



# NAMPAN

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## Looking ahead to US ocean policy, management, and conservation under the Biden-Harris administration: Ocean policy experts weigh in

It has been a long four years for those in the environmental field here in the US— four years filled with rampant attempts by the Trump administration to remove, weaken, or circumvent environmental protections; promotion of climate science denialism; and obstruction of efforts to reduce greenhouse gas emissions. This amplified the relentless, global march of climate change and its associated natural disasters and was all topped off by a worldwide pandemic and recession.

The incoming administration of President-elect Joe Biden and Vice President-elect Kamala Harris promises a significant shift in policies in many areas, including ocean management – but what exactly needs to be done and how likely are changes to occur? We hear from eight US ocean policy experts about what they expect and/or hope for in terms of US ocean management under the incoming Biden-Harris administration.

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### Jay Austin, Environmental Law Institute: The Biden-Harris administration will have a chance to take decisive action on offshore drilling

*Editor's note: Jay Austin is a senior attorney at the nonpartisan Environmental Law Institute (ELI) and an advisor to ELI's Ocean Program. The views expressed here are his own and do not represent those of the Institute or the Program.*

Having pledged to "transition away from the oil industry," President-elect Biden will get a chance to take decisive action on offshore drilling. We've been whipsawed from the Obama administration's leasing program for 2017-2022, which placed 94% of outer continental shelf resources off-limits, to the Trump administration's draft 2019-2024 program, which initially proposed to open up more than 90%. Amid this reversal and an intensifying climate crisis, Biden's offshore solution may closely track his promise to end new leases on all federal lands.

That promise was aided by an uncharacteristic gift: during a frenetic September campaign swing through the Southeast, President Trump announced his own 10-year bans on leasing in the eastern Gulf of Mexico and off the Atlantic coasts of Florida, Georgia, South and North Carolina. (He also claimed he'd extend the bans to Virginia, but it's unclear if such an order was ever issued.) Stronger than executive orders, these withdrawals under the Outer Continental Shelf Lands Act are likely to persist – but may also complicate the picture for offshore wind energy.

Depending on the outcome of litigation, the Biden-Harris administration should also be able to preserve Obama's similar withdrawals of offshore zones in the Northeast Atlantic and in 98% of US Arctic waters. Blue state politics will ensure that West Coast drilling remains taboo. That leaves portions of Alaskan and Gulf waters, where leasing continues apace despite a weak oil market and waning industry interest.

Even if the Trump leasing program gets finalized as a "midnight rule," Biden can suspend or repeal it and eventually alter the landscape. He could address recent leases and existing wells with tighter regulation and enforcement, including reinstating

something like the [2016 Well Control Rule](#), a direct response to the *Deepwater Horizon* disaster that Trump first profligately waived and then drastically revised. More comprehensive changes might require Congressional action, but these steps would demonstrate that the adage “elections have consequences” applies offshore as well as on land.

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## **Margaret Spring, Monterey Bay Aquarium: Environmental decision-making will once again be based in science**

*Editor's note: Margaret Spring is chief conservation and science officer of the Monterey Bay Aquarium, a non-profit public aquarium in Monterey, California known for its regional focus on the marine habitats of Monterey Bay*

The incoming Biden-Harris administration understands how important the ocean and coasts are to people and the planet. President-elect Joe Biden brings hands-on experience linking economic recovery to environmental benefits and understands how ocean restoration can generate both jobs and national security. Vice President-elect Kamala Harris is an experienced prosecutor who has fought against polluters and on behalf of communities. In 2011, I was part of a delegation of government officials who stood with her – in her then-position as Attorney General of California – to announce that the owners of the M/V Cosco Busan would pay \$44 million for oil spill impacts flowing from San Francisco Bay.

Biden is rightly making climate a top priority, tapping former Secretary of State John Kerry as climate envoy. Kerry is an undisputed leader in climate action and ocean conservation – which I know firsthand from working for him in the Senate. He is experienced at bringing the ocean into major global negotiations, and he joined our Monterey Bay Aquarium team in hosting a day of discussions around the ocean-climate connection at California's 2018 Global Climate Action Summit.

In the months ahead, we expect the incoming administration to staff top federal positions with the nation's leading scientists and experts, many of whom are well connected with the network of US-based ocean conservation organizations and researchers. NOAA is predicted to play a prominent role given its science and climate assets. This means the ocean community has an opportunity to support the administration as we rebuild the economy.

We expect to see restoration of environmental protections that have been weakened over the last four years as well as solutions that link ocean health with the wellbeing of our communities, including food security, with a much-needed lens on racial equity and social justice. We expect that environmental decision-making will once again be based in science; and that the administration will rejoin the global fight to reduce carbon emissions and transition to clean energy.

The Aquarium looks forward to working with an administration that recognizes the gravity of the climate crisis and of other threats to our ocean, such as plastic pollution, overfishing, and damaging resource extraction operations like offshore oil and gas drilling. And we anticipate a willingness to leverage science to solve the biggest problems facing the ocean – and global humanity.

Having spent years in Washington, I know the going will not be easy. A hostile Senate can delay or even block important appointments, a divided Congress can prevent the funding of key initiatives, and investigations and attacks on science can stall progress. However, Biden's long history of bipartisan relationships, the urgent social and economic needs arising from the COVID-19 pandemic, and an engaged voting public can counter these forces at key moments. The incoming administration has some hard work ahead to build back our nation's health, our economy, and public confidence in the role of government. That will require partners from all sectors and across the political spectrum – which is often a hallmark of the ocean community. We stand ready to be part of that effort.

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## **Val Stori, Clean Energy Group/Clean Energy States Alliance: To ramp up offshore wind, the incoming administration needs to do these four things**

*Editor's note: Val Stori is project director for the Clean Energy Group/Clean Energy States Alliance. Clean Energy Group/Clean Energy States Alliance is a national, non-profit coalition of public agencies and organizations working together to advance clean energy.*

We are hopeful that the new presidential administration will make addressing climate change a top priority by supporting offshore wind, a renewable energy technology with great potential to supply significant clean energy to high-value locations. To ramp up offshore wind energy production, the incoming administration needs to direct the Bureau of Ocean Energy Management (BOEM) and other federal agencies to:

- Streamline permitting
- Identify new lease areas
- Work with state governments, and
- Invest in research and development to support a pipeline of projects.

The identification of future lease areas as well as a pipeline of projects would not only send a strong signal to investors for the rapid scale-up of clean, emissions-free energy, but also would help states plan and potentially coordinate offshore transmission. Increased coordination between federal and state agencies is critical to identifying lease areas and to leasing and permitting those areas within timeframes that enable states to meet their state renewable energy goals.

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## **Lane Johnston, Responsible Offshore Development Alliance: US offshore wind development may proceed at an unrestrained pace to address climate change**

*Editor's note: Lane Johnston is programs manager for the Responsible Offshore Development Alliance (RODA). RODA is a coalition of fishing industry associations and fishing companies with an interest in improving the compatibility of new offshore development with their businesses.*

As we go into a new administration, how to meaningfully and quickly address climate change re-enters the public discourse, and there is both excitement and concern that US offshore wind (OSW) development will proceed at an unrestrained pace. The increasing pressure on the Biden administration to address climate change, invest in renewable energy sources, and set an example on the international stage through these efforts is vital – but development should proceed thoughtfully. Developing new industries should be looked at closely and holistically to ensure efforts do not evolve without a full understanding of the environmental, social, and economic consequences that they will bear.

We have yet to see approval of a commercial scale OSW project in federal waters. In 2020, the Bureau of Ocean Energy Management (BOEM) initiated a cumulative impact analysis looking at the large-scale effects of the leased OSW development areas off of Southern New England and the Mid-Atlantic. While conducting more research and applying funding to better understand resources that may be impacted is commendable, this should not be the green light indicator for all projects moving forward. OSW developers and regulatory agencies must engage at the local, state, and regional scale throughout lifespan of a lease.

All the changes, positive and negative, that will come with OSW development are hard to put into a single formula. For renewable energy projects to be successful, it is important to be transparent and realistic about the foreseeable impacts and be willing to put research dollars into investigating the impacts we do not yet know. Hopefully, the new administration will prioritize using the best available science to de-conflict where possible and mitigate when necessary.

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## **Sarah Chasis, Natural Resources Defense Council: NOAA should take immediate action to combat Illegal, Unreported, and Unregulated fishing outside the US**

*Editor's note: Sarah Chasis is senior strategist for oceans at Natural Resources Defense Council (NRDC). NRDC is a non-profit that works to ensure the rights of all people to clean air, clean water, and healthy communities*

We hope the Biden-Harris administration leads on ocean issues, in the US and internationally. First and foremost, we expect serious action to address climate change, which is already significantly impacting ocean health through warming, acidification, and deoxygenation. To address this, we must shift from fossil fuels – including ending offshore oil and gas leasing in federal waters – toward renewable energy sources like responsibly-developed offshore wind.

We can help make the ocean “climate ready” by designating strong marine protected areas – the sea’s equivalent of a Yellowstone or Grand Canyon National Park. Protecting a range of ocean areas can protect and restore the vitality of these ecosystems and increase their ability to withstand the stresses of climate change. The US should adopt and implement a goal of strongly protecting at least 30 percent of our ocean by 2030 – including by restoring protections for the Northeast Canyons and Seamounts Marine National Monument (whose protections were rolled back by the Trump administration) – and support adoption of a similar global ocean goal enforced by a protective high seas treaty.

We expect the restoration of a culture of scientific integrity among political employees at NOAA. On fisheries, NOAA and other agencies should take immediate action to combat Illegal, Unreported, and Unregulated (IUU) fishing outside the US which threatens global fishery sustainability and often is accompanied by forced labor, human trafficking, and other human rights violations. As part of this, the US Seafood Import Monitoring Program should be expanded to apply to all fish and fish products entering the US and its implementation, documentation, and traceability requirements strengthened. The US should also utilize the provisions of the High Seas Driftnet Fishing Moratorium Protection Act to combat IUU fishing. For domestic fisheries, we hope to see renewed commitment to ending overfishing and rebuilding depleted fish stocks, increased scientific support to promote climate ready fisheries and help fisheries managers address shifting fish stocks, and better protection of essential fish habitat.

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## Kirsten Grorud-Colvert, Oregon State University: Establish fully and highly protected areas in more US regions to meet the 30% goal

*Editor's note: Kirsten Grorud-Colvert is an associate professor in the Department of Integrative Biology at Oregon State University.*

The Biden-Harris administration is leading with a focus on ocean-based climate solutions, biodiversity conservation, and environmental justice. The opportunities to effect positive change across these are many. Among them, the president-elect has set the goal of "Protecting biodiversity, slowing extinction rates and helping leverage natural climate solutions by conserving 30% of America's lands and waters by 2030." But how would conserving 30% of the ocean link biodiversity, climate, and justice? And how could the administration innovate to get there?

**The type and location of protection matters** Currently NOAA's National MPA Center reports that 26% of US waters are in Marine Protected Areas. Of that, 23% is fully protected (where all extractive and destructive activities are prohibited) or highly protected (where extraction is so light as to have minimal impact on biodiversity conservation). The outcomes of fully and highly protected MPAs are well-documented by research through the decades: among them, greater abundance and diversity of species, spillover to outside areas, and ecosystem-level effects that can confer resilience in a changing ocean. MPAs remain one of the best place-based strategies for conserving biodiversity and the storehouse of genetic adaptation it holds for an uncertain future in a changing climate. Yet full and high protection in the US is concentrated in one region – the US Pacific Islands. Less than 1% of the ocean in all other US regions is fully or highly protected, leaving those key species, habitats, and ecosystems vulnerable.

**Opportunity:** Establish fully and highly protected areas in more US regions to meet the 30% goal with quality protection for biodiversity and its benefits for climate adaptation.

**How protection is planned and managed matters** MPAs can also be tools for environmental justice, but only if they are established with the key conditions needed to enable fairness, collaboration, and benefits-sharing across groups, including those historically excluded from decision-making. Time and again MPAs that are successful at conserving biodiversity are linked to key social factors such as integration of local knowledge, recognition of pre-existing rights and human uses, and collaboration with local organizations and communities in planning, monitoring, and management (see here, here, and here). In turn the ecological return from effective MPAs can also support human wellbeing, for example through community cohesion, increases in catch per unit effort, and/or higher income.

**Opportunity:** Move forward to meet the 30% goal by actively involving local voices, diverse groups, and different types of knowledge.

MPAs are just one tool in a whole-ocean approach to sustainable management – albeit a powerful one. Under the new administration, there is an opportunity to use MPAs to protect more ocean, and to include, benefit, and safeguard more people than ever before.

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## Sarah Winter Whelan, Healthy Oceans Coalition: The new administration needs to reinforce and build upon existing regional governance collaborations

*Editor's note: Sarah Winter Whelan is executive director of the Healthy Oceans Coalition, a national network of ocean lovers dedicated to preventing the exploitation, destruction, and neglect of our ocean, coasts, and Great Lakes.*

The United States stands at the edge of a climate and biodiversity crisis. We face serious challenges to our ocean's health, and the livelihoods and way of life it supports. The Biden-Harris administration should center on ocean justice, as developed by Dr. Ayana Elizabeth Johnson, as it unwinds four years of conservation rollbacks and refocuses federal ocean policy and planning on ocean health, ecosystem stewardship, and adaptation and mitigation of climate change. The administration needs to reinforce and build upon existing regional governance collaborations like Regional Ocean Partnerships – comprised of coastal state governments, federal agencies, Tribes, and fisheries managers – to support a strengthened and sustainable ocean policy and economy. The administration needs to ensure that Tribal Nations are included in governance with equal parity to state and federal representatives. The administration must also foster greater stakeholder engagement and diversity in decision-making and encourage all levels of government to come together to determine how we can better protect our ocean areas for the future.

Like everything, these priority policy actions require attention and funding. The administration (and Congress) needs to properly staff the nation's Ocean Policy Committee and provide a long-term funding source for the work of regional partners. Many of these actions can happen during the incoming administration – with a commitment to advocacy by ocean policy and

planning practitioners, coastal communities, and ocean stakeholders. Doing so will help restore our ocean's wealth – both for us and for the future.

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## **Tony MacDonald, Monmouth University Urban Coast Institute: The Biden-Harris administration need to be more ambitious and look beyond traditional thinking to achieve a sustainable ocean future**

*Editor's note: Tony MacDonald is director of the Monmouth University Urban Coast Institute, a forum for research, education, and collaboration in the development and implementation of science-based policies and programs that support stewardship of healthy, productive, and resilient coastal ecosystems and communities.*

There is nothing like a new presidential administration to get interest groups abuzz, sharpening their pencils and flooding the transition teams with recommendations in the hope of upping their place in line....like Oliver Twist's "Please, sir, I want some more." While it is important for the new administration to correct the record on the importance of oceans and environment in general and restore commitments to best available science and reasonable oversight and regulation, that will not be sufficient for proper management of our ocean. I am not suggesting that the ocean community ask for less, and I expect that I support the vast majority of the requests. Rather, I propose the administration be more ambitious and more focused on the future. The Biden-Harris administration cannot look just at traditional thinking and rely only on ocean program budget 'plus ups' to achieve these goals.

Indeed, although my work is largely focused on US and regional ocean management, some of the most important actions the Biden-Harris administration can take to reset US ocean policy are to rejoin the Paris Agreement and other UN efforts including the UN Decade of Ocean Science for Sustainable Development. Unfortunately, like the untrustworthy suitor who jilted Miss Havisham at the altar, the US is unlikely to ratify the UN Convention on the Law of the Sea (UNCLOS) given current politics. But the US can stay committed to UNCLOS norms and lead on regional area management efforts, including for the Arctic. Other ways to reassert US ocean leadership for the Blue Ocean Economy including developing offshore wind, decarbonizing shipping, and promoting resilient ocean and coastal ecosystems that support blue carbon.

In general, there needs to be a recognition that the oceans deserve a prominent seat at the overall US domestic and international policy tables and that the ocean-climate nexus needs to be embedded across the new administration's appointments, commitments, and priorities. This work recognizes that rebuilding a prosperous economy depends on the foundation of a healthy and productive ocean. Strategic investments in technology such as satellites, earth and ocean observation systems, environmental DNA, and artificial intelligence will open new areas for the ocean economy. And investments in ocean research and exploration, as well as data and mapping initiatives such as ocean data portals, EEZ mapping, and a climate-ready fishing data infrastructure will dramatically improve ocean management and governance.

The administration's efforts should recognize and build upon broad bipartisan support in the US Congress for ocean science and management, blue economic growth, and public-private sector-community partnerships. With the administration's leadership and re-commitment to conservation and ecosystem protection, the current Ocean Policy Committee can be one mechanism to support these efforts. For example, the Regional Ocean Partnerships and Ocean Data Portals can help to resolve use conflicts, support environmental protection, and inform sustainable use options. This work will not be easy, but as Scrooge declaimed to the Ghost of Christmas Future, "I know your purpose is to do me good, and as I hope to live to be another man from what I was, I am prepared to bear you company, and do it with a thankful heart." Here is to 2021 and the ocean future we want.

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### **Want to learn more?**

Some other illuminating articles about how US ocean conservation and management may proceed under the Biden-Harris administration include:

- [Biden's NOAA will put climate change front and center](#)
- [Five ways the Biden-Harris administration could help restore ocean health in the first 100 days](#)
- [What the maritime industry can expect from the new US presidential administration and Congress \(and more here\)](#)
- [Biden said he would phase out plastic bags](#)
- [How Biden can prevent climate action from failing in US courts](#)
- [How Biden can fight climate change without Congress \(and more here, here, here, and here\)](#)
- [More about Biden and climate change \(plus here and here\)](#)
- [The Democrats' 30x30 \(30 percent of US lands and waters protected by 2030\) initiative](#)
- [Offshore wind could get a big boost from the Biden administration \(and more here\)](#)
- [And lest we forget, a near final tally of US president Trump's rollback of environmental regulations](#)

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