

# **Oversight Policy**

## **United States Coral Reef Task Force**

**Proposed Revision of Oversight Policy Adopted by Task Force November 2, 1999  
FINAL DRAFT - 12/05/01**

### **Background**

Section 4 of the Executive Order on Coral Reef Protection (E.O. 13089, 63 Fed. Reg. 32701, June 16, 1998; hereinafter "Order") established the U.S. Coral Reef Task Force (Task Force). The Order directs the Task Force to, among other things, "oversee implementation of the policy and Federal agency responsibilities set forth in this order".

Section 2 of the Order, entitled "Policy," states --

- a. a. All Federal agencies whose actions may affect U.S. coral reef ecosystems shall: (a) identify their actions that may affect U.S. coral reef ecosystems; (b) utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and (c) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems.
  
- b. Exceptions to this section may be allowed under terms prescribed by the heads of Federal agencies: (1) during time of war or national emergency; (2) when necessary for reasons of national security, as determined by the President; (3) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or (4) in any case that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, such as cases of force majeure caused by stress of weather or other act of God.

The Task Force will accomplish its oversight responsibilities with respect to implementing the Order's policies through the following actions: facilitating information exchange between the Members, providing a source of technical assistance, coordinating and monitoring consistency with the Order's policies, and providing a mechanism for the identification of and response to issues raised concerning implementation of the Order.

To implement its oversight responsibilities set forth in the Order, the Task Force agrees to the following:

### **Section 1: Implementation Plans**

By February 15 of 2002, all members of the Task Force ("Members") will provide the Task Force co-chairs with a copy of the Member's Coral Reef Protection Implementation Plan ("Implementation Plan") for immediate distribution to the Task Force and distribution to the public upon authorization by the Member. If requested by a Task Force Member or non-Member, the Task Force will provide advice to the requesting entity and will encourage implementation of the Order, including preparation of implementation

plans as described in this section, preparation of annual reports as described in Section 2, and identifying and responding to issues as described in Section 3.

a. Implementation Plans should include (but are not limited to) the following information:

1. Identification of actions that may affect U.S. coral reef ecosystems;
2. Identification of existing programs and authorities and discussion of how they will be utilized to protect and enhance the conditions of U. S. coral reef ecosystems;
3. Identification of measures taken to ensure that actions authorized, funded or carried out will not degrade the conditions of U.S. coral reef ecosystems;
4. Identification of goals, objectives, and specific actions required to fulfill the Member's Implementation Plan, Task Force plans and decisions such as those highlighted in the National Action Plan to Conserve Coral Reefs, and other responsibilities specifically noted by the Order.
5. The name, title and address of the Member's designated contact (s) responsible for responding to inquiries concerning coral reef protection, coordinating implementation of the Member's Plan, and representing the Member's participation in the Task Force and any subgroups formed by the Task Force.

b. All information presented in Section 1(a) above will be subject to Member appropriations, consistent with Member mission, and allowable only to the extent permitted by law.

c. In addition to issues affecting U.S. coral reef ecosystems outlined in Section 1(a)(1)-(3) above, Members are encouraged to provide information on actions, programs, and measures that affect international coral reef ecosystems and efforts to protect international coral reef ecosystems.

d. Member Implementation Plans will be made available to the public and posted on the Task Force web site upon authorization by the Member.

## **Section 2: Annual Reports**

a. By November 15 of each year, Members will present an annual report to the Task Force providing a detailed status report on efforts to fulfill Member Implementation Plans, Task Force plans and decisions such as those highlighted in the National Action Plan to Conserve Coral Reefs, and other responsibilities specifically noted in the Order. Annual Reports should include (but are not limited to) the following information:

1. Status of activities undertaken in preceding fiscal year;
2. Summary of accomplishments in the preceding fiscal year;
3. Information on the goals, objectives, and specific actions planned during the current fiscal year to fulfill Member Implementation Plans, Task Force plans and decisions such as those highlighted in the National Action Plan to Conserve Coral Reefs, and other responsibilities specifically noted in the Order;
4. Information on the goals, objectives, and specific actions beyond the current fiscal year to fulfill Member Implementation Plans, Task Force plans and decisions such as those highlighted in the National Action Plan to Conserve Coral Reefs, and Member responsibilities specifically noted in the Order;
5. Description of any other changes to the Member's Implementation Plan; and

6. Summary of any instances in which the agency found it necessary to rely on any of the exceptions to the policy in Section 2 of the Order, and the terms prescribed for invoking the exception(s).

b. All information presented in Section 2(a) above will be subject to Member appropriations, consistent with Member mission, and allowable only to the extent permitted by law.

c. If authorized by the Member, Member Annual Reports will be made available to the public and posted on the Task Force web site.

d. Members will assist in developing an annual Coral Reef Task Force Accomplishments Report to highlight accomplishments, strategies and future needs in fulfillment of the Task Force mission.

### **Section 3: Issue Identification and Response**

a. Any person who believes that a Task Force Member organization or non-Member agency has taken, or is planning to take, an action inconsistent with requirements of Section 2 (a)(a)-(c) or other sections of the Order not covered by an exception under Section 2(b) may apprise the Task Force of this opinion by submitting a written statement to that agency and to the Task Force Co-Chairs. Such written statements shall describe (a) the action, (b) concerns about the action, (c) description of why the author believes the action may not be consistent with the Order, and (d) any earlier communications about the action made to the agency concerned. Any person who contacts the Task Force Co-Chairs or any Member about the actions of another member will be referred to the procedures outlined in this Section.

b. Requests received by the Task Force Co-Chairs pursuant to paragraph (a) will be referred to the appropriate Member or non-Member agency for response.

c. Task Force Members whose actions have been questioned under paragraph (a) will provide a response in writing to the originator of the request. Members are encouraged to provide responses to these requests within 30 days.

d. If the matter of concern is subject to a formal administrative process, the responding Member will provide a written response referring the originator to the appropriate public comment process, and direct the written statement received into that process.

e. Communications with the Task Force will not substitute for public comment through Member agency provisions for public comment or public hearing on actions, nor will communications with the Task Force offer an additional opportunity for consideration of comments on actions, or a substantive right of action, except to the extent consistent with all applicable law.

f. The Co-Chairs will invite a written response from any non-Member Federal agency whose actions have been questioned under Section 2 (a)(a)-(c) of the Order.

g. The Task Force Co-Chairs and Members may offer advice and counsel to facilitate resolution of issues under this section if requested by the Task Force Member or non-Member agency.

This Statement does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person or Task Force Member.