

Coral Reef Protection

On June 11, 1998, President Clinton issued Executive Order 13089 on Coral Reef Protection.

The order responded to growing recognition of the importance of coral reefs as "rain forests" of the sea and evidence that coral reef ecosystems were threatened and in decline on a global basis. E.O. 13089 established the Coral Reef Task Force and gave it mandates for action. Six of the documents leading up to issuance of the order are provided under Tabs 1-6 as follows:

1. Department of the Interior memorandum dated December 22, 1997, recommending among other things that a coral reef protection effort be announced and launched by the Clinton Administration at a national oceans conference then under discussion.
2. Interior Department coral reef initiative incorporated into the May 7, 1998, "Working Draft" of the National Ocean Conference potential deliverables (including suggested edits in hand by the Interior Department).
3. Undated draft of a potential coral reef executive order prepared by NOAA staff.
4. Memorandum from Secretary of the Interior Bruce Babbitt dated May 21, 1998, recommending processing of a draft executive order on coral reef protection prepared by the Department of the Interior. The draft order dated May 20, 1998, is attached to the memorandum and includes provisions establishing the Coral Reef Task Force and mandating requirements for Federal agencies in protecting coral reefs.
5. Department of the Interior memorandum to the Office of Management and Budget dated June 5, 1998, recommending revisions to the Interior Department draft executive order based on review of agency comments. Among other things, the memorandum recommends replacing a "no-net-loss" standard for Federal agency actions with a non-degradation requirement, which was adopted.
6. Executive Order 13089 of June 11, 1998, on Coral Reef Protection.



Interior Department proposal
Central Desk initiative

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

Faxed 12-22-97

To: Sally Ericksson
From: Bill Brown
Subject: Oceans

This suggests several "deliverables" that the Interior Department could help provide in the event that an Administration conference on the oceans is held, and also provides a few comments on the draft agenda and deliverables circulated when we met on December 18. I am copying this to Sally Yozell, for inclusion of deliverables in her combined list, and to Mary Beth West, and will rely on you to share the memorandum as you see appropriate with others in the EOP.

Draft Agenda and Deliverables (December 18)

For the most part we have no objection to the draft agenda or draft deliverables circulated last week. However we believe that the Secretary of the Interior should serve as a co-chair of the Commerce panel in addition to the Environment panel. This simply recognizes his lead responsibility through the Minerals Management Service for ensuring the environmental soundness of oil, gas and other minerals activities on the outer continental shelf and for collecting federal revenues from such activities. Furthermore, we do not support a deliverable to announce at the meeting that existing Presidential OCS oil and gas bans will be extended. Our position through MMS has been consistently that no oil and gas activity should go forward unless it is demonstrably environmentally sound and that decisions on whether to allow or disallow activities should be made on that basis.

Potential Additional Deliverables

1. **Announce establishment by executive order of an interagency oceans council (if not legislated).** The Hollings Ocean Policy Act (S.1213) as passed by the Senate in November would create an interagency National Ocean Council. Related House legislation was not passed and does not contemplate creation of an interagency council. The Administration supported the Hollings bill, after it was amended so that the President would select the chairman of the interagency council. Assuming that such a council is not created legislatively before an oceans conference is held, the Administration could announce issuance of an executive order creating a council chaired by the Vice President and involve Senator Hollings and other sponsors in the announcement.

2. **Announce a fall 1998 conference on Native American traditional knowledge and the sea.** The Interior Department, NOAA, and the Forest Service are in the early stages of planning for a conference on this matter in Alaska. The focus to date is on the native peoples of Alaska, their relationships to ocean resources and the contribution they can make to understanding them. We could go forward with this and could expand the scope to include other Native Americans.
3. **Announce launch of a comprehensive environmental review of deep water oil and gas activities in the Gulf of Mexico to precede lease sales.** MMS is currently in the planning stages for such an assessment.
4. **Announce launch of a comprehensive coral reef protection effort for the United States, including its territories and affiliates in the Pacific and the Caribbean.** The Office of Insular Affairs at the Interior Department and other Interior Department agencies are cooperating in an effort of this kind for populated and uninhabited islands under Interior's jurisdiction. The initiative could be expanded to include in principle all coral reefs which are found in the United States or for which the U.S. has special responsibility, including those located in Florida, Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa, as well as islands and island groups such as Navassa, Midway, Johnston Atoll, Howland, Baker, Jarvis, Palmyra, Palau, Marshall Islands, and the Federated States of Micronesia.
5. **Announce review of marine protected areas and development of pilot models for ecosystem management.** The National Park Service has undertaken a review of marine protected areas on the west coast of the United States. This could be extended to a review of all coastal areas of the nation and coupled with recommendations for improved management. One concrete step announced for improvement could be the Glacier Bay Ecosystem project being planning by the NPS in Alaska, which could be presented as a pilot study for ecosystems management in marine protected areas.
6. **Announce plans for a national coastal erosion assessment and monitoring initiative.** The U.S. Geological Survey, NOAA, NASA and the Army COE are cooperating in development of a new program for this purpose first funded in FY 1998. Concrete plans could be announced in June, and include geologic research to establish historical coastlines and laser mapping to specify current coastlines and monitor change.

cc Mary Beth West
Sally Yozell

Interim Department
Coast Reef Program
Incorporated into NOC
deliverables

NATIONAL OCEAN CONFERENCE



List of Potential Deliverables

WORKING DRAFT

Point of Contact:

Sally Yozell
Deputy Assistant Secretary
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

May 7, 1998

C.2. RAINFORESTS OF THE SEA

Primary Federal Departments and Agencies

Office of Insular Affairs
DOI - National Park Service, Fish and Wildlife Service
DOC - National Oceanic and Atmospheric Administration
EPA

Deliverables

The President can announce the development of a comprehensive coral reef protection effort for the United States and the U.S. territories building on efforts already underway by NOAA, DOI and state and local governments. This will include:

- ^{Assessing and} Mapping and identifying coral reefs within the U.S. jurisdiction. [OIA Study/Action
NPS Review/Action
FWS Review/Action] Overall?
NOAA/USFWS
- ^{Implementing} Drafting an Executive Order to preserve, protect and restore the health of U.S. coral reef ecosystems.
- Announcing a "no net loss" of coral reefs in U.S. waters.
- ^{could lead} Announce (with Gov. of Hawaii) that will propose a ^{monetary} National Park for Hawaii.

Background

The marine equivalent of the terrestrial rainforest ecosystems, coral reefs are an important resource in terms of their biological diversity and productivity. They are the most productive marine habitat on Earth. They are the foundations of coastal protection, tourism, fish populations, and in many areas serve as focal points for cultural and community heritage. Like the jungles of the Amazon, many of the thousands of species which constitute the reef ecosystem have yet to be catalogued and their potential uses remain undiscovered. Chemical extracts derived from corals have demonstrated potent anti-viral and insecticide characteristics and have been used in bone medicine and surgery. Yet coral reefs world-wide are threatened with destruction from pollution, sedimentation, coastal development, and unsound management practices. [There? most
of area perhaps,
but Hawaii]

The coral reefs in the U.S. territorial waters represent a significant portion of the world's reefs and drive the coastal economies with access to these resources. Therefore, it is vital that the survival of these unique habitats is ensured for future generations. The Department of the Interior is undertaking this effort for populated and uninhabited islands under its jurisdiction. It will be expanded to include all coral reefs which are found in the United States for which the U.S. has special responsibility.

NOAA draft of EO
Circulated before DOI
Re-wrote

EXECUTIVE ORDER #XXXX of , 1998

— CONSERVATION OF U.S. CORAL REEFS —

By the authority vested in me as President by the Constitution and by the laws of the United States of America, including, but not limited to, the Coastal Zone Management Act section 1451 et seq. of Title 16, and the National Marine Sanctuary Act, section 1431 et seq. of Title 16, it is hereby ordered that the official policy for all federal government departments and agencies shall be that there will be no net loss of coral reef habitat in U.S. territorial waters. It is therefore ordered that the National Oceanic and Atmospheric Administration (NOAA) and the Department of Interior (DOI) will continue in their leadership roles as Co-Chairs of the U.S. Coral Reef Initiative (CRI) in full partnership with the local, state, territory and commonwealth CRIs, and it is further ordered as follows:

Section 1. Definition

The term coral means species of the phylum Cnidaria, including (A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Scleractinia (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and (B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydrozoa.

Section 2. This Administration supports the passage of the Coral Reef Conservation Act and creation of a trust fund that will be used to provide resources for the implementation of local, state, territory and commonwealth CRIs related to designing, implementing and improving education, training, management, assessment and monitoring of coral reefs within U.S. territorial waters. These activities shall be guided, in part, by the recommendations resulting from a September 1997 U.S. Islands Coral Reef Initiative Workshop, held in Maui, Hawaii.

Section 3. NOAA, DOI and the Environmental Protection Agency (EPA) will jointly undertake, in full collaboration and coordination with our Partners, efforts to establish a comprehensive coral reef mapping and monitoring program within U.S. territorial waters. Such mapping and monitoring programs will also include, but not be exclusive to, National Marine Sanctuaries, and National Parks that have significant coral reef resources.

Section 4. NOAA, DOI and EPA will jointly undertake, in full collaboration and coordination with our Partners, efforts to support and/or assist with direct training activities that will empower local populations to design, implement and conduct volunteer and/or low technology coral reef monitoring programs.

Section 5. NOAA, DOI and EPA will jointly undertake efforts to make available information from their existing technologies (such as satellite derived global sea surface

temperatures) that will help with national and international efforts to conserve coral reef habitats.

Section 6. The United States (AID, NOAA, DOI, EPA, USDA) will continue to collaborate with its International Coral Reef Initiative (ICRI) partners to implement the ICRI Framework for Action and Global Coral Reef Monitoring Network, working at regional, national and community levels to support integrated coastal management, capacity building, and research and monitoring activities that have a positive measurable impact on coral ecosystems and on the human communities that depend on them.

Section 7. All executive departments shall cooperate with NOAA and DOI regarding these coral reef efforts and provide such assistance, information and advice as requested.

Section 8. This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

William J. Clinton

THE WHITE HOUSE



THE SECRETARY OF THE INTERIOR

WASHINGTON

MAY 21 1998

Memorandum

To: Director, Office of Management and Budget

From: Secretary *[Signature]*

Subject: Coral Reef Executive Order

I request that you process the attached draft executive order on coral reef protection pursuant to Executive Order 11032, as amended.

The draft order on coral reefs has been identified by EOP and agency staff as a deliverable for the national conference on the oceans scheduled for June 11 and 12 in Monterey, California. The President and the Vice President are expected to attend, and we anticipate that the President will sign the order on June 12. CEQ requested that NOAA and Interior develop the text of the draft order, which we have done. The draft incorporates comments provided by the State Department, and CEQ has asked that the Interior Department initiate the clearance process.

Background

1998 has been designated as the Year of the Ocean by the United Nations General Assembly and on January 28 was proclaimed as the Year of the Ocean by President Clinton. A national conference on the oceans has been scheduled for June 11 and 12 in Monterey, California, in recognition of the Year of the Ocean and of the importance attached to ocean affairs by the Administration. The President and the Vice President are expected to participate, and a number of deliverables are being developed for them to announce, including the attached executive order on coral reefs.

Coral reefs are diverse and productive ecosystems, considered by many to be the marine equivalent of tropical rainforests. They protect against coastal erosion, support tourism and fisheries, and are central to the cultural heritage of many oceanic and coastal communities. Like the Amazon rainforest, many species constituting coral reefs are poorly known or undiscovered. Chemical extracts from reef creatures have already proven useful in fighting viral infections and insects. Yet coral reefs world-wide are threatened with destruction from pollution, sedimentation, coastal development, and unsound management practices.

Approximately 15,900 square kilometers of coral reefs are in U.S. waters, and 97 percent of these reefs surround islands. The Department of the Interior and NOAA, in cooperation with many others, are reviewing these reefs to determine their status and conservation needs.

The attached executive order on coral reefs will significantly advance our government's commitment to the conservation and sustainable use of these vital ecological features. In particular, the order will:

1. Establish a policy requiring all Federal agencies whose actions may affect U.S. coral reef ecosystems to identify such actions, utilize their programs and authorities to enhance the conditions of such ecosystems, and, to the extent permitted by law, ensure that any actions which they authorize, fund or carry out will cause no-net-loss of such ecosystems. Implementation of this policy should have a significant beneficial effect on coral reef protection.
2. Direct Federal agencies whose actions affect U.S. coral reef ecosystems to involve stakeholders and secure the research, monitoring, management and restoration needs for affected reefs, including effects from pollution, sedimentation, and fishing.
3. Establish a U.S. Coral Reef Task Force (Task Force) co-chaired by the Administrator of NOAA and the Secretary of the Interior, with members from other key federal agencies. The Task Force will work with stakeholders and will oversee compliance with the policy and federal agency responsibilities specified in the order. It also will guide and support activities under a key existing domestic initiative on this matter, known as the U.S. Coral Reef Initiative (CRI).
4. Direct the Coral Reef Task Force to undertake several fundamental tasks meeting coral reef conservation needs, including (1) mapping and monitoring in the territories and commonwealths and in special marine protected areas such as National Marine Sanctuaries, National Estuarine Research Reserves, National Parks, National Wildlife Refuges, and other units having significant coral reef resources, (2) research on the major causes and consequences of degradation of U.S. coral reef ecosystems, and (3) implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation and to restore damaged reefs.
5. Direct the Secretary of State and the Administrator of USAID to work with other Task Force members in advancing coral reef protection world-wide. This will include review of the U.S. role in international trade and protection of coral reef species and implementation of appropriate strategies and actions to promote global conservation and sustainable use of coral reef resources. The existing International Coral Reef Initiative (ICRI) is identified specifically as a vehicle for cooperation and action.

Please call on me and our staff to help as needed as this moves forward.

Attachment

cc: Katie McGinty, Chair, CEQ
Jim Baker, Administrator, NOAA

Coral Reef Protection

By the authority vested in me as President by the Constitution and by the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1977, as amended (section 1251 et seq. of Title 33), Coastal Zone Management Act (section 1451 et seq. of Title 16), Magnuson - Stevens Fishery Conservation and Management Act (section 1801 et seq. of Title 16), National Environmental Policy Act of 1969, as amended (section 4321 et seq. of Title 42), National Marine Sanctuaries Act, (section 1431 et seq. of Title 16), National Park Service Organic Act (section 1 et seq. of Title 16), National Wildlife Refuge System Administration Act (section 668dd of Title 16), and other pertinent statutes, to preserve the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems it is hereby ordered as follows:

Section 1. Definitions.

(a) "U.S. Coral Reef Ecosystems" means those species, habitats and other natural resources associated with coral reefs in U.S. federal, state, territorial or commonwealth waters, including reef systems in the south Atlantic, Caribbean, Gulf of Mexico and Pacific ocean.

(b) "U.S. Coral Reef Initiative" is an existing partnership between Federal agencies and state, territorial, commonwealth and local governments, non-governmental organizations and commercial interests to design and implement additional management, education, monitoring, research and restoration efforts to conserve coral reef ecosystems for the use and enjoyment of future generations. The existing U.S. Islands Coral Reef Initiative Strategy covers approximately 95 percent of U.S. Coral Reef Ecosystems and is a key element of the overall U.S. Coral Reef Initiative.

(c) "International Coral Reef Initiative" is an existing partnership, founded by the United States in 1994, of governments, intergovernmental organizations, multilateral development banks, non-governmental organizations, scientists, and the private sector whose purpose is to mobilize governments and other stakeholders whose coordinated, vigorous and effective actions are required to address the threats to the world's coral reefs.

Section 2. Policy. All Federal agencies whose actions may affect U.S. coral reef ecosystems shall identify such actions, shall utilize their programs and authorities to enhance the conditions of such ecosystems, and to the extent permitted by law shall ensure that any actions which they authorize, fund or carry out will cause no-net-loss of such ecosystems.

Section 3. Federal Agency Responsibilities. In furtherance of section 2 of this order, Federal agencies whose actions affect U.S. coral reef ecosystems shall provide for implementation of

measures needed to research, monitor, manage and restore affected ecosystems, including but not limited to measures reducing impacts from pollution, sedimentation, and fishing. These measures shall be developed in collaboration with the U.S. Coral Reef Task Force and in consultation with affected state, territorial, commonwealth, tribal and local government agencies, non-governmental organizations, the scientific community and commercial interests.

Section 4. U.S. Coral Reef Task Force. The Administrator of the National Oceanic and Atmospheric Administration and the Secretary of the Interior shall co-chair a U.S. Coral Reef Task Force (Task Force), whose members shall include, but not be limited to, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, the Secretary of Defense, the Secretary of State, the Secretary of Transportation, the Director of the National Science Foundation, the Administrator of the Agency for International Development, and the Administrator of the National Aeronautics and Space Administration. The Task Force shall oversee compliance with the policy and federal agency responsibilities set forth in this order, and shall guide and support activities under the U.S. Coral Reef Initiative (CRI). All federal agencies whose actions may affect U.S. coral reef ecosystems shall review their participation in the CRI and the strategies developed under it, including strategies and plans of state, territorial, commonwealth and local governments, and to the extent feasible shall enhance federal participation and support of such strategies and plans. The Task Force shall work in cooperation with state, territorial, commonwealth, and local government agencies, non-governmental organizations, the scientific community and commercial interests.

Section 5. Duties of the U.S. Coral Reef Task Force

(a) **Coral Reef Mapping and Monitoring.** The Task Force, in coordination with state, territory, commonwealth and local government partners, shall undertake a comprehensive program to map and monitor U.S. coral reefs. Such programs shall include, but not be limited to, territories and commonwealths, special marine protected areas such as National Marine Sanctuaries, National Estuarine Research Reserves, National Parks, National Wildlife Refuges, and other units having significant coral reef resources. To the extent feasible, remote sensing capabilities shall be developed and applied to this program and local communities should be engaged in the design and conduct of programs.

(b) **Research.** The Task Force shall identify the major causes and consequences of degradation of U.S. coral reef ecosystems.

(c) **Conservation, Mitigation and Restoration.** The Task Force, in cooperation with state, territorial, commonwealth, and local government agencies, non-governmental organizations, the scientific community and commercial interests, shall develop, recommend, and secure implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation (including land-based sources of water pollution, sedimentation, over-fishing, over-use, direct destruction, and collection of coral reef species), and to restore damaged coral reefs.

(d) **International Cooperation.** The Secretary of State and the Administrator of the Agency for International Development, in cooperation with other members of the Coral Reef Task Force and drawing upon their expertise, shall assess the U.S. role in international trade and protection of coral reef species and implement appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide. Such actions shall include expanded collaboration with other International Coral Reef Initiative (ICRI) partners, especially governments, to implement the ICRI through its Framework for Action and the Global Coral Reef Monitoring Network at regional, national, and local levels.

Section 6. This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

Fax Transmission

United States Department of the Interior Science Advisor to the Secretary

FROM: William Y. Brown Tel: 202-208-4177 Fax: 202-219-0229
DATE: June 5, 1998 Pages (inc. cover) 8

TO: Mac Reed OMB Fax: 202-395-7294
CC: Sally Ericsson CEQ 202-456-6546

Attached are suggestions concerning the coral reef executive order.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

To: Mac Reed, Assistant General Counsel, OMB

From: Bill Brown, Science Advisor to the Secretary *Wys*

Subject: Recommendations Concerning Comments on the Coral Reef Protection Executive Order

The recommendations below are based on review of comments from CEQ, Defense, Justice, NSF, as well as Interior.

1. Section 1

- a. Section 1 (a). We recommend that the definition of "U.S. Coral Reef Ecosystems" be revised to delete the words "federal, state, territorial or commonwealth". Thus the definition covers "U.S. waters", which we believe includes all the categories of the current draft. The revision addresses a question raised by the Defense Department on use of the term "federal waters."

2. Section 2

- a. No-net-loss. Several comments have addressed the meaning and application of the term "no-net-loss" in reference to restrictions on federal agency actions. The points raised are based on the argument that coral reef ecosystems cannot really be "created," and although they can be degraded in condition and enhanced in condition, "loss" cannot be fully mitigated. In addition, CEQ has expressed interest in a stronger standard. We agree with these points and recommend that the last line of section 2 of the draft order be revised to read: "authorize, fund or carry out will not degrade the conditions of such ecosystems." This is clear. It is stronger than the text of the current draft, but has analogues in existing environmental policy and is appropriate for this valuable resource. I have discussed the revision with Sally Ericsson at CEQ and she concurs in the change.

- b. **Emergency Exceptions.** The Defense Department has suggested that provisions on exceptions to the policy be added to section 2. We have no objection to the exceptions proposed in the Department's memorandum to you dated June 1, 1998. We do suggest that the header line "Application of this order may be suspended:" be replaced with "Exceptions to this section may be allowed under terms prescribed by the heads of federal agencies:" This would require a process for invocation of exceptions and also would make clear that only section 2 of the order would be subject to the exceptions. If you add these provisions, we suggest that the current text of section 2 be revised to be a new subsection (a) of section 2, and that the exceptions be placed in a new subsection (b).

3. Section 4

- a. We would substitute the term "implementation of" in the eighth line of this section for the term "compliance with" to soften the mandate, as requested by the Defense Department.
- b. Some in the Interior Department have noted that as a matter of protocol the Secretary of the Interior is senior to the Administrator of NOAA and also that Interior comes before NOAA in the alphabet. It probably would be appropriate to reverse the order in which they are named in the first two sentences of section 4. In any event, Interior and NOAA expect to be equal partners in chairmanship of the task force.
- c. We would add the Attorney General to the list of members of the task force named in this section, as requested by the Justice Department.

4. Section 5

- a. **Research.** We would substitute the text recommended by NSF for section 5 (b) concerning research in its memorandum to you dated May 28, 1998, except for the final sentence suggested. We expect that the policy in section 2 would not interfere with the "normal conduct of scientific studies" but do not believe it would be wise to establish a separate standard making this point, which could lead to mischief.

- b. **Conservation, Mitigation and Restoration.** We suggest that to address points raised by the Department of Justice in the attachment you revise as follows the text of section 5 (c) beginning with the fifth line:

"and to restore damaged coral reefs. These measures shall address, among others, solutions to land-based sources of water pollution, sedimentation, detrimental alteration of salinity or temperature, over-fishing, over-use, collection of coral reef species, and direct destruction caused by activities such as recreational and commercial vessel traffic and treasure salvage). In developing these measures, the Task Force shall review existing legislation to determine, and recommend if appropriate, whether legislation is necessary to complement the policy objectives of this order. The Task Force shall further evaluate existing navigational aids, including charts, maps, day markers and beacons, to determine if the designation of the location of specific coral reefs should be enhanced through the use, revision, or improvement of such aids."

In addition to these substantive points, please note that the citation to the National Wildlife Refuge Administration Act should be revised to read "section 668dd-ee of Title 16" and that the term "U.S. Coral Reef Ecosystems" should be consistently in upper or lower case throughout the order.

Let me know if I can do more to help with additional comments that may come in or with further analysis.

Attachment

cc Sally Ericsson, CEQ

Presidential Documents

Title 3—

Executive Order 13089 of June 11, 1998

The President

Coral Reef Protection

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1977, as amended (33 U.S.C. 1251, *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451, *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*), National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*), National Marine Sanctuaries Act, (16 U.S.C. 1431, *et seq.*), National Park Service Organic Act (16 U.S.C. 1, *et seq.*), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee), and other pertinent statutes, to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment, it is hereby ordered as follows:

Section 1. Definitions. (a) "U.S. coral reef ecosystems" means those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including reef systems in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean. (b) "U.S. Coral Reef Initiative" is an existing partnership between Federal agencies and State, territorial, commonwealth, and local governments, nongovernmental organizations, and commercial interests to design and implement additional management, education, monitoring, research, and restoration efforts to conserve coral reef ecosystems for the use and enjoyment of future generations. The existing U.S. Islands Coral Reef Initiative strategy covers approximately 95 percent of U.S. coral reef ecosystems and is a key element of the overall U.S. Coral Reef Initiative. (c) "International Coral Reef Initiative" is an existing partnership, founded by the United States in 1994, of governments, intergovernmental organizations, multilateral development banks, nongovernmental organizations, scientists, and the private sector whose purpose is to mobilize governments and other interested parties whose coordinated, vigorous, and effective actions are required to address the threats to the world's coral reefs.

Sec. 2. Policy. (a) All Federal agencies whose actions may affect U.S. coral reef ecosystems shall: (a) identify their actions that may affect U.S. coral reef ecosystems; (b) utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and (c) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems.

(b) Exceptions to this section may be allowed under terms prescribed by the heads of Federal agencies:

- (1) during time of war or national emergency;
- (2) when necessary for reasons of national security, as determined by the President;
- (3) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or
- (4) in any case that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, such as cases of *force majeure* caused by stress of weather or other act of God.

Sec. 3. Federal Agency Responsibilities. In furtherance of section 2 of this order, Federal agencies whose actions affect U.S. coral reef ecosystems, shall, subject to the availability of appropriations, provide for implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation, and fishing. To the extent not inconsistent with statutory responsibilities and procedures, these measures shall be developed in cooperation with the U.S. Coral Reef Task Force and fishery management councils and in consultation with affected States, territorial, commonwealth, tribal, and local government agencies, nongovernmental organizations, the scientific community, and commercial interests.

Sec. 4. U.S. Coral Reef Task Force. The Secretary of the Interior and the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall co-chair a U.S. Coral Reef Task Force ("Task Force"), whose members shall include, but not be limited to, the Administrator of the Environmental Protection Agency, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of State, the Secretary of Transportation, the Director of the National Science Foundation, the Administrator of the Agency for International Development, and the Administrator of the National Aeronautics and Space Administration. The Task Force shall oversee implementation of the policy and Federal agency responsibilities set forth in this order, and shall guide and support activities under the U.S. Coral Reef Initiative ("CRI"). All Federal agencies whose actions may affect U.S. coral reef ecosystems shall review their participation in the CRI and the strategies developed under it, including strategies and plans of State, territorial, commonwealth, and local governments, and, to the extent feasible, shall enhance Federal participation and support of such strategies and plans. The Task Force shall work in cooperation with State, territorial, commonwealth, and local government agencies, nongovernmental organizations, the scientific community, and commercial interests.

Sec. 5. Duties of the U.S. Coral Reef Task Force. (a) *Coral Reef Mapping and Monitoring.* The Task Force, in cooperation with State, territory, commonwealth, and local government partners, shall coordinate a comprehensive program to map and monitor U.S. coral reefs. Such programs shall include, but not be limited to, territories and commonwealths, special marine protected areas such as National Marine Sanctuaries, National Estuarine Research Reserves, National Parks, National Wildlife Refuges, and other entities having significant coral reef resources. To the extent feasible, remote sensing capabilities shall be developed and applied to this program and local communities should be engaged in the design and conduct of programs.

(b) *Research.* The Task Force shall develop and implement, with the scientific community, research aimed at identifying the major causes and consequences of degradation of coral reef ecosystems. This research shall include fundamental scientific research to provide a sound framework for the restoration and conservation of coral reef ecosystems worldwide. To the extent feasible, existing and planned environmental monitoring and mapping programs should be linked with scientific research activities. This Executive order shall not interfere with the normal conduct of scientific studies on coral reef ecosystems.

(c) *Conservation, Mitigation, and Restoration.* The Task Force, in cooperation with State, territorial, commonwealth, and local government agencies, nongovernmental organizations, the scientific community and commercial interests, shall develop, recommend, and seek or secure implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation and to restore damaged coral reefs. These measures shall include solutions to problems such as land-based sources of water pollution, sedimentation, detrimental alteration of salinity or temperature, over-fishing, over-use, collection of coral reef species, and direct destruction caused by activities such as recreational and commercial vessel traffic and treasure salvage. In developing these measures, the Task Force shall review existing legislation

to determine whether additional legislation is necessary to complement the policy objectives of this order and shall recommend such legislation if appropriate. The Task Force shall further evaluate existing navigational aids, including charts, maps, day markers, and beacons to determine if the designation of the location of specific coral reefs should be enhanced through the use, revision, or improvement of such aids.

(d) *International Cooperation.* The Secretary of State and the Administrator of the Agency for International Development, in cooperation with other members of the Coral Reef Task Force and drawing upon their expertise, shall assess the U.S. role in international trade and protection of coral reef species and implement appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide. Such actions shall include expanded collaboration with other International Coral Reef Initiative ("ICRI") partners, especially governments, to implement the ICRI through its Framework for Action and the Global Coral Reef Monitoring Network at regional, national, and local levels.

Sec. 6. This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

William Clinton

THE WHITE HOUSE,
June 11, 1998.