

2. LEGISLATION AND EXECUTIVE ORDERS

A. Beaches Environmental Assessment and Coastal Health Act (P.L. 106-284)

On October 10, 2000, President Clinton signed into law the Beaches Environmental Assessment and Coastal Health Act of 2000 (Public Law 106-284). This legislation amends the Federal Water Pollution Control Act (FWPCA) to require states having coastal recreation waters to adopt water quality criteria and standards for such waters with regard to pathogens and pathogen indicators for which the U.S. Environmental Protection Agency (EPA) has published criteria under the FWPCA. It requires states to adopt new or revised standards for such waters after EPA publishes new or revised criteria.

Other provisions of P.L. 106-284 include the following:

1. It directs EPA to complete studies for use in developing: (a) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters; (b) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health; (c) appropriate, accurate, expeditious, and cost-effective methods for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and (d) guidance for state application of the criteria for pathogens and pathogen indicators to account for the diversity of geographic and aquatic conditions.
2. It directs EPA to publish performance criteria for: (a) monitoring and assessment of coastal recreation waters adjacent to beaches or similar points of access that are used by the public in order to attain applicable water quality standards for pathogens and pathogen indicators; and (b) prompt notification of the public, local governments, and EPA of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters
3. It authorizes EPA to make grants to states and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.
4. It requires federal agencies that have jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public to develop

monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

6. In the case of states that have no programs for monitoring and notification that are consistent with the performance criteria, EPA is required to conduct such programs for coastal recreation waters adjacent to public beaches in such states.
7. Indian tribes are treated as states for purposes of the provisions of this Act with regard to coastal recreation water quality monitoring and notification programs and grants.
8. It authorizes appropriations to carry out this Act.

For further information, contact Ms. Suzanne E. Schwartz, Director, Oceans and Coastal Protection Division, Office of Wetlands, Oceans, and Watersheds, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (phone: (202) 260-1952).

B. Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (E.O. 13178)

On December 4, 2000, President Clinton signed Executive Order 13178 titled *Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve*. The Order states that the world's coral reefs, the rainforests of the sea, are in serious decline. While the U.S. waters contain approximately 3 percent of the world's coral reefs, approximately 70 percent of U.S. coral reefs are in the Northwestern Hawaiian Islands. The 3.5 million acres of coral reefs around the remote, mostly uninhabited Northwestern Hawaiian Islands are spectacular and almost undisturbed by humans. The approximately 1,200-nautical mile stretch of coral islands, seamounts, banks, and shoals are unquestionably some of the healthiest and most extensive coral reefs in the United States. The spectacular coral reefs and lands provide an amazing geological record of volcanic and erosive powers that have shaped this area. This vast area supports a dynamic reef ecosystem that supports more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain.

The purpose of this Executive Order is to ensure the comprehensive, strong, and lasting protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands. The Order establishes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The Reserve shall include submerged lands and waters of the Northwestern Hawaiian Islands, extending approximately 1,200 nautical miles long and 100

The Secretary of Commerce, or his designee, is to manage the Reserve under the authority of the National Marine Sanctuaries Act in accordance with the following principles:

1. The principal purpose of the Reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character;
2. The Reserve shall be managed using available science and applying a precautionary approach with resource protection favored when there is a lack of information regarding any given activity, to the extent not contrary to law;
3. Culturally significant, noncommercial subsistence, cultural, and religious uses by Native Hawaiians should be allowed within the Reserve, consistent with applicable law and the long-term conservation and protection of Reserve resources;
4. The Reserve shall be managed using, when appropriate, geographical zoning and innovative management techniques to ensure that the Reserve resources are protected from degradation or harm;
5. To the extent consistent with the primary purpose of the Reserve, the Reserve shall be managed to support, promote, and coordinate appropriate scientific research and assessment, and long-term monitoring of Reserve resources and the impacts or threats thereto from human and other activities, in order to help better understand, protect, and conserve these resources and species for future generations;
6. To the extent consistent with the primary purpose of the Reserve, the Reserve shall be managed to enhance public awareness, understanding, and appreciation of Reserve resources, and the impacts or threats thereto from human and other activities;
7. The Reserve shall be managed to further restoration and remediation of degraded or injured Reserve resources; and
8. The Reserve shall be managed to facilitate coordinated management among federal and state agencies and other entities, as appropriate, to provide comprehensive conservation of the coral reef ecosystem and related marine resources and species throughout the Northwestern Hawaiian Islands.

Among its other provisions, the Order provides for: (1) the development of an operations plan to

For further information on this Order, contact the Council on Environmental Quality, 722 Jackson Place, NW, Washington, DC 20503, (phone: (202) 456-6224).