

Meeting Minutes Priority Issue Summaries, Marine Boundary Working Group, March 15, 2001

Issue One

Who is responsible for keeping/developing/sharing boundaries in Government (federal/state/local/tribal)

Author(s)

1. Lee Thomahlen
2. Joe Marinucci
3. Mike Aslaksen
4. Mitchell Tartt

Synopsis

There is not a complete understanding/comprehensive list of who is responsible for owning, maintaining, and developing boundaries. Determining points of contact for information regarding a particular boundary or the boundaries for a particular agency/organization will promote further cooperation among those responsible for defining/determining marine boundaries. A similar understanding of who defines, creates, develops marine boundaries and the data that define them is crucial.

Trends - What external factors may affect the direction of this problem?

- Fiscal policy - Financial support is and will be a major factor in developing accurate marine boundaries as developing the necessary data to a degree of accuracy and precision appropriate can be cost prohibitive.
- Special interests - With regards to determining where boundaries are and developing/defining marine boundaries, the interests of any number of special interest groups, organizations will come into play. These interests need to be addressed early in the process
- Policy - Efforts need to be made to implement policy changes that will enable those responsible for keeping/developing/sharing data/information on marine boundaries to do their jobs more efficiently and effectively. These policies should also attempt to promote the standardization of the process of developing and the methods of defining all US marine boundaries.
- Incorporating new boundaries with existing boundaries - Issues of junior/senior, who/which boundaries/organizations take precedence need to be addressed and/or clarified.
- Education - Awareness of decision makers, policy makers, lawyers, etc... with respects to marine boundaries needs to be increased
- Data availability- - The availability of data on marine boundaries needs to be increased and organized to facilitate easy and timely sharing of data.

- Data currency - Efforts need to be made to ensure that data remains current, relevant, and accurate.

Whom does this issue affect most directly?

- Users of boundaries... basically everyone!
- Agencies responsible for enforcing boundaries and legislation relative to those boundaries
- Agencies/organizations responsible for developing, enforcing, and/or governing boundaries
- Resource managers

Why should this working group address this issue?

- We need a designated authoritative source/sources for every type of marine boundary in order to ensure effective communication between groups defining/developing marine boundaries, and to promote the compatibility and accuracy of boundaries being developed/defined.

What incentives are there for those who take up the challenge?

- Ability to share data
- Ability to acquire needed data with relative ease
- Eliminate litigation once boundaries are finalized
- Financial efficiency
- Streamline process of developing/defining/maintaining boundaries
- Increased data confidence

What is the spatial and geographic context of this issue?

- National to international

What is currently being done to address this concern? Who is doing it?

- Marine Boundary Working Group
- Many interests groups/agencies/organizations. The problem is that it is not a cohesive or coordinated effort.

What is the future state we are trying to attain?

- Boundary data clearinghouse
- Legislation that provides/requires specific actions/compliance when creating boundaries
- Set of procedures, standards, and/or guidelines for creating boundaries
- Determination of points of contact marine boundary issues (data development, legal, current boundary data)

What are some potential solutions?

- Legislatively enable and financially support the Marine Boundary Working Group
 - Designation of Federal Marine Boundary Czar
 - Continued education and outreach regarding Marine boundary issues
 - Continued effort to coordinate boundary creation/definition/enforcement actions
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Issue Two

Problems and issues with defining the absolute legal documentation of the boundary and timing of issues.

Author(s)

1. Curt Loy
2. Doug Vandegraft
3. Andrew Hulin

Synopsis

There are a number of questions that arise when attempting to determine or define the absolute legal documentation of marine boundaries. These questions include:

- How does one determine the authorizing and/or controlling document for each boundary or limit?
- How do other government agencies and the public know what these controlling documents are?
- What format are these documents in? Are they maps, charts, textual descriptions, coordinate lists, or legal land orders?
- Are these documents paper or digital? If the controlling document is paper, what are the legal ramifications of issuing a digital representation of that boundary?
- How are these controlling documents disseminated?
- Can there be digital representation of the boundary without a controlling document?

Trends - What external factors may affect the direction of this problem?

External factors that may affect the direction of this problem are changes in international or domestic law, changes in agency charters, changes in personnel, and loss of institutional memory.

Who is affected by this issue most directly?

People who want to use other agencies'; boundaries for their purposes (i.e. development of boundaries) are affected by this issue. A number of problems stem from the legal ambiguities inherent in available boundary data.

Why should this working group address this issue?

By addressing this issue, the Marine Boundary Working Group would facilitate the creation and sharing of boundaries, and the elimination of costly duplication of effort. The chance of using incorrect or misrepresentations of the boundary would be reduced, and the level of uncertainty would be reduced as well.

What incentives are there for those who take up the challenge?

By addressing this issue, costly duplications of effort could be eliminated. In addition, ultimately defensible boundaries could be the end result.

What is the spatial and geographic context of this issue?

Global

What is currently being done to address this concern?

Who is doing it?

The Marine Boundary Working Group is currently addressing this and other concerns. A draft marine boundary Web site has also been created, which could facilitate addressing many of the problems inherent in the development, use, and enforcement of marine boundaries.

What is the future state we are trying to attain?

Public dissemination of information concerning the authorizing or controlling documents for all marine boundaries could alleviate much of the ambiguity and uncertainty.

What are some potential solutions? (two - three sentences each)

One potential solution would be to find who the authorizing agencies for individual marine boundaries are, conduct an inventory of existing marine boundaries, contact relevant agencies, obtain information of controlling documents, and disseminate that information. Development of a legal precedent for digital boundaries should also be a priority. This could be achieved in part through contacting agencies'; general counsels for legal opinions on creating and disseminating digital boundaries where the controlling documents are maps, charts, or textual descriptions.

Issue Three

Standardization, or lack thereof

Author(s)

1. David Stein
2. Susan Hitch
3. Donald Cambell

Synopsis

We would like to see, in five years, a set of standards for developing and documenting marine boundaries that are endorsed by the marine boundary community and the Federal Geographic Data Committee. It will be imperative to coordinate with the land-based cadastral community so that a smooth transition will occur.

Trends - What external factors may affect the direction of this problem?

- State, local, international, and tribal legislative actions.
- The snails pace at which the federal government operates.
- Development of new technologies.

Who is affected by this issue most directly?

Developers, users, people out in the field, enforcement, regulated communities, or any other agencies that use marine boundaries.

Why should this working group address this issue?

Standards build predictability into products. Standards also promote consistency and efficiency. Ultimately, a set of standards for the development and maintenance of marine boundaries would make our lives easier.

What incentives are there for those who take up the challenge?

The biggest incentives for the development of standards is the potential for legally defensible boundaries.

What is the spatial and geographic context of this issue?

Spatially, the issue is four-dimensional: x, y, z, and t. The geographic scope of the working group and of marine boundary standards has not been determined. Important issues that need to be defined include data representation; i.e., how lines are mapped and map projections.

What is currently being done to address this concern?
Who is doing it?

Within the Environmental Protection Agency (EPA), there is a Locational Data Improvement Committee. The FGDC has accuracy and metadata standards that could be used or built on.

What is the future state we are trying to attain?

- New boundaries are being created in compliance with our standards.
- Conversion of existing data using our standards.

What are some potential solutions?

Our problem is lack of standards. Our solution is the development of standards.

Issue Four

Ability to enforce digital marine boundaries

Author(s)

1. Cindy Fowler
2. Kelvin Stroble
3. Frank Sanino

Synopsis

To provide a simple but detailed (technically correct) digital description of all marine areas, understandable to the user community and legally defensible in a court of law.

- The problem is that official boundary definitions are often inaccurate, imprecise or vague and unable to be accurately located or mapped

Trends: What external factors may affect the direction of this problem?

Political climate can change; Political interest groups can exert pressure and change priorities; Technology is changing and we are moving toward digital age. There are increasing pressures on the resource - Increased use of oceans; Increased availability of data on the Internet and increased expectations of users that data will be provided over the Internet.

Who affected by this issue most directly?

User community, legal and law enforcement, and affected government agencies

Why should this working group address this issue?

To achieve objectives of the legislative intent. Without knowing the location of the intended boundary, the regulations can not be accurately or easily followed.

What incentives are there for those who take up the challenge?

Foremost is the protection of natural and cultural resources. Increase compliance and financial recovery of damage award, fines, and penalties. Reduce loss of life and property loss.

What is the spatial and geographic context of this issue?

Global

What is currently being done to address this concern?

Who is doing it?

Generally, institutions react on a case-by-case basis involving boundary issues. NMSP has started a process to correct the legal and technical problems. NOAA and MMS MOU created to cooperate on maritime/baseline issues. NPS working with individual tribes to define common boundaries and facilitate solutions. Ad Hoc Committee on US Baseline in place to review US Baseline.

What is the future state we are trying to attain?

Existing and future digital marine boundaries that are defensible, easily located, useable in spatial information systems and related technologies, and legally enforcement.

What are some potential solutions?

- Make sure procedures are in place within agencies to review all legislation involving marine boundaries for technical geospatial data accuracy.
- MBWG serve as a coordinating mechanism to recommend solutions to legal and technical inconsistencies in marine boundary descriptions.
- Education and outreach on boundaries - provide notice of new defined boundaries to user communities. If the user community is notified and the area of concern is easily identified, the users will be more likely to "do the right thing"...and if they don't adhere to the notice, there will be a higher likelihood of success in enforcement litigation.