4. SPECIAL PROJECTS AND REPORTS

A. Coast Guard Levels of Effort for All Missions (GAO)

The U.S. General Accounting Office (GAO) has published a report (GAO–03-155) titled *Coast Guard: Strategy Needed for Setting and Monitoring Levels of Effort for All Missions*. According to GAO, the September 11, 2002, attacks affected the scope of activities of many federal agencies, including the Coast Guard. Homeland security, a long-standing but relatively small part of the Coast Guard's duties, took center stage. This report reviews the Coast Guard's current efforts and future plans for balancing resource levels among its many missions.

The Coast Guard is involved in seven main mission or program areas: (1) enforcement of maritime laws and treaties; (2) search and rescue; (3) aids to navigation; (4) marine environmental protection; (5) marine safety and security (including homeland security); (6) defense readiness; and (7) ice operations. The Coast Guard has two major commands that are responsible for the overall mission performance in the Pacific and Atlantic areas. These commands are further organized into a total of nine districts, which in turn are organized into a number of groups, marine safety offices, and air stations. Groups provide more localized command and control of field units, such as small boat stations and patrol boats. Marine safety offices are located at coastal ports and on inland waterways, and are responsible for the overall safety and security of maritime activities and for environmental protection in their geographic areas. To accomplish these varying missions and responsibilities, the Coast Guard operates a variety of equipment, including high- and medium-endurance cutters, patrol boats, and aircraft.

At the end of fiscal year 2001, the Agency had over 41,000 total full-time positions – about 36,100 military and about 5,700 civilians. The Coast Guard also has about 8,000 reservists who support the national military strategy and provide additional operational support and surge capacity during emergencies. Also, about 35,000 volunteer auxiliary personnel assist in a wide range of activities, ranging from search and rescue to boating safety education.

Added homeland security requirements pose a challenge to the Coast Guard as it works to balance all of its missions. Among the report's findings and recommendations are the following:

1. As the Coast Guard adjusts to its new post-September 11, 2002, environment, it will likely take several years to determine how best to balance carrying out nonsecurity missions alongside new security responsibilities. In recent months, the Coast Guard has increased its level of effort in nonsecurity activities such as drug interdiction and fisheries patrols, but some of these activities remain below earlier levels. Substantial increases in nonsecurity activities are also unlikely in the near future, because the mission-related initiatives proposed in the fiscal year 2003 budget are directed primarily at security missions.

2. The Coast Guard has not yet developed a strategy for showing, even in general terms, the levels of effort it plans for its various missions in future years. Understandably, the Coast Guard's attention has been focused on assimilating added security responsibilities. However, developing a more comprehensive strategy is now important, as a way to inform Congress

about the extent to which the Coast Guard's use of its resources will allow it to continue meeting its many responsibilities. Also important is designing a way to keep the Congress informed about its progress in achieving this balance. The Coast Guard has considerable data from which to develop progress reports, but this information is currently in disparate forms and documents.

3. GAO recommends that the Coast Guard: (a) develop a longer-range strategy that outlines how the Coast Guard sees its resources being distributed across its various missions, and a time frame for achieving this desired balance; (b) develop and implement a useful reporting format that allows the Congress to understand and assess the progress in implementing this strategy; and (c) reexamine recommendations from past studies of the Agency's operations as a way to identify and improve operational efficiencies and help leverage resources.

For further information, contact JayEtta Hecker, Director, Physical Infrastructure, U.S. General Accounting Office, 441 G Street, NW, Washington, DC 20548, (telephone: (202) 512-2834, electronic mail: heckerj@gao.gov), or refer to the following GAO Internet Web Link: http://www.gao.gov/cgi-bin/getrpt?gao-03-155.

B. National Wetlands Mitigation Action Plan (Corps and EPA)

The U.S. Army Corps of Engineers (USACE or Corps) and the U.S. Environmental Protection Agency (EPA), in conjunction with the U.S. Departments of Agriculture, Commerce, the Interior, and Transportation, have strengthened their commitment to achieve the goal of no net loss of the Nation's wetlands with the release of a comprehensive action plan and improved guidance to ensure effective, scientifically-based restoration of wetlands impacted by development activities. The Corps' regulatory guidance and the multi-agency action plan will help advance technical capabilities for wetlands restoration and protection, as well as clarify policies to ensure ecologically sound, predictable, and enforceable wetlands restoration completed as part of Clean Water Act (CWA) and related programs. Both actions are the result of extensive multi-agency collaboration, and affirm the Bush Administration's commitment to the goal of no net loss of U.S. wetlands and its support for protecting the Nation's watersheds.

The National Wetlands Mitigation Action Plan lists 17 action items that the agencies will undertake to improve the effectiveness of restoring wetlands that are impacted or lost to activities governed by clean water laws. Completing the actions in the plan will enable the agencies and the public to make better decisions regarding where and how to restore, enhance, and protect wetlands; improve their ability to measure and evaluate the success of mitigation efforts; and expand the public's access to information on these wetland restoration activities.

A revised Regulatory Guidance Letter leads the list of action items in the National Wetlands Mitigation Plan. The Regulatory Guidance Letter will improve wetlands restoration implemented under the Clean Water Act in support of the Bush Administration's "no net loss of wetlands" goal. In order to advance the goal of no net loss of wetlands, the guidance letter emphasizes the following: (1) a watershed-wide approach to prospective mitigation efforts for proposed projects impacting wetlands and other waters; (2) increased use of functional

assessment tools; and (3) improved performance standards. In addition, the guidance letter emphasizes monitoring, long-term management, and financial assurances to help ensure that restored wetlands actually result in planned environmental gains. The guidance letter also provides greater consistency across the Corps' 38 district offices on issues such as the timing of mitigation activities and the party responsible for mitigation success.

"Wetlands" is a collective term for marshes, swamps, bogs, and similar areas that filter and cleanse drinking water supplies, retain flood waters, harbor extensive fish and shellfish populations, and support a diverse array of wildlife. The CWA prohibits the discharge of dredged or fill material into regulated wetlands and other waters of the United States unless a permit is issued under section 404 of the CWA authorizing such a discharge. The Corps makes decisions regarding section 404 permit requests after it completes a careful environmental review of the impacts of proposed changes, including the potential adverse effects on wetlands. This permit program is designed to avoid impacts to wetlands where possible and minimize these impacts when they are unavoidable. However, if a permit is issued for a project that will result in a loss of wetlands, compensatory mitigation is necessary to replace those lost wetlands. EPA leads the development of the environmental criteria used to evaluate proposed discharges under the CWA.

In addition to the Corps and EPA, the Department of Commerce's National Oceanic and Atmospheric Administration, the Department of the Interior, and the Department of Transportation implement programs involving the restoration of wetlands and other aquatic resources. In combination with the Department of Agriculture's Wetlands Reserve and Conservation Reserve Programs, these restoration efforts are expected to take the Nation from annual net wetlands loss to net wetlands gain.

The National Wetlands Mitigation Action Plan and the Regulatory Guidance Letter are available on the following EPA Internet Web Site at: http://www.epa.gov/owow/wetlands. For further information, contact Mr. David Hewitt, U.S. Army Corps of Engineers, (telephone: (202) 761-0289).

C. International Ship and Port Facility Security Code (IMO)

The Diplomatic Conference on Maritime Security, held at International Maritime Organization (IMO) Headquarters in London from December 9-13, 2002, adopted amendments to the existing provisions of the International Convention for the Safety of Life at Sea (SOLAS Convention), a number of Conference resolutions, and the new International Code for the Security of Ships and Port Facilities (ISPS Code).

The ISPS Code has two parts; Part A contains mandatory requirements and Part B provides guidance. This Code applies to the following types of ships engaged on international voyages: (1) passenger ships, including high-speed passenger craft; (2) cargo ships, including high-speed craft, of 500 gross tonnage and upwards; and (3) mobile offshore drilling units. It also applies to port facilities serving such ships engaged on international voyages.

The objectives of the ISPS Code are to: (1) establish an international framework involving cooperation between contracting governments, government agencies, local administrations, and the shipping and port industries to detect security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade; (2) establish the respective roles and responsibilities of the contracting governments, government agencies, local administrations, and the shipping and port industries at the national and international levels for ensuring maritime security; (3) ensure the early and efficient collection and exchange of security-related information; (4) provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels; and (5) ensure confidence that adequate and proportionate maritime security measures are in place.

In order to achieve these objectives, the ISPS Code embodies a number of functional requirements. These include, but are not limited to: (1) gathering and assessing information with respect to security threats and exchanging such information with appropriate contracting governments; (2) requiring the maintenance of communication protocols for ships and port facilities; (3) preventing unauthorized access to ships, port facilities, and their restricted areas; (4) preventing the introduction of unauthorized weapons, incendiary devices, or explosives to ships or port facilities; (5) providing means for raising the alarm in reaction to security threats or security incidents; (6) requiring ship and port facility security plans based upon security assessments; and (7) requiring training, drills, and exercises to ensure familiarity with security plans and procedures.

On December 30, 2002, (67 FR 79741-79806), in a notice of public meetings regarding maritime security, the Coast Guard published the maritime security SOLAS amendments and the ISPS Code. Refer to the following U.S. Government Printing Office Internet Web Site for an electronic copy of this Coast Guard notice of meetings (page down to access the notice): http://www.access.gpo.gov/su_docs/fedreg/a021230c.html. The international maritime security requirements are contained in Appendix B.

For further information, contact Mr. Martin Jackson, Office of Standards Evaluation and Development (G-MSR), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1140, electronic mail: mjackson@comdt.uscg.mil).

D. Security Guidelines for Facilities (CG)

The U.S. Coast Guard (CG) has published Navigation and Vessel Inspection Circular No. 11-02 dated January 13, 2003, and titled *Recommended Security Guidelines for Facilities*. Until final regulations regarding facility security are published, this NVIC may be used as a benchmark to develop and implement security measures and activities in anticipation of evolving domestic and international security regimes. This Circular is structured in a similar manner to the recently adopted International Ship and Port Facility Security (ISPS) Code of the International Maritime Organization (IMO).

The Maritime Transportation Security Act (MTSA) of 2002 (P.L. 107-295), signed by President George W. Bush on November 25, 2002, when implemented by regulations, will require security

measures for ports, facilities, and vessels. Subsequently, in December 2002, the IMO adopted new maritime security measures in the form of amendments to the International Convention for the Safety of Life at Sea (SOLAS Convention, chapter XI-2) and the new ISPS Code.

Until the final regulations have been published, this Circular is intended only for facilities located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States that handle: (1) Class 1 (explosive) materials or other dangerous cargoes regulated under 33 CFR part 126; (2) liquefied natural gas and liquefied hazardous gas regulated under 33 CFR part 127; (3) oil and hazardous materials in bulk regulated under 33 CFR part 154; (4) general cargo (e.g., bulk, break bulk, and containerized cargo) transported by vessels engaged in international service and subject to the SOLAS Convention; or (5) passenger vessels certificated to carry more than 150 passengers. This NVIC also includes additional recommendations for those facilities that handle certain dangerous cargoes (CDC facilities), which are defined in the Circular. This NVIC does not apply to passenger terminals regulated by 33 CFR part 128, facilities owned or operated by the U.S. Department of Defense, or passenger ferry terminals that service ferries certificated to carry more than 500 passengers.

This NVIC establishes guidelines for developing security plans and implementing security measures and procedures. It embodies a number of functional elements, including but not limited to the following: (1) gathering and assessing information with respect to security threats and exchanging such information with appropriate stakeholders; (2) establishing and maintaining communication protocols for facilities and vessels; (3) deterring or preventing unauthorized access to facilities, their restricted areas, and vessels moored to the facilities; (4) deterring or preventing the introduction of unauthorized weapons, incendiary devices, or explosives to facilities; (5) providing means for raising the alarm in reaction to security threats or security incidents; (6) developing facility security plans based upon security assessments; (7) conducting training, drills, and exercises to ensure familiarity with security plans and procedures; and (8) arranging for a timely response by law enforcement personnel, and others, to any incident.

The Coast Guard strongly supports performance based standards and accepts alternatives. Therefore, this Circular provides tools for assessing equivalent security measures that may be incorporated into a facility's security plans.

A copy of NVIC 11-02 can be read at: http://www.uscg.mil/hq/g-m/nvic/11-02.pdf. For copies of this and other Coast Guard NVICs dealing with marine safety, security, and environmental protection refer to: http://www.uscg.mil/hq/g-m/nvic/index.htm.

E. Transportation and Climate Change (CCAP)

The Center for Clean Air Policy (CCAP) has published a report dated January 2003 and titled *State and Local Leadership on Transportation and Climate Change*. The report states that transportation sector emissions currently account for almost one-third of U.S. carbon dioxide (CO_2) emissions, and represent the fastest growing source of greenhouse gas (GHG) emissions. Cars and light trucks account for almost two-thirds of transportation sector GHG emissions,

heavy-duty trucks 16 percent, and aircraft 10 percent, with the remainder from marine, rail, and other sources.

Vehicle CO_2 emissions are determined by three key variables: (1) efficiency, (2) fuel carbon content, and (3) vehicle miles traveled (VMT). Passenger vehicle fuel economy has been stagnant since 1991, while VMT has increased 22 percent over the same period, due in large part to sprawling development. VMT growth in the United States has outpaced population growth and is projected to continue to outstrip improvements in vehicle efficiency. Reducing transportation GHG emissions will require progress on vehicle technology, fuel carbon content, and travel demand.

State and local governments around the nation face many of the same challenges posed by the automobile dominated transportation system: air pollution, loss of open space, community fragmentation, increased infrastructure costs, and the export of consumer spending on gasoline. Starting in model year 2009, California plans to regulate GHG emissions from cars and light trucks, and other states may follow suit. In the likely event that the California GHG standards would be gradually ramped up over time, it may be 10 years until significant GHG reductions are realized from that effort.

In the meantime, states and localities are moving forward with a variety of policies and measures that can help slow VMT growth and start to turn around the trend of GHG emissions. There is no magic bullet that can slow travel demand growth. Instead, it will take a set of complementary policies to increase the availability of alternative travel choices, coordinate land use planning to foster transit- and pedestrian-oriented development, and provide incentives to promote the use of efficient alternatives.

The report further notes that governments do not have to wait for California or the automobile industry to begin to make progress on GHG emissions reductions from transportation. Because current land use and transportation infrastructure decisions will affect emissions for many decades into the future, state governments can exercise the "power of the purse" and shift a portion of their transportation and infrastructure funding to support efficient modes of travel and location-efficient development patterns.

Complementary policies on the part of the federal government could go a long way toward aiding states and cities to slow VMT growth and reduce associated air pollution and GHG emissions.

For further information, contact Mr. Tom Peterson, Domestic Policy Adviser, Center for Clean Air Policy, 750 First Street, NE, Suite #940, Washington, DC 20002, (telephone: (202) 408-9260, electronic mail: tpeterson@ccap.org), or refer to the CCAP Internet Web Site: http://www.ccap.org.

F. Hydrogen Fuel for Clean and Secure Energy (White House)

On February 6, 2003, the White House issued a press release titled *Hydrogen Fuel: A Clean and Secure Energy Future*. In his State of the Union address, President George W. Bush announced a $1.2 billion hydrogen fuel initiative to reverse the Nation's growing dependence on foreign oil by developing the technology for commercially viable hydrogen-powered fuel cells to power cars, trucks, homes, and businesses with no pollution or greenhouse gases. The hydrogen fuel initiative will include $720 million in new funding over the next five years to develop the technologies and infrastructure to produce, store, and distribute hydrogen for use in fuel cell vehicles and electricity generation. Combined with the FreedomCAR (Cooperative Automotive Research) initiative, the President is proposing a total of $1.7 billion over the next five years to develop hydrogen-powered fuel cells, hydrogen infrastructure, and advanced automotive technologies.

The hydrogen fuel initiative complements the President's existing FreedomCAR initiative, which is developing technologies needed for mass production of safe and affordable hydrogen-powered fuel cell vehicles. Through partnerships with the private sector, the hydrogen fuel initiative and FreedomCAR will make it practical and cost-effective for large numbers of people in the United States to choose to use clean, hydrogen fuel cell vehicles by 2020. This will dramatically improve the Nation's energy security by significantly reducing the need for imported oil, as well as help clean the Nation's air and reduce greenhouse gas emissions.

For further information, refer to the White House Internet Web Site at http://www.whitehouse.gov.

G. Ballast Water Discharge Standards (CG/DOS/NSF)

The U.S. Coast Guard (CG) and the U.S. Department of State (DOS), in cooperation with the U.S. National Science Foundation (NSF), cosponsored an international technical workshop on ballast water discharge standards from February 12-14, 2003, at NSF Headquarters. Technical experts from seven nations participated.

In the opinion of the sponsoring agencies, there was general agreement among the workshop participants on the following points:

1. Ballast water discharge standards should be expressed as allowable concentrations of organisms. This format is consistent with other water quality standards, and will permit compliance monitoring when no information is available about the starting concentrations of organisms in ballast water.

2. Ballast water discharge standards should be set to challenge the development of new, more effective technologies.

3. Ballast water discharge standards should be revised over time to reflect advances in technologies underlying treatment and the detection and enumeration of organisms in ballast

water. Towards this end, it could be useful to identify an initial standard, and at least one additional standard to serve as a longer-term target for technology developers. In any event, the developed standard should be reviewed regularly and revised as appropriate to reflect advances in the relevant technologies.

4. The initial standard should be set as an allowable concentration of organisms larger than a specified size. Workgroups identified size criteria of 50 μm and 100 μm, and agreed during the general discussions that 50 μm would be more protective. While 50 μm was thought to be more protective biologically, the workgroups agreed that there was little information available upon which to base a decision between the two size options with respect to the availability of technology to achieve either level of treatment. Some of the technologists present held the opinion that 50 μm could be achieved soon, while others thought 100 μm would be more widely practicable in the near-term.

5. The allowable concentration of organisms larger than the size criterion should be set at a limit of detection determined by the specific sampling and enumeration methods chosen. These methods are still to be determined, and in many cases the constraints of sampling ballast water to detect very small concentrations of organisms in very large amounts of water dictate that new methods be developed.

6. Specific pathogens and other taxa smaller than the size criterion could, if desired, be required to be reduced to below concentrations based on biological criteria, such as the minimum inoculum required to initiate infection. It was noted, however, that for many pathogens of concern such information may not be currently available.

7. A focused technical group should be established regarding standard methods for use in type testing, both land-based and shipboard, to advance the development of these technical methods. Detailed testing protocols will need to be developed and validated prior to implementing an approval program. A review of available technology will likely be necessary prior to a standard going into effect for any specific ship type.

For further information, contact Cdr. Scott Newsham, Chief, Environmental Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1354, electronic mail: snewsham@comdt.uscg.mil).