on Merchant Marine & Fisheries' Subcommittee on Oceanography. Despite vigorous OMB opposition, he stated his firm personal belief that a Cabinet-level oceans committee should be established to assist the President in establishing ocean policy objectives and priorities. The Secretary noted that, while ocean questions have been dealt with in a variety of Cabinet committees (e.g., NSC, Domestic Council, Energy Resources Council), and these committees have a large degree of common membership, there is an important need to deal with oceans questions as a whole and not simply as one item on an agenda.

Beyond a Cabinet-level policy body, the Secretary indicated the need for a broader ocean organization. He felt that an ocean agency should be either Cabinet-level or a part of a Cabinet-level agency.

On the last days of the 94th Congress, Senator Hollings introduced S.3889, a bill to establish a Cabinet Department of the Environment and Oceans (DEO). The Hollings bill includes, among other entities, EPA, NOAA, the Coast Guard and the National Park and Fish and Wildlife Services and Bureau of Outdoor Recreation from Interior. Since the elections, both Office of the Secretary and NOAA staff have met with Senate staff on this bill.

Issue

The issues are (1) how should the Federal Government develop a more coordinated policy thrust for ocean issues and programs; (2) what



should be the role of NOAA in this area; and (3) what should be the nature of the eventual organization encompassing oceans issues?

Analysis of Issues

1. Oceans Policy:

Ocean activities may be regarded in at least two fundamentally different ways. One philosophy considers ocean efforts as functional extensions of land-based efforts; this would group ocean transportation, food production and energy development in the oceans with their counterparts on land. On the other hand, Secretary Richardson has noted four fundamental qualities which differentiate ocean-based efforts from land-based efforts and indicate that oceans should be treated as unique. First, oceans are not divided by private property rights in the same way as the lands; second, the ecological interrelationships of the oceans are very tight and the impacts of oceans activities in the fluid medium are more widespread than are those of land activities; third, the technology for marine resource development is qualitatively different; and fourth, the oceans constitute an area in which U.S. interests butt up against the interests of other countries. Regardless of our eventual oceans organization, there will be a need to assure cross-cut consideration of ocean issues in relation to each other, as well as in relation to other domestic and international governmental functions. There is a general sympathy within the Executive Branch and the relevant committees of Congress for such an approach, although there are differences of view within the Executive Branch whether the Vice-President, the Secretary of Commerce, or someone else should have the lead. In addition, the State Department/Defense Department/NSC complex of institutions are concerned that any such Cabinet-level effort might interfere with NSC coordination of Law of the Sea negotiations.

2. At present, NOAA is the only agency of Government with general ocean responsibilities. The objective of Reorganization Plan No. 4, in establishing NOAA, was to coordinate and provide cohesion to our ocean efforts. Despite this initial charter, NOAA has not been able to provide ocean policy direction--in part due to the competing interests of other agencies, in part due to opposition at OMB, and basically because of a lack of statutory authority. On the other hand, with the possible exception of the deep seabed mining issue (see separate issue paper) the involved Congressional committees generally support a more active leadership role by NOAA and the Commerce Department.

3. With regard to eventual ocean reorganization, the principal issue is: what should be the principal context within which oceans issues



are dealt? Essentially, the oceans are a repository of resources (both living and mineral), a medium for transportation, and an important determinant of environmental quality through the interaction of the oceans and the atmosphere. These uses of the oceans involve both developmental and environmental protection interests. Certainly, the environmental service aspects of the oceans should be dealt with as a whole. This is not the case at present; protection and regulatory functions are spread as far as the Interior Department, the Corps of Engineers, the Coast Guard, and the Environmental Protection Agency. NOAA developmental functions with respect to fisheries, on the other hand, are lodged together with conservation functions in the National Marine Fisheries Service. In addition, a large portion of NOAA's activities can be lumped under the heading environmental services. Many other agencies such as the Geological Survey and the Coast Guard provide related services.

To complete this change, it would be logical to include ocean conservation and regulatory programs in a strengthened environmental agency, which would generally be concerned with the management of common resource properties. However, the case for including ocean development activities is not as compelling. Indeed, arguments can be made against it, since the pressure for development could compromise conservation interests; the reverse is also true. At the same time, separating these activities would lose the benefits of a single agency responsible for oceans policy.

Schedule

Both the Senate Commerce and Government Operations Committees will consider the Hollings bill, which will be reintroduced in the 95th Congress next year. The House Merchant Marine and Fisheries Committee intends to continue its hearings on national ocean policy as well. This issue should be the subject of immediate Secretarial involvement and leadership, both within the Administration and in concert with the Congress.



IMPLEMENTATION OF THE FISHERIES CONSERVATION
AND MANAGEMENT ACT (1976)

Background

The Fishery Conservation and Management Act of 1976 allows vessels of foreign nations to fish within the U.S. 200-mile fishery conservation zone after March 1, 1977 if their governments have (1) entered into a Governing International Fishery Agreement (GIFA) not rejected by Congress, and a valid permit is aboard the vessel; or (2) have an international fishery agreement in effect on the date of enactment of the Act, along with a registration permit issued by the Secretary of Commerce for each fishing vessel.

A variety of nations have traditionally fished off our shores beyond 12 miles (the width of our fisheries conservation zone prior to enactment of P.L. 94-265) but within 200 miles. This fishing has resulted in serious depletion of certain stocks. Japan and the USSR account for 87% of the foreign harvest.

The principal purpose of P.L. 94-265 is to conserve and manage the fishery resources found off the U.S. coast and strengthen domestic commercial and recreational fishing. To achieve this purpose, the Act provides for the establishment of Regional Fishery Management Councils to prepare fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery. Among other things, these plans will contain that portion of the optimum yield which, on an annual basis, will not be harvested by U.S. fishing vessels and can be made available for foreign fishing. Based on this determination, the Secretary of State is to allocate the amount available among foreign nations.

The Councils were appointed in August, 1976. It is generally conceded that the Councils will not be able to prepare plans by March 1. Therefore, in accordance with the Act, NOAA has prepared draft preliminary fishery plans which can go into effect, pending development of council plans, when State notifies Commerce that a foreign nation has submitted an application for a fishing permit.

It appears that foreign vessels will not be able to have valid fishing permits on board by March 1, 1977. Only four nations have to date signed GIFAs, but one of these is the Soviet Union. Japan has not signed, but negotiations are proceeding favorably. Even if all thirteen countries which are anticipated to seek fishing privileges in U.S. waters sign GIFAs by March 1, 1977, they will not have valid permits on board because it takes approximately four months to complete the permit application review and issue a valid permit.



Issue

How do we assure a reasonable process to permit foreign fishing after March 1 which is in accord with the purposes of P.L. 94-265?

Analysis

It is important to assure preferential opportunities for U.S. fishermen within the 200-mile zone and protect the authority of the Regional Fishery Management Councils in this regard. It is likewise important not to cause unnecessary friction with other nations which are prepared to recognize our law and sign GIFAs. Therefore, a process must be developed which will allow, on an interim basis, fishing by foreign vessels of nations which have agreed, by signing GIFA's, to respect our jurisdiction and conserve our fisheries, but which are unable to obtain the necessary permits on time.

The legal and administrative requirements for obtaining congressional approval of GIFA's, reviewing foreign applications to fish, approving preliminary plans, complying with the National Environmental Policy Act, and collecting fees and issuing permits will require a time period of approximately 4 to 5 months subsequent to signing a GIFA. The key elements are the necessity to complete regulations for signing GIFAs as early as possible and to obtain congressional approval of GIFAs. The 60 continuous day mandatory congressional review cannot start before January 1977 and, hence, GIFA approval cannot be completed prior to March 1, 1977.

Consequently, the Department will request a "one-time waiver" of certain permit requirements of the Act, which would allow issuance of temporary permits for the period March 1 to August 1, 1977, to vessels of countries having signed GIFA's. (Note: It may be necessary to modify the clause "having signed GIFA's" to accommodate the Japanese problem, if the Japanese have signed a satisfactory interim agreement and have engaged the processes necessary, on their part, to formalize the agreement as a treaty.)

The Department of Commerce needs to secure the concurrence in seeking legislative relief of the Department of State and the Coast Guard and the support from the eight Regional Councils in the first quarter of fiscal 1977. The Administration must request Congress to provide the specified "one-time" legislative relief in the second quarter of fiscal 1977.

DEEP SEABED LEGISLATION

Background

The deep seabed beyond the limits of national jurisdiction contain vast quantities of manganese nodules composed of manganese, copper, nickel and cobalt. While the technology has never been demonstrated on a commercial basis and there are still questions as to whether such technology will prove economic, two consortia led by U.S. firms and two additional U.S. firms have indicated a considerable interest in mining these nodules.

Regardless of what happens at the Law of the Sea Conference, it is conceded that these nodules lie beyond the jurisdiction of any coastal nation. They are in an international area which has been termed by U.S. Administrations (beginning with the Johnson Administration), other industrialized countries and the developing countries as the great "common heritage of mankind." The lesser developed countries claim that, pending agreement on an international regime, there should be a moratorium on deep seabed development. They have incorporated this view in a UN General Assembly resolution which the U.S. does not accept as binding. The U.S., and other industrialized countries maintain that countries have the right under existing international law and as a part of traditional high seas freedoms to move forward in developing the deep seabed.

At the same time, in the Law of the Sea Conference, negotiations are still underway to establish an international deep seabed regime which would be administered by an International Seabed Authority (ISA). However, the Law of the Sea Conference completed its fourth session last September with little progress being made on any of the major unresolved issues. In particular, the seabeds discussions deteriorated into a "new international economic order" ideological debate. The next Law of the Sea session is scheduled to begin in May 1977.

There is considerable domestic interest by the Congress in developing interim domestic legislation which would authorize U.S. companies to move forward with deep seabed mining in specific areas. The Senate Commerce and Interior Committees and the House Merchant Marine and Fisheries Committee are all involved. The companies want such legislation before they make major investments in commercial development. Key advantages in proceeding with such legislation is seen by many as providing a stimulus to the Law of the Sea negotiations, given the fact that the U.S. has a major technological lead.

Finally, there is a long standing dispute between the Commerce and Interior Departments over which agency should have the lead with respect to deep seabed development. Interior claims that deep seabed development should be an extension of their mining responsibilities

on land. OMB staff tend to agree with this view. Commerce maintains that deep seabed mining is an oceans matter and not at all like mining on public lands. Commerce also points to Reorganization Act #4 of 1970 and President Nixon's transmittal statement to buttress their view. This dispute has not been resolved. (See more detailed issue paper on this jurisdictional issue).

Issue

How and in what manner should the U.S. proceed with U.S. deep seabed legislation? What should be the role of Commerce in this regard?

Analysis of Issue

A detailed departmental options paper is available which provides a detailed analysis. Secretary Richardson has decided to support legislation in the first session of the 95th Congress. He would urge that final action on the legislation not take place before the next session of the Law of the Sea Conference, to provide more negotiating flexibility. The more detailed paper sets out the scenario which has been recommended to the NSC Law of the Sea Task Force.

There are many unanswered questions about the kind of legislation that ought to be developed. Companies maintain that they will need investment guarantees against future treaty provisions which render their deep seabed investments and operations impossible or uneconomic. They also maintain that they need authorizations to specific sites vis-a-vis other U.S. nationals. NOAA, in conjunction with the Office of Energy and Strategic Reserves Policy is undertaking a series of detailed analyses of these provisions. They should be completed by the end of the year.

From a bureaucratic point of view, given the dispute between Interior and Commerce policy leadership in connection with deep seabed issues, it is important for Commerce to take a leadership role in developing interim legislation.

Schedule

The Law of the Sea Task Force plans to submit a decision paper on this subject to the President in December. The Congress reconvenes January 4. Senate Commerce and Interior staff are working on draft legislation now.

ENERGY ISSUES RELATED TO
IMPLEMENTATION OF THE COASTAL ZONE MANAGEMENT ACT

Background

As described in more detail in the NOAA portion of this document, the Coastal Zone Management Act provides for a program of coastal zone planning and management, with Federal grants to assist states in this respect. Many elements of the Nation's energy "crisis", have a focus on the coastal zone. These include, the development of the gas and oil resources of the outer continental shelves, the coastal siting of nuclear and conventional power plants, the handling, storage and transportation of petroleum products including deep water ports, liquefied natural gas operations, and, in certain instances, coastal refineries and petrochemical complexes.

In most instances, successful solutions to the siting problems associated with these facilities will require a high level of intergovernmental cooperation with positive steps being taken by all three levels of government. Unfortunately, in many cases energy-related activities clearly in the national interest, are being delayed or prevented due to the lack of an adequate framework for the resolution of conflicts between levels of government and the general lack of agreement on coastal goals and objectives.

The Coastal Zone Management Act was designed to provide substantial help in facilitating a rational resolution of conflicts such as these. The Coastal Zone Management program and the related Coastal Energy Impact Program, which was authorized by the amendments of July 1976, relate to these energy issues in two important ways. First, the basic Coastal Zone Management Act itself requires that states adequately consider the national interests involved in the siting of facilities necessary to meet requirements which are other than local in nature in their coastal management programs. To insure that this is the case, the Act requires states to fully involve appropriate Federal agencies in the development of their state programs. Second, Federal financial assistance is available through CEIP to assist coastal states and communities in energy siting planning and dealing with impacts in their coastal zones caused by coastal energy activity.

A set of issues involves the implementation of the Coastal Energy Impact Program. As discussed in the NOAA section of this report, draft regulations have recently been issued. Given the complexity of the legislation that ultimately resulted from the melding of the rather different views held by the Ford administration and the Congress, it is not surprising that the draft regulations are somewhat complex. A number of concerns with regard to the draft CEIP regulations have been raised.

Issues

1. What effort, if any, should be made to simplify or modify the Coastal Energy Impact Assistance Program and its draft regulations?
2. Potential budget and policy issues with regard to funding of program and the policies governing implementation.

Analysis of the Issues

1. The Coastal Energy Impact Program, as developed in draft regulations, is consistent with legislative intent but admittedly is rather complex. Given the Congressional differences involved in the passage of these provisions (there were major differences between the House and Senate versions), and the desire of the Louisiana Congressional delegation to open up the bill to provide additional monies for Louisiana, it is probably undesirable to attempt to simplify the provisions legislatively. Nevertheless, the Office of the Secretary will want to insure that administrative discretion is exercised as fully as possible to make the program as simple as possible for impacted states and communities. The Office of the Secretary should maintain oversight to assure that red tape is minimized.

Concerning the discretion proposed in the regulations for NOAA in dispensing formula grants (a very controversial provision with some segments of Congress), it is difficult to see how DOC responsibilities under the National Environmental Policy Act can be met without using the procedures proposed. Nonetheless, NOAA should be encouraged to go as far as possible in providing pre-clearance and pre-assessment procedures to make the disbursement of these funds as close to automatic as possible.

2. Secretary Richardson, in negotiating with the Congress on the provisions of the amendments to the Coastal Zone Management Act, committed the Administration to early implementation and funding of the Coastal Energy Impact Program, a commitment that was taken very seriously by members of Congress and one which played an important role in the ultimate compromise.

- a. Failure to fund the program at levels of Congressional expectations will greatly increase the pressure for sharing of the Federal revenues being obtained from OCS oil and gas with the coastal states. A move in this direction by the Congress, if successful, could have a drastic impact on efforts toward a balanced budget.

b. The Department awaits final funding decisions which may require review and change.

REDUCING PORPOISE MORTALITY

Background

The Marine Mammal Protection Act of 1972 provides for the protection of all marine mammals and prevents the importation of marine mammal products into the United States. Modern U.S. tuna fishing depends on setting nets around porpoise schools which travel with schools of yellowfin tuna. In the fishing process, large numbers of porpoise are killed or injured. The Act requires that the number of porpoises killed incidental to tuna fishing be reduced to insignificant levels with a target of zero mortality.

The Act gave tuna fishermen a two-year grace period to reduce the incidental kill of porpoise through scientific research and authorized Federal assistance. Following the two-year exemption, the incidental taking of porpoises was allowed, subject to certain permit restrictions. The U.S. District Court Decision in May 1976, determined that the National Marine Fisheries Service interpretation of the Act regarding the incidental taking of porpoise was not correct, and invalidated the tuna-porpoise regulations allowing fishing for yellowfin tuna on porpoise. This Decision becomes effective on January 1, 1977.

Issue

Reduction in porpoise mortality consistent with the requirements of the Marine Mammal Protection Act, while maintaining an economically viable tuna industry.

Analysis

The National Marine Fisheries Service (NMFS) is taking positive action to comply with Court Decisions by: (1) estimating porpoise population levels and the "optimum sustainable population" for each stock of porpoise; (2) estimating the impact of taking porpoise that would be allowed under proposed regulations; and (3) publishing these estimates and proposed regulations, and holding full public hearing before an administrative law judge. The NMFS established a quota of 78,000 animals for the remainder of 1976 which was exceeded in November. NMFS then issued regulations prohibiting further taking of porpoise associated with yellowfin tuna. This decision was appealed and upheld by the courts. As of November 11, 1976, the taking of porpoise associated with yellowfin tuna was prohibited for the remainder of the year. The proposed regulations for the 1977

season are presently subject to intense public review, scrutiny, and comment. The Department of Commerce is under severe pressure and considerable criticism, on the other hand for failure to stop porpoise fishing in both domestic and foreign tuna fleets, and for the establishment of regulations on purse seine fishing on the other.

The regime which is called for, with severe restrictions on setting on porpoise, will affect the tuna industry adversely. Because foreign fleets--which kill porpoise at a greater rate than do domestic ones--may move into waters vacated by the U.S. fleet, there may be a net increase in porpoise mortality. The greater than 5 million square mile size of the fishing area may make enforcement very difficult.

It is likely that legislation will be introduced in the next Congress to amend the Marine Mammal Protection Act to ease the difficulties in implementation. Any such legislation is likely to be opposed by environmentalists.

Schedule

The NMFS is taking appropriate steps in the first and second quarters of 1977 FY to implement strict regulations for the 1977 season; such as,

1. Estimate OSP for each population
2. Determine regulation for each population
3. Hold Administrative Law Judge hearing
4. Publish final regulations

MARINE MINERALS JURISDICTION

Background

Both the Department of Commerce and the Department of the Interior are encouraging commercial mining of manganese nodules from the deep seabed, beyond national jurisdiction, in order to provide the United States with stable and economical supplies of copper, nickel, cobalt, and manganese. Nickel, cobalt, and manganese are heavily imported because of inadequate land supplies within the United States. Deep seabed mining is being delayed by the lack of an adequate legal regime (to be established either through a Law of the Sea Treaty or interim domestic legislation) and by environmental concerns. In addition, there is a Commerce-Interior dispute as to which agency should have the lead role within the Government.

Historically, the Department of Commerce received deep seabed mining related functions from Interior through Reorganization Plan No. 4 of 1970, which transferred the Marine Minerals Technology Center to NOAA. However, there are areas of expertise and responsibility within NOAA, the Domestic and International Business Administration, Economic Development, Administration, and Maritime Administration, for matters related to fisheries, environment, insurance and investment, international commodity agreements, maritime operations, and international resource management, which are required of the agency with lead responsibility for deep seabed mining. The Department views deep seabed mining as the development of one of many ocean resources, thus necessitating deep seabed mining authorization and regulation to be a part of a comprehensive ocean resource management program.

During 1974, Interior established an Ocean Mining Administration (OMA) to assume responsibility for authorizing and regulating commercial deep seabed mining when the necessary legal regime is established. Interior views deep seabed mining as an extension of land mining and outer continental shelf responsibilities, with the water column being the equivalent of a soil overburden on land, and cites responsibilities of OMA, the Bureau of Mines, and Geological Survey and the Minerals Policy Act of 1970 as the basis for it to be the lead agency. Interior also feels that all minerals management functions should be vested in one department (Interior).

Issue

The basic issue is which agency (Commerce or Interior) should be the "lead" agency for the authorization and regulation of deep seabed mining.

Analysis

During the past two years there have been a number of meetings between Commerce and Interior, including those between the Secretaries, in an attempt to resolve the dispute. Tentatively agreed upon functions were developed for Commerce and Interior, as well as areas of disagreement.

Secretary Richardson personally sought to arrive at a compromise and also sought to have impartial mediation by a three member panel which included representatives of the White House, Office of Management and Budget (OMB), and Department of Justice. Interior rejected this proposal in favor of letting OMB decide the issue.

Based on the Department of Commerce's competence and marine resources responsibilities, the Secretary subsequently directed work to begin considering the desired contents of interim domestic deep seabed legislation which assigned responsibility to the Department of Commerce. A classified Decision Memorandum on legislation was prepared for the Secretary during early November 1976 and is available. The Secretary also requested a Decision Memorandum, suitable for subsequent use with OMB, on the jurisdiction issue.

Secretary Richardson has repeatedly advocated that the Department of Commerce should be the "lead" agency for deep seabed mining, while Secretary Kleppe has advocated Interior.

Schedule

If the Administration does not resolve the issue during the first quarter of 1977, the issue of the "lead" agency will not be resolved until passage of interim domestic deep seabed legislation which may occur in the 95th Congress. Such legislation could be passed before the May-July 1977 Law of the Sea Conference, but passage shortly after the Conference is more likely. The House of Representatives is likely to support Commerce having the lead role, while the Senate Interior Committee is likely to obtain Senate support for Interior having the lead role.

RESOURCES FOR IMPLEMENTING NEW LEGISLATION

Background

Since the formation of NOAA in 1970, the Congress has assigned new and specific responsibilities to NOAA by legislation. These responsibilities have addressed the critical issues facing the Nation relating to food, energy, mineral resources, environmental problems. However, in some cases, resources have not been sought by the Administration nor appropriated by the Congress at levels to carry out all of the programs authorized by the Congress.

Issues

Newly legislated programs and authorizations are not being fully carried out through lack of appropriate resources.

Analysis

As a consequence of Congress passing legislation authorizing new programs and subsequent decisions by the Administration to fund these programs at levels lower than authorized, NOAA has faced criticism with respect to meeting fully these additional responsibilities. The principal acts and the related impacts are:

a. Amendments to the Coastal Zone Management Act of 1976 authorizing new categorical grants, fourth year planning funds and higher Federal matching shares.

b. The National Weather Modification Policy Act of 1976 (P.L. 94-490) which became law on October 13, 1976, directs the Secretary of Commerce to develop a national policy and program on weather modification. The Act specifically directs the Secretary to (1) undertake a comprehensive study on weather modification and (2) submit to the President and Congress by October 13, 1977, a final report on the findings, conclusions and recommendations of this study. The study must consider various aspects of weather modification such as: research; development; economic, social, environmental, and legal aspects; legislative factors; and international agreements. NOAA does not have the resources, estimated to be \$850,000, to meet the requirements specified in the Act; a request for supplemental funding has been delivered to the OMB. The 12 month period allotted for completion of the study and report also is too short, given the complexity and controversy of the subject; an extension request must be made at some point. Resolution of these issues will be needed during the first quarter of 1977.

c. The Sea Grant Improvement Act of 1976 (P.L. 94-461) - The Sea Grant Program was created in 1966 by the National Sea Grant College and Program Act (P.L. 89-688). The Act authorized the establishment and

operation of Sea Grant Colleges and programs of education, training, research and advisory services related to the development of marine resources. The program during the early years grew steadily from a Federal funding level of \$5.0 million in FY 1968 to \$23.2 million in FY 1976. However, since FY 1973 the Federal funding levels have increased only slightly and inflation has consumed any hope for program growth.

On October 8, 1976, the President signed into law the Sea Grant Program Improvement Act of 1976 (P.L. 94-461). This Act raises the authorization for appropriation to in excess of \$50 million and, more importantly, authorizes several new program activities. These new activities include: (1) the establishment of a National Projects program to support on a realistic scale a number of specific projects directed at secretarial identified national marine related problems or needs; (2) the development of a program of International Cooperation to support joint efforts between U.S. institutions and their foreign counterparts. Initially, the program will focus on marine technology transfer; (3) initiation of a Sea Grant Fellowship program to provide assistance to highly qualified individuals in fields related to ocean and coastal resources.

d. The Whale Conservation and Study Act of 1976 (P.L. 94-532) - The recently enacted Whale Conservation and Protection Study Act has placed new responsibilities on the Secretary. This law requires that the Secretary of Commerce, in consultation with the Marine Mammal Commission and the coastal states, to conduct comprehensive studies of all whales found in waters subject to the jurisdiction of the United States, including the recently declared 200-mile fisheries conservation zone. The results of this study, together with recommendations for legislative action, must be reported with recommendations to Congress by January 1, 1980. Appropriations totaling \$1 million for fiscal years 1978 and 1979 are authorized by Public Law 94-532. Funding is not yet available, but the 1978 OMB allowance includes \$309,000 for whale stock assessment which could be used to initiate the program.

e. The Deepwater Port Act of 1974 (P.L. 93-627) became law on January 3, 1975. It authorizes the Secretary of Transportation to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port. Under the Act, NOAA is required to (1) recommend, upon petition from a coastal State and subsequent request from the Secretary of Transportation, whether the petitioning State should be designated as an "adjacent coastal State" based on risk of damage to the coastal environment of the petitioning State by an oil spill as a result of construction and/or operation of a deepwater port, (2) cooperate with other Federal agencies in the preparation of the environmental impact statement, and (3) to review the application and recommend approval or disapproval based upon legal considerations within NOAA's area of responsibility. Also, NOAA and EPA must periodically recommend to the Secretary of Transportation environmental review criteria which shall be used to

evaluate a deepwater port. Since early 1975, NOAA has been actively involved in carrying out its responsibilities assigned by the Act with reprogrammed funds.

f. The Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532), approved on October 23, 1972, assigned to Secretary of Commerce responsibility for initiating or promoting programs of research related to ocean dumping and other activities of man which affect ocean ecosystems.

There have been significant problems encountered in implementing the Act. It was not until FY 1977 that the first appropriation (\$1.07 million) was approved under the Section 204 authority. This money is to be used to establish a NOAA program to study selected dumpsites in partial implementation of Section 201.

To date, NOAA has not implemented Sections 202 or 203. Funding will be sought for programs to implement these sections in the FY 1978 budget.

g. The Endangered Species Act of 1973 (P.L. 93-205) established a new list, "Species Threatened with Extinction," in addition to retaining the existing list of Endangered Species under the Endangered Species Act of 1969 that considered only endangered species which were divided into those native and foreign to the United States. NOAA now is responsible for most marine species of mammals, and marine species of fish, reptiles, and invertebrates. Under interagency agreements with the Department of the Interior, NOAA receives assistance in listing, protecting, and controlling the importation of threatened and endangered marine species. Due to the lack of financial and/or personnel support, NOAA has been unable to meet its statutory responsibilities under this Act. For example, NOAA is unable to effect adequately the rehabilitation of endangered species, and in the area of enforcement, coverage is not always available to investigate reported endangered species cases which will result in an increase of illegal traffic.

UNITED STATES SENATE

COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Wendell H. Ford (Ky.)

Barry Goldwater (Ariz.)

Ad Hoc Subcommittee on the Upper Atmosphere

Dale Bumpers (Ark.)

Pete V. Domenici (N. Mex.)

COMMITTEE ON APPROPRIATIONS

John L. McClellan (Ark.)

Milton R. Young (N.D.)

Subcommittee on State, Justice, Commerce, The Judiciary

Ernest F. Hollings (S.C.) (?)

Edward W. Brooke (Mass.)

COMMITTEE ON COMMERCE

Warren G. Magnuson (Wash.)

James B. Pearson (Kans.)

Subcommittee on Oceans and Atmosphere

Ernest F. Hollings (S.C.) (?)

Ted Stevens (Alas.)

National Ocean Policy Study

Ernest F. Hollings (S.C.)

James B. Pearson (Kans.)

COMMITTEE ON FOREIGN RELATIONS

John Sparkman (Ala.)

Clifford P. Case (N.J.)

Subcommittee on Oceans and International Environment

Claiborne Pell (R.I.)

Robert P. Griffin (Mich.)

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Henry M. Jackson (Wash.)

Clifford P. Hansen (Wyo.)

Subcommittee on Minerals, Materials and Fuels

Lee Metcalf (Mont.)

Paul J. Fannin (Ariz.)

HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS

George H. Mahon (Tex.) Elford A. Cederberg (Mich.)

Subcommittee on State,
Justice, Commerce, & Judiciary

John M. Slack (W. Va.) Elford A. Cederberg (Mich.)

COMMITTEE ON INTERNATIONAL RELATIONS

Clement J. Zablocki (Wis.) William S. Broomfield (Mich.)

Subcommittee on International Organizations

Donald M. Fraser (Minn.) Edward J. Derwinski (Ill.)

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Thomas L. Ashley (Ohio) (?) Philip E. Ruppe (Mich.)

Subcommittee on Fisheries & Wildlife Conservation
& the Environment

Robert L. Leggett (Calif.) Edwin B. Forsythe (N.J.)

Subcommittee on Oceanography

John Breaux (La.) David C. Treen (La.) (?)

COMMITTEE ON SCIENCE AND TECHNOLOGY

Olin E. Teague (Tex.) John W. Wydler (N.Y.)

Subcommittee on Environment & the Atmosphere

George E. Brown (Calif.) (?)

Subcommittee on Space Science and Applications

Don Fuqua (Fla.) Larry Winn (Kan.)

SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

John M. Murphy (N.Y.) Hamilton Fish (N.Y.)

THE OFFICE OF TECHNOLOGY ASSESSMENT

Technology Assessment Board

Representative
Olin Teague (Tex.)

Senator
Clifford Case (N.J.)

Office of the Director

Emilio Daddario - Director

Oceans Assessment Program

Robert Niblock - Program Director

ADVISORY COMMITTEES

Created by statute

National Advisory Committee on Oceans and Atmosphere
Coastal Zone Management Advisory Committee
Sea Grant Review Board

Created by the Secretary of Commerce

Marine Fisheries Advisory Committee
Marine Minerals and Petroleum Advisory Committee

Non-Federal bodies providing advisory services

National Academy of Sciences
National Academy of Engineers

INTERAGENCY COMMITTEES

Interdept'l Comm. for Atmospheric Sciences

Meteorological Satellite Program Review Board

USDA/NOAA Research in Meteorology & Climatology

Under Secretary's Committee on Law of the Sea

Board on Geographic Names

Federal Geodetic Control Comm.

Interdept'l Comm. for Applied Meteorological Research (ICAMR)

Interdept'l Comm. for Meteorological Services (ICMS)

Water Resources Council

National Oceanographic Data Center Interagency Committee

National Oceanographic Instrumentation Center Interagency Committee

Interagency Committee on World Weather Program

Interagency Committee on Environmental Statistics

Interagency Air Cartographic Committee

National Environmental Communications Committee

U.S. Committee for Global Atmospheric Research Program

Interagency Panel on Terrestrial Applications of Solar Energy

Interagency Panel on Tethered Floating Breakwaters

U.S. Geological Survey-National Oceanic and Atmospheric Administration
Coordinating Council for Water Data

Interagency Committee on Marine Science and Engineering

Advisory Committee to Office of Applications, NASA

Flight Information Advisory Committee (DOT)



Federal Committee for Meteorological Services and Supporting Research

DOC/NASA Satellite Program Review Board

Federal Coordinating Council for Science and Engineering and Technology

National Environmental Communications Committee

Interdept'l Board for the Cooperation of the National Oceanic and
Atmospheric Administration with the Department of Defense

Interagency Committee for Marine Environmental Prediction

Panel on International Programs and International Cooperation in
Oceanography

Committee on International Environmental Affairs

Ad Hoc Working Group on Inadvertent Modification of the Stratosphere

Warning Steering Group

Great Lakes Basin Commission

Arkansas-White-Red Basins Interagency Committee

Missouri River Basin Commission

Delaware River Basin Commission

Southeastern Basins Interagency Committee

Pacific Northwest River Basin Commission

New England River Basin Commission

Upper Mississippi River Basin Commission

Pacific Southwest Basins Interagency Committee

Ohio River Basin Commission

Susquehanna River Basin Commission

Interagency Advisory Committee on Water Data



Geophysics Research Board Committee on World Data Centers and Data Exchange and Multidisciplinary Data Centers (e.g., oceanography, seismology, glaciology)

Interagency Arctic Research Coordinating Committee

National Advisory Committee on Oceans and Atmosphere

Interagency Committee for Marine Environmental Predictions

INTERNATIONAL BODIES AND AGREEMENTS

Bilateral, Multilateral Agreements

Joint Committee on Cooperation in the
Field of Environmental Protection

U.S.-France Cooperative Program in
Marine Instrumentation

U.S.-Japan Cooperative Program in
Natural Resources

U.S.-Canada Coordinating Committee on
Great Lakes Basic Hydraulic and
Hydrologic Data

Canadian Hydrographic Service

International USSR Agreement on Geology,
Geophysics, and Geochemistry

Science, Technology, and Education
Committee of the Iran-United States
Joint Commission for Economic Cooperation

Economic and Social Commission for Asia and
the Pacific/Committee for Co-ordination of
Joint Prospecting for Mineral Resources in
Asian Offshore Areas

Aquatic Sciences and Fisheries Information
System

NATO Committee in the Challenges of Modern
Society

U.S.-USSR Joint Committee for Cooperation
in Studies of the World Ocean

Pan American Institute of Geography and
History Commission on Geophysics

International Field Year for the Great Lakes

Global Atmospheric Research Program

In addition, NOAA is a principle participant in bilateral agreements dealing with coastal and anadromous fisheries off of the United States or access to foreign fisheries by United States nationals with the following nations:

| | |
|--------------|--------------------|
| Bulgaria | Trinidad & Tobago |
| Spain | Bahamas |
| East Germany | Chile |
| West Germany | Taiwan |
| Mexico | Costa Rica |
| Canada | Dominican Republic |
| Colombia | United Kingdom |
| Peru | Honduras |
| Netherlands | Australia |
| Antilles | USSR |
| Jamaica | France |
| Israel | Japan |
| Barbados | Brazil |

International Organizations

United Nations

Development Program

Environment Program

World Food Program

Educational, Scientific, and
Cultural Organization

Intergovernmental Oceanographic Commission

World Meteorological Organization

Food and Agriculture Organization

World Health Organization

International Telecommunications Union

Inter-governmental Maritime Consultative
Organization

General Agreement on Tariffs and Trade

International Civil Aviation Organization

International Hydrographic Organization

International Council for the Exploration
of the SEA

International Council of Scientific Unions

Organization for Economic Cooperation and
Development

International Association of Physical Sciences
in the Oceans

European Space Agency

International Association of Meteorology and
Atmospheric Physics

International Union of Geodesy and Geophysics
Committee on Space Research
Scientific Committee on Ocean Research
Scientific Committee on Antarctic Research
Northamerican Interstate Weather Modification
Council
European Center for Medium Range Weather
Forecasting
Conference on Geostationary Meteorological
Satellites
Special Committee on Problems of the Environment
International Hydrologic Program
International Association of Geodesy,
International Gravity Commission
Federation Internationale Geophysique
Pan American Institute of Geography and History,
Committee on Aeronautical Charting
Inter-American Tropical Tuna Commission
International Commission for the Conservation
of Atlantic Tuna
International Commission for the Northwest
Atlantic Fisheries
International Whaling Commission
International North Pacific Fisheries Commission
North Pacific Fur Seal Commission
Pan-American Health Organization
Pan-American Institute of Geography and History
International Atomic Energy Agency

ASSOCIATIONS

PROFESSIONAL

American Association of Geographers
American Institute of Architects
American Institute of Biological Sciences, Inc.
American Fisheries Society
American Littoral Society
Arctic Institute of North America
Society of American Foresters
American Congress on Surveying and Mapping
American Society of Civil Engineers
American Meteorological Society
American Geophysical Union
American Association for the Advancement of Science
American Seismological Institute
American Institute of Aeronautics and Astronautics
American Society of Civil Engineering
American Association of Heating and Refrigerating Architects
and Engineers
State Climatologists Council
Weather Modification Association
The Sea Grant Association
The Sea Grant Directors' Council
Marine Technology Society
American Oceanic Organization
World Mariculture Society
National Shellfisheries Association
Society of Naval Architects and Marine Engineers
National Association of Underwater Instructors
International Association of Geodesy
American Institute of Planners

ASSOCIATIONS

INDUSTRY

American Petroleum Institute
Atlantic States Marine Fisheries Committee
International Shrimp Council
National Cannery Association
National Fish Meal and Oil Association
National Fisheries Institute, Inc.
American Tunaboat Association
National Ocean Industries Association
New York Power Pool
Jersey Central Power & Lt.
National Association of Electric Companies
National Waterways Conference
National Association of Realtors
American Mining Congress
National Forest Products
International Longshoremen's Association
American Farm Bureau Federation
Mortgage Bankers Association of America
American National Cattlemen's Association
Atomic Industrial Forum
Society of Real Estate Appraisers
Chamber of Commerce of the U.S.
United Brotherhood of Carpenters and Joiners of America
National Farmer's Union
National Security Industrial Association
Federation of Fishermen
Boating Industries Association
National Boating Federation
National Association of Home Builders
National Association of State Boating Law Admin.
World Dredging Association
American Waterways Operators
National Association Engine & Boat Manufacturers
Connecticut Marine Trades Association
Western Oil & Gas Association
Edison Electric Institute
Fishing Vessel Owners Association

ASSOCIATIONS

PUBLIC INTEREST

Alabama Conservancy League
National Coalition for Marine Conservation, Inc.
American Right of Way Association
National Governors Conference
Conservation Law Foundation
The Wildlife Society
National Association of Counties
Department of Community Development
Center for Law and Social Policy
Enviro South
National Conference of State Legislators
Saltwater Sportsmen
N.J. Freeholder Association
Natural Resources Defense Council
National League of Cities
American Association of Port Authorities
U.S. Conference of Mayors
American Shore & Beach Protection Association
Council of State Planning Agencies
National Association of Regional Councils
National Association of Conservation District
National Association of State Park Directors
U.S. Power Squadron
Community Planning Reporter
National Environmental Development Association
National Association and Development Organization
American Committee for International Wildlife Protection
American Water Resources Association
Center for Growth Alternatives
Citizens Committee on Natural Resources
CONCERN, Inc.
Conservation Foundation
Defenders of Wildlife
Environmental Action
Environmental Defense Fund
Environmental Policy Center
Fund for Animals
Friends of the Earth
International Association of Game Fish & Conservation Commissioners
Izaak Walton League of America
Urban Institute
League of Women Voters of the U.S.
National Association of Conservation Districts
National Audubon Society
National Parks & Conservation Association

National Recreation & Parks Association
National Rifle Association of America
National Wildlife Federation
Natural Resources Defense Council
Nature Conservancy
Natural Resources Council of America
Resources for the Future
Sierra Club
Society for Animal Protective Legislation
Water Pollution Control Federation
Sport Fishing Institute
Wildlife Management Institute
The Wilderness Society
World Wildlife Fund
Zero Population Growth

