

IMPLEMENTATION OF THE COASTAL JOBS CREATION ACT OF 2011 (H.R. 594)



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Guide to Superscripts

Throughout the report, Roman numeral superscripts are used for endnotes further elaborating on the text, whereas Arabic numeral superscripts indicate citation of sources.

Acronyms and Key Terms

Anthropogenic: Relating to or resulting from the influence of human beings on nature.

Application Package: A group of specific forms and documents for a specific funding opportunity which are used to apply for a grant.

Benthic: A reference to the lowest ecological zone, specifically referencing near-shore coastal environments that contain many forms of primary producers necessary for marine life. Examples of benthic environments include coral reefs or sea grass beds.

By-catch: Fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

CJGP: Coastal Jobs Grant Program.

Fitness: Relating to the capacity of an organism to survive and reproduce.

H.R.: House Resolution.

High-grading: The practice of selecting only the most healthy or valuable individuals in harvesting a natural resource as timber or fish.

Hypoxia: A condition of a marine environment that entails a deficiency of oxygen for marine life

Estuary: The location for mixing of a river and open water source which provides significant habitat and food that allow for the success of many juvenile fish species.

Eutrophication: A process by which increased nutrients facilitate a growth of aquatic plant life which can result in the depletion of dissolved oxygen within the water.

Marine Debris Research and Prevention Act: A program which establishes a process for mapping, identifying, assessing impact removing and preventing the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

Magnuson-Stevens Fishery Act: The central piece of legislative authority which guides the management of marine fishing stocks and fisheries. Passed in 1976, amended in 1996 and reauthorized in 2006 this act sought to decrease overfishing and sustainably manage fish stocks and is the primary vehicle upon which the National Marine Fisheries Service relies upon for authority and guidance.

NOAA: National Oceanic and Atmospheric Administration.

Overfished: When the size of a fish stock is smaller than the sustainable target set by the National Marine Fisheries Service.

Overfishing: When a fish stock is being fished at a fishing mortality rate that exceeds the overfishing threshold set by the National Marine Fisheries Service.

PCBs: Polychlorinated Biphenyls, synthetic chemicals banned in 1976, which as the result of industrial processes has been released into the environment, adverse human health affects occur from exposure.

Task Force: The entity upon which will implement, manage, and monitor the Coastal Jobs Creation Act's authorized grant program.

Table of Contents

Executive Summary.....	v
Introduction.....	1
I. State of the American Coasts.....	2
The Issue/Science Behind the Policy.....	2
Ecosystem Health and Quality: The Effect of Contamination on Ecosystems.....	2
Marine Debris and Macropollutants.....	3
Fishery Stock.....	3
Socioeconomic Overview.....	4
II. Legislative Analysis.....	5
Bill Summary.....	5
2010 Bill, Sponsors and Failure.....	5
2011 Bill Components.....	6
2011 Bill Issue Analysis.....	7
III. Program Adoption and Options.....	8
Program Design.....	8
Task Force.....	8
Eligibility and Scope of Grant.....	10
IV. Performance Management.....	12
Financial Planning and Administration.....	12
Environmental and Social Impact Assessment.....	13
V. Conclusion.....	14
Notes.....	15
Appendices.....	18
Appendix 1: Master Calendar.....	18
Appendix 2 : H.R. 594 Legislation.....	20
Appendix 3: Budget Summary.....	23
Bibliography and Citations.....	24

Executive Summary

The Coastal Jobs Creation Act of 2011 was introduced on February 9, 2011 by Congressman Frank Pallone from New Jersey. This piece of legislation came in response to an increasing susceptibility of coastal employment to perturbations and problems that impair the viability and sustainable management of coastal resources. Problems such as pollution, unsustainable harvesting and drastic alterations of coastal habitat have left fishing and other marine organisms depleted leading to high unemployment in formerly vibrant coastal communities. Based upon a predecessor, the Coastal Jobs Creation Act of 2010 (H.R. 4914), the current version was introduced to specifically address this issue through the creation of a grant program to revitalize coastal communities. Opposition to this bill has targeted the financial component of the grant, namely an authorization of up to \$80 million, as symbolic government waste regardless of an administrative cost cap to the grant at 5% thereby directing 95% of appropriated funds to grantees.

The design of the Coastal Jobs Creation Grant program will be subsumed under the Department of Commerce, and specifically the National Oceanic and Atmospheric Administration (NOAA). Upon hypothetical passage and appropriation of the bill, NOAA will appoint a program director who will oversee all stages of the implementation for the grant. This director will be supplemented with a support staff, collectively referred to as the "Task Force." The Task Force will encompass several interagency transfers, thereby requiring minimal outside hiring, and will work to implement all aspects of the Coastal Jobs Creation Grant program. The Task Force will initially limit the scope of eligibility of the grant to applicants which build on one of three managerially selected NOAA Programs, in this case the Magnuson-Stevens Cooperative Research Program, the Marine Debris Removal Program or the Integrated Coastal and Ocean Observation Program. This scope of the grant was determined as being the most efficient and equitable program design when considered against grants being awarded based on region or an unlimited scope due to open bidding. A grantee's application package will be selected based around the direct impact on employment, as well as the indirect economic and environmental impact. Through limiting the scope of projects to prior permitted projects, and those under the authority of existing programs, this allows for a streamlined decision and review process whereby NOAA and the Task Force in specific are not burdened to provide extensive reviews that would delay and inhibit the adequate, efficient, and timely selection of grants and distribution of funds. Furthermore, throughout the initial pilot year the grantees and administrative program's performance will be measured based upon these qualifications (employment generation and environmental impact) to ensure compliance with the grants objective. Upon the assumption of an appropriation of \$40 million the Coastal Jobs Grant Program will budget for around \$1.12 million in administrative expenses, well under the 5% cap, thereby maximizing funds available for grant allocation.

Overall the Coastal Jobs Creation Act of 2011 was introduced to help restore the once vibrant coastal employment sector that is reliant upon the natural environment. The Coastal Jobs Creation Grant would invest in the revitalization of waterfronts, the improvement of science based management and restoring the environment, thus providing support for the recreational and commercial fishing industry which "represent[s] the economic and cultural foundations of communities all across the United States."¹

Introduction

Major American cities such as New York, Boston and Los Angeles have attained their current economic, social and political stature due to their proximity on the American coastline. From ports to fisheries, from New England to the Pacific Northwest, the modern American landscape has been shaped by the coastal environment through a reliance on an abundance of commercially valuable natural resources. Coastal counties today, including those surrounding the Great Lakes, comprise only 17% of the nation's land area yet house over half of the United States population, 58% of the national Gross Domestic Product and contain 64% of total national employment.^{2,3} As this area is host to a majority of U.S employment, effective economic productivity of the coast is vital to the future of America. Problems such as overfishing, pollution, and overall habitat degradation have led to decreasing economic productivity and impact on coastal employment. With economic growth and employment highly reliant upon coastal regions, any minor, or major, perturbations in coastal productivity can prove problematic. After two centuries of utilization, American coastal resources are feeling the effects of overfishing, habitat degradation, and pollution thus leading to depreciated resources, lowering economic productivity and a loss of coastal jobs.¹



Figure 1. Deepwater Horizon Oil Spill
(Source: U.S. Coastguard)



Figure 2. Marine Debris Along a Waterway
(Source: Californians Against Waste)

The Coastal Jobs Creation Act of 2011 (H.R. 594) was introduced specifically to increase coastal employment and restore coastal resources through supporting efforts for sustainable coastal management. The coastal jobs creation grant program authorized within the Coastal Jobs Creation Act of 2011 is targeted to providing a benefit to coastal environmental resources and economic productivity. Implementation of the grant will be achieved through the formation of the Coastal Jobs Grant Program Task Force. Through allocating funds to programs that actively generate employment opportunities and benefit to the environment the Coastal Jobs Creation Act targets the underlying problems affecting coastal unemployment, specifically through the revitalization of waterfronts by promoting sustainable fisheries and fishing communities.⁴

In examining the Coastal Jobs Creation Act of 2011 (H.R. 594) this paper examines the current state of the American coast, an analysis of the objectives of the bill, as well as a hypothetical implementation scenario of the Coastal Jobs Grant Program assuming passage.

I. State of the American Coasts

- The environmental degradation of U.S. coastal regions poses two main problems: the destruction of local ecosystems and decrease in coastal employment. Major environmental issues coastal communities face today include marine debris and diminishing fishery stocks.
- The “Coastal Jobs Creation Act of 2011” was introduced to target and address the underlying environmental and structural issues that lead to higher unemployment in coastal regions.

Maryland’s Chesapeake Bay while once one of the most recognizable commercial oyster fisheries, currently is struggling to replenish stocks. During the 20th century mismanagement, alterations to habitat, and disease left this commercial fishery, and shellfish population, a shell of its former self. Current attempts at restoration of the fishery face many challenges and thus could be a prime beneficiary of any coastal employment legislation if enacted.ⁱ



Picture of Oyster Bed Courtesy of NOAA Chesapeake Bay Office Website “Oyster – Fish Facts”

The Issue/Science Behind the Policy

The United States coastline historically possessed ample amounts of natural resources necessary for economic development. These coastal regions have relied upon marine organisms for consumption and utilitarian use, for navigation and trade, as well as, modern desires for aesthetic beauty and quality of life benefits.ⁱⁱ However, longer dependence upon these resources with improper stewardship have led to continual degradation, putting at stake these resources and their prospective future economic value. Coastal areas are witness to two major types of environmental degradation; specifically, adverse impacts to the health and quality of an ecosystem and reductions in marine resource yield. Degradation of the environment in either form can impact coastal employment as many coastal jobs, from fishing to hospitality, are integrally related to the health of the environment.

Ecosystem Health and Quality:

The Effect of Contamination on Ecosystems

Understanding the health of an ecosystem is a complex endeavor due to the complicated nature of coastal environments. There is a broad consensus, however, that many of our most productive coastal waterways suffer from continual degradation to vital ecological processes. These historically productive coastal areas suffer as ecosystem health is impacted from anthropogenic pollution and habitat

alteration. Problems such as nutrient loading of coastal waters, referred to as eutrophication, drastically impair ecosystems and often lead to a cascade of affects such as hypoxia, as evidenced by the Gulf of Mexico “dead zone.”ⁱⁱⁱ Chemical pollutants such as PCB’s and mercury can not only affect the individual fitness of fish but can also affect the commercial viability of a fishery stocks due in part to concerns over adverse human health effects.^{iv}

Specific impacts to an ecosystem by pollution or habitat degradation can significantly affect the broader ecosystem or disproportionately impact a single link within the ecosystem.^v The most visually distinct impact on the health of an ecosystem often is through a direct impact to habitat.^{vi} Destruction of, or physical alteration to, critical environments such as estuarine or benthic habitat creates far reaching problems that impact economically valuable resources, at their most vulnerable state.^{5,6}

Marine Debris and Macropollutants

The term macropollutant, often ill-defined, herein refers to any physically visible substance that can detrimentally impact the environment. Macropollutants can have a wide breadth of detrimental effects from altering ecosystem processes to effecting individual species with some even inhibiting human activities.^{vii} Among the more recognizable of macropollutant types are “marine debris” which often consists of discarded marine equipment such as fishing nets, line and traps. These forms of discarded waste can not only impair recreational and commercial navigability of the watercourse but also often directly impact marine resources and the environment. Overall, macropollutants can affect environmental health by directly impacting a species through ingestion or entanglement or indirectly through habitat and ecosystem alteration.^{7,8} Macropollutants can constitute anything from discarded plastic to marine debris, from sediments to oil pollution.^{viii} Furthermore, macropollutants may only impact the viability of marine habitat but often can lead to a visual blight of the aesthetic beauty and quality that many coastal areas and marine environments are known for, thus providing another impact on the coastal economies reliant upon tourism.^{ix}

Fishery Stock

While changes to habitat and environmental quality are known to impact coastal resources, often the highest-magnitude impact results from mismanagement in the utilization and harvesting of these resources. Direct harvesting of commercial marine stocks has led to a national and worldwide decline in fisheries. In a 2010 report by NOAA, roughly 40% of American fish stocks were seen to be either overfished, or were undergoing overfishing.⁹ Current reports show several of the stocks endangered from mismanagement are among some of the most

"Counting fish is like counting trees, except they are invisible and they keep moving."

- John Shepherd,
derived from Hilborn (2002)

commercially recognizable and valuable fish stocks.^x Problems persist in the effective management of commercial stocks due to difficulties in accounting for all variables in determining how many fish are in the sea.

In developing effective policies regarding catch limits or shares, it is first necessary to provide an in depth stock assessment that accounts for all variables, and provides an accurate estimate of stock size in order to determine the maximum sustainable yield.

Problems persist with these assessments as many variables are difficult to account for, the least of which being the inherent difficulties in stock estimation where direct census is unavailable. Stock assessments are also often unable to account for human impacts from the illegal, unreported, or unaccounted fishing pressures. Further problems persist in managed stocks where by-catch and high-grading can go unaccounted and recreational fishing go unquantified, leaving stock assessments vulnerable to overestimating viable catch size.^{xi} Other problems can persist in the regulatory structure due to the inabilities of models to accurately quantify effects of degraded habitat, or the magnitude of unaccounted fishing pressures. Problems regarding a lack of adequate scientific data for stock management are evidenced by results such as the 2010 National Marine Fishery Service stock report. This reports showed that only 197 of the 528 commercial stocks in the United States (roughly 38%) had adequate information to achieve stock assessment regarding overfishing or overfished status. Among the 197 stocks, 48 were overfished and 40 others determined as undergoing overfishing.¹⁰

- 1 million jobs in commercial fishing
- \$4 billion value of fisheries landings
- \$82 billion in economic impact from recreational saltwater fishing

Yet, only 197 of 528 commercial stocks had adequate information for stock assessments³

Socioeconomic Overview

While each of the former problems affecting the coastal resources and employment are currently addressed within existing legislation, success has fallen short and been insufficient to fully address the restoration of coastal resources. America's coastal economic production is inextricably related to the health of the ecosystems and resources upon which it utilizes. Due to insufficient scientific information, sustainable management of many species has been unsuccessful leading to marked decrease in coastal fishing jobs as well as employment within the broader coastal economy.^{xii} As coastal employment is suffering, it is necessary to entail some of measure to address the environmental problems that underpin the weak economic outlook. The Coastal Jobs Creation Act of 2011 was introduced by Representative Frank Pallone to do just that, target and address the underlying structural issues that result in a lack of employment within coastal regions.

II. Legislative Analysis

- Coastal Jobs Creation Act of 2011 was introduced to generate coastal jobs creation and promote sustainable coastal communities. The bill is a revised version of a 2010 bill with similar goals that did not pass in session due to political divide.
- The central objective of the 2011 bill is to authorize a 5-year funding apparatus, named the Coastal Jobs Creation Grant, to undertake activities relating to coastal restoration.

Bill Summary

The Coastal Jobs Act of 2011 was introduced into the House of Representatives on February 8, 2011 by Congressman Frank Pallone Jr. (D-NJ) to address two issues of concern, namely the nation's coastal unemployment and the environmental structural problems that underlie that issue. This legislation had a former version, a 2010 bill titled Coastal Jobs Creation Act of 2010 (H.R. 4914); however, this piece of legislation did not pass in session and underwent minor revisions before being reintroduced under the 2011 designation. The framing of this issue in the current session conforms to the growing concern over the economy and unemployment, highlighting the focus on employment and job creation.^{xiii} This section introduces the predecessor to the 2011 bill, the objectives and policies that the current version seeks to address, and a political analysis over the prospects for passage.

2010 Bill, Sponsors and Failure

The Coastal Jobs Creation Act of 2010 (H.R. 4914) was not passed during session due to a variety of reasons; however, the political move to submit an analogous 2011 version with identical content represents an indication that the sponsor believes opposition can be muted through a re-framing of the legislative intent.^{xiv} The resistance was based around fiscal concerns and an environmental framing which generated a polarized political dialogue that impeded passage.

House Resolution 4914 was introduced when the political sentiment was strongest towards prioritizing economic drivers and was relatively circumspect on pushing environmental regulation. Due in part to this framing and supplemented by an increasing ideology of reduction of the deficit and federal spending resulted in a locus of criticism over the legislation's proposed appropriation of \$80 million, regardless of the administrative expenditure cap of 5%.^{11,xv} The prospects for passage in 2010 were furthermore hampered by a polarized national political debate and failure to gather bipartisan support on the House Resolution (a Senate counterpart however was sponsored by Maine Republican Olympia Snowe). Although H.R. 4914 was co-

sponsored by 79 congressmen, all were within the Democratic party, regardless of several prominent coastal fishing districts within Florida New Jersey and North Carolina (among others) represented by Republicans.^{xvi} Furthermore, the geopolitical discrepancy of benefits accruing solely to coastal districts gave little incentive for inland legislators or constituency support. Thus, despite public support spearheaded by fishing organizations and environmental non-profits, such political factors combined with the apathy of non-coastal states prevented this bill from passage in 2010.^{12,13,14,15} The timeline in Figure 3 represents the actions of both the former Coastal Jobs Creation Act (H.R. 4914) and the 2011 version (H.R. 594).



Figure 3. Timeline of Major Actions

2011 Bill Components

The Coastal Jobs Creation act of 2011 was introduced in order to address the coastal problems arising from environmental degradation and the inevitable impact on employment opportunities. This legislation was introduced mainly to authorize a funding apparatus, named the Coastal Jobs Creation Grant, to undertake actions relating to the following:

- Cooperative research and monitoring;
- Revitalization of coastal infrastructure;
- Recreational fishing registry programs;
- Marine debris removal; and
- Restoration of coastal resources.

This grant would be allocated for 5 years, between the fiscal years of 2012-2016. Under the authority of the Commerce clause (Section 8 Article 1) to enact laws, the Coastal Jobs Creation Act would work in tandem with the current coastal environmental legal framework spurred by the Coastal Zone management Act, The Magnusson Stevens Fisheries Act and the Marine Debris Research and Prevention Act among others.¹⁶ The funds would be administered in order to provide for the greatest employment through supporting sound research, restoration and protection efforts that utilize existing institutional or physical infrastructure (See Appendix 2).

2011 Bill Issue Analysis

With a stated objective to “promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes,” the 2011 version showed a deference to job creation and economic drivers. However, the bill faces roughly the same criticisms and prospects as the 2010 version due primarily to its concurrent wording and little success in reframing the issue to garner bi-partisan support. The prospects are furthermore hampered by the lack of inertia that its predecessor had, evidenced by a sponsorship of just four congressmen and no counterpart in the Senate. The elements for success and passage of the Coastal Jobs Creation Act of 2011 would have been to build coalitions across the aisle, emphasize the job creation, or seek to attach it as a rider to a larger piece of legislation.

Prime among these opportunities would have been to reach across the aisle and generate bi-partisan support as any political split would leave the sponsors party with insufficient votes for passage. Framing the bill as an economic initiative and generator of jobs rather than an environmental one would also purport to have a greater chance of consideration for hearing in committee and passage than the 2010 version had. Finally, the alternative prospect would have been to attach the Coastal Jobs Creation Act of 2011 to another existing bill as an amendment, doing this would possibly lead to a greater chance for success. However, the most applicable bill for a strategic attachment is the American Jobs Act of 2011 (H.R. 12). As the overall individual prospects are dim for this piece of legislation, this strategy would prove difficult and likely futile. Furthermore, as the Coastal Jobs Creation Act of 2011 does not enjoy the same momentum that the 2010 version may have had; it has yet to be heard by committee and sponsorship is reduced to 4 Democrats from 79 in 2010.^{xvii} Recognition of this bill has also been reduced as political opinion is once more focused on the federal deficit, employment and the economy.

Overall while this legislation would seem to benefit from the political strength of coastal legislators this bill seems unlikely to pass due to the vitriolic debate over government expenditures, and a polarized Congress with little incentive to join in bipartisan endeavors. The previous sections outlining the science behind the prospective policy and the analysis of the legislation allows a better perspective to clarify the legislative intent of this bill and the rationale of Congressman Frank Pallone’s introduction of it. Regardless of the low probability for passage of the Coastal Jobs Creation Act, the actual implementation of “grant program” authorized under the bill will be covered within the next section.

III. Program Adoption and Options

- The Coastal Jobs Grant Program is administered by a new task force, established under the existing structure and guidance of NOAA and drawing upon the human resources and expertise of relevant NOAA divisions.
- Three NOAA programs that meet the criteria specified in the bill will be selected in the pilot year; only projects that fall under the three selected programs are eligible to apply for the grant.

Introduction

The guidelines necessary for the implementation of Coastal Jobs Grant Program (CJGP) are designated to be developed within 30 days after the date of enactment of the legislation. The program's design component will focus primarily on the effective distribution, review, and monitoring of the grant to ensure compliance with regards to employment and the overall impact to the environment. The grant program will furthermore work in conjunction with the Magnuson Stevens Fishery act amendment within this legislation that seeks to exempt states from federally enforced recreational fishing registries provided adequate information generating capabilities exist.^{xviii}

Program Design

This program is designed and established under the existing structure and guidance of the National Oceanic and Atmospheric Administration's (NOAA) central governance structure in Silver Spring, MD. The grant program will rely upon existing infrastructure at the Silver Spring complex, and will initially hire core staff through temporary interagency appointment and incorporate other necessary support staff through outside hiring as needed. The grant structure, review criteria, and implementation procedures, all are outlined within the first month in order to allow for actual enactment of the initial pilot year of the grant in 2012. Following completion of the initial pilot year and first fiscal cycle, the director and managing staff of the program will modify the implementation protocol and organization detailed below as needed. The pilot year program for the Coastal Jobs Creation Act will be implemented by the Coastal Jobs Grant Program Task Force, hereafter referred to as the task force.

Task Force

The task force will be a NOAA administrative structure with the sole responsibility of managing, implementing and reviewing the state of the Coastal Jobs Creation grant program.

The task force will review, determine and distribute funding to grant awardees as funding dictates. Working under the authority of the Coastal Jobs Creation Act, the task force and implemented grant program will complement existing programs such as the Coastal Zone Management act, Marine Debris Act, and Coral Reef Conservation Act, among others. The task force will initially determine whether to focus its initial request for grant applications, to be managed under the federal grant application portal, Grants.gov, under the guise of such programs as the Marine Debris Removal Program, the Integrated Coastal and Ocean Observation Program and the Magnuson-Stevens Cooperative Research Program. The decision to target grants according to impact under NOAA programs (explained under eligibility) was chosen as favorable rather than a selection according to a closed region based bid or open bid system. By awarding grants based around program selective bids the task force is able to review a select qualified number of applicants encompassing anywhere along the coast, this was deemed favorable over a geographically distinct beneficiaries or a non-selective open bid.

The core organizational structure of this task force will consist of a program director, a division coordinator, three scientific advisory and support staff as well as a deputy administrative coordinator. The hiring of other support staff is at the discretion of the program director and is limited in scope to that possible under the 5% cap. The primary authority over incorporation of the Coastal Jobs Act legislation within NOAA's mission is the Program Director. The current branch director of the NOAA division of Program Planning and Integration will assume this role upon passage of this legislation. The initial role for the Program Director is to announce a temporary pilot year interagency appointment availability to assume the role as the Division Coordinator. This federal employee will be selected from current staff at the Acquisition and Grants Office and will be appointed within the initial month. The Division Chief Coordinator (Coordinator) once appointed will then be responsible for the further inter-agency transfer or temporary appointment of scientific staff support, as well as the outside hiring of two deputy administrators. The Coordinator will select a support staff of a Socio-economic specialist, as well as three Environmental Specialists of which will be transferred from selected NOAA programs (as detailed to within the Grant Eligibility and Scope section).^{xix}

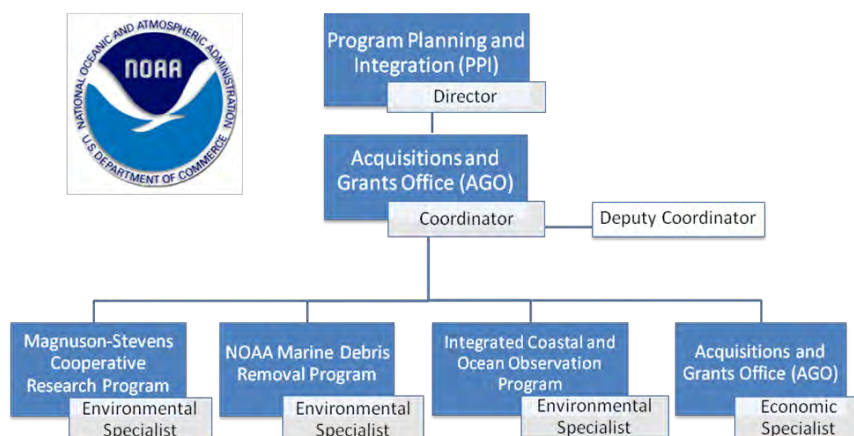


Figure 4.
Staffing Table

Further staff can be added at the discretion of the Division Chief Coordinator if funding allows and prior approval is given by the program director as funding cap allows. It is expected that these core task force staff will all reside and work within the National Oceanic and Atmospheric office complex in Silver Spring, Maryland, located just outside of Washington D.C. where the Department of Commerce headquarters is based. The temporary appointments are for the duration of the fiscal year and inter agency transfers will switch back to their initial offices. Any temporary transfer can also apply for a permanent transfer through the general hiring procedure which will be conducted by the program director during the first year of implementation in order to have the full time staff ready for the second year of the program. Once the core staff members are in place the grant notice of availability will be distributed and applications received under the established “Grants.gov” portal. Vital to the grant program is the determination and scope of eligibility criterion upon which the prospective grants will be analyzed and selected.

Eligibility and Scope of Grant

In order for a project to be eligible to receive this grant it must be affiliated with an organization, state, public agency, tribe or non-profit entity, as no individual applications are allowed. However, an individual may submit an application on behalf of an organization. A project is required to benefit the general public and be impacting a coastal or great lake region of the United States and all territories. Within the initial year the program directors of each of NOAA’s main agencies will convene and decide on three NOAA programs upon which the eligible grantees are expected to benefit. Every year after the pilot year the program directors will meet and select new or reauthorize certain programs to be funded. These three programs (represented previously by the Cooperative Research Program, the Debris Removal Program and Coastal Observation Program) will provide the baseline upon which the task Force will determine 3-6 grants for funding. While there will be no implicit necessity to have a cooperative agreement or existing relationship between a grantee and a NOAA program, any such agreement will be reviewed as to whether funding to that grantee could create an added benefit and value to the program. This is again true for including matching or supplementary grants. While no matching funds are required for eligibility, above that which is required by any existing authorities used; complementary funding will be reviewed within the application package as an indicator of the potential added benefit and overall cumulative effect of the grant. This program would select grant recipients on a yearly basis and as such there would be no guarantee for continual funding, nor is there an explicit exclusivity to the program to being one-off grants. However, if an applicant does wish to seek continual funding they are required to apply each cycle and objective measures of prior performance will be taken into account.

All applications prior to their review will be required to have adequate local, state and federal permitting, including that documentation within the package and are subject to international and tribal treaties. Among the necessary aforementioned documentation is that any program has had review under the National Environmental Policy Act guidelines and has received a Categorical Exemption, a sufficient Finding of No Significant Impact Environmental Assessment or an Environmental Impact Statement that supports the project. Through limiting the scope of projects to prior permitted projects this allows for a streamlined decision and review process whereby NOAA and the Task force are not under obligation to provide extensive reviews that would delay and inhibit the adequate, efficient, and timely selection of grants and distribution of funds. Furthermore, the application packages must contain detailed projects and descriptions of the project for funding, this will help facilitate pre-award baselines upon which to gauge expected employment and results from financed projects. Lastly, in reviewing the application packages supporting documentation it is necessary to allow for extrapolating both expected direct benefits and added off-shoot value.

The prior restrictions on eligibility will ensure that there is a straightforward and streamlined avenue through which applications can be measured and reviewed and selected for funding. This requirement will further ensure the reduction of frivolous or ineffective applications and ensure the greatest public benefit. Application packages once submitted through grants.gov will be reviewed by the Coastal Jobs Creation task force, and be subjected to the timeline below and the overall master calendar (included as Appendix 1).

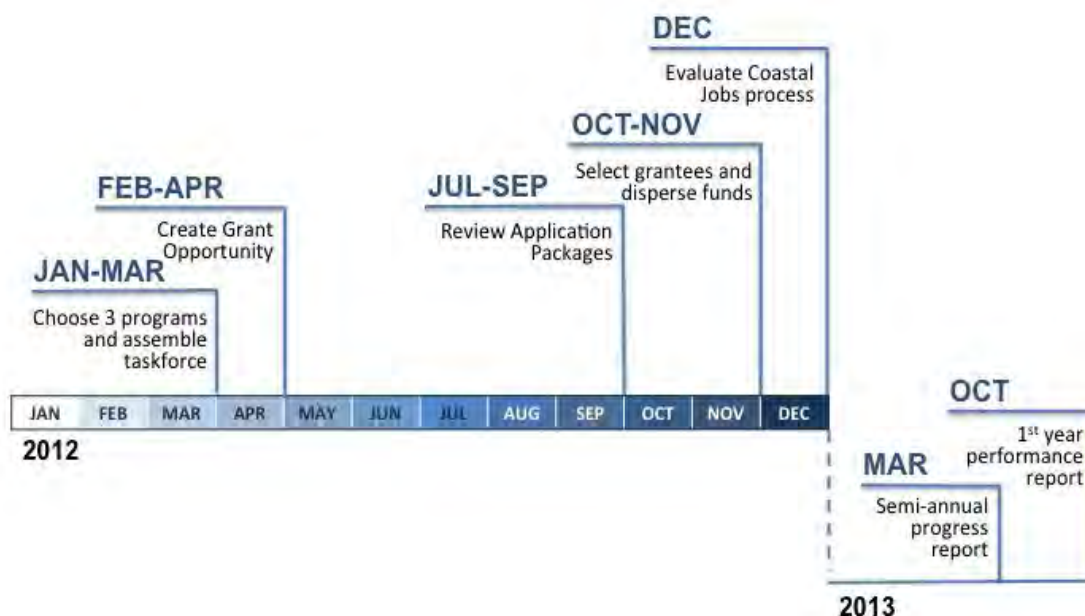


Figure 5. Implementation Timeline

IV. Performance Management

- While the bill authorizes up to \$80 million in appropriation, it further caps administrative expenses to 5% of the allotted funds. The task force is designed to operate within the administrative cost ceiling based on a conservative estimate of \$40 million in appropriation.
- The performance management of the grant program consists of two factors: the administrative process efficiency of the task force, and the environmental and social impact of the grants.

Financial Planning and Administration

The funding of this program is dependent upon budget allocation after this act is signed into law. However, under the assumption of passage of the bill, the appropriation of up to \$80 million per year would be authorized and available for the fiscal years through 2012-2016. However, such an amount is unlikely to be allocated in this economic climate; and as such a realistic expectation would be considerably less than the envisioned amount e.g. \$40 million. The direct administrative budget is further capped at 5% of the allotted fund level of the grant. Therefore the prospective budget must be designed to include ample buffers to accommodate for further cuts in the appropriated amount.

A project necessitating funds for administrative costs would furthermore be subjected to the percentage cap and would be considered part of the federal task force administration cap. The task force employees will be salaried at the average level of funding and experience level (GS level) for their position based upon the 2007 levels. Furthermore, any task force employee would be subject to NOAA and federal agency restrictions regarding annual bonus pay or salary increase freezing. Surplus funds under the administrative cap can be used by the task force to provide a contract for future temporary employment, or to expand grant funding opportunities. Based upon the projections outlined in Appendix 3 and summarized within the following table, the basic administration salaried funds would not exceed \$900,000 thus incorporating ample buffer space to hire extra staff as needed. Office, technology and infrastructure costs will not exceed \$100,000 per year and most of the costs will be a single upfront expense thus requiring little recurring yearly costs. Subsequent years will have a decreased budget as compared to the initial year due to the high initial upfront costs for computers and

Expenditure	Amount
Administration	\$1,122,757
• Personnel	\$994,953
• Overhead	\$78,224
• Travel	\$49,580
Distribution	\$38,877,243
Program Total	\$40,000,000

Table 1. Total Program Expenses
(See Appendix 3 for budget details`)

many office supplies, thus allowing for further surplus salary cap of \$150,000. This surplus salary will be reserved for use at discretion of the Program Director to hire more staff, or consultants, or to provide for expenses related to grant sight visits for compliance or review. Therefore the entirety of the administrative budget will be capped at a rate of \$1.12 million, such a cap will allow for federal administrative costs to satisfy the 5% cap provided the appropriation level for grants is above \$22 million.

Regardless of the overall appropriation the task force will seek to fund between 3-6 grants per year from the selected programs. Under the envisioned allocation of \$40 million dollars the task force will fund 5 projects roughly \$38 million which concludes that each project attain a grant amount of roughly \$7.6 million dollars respectively. However, the actual individual denomination funded to a project can be much greater or less than the mean of \$7.6 million per project depending upon the decision to award funds to additional projects over the assumed five. Furthermore, the administrative allocation of \$1.12 million will leave roughly \$880,000 in discretionary funds that can go towards additional administrative expenses by the Grant task force, or by the recipients. Under this assumed budget the administrative cap would still be satisfied as the \$2 million high end projection of administrative costs will meet the cap of 5% of the overall budget. The Administrative review will be pursuant to the timeline outlined in Appendix 1, and will include a thorough review of the program's impact and administrative efficiency in order to determine the modifications that will be made subsequent to the completion of the "pilot" year program.

Environmental and Social Impact Assessment

The grant recipients will be chosen based among their expected value added, as demonstrated by the information included in the application package and analyzed by the task force review. The performance of the grant recipient will be measured based among the master timeline. Initial data on job creation is derived from application projections, but the grant's level of success will be monitored and the recipient will be responsible for submitting a first year performance report, as well as a 2nd quarter progress report, upon which the Task Force will derive the actual employment generation and environmental effects of the grant recipient project. High quality jobs are defined as types of full time employment which satisfy the Bureau of Labor Statistics "Green Jobs" initiative (Including sustainably managed resource utilization) or are rated as a full time medium level salary greater than \$42,000 per year.^{17,18}

Overall the performance metrics will utilize full direct employment numbers and quantifiable environmental impacts (miles of beach cleaned, estimated increase in habitat and estimated growth of fish population) as well as the indirect economic impact (what was the breadth of the economic impact).^{xx} Primary benefits will be addressed as the direct economic

and environmental impact that are tangible and quantifiable, indirect effects and positive externalities will be added as further value to the project (negative externalities will take away benefit). These metrics will be collected by the recipient, developed into an economic and environmental scorecard and specified in depth within an accompanying report and in a performance report sent to the Task force which will then review and ensure that the funding was efficiently utilized and led to a “multiplier” of benefits eliciting an added value benefit for efficient administrative assessment. Furthermore, other indirect and harder to quantify outcome variables will be taken into account, namely advances in air pollution mitigation, abidance by the Clean Water Act standards, and CO₂ reduction. These will all be included in the final performance measurement and be reviewed and relayed by the task force to the administrative bureaucracy in order to justify the grant distribution under the guidelines specified within the legislation. These decisions over performance and the determination over the success of the grant program will be based around the basic timeline (Table 3) included and will furthermore work into the maser calendar in Appendix 1.

V. Conclusion

Today the economic productivity of coastal cities is still largely tied to the health and productivity of the coastal ecosystem and coastal environment. If the United States wants to continue to develop economically, maintaining the health and responsible utilization of the coastline is a must. The Coastal Jobs Creation Act of 2011, if passed, will authorize a grant program which when implemented by the task force would fund projects with the specific objective of generating employment and conserving coastal environmental resources. This grant would be directed to grantees with projects that are under the guise of any of the 3 selected programs and are immediately ready to start up. These projects would then be monitored and reviewed to ensure the greatest impact on the natural environment and the production of jobs. Upon implementation, and the appropriation of funds, this grant program will maximize the financial benefit to the activities all the while supporting a minimal staff for overseeing the grant performance. This paper outlined the background of the issue, the politics of the bill and a hypothetical implementation, upon passage, of the Coastal Jobs Creation Act’s authorized grant program.

Notes

i: Examples of decreasing jobs and productivity can be seen from New York and New England to the Pacific Northwest. Various media and academia have recognized that historic fishing communities and fisheries today face both a loss of jobs due to collapsing fish stocks and impacts from consolidation of historic artisanal fishing jobs into streamlined commercial enterprises. Lindsey, Jay. MSNBC: *"Fishing Legacy Fades Some New England Ports."* Nov. 8, 2010. A fishery such as the Chesapeake Bay has suffered not only from illegal harvesting and habitat alteration but also is vulnerable in restoration efforts to possible impacts of pollution contamination which could specifically hinder the oysters, or other resources, commercial value with concerns over ingestion (See footnote iv for more details).

ii: While the coastline's natural resources are renowned for commercial food production they also have numerous other utilitarian and commercial benefits. There is a large market for sponges and shells, as well as a healthy (both legal and illicit) market for fish, corals and other salt water organisms for the pet trade. Other organisms such as Horseshoe crabs have proven biomedical technology uses, whereas corals and other organisms are speculated to have bio medicinal properties that are actively undergoing pharmacological research. Furthermore, a large percentage of current coastlines also rely upon a tourism based economy with major attractions often being natural resources, such as beaches, reefs, estuaries and recreational water activities (Scuba, Sailing etc) or built resources such as historic fishing ports and communities. Any degradation in the coastal environment can create a backlash to the tourist economy. One evident recent example is the "shock affect" witnessed by many coastal communities on the Gulf of Mexico Deepwater Horizon Oil Spill which suffered varying degrees of impact to area tourism regardless of the actual magnitude of impact. A 2004 NOAA study shows more than half of the ocean economy, relies upon coastal ocean resources –includes shipping, fishing etc- is derived from tourism.³

iii: Nutrient loading from fertilizers and non-point pollution runoff enters the Mississippi river which then due to unnatural levels of nutrients spur growth of organisms which in turn deplete oxygen within the water.

iv: PCB's, Mercury and other contaminants have become major players in the quest for sustainable fisheries. Problems can arise from contamination of fisheries by the aforementioned materials, all of which carry possible impacts to human health. These toxins can accumulate to levels which require reductions in human ingestion (seen with Mercury levels in Salmon and Tuna) or can close fisheries altogether within especially vulnerable organisms such as mollusks (clams, oysters etc).

v: Impacts to water quality significantly impact the health of an ecosystem; either through a broad based suppression of all ecological processes or a specific impact on one ecological niche or component.

vi: Habitat can be affected through both direct alteration, such as the shifting from a natural littoral landscape to armoring of shorelines with seawalls, or the inadvertent destruction of seafloor habitat and organisms. Disregard for maintaining habitat quality is often seen with the widespread armoring and alteration of coastal littoral areas, as well as irresponsible (and sometimes flagrant) practices such as using anchors in brittle reef systems or through disturbance of habitat.

vii: Marine Debris (especially discarded plastics) can become a visual deterrent or form of blight to a beach area furthermore impacting tourism. Also the impacts of nets, plastics tires and other marine debris can prove a hindrance to effective fishing through compromising lures and lines or through entanglement of nets and propellers.

viii: See above notes for effects of Macropollutants. Sedimentation, often not considered a "macropollutant" still is often the result of improper management and when evident can affect the turbidity of water, the vital ability for light to penetrate to the substrate.

ix: Can be witnessed by the reaction of coastal counties, and tourists, to the disaster emanating from the Deepwater Horizon oil spill

x: Salmon, Grouper, Cod, Oysters and Tuna are but some of the more recognizable (and commercially valuable) stocks which are overfished or have been drastically impacted by human activity leading to subpar returns for those relying upon the health of these stocks for their livelihood.

xi: Many other problems to stocks are not evident until further scientific information exists over the organisms behavior, biology and physiology. Some stocks can be especially impacted by reduced reproductive capability when the stock is slow to mature yet harvested based around size, often leading to the compromising of the most fertile reproductive fish. Other problems that may go unaccounted for are through unknown behavior. Orange Roughy was a prevalent stock that's numbers were overestimated because of the unknown tendency for the fish to aggregate under stress, thus resulting in scientific figures being distorted over available catch until the fishery collapse.

xii: A reduction in coastal resources does not only affect fisherman but often has a much broader impact affecting both service businesses (such as restaurants that rely on these catches) to fishing support businesses such as packaging-houses, boat supply shops, bait shops etc all of which rely upon fisherman as frequent customers.

xiii: "Overly restrictive regulation of our fisheries along with fishing bans in the Gulf of Mexico and a slowed tourism industry have all hurt fishermen's ability to feed their communities and their own families...This bill addresses the immediate needs that have resulted from these crises and I urge Congress to move forward quickly." Press release by Congressman Frank Pallone's Office on the Introduction of HR4914 into the House. Thomas.gov 111th Session. http://www.house.gov/list/press/nj06_pallone/072710FishJobsBille.html

xiv: Or the sponsor simply re-submitted it knowingly forfeiting chance at passage solely for political gain to appease his constituents.

xv: During the sole committee hearing the Recreational Saltwater Fisherman's Alliance and Oceans Conservancy were the sole testimonials about the bill, both speaking in support, although the RFA critiqued the "generous" administrative cap. Outside of the legislative arena several organizations provided vocal support including non-profits such as the Ocean Alliance and the Pew Environment Group, as well as other representative coastal fishing organizations, such as the Pacific Coast Fisherman's Council.

xvi: Due to the current congress (112th Congress) having the sponsor's party (democrats) as a minority party any split along party lines for the sponsor would not meet the sufficient 270 votes necessary for passage. The partisan support of the 2010 and 2011 bills are surprising considering the strength of some historic and quite vulnerable fishing communities within Republican stronghold districts in Florida, Texas, North Carolina and New Jersey. Bipartisan support is seen in the 2010 Senate comparable bill as it was introduced by Republican Senator Snowe from Maine.

xvii: The Coastal Jobs Act of 2011 was heard in the Natural Resource committee on December 1

xviii: This grant would work in conjunction with an amendment to the Magnuson Stevens fishery conservation and Management Act that proposes an exemption to state fishing programs from the registration of fishing vessels. This is only if the state program adopts necessary measures to monitor, gather, collect and disperse the information to the relevant authorities of fishing actions in order to better gather information on catch data and fishery stock assessments.

xix: Of the Specialists there would be a requirement to select an individual with economic experience within coastal resource economics and employment, at least one experienced scientist with a background in coastal ecology or ecosystem dynamics, and a scientific advisor experienced within Coastal Zone Management and the social dynamics of working waterfronts.

xx: A common example of a spinoff effect can be the effect to which any increase in employment or stock would affect those jobs listed as vulnerable in note xii, examples resulting from a larger catch could include a businesses decision to relocate a packaging-house near the fishery. These benefits are referred to as "non-direct excess benefits" and can impact both the generation of jobs as well as cumulative affects that better the state of the environment.

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Appendix 1: Master Calendar

		2012																2013																																									
		Q1				Q2				Q3				Q4				2013																																									
		January				February				March				April				May				June				July				August				September				October				November				December				Months									
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	5	6	7	8	9	10	11	12														
Task Force Staffing		Assigned Staff																																																									
Program Director																																																											
Coordinator																																																											
Draft extension request	Director																																																										
Discuss with Legal	Director																																																										
Submit Extension Request	Director																																																										
Deputy Coordinator	Coordinator																																																										
Office Space	Coordinator/Deputy																																																										
Select 3 Programs	NOAA Directors/Coordinator																																																										
Proposal Submission																																																											
Create Grant Opportunity	Coordinator/Deputy																																																										
Discuss with Legal	Coordinator																																																										
Advertise	Coordinator/Deputy																																																										
Receive Application Packages	Coordinator/Deputy																																																										
Retain Specialist Staff	Director/Coordinator																																																										
Review Application Packages	Coordinator/Deputy/Specialists																																																										
Select Grantees	Coordinator/Deputy																																																										
Recipient Awards																																																											
Communication	Coordinator/Deputy																																																										
Disperse Funds	Coordinator/Deputy																																																										
Follow-up	Coordinator/Deputy																																																										
Evaluation																																																											
Communicate Expectations	Coordinator																																																										
Admin. Process Evaluation	Coordinator/Deputy/Specialists																																																										
Semi-annual Progress Report	Grant Awardee/Task Force																																																										
Report Actions Taken	Grant Awardee																																																										
1st Year Performance Report	Director/Coordinator/Specialists																																																										

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Appendix 2: Coastal Jobs Creation Act of 2011

H.R.594 -- Coastal Jobs Creation Act of 2011 (Introduced in House - IH)

HR 594 IH

112th CONGRESS
1st Session
H. R. 594

To promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 9, 2011

Mr. PALLONE (for himself and Ms. PINGREE of Maine) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Coastal Jobs Creation Act of 2011'.

SEC. 2. PURPOSE.

The purpose of this Act is to provide employment opportunities for coastal communities by increasing support for--

- (1) cooperative research and monitoring;
- (2) the revitalization of coastal infrastructure;
- (3) recreational fishing registry programs;
- (4) marine debris removal; and
- (5) restoration of coastal resources.

SEC. 3. COASTAL JOBS CREATION GRANT PROGRAM.

(a) Establishment- The Secretary of Commerce (in this Act referred to as the 'Secretary') shall use funds made available under this Act to implement a Coastal Jobs Creation Grant Program using the authorities listed in subsection (b). The Secretary shall expend such funds as quickly as possible consistent with prudent management.

(b) Authorities- The authorities referred to in subsection (a) are authorities under the following laws:

- (1) Section 306A of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455a).
- (2) Section 315(e) of the Coastal Zone Management Act (16 U.S.C. 1461(e)).
- (3) Section 204 of the Coral Reef Conservation Act (16 U.S.C. 6403).
- (4) Section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603).
- (5) Section 318 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1867).
- (6) Section 401(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)).
- (7) Section 3 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1952).
- (8) Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1).
- (9) Section 311 of the National Marine Sanctuaries Act (16 U.S.C. 1442).
- (10) Section 205 of the National Sea Grant College Program Act (33 U.S.C. 1124).

(c) Activities- Activities funded under the Coastal Jobs Creation Grant Program shall include the following:

- (1) Cooperative research to collect and compile economic and social data related to recreational and commercial fisheries management.
- (2) Cooperative research to identify habitat areas of particular concern and for habitat restoration and conservation.
- (3) Improving the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey.
- (4) Establishment and implementation of State recreational fishing registry programs.
- (5) Training and deploying observers authorized or required under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).
- (6) Preservation or restoration of coastal resources identified for their conservation, recreational, ecological, historic, or aesthetic values.
- (7) Redevelopment of deteriorating and underutilized working waterfronts and ports.
- (8) Research and monitoring within the National Estuarine Research Reserve System, the National Marine Sanctuary System, and coral reef ecosystems, and under the National Sea Grant College Program.
- (9) Implementation of local strategies developed by State or Federal agencies to conserve coral reef ecosystems.
- (10) Research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies.
- (11) Cooperative research to collect data to improve, supplement, or enhance fishery and marine mammal stock assessments.
- (12) Cooperative research to assess the amount and type of bycatch and to engineer gear types designed to reduce bycatch.
- (13) Reducing and preventing the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(d) Funding Criteria- The Secretary may not make funds available under this Act for a proposed project unless the project, to the maximum extent practicable--

- (1) provides the greatest employment opportunities for coastal communities and benefits commercial and recreational fishing industries;
- (2) replicates or builds upon a successful local, State, Federal, or tribal project;
- (3) utilizes existing fishing community infrastructure, including idled fishing vessels;
- (4) supports research and monitoring that improves science-based management decisions; or
- (5) contributes to restoring, protecting, or preserving coastal and ocean ecosystems.

(e) Guidelines- Within 30 days after the date of enactment of this Act, the Secretary shall develop guidelines necessary to implement the Coastal Jobs Creation Grant Program.

SEC. 4. AMENDMENT OF MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 401(g) of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

- “(4) FUNDING- The Secretary, subject to the availability of appropriations, shall enter into contracts with, or provide grants to, States for the purpose of establishing and implementing a registry program to meet the requirements for exemption under paragraph (2).”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

To carry out the Coastal Jobs Creation Grant Program there is authorized to be appropriated to the Secretary of Commerce \$80,000,000 for each of fiscal years 2012 through 2016, of which no more than 5 percent may be used each fiscal year for administrative expenses of such program.

----- **End of Bill Text** -----

Appendix 3: Budget Overview and Calculations

Personnel	Averaged Salary	Month Work	Year Wages	Benefits
Program Director	147,516	11.5	141,369	63,616
Division Chief Coordinator	112,720	12	112,720	50,724
Environmental Specialist	81,453	11.5	78,059	35,127
Grant Management Specialist	74,728	11.5	78,059	32,226
Socio-Economic Specialist	79,609	11.5	76,292	34,331
Administrative Assistant	50,000	12	50,000	22,500
Contingency	81,453	11.5	156,119	70,253
			Total	994,953

Program Budget

<u>Expenditure</u>	<u>Amount</u>
<i>Administrative Total -----</i>	<i>\$1,122,757</i>
<i>Distribution Total-----</i>	<i>\$78,877,243</i>
<i>Program Total-----</i>	<i>\$80,000,000</i>

Assumptions for Personnel Budget

- **Salary:** Personnel Salaries were averaged from NOAA's 2007 Salary list and are commensurate with GS level experience and status necessary for the Grant Program
- **Months of employment:** all employee wages are based on full time employment, with the division chief coordinator and administrative assistant working for twelve full months and the rest of the employees working eleven and a half months
- **Benefits:** each employee expense includes a yearly wage plus an additional amount equal to 45% of the employee's wages for benefits
- **Outlier Salaries:** the values used for the averages salary for technical experts and analysts excluded NOAA salaries greater than \$100,000 and less than \$50,000 to remove the possibility of skewing the average

Assumptions for Office Budget

- **Office space:** rough estimate of single person office space based off of advertised rentals (Craigslist.com, 2011)
- **Utilities:** determined through the use a public reference site for the average utilities for the state of Maryland (Cost of Utilities in Maryland, 2011)
- **Supplies:** based off of moderately priced items from a nationwide office supplies store, a desk and chair, an all-in-one printer, and Microsoft software were taken into consideration as well as an additional four hundred dollars for generic yearly office expenses (Staples, 2011)
- **Computer:** a computer from a global electronics company was added to the budget (Dell.com, 2011).
- **Overhead Multiplier:** based on 1.25 of a single employee's office expenses

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