Making Conservation Happen Webinar

Beyond Congress:
Executive Branch Processes that Can Advance Conservation for the Ocean, Fish and Other Wildlife

"I think it's for compliance with some Federal safety regulation."
Introduction

- **Intro & How a Law Becomes...A Law**
  
  Tom Adams; Policy Advisor, The Ocean Project

- **National Marine Sanctuary System & the National Marine Sanctuary Foundation**
  
  Kris Sarri, President and CEO, National Marine Sanctuary Foundation

- **Who’s Making The Rules & How are they Making Them**
  
  Tom Adams, The Ocean Project

- **Campaign Against “Modernizing” the Endangered Species Act**
  
  Kerston Swartz, Public Affairs and Advocacy Manager, Woodland Park Zoo

- **Executive Orders and Final Take Aways**
  
  Tom Adams, The Ocean Project
Important Days and Events

- **Feb 5** – President’s State of the Union Address
- Early to Mid February – Submission of President’s FY 2020 Budget Request
- **Feb. 20** – NAAEE Environmental Education Advocacy Day
- **Feb. 25-26** – AAM Advocacy Day
- **May 7-8** – AZA Lobby Day and Congressional Reception
- **June 4-6** – Capitol Hill Oceans Week (CHOW)
- **June 8** – World Oceans Day
- **July 4th and August** Congressional Recesses – Ideal Timing for Member and Staff trips
- The Ocean Project’s Monthly First Friday Webinar Series – [Join Us Again on March 1st](#)
How a Law Becomes...A Law

Tom Adams
Policy Advisor
The Ocean Project
The President Signed it Into Law: Now What?

- Departments/Agencies analyze meaning and intent of legislation – usually involves meetings with congressional offices who worked on the legislation.

- Initiate “rule-making” process that will lead to regulations that will guide administration and enforcement.

- Ultimate result is a regulation that reflects the President’s priorities.
For Example...Zoo or Aquarium Permits

- Legislation specifies what is and is not legal
- It does not write the specific requirements your institution must meet to have a permit approved.
- Those are developed by the appropriate Department or Agency with jurisdiction over the law
  - *ESA: Interior Dept.*
  - *APHIS: USDA*
  - *Marine Mammal Protection Act: NOAA*
National Marine Sanctuary System & the National Marine Sanctuary Foundation

Kris Sarri
President and CEO
National Marine Sanctuary Foundation
Covering more than 620,000 square miles, each national marine sanctuary protects unique ecological, historical, cultural, and scientific resources.

Protect rare, threatened, and endangered species and nationally significant ecosystems
Preserve America’s history and heritage – 430 known shipwrecks and aircraft wrecks
Strengthen coastal economies – estimated $8 billion generated annually
What is a National Marine Sanctuary?

National Marine Sanctuaries Act

- A U.S. National Marine Sanctuary is a federally designated area within United States waters that protects areas of the marine environment with special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or aesthetic qualities.

Today the National Marine Sanctuary System is...

- 14 sites
- 14 Sanctuary Advisory Councils with 440 members
- 7 visitor centers, 8 major exhibits - 50 + NOAA Kiosks
  - Mokupapapa Discovery Center in Hilo, HI – operated by the Foundation
How to Create a Sanctuary?

**Administratively**

The National Marine Sanctuaries Act allows NOAA to identify, designate and protect areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities as national marine sanctuaries.

**Legislatively**

- The Florida Keys National Marine Sanctuary and Protection Act

- The Hawaiian Islands National Marine Sanctuary and Protection Act

- The Oceans Act of 1992 (Stellwagen Banks NMS)


- The Antiquities Act gives the president authority to protect natural and cultural objects through designation of a national monument. (Overlay)
Established in 2000, the National Marine Sanctuary Foundation:

1. Increases local, national and international awareness and protection of the National Marine Sanctuary System and its value to communities and the local economies.

2. Raises revenue for national marine sanctuaries and the National Marine Sanctuary System.

1. Builds a constituency of stewards for America’s ocean and Great Lakes.
Our Approach

- **Nonpartisan credible voice** for marine and Great Lakes protected areas at the national level

- **National organization with the ability to deliver on-the-water conservation results** through local chapters and by engaging citizens, non-profits, and businesses in stewardship to promote a healthier ocean and Great Lakes

- **Foster innovative projects** that are solution-oriented, scalable, and transferable beyond sanctuary boundaries

- **Leverage public funding to support private investment** in conservation, maritime preservation, science, and education

- **Use scientific, legal, and policy expertise** to inform programs
Capitol Hill Ocean Week and Blue Beacon Series

The nation’s premier annual conference examining current marine, coastal and Great Lakes policy issues.

June 4 – 6, 2019
Washington, DC
www.capitolhilloceanweek.org

Bring to light the ocean and Great Lakes’ biggest challenges through panels, lectures, and film screenings hosted around the country.
Thank You!
Who’s Making the Rules & How are they Making Them

Tom Adams
Policy Advisor
The Ocean Project
Rule Making is a Lengthy Process – usually takes more than a year

- Proposed Rule
- Public Comment Period
  - Sometimes followed by Revised Draft Rule
- Proposed Final Rule
- Public Comment Period
  - Sometimes followed by Revised Proposed Final Rule
- Final Rule
  - Sometimes followed by Revised Final Rule
- Public Comment Period
National Environmental Policy Act (NEPA)

- Nixon-era law that created Council on Environmental Quality (CEQ)
- Requires government assess environment impact of federal projects and private projects that require federal approval
- If Environmental Impact Statement (EIS) determines project will adversely impact the environment, it is either ceased or altered to address issue
- Process requires public participation, usually accomplished through comment period
Getting Your Friends to Make Public Comments...

Woodland Park Zoo’s Response to Proposal to “Modernize” the Endangered Species Act

Kerston Swartz
Public Affairs and Advocacy Manager
Woodland Park Zoo
“Modernizing” ESA Coalition Members

- Woodland Park Zoo
- EarthJustice
- Defenders of Wildlife
- World Wildlife Fund
- Center for Biological Diversity
- Humane Society
- Other zoos and aquariums (WCS, Oregon, San Diego, Cleveland, Pt. Defiance)
- AZA
- Regional grassroots organizations
# ESA Public Comment Campaign

## PROTECT THE ENDANGERED SPECIES ACT

**Summary and Background:**
The Endangered Species Act is considered one of the most successful conservation policies in the world because of its effective governmental process that continues to bring species back from the brink of extinction. Decisions regarding the protection of animal species and their habitats should be made by the best available science, not special interests.

We have a duty to save endangered animals and the places they live. Recently proposed rule changes would significantly weaken the Endangered Species Act, risking extinction for species throughout our country and the world. As habitats shrink, biodiversity declines, and animals face threats from human development and a changing climate, we must increase protections for endangered species, not undermine them.

**Action:**
I join Woodland Park Zoo in urging the U.S. Department of Fish and Wildlife Service to rescind the proposed rule changes.

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Using Social Media to Engage
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We must increase protections for endangered species, not undermine them.

I join Woodland Park Zoo in urging the U.S. Department of Fish and Wildlife Service to rescind the proposed rule changes.
We all share one planet—help save the Endangered Species Act

Endangered species are a precious resource for our Earth. As we continue to face challenges such as climate change and habitat loss, it is crucial that we come together to protect these vulnerable species. The Endangered Species Act (ESA) is a powerful tool that helps us achieve this goal. It provides a framework for identifying and protecting species in danger of extinction.

The ESA has been integral to the recovery of many species, but it is facing new challenges. Some argue that the act is too restrictive and poses a threat to economic growth. Others believe that it is necessary to ensure the survival of our planet's biodiversity. Regardless of these differing opinions, it is clear that the ESA plays a crucial role in the preservation of our natural world.

We must remain committed to the principles of the ESA and work together to ensure its continued success. By protecting endangered species, we are not only safeguarding the health of our ecosystems but also preserving a legacy for future generations. Let us continue to support the Endangered Species Act and work towards a more sustainable future for all.
Executive Orders:

Presidential Statements With the Force of Law

Tom Adams
Policy Advisor
The Ocean Project
What’s An Executive Order

- Directive issued by the President with the force of law
- Authority provided in the Constitution and also delegated by Congress to Executive Branch
- Subject to legal challenges which provides oversight by the Judiciary
- If the President is from your party it is a positive use of Executive
- If from the other party, abuse of power & constitutional overreach authority
Use of Executive Orders to Revise Regulations to Advance Agenda and Priorities

**Obama Administration**
- Clean Power Plan which set strict emissions limits on coal and gas fired power plants
- Use of Antiquities Act to create new or expand existing National Monuments
- Citing impact on marine life, in 2017 Interior Department denies permits sought by oil companies for seismic testing off Atlantic coast

**Trump Administration**
- August 2018, EPA drafts replacement Affordable Clean Energy plan that allows states to set their own standards.
- Proposes to reduce boundaries and promote commercial activities in National Monuments created by Presidents Obama and Bush.
- Citing the Marine Mammal Protection Act, NOAA concludes that seismic testing can be done without harming populations of threatened and endangered species
Today’s Take Aways

- Rule-making is where laws come to life
- Rule-making is not as complicated as it looks or seems
- Executive Orders are increasingly being used to end run gridlock
- America’s National Marine Sanctuaries and National Marine Monuments have almost all been created through Executive Branch actions we have discussed today
- Zoos and Aquariums can help protect marine ecosystems by promoting and helping to establish National Marine Sanctuaries
- Zoos and Aquariums can influence rule-making to ensure protection and preservation of habitat for fish and wildlife
Thank you!

This Webinar is funded by the
Gordon and Betty Moore Foundation

This webinar has been recorded. If you want to rewatch it, share it with a friend or colleague, it is posted at www.theoceanproject.org. A PDF version of the slides also will be available on our website.

If you have any follow up questions, need information or advice on possible engagement activities, please contact Tom Adams at tadams@theoceanproject.org