THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

# *Final Recommendations Of The Interagency Ocean Policy Task Force*

*July 19, 2010*

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# EXECUTIVE SUMMARY

## I. Introduction

In order to better meet our Nation's stewardship responsibilities for the ocean, our coasts, and the Great Lakes, President Obama established the Interagency Ocean Policy Task Force (Task Force) on June 12, 2009. The Task Force is composed of 24 senior-level officials from executive departments, agencies, and offices across the Federal government and led by the Chair of the Council on Environmental Quality (CEQ). The President charged the Task Force with developing recommendations to enhance our ability to maintain healthy, resilient, and sustainable ocean, coasts, and Great Lakes resources for the benefit of present and future generations.

The Deepwater Horizon-BP oil spill in the Gulf of Mexico and resulting environmental crisis is a stark reminder of how vulnerable our marine environments are, and how much communities and our Nation rely on healthy and resilient ocean and coastal ecosystems. The ocean, our coasts, and the Great Lakes deeply impact the lives of all Americans, whether we live and work in the country's heartland or along its shores. America's rich and productive coastal regions and waters support tens of millions of jobs and contribute trillions of dollars to the national economy each year. They also host a growing number of important activities, including recreation, science, commerce, transportation, energy development, and national security and they provide a wealth of natural resources and ecological benefits.

Nearly half of the country's population lives in coastal counties, and millions of visitors enjoy our Nation's seashores each year. The ocean, our coasts, and the Great Lakes are vital places for recreation, including boating, fishing, swimming, nature watching, and diving. These activities not only help fuel our economy, but also are critical to the social and cultural fabric of our country. In addition, coastal ecosystems provide essential ecological services. Barrier islands, coral reefs, mangroves, and coastal wetlands help to protect our coastal communities from damaging floods and storms. Coastal wetlands shelter recreational and commercial fish species, provide critical habitat for migratory birds and mammals, and serve as a natural filter to help keep our waters clean.

Despite the critical importance of these areas to our health and well-being, the ocean, coasts and Great Lakes face a wide range of threats from human activities. Overfishing, pollution, coastal development and the impacts of climate change are altering ecosystems, reducing biological diversity, and

placing more stress on wildlife and natural resources, as well as on people and coastal communities. Compounding these threats, human uses of the ocean, coasts, and Great Lakes are expanding at a rate that challenges our ability to plan and manage significant and often competing demands. Demands for energy development, shipping, aquaculture, emerging security requirements and other new and existing uses are expected to grow. Overlapping uses and differing views about which activities should occur where can generate conflicts and misunderstandings. As we work to accommodate these multiple uses, we must also ensure continued public access for recreation and other pursuits, and sustain and preserve the abundant marine resources and healthy ecosystems that are critical to the well-being and prosperity of our Nation.

The challenges we face in the stewardship of the ocean, our coasts, and the Great Lakes lie not only within the ecosystems themselves, but also in the laws, authorities, and governance structures intended to manage our use and conservation of them. United States governance and management of these areas span hundreds of domestic policies, laws, and regulations covering international, Federal, State, tribal, and local interests. Challenges and gaps arise from the complexity and structure of this regime.

The time has come for a comprehensive national policy for the stewardship of the ocean, our coasts, and the Great Lakes. Today, as never before, we better comprehend the links among land, air, fresh water, ocean, ice, and human activities. Advances in science and technology provide better and timelier information to guide decision-making. By applying the principles of ecosystem-based management (which integrates ecological, social, economic, commerce, health, and security goals, and which recognizes both that humans are key components of ecosystems and also that healthy ecosystems are essential to human welfare) and of adaptive management (which calls for routine reassessment of management actions to allow for better informed and improved future decisions) in a coordinated and collaborative approach, the Nation will more effectively address the challenges facing the ocean, our coasts, and the Great Lakes and ensure their continued health for this and future generations.

## II. Summary of the Final Recommendations of the Task Force

To develop its recommendations, the Task Force reviewed Federal, State, and foreign policies and models, past and pending legislation, the recommendations contained in the two earlier Ocean Commissions' reports, and public comments.

The Task Force also initiated a robust public engagement process to receive input from a diversity of voices across the country. On behalf of the Task Force, CEQ hosted 38 expert roundtables to hear from a broad range of stakeholder groups. The Task Force also hosted six regional public meetings, and created a website to accept public comments through CEQ. The Task Force received more than 5,000 public comments, with many of the groups commenting representing constituencies of hundreds or thousands of members.

The Task Force recommendations set a new direction for improved stewardship of the ocean, our coasts, and the Great Lakes. They provide: (1) our Nation's first ever *National Policy for the Stewardship of the*

*Ocean, Our Coasts, and the Great Lakes (*National Policy); (2) a strengthened governance structure to provide sustained, high-level, and coordinated attention to ocean, coastal, and Great Lakes issues; (3) a targeted implementation strategy that identifies and prioritizes nine categories for action that the United States should pursue; and (4) a framework for effective coastal and marine spatial planning (CMSP) that establishes a comprehensive, integrated, ecosystem-based approach to address conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources.

## *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes*

**It is the Policy of the United States to:**

- Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- Improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;
- Bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems;
- Use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity's capacity to understand, respond, and adapt to a changing global environment;
- Support sustainable, safe, secure, and productive access to, and uses of the ocean, our coasts, and the Great Lakes;
- Respect and preserve our Nation's maritime heritage, including our social, cultural, recreational, and historical values;
- Exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security;
- Increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;
- Improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and
- Foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.

The recommended National Policy establishes a comprehensive national approach to uphold our stewardship responsibilities; ensures accountability for our actions; and serves as a model of balanced,

productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. The National Policy recognizes that America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically and intimately linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental change, social justice, foreign policy, and national and homeland security. It sets forth overarching guiding principles for United States management decisions and actions affecting the ocean, our coasts, and the Great Lakes.

### *Policy Coordination Framework to Improve the Stewardship of the Ocean, Our Coasts, and the Great Lakes*

No single agency can successfully resolve the complex and pressing problems facing the ocean, our coasts, and the Great Lakes. Successful stewardship will require an effective governance structure with sustained leadership and broad interagency coordination to effectively manage the many uses of these resources. A coordinated Federal effort, proactively guided by a senior-level interagency body, will ensure that the hundreds of domestic policies, laws, and regulations governing the management of the ocean, our coasts, and the Great Lakes are implemented in a meaningful way.

The Task Force recommends a combination of modifications to the structure of the existing Committee on Ocean Policy[1], a stronger mandate and direction, and renewed and sustained high-level engagement. Subject to later refinements, the Task Force recommends:

1. Establishing a new National Ocean Council (NOC) which consolidates and strengthens the Principal- and Deputy-level components of the existing Committee on Ocean Policy within a single structure;

2. Strengthening the decision-making and dispute-resolution processes by defining clear roles for the NOC and the NOC leadership;

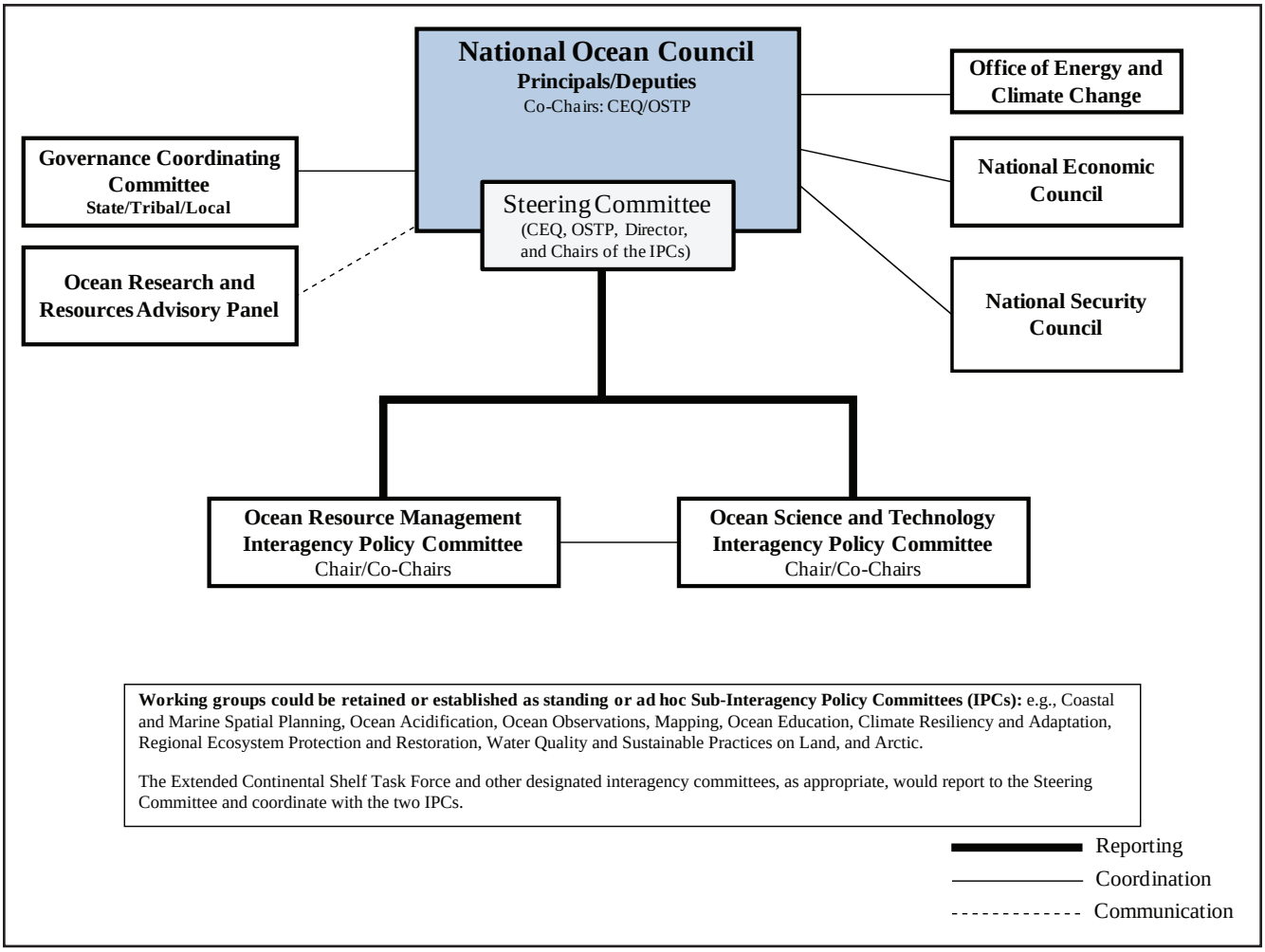
3. Formally engaging with State, tribal, and local authorities to address relevant issues through the creation of a new committee comprised of their designated representatives;

4. Strengthening the link between science and management through a new NOC Steering Committee; and

5. Strengthening coordination between the NOC, the National Security Council, the National Economic Council, the Office of Energy and Climate Change, the Council on Environmental Quality, the Office of Science and Technology Policy, the Office of Management and Budget, and other White House entities.

[1] The Committee on Ocean Policy was established by Executive Order 13366 in 2004 and has only been moderately effective in establishing forums for bringing Federal agencies together to coordinate on ocean-related matters.

Policy Coordination Framework




These recommendations establish high-level direction and policy guidance from a clearly designated and identifiable authority. They also call for more consistent and sustained senior-level participation and attention on ocean-related issues from all member agencies and departments essential to effective management. The Task Force is confident that this combination of improvements provides a framework for more successful policy coordination to improve the stewardship of the ocean, our coasts, and the Great Lakes.

*Implementation Strategy*

The Task Force recommends an implementation strategy that identifies nine priority objectives (i.e., categories for action) that our Nation should pursue. These priority objectives provide a bridge between policy and specific actions, but do not prescribe in detail how individual entities will undertake their responsibilities, leaving those details to be determined through the development of strategic action plans. The Task Force recommends the following nine priority objectives:

**National Priority Objectives**

1. **Ecosystem-Based Management:** Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.
2. **Coastal and Marine Spatial Planning:** Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.
3. **Inform Decisions and Improve Understanding:** Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.
4. **Coordinate and Support:** Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.
5. **Resiliency and Adaptation to Climate Change and Ocean Acidification:** Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.
6. **Regional Ecosystem Protection and Restoration:** Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.
7. **Water Quality and Sustainable Practices on Land:** Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.
8. **Changing Conditions in the Arctic:** Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.
9. **Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure:** Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system, and integrate that system into international observation efforts.

The NOC would develop strategic action plans for each of the priority objectives, focusing on key areas identified by the Task Force. Each strategic action plan would identify specific and measurable near-term, mid-term, and long-term actions, with appropriate milestones, performance measures, and outcomes to meet each objective. In addition, each plan would explicitly identify key lead and participating agencies; gaps and needs in science and technology; potential resource requirements and efficiencies; and steps for integrating or coordinating current and out-year budgets. This strategy would allow adequate time to fully consider the necessary details for implementation, and, as appropriate, to coordinate and collaborate with States, tribal, and local authorities, regional governance structures, academic institutions, non-governmental organizations, recreational users, and private enterprise.

### *Framework for Effective Coastal and Marine Spatial Planning*

As called for in President Obama's June 12, 2009 memorandum, the Task Force recommendations provide a framework for CMSP that offers a new, comprehensive, integrated, regionally-based approach to planning and managing uses and activities. The recommended framework places sound science and the best available information at the heart of decision-making and would bring Federal, State, and tribal partners together in an unprecedented manner to cooperatively develop coastal and marine spatial plans (CMS Plans). This process is designed to decrease user conflict, improve planning and regulatory efficiencies, decrease associated costs and delays, engage affected communities and stakeholders, and preserve critical ecosystem functions and services. The recommendations emphasize

**The National Goals of Coastal and Marine Spatial Planning**

1. Support sustainable, safe, secure, efficient, and productive uses of the ocean, our coasts, and the Great Lakes, including those that contribute to the economy, commerce, recreation, conservation, homeland and national security, human health, safety, and welfare;
2. Protect, maintain, and restore the Nation's ocean, coastal, and Great Lakes resources and ensure resilient ecosystems and their ability to provide sustained delivery of ecosystem services;
3. Provide for and maintain public access to the ocean, coasts, and Great Lakes;
4. Promote compatibility among uses and reduce user conflicts and environmental impacts;
5. Improve the rigor, coherence, and consistency of decision-making and regulatory processes;
6. Increase certainty and predictability in planning for and implementing new investments for ocean, coastal, and Great Lakes uses; and
7. Enhance interagency, intergovernmental, and international communication and collaboration.

the importance of frequent and robust stakeholder, scientific, and public engagement throughout the planning process.

The recommended framework includes a unified definition of CMSP, identifies the reasons for engaging in the process, and describes the proposed geographic scope of the planning areas. The framework articulates national goals and guiding principles that would be followed in CMSP efforts and the development and implementation of CMS Plans. Under this framework, the United States will be subdivided into nine regional planning areas: Northeast, Mid-Atlantic, South Atlantic, Great Lakes, Caribbean, Gulf of Mexico, West Coast, Pacific Islands, and Alaska/Arctic regions. Each region will have a corresponding regional planning body consisting of Federal, State, and tribal representatives to develop regional goals, objectives, and ultimately regional CMS plans. To provide for national consistency and support, the framework establishes and describes planning steps and elements, a process by which the NOC would guide and certify the development of regional CMS Plans, a method to address CMS Plan adherence and compliance, a robust information management system to allow easy access to and transparency of data and information necessary for planning, and mechanisms for frequent stakeholder and public input. In addition, the framework describes an implementation approach that maximizes flexibility among the regions, addresses regional capacity, and aims to have CMS Plans for all regions by 2015.

## III. Support for Joining the Law of the Sea Convention

The Task Force strongly and unanimously supports United States accession to the Convention on the Law of the Sea and ratification of its 1994 Implementing Agreement. The Law of the Sea Convention is the bedrock legal instrument governing activities on, over, and under the world's oceans. United States accession to the Convention will further our national security, environmental, economic, and diplomatic interests.

Key reasons for accession include:

- The Convention has garnered the unequivocal support of our national security leadership under both Republican and Democratic administrations, because, among other things, it codifies essential navigational rights and freedoms upon which our Armed Forces rely.
- The Convention sets forth the rights and responsibilities of nations to prevent, reduce, and control pollution of the marine environment and to protect and preserve resources off their shores.
- By becoming a party to the Convention, U.S. legal rights to our extended continental shelf can be put on the strongest legal foundation.
- As a party to the Law of the Sea Convention, the United States would have the ability to participate formally and more effectively in the interpretation and development of the Convention.

- Joining the Law of the Sea Convention would reaffirm and enhance United States leadership in global ocean affairs.

## IV. Conclusion

In response to President Obama's June 12, 2009 memorandum, and after careful consideration of thousands of valuable comments from political leaders, public and private organizations, and citizens, the Task Force is pleased to submit these final recommendations. Once implemented, these final recommendations will provide the first-ever comprehensive national policy of the United States to improve stewardship of the ocean, our coasts, and the Great Lakes.

The Task Force is unanimous in its call for the Nation to set a new course for improved stewardship of the ocean, our coasts, and the Great Lakes. This must include a comprehensive, integrated, transparent, science-based, and ecosystem-based planning process to achieve the sustainable use of the ocean, our coasts, and the Great Lakes. The Task Force is mindful that these recommendations may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges. The NOC will address questions and specifics as implementation progresses. Meaningful and frequent opportunities for stakeholder and public engagement throughout the implementation of the National Policy and implementation of coastal and marine spatial planning will be an essential component of cooperatively addressing these uncertainties head-on, and the Task Force recommendations embrace this approach. The Task Force is confident that the investments and improvements described in these final recommendations will advance the economic interests of the United States through sustainable and productive ocean uses; significantly improve our capacity to address the long-term challenges and impacts of climate and environmental changes; and provide a lasting foundation for improving the stewardship of and further enhancing the many vital benefits our Nation can derive from these resources.

With a clear National Policy and a revitalized, empowered, unified, and comprehensive framework to coordinate efforts set forth in these recommendations, we can achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.

# RECOMMENDATIONS

## PART ONE. NATIONAL POLICY FOR THE STEWARDSHIP OF THE OCEAN, OUR COASTS, AND THE GREAT LAKES

### I. Vision

An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.

### II. National Policy Context

*The Value of the Ocean, Our Coasts, and the Great Lakes*

America is intricately connected to and directly reliant on the ocean, our coasts, and the Great Lakes. Each of us – whether living and working in the country's heartland or along its coasts – affects and is affected by these places. Their beauty inspires us, and their bounty contributes to our national well-being and security. Nearly half of our population is located in coastal counties. Our rich and productive coastal regions and waters account for the great majority of the national economy, totaling trillions of dollars each year, and support distant communities that may not even be aware of the connection between the land and sea. Millions of visitors enjoy our Nation's seashores each year, contributing not only to the economy, but also to personal and communal satisfaction and fulfillment. The sea is both a refuge for spiritual reflection and a powerhouse of excitement for educating students of all ages and interests.

With over 95,000 miles of coastline and the largest Exclusive Economic Zone (EEZ) in the world, our Nation benefits from a wealth of goods and services derived from the ocean, our coasts, and the Great Lakes. They provide food, fresh water, minerals, energy, and other natural resources and ecological benefits. They support tens of millions of jobs and

play a critical role in our Nation's transportation, economy, and trade, as well as in the global mobility and readiness of our Armed Forces and the maintenance of international peace and security. They are also vital places for recreation, including boating, fishing, swimming, nature watching, and diving, which are critical to the economic, social, and cultural fabric of our country.

The ocean supports human health and well-being in myriad ways, including as a source of healthy foods, pharmaceuticals, and other beneficial compounds. The ocean is a source of existing energy and offers numerous opportunities for renewable energy, which can help to secure our energy independence and mitigate climate change.

The ocean and Great Lakes exert significant influence over how our planet functions. Covering over 70 percent of the Earth, the ocean plays a primary role in our planet's environment and natural operations, including weather and climate. The ocean's ability to absorb and store heat from the atmosphere and transport it to other parts of the globe keeps daily temperatures within a livable range. The Great Lakes are the largest freshwater system on Earth, with 10,000 miles of shoreline and some 95 percent of the Nation's fresh surface water. While we commonly refer to different oceans (Atlantic, Pacific, Arctic, etc.), it is important to recognize that all of these bodies of water are connected and influenced by each other. These linkages require our Nation to recognize that we benefit from and affect one global ocean.

The ocean shapes and sustains all life on Earth. We are dependent on the ocean for the air we breathe, the food we eat, and the water we drink. Though we may not think about it, processes on land and in the water, including biological processes, are intricately linked so that changes in one can have profound effects on the other. The ocean is both the beginning and the end of the Earth's water cycle. Water that evaporates from the surface of the ocean becomes rain that falls on our fields and fills our aquifers. Much of this precipitation eventually finds rivers which flow back to the sea, starting the cycle once more. Half of the oxygen we breathe comes from microscopic plants living in the ocean. Coastal barrier islands, coral reefs, mangroves, and wetlands serve as buffers between coastal communities and damaging floods and storms. Coastal wetlands are a nursery for many recreational and commercial fish species, provide essential habitat for many migratory birds and mammals, and serve as a natural filter helping to keep our waters clean. Ocean and coastal ecosystems absorb and detoxify many pollutants,

recycle nutrients, and help control pests and pathogens. Marine ecosystems house biological diversity exceeding that found in the world's rain forests.

### *Challenges Facing the Ocean, Our Coasts, and the Great Lakes*

The importance of ocean, coastal, and Great Lakes ecosystems cannot be overstated; simply put, we need them to survive. It is clear that these invaluable and life-sustaining assets are vulnerable to human activities and, at the same time, human communities are rendered more vulnerable when these resources are degraded. Yet ocean, coastal, and Great Lakes ecosystems are experiencing an unprecedented rate of change due to human activities. We are only now beginning to understand the full extent of the direct and indirect consequences of our actions on these systems.

Climate change is impacting the ocean, our coasts, and the Great Lakes. Increasing water temperatures are altering habitats, migratory patterns, and ecosystem structure and function. Coastal communities are facing sea-level rise, inundation, increased threats from storms, erosion, and significant loss of coastal wetlands. The ocean's ability to absorb carbon dioxide from the atmosphere buffers the impacts of climate change, but also causes the ocean to become more acidic, threatening not only the survival of individual species of marine life, but also entire marine ecosystems. The ocean buffers increased global temperatures by absorbing heat, but increasing temperatures are causing sea levels to rise by expanding seawater volume and melting land-based ice. Increased temperatures may eventually reduce the ocean's ability to absorb carbon dioxide. Conversely, climate change is predicted to lower the water levels of the Great Lakes, thereby altering water cycles, habitats, and economic uses of the lakes.

Along many areas of our coasts and within the Great Lakes, biological diversity is in decline due to overfishing, introduction of invasive species, and loss and degradation of essential habitats from coastal development and associated human activities. The introduction of non-native species can carry significant ecological and economic costs. Human and marine ecosystem health are threatened by a range of challenges, including increased levels of exposure to toxins from harmful algal blooms and other sources, and greater contact with infectious agents. Areas in numerous bays, estuaries, gulfs, and the Great Lakes are now consistently low in or lacking oxygen, creating dead zones along our bays and coasts. Unsustainable fishing (e.g., overfishing) remains a serious concern with consequences for marine ecosystems and human communities. In the Arctic, environmental changes are revealing the vulnerability of its ecosystems. These changes are increasing stressors and impacts on the ecosystems, people, and communities in the region and are presenting new domestic and international management challenges.

Many of these concerns are attributable not only to activities within ocean, coastal, and Great Lakes ecosystems, but also to actions that take place in our Nation's interior. For example, our industries, agricultural and transportation operations, cities, and suburbs generate various forms of pollution. Industrial operations emit pollutants, such as nitrogen and mercury, into the atmosphere that often find their way into the ocean and Great Lakes. Rain washes residues, chemicals, and oily runoff from our roadways into our estuaries and coastal waters. Heavy rainfall events can wash sediment, pesticides, debris, and nutrients from our fields, lawns, and agricultural operations into our waters. Urban and suburban development, including the construction of roads, highways, and other infrastructure, as well as modification to rivers and streams, can adversely affect the habitats of aquatic and terrestrial species.

Demands on the ocean, our coasts, and the Great Lakes are intensifying, spurred by population growth, migration to coastal areas, and economic activities. Human uses of the ocean, coasts, and the Great Lakes are expanding at a rate that challenges our ability to plan and manage them under the current sector-by-sector approach. New and expanding uses—including energy development, shipping, aquaculture, and emerging security requirements—are expected to place increasing demands on our ocean, coastal, and Great Lakes ecosystems. There is also increasing demand for access to these places for recreational, cultural, and other societal pursuits. As these demands increase, overlapping uses and differing views about which activities should occur where can generate conflicts and misunderstandings. At the same time, there is an overarching need to sustain and preserve abundant marine resources and healthy ecosystems that are critical to the well-being and continued prosperity of our Nation.

## *The State of the National Framework for Policy Coordination*

The challenges we face in the stewardship of the ocean, our coasts, and the Great Lakes lie not only within the ecosystems themselves, but also in the laws, authorities, and governance structures intended to manage our use and conservation of them. United States governance and management of these areas span hundreds of domestic policies, laws, and regulations covering international, Federal, State, tribal, and local interests. These issues range from stewardship and resource use, to maritime safety and commerce, national security, water quality, ports and other transportation infrastructure, and energy. Challenges and gaps arise from the complexity and structure of this regime.

These challenges are not limited to our domestic governance and management regimes. Our Nation, as a major maritime power and coastal State, has a large stake in the development and interpretation

of international law and policy applicable to the ocean, our coasts, and the Great Lakes. Our national security interests are tightly linked to navigational rights and freedoms, as well as to operational flexibility. Our national security and economic interests are also linked to our ability to secure U.S. sovereign rights over resources in extensive marine areas off our coasts, to promote and protect U.S. interests in the marine environment, and to ensure that our maritime interests are respected and considered internationally. The Administration's support for accession to the 1982 United Nations Convention on the Law of the Sea (the Law of the Sea Convention) reflects several important objectives, including strengthening our Nation's ability to participate in and influence international law and policy related to the ocean.

### *Time to Act*

The time has come for a national policy to uphold our stewardship responsibilities, ensure accountability for our actions, and serve as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. Today, as never before, we better comprehend the linkages among land, air, fresh water, ocean, ice, and human activities. We recognize that change is occurring rapidly and must be addressed. Advances in science and technology provide better and timelier information and understanding to guide decision-making. By applying the principles of ecosystem-based management (in which we integrate ecological, social, economic, commerce, health, and security goals, and recognize humans as key components of the ecosystem and healthy ecosystems as essential to human well-being) and adaptive management (whereby we routinely assess management actions to allow for better informed and improved future decisions) in a coordinated and collaborative approach, the Nation can improve its response to environmental, social, economic, and security challenges. With a clear national policy and a revitalized, empowered, unifying, and comprehensive framework to coordinate efforts among Federal, State, tribal, and local authorities, including regional governance structures, non-governmental organizations, the private sector, and the public, we can work together toward the changes needed to secure the health and prosperity of the ocean, our coasts, and the Great Lakes.

## III. Policy

America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically and intimately linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security. Therefore, it is the policy of the United States to:

1. Healthy and Resilient Ocean, Coasts, and Great Lakes

   - Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;

   - Improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;

- Bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems; and

- Use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity's capacity to understand, respond, and adapt to a changing global environment.

2. Safe and Productive Ocean, Coasts, and Great Lakes

   - Support sustainable, safe, secure, and productive access to, and uses of, the ocean, our coasts, and the Great Lakes;

   - Respect and preserve our Nation's maritime heritage, including our social, cultural, recreational, and historical values; and

   - Exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security.

3. Understood and Treasured Ocean, Coasts, and Great Lakes

   - Increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;

   - Improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and

   - Foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.

The United States will promote the objectives of this policy by:

- Ensuring a comprehensive and collaborative framework for the stewardship of the ocean, our coasts, and the Great Lakes that facilitates cohesive actions across the Federal Government, as well as participation of State, tribal, and local authorities, regional governance structures, non-governmental organizations, the public, and the private sector;

- Cooperating and exercising leadership at the international level, including by joining the Law of the Sea Convention; and

- Supporting ocean stewardship in a fiscally responsible manner.

## IV. Principles

1. United States management decisions and actions affecting the ocean, our coasts, and the Great Lakes will be guided by the following stewardship principles to further this policy:

   a. As responsible environmental stewards we will protect, maintain, and restore the health, productivity, and resiliency of ocean, coastal, and Great Lakes ecosystems (including their waters and resources). Policies, programs, and activities of the United States should be

managed and conducted in a manner that seeks to prevent or minimize adverse environmental impacts to the ocean, our coasts, and the Great Lakes ecosystems and resources, including cumulative impacts, and to ensure and improve their integrity. They should be managed and conducted in a manner that does not undermine efforts to protect, maintain, and restore healthy and biologically diverse ecosystems and the full range of services they provide;

b. Decisions affecting the ocean, our coasts, and the Great Lakes should be informed by and consistent with the best available science. Decision-making will also be guided by a precautionary approach as reflected in the Rio Declaration of 1992, which states in pertinent part, "[w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;" and

c. Actions taken to protect the ocean, our coasts, and the Great Lakes should endeavor to promote the principles that environmental damage should be avoided wherever practicable and that environmental costs should be internalized, taking into account the approach that those who cause environmental damage should generally bear the cost of that damage.

2. Human activities that may affect ocean, coastal, and Great Lakes ecosystems should be managed using ecosystem-based management and adaptive management, through an integrated framework that accounts for the interdependence of the land, air, water, ice, and the interconnectedness between human populations and these environments. Management should include monitoring and have the flexibility to adapt to evolving knowledge and understanding, changes in the global environment, and emerging uses.

3. Current and future uses of ocean, coastal, and Great Lakes ecosystems and resources should be managed and effectively balanced in a way that:

   a. Maintains and enhances the environmental sustainability of multiple uses, including those that contribute to the economy, commerce, recreation, security, and human health;

   b. Harmonizes competing and complementary uses effectively;

   c. Integrates efforts to protect, maintain, and restore the health, productivity, and resiliency of ocean, coastal, and Great Lakes ecosystems and the services they provide; and

   d. Recognizes environmental changes and impacts, including those associated with an increasingly ice-diminished Arctic, sea-level rise, and ocean acidification.

4. The United States should support disciplinary and interdisciplinary science, research, monitoring, mapping, modeling, forecasting, exploration, and assessment to continually improve understanding of ocean, coastal, and Great Lakes ecosystems. These efforts should include improving understanding of physical, biological, ecological, and chemical processes and changes,

their interconnectedness with other parts of the Earth system and with human populations, and the potential social and economic consequences of management decisions on the long-term health and well-being of the population, including human health and safety. This knowledge, along with traditional knowledge, should be applied through ecosystem-based management and adaptive management. Information resulting from these efforts should be easily accessible to the public.

5. The United States should develop an improved awareness of changing environmental conditions and trends, and their causes, and of human activities that take place in the ocean, coastal, and Great Lakes environments.

6. United States policies, programs, and activities should enhance formal and informal education about the ocean, our coasts, and the Great Lakes and their uses to build a foundation for greater understanding and improved stewardship, and build capacity to produce future scientists, managers, and members of a dynamic and innovative workforce.

7. The United States should cooperate and provide leadership internationally in the protection, management, and sustainable use of the world's ocean, coastal regions, and the Great Lakes in keeping with applicable conventions and agreements, and with customary international law, as reflected in the Law of the Sea Convention.

8. United States programs, policies, and activities that may impact ocean, coastal, or Great Lakes ecosystems, or engage the use of their resources, should be designed to meet measurable benchmarks in support of clear goals and objectives related to stewardship of these ecosystems.

    a. These goals and objectives of programs and activities should be periodically reevaluated and their effectiveness assessed. This information should be used to adjust management priorities and guide future management and resource decisions; and

    b. The United States should develop appropriate standards and methods for measurement and assessment of parameters associated with the health of ocean, coastal and Great Lakes ecosystems.

9. United States policies, programs, and activities that may impact ocean, coastal, or Great Lakes ecosystems, or engage the use of their resources, should be assessed and conducted within an integrated and comprehensive interagency planning framework that:

a. Considers and addresses the full suite of impacts on resources, biological diversity, and ecosystems;

b. Is based on the best available scientific knowledge;

c. Considers and addresses potential use conflicts;

d. Ensures and advances coordination and collaboration across federal, state, tribal, and local jurisdictional lines, and with regional governance structures, the private sector, foreign governments, and international organizations, as appropriate;

e. Is coordinated and promotes consistency with our homeland and national security and foreign policy interests;

f. Is coordinated and promotes consistency with other national strategies that include environmental stewardship components relevant to the ocean, our coasts, and the Great Lakes;

g. Considers and respects our nation's maritime heritage, including our social, cultural, historical, recreational, and aesthetic values;

h. Aims to maximize long-term net benefits to society by considering a range of reasonable alternatives that balance potential economic, environmental, public health and safety, and other advantages; distributive impacts; and social justice and equity;

i. Operates through an open and transparent approach that encourages broad public participation;

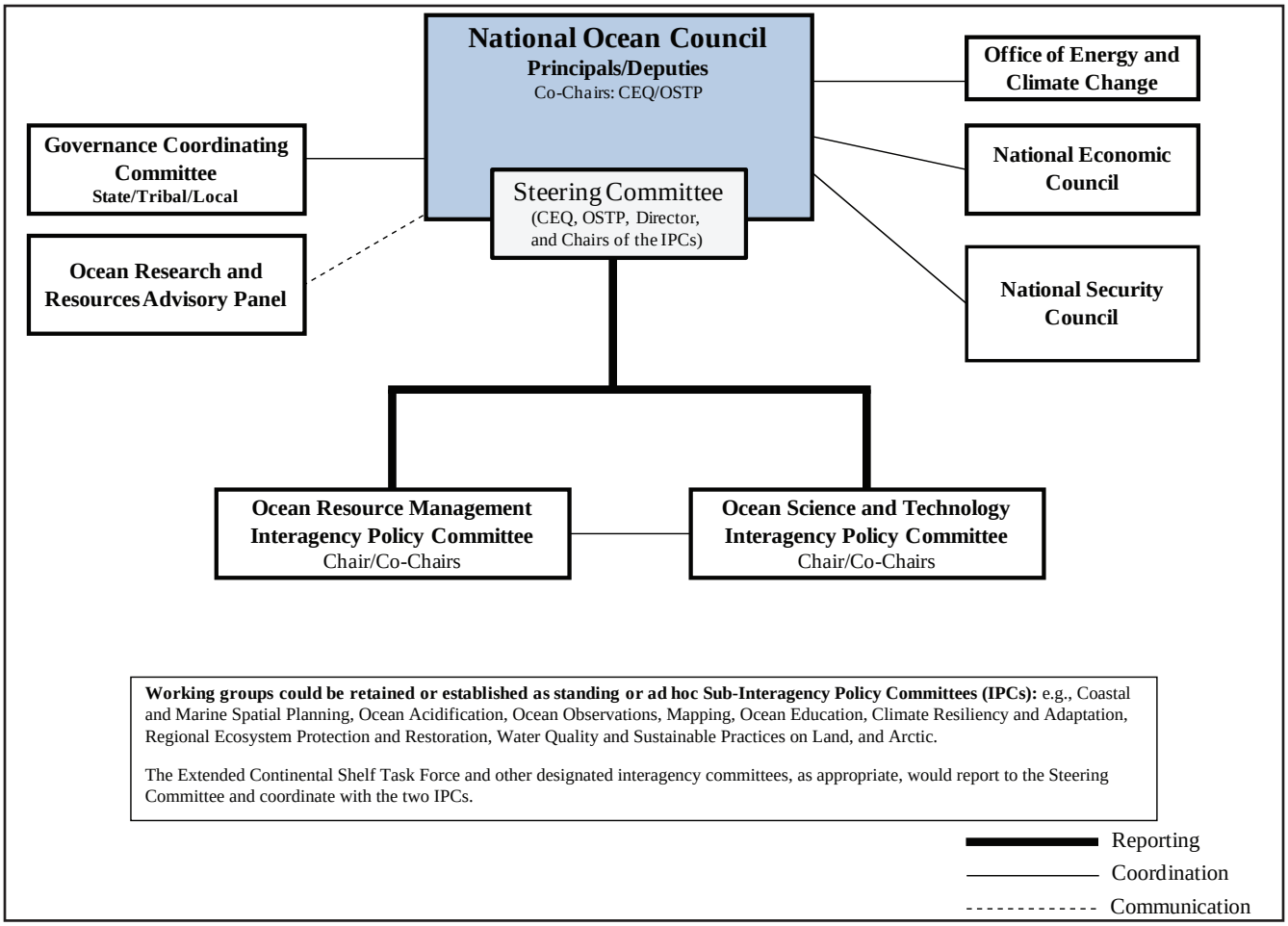
j. Ensures consistency with management and budgetary goals and compliance with relevant legal requirements;

k. Seeks to eliminate redundancy and encourage efficiencies and synergies; and

l. Includes a reporting and accountability mechanism.

Implementing a number of the policy elements and principles directed above will require appropriate resources and assets. Departments and agencies shall work to identify future budgetary, administrative, regulatory, or legislative proposal requirements to implement these elements within the budgetary and management guidelines of the President's budget.

# PART TWO. POLICY COORDINATION FRAMEWORK




The recommended policy coordination framework provides a combination of modifications to the structure of the existing Committee on Ocean Policy, a stronger mandate and direction, and renewed and sustained high-level engagement. This combination of improvements provides a framework for more successful policy coordination to improve the stewardship of the ocean, our coasts, and the Great Lakes. The recommended policy coordination framework would provide a reinvigorated structure that would strengthen ocean governance and coordination by providing clear and visible leadership and sustained high-level engagement within the Federal Government. Additionally, the structure would provide for greater participation by, and coordination of State, tribal, and local authorities, and regional governance structures. The linkage between management and science would be strengthened, as would coordination with other senior level entities on relevant economic, climate, and security matters. This combination of improvements would enhance the stewardship of the ocean, our coasts, and the Great Lakes.

## I. National Ocean Council

### *Structure*

The National Ocean Council (NOC) would be a dual Principal- and Deputy-level committee. Membership of the NOC would include: the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security; the Attorney General; the Administrator of the Environmental Protection Agency; the Chair of the Council on Environmental Quality (CEQ); the Director of the Office of Management and Budget (OMB); the Administrator of the National Aeronautics and Space Administration; the Director of National Intelligence; the Director of the Office of Science and Technology Policy (OSTP); the Director of the National Science Foundation; the Chairman of the Federal Energy Regulatory Commission;[2] the Chairman of the Joint Chiefs of Staff; the Assistants to the President for National Security Affairs, Homeland Security and Counterterrorism, Domestic Policy, Energy and Climate Change, and Economic Policy; an employee of the United States designated by the Vice President; the Under Secretary of Commerce for Oceans and Atmosphere (NOAA Administrator); and such other officers or employees of the United States as the Co-Chairs may from time to time designate.

### *Co-Chairs*

The NOC would be co-chaired by the Chair of the CEQ and the Director of OSTP. This construct would provide the NOC with the balance of equities at the most senior level of its leadership and better facilitate interagency cooperation and collaboration.

### *Function*

Subject to the direction of the President and unless as otherwise provided for by law, the NOC would perform the following functions:

1. **Tier-one functions of the NOC (Principal-level)**. The NOC has overall responsibility for implementation of the National Policy, including coastal and marine spatial planning. Functions

[2] Federal Energy Regulatory Commission and other independent regulatory agencies participate on the NOC by invitation of the Co-Chairs.

would include: (1) periodically update and set national priority objectives; (2) review and provide annual direction on National Policy implementation objectives based on Administration priorities and recommendations from the Deputy-level; and (3) be a forum for dispute resolution and decision-making of issues that could not be resolved at the Deputy-level. The NOC would be required to meet a minimum of twice per year, but the Co-Chairs could call additional meetings as necessary for dispute resolution or other purposes.

2. **Tier Two (Deputy-level) functions would include**: (1) ensure execution of National Policy implementation objectives; (2) ensure implementation of coastal and marine spatial planning; (3) transmit Administration priorities to the Ocean Resource Management Interagency Policy Committee (ORM-IPC) and Ocean Science and Technology Interagency Policy Committee (OST-IPC); (4) ensure activities of and products from the ORM-IPC and OST-IPC are consistent with Administration policy; (5) coordinate with the National Security Council (NSC), National Economic Council (NEC),[3] Office of Energy and Climate Change (OECC), and other offices, as appropriate; (6) provide direction and feedback to, and receive external input and advice from, its advisory bodies; and (7) assist with dispute resolution and decision-making, and if unable to do so, to forward the issues to the Principal-level. This group would also assume the duties of the statutorily mandated National Ocean Research Leadership Council (NORLC) under 10 U.S.C. § 7902.

The Deputies would be required to meet a minimum of quarterly.

## II. Authorities and Responsibilities of the National Ocean Council Co-Chairs

1. Advise the President on the Implementation of the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes

The Co-Chairs would advise the President on matters regarding implementation of the *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* (National Policy), consistent with the consensus views of the NOC. If consensus cannot be achieved, the Co-Chairs would provide their own views equally with the views of each member of the NOC.

2. Implementation of the National Policy

On behalf of the NOC, the Co-Chairs would have overall responsibility for coordinating and facilitating the implementation of the National Policy, subject to the direction of the NOC and the President, including the following:

- **Development of Strategic Action Plans –** The Co-Chairs would facilitate development by the NOC of strategic action plans to further the National Policy and identify progress

[3] The existing Committee on the Marine Transportation System's coordination with the NOC governance structure would be done through the National Economic Council, at both the Principal-level and Deputy-level. Coordination with the ORM-IPC and OST-IPC would also be developed, as appropriate.

toward meeting defined goals and objectives.

- **Implementation of Coastal and Marine Spatial Planning –** The Co-Chairs would facilitate implementation of coastal and marine spatial planning in accordance with Part 4 below.

- **Reporting and Accountability –** The Co-Chairs would be responsible for: (1) coordinating interagency reporting on implementation and progress; (2) monitoring and ensuring effective implementation of policy decisions; (3) providing oversight and accountability for document preparation; and (4) coordinating and expediting interagency review and clearance of documents and reports within the NOC purview.

- **Budget –** The Co-Chairs would coordinate the development of an annual budget guidance memorandum on ocean priorities consistent with the goals and objectives of the National Policy. While it is understood that the Co-Chairs' authority would not be construed to impair or otherwise affect the function of the Director of OMB, they would work with OMB to issue interagency budget guidance consistent with annual priorities, develop crosscuts to inform the annual priorities on ocean, coastal, and Great Lakes stewardship, and consult with OMB and the NOC to identify programs that contribute significantly to the National Policy. The Co-Chairs also would work with OMB to coordinate preparation of the biennial Federal Ocean and Coastal Activities Report mandated by Section 5 of the Oceans Act of 2000.

- **Emerging Issues –** The Co-Chairs would bring any Presidential ocean actions or priorities to the NOC, as appropriate, for action and implementation and would coordinate proper management of and response to emerging issues of relevance to the National Policy.

- **International –** In implementing this policy, the Co-Chairs would coordinate with the Secretary of State and the heads of other relevant agencies on matters related to the policy issues that arise within the Intergovernmental Oceanographic Commission, International Whaling Commission, Arctic Council, International Maritime Organization, regional fishery management organizations, and other similar international organizations.

3. Co-Chairs of the NOC

- The Co-Chairs shall have authority to call NOC meetings, draft the agenda, prioritize issues, and call Deputies' meetings.

4. Coordination and Integration

   - The Co-Chairs would be the point of contact to coordinate with the National Security Advisor (NSA), NEC Director, and Assistant to the President for Energy and Climate Change (APECC), and other senior White House officials, as appropriate. The Co-Chairs would have authority to request meetings with these entities for the purposes of coordination and resolution of issues of overlapping responsibility.

5. Decision-Making and Dispute Resolution

   - The Co-Chairs would seek to encourage decisions and recommendations based on consensus of the NOC.

   - Disputes that could not be resolved at the Deputy-level would be referred to the Co-Chairs. The Co-Chairs would facilitate resolution among the Principals.

   - With respect to those matters in which resolutions or consensus could not be reached, the Co-Chairs would coordinate with the APECC, NEC Director, and NSA, as appropriate, to frame the disputed issue or issues for decision by the President.

   - The establishment of the NOC would not be construed to impair or otherwise affect: (1) authority granted by law to an executive department or agency or the head thereof; or (2) functions assigned by the President to the NSC (or subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence – any of these matters that are not resolved by consensus within the NOC will be forwarded to the NSC for resolution.

## III. Steering Committee

### *Structure*

The Steering Committee would be a high-level, streamlined body of five members from OSTP, CEQ, and one Chair each of the ORM-IPC and OST-IPC, and the Director of the NOC Staff. The Steering Committee would meet at least every other month, but more often as issues require, and work in consultation with NSC, NEC, and OMB to ensure their respective input on relevant matters, as appropriate. NOC staff would attend these meetings and be responsible for ensuring the implementation of agreed-upon actions.

### *Function*

The Steering Committee would be the key forum for ensuring integration and coordination on priority areas within the NOC. In particular, it would ensure that there is coordination of management and science issues and that the activities of the ORM-IPC and OST-IPC are aligned to fully support implementation of the National Policy and priorities agreed upon by the NOC. The Steering Committee would identify key issues and assist in developing the agenda for the NOC. The NOC staff would be responsible for ensuring the implementation of agreed upon actions. In addition, the Extended Continental Shelf Task Force and other designated interagency committees, as appropriate, would report to the Steering Committee.

## IV. National Ocean Council Staff Leadership and Support

### *Structure*

Two senior-level staff members, a Director of the NOC Staff, and a Deputy Director, would support the Co-Chairs in the implementation of the National Policy. On a day-to-day basis they would be responsible for ensuring the execution of the functions of the full-time staff supporting the NOC. They would be charged with ensuring the effective operation of the NOC, and the efficient implementation of the National Policy, under the guidance of the Co-Chairs. In addition, the NOC would initially be supported by an ocean policy office consisting of a minimum of six to eight dedicated staff comprised of interagency representatives on staggered two-year assignments from departments, agencies, and offices represented on the NOC. These full-time NOC staff personnel would report to the staff Director and Deputy Director.

### *Function*

The staff Director and Deputy Director, as appropriate, would represent the Co-Chairs at policy-level meetings and forums, external events, and interaction with Congress. They would work with the IPC Co-Chairs to also ensure policy coordination and integration of the IPCs and facilitate close coordination between the NOC and its Ocean Research and Resources Advisory Panel (ORRAP) and Governance Coordinating Committee (GCC). They would oversee the NOC staff on a day-to-day basis and serve as the points of contact to coordinate at a staff level with CEQ, NSC, NEC, OSTP, OECC, and other offices, as appropriate. The staff Director, Deputy Director, and other NOC staff personnel would serve as the core support to the NOC in its operations and in implementation of the National Policy. Each member of the NOC staff would be required to have programmatic experience and analytical skills. Each staff member would work to provide administrative support to, and ensure coordination among, the NOC and the IPCs, GCC, and other appropriate entities.

## V. Ocean Resource Management Interagency Policy Committee

### *Structure*

The ORM-IPC is the successor to the current Subcommittee on Integrated Management of Ocean Resources. Chairs of the ORM-IPC are designated by the NOC. The group would consist of Deputy Assistant Secretaries or comparable representatives, or appropriate senior-level representatives with decision-making authority from departments, agencies and offices represented on the NOC. The ORM-IPC reports to the NOC. The ORM-IPC may establish Sub-IPCs as necessary, as approved by the NOC.

### *Function*

The ORM-IPC would function as the ocean resource management body of the NOC, with an emphasis on ensuring the interagency implementation of the National Policy, national priority objectives, and other priorities defined or approved by the NOC. This would include the development of strategic plans, in coordination with the OST-IPC, for the implementation of priority management objectives,

with clear outcomes, milestones, deadlines, designated agencies, and performance measures with an adaptive review process. The ORM-IPC Chairs would develop a charter for the operation of the body, to be approved by the NOC, including, but not limited to, membership, meetings (e.g., requiring that it meet at least every two months), development of a new or updated work plan based on direction from the NOC, and a process for external input (e.g., State, tribal, local, regional, and the public).

## VI. Ocean Science and Technology Interagency Policy Committee

### *Structure*

The National Science and Technology Council's (NSTC) Joint Subcommittee on Ocean Science and Technology (JSOST) would serve as the OST-IPC. Chairs of the OST-IPC would be appointed through NSTC procedures in consultation with the NOC. The group would consist of Deputy Assistant Secretaries or comparable representatives, or appropriate senior-level representatives with decision-making authority from departments, agencies, and offices represented on the NOC. The NSTC would direct the OST-IPC to advise and assist the NOC in consonance with this National Policy and to work with associated bodies (e.g., the ORM-IPC) accordingly.

### *Function*

The OST-IPC would function as the ocean science and technology body of the NOC, with an emphasis on ensuring the interagency implementation of the National Policy, national priority objectives, and other priorities for science and technology objectives. This would include the development of strategic

plans (e.g., the Ocean Research Priorities Plan and Implementation Strategy), in coordination with the ORM-IPC, for interagency implementation of priority science and technology objectives, with clear outcomes, milestones, deadlines, designated agencies, and performance measures with an adaptive review process. The OST-IPC Chairs, in close coordination with the NOC, would develop a charter for the operation of the body, to be approved by the NSTC, and would include, but not be limited to, membership, meetings (e.g., requiring that it meet at least every two months), development of a new or updated work plan based on input from the NOC, and a process for external input (e.g., State, tribal, regional, and public). The OST-IPC would also retain the legislatively mandated functions of JSOST, report to the NSTC's Committee on Environment and Natural Resources, and maintain a close operational relationship with the NOC. It would continue to adhere to the rules and regulations of the NSTC. The OST-IPC may establish Sub-IPCs, as necessary, and will do so under NSTC procedures and in close coordination with the NOC.

## VII. Governance Coordinating Committee

### *Structure*

The NOC, in consultation with the White House Office of Intergovernmental Affairs, would establish the GCC that would consist of eighteen members from States, federally-recognized tribes, and local governments. Members would be chosen by the NOC and would be comprised of: (1) one State representative each from the Great Lakes Region, Gulf of Mexico Region, Mid-Atlantic Region, Northeast Region, South Atlantic Region, and West Coast Region, chosen in consultation with the Governors represented on the existing regional governance structures;[4] (2) one State representative each from Alaska, the Pacific Islands,[5] and the Caribbean,[6] chosen in consultation with respective Governors; (3) two at-large representatives from inland States, chosen in consultation with the National Governors Association; (4) one State legislative representative, chosen in consultation with the National Conference of State Legislatures; (5) three at-large tribal representatives, chosen in consultation with tribal councils, national and regional tribal organizations (e.g., the National Congress of American Indians); and (6) three local government representatives from coastal States (i.e., two mayors and one county official), chosen in consultation with the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties. Representatives would serve for staggered two-year terms. These representatives would select a Chair and Vice-Chair from their members. In addition, the GCC may establish subcommittees chaired by representatives of the GCC. These subcommittees would include additional representation, as appropriate, from State, tribal, and local governments, respectively, to provide for greater collaboration and expanded exchange of views. The GCC would be supported by the NOC staff.

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[4] Existing regional governance structures include the Great Lakes Commission, the Governors' South Atlantic Alliance, the Gulf of Mexico Alliance, the Mid-Atlantic Regional Council on the Ocean, the Northeast Regional Ocean Council, and the West Coast Governors' Agreement on Ocean Health.

[5] For purposes of this section "Pacific Islands" include Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

[6] For purposes of this section "Caribbean" includes the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

*Function*

The role of the GCC would be to serve as a formal body for State, tribal, and local government representatives to deliberate and coordinate with the NOC on issues of inter-jurisdictional collaboration and cooperation on the National Policy and related matters. These matters would include coordinating on the development of a uniform procedure to facilitate resolution at the regional level of disputes regarding the development of coastal and marine spatial plans (CMS Plans) prior to elevation to the NOC and providing advice on long-term strategic management and research priorities. The GCC would submit to the IPCs and the Steering Committee ocean and coastal related issues for potential discussion by the NOC and provide input on issues at the request of the Steering Committee. The GCC would also have regular and continued communication with the IPCs, via the NOC Steering Committee, throughout the development of the strategic action plans and implementation of the National Policy.

The United States has a unique legal relationship with federally recognized American Indian and Alaska Native tribal governments (tribes) as set forth in United States treaties, statutes, Executive Orders, and court decisions. These instruments establish a framework for the Federal Government's recognition of and support for tribal sovereignty and tribal self-government and self-determination, consistent with applicable Federal law, but not necessarily with State law. While the GCC includes three tribal representatives, the function of the GCC and these representatives would not replace Government-to-Government consultations with tribes under existing authorities.

## VIII. Ocean Research and Resources Advisory Panel

*Structure*

The ORRAP is a legislatively established body that advises the NORLC under the Federal Advisory Committee Act (FACA).

*Function*

The ORRAP would provide independent advice and guidance to the NOC. Current membership is comprised of individuals from the National Academies, State governments, academia, and ocean industries, representing marine science, marine policy, and other related fields. However, ORRAP membership would be reviewed to determine whether to include additional representatives to broaden the level of expertise in support of the goals of the National Policy. The NOC would routinely provide guidance and direction on the areas for which it seeks advice and recommendations from the ORRAP.

## IX. Review and Evaluation

After 12 months of operation, the NOC would conduct a review of the governance structure to evaluate its effectiveness and make any necessary changes or improvements.

# PART THREE. IMPLEMENTATION STRATEGY

## National Priority Objectives

HOW WE DO BUSINESS

1. **Ecosystem-Based Management:** Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.
2. **Coastal and Marine Spatial Planning:** Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.
3. **Inform Decisions and Improve Understanding:** Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.
4. **Coordinate and Support:** Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government and, as appropriate, engage with the international community.

AREAS OF SPECIAL EMPHASIS

1. **Resiliency and Adaptation to Climate Change and Ocean Acidification:** Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.
2. **Regional Ecosystem Protection and Restoration:** Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.
3. **Water Quality and Sustainable Practices on Land:** Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.
4. **Changing Conditions in the Arctic:** Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.
5. **Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure:** Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system and integrate that system into international observation efforts.

## I. Introduction

The National Policy would provide our Nation with a comprehensive approach, solidly based on science and technology, to uphold our stewardship responsibilities, and ensure accountability for our actions to present and future generations. Furthermore, the United States intends, through the National Policy, to serve as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. This implementation strategy recommends a clear set of priority objectives that our Nation should pursue to further the National Policy.

### *Overview of National Priority Objectives*

This implementation strategy recommends nine priority objectives. The first four, which together frame *How We Do Business,* represent overarching ways in which the Federal Government must operate differently or better to improve stewardship of the ocean, our coasts, and the Great Lakes. The implementation of ecosystem-based management embodies a fundamental shift in how the United States manages these resources, and provides a foundation for how the remaining objectives would be implemented. Within that construct, the implementation of coastal and marine spatial planning and management would mark the beginning of a new era of comprehensive, integrated techniques to address conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources. The other overarching objectives – to better inform decisions and improve understanding by the public through a strengthened ability to obtain and use science and information and to better coordinate and support science-based management across various authorities and governance structures are, in and of themselves, not new concepts. However, these efforts have suffered from the lack of a clear National Policy and a comprehensive framework within which to achieve desired outcomes.

The implementation strategy also identifies five *Areas of Special Emphasis,* each of which represents a substantive area of particular importance to achieving the National Policy. These priority areas of work seek to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes. For many years, scientists, resource managers, private industry, and others have been wrestling with these issues with a variety of existing Federal Government programs in place to address them. While those efforts have delivered their share of results, in each of these critical areas more can – and must –

be done. In many cases, we have lacked the capability and understanding – both scientific and technical – to affect the type of change required. In the last several years, however, science has significantly evolved and advanced, and our capacity to respond to environmental and technological changes in these five areas has improved substantially. With this strategy, these specific areas of work should be viewed as national priorities with a renewed and coordinated effort at finding and implementing solutions. Over time, the NOC will assess the progress on these areas and also identify other areas to be addressed.

### *Planning*

Together, these nine priority objectives provide a bridge between the National Policy and action on the ground and in the water, but do not prescribe in detail how individual entities would undertake these responsibilities. For each priority objective, the NOC would be responsible for, and oversee development of, a strategic action plan within six to twelve months from its establishment. The NOC's ORM-IPC and OST-IPC would be charged with developing these plans. The plans would address the *Obstacles* and *Opportunities* identified for each objective and would focus on, but not be limited to, the key areas identified under each objective. In addition, each plan would:

- Identify specific and measurable near-term, mid-term, and long-term actions, with appropriate milestones, performance measures, and outcomes to fulfill each objective;
- Consider smaller-scale, incremental, and opportunistic efforts that build upon existing activities, as well as more complex, larger-scale actions that have the potential to be truly transformative;
- Explicitly identify key lead and participating agencies;
- Identify gaps and needs in science and technology; and
- Identify potential resource requirements and efficiencies; and steps for integrating or coordinating current and out-year budgets.

The plans would be adaptive to allow for modification and addition of new actions based on new information or changing conditions. Their effective implementation would also require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component. Implementation of the National Policy for the stewardship of the ocean, our coasts, and the Great Lakes will recognize that different legal regimes, with their associated freedoms, rights, and duties, apply in different maritime zones. The plans would be implemented in a manner consistent with applicable international conventions and agreements and with customary international law as reflected in the Law of the Sea Convention. The plans and their implementation would be assessed and reviewed annually by the NOC and modified as needed based on the success or failure of the agreed upon actions. Upon identification and finalization of plans, the NOC Co-Chairs, in collaboration with OMB, would develop an annual interagency ocean budget guidance memorandum. Recognizing the reality of the limited availability of new resources, each of the Federal agencies engaged in the implementation

of strategic action plans would re-evaluate how resources should best be allocated in light of their statutory and regulatory mandates.

While these plans are under development, any agency that is conducting an activity that supports or furthers one of the objectives would bring them to the attention of the NOC. The NOC – working with the agency – would review the activity to determine how it might best contribute to overall implementation of the priority objectives, including being incorporated into the relevant strategic action plan.

### *Transparency and Collaboration*

Transparency in developing strategic action plans and implementing the National Policy is critical. As the NOC develops and revises the plans, it will ensure substantial opportunity for public participation. Final plans, revisions, and reports of how well plan performance measures are being met would be made publicly available.

The effective implementation of this far-reaching and comprehensive National Policy would require active collaboration of the Federal Government with State, tribal, and local authorities, regional governance structures, academic institutions, non-governmental organizations, recreational interests, and private enterprise. In developing and revising the plans, the NOC would reach out to these interested parties, as appropriate, through the NOC's GCC, the ORRAP, workshops, and by other means. Furthermore, international collaboration on a broad range of ocean issues is an important component of these objectives. The Nation plays a leadership role in various international forums that deal with these issues, such as the Arctic Council, the International Maritime Organization, the Intergovernmental Oceanographic Commission, regional fisheries management organizations, and the International Whaling Commission. By joining the Law of the Sea Convention now, we can reaffirm and enhance United States leadership in the development and interpretation of international law applicable to the ocean. The Convention's provisions are highly favorable to the national security, environmental, and economic interests of the United States. Becoming a party would give the United States the ability to participate formally and more effectively in the interpretation and development of the Convention.

## II. National Priority Objectives

### How We Do Business

1. **Ecosystem-Based Management: Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.**

*Obstacles and Opportunities*

Traditional management of resource use and other activities in the ocean, along our coasts, and in the Great Lakes has focused on individual species, resources, areas, or actions with limited consideration for how the management practices of one might impact the sustainability of another. This has often led to disjointed management approaches resulting in loss of resources, economic hardship, and environments at risk. To ensure healthier, more resilient, and productive ocean, coastal, and Great Lakes environments, comprehensive management systems are needed that fully integrate ecological, social, economic, and security goals into decisions. Embedding ecosystem-based management, grounded in science, as an overarching principle would be a fundamental shift in the traditional way the Federal Government approaches management of the ocean, our coasts, and the Great Lakes. It would provide the opportunity to ensure proactive and holistic approaches to better manage the use and conservation of these valuable resources. This broad-based application of ecosystem-based management would provide a framework for the management of our resources, and allow for such benefits as helping to restore fish populations, control invasive species, support healthy coastal and Great Lakes communities and ecosystems, restore sensitive species and habitats, protect human health, and rationally allow for emerging uses of the ocean, including new energy production.

*The Plan Should Address:*

- "Best practices" for developing and implementing effective ecosystem-based management systems;
- Identification and prioritization of geographic areas of special sensitivity or in greatest need for ecosystem-based management;
- Establishment of a process for working with States, tribal, and local authorities and regional governance structures to apply the most successful approaches in these areas of the greatest need; and
- Measures to ensure that decisions about ocean, coastal, and Great Lakes activities, uses, and goals are made based on the best available science and incorporate principles of ecosystem-based management.

2. **Coastal and Marine Spatial Planning: Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.**

*Obstacles and Opportunities*

The ocean, our coasts, and the Great Lakes are host to countless commercial, recreational, scientific, energy, and security activities, which often occur in or near areas set aside and managed for

conservation and resource protection goals. Overlapping uses and differing views, about what activities should occur and where, can generate conflicts and misunderstandings. Coastal and marine spatial planning (CMSP) that fully incorporates the principles of ecosystem-based management will provide a means to objectively and transparently guide and balance allocation decisions for use of ocean, coastal, and Great Lakes waters and resources. It would allow for the reduction of cumulative impacts from human uses on marine ecosystems, provide greater certainty for the public and private sector in planning new investments, and reduce conflicts among uses and between using and preserving the environment to sustain critical ecological, economic, recreational, and cultural services for this and future generations.

*The Plan Should Address:*

- Implementation and expansion of the Framework for Effective Coastal and Marine Spatial Planning as described later in this document.

3. **<u>Inform Decisions and Improve Understanding:</u> Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.**

*Obstacles and Opportunities*

A broad program of basic and applied disciplinary and interdisciplinary scientific research, mapping, monitoring, observation, and assessment, coupled with development of forecasts, models, and other decision-support tools, is required to build knowledge of ocean, coastal, and Great Lakes ecosystems and processes and ensure that management and policies are based on sound science. Increased understanding of watershed processes and the linkages with our coasts will be necessary to develop better decision-support tools to adequately manage human uses, human impacts, including disproportionate impacts on minority or low income populations, and watershed conservation activities that affect our ocean and coasts. In addition, increased scientific knowledge and a more comprehensive awareness and a detailed understanding of current and emerging human activities taking place in and around our waters are essential to sound ocean planning and management. However, there are significant gaps in our understanding of ocean ecosystem dynamics, ocean conditions and trends, and the complex links between these conditions and human health, economic opportunities, national and homeland security, and social justice. There is significant opportunity to improve how and what information we gather to better understand change and respond

to challenges, better integrate current scientific knowledge (natural, social and traditional/ cultural) and real-time data into decision-making, improve the management and integration of data supporting science and decision-making, and identify and close knowledge gaps necessary to adequately understand the impacts of human activities on the ocean, our coasts, and the Great Lakes. A diverse, interdisciplinary, ocean-literate workforce that has the appropriate skills and training to capitalize on these opportunities is needed. In addition, formal and informal education programs developed and implemented to target grades K-12 and beyond would create opportunities for enhanced appreciation of coastal and ocean issues, and better prepare the workforce of the future. Robust education programs already exist in many NOC member agencies and can serve as the foundation for increasing knowledge on ocean, coastal, and Great Lakes issues. Success in building our knowledge and applying it to improve management also relies on an engaged and informed public. Many Americans do not realize the importance of the ocean, our coasts, and the Great Lakes to their daily lives, the benefits they provide, or the possibilities they present for further discovery. There is great opportunity to raise awareness and identify ways we can help protect our waters and their resources.

Inform and Improve

*The Plan Should Address:*

- Identification of priority issues in addressing emerging topics and changes in ocean, coastal, and Great Lakes ecosystems and processes;

- Specific scientific requirements and research needs, including the need for reconciling inconsistent standards, physical infrastructure, research platforms, organizations, and data management, to identify critical gaps, ensure high quality data, and provide information necessary to inform management, including mechanisms to transition research results into information products and tools for management;

- The development of a more comprehensive awareness of environmental conditions and trends and human activities that take place in the ocean, coastal, and Great Lakes environments; and

- Requirements for routine integrated ecosystem assessments and forecasts, including impacts related to climate change, to address vulnerability, risks, and resiliency, and inform tradeoffs and priority-setting.

Educate

*The Plan Should Address:*

- Challenges, gaps, opportunities, and effective strategies for training and recruiting the current and next generation of disciplinary and interdisciplinary scientists, technicians, operators, managers, and policy-makers, with a particular focus on the needs of disadvantaged or under-served communities; and

- Identification of successful formal and informal education and public outreach approaches, including their application toward a focused nation-wide campaign to build public awareness, engagement, understanding, and informed decision-making, with specific emphasis on the state of ecosystems.

4. **Coordinate and Support: Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government and, as appropriate, engage with the international community.**

*Obstacles and Opportunities*

One of the significant obstacles to effective management of the ocean, our coasts, and the Great Lakes is the complex set of Federal, State, tribal, and local laws, authorities, mandates, and governance structures intended to manage their use and conservation. Consistent approaches to the management of resources, including ecosystem-based and adaptive management, are difficult to achieve given this shared, piece-meal, and overlapping jurisdictional model. Furthermore, the United States is party to numerous international agreements and subject to customary international law regarding use and protection of the ocean and the Great Lakes. The United States should engage with international partners bilaterally and multilaterally to achieve increased cooperation and coordination on ocean issues. Through increased communication, coordination, and integration across all levels of government, we can streamline processes, reduce duplicative efforts, leverage resources, resolve disparities, and enhance synergy. A set of shared principles and objectives coordinated among all levels of government would translate into effective outcomes consistent with the National Policy.

Coordinate

*The Plan Should Address:*

- Identification of gaps, inconsistencies, and duplications in statutory authorities, policies, and regulations, and taking necessary and appropriate actions to address them;

- Procedures to identify and align mutual and consistent management objectives and actions across jurisdictions;

- Tangible tools and procedures to prevent and resolve conflicts across jurisdictions and disagreements concerning jointly managed ocean, coastal, and Great Lakes resources; and
- Opportunities for engaging the international community to further the objectives of the policy, as appropriate.

Support

*The Plan Should Address:*

- Actions to assist the States in advancing the network of regional alliances to protect ocean, coastal, and Great Lakes health;
- Evaluation of existing or new funding sources and options to protect, maintain, and restore ocean resources; and
- Legislative or regulatory changes necessary to simplify the sharing and transfer of resources among Federal, State, tribal, and local agencies.

**Areas of Special Emphasis**

1. **Resiliency and Adaptation to Climate Change and Ocean Acidification: Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.**

*Obstacles and Opportunities*

The ocean plays a central role in shaping the Earth's climate and influencing climate variability. Because of this important relationship and the ecosystem services that the ocean, our coasts, and Great Lakes provide, global climate change and its associated impacts as well as ocean acidification pose some of the most serious threats to these ecosystems and coastal communities. Warming ocean temperatures have a profound impact on the distribution of rainfall over land, the melting of ice sheets, and the distribution and productivity of species. Sea-level rise, increased severe storm events, rapid erosion, and salt water intrusion threaten low-lying coastal communities with the destruction of infrastructure, flood inundation, the potential displacement of millions of people, and the loss of key species and habitats. At the same time, climate change is predicted to lower the water levels of the Great Lakes, thereby altering water cycles and supply, habitat, and economic uses of the Lakes. In addition, ocean acidification is expected to have significant and largely negative impacts on the marine food web, ocean ecosystems as a whole, and biological diversity in general. Since climate change and ocean acidification may have widespread impacts,

increased coordination of monitoring and mapping efforts and improved understanding of the changes in the ocean are vital to minimizing these impacts on our marine and Great Lakes ecosystems and coastal communities. We have an opportunity and a responsibility to develop strategies for reducing the vulnerability, increasing the resilience, and improving adaptation of human and natural systems to climate change impacts, as well as for mitigating the effects of climate change itself.

*The Plan Should Address:*

- Research, observations and modeling needed to forecast regional and local scale climate change impacts and related vulnerabilities for natural resources, health, infrastructure, and livelihoods, including social and economic impacts;

- Better integration of ocean and coastal science into the broader climate dialogue and measures to improve understanding of the connections among land, water, air, ice, and human activities;

- Evaluation of potential social and economic costs related to sea-level rise, such as accelerating erosion, increased saltwater intrusion, and more severe coastal and inland flooding;

- Adaptive actions to identified climate change impacts and related vulnerabilities, such as ocean acidification, and the development of ecological and economic resilience strategies and priorities for research and monitoring to address these strategies;

- Changes to local and regional ocean and lake management systems that incorporate changing climate risks and elements of resilient systems; and

- A comprehensive approach to understanding human health implications of policies for the ocean, our coasts, and Great Lakes, and for identifying opportunities for the protection and enhancement of human health.

2. **Regional Ecosystem Protection and Restoration: Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.**

*Obstacles and Opportunities*

Along our coasts and the Great Lakes, essential habitats continue to suffer significant losses and degradation due to coastal development, sea-level rise, and associated human activities. Impacts on these ecosystems and the people and communities in these areas are presenting new management challenges. Additionally, external stressors, including invasive species, are impacting native species and habitat. While progress has been made in addressing some of these challenges through ecosystem-based management, the threat of critical habitat loss and degradation of ecosystem services is still apparent in the Gulf Coast, the Chesapeake Bay, Puget Sound, South Florida, San Francisco Bay, and the Great Lakes. By addressing coastal and ocean challenges that cross jurisdictional boundaries and sectors on a regional and ecosystem scale, we can more effectively manage these resources. Because climate change is impacting our coastlines, it has become even more important to assess and place priorities on ecosystem restoration projects. These experiences provide valuable lessons for other coastal ecosystems.

*The Plan Should Address:*

- Prioritization of the locations and geographic scope of coastal and Great Lakes ecosystem restoration projects, including implementation of the Great Lakes Restoration Initiative;
- Interim and longer term goals and mechanisms to facilitate collaboration among stakeholders to implement projects;
- Best practices for collaborative science-based planning to achieve ecosystem restoration goals building on the lessons learned in ongoing ecosystem restoration efforts;
- Impacts of invasive species on ocean, coastal, and Great Lakes ecosystems, and a range of methodologies for control and prevention of these species; and
- Protection, maintenance, and restoration of populations and essential habitats supporting fisheries, protected species, ecosystems, and biological diversity.

3. **Water Quality and Sustainable Practices on Land: Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.**

*Obstacles and Opportunities*

Nonpoint source pollution (pollution that comes from diffuse sources instead of one specific point), caused by poor land management practices, is the leading cause of water quality problems in the United States and a major cause of rapidly declining ocean and coastal ecosystem health. Runoff from suburban streets and lawns, agricultural and industrial uses, transportation activities, and urban development – even hundreds of miles away – negatively impacts water quality, resulting in deleterious effects on ocean, coastal, and Great Lakes systems as evidenced by harmful algal blooms, expansive dead zones, marine debris, and increased incidents of human illness. Areas with particularly poor water quality are known to experience frequent beach closures, massive fish kills, and areas of toxic sediments. Since this pollution comes from many diffuse sources throughout the country, addressing it requires a strong commitment to coordination and cooperation between multiple sectors and among Federal, State, tribal, local authorities, and regional governance structures. Fortunately, a number of point and non-point source prevention programs are available to Federal, State, tribal, local, regional, and private entities to reduce the amount of pollutants that are transported from our Nation's watersheds and into our coastal waters. There are opportunities to achieve significant reductions in these inputs to our coasts and ocean through concrete mechanisms that integrate and coordinate land-based pollution reduction programs.

*The Plan Should Address:*

- The major impacts of urban and suburban development and agriculture, including forestry and animal feedlots, on ocean, coastal, and Great Lakes waters;
- The relative contributions of significant land-based sources of pollutants, sediments, and nutrients to receiving coastal waters and ways to address them, including recommendations of how to integrate and improve existing land-based conservation and pollution programs;
- Best management practices, use of conservation programs, and other approaches for controlling the most significant land-based sources of nutrients, sediments, pathogens, toxic chemicals, solid waste, marine debris, and invasive species; and
- The establishment of a comprehensive monitoring framework and integration with State monitoring programs.

4. **<u>Changing Conditions in the Arctic:</u> Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.**

*Obstacles and Opportunities*

Climate change is having a disproportionally greater impact on polar regions than elsewhere, and the Arctic region is faced with serious problems. Permafrost is thawing at an accelerated rate, which leads to the release of large amounts of methane. Multi-seasonal sea ice is rapidly deteriorating. Much of the Alaskan Arctic seashore is threatened by coastal erosion and other environmental challenges. Increased human activity in the area is bringing additional stressors to the Arctic environment, with serious implications for Arctic communities and ecosystems. At the same time, the diminishing ice presents opportunities and pressures for increased development of living and non-living resources and for increased commerce and transportation. Working with all of the stakeholders, including the indigenous communities, we have the opportunity to develop proactive plans, informed by the best science available, to manage and encourage use while protecting the fragile Arctic environment.

*The Plan Should Address:*

- Better ways to conserve, protect, and sustainably manage Arctic coastal and ocean resources, effectively respond to the risk of increased pollution and other environmental degradation on humans and marine species, and adequately safeguard living marine resources;

- New collaborations and partnerships to better monitor and assess environmental conditions and devise early warning and emergency response systems and procedures to be prepared for and respond to emerging events in the Arctic region, such as environmental disasters;

- Consistency and coordination with the implementation of United States Arctic Region Policy as promulgated in National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (2009); and

- Improvement of the scientific understanding of the Arctic system and how it is changing in response to climate-induced and other changes.

5. **Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure: Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system and integrate that system into international observation efforts.**

*Obstacles and Opportunities*

Our ability to understand weather, climate, and ocean conditions, to forecast key environmental processes, and to strengthen ocean management decision-making at all levels is informed by a sound knowledge base. Efficient and effective coordination of the many available tools, continued development of new tools and infrastructure, and integration of them into a cohesive, unified, robust system is becoming increasingly difficult as an ever increasing number of data collection and processing systems come on line. New ground-breaking observation technologies give us the ability to observe and study global processes at all scales. These new tools, if fully integrated, will significantly advance our knowledge and understanding of the ocean, our coasts, and the Great Lakes. Furthermore, successful integration of new tools and data will improve our ability to engage in science-based decision-making and ecosystem-based management by ensuring that biological, ecological, and social data and processes are included in the calculus.

*The Plan Should Address:*

- A nationally integrated system of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components, and cooperation with international partners and organizations, as appropriate;

- Regional and national needs for ocean information, to gather specific data on key ocean, coastal, and Great Lakes variables that are required to support the areas of special emphasis and other national needs;

- The use of unmanned vehicles and remote sensing platforms and satellites to gather data on the health and productivity of the ocean, our coasts, and the Great Lakes;

- The capabilities and gaps of the National Oceanographic Fleet of ships and related facilities; and

- Data management, communication, access, and modeling systems for the timely integration and dissemination of data and information products.

# PART FOUR. THE FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

## I. Introduction

Coastal and marine spatial planning is one of the nine priority objectives in the recommendations. This framework for CMSP in the United States provides a definition of CMSP, identifies the reasons for engaging in CMSP, and describes its geographic scope. It articulates national CMSP goals and guiding principles that would be adhered to in CMSP efforts and the eventual development and implementation of coastal and marine spatial plans. In addition, this framework describes how CMSP and CMS Plans would be regional in scope and developed cooperatively among Federal, State, tribal, local authorities, and regional governance structures, with substantial stakeholder and public input.

## II. What is Coastal and Marine Spatial Planning?

CMSP is a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. CMSP identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, CMSP provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected - now and for future generations.

## III. Why Coastal and Marine Spatial Planning?

The Nation's interests in the ocean, our coasts, and the Great Lakes support a growing number of significant and often competing uses and activities, including commercial, recreational, cultural, energy, scientific, conservation, and homeland and national security activities. Combined, these activities profoundly influence and benefit coastal, regional, and national economies and cultures. However, human uses of our ocean, coasts, and the Great Lakes are expanding at a rate that challenges our ability to plan and manage them under the current sector-by-sector approach. While many existing permitting processes include aspects of cross-sectoral planning (through, for example, the process governed by the National Environmental Policy Act), most focus solely on a limited range of management tools and outcomes (e.g., oil and gas leases, fishery management plans, and marine protected areas). Missing from this picture is a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing these uses and activities. This new approach would be national in scope to address national interests, but also scalable and specific to regional and local needs. Without such an improved approach, we risk an increase in user conflicts, continued planning and regulatory inefficiencies with their associated costs and delays, and the potential loss of critical economic, ecosystem, social, and cultural services for present and future generations.

### Traditional, New, and Expanding Ocean, Coastal, And Great Lakes Uses

*The ocean, our coasts, and the Great Lakes are home to and support myriad important human uses. CMSP provides an effective process to better manage a range of social, economic, and cultural uses, including:*

- Aquaculture (fish, shellfish, and seaweed farming)
- Commerce and Transportation (e.g., cargo and cruise ships, tankers, and ferries)
- Commercial Fishing
- Environmental/Conservation (e.g., marine sanctuaries, reserves, national parks, and wildlife refuges)
- Maritime Heritage and Archeology
- Mining (e.g., sand and gravel)
- Oil and Gas Exploration and Development
- Ports and Harbors
- Recreational Fishing
- Renewable Energy (e.g., wind, wave, tidal, current, and thermal)
- Other Recreation (e.g., boating, beach access, swimming, surfing, nature and whale watching, and diving)
- Scientific Research and Exploration
- Security, Emergency Response, and Military Readiness Activities
- Subsistence Uses
- Tourism
- Traditional Hunting, Fishing, and Gathering
- Working Waterfronts

Recent scientific and ocean policy assessments have demonstrated that a fundamental change in our current management system is required to achieve the long-term health of our ocean, coasts, and Great Lakes in order to sustain the services and benefits they provide to society. The present way we

manage these areas cannot properly account for cumulative effects, sustaining multiple ecosystem services, and holistically and explicitly evaluating the tradeoffs associated with proposed alternative human uses.

Scientific understanding and information are central to achieving an integrated and transparent planning process. Natural and social sciences can inform decisions about how to achieve societal objectives from the Nation's ocean, coastal, and Great Lakes waters, both now and into the future, while maintaining ecosystem integrity. Built on this foundation of sound science, this new system for planning should facilitate maintenance of essential ecosystem services, encourage compatible uses, minimize conflicts, evaluate tradeoffs in an open and transparent manner, and include significant and meaningful stakeholder involvement.

### *The Benefits of CMSP*

As recommended in this framework, CMSP is intended to yield substantial economic, ecological, and social benefits. To do so, it must fully incorporate the principles of sound science for ecosystem-based and adaptive management, be transparent, and be informed by stakeholders and the public. Many have raised concerns regarding whether CMSP would result in additional layers of regulatory review or delays in decision-making. To the contrary, CMSP is intended to build upon and significantly improve existing Federal, State, tribal, local, and regional decision-making and planning processes. Thus, while the development of CMSP would require significant initial investments of both human and financial resources, these investments are expected to result in substantial benefits. Several States, regions, and other nations have already recognized the many advantages of marine spatial planning, undertaken the planning process, and are eager to take positive steps to realize those advantages.

**CMSP can facilitate sustainable economic growth. For instance:**

***In the Netherlands-***
A "preferred sand mining area" has been identified within its territorial sea. This use allocation through marine spatial planning will allow sand extraction closer to shore at less cost to both the private sector and the government, especially in the next 20 years when it is used for coastal adaptation to anticipated climate change.

***In Germany-***
An environmental assessment for a wind farm permit costs about €1 million (US$1.5 million) to prepare. Because the federal government has already prepared a Strategic Environmental Assessment for its marine spatial plan that includes priority areas for wind farms, costs of preparing and reviewing an environmental assessment for every permit proposed in a "Priority Wind Farm Area" will be reduced or avoided.

*Examples Courtesy of Dr. Charles Ehler, UNESCO*

CMSP is intended to facilitate sustainable economic growth in coastal communities by providing transparency and predictability for economic investments in coastal, marine, and Great Lakes industries, transportation, public infrastructure, and related businesses. CMSP could promote national objectives such as enhanced national energy security and trade and provide specific economic incentives (e.g., cost savings and more predictable and faster project implementation) for commercial users.

**CMSP allows proactive planning to integrate a wide range of ecosystem services. For instance:**

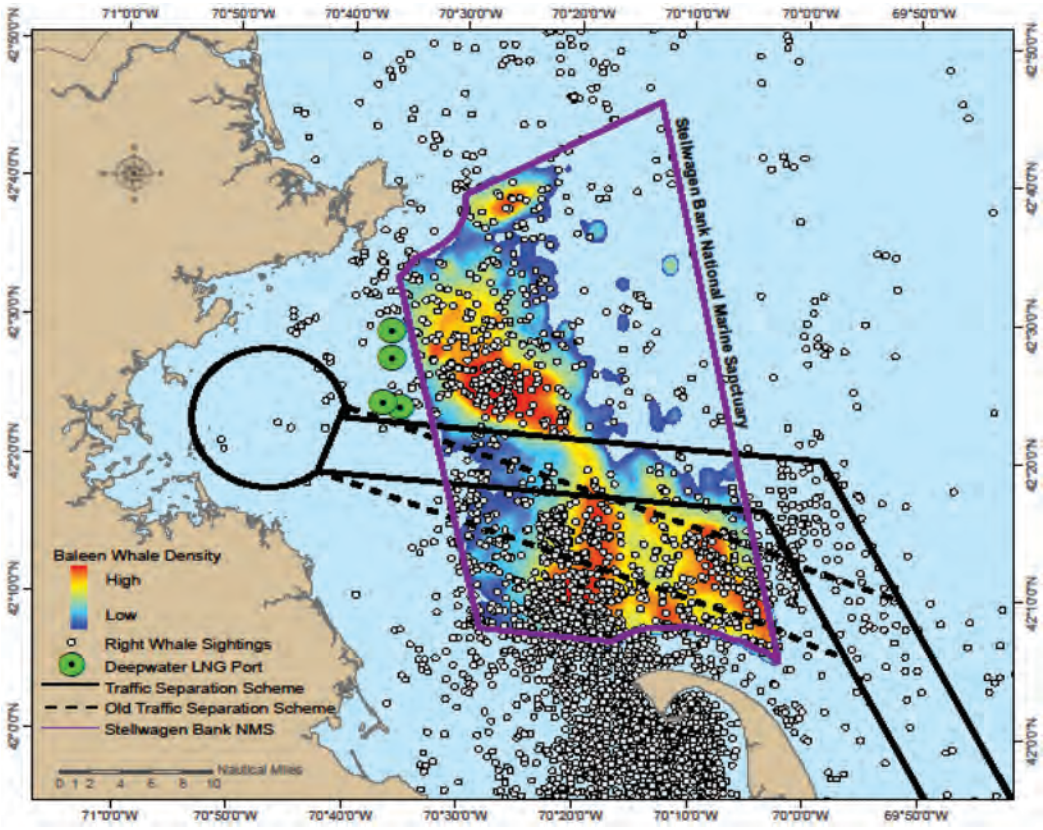
*Provisioning*
Energy, Seafood, Biomedical

*Regulating and Supporting*
Flood Prevention, Biological Diversity Maintenance, Climate Regulation, Erosion Control, Control of Pests and Pathogens, Nutrient Recycling, and Primary Production

*Cultural Services*
Education, Recreational, Heritage, and Spiritual

CMSP is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through CMSP because they are centrally incorporated into the CMS Plan as desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. CMSP allows for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.

Example of the Potential Benefits of CMSP: Stellwagen Bank National Marine Sanctuary




Comprehensive planning enabled NOAA, the United States Coast Guard, and several other government agencies and stakeholders to examine shipping needs, proposed deepwater liquefied natural gas port locations, and endangered whale distribution in a successful effort to reconfigure the Boston Traffic Separation Scheme (TSS) to reduce the risk of whale mortality due to collisions with ships in the Stellwagen Bank National Marine Sanctuary. The reconfigured TSS reduced risk of collision by an estimated 81% for all baleen whales and 58% for endangered right whales. Industry TSS transit times increased by only 9 – 22 minutes (depending on speed) and conflict with deepwater ports was eliminated. In addition, the new route decreased the overlap between ships using the TSS, commercial fishing vessels, and whale watch vessels, thereby increasing maritime safety. CMSP has the significant potential of applying this integrated, multi-objective, multi-sector approach on a broader and sustained scale.

Diagram Courtesy of NOAA/Stellwagen Bank National Marine Sanctuary

From a societal perspective, CMSP would improve opportunities for community and citizen participation in open planning processes that would determine the future of the ocean, our coasts, and the Great Lakes. For example, the CMSP process would recognize the social, economic, public health, and conservation benefits of sustainable recreational use of ocean, coastal, and Great Lakes resources (e.g., fishing, boating, swimming, and diving), by providing improved coordination with recreational users to ensure consideration of continued access and opportunities to experience and enjoy these activities consistent with safety and conservation goals. Integrated engagement and coordination should result in stronger and more diverse ocean, coastal, and Great Lakes stewardship, economies, and communities. Moreover, CMSP can assist managers in planning activities to sustain cultural and recreational uses, human health and safety, and the continued security of the United States. For

instance, CMSP would help to ensure that planning areas identified as important for public use and recreation are not subject to increased risk of harmful algal blooms, infectious disease agents, chemical pollution, or unsustainable growth of industrial uses.

## IV. Integration, Cooperation, and Coordination

Strong partnerships among Federal, State, tribal, and local authorities, and regional governance structures would be essential to a truly forward-looking, comprehensive CMSP effort. One of the significant benefits of CMSP is to improve the ability of these authorities to seamlessly coordinate their objectives with broader planning efforts by participating in the CMSP process for areas within and beyond their jurisdictional waters. Many States and regional governance structures have already engaged in some form of comprehensive marine planning and CMSP would build upon and incorporate these efforts. Also, the United States has a unique legal relationship with federally-recognized American Indian and Alaska Native tribal governments. These tribal governments, and the indigenous populations in Hawaii and the United States Commonwealths and Territories, are integrally linked to the maritime realm and would play an important role in CMSP.

The United States shares maritime and Great Lakes boundaries with a number of countries and has the world's largest EEZ and an extensive Continental Shelf. The development of CMSP provides opportunities for engagement with other countries, in coordination with the Department of State and other relevant agencies. The views and decisions of relevant international fora should be taken into account, where appropriate, in CMSP and the development of CMS Plans.

The ability for States and tribes to participate in the CMSP process for areas within and beyond their respective jurisdictions can afford the following potential opportunities and incentives:

- Encourage and inform the Federal government to better manage resources or address processes that transcend jurisdictional boundaries;
- Define local and regional objectives and develop and implement CMSP in a way that is meaningful to regionally specific concerns;
- Leverage, strengthen, and magnify local planning objectives through integration with regional and national planning efforts;
- Proactively address concerns over proposed activities impacting State and tribal interests and minimize use conflicts before they escalate;
- Leverage support from the Federal government to build CMSP capacity, access CMSP data, and acquire scientific, technical, and financial assistance;
- Access data through CMSP portal(s) and utilize science tools developed, established, and maintained for CMSP efforts;
- Benefit from sustained Federal participation on the regional planning bodies that consist of representatives empowered to make decisions and commitments on behalf of their respective agencies, in turn helping to integrate and improve decision-making;
- Provide a clearer and easier point of access for all Federal agencies with regard to ocean, coastal, and Great Lakes issues; and
- Achieve regulatory efficiencies, reduction in administrative delays, and cost savings.

Similarly, as the United States is a leader in various international fora that deal with marine issues, the United States should introduce relevant aspects of CMSP for consideration by such bodies.

## V. Public and Stakeholder Engagement

In addition to coordination and cooperation among all levels of government, robust public and stakeholder engagement is integral to a successful CMSP process. Given the multi-objective nature of CMSP it is critical to ensure there are numerous opportunities for a broad range of input to gain a better understanding of the human uses and influences on the planning area, and expectations, interests, and requirements for the future. Including a broad range of interests throughout the planning and implementation of CMSP is necessary to strengthen mutual and shared understanding about relevant problems and opportunities and will better inform the process and its outcomes.

## VI. The Authority for Coastal and Marine Spatial Planning

Federal statutes often include authorizing language that explicitly gives agencies the responsibility to plan and implement the objectives of the statutes. Moreover, several Federal statutes specifically authorize agency planning with respect to the ocean, coastal, and Great Lakes environments. Federal agencies and departments also administer a range of statutes and authorized programs that provide a legal basis to implement CMSP. These statutory and regulatory authorities may govern the process for making decisions (e.g., through Administrative Procedure Act rulemaking and adjudications) and not just the ultimate decisions made. The processes and decision-making CMSP envisions would be carried out consistent with and under the authority of these statutes. State, tribal, and local authorities also have a range of existing authorities to implement CMSP, although this will vary among and within regions. This framework for CMSP is to provide all agencies with agreed upon principles and goals to guide their actions under these authorities, and to develop mechanisms so that Federal, State, tribal, and local authorities, and regional governance structures can proactively and cooperatively work together to exercise their respective authorities.

An agency or department's capacity to internalize the elements of any particular CMS Plan would vary depending on the nature of applicable statutes. CMSP is intended to provide a better framework for application of these existing laws and agency authorities, but is not intended to supersede them. Where pre-existing legal constraints, either procedural or substantive, are identified for any Federal agency, the NOC would work with the agency to evaluate necessary and appropriate legislative solutions or changes to regulations to address the constraints. In the interim, agencies would comply with existing legal requirements but should endeavor, to the maximum extent possible, to integrate their actions with those of other partners to a CMS Plan.

## VII. The National Goals of Coastal and Marine Spatial Planning

For CMSP to be successful, it must be based on clear, broad-based goals that define the desired outcomes to be achieved. CMSP in the United States would be developed and implemented to further the following goals:

1. Support sustainable, safe, secure, efficient, and productive uses of the ocean, our coasts, and the Great Lakes, including those that contribute to the economy, commerce, recreation, conservation, homeland and national security, human health, safety, and welfare;

2. Protect, maintain, and restore the Nation's ocean, coastal, and Great Lakes resources and ensure resilient ecosystems and their ability to provide sustained delivery of ecosystem services;

3. Provide for and maintain public access to the ocean, coasts, and Great Lakes;

4. Promote compatibility among uses and reduce user conflicts and environmental impacts;

5. Improve the rigor, coherence, efficiency, and consistency of decision-making and regulatory processes;

6. Increase certainty and predictability in planning for and implementing new investments for ocean, coastal, and Great Lakes uses; and

7. Enhance interagency, intergovernmental, and international communication and collaboration.

## VIII. The National Guiding Principles for Coastal and Marine Spatial Planning

In order to achieve the national goals of CMSP, planning efforts are to be guided by the following principles:

1. CMSP would use an ecosystem-based management approach that addresses cumulative effects to ensure the protection, integrity, maintenance, resilience, and restoration of ocean, coastal, and Great Lakes ecosystems, while promoting multiple sustainable uses.

2. Multiple existing uses (e.g., commercial fishing, recreational fishing and boating, subsistence uses, marine transportation, sand and gravel mining, and oil and gas operations) and emerging uses (e.g., off-shore renewable energy and aquaculture) would be managed in a manner that reduces conflict, enhances compatibility among uses and with sustained ecosystem functions and services, provides for public access, and increases certainty and predictability for economic investments.

3. CMSP development and implementation would ensure frequent and transparent broad-based, inclusive engagement of partners, the public, and stakeholders, including with those most impacted (or potentially impacted) by the planning process and with underserved communities.

4. CMSP would take into account and build upon the existing marine spatial planning efforts at the regional, State, tribal, and local level.

5. CMS Plans and the standards and methods used to evaluate alternatives, tradeoffs, cumulative effects, and sustainable uses in the planning process would be based on clearly stated objectives.

6. Development, implementation, and evaluation of CMS Plans would be informed by

sound science and the best available information, including the natural and social sciences, and relevant local and traditional knowledge.

7. CMSP would be guided by the precautionary approach as reflected in Principle 15 of the Rio Declaration, "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

8. CMSP would be adaptive and flexible to accommodate changing environmental conditions and impacts, including those associated with global climate change, sea-level rise, and ocean acidification; and new and emerging uses, advances in science and technology, and policy changes.

9. CMSP objectives and progress toward those objectives would be evaluated in a regular and systematic manner, with public input, and adapted to ensure that the desired environmental, economic, and societal outcomes are achieved.

10. The development of CMS Plans would be coordinated and compatible with homeland and national security interests, energy needs, foreign policy interests, emergency response and preparedness plans and frameworks, and other national strategies, including the flexibility to meet current and future needs.

11. CMS Plans would be implemented in accordance with customary international law, including as reflected in the Law of the Sea Convention, and with treaties and other international agreements to which the U.S. is a party.

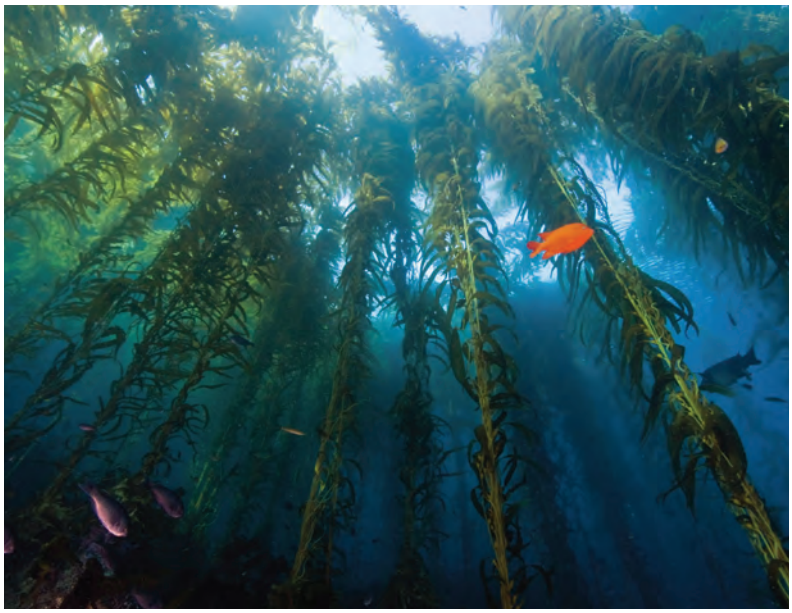
12. CMS Plans would be implemented in accordance with applicable Federal and State laws, regulations, and Executive Orders.

## IX. Geographic Scope of Coastal and Marine Spatial Planning

The geographic scope of the planning area for CMSP in the United States includes the territorial sea, the EEZ, and the Continental Shelf. The geographic scope of the planning area would extend landward to the mean high-water line. The geographic scope for the Great Lakes would extend from the ordinary high-water mark and include the lakebed, subsoil, and water column to the limit of the United States and Canada international boundary, as maintained by the International Boundary Commission, and includes Lake St. Clair and the connecting channels between lakes. Privately owned lands as defined by law would be excluded from the geographic scope.

The geographic scope would include inland bays and estuaries in both coastal and Great Lakes settings. Inclusion of inland bays and estuaries is essential because of the significant ecological, social, and economic linkages between these areas with offshore areas. Additional inland areas may be included in the planning area as the regional planning bodies, described in Section X of this Part, deem appropriate. Regardless, consideration of inland activities would be necessary to account for the significant interaction between upstream activities and ocean, coastal, and Great Lakes uses and ecosystem health. Likewise, consideration would also be given to activities occurring beyond the EEZ and continental shelf that may influence resources or activities within the planning area.

### *The Great Lakes and CMSP*



Great Lakes resources are governed in part by a body of law, treaties, and regional policy that is distinct from our ocean and other coastal areas. Of paramount significance is the Great Lakes Water Quality Agreement (GLWQA) with Canada and its implementation under various Federal laws that commit each country to restore and maintain the chemical, physical, and biological integrity of the Great Lakes through use of ecosystem-based management. However, while various Federal regulatory authorities apply in the United States Great Lakes, the submerged lands underlying them are largely under the jurisdiction and ownership of the Great Lakes States.

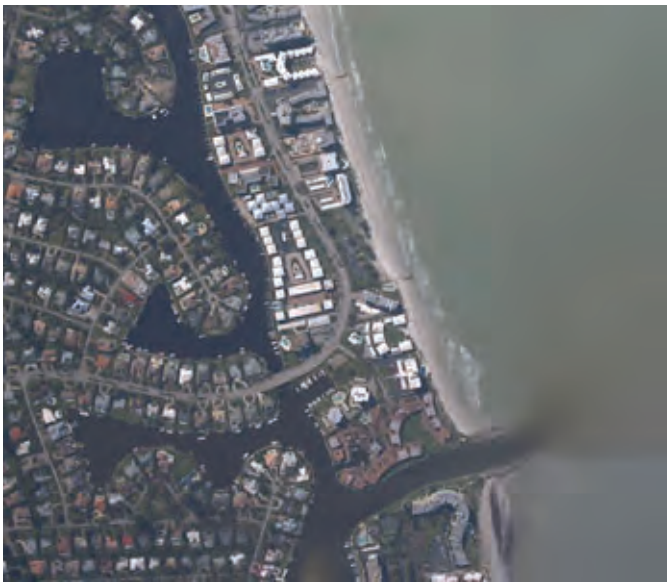
CMSP efforts in the Great Lakes would be complementary to and closely coordinated with the GLWQA and other Great Lakes initiatives and authorities, such as the President's Great Lakes Restoration Initiative and Executive Order 13340, which established a cabinet-level Great Lakes Interagency Task Force, its Regional Working Group, and a multi-stakeholder Great Lakes Regional Collaboration.

### *Land-based Activities and Their Relation to CMSP*

Although the geographic scope of the CMSP area in the United States would not include upland areas unless a regional planning body determines to include them, the health and well-being of the ocean, our coasts, and the Great Lakes are in large part the result of the interrelationships among land, water, air, and human activities. Effective management of environmental health and services, maritime economies, commerce, national and homeland security interests, and public access necessitate connecting land-based planning efforts with ocean, coastal, and Great Lakes planning. Thus, successful implementation of CMSP would ultimately depend upon a better integration of coastal planning that considers influences from, and activities within, coastal watersheds and other contributing land areas. Land-based watershed planning efforts (e.g., components of the Great Lakes Restoration Initiative Action Plan) should inform and influence CMSP within each region. Similarly, ocean, coastal, and Great Lakes activities that affect land-based ecosystems should be considered and accounted for during CMSP efforts using the existing State and Federal programs including the Coastal Zone Management Act (CZMA), Clean Water Act, Clean Air Act, and other relevant authorities. It is the intent of the CMSP process to better understand how current mandates and programs interact towards the common goals of CMSP and, in doing so, to better coordinate, and where appropriate, strengthen their collective

benefits. In addition, watershed monitoring, terrestrial observation activities, and ocean, coastal, and Great Lakes observation systems should be linked to provide the necessary information on interactions and impacts across the land-sea boundary.

## X. Development and Implementation of Coastal and Marine Spatial Planning

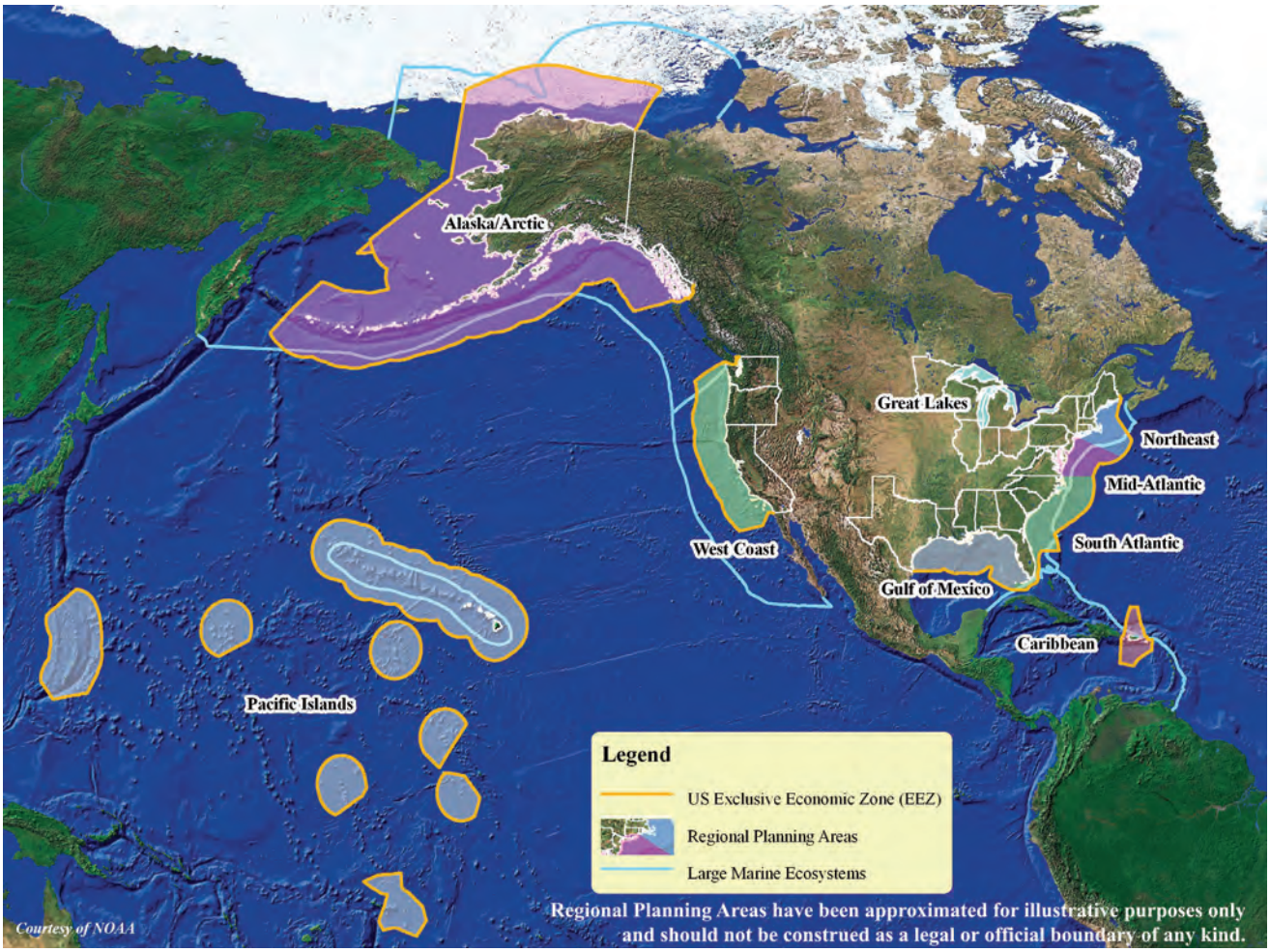


CMSP would be developed and implemented using a regional approach to allow for the variability of economic, environmental, and social aspects among different areas of the United States. This section describes the regional approach, recommended steps, and the essential elements to be included in the development and implementation of CMSP.

Given the importance of conducting CMSP from an ecosystem-based perspective, combined with the likely involvement of existing regional governance structures in developing plans, a consistent planning scale with which to initiate CMSP is at the large marine ecosystem (LME) scale.[7] These recognized LMEs were defined on the basis of consistent ecological conditions and other factors. Overall, the boundaries of regional governance structures for the Northeast, Mid-Atlantic, South Atlantic, Gulf Coast, and West Coast lie within LME boundaries. This regional approach, consistent with the LMEs, would also be applied to the Great Lakes, Alaska, the Pacific Islands, and the Caribbean. Therefore, for CMSP purposes, the United States would be subdivided into nine regional planning areas based on LMEs, with modifications as necessary to ensure inclusion of the entire U.S. EEZ and Continental Shelf and to allow for incorporation of existing state or regional ocean governance bodies. The NOC would facilitate the development of regional CMS Plans for those areas.

[7] The U.S. ocean and coastal waters hold all or parts of eleven LMEs: the West Bering Sea, East Bering Sea, Chukchi Sea, Beaufort Sea, Gulf of Alaska, California Current, Gulf of Mexico, Southeast U.S. Continental Shelf, Northeast U.S. Continental Shelf, Insular Pacific-Hawaiian, and the Caribbean Sea. For representational purposes only, the five Alaskan LMEs are depicted as a single complex in the map on page 52. Although, as a large fresh-water system, the Great Lakes are not usually considered an LME, they do represent a large regional ecosystem of similar scale and are considered as such for this framework. Further detail on LMEs can be found at: http://www.lme.noaa.gov.

Large Marine Ecosystems and Regional Planning Areas




## *Regional Planning Body*

The NOC would work with the States[8] and federally-recognized tribes, including Alaska Native Villages, to create regional planning bodies – coinciding with the regional planning areas – for the development of regional CMS Plans. The membership of each of the nine regional planning bodies would consist of Federal, State, and tribal authorities relevant to CMSP for that region (e.g., resource management, including coastal zone management and fisheries management, science, homeland and national security, transportation, and public health). Members would be of an appropriate level of responsibility within their respective governing body to be able to make decisions and commitments throughout the process. Each regional planning body would identify Federal and non-Federal co-leads.[9] Appropriate State and tribal representation would be determined by applicable States and tribes, consistent with the types of representation described by the NOC per Section XVI of this Part. Regional planning bodies would develop a mechanism to engage other indigenous community representatives

[8] For purposes of this framework, "States" also include the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

[9] Each regional planning body would have one Federal co-lead, one State co-lead, and, as appropriate, one tribal co-lead. The co-leads would be responsible for guiding and facilitating the timely progress of the CMSP process, but would not have final decision-making authority.

with jurisdictional responsibilities or interests relevant to CMSP, as well as coordinate with appropriate local authorities throughout the CMSP process. In addition, the regional planning bodies would provide a formal mechanism for consultation with the Regional Fishery Management Councils (RFMCs) across their respective regions on fishery related issues given their unique statutory responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and quasi-regulatory role in fisheries management.[10] The NOC would prepare guidance for regional planning bodies in meeting these consultative process requirements in order to ensure consistency across regions. In the future, if other statutorily-mandated or quasi-regulatory groups are identified, the NOC would determine whether a formal mechanism for consultation should be developed for such groups and, if necessary, provide guidance for regional planning bodies on the development of such a process.

**Nine Proposed Regional Planning Areas and Corresponding Minimum State Representation**

1. **Alaska /Arctic Region:** Alaska
2. **Caribbean Region:** Puerto Rico and U.S Virgin Islands
3. **Great Lakes Region:** Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin
4. **Gulf of Mexico Region:** Alabama, Florida, Louisiana, Mississippi, and Texas
5. **Mid-Atlantic Region:** Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia
6. **Northeast Region:** Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
7. **Pacific Islands Region:** Hawaii, Commonwealth of the Northern Mariana Islands, American Samoa, and Guam
8. **South Atlantic Region:** Florida, Georgia, North Carolina, and South Carolina
9. **West Coast Region:** California, Oregon, and Washington

Each regional planning body[11] should make every effort to ensure representation from all States within a region, ideally through, or as part of, the existing regional governance structures created by or including the States to address cross-cutting issues, including regional planning. Given that activities that happen outside of the planning area of each regional planning body may affect CMSP decisions in that area, ex officio membership on these bodies could be extended to adjacent coastal States to help integrate and enhance consistency among regions. Inland States may also be afforded membership, as determined appropriate by the regional planning body. It is also recognized that the United States shares maritime boundaries with other nations (e.g., Canada and Mexico) and the regional planning bodies for those respective areas may include ex officio representatives or observers from these nations.

[10] There are no Regional Fishery Management Councils in the Great Lakes Region, but the Great Lakes regional planning body should work with the Great Lakes Fishery Commission and other relevant entities, as appropriate.

[11] The Task Force based the State membership of the nine regional planning areas in part on the membership of the existing regional governance structures, where they exist, with the following one exception: Pennsylvania was added to the Mid-Atlantic Region, in addition to the Great Lakes Region, because Pennsylvania has a coastline on the Delaware River that would, under the defined geographic scope, be included in the CMSP regional planning area.

Furthermore, there would be flexibility to develop sub-regional plans provided that these plans are encompassed in an overarching regional CMS Plan and overseen by the regional planning body. This construct may be particularly useful in the Alaska/Arctic and Pacific Islands Regions given the geographic breadth, the logistical constraints of coordinating resources across a region that spans the international dateline, and that multiple LMEs are encompassed by the Alaska/Arctic Region.

### *CMSP Development Agreement*

The members of each regional planning body (the "partners") would prepare and execute a CMSP Development Agreement, a model of which the NOC would develop as described in Section XVI of this Part. The Development Agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the regional planning body members for each of the partners, and define ground rules, roles, and responsibilities of the partners.

### *Dispute Resolution Process*

CMSP would provide a process for resolving conflicts should members of the regional planning bodies disagree during the development or modification of CMS Plans and in the interpretation of NOC-certified CMS Plans. The NOC would develop this process, in cooperation with the GCC, to ensure consistency from region to region. This process would be designed in a way to ensure that most disputes would be resolved at the regional level. If a conflict cannot be resolved at the regional level, the regional planning body leads would elevate the issue to the NOC for resolution, via the NOC resolution process outlined earlier. In those instances in which such a conflict reflects a dispute between Federal and non-Federal members at the regional level, the NOC would consult with the GCC as part of this process. Disputes regarding a specific agency's decisions pursuant to its statutory authority would be addressed through the various procedures and mechanisms available under that authority or other relevant authorities (e.g., Administrative Procedure Act).

### *Work Plan*

Each regional planning body would develop a formal regional work plan that describes the agreed-upon process for CMSP and development of CMS Plans (including all essential elements), specifies members, identifies co-leads, establishes key milestones, identifies resources, specifies time frames, and addresses the essential elements required for the planning process, as defined below. The work plan would allow flexibility to account for the particular circumstances of a given region (e.g., if a region has existing State plans). In addition, each work plan would specify a formal mechanism for consultation to engage the RFMCs within the region as well as a mechanism to engage the indigenous community representatives. The work plan should also describe how the regional planning body would coordinate with appropriate local authorities. The NOC would review and approve each regional work plan prior to its implementation.

*Essential Elements of the CMSP Process*

**Essential Elements of the CMSP Process**

- Identify Regional Objectives
- Identify Existing Efforts that Should Help Shape the Plan throughout the Process
- Engage Stakeholders and the Public at Key Points throughout the Process
- Consult Scientists and Technical and Other Experts
- Analyze Data, Uses, Services, and Impacts
- Develop and Evaluate Alternative Future Spatial Management Scenarios and Tradeoffs
- Prepare and Release for Public Comment a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation
- Create a Final CMS Plan and Submit for NOC Review
- Implement, Monitor, Evaluate, and Modify (as needed) the NOC-certified CMS Plan

The CMSP process consists of a series of steps that would eventually lead to the development of a comprehensive, multi-sectoral, and multi-objective CMS Plan. Although the CMSP process envisions optimum flexibility among and within regions, the following essential elements – and how the partners plan to accomplish them – would need to be addressed in the work plan in order to ensure a level of national consistency across regions. The process would be adaptive and refined as regions gain experience with CMSP.

- **Identify Regional Objectives:** Each region would define and agree upon a set of specific and measurable regional objectives that provide clear direction, outcomes, and timeframes for completion. These regional objectives would be consistent with the national goals and principles identified in this framework and with any national objectives the NOC has articulated for purposes of CMSP. These objectives would serve as a statement of purpose and need for action to guide the planning process and eventual development of an ecosystem-based, comprehensive, integrated CMS Plan.

- **Identify Existing Efforts that Should Help Shape the Plan throughout the Process:** The regional planning body would identify existing efforts (e.g., State and Federal ocean plans, data management efforts, and CMSP decision products) that would allow the regional plan to build on existing work. This work should be leveraged and expanded to enable a more

organic and holistic approach that would advance the region as a whole while not duplicating or hindering existing and ongoing efforts. These existing efforts can include those that are region-wide, State focused, or more site-specific marine spatial plans or efforts (e.g., Great Lakes Restoration Initiative Action Plan, Massachusetts Ocean Plan, Rhode Island Ocean Special Area Management Plan, or National Marine Sanctuary management plans), as well as issue-specific plans that seek to incorporate some aspects of CMSP approaches and principles (e.g., ocean energy and fishery management plans), as appropriate.

- **Engage Stakeholders and the Public at Key Points throughout the Process:** The regional planning body would ensure there is frequent and regular stakeholder engagement throughout all phases of the CMSP process, including development, adoption, implementation, evaluation, and adaptive management phases. To better ensure all concerns and ideas are considered, stakeholder engagement should be emphasized with those most impacted (or potentially impacted) by the planning process. Considerations should also be given to ensuring inclusion of underserved communities. Regions would establish an inclusive and transparent process for stakeholder participation (or, if applicable, utilizing an existing process) that ensures engagement with a representative balance of major social, cultural, economic, environmental, recreational, human health, and security interests. The regional planning body should also identify previous stakeholder input to regional or State CMSP efforts including the existing documentation on their input and needs. Stakeholder and public participation would be sought through a variety of robust participatory mechanisms that may include, but are not limited to, workshops, town halls, public hearings, public comment processes, and other appropriate means. Stakeholder and public engagement would be consistent with existing requirements for public notice and input under applicable laws. Additionally, regional planning bodies would operate with the maximum amount of transparency, participation, and collaboration to the extent permissible by law. The NOC would provide guidance on such operating procedures including methods that ensure effective public and stakeholder participation, encourage diversity of opinions, and contribute to the accountability of the CMSP process (e.g., public meetings, document availability, and timely public notification).

- **Consult Scientists and Technical and Other Experts:** The regional planning body would consult scientists, technical experts, and those with traditional knowledge of or expertise in coastal and marine sciences and other relevant disciplines throughout the process to ensure that CMSP is based on sound science and the best available information. To this end, the regional planning body would establish regional scientific participation and consultation mechanisms to ensure that the regional planning body obtains relevant information. Such consultation could take the form of regional private-public technology and science partnerships. In addition, the regional planning bodies would work with existing science and technical entities, such as the regional ocean observation organizations, and other organizations with relevant physical, biological, ecological, and social science expertise. Scientific participation and consultation mechanisms would provide scientific and technical oversight and support to the regional planning body throughout the CMS Plan development, implementation, and evaluation phases.

- **Analyze Data, Uses, Services, and Impacts:** With assistance from scientific and technical experts, the regional planning body would investigate, assess, forecast, and analyze the following:

  - Important physical and ecological patterns and processes (e.g., basic habitat distributions and critical habitat functions) that occur in the planning area, including their response to changing conditions;

  - The ecological condition and relative ecological importance or values of areas within the planning area, including identification of areas of particular ecological importance, using regionally-developed evaluation and prioritization schemes that are consistent with national guidance provided by the NOC;

  - The economic and environmental benefits and impacts of ocean, coastal, and Great Lakes uses in the region;

  - The relationships and linkages within and among regional ecosystems, including neighboring regions both within and outside the planning area, and the impacts of anticipated human uses on those connections;

  - The spatial distribution of, and conflicts and compatibilities among, current and emerging ocean uses in the area;

  - Important ecosystem services in the planning area and their vulnerability or resilience to the effects of human uses, natural hazards, and global climate change;

  - The contributions of existing placed-based management measures and authorities; and

  - Future requirements of existing and emerging ocean, coastal, and Great Lakes uses.

  This analysis would form the basis of the Regional Assessment described in the Essential Elements of the CMS Plan below. The regional planning body would identify and leverage existing approaches and efforts to collect information as well as clearly identify where there are gaps in data and information and what assumptions are made in the assessments, forecasts, and analyses to 'compensate' for lack of information and data.

- **Develop and Evaluate Alternative Future Spatial Management Scenarios and Tradeoffs:** The regional planning body would identify a range of alternative future spatial management scenarios based upon the information gathered on current, emerging, and proposed human uses, ecosystem conditions, and ecosystem services. Comparative analyses would assess, forecast, and analyze the tradeoffs and cumulative effects and benefits among multiple human use alternatives. The alternatives and the supporting analyses would provide the basis for a draft CMS Plan.

- **Prepare and Release for Public Comment a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation:** Once a draft CMS plan and supporting environmental impact analyses, including alternatives, are completed, the regional planning body would release it for

appropriate public review and comment. During the development of a CMS Plan and before formal adoption of a final CMS Plan, regional planning bodies would also have the flexibility to move forward with CMSP efforts and agreements to address ongoing issues and regional coordination. It is recognized that these agreements would likely become part of the final CMS Plan. In drafting the CMS Plan, the regional planning body would resolve disputes using the process developed by the NOC, as discussed above in this Section.

- **Create a Final CMS Plan and Submit for NOC Review:** Based on public review of the draft plan and alternatives, the regional planning body would develop the final CMS Plan and environmental impact analysis that includes elements detailed in the Essential Elements of the Plan. The regional planning body would submit the final CMS Plan to the NOC for national consistency certification, as described in Section XII of this Part. Certification by the NOC would not occur until after release of the final CMS Plan for 30 days of public notice. These CMS Plans are intended to be iterative and are expected to be modified through the adaptive process described below.

- **Implement, Monitor, Evaluate, and Modify (as needed) the NOC-Certified CMS Plan:** The regional planning body would have an ongoing responsibility to monitor and assess the effectiveness of the CMS Plan. The regional planning body would adapt the CMS Plan, as necessary, based on relevant changes in ecological, economic, human health, safety, security, or social conditions and information. During implementation, each region would integrate new data and scientific findings to refine regional objectives and their respective goals. As new technologies are developed to observe and monitor ocean, coastal, and Great Lakes environments and their uses, they would be considered for application in regional CMSP monitoring and evaluation efforts.

### *Essential Elements of the CMS Plan*

**Essential Elements of the CMS Plan**

- Regional Overview and Scope of Planning Area
- Regulatory Context
- Regional Assessment
- Objectives, Strategies, Methods, and Mechanisms for CMSP
- Compliance Mechanisms
- Monitoring and Evaluation Mechanisms
- Incorporation of the Dispute Resolution Process

CMS Plans are expected to vary from region to region according to the specific needs, capacity, and issues particular to each region. A completed CMS Plan would contain the following essential elements in order to ensure national consistency across regions and certification by the NOC. Scientific data, information, and knowledge, as well as relevant traditional knowledge would underpin each of these essential elements.

- **Regional Overview and Scope of Planning Area:** The CMS Plan would include a regional overview of the planning area. This overview would include a description of the planning area's ecosystems and their biological, chemical, and physical environments; social, recreational, human health, safety, security, and economic uses; ecological and conservation considerations, including identification of important ecological areas, habitats, flora, and fauna; and other concerns of the region. The overview would describe how the CMS Plan relates to and furthers the National Policy, CMSP national goals and principles, any national objectives developed by the NOC, regional objectives, and other relevant national, regional, State, and other policies. The CMS Plan would also define the geographic scope of the planning area.

- **Regulatory Context:** The CMS Plan would describe the statutes, rules, and regulations relevant to implementing CMSP throughout all levels of government. It would also describe, as appropriate, the principal existing planning processes (e.g., Great Lakes Restoration Initiative Action Plan or State marine spatial plans) that may be relied on or incorporated as part of the regional CMS Plan.

- **Regional Assessment:** The CMS Plan would include a regional assessment, based on environmental, social, economic, and other necessary data and knowledge, describing the existing and predicted future conditions, uses, and characteristics of the ocean, coastal, or Great Lakes areas covered in the CMS Plan. The regional assessment would include: relevant biological, chemical, ecological, physical, cultural, and historical characteristics of the planning area; ecologically important or sensitive species/habitats/ecosystems; and areas of human activities. The assessment would also include an analysis of ecological condition or health and of cumulative risks as well as forecasts and models of cumulative impacts. The regional assessment would explain the information obtained and analyses conducted during the planning process and how they were used to help determine management decisions and plan alternatives.

- **Objectives, Strategies, Methods, and Mechanisms for CMSP:** This section would describe the regional objectives and proposed strategies, methods, and mechanisms for CMSP for the region. It would provide the analysis, evaluation of options, and the basis for the conclusions made in the CMS Plan. It would describe the spatial determinations for conservation and uses, at the appropriate scale, and include any necessary visual representations. The CMS Plan would describe the strategies, methods, and mechanisms for integrated or coordinated decision-making, including addressing use conflicts. The CMS Plan would further describe the continuing processes by which implementation would proceed, including mechanisms to ensure that individual partner and collaborative decision-making are reviewed for consistency with plan priorities and objectives. The CMS Plan would describe continued opportunities for stakeholder and public engagement. It would provide the flexibility needed to accommodate activities and operations in preparation for and response to disasters, emergencies, and similar incidents. The CMS Plan would also consider a regional process for requesting variances and amendments.

- **Compliance Mechanisms:** The CMS Plan would specify mechanisms to enhance coordination and cooperation among decision-makers and promote consistency in each agency's interpretation and application of its respective existing laws and regulations used for implementation and enforcement of CMS Plans.

- **Monitoring and Evaluation Mechanisms:** The CMS Plan would specify the monitoring and evaluation mechanisms, including a reporting mechanism, to be employed to assess the effectiveness of the CMS Plan and identify where and when changes need to be considered. As part of monitoring and evaluation, regional planning bodies would define a clear set of regional performance measures to be used to assess whether or not the region is meeting national and regional objectives and goals.

Additionally, regional planning bodies would participate in the periodic execution of regional ecosystem assessments to evaluate impacts of management actions from economic, ecological, and social perspectives in order to inform the CMS Plan. Monitoring and evaluation will follow from and build upon the original regional assessment, consistent with national guidance provided by the NOC.

- **Incorporation of the Dispute Resolution Process:** The CMS Plan would incorporate the dispute resolution process, as described in Section X of this Part.

## XI. The Nature of the Planning Process and National Ocean Council-Certified Coastal and Marine Spatial Plans

CMSP is intended to provide Federal, State, tribal, and regional bodies, stakeholders, and the public with a meaningful forum within which to develop a plan to better manage multiple sustainable uses, resolve conflicts, and support ecosystem-based management of the ocean, coasts, and Great Lakes in accordance with shared goals, guiding principles, and applicable legal authorities. In this way, regional objectives and national objectives, goals, and guiding principles can be considered in a single, comprehensive, and integrated process. In order to be successful, the outcome of CMSP would have to result in meaningful improvements in the way that Federal, State, tribal, local, and regional bodies, stakeholders, and the public participate in the use and conservation of these areas.

While the goal of this framework is to move toward comprehensive, integrated, flexible, proactive, ecosystem-based CMSP, this would not happen instantaneously. CMSP must be initiated and developed thoughtfully, allowing for time to address the myriad complexities and challenges that would undoubtedly arise as the process moves forward. Moreover, while this framework identifies some of the incentives and benefits for a coordinated Federal, State, tribal, and regional effort and envisions a fully coordinated planning process, there would be substantial flexibility to determine how best to develop and implement CMSP for each particular region. In the event that a particular State or tribe opts not to participate in the development or implementation of a CMS Plan, the development or implementation of the CMS Plan would continue. While this is not optimal because it would not result in a fully integrated CMS Plan, the benefits of coordinated planning among the participating partners warrant its completion.

Development and implementation of CMS Plans would be an iterative process leading to a comprehensive, multi-objective, multi-sectoral plan within the first five years. Since each region may have different drivers and capabilities for CMSP, regions may choose to prioritize initial development and implementation steps. While CMSP should help resolve many use conflicts, it is not realistic to expect that all such conflicts would be resolved. Further, partners might agree not to resolve certain issues in a CMS Plan at a particular time, but rather to acknowledge these issues and indicate how the parties would continue to work on them as part of the iterative CMSP process. Such issues may be resolved as data gaps are filled, new information is developed, or as State or Federal legal authorities are enacted, changed, or updated.

To ensure that CMSP is effective and has a positive overall impact, each partner participating in CMSP would need to commit in good faith to: (1) a cooperative, open, and transparent CMSP process leading to the development and implementation of CMS Plans, acknowledging that each partner may have different authorities and non-discretionary mission objectives that must be fully addressed; (2) ensure that consideration of the National Policy, national CMSP goals, objectives, and principles, and regional CMSP objectives are incorporated into the decision-making process of all the partners consistent with existing statutory, regulatory, and other authorities, and the critical needs of emergency response, and homeland and national security activities; and (3) dispute resolution processes that enable concerns and issues not resolved through the cooperative planning process to be resolved quickly, rationally, and fairly.

Signing onto the CMS Plan would be an express commitment by the partners to act in accordance with the CMS Plan, within the limits of applicable statutory, regulatory, and other authorities, and respecting critical emergency response and homeland and national security needs. Thus, State and Federal regulatory authorities would adhere to, for example, the processes for improved and more efficient permitting, environmental reviews, and other decision-making identified in the CMS Plan to the extent these actions do not conflict with existing legal obligations. State and Federal authorities with programs relevant to the CMS Plan would in a timely manner review and modify programs, as appropriate, to ensure their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS Plan to the extent possible. State and Federal agencies

would also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law. This may be implemented in a variety of ways. For example, agencies could enter into memoranda of understanding (MOUs) to coordinate or unify permit reviews and decision-making processes. Where existing regulatory or statutory requirements impose constraints on the ability of an agency to fully implement the CMS Plan, the agency would seek, as appropriate, regulatory or legislative changes to fully implement the CMS Plan.

### *Relationship of CMSP to Existing Authorities*

CMSP under this framework would not vest the NOC or regional planning bodies with new or independent legal authority to supersede existing Federal, State, or tribal authorities. Rather, the NOC would facilitate the development of CMSP and provide national context and guidance within which bottom-up, flexible, regionally-based CMS Plans would be developed and implemented. Regional planning bodies would function as convening and planning bodies that comprise Federal, State, and tribal representatives responsible for implementing existing authorities to create a process, and ultimately a plan, to better apply such existing authorities to achieve agreed upon regional goals and objectives.

In and of themselves, CMS Plans, would not be regulatory or necessarily constitute final agency decision-making. However, they are intended to guide agency decision-making and agencies would adhere to the final CMS Plans to the extent possible, consistent with existing authorities, as described in Section XIV of this Part. Adherence to and implementation of the CMS Plan would be the result of a multi-year planning process by which regional planning body members would openly discuss their respective legal authorities, requirements, and processes and how they can be better applied in the CMSP context. Once a CMS Plan is approved, Federal, State, and tribal authorities would implement them through their respective legal authorities. Thus, for example, State permitting decisions remain within the purview and are the responsibility of the relevant State agency, not the NOC, regional planning body, or any of its other members. Also, as described earlier, disputes regarding a specific agency's decisions pursuant to its statutory authority would be addressed through the various procedures and mechanisms available under that authority or other relevant authorities (e.g., Administrative Procedure Act).

One example of the potential relationship between CMSP and existing authorities is the application of CZMA Federal consistency. Since there will be multiple Federal agencies and States involved in any one CMS Plan, the Federal agencies would need to determine how CZMA review would occur as

Federal agencies adopt the plan. For example, if a State works with the Federal agencies to develop a CMS Plan, the CMS Plan could include measures to ensure that it is consistent to the maximum extent practicable with the enforceable policies of a State's CZMA program. The relevant State could consider potential changes to the State's enforceable policies to achieve agreed upon regional CMSP objectives. Also, a CMS Plan might include CZMA Federal consistency administrative efficiencies so that CZMA review would not be needed for some activities. Finally, if a State incorporates a CMS Plan into its federally approved CZMA program, then it is likely that the CMS Plan would not need a CZMA Federal consistency review.

### *Relationship of CMSP to Existing Regional Entities*

As mentioned above, the regional planning bodies would build upon the efforts of the existing regional governance structures. The regional planning bodies in conjunction with the NOC and the GCC would establish formal mechanisms or consultative processes to engage entities with statutorily-mandated or quasi-regulatory bodies that have an express role in the management and regulation of ocean, coastal, and Great Lakes resources. Specifically, as discussed earlier in Section X, a formal mechanism for consultation with the RFMCs would be incorporated into the CMSP process. In addition, regional planning bodies would coordinate with other existing regional entities and bodies such as Harbor Safety Committees, Regional Aquatic Nuisance Species Panels, and Area Maritime Security Committees, as appropriate.

### *Relationship of CMSP to Existing Plans and Projects*

CMSP is not meant to delay or halt existing or pending plans and projects related to marine and Great Lakes environments or their uses. However, those responsible for making decisions on such plans and projects would be expected to take into account the national CMSP goals and principles, national policies, and any identified national and regional CMSP objectives in future decision-making to the extent possible under existing law. Once a CMS Plan is put into effect following NOC certification, its implementation would be phased in to avoid undue disruption or delay of projects with pending permits or other applications. The NOC would provide additional guidance on how best to accomplish this phased-in approach.

## XII National Consistency

### *Certification by the NOC for National Consistency*

The NOC would review each regional CMS Plan to ensure it is consistent with the National Policy, CMSP goals and principles as provided in this framework, any national objectives, performance measures, or guidance the NOC has articulated, and any other relevant national priorities. The NOC's review would ensure that the CMS Plans include all the essential elements described in this framework. The NOC would also consider the CMS Plan's compatibility with an adjacent region's CMS plan regarding issues that cross regional boundaries. Certification by the NOC would not occur until after release of the final CMS Plan for 30 days of public notice. The NOC would review and make a

decision on certification within six months of receipt of the CMS Plan. If a regional CMS Plan does not meet certification requirements, the NOC would work with the regional planning body to address issues with the CMS Plan and could allow for approval of those parts of a CMS Plan that do meet such requirements. Upon certification by the NOC, a decision document adopting the CMS Plan would be co-signed by senior State officials (e.g., Governors), tribal representatives, as appropriate, and senior officials of the Federal agencies represented on the regional planning body. Upon signature by the partners, the CMS Plan would be considered "in effect" and implementation would begin.[12]

### *National CMSP Objectives, Performance Measures, and Guidance*

The NOC would establish national objectives, national outcome-based performance measures, and guidance to promote national consistency in the development and implementation of CMS Plans. Because the intent of CMSP is integration across sectors, the NOC would develop a range of national objectives. These may include: economic, conservation, security, and social objectives. The NOC would also develop national performance measures to evaluate, monitor, and report on progress towards implementing national CMSP objectives. As specified in the *Essential Elements of the CMSP Process* and the *Essential Elements of the Plan*, regional planning bodies would develop region-specific objectives and associated performance measures, as part of the regional CMSP process. Regional performance measures developed by the regional planning bodies would be used to track improvements towards stated CMS Plan objectives. These regional measures and objectives would be consistent with the nationally established objectives and measures.

Regional and national performance measures should directly relate to the stated national and regional objectives established in the CMSP process. Performance measures would assess both conservation and socio-economic objectives of the CMS Plan. Measures of conservation may include, but are not limited to, indicators of ecosystem health such as the status of native species diversity and abundance, habitat diversity and connectivity, and key species (*i.e.,* species known to drive the structure and function of ecosystems). In addition, socio-economic measures would be developed and may include, but are not limited to: the economic value or productivity of certain economic sectors, such as commercial and recreational fisheries, aquaculture, and offshore energy; the number of recreation days; and the time

[12] If the NOC does not certify a plan, it would provide to the regional planning body the specific reasons for its decision. The regional planning body would then have continued opportunity to address the NOC's reasons and resubmit the plan.

required for permit applications to complete the regulatory process. Performance measures would provide a means of demonstrating results of and provide accountability for the CMSP process to stakeholders, the general public, and decision-makers.

The NOC would develop guidance in conjunction with the regional planning bodies for regional objectives and concomitant performance measures to ensure that they are cost-effective, measurable, interpretable, grounded in theory, responsive, and specific. The NOC would develop consistent guidance for these ecological and socio-economic approaches and tools to assist regional planning bodies in these efforts in order to provide for nationally applicable common scales of assessment. This will ensure that regional planning bodies are given the independence and flexibility to develop regionally meaningful objectives and measures, but also assure that regional measures and reporting are consistent with a national CMSP performance system.

## XIII. Consistency with International Law

CMS Plans would be implemented in accordance with customary international law, including as reflected in the Law of the Sea Convention, and with treaties and other international agreements to which the United States is a party. Seaward of the baseline, development and implementation of CMS Plans are to be consistent with the extent to which the United States exercises its rights and jurisdiction and performs duties in its territorial sea, EEZ, and Continental Shelf. CMS Plans would not change the rights, duties, and jurisdiction of the United States under international law, including with respect to navigational rights and freedoms. Nothing in this document or in CMS Plans developed pursuant to it would create private rights of action or other enforceable individual legal rights regarding the meaning and applicability of international law.

## XIV. Adherence to and Compliance with National Ocean Council-Certified Coastal and Marine Spatial Plans

Signatories and all NOC member agencies would adhere to a NOC-certified CMS Plan, within the limits of their existing statutory and regulatory authorities. If a signatory intends to take an action that does not substantially adhere to a certified CMS Plan, it would need to provide advance notice to the regional planning body and the NOC, including justification (e.g., new statutory requirement) for the non-adherence. The CMS Plan signatories and the NOC would periodically evaluate the reasons requiring deviation from a NOC-certified CMS Plan, and, as appropriate, develop recommendations for minimizing these deviations in the future, including CMS Plan modification or underlying regulatory or statutory changes. Disputes regarding agency interpretation of a CMS Plan would be resolved according to the dispute resolution process developed by the NOC, as described above.

Agencies would incorporate components of the CMS Plan into their respective regulations to the extent possible. Adherence with CMSP would be achieved through Federal and State agencies and tribal authorities incorporating CMS Plans into their pre-planning, planning, and permitting processes, to the extent consistent with existing laws and regulations. The CMS Plan signatories would periodically

review these processes, and where legal constraints are identified, would seek to remedy these constraints, including by working with the NOC to evaluate whether a legislative solution or changes to regulations are necessary and appropriate.

The effectiveness of the CMSP process depends, in-part, on the willingness and the ability of Federal, State, and tribal authorities to ensure that activities of third-parties are in compliance with relevant laws and regulations. The Nation would not achieve the benefits of comprehensive and integrated CMSP if there were inconsistent use or violation of the applicable laws and regulations. Successful enforcement, carried out by agencies exercising their individual enforcement authorities and responsibilities, must be based upon clear, concise, and easily understood requirements that reflect the practical realities of compliance and enforcement.

CMS Plans would provide a framework for improved coordination and cooperation among Federal, State, tribal, and local enforcement agencies as they work together to enforce existing regulations in accordance with their respective authorities in support of regional goals that often extend beyond individual agency jurisdictions. To the extent permitted by existing laws and regulations, this cooperative regional approach should build productive partnerships that encourage sharing of information and best practices, help foster mutually agreed upon enforcement priorities and strategies, and make more effective use of scarce enforcement resources by focusing those resources on the highest regional enforcement priorities. A cooperative enforcement approach for Federal, State, and tribal CMSP-related laws could also facilitate more consistent interpretation and application of regulations across agencies and jurisdictions, resulting in greater certainty and understanding for ocean, coastal, and Great Lakes users, which in turn could foster improved compliance and overall effectiveness. The NOC and CMS Plan signatories would periodically review enforcement effectiveness and seek to remedy any conflicts or gaps in existing Federal-State-tribal coordinated enforcement mechanisms.

## XV. Scientific Knowledge and Data Integration, Research, Management, and Access

CMSP is fundamentally science-based and adaptive in response to new evidence, technology, and understanding. Essential to CMSP are scientific knowledge and data, collectively referred to here as *information*. Information is necessary to comprehensively, consistently, and continually investigate, assess, forecast, and analyze human uses, ecosystem conditions, management alternatives, information and data gaps, and CMS Plan effectiveness. Reflecting our long history of ocean science and exploration, the United States holds vast stores of natural and social science information about ocean, coastal, and Great Lakes ecosystems and their uses which can immediately be used to begin informing CMS Plan development. However, data and knowledge gaps, particularly regarding the complexities of these ecosystems, human use patterns, and the relationship between the two, indicate the need for continuing research to supplement existing information, especially in the context of changing environmental conditions and societal needs. Additional CMSP research will provide new information, including on specific and cumulative effects, ecosystems processes and resiliency, and the assessment and valuation of ecosystem services.

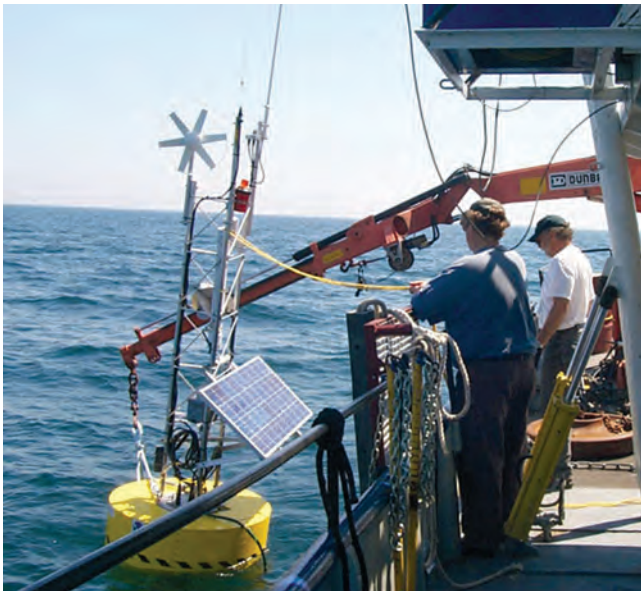
Relevant and credible information is critical for successful planning and, in turn, must be accessible to Federal, State, and local managers, tribes, academics, the private sector, and the public. A robust national information management system dedicated to coastal and marine scientific data and information products is required to meet the diverse data and application requirements of CMSP, and the varying technical capabilities of users. The NOC, working with the regional planning bodies, would create a system that is compatible with existing Federal information systems, captures relevant Federal information resources, has effective governance and accountability across agencies, and preserves data confidentiality, where appropriate. The NOC would leverage and build upon existing national data systems and initiatives (e.g., ocean observation), where appropriate. Within this construct, Federal agencies and the other regional partners would make relevant data, metadata, and derived products available and web accessible using recognized national and international standards and protocols to the extent permitted by law and regulation. In addition, State agencies, tribes, academia, the private sector, stakeholders, and other non-governmental sources would be encouraged to make their relevant information and knowledge, including local and traditional knowledge, available through this system. Exceptions would include sensitive but unclassified information that cannot be synthesized and modified into a format that is appropriate for broader distribution, pursuant to CMSP needs and information that is proprietary, statutorily confidential, or classified information.

### Principles to Manage and Disseminate CMSP Information

- CMSP information is a national strategic asset and must be developed and managed on an ongoing basis to meet planning needs.
- CMSP information would be made available and accessible with nationally compliant "information about information" (i.e., metadata) to stakeholders.
- Federal agencies would improve metadata to make information easier to discover, retrieve, use, and manage.
- CMSP information that is collected, produced, or disseminated by Federal agencies, including information obtained from non-Federal sources, would meet government-wide information quality standards, and any other additional minimum standards adopted by the NOC.

To provide easy user access to agency CMSP-related information, a national information management system with either a central portal or regional portals that connect to CMSP information would be developed. The NOC would identify a Federal lead agency or collaborative entity to manage, implement, and update the CMSP portal(s) and components of the information management system. System interoperability, information exchange, and information and application technologies are intrinsically linked and would be developed and implemented together within the CMSP portal(s). To ensure national consistency, minimum data standards for CMSP information would be adopted and include standards for information quality. All information management and provision activities would be developed and updated with participation from existing and appropriate Federal data centers and initiatives. The NOC would ensure that the information is publicly available and easy-to-access

through computer readable files and web service formats that support a variety of CMSP and user needs. This could include web browsers, geospatial web services, and other web-based collaborative resources. The CMSP portal would leverage emerging web technologies, including private sector partnerships, to increase transparency and promote public engagement.

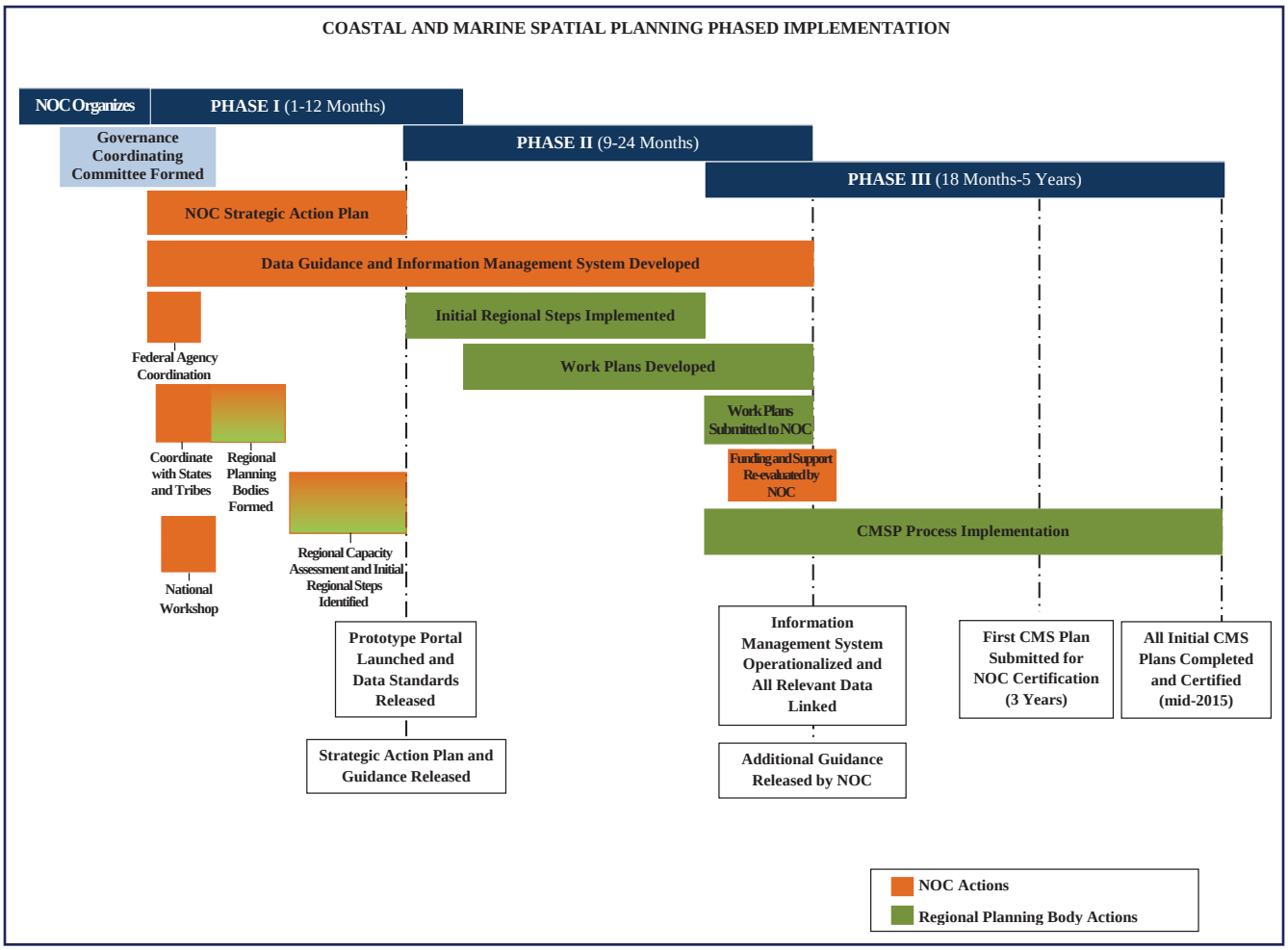


In order to build upon the existing CMSP scientific foundation, the NOC would establish mechanisms to identify and address priority CMSP science needs. This would include identification of priority CMSP research, data acquisition and information synthesis gaps, and new tools that would be required to apply science more effectively in the CMSP process. Identification of data, information, and research needs would be conducted on a regular basis as part of the adaptive and iterative process to improve the development and application of CMSP over time.

Additionally, nationally consistent, derived data products, ranging from consistent habitat maps as data layers to specialized decision-support tools, would be developed to provide a consistent framework for regional assessments and alternative future spatial management scenarios. The NOC may provide further guidance for using such information in decision-making, for example, how to decide which areas are of particular ecological importance or value. Designed or adapted specifically for CMSP, these science-based decision-support tools, including models, assessments, and visualization capabilities,

would enable the regional planning bodies to synthesize information most relevant to CMSP decisions in ways that produce robust comprehensive CMS Plans. These tools would offer a shared knowledge base for meaningful stakeholder engagement, objective assessment of alternative and future scenarios, identification of the types of uses that are consistent with societal objectives, and regular evaluation of CMS Plans. They would be developed and made accessible in a way that regional and State efforts could build upon or add regional specific data and information to leverage these efforts and analyze the regionally-specific aspects of their planning within the broader national framework.

## XVI. Implementation




Implementation of this framework would occur in multiple phases through the NOC and among the regions. As a first step, the NOC would undertake initial actions to develop and build a foundation for the national CMSP efforts. Concurrently, the NOC would directly engage States and tribes to discuss cooperative strategies to move forward with CMSP. Recognizing the extensive scope of the task of developing and implementing CMSP, it is important for Federal, State, tribal, and other partners to prioritize efforts in this initial implementation period. Each of the regions could have different priorities and be at varying stages in the development of the data, analyses, and the relevant issues for

policy-makers. With these differences in mind, the phased approach outlined below would enable the NOC and the regions sufficient time to develop capacity, build on existing efforts, and leverage and gain efficiencies from lessons learned. In order to best achieve the completion of CMS Plans in all regions by 2015, the NOC would have the flexibility to make minor adjustments or modifications to this implementation schedule.

### *Phase I (1-12 months)*

Many of the actions the NOC and State, tribal, and regional representatives commence in Phase I would serve as the foundation to implement CMSP on a national scale.

Develop NOC Internal Organization and Begin Strategic Action Plan (Months 1-9)

In the first month of Phase I, building on the initial establishment and organization period of the NOC, the NOC would determine how best to incorporate CMSP into the NOC governance structure (e.g., establish a CMSP Interagency Policy Sub-Committee), decide on the roles of individual agencies in implementing specific elements of the CMSP framework, including identification of a lead Federal agency for each regional planning body that would serve with non-Federal co-lead(s), and assess resource needs including personnel, financial, and technical CMSP support.

The NOC would then begin development of a strategic action plan to address specific areas that require additional consideration, analysis, and elaboration. The strategic action plan would be released in six to nine months and include: national objectives; national performance measures; guidance regarding the development of a national information management system, including identification of additional CMSP information and research needs; legal analysis and recommendations for legislative changes, if necessary; description of a dispute resolution mechanism, as described previously; and any additional guidance the NOC deems appropriate for CMSP. The NOC would also further assess the relationship between RFMCs and regional planning bodies and determine the most effective mechanism for engagement in the CMSP process, including whether representation on the regional planning bodies is the best method for such engagement. The NOC would ensure opportunity for the GCC, existing regional governance organizations, and public participation as it develops the strategic action plan for coastal and marine spatial planning. The NOC, in cooperation with the GCC, would provide for a mechanism for resolving disputes if they occur among the members of the regional planning bodies during the development of CMS Plans, as described in Section X of this Part.

*Develop and Implement Public and Stakeholder Engagement*

Early and meaningful steps to facilitate public and stakeholder outreach and education regarding CMSP and its implementation are vital to advance national CMSP efforts. As discussed above, the NOC would ensure substantial opportunity for public participation as it develops all nine strategic action plans, including the strategic action plan for coastal and marine spatial planning. Also, to better inform all participants and the public, the NOC would work with Federal agencies and the regional planning bodies, when established, to guide the drafting and production of educational materials, guidebooks,

manuals, and other materials. These materials would be developed keeping in mind that the content should reflect the issues, language, and methods that would be meaningful in a particular region. These materials would include a glossary of key CMSP terms in order to reduce potential misunderstandings that could result in an inconsistent or ineffective CMSP process. The NOC, in coordination with the regional planning bodies, when established, would hold additional informational workshops for stakeholders to discuss the CMSP process and potential ways stakeholder participation would take place. Additional stakeholder engagement would be conducted by the regional planning bodies throughout the CMSP process.

*National Objectives and National Performance Measures*

As part of the strategic action plan, the NOC would establish national objectives for CMSP consistent with, and in furtherance of, the National Policy, CMSP goals and principles, and other relevant national goals and priorities. These national objectives would serve as additional direction for the development of regional objectives and to help to maintain national and regional consistency of CMSP. Along with these objectives, national outcome-based performance measures would be established to help define success and measure results.

*Guidance Regarding the Development of a National Information Management System*

While overarching objectives and measures would help direct CMSP efforts, guidance on data, technology, and tools would also be developed. During the first six to nine months, initial actions to coordinate, integrate, and manage data would be necessary. The NOC would begin development of a national information management system and CMSP portal(s), adopt minimum data standards consistent with government-wide information quality standards, identify a Federal lead agency or entity to manage, implement, and update the CMSP portal(s), identify and begin development of any new standard tools or models needed for CMSP in all regions, and identify additional CMSP information and research needs. At the end of nine months, guidance on these fundamentals would be released as part of the strategic action plan and a prototype CMSP portal(s) would be operational. However, building the information management system and linking the relevant data may take up to two years and would be ongoing as new information becomes available.

*Legal Analysis and Recommendations of Legislative Changes, if Necessary*

Also, as part of the strategic action plan, the NOC would oversee efforts to identify gaps and conflicts in Federal authorities and recommend potential steps to reconcile them. This effort would examine how various statutory authorities of particular agencies can be harmonized in order to support comprehensive, integrated CMSP. Further, the NOC would consider how legal authorities of Federal, State, tribal, and local entities might collectively be used to support implementation of regional CMSP efforts. In doing so, the NOC should identify objective priorities and existing grant or other assistance programs that can support CMSP, consistent with relevant authorities.

Convene and Organize Federal Agency Representatives in the Regions (Months 1-2)

National and regional Federal agency representatives would convene to discuss current and improved methods for communicating, sharing data and products, exploring regulatory efficiencies, and determining how best to work with State and tribal partners to achieve a CMS Plan. Due diligence is necessary on the part of the Federal community to self organize and coordinate among agencies before engaging State and tribal partners to ensure that a service is being provided in a way that meets considerations unique to each region.

Develop Model Agreement (Months 1-3)

During the first three months of Phase I, the NOC would create and make available a model development agreement to be used by the regional planning bodies. This model would be used to foster efficiency and consistency in forming the regional planning bodies. As described in Section X of this Part, the development agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the lead representatives for each of the partners, and define ground rules, roles, and responsibilities of the partners.

Organize and Convene a National Workshop(s) and CMSP Simulation Exercise (Months 2-4)

Within the initial two to four months of Phase I, the NOC would also organize and convene, with input from the GCC, one or more workshops and a CMSP process simulation exercise for potential regional planning body representatives. The workshop(s) would be a forum to directly engage Federal, State, and tribal representatives, to give an overview of CMSP and the national framework, to demonstrate and test how this framework would work in a planning exercise, and to discuss collaborative strategies to move forward. The NOC would identify lessons learned and additional operational issues that were brought to light from the workshop(s) and exercise within two months of workshop completion.

Determine Composition of and Establish Regional Planning Bodies (Months 4-6)

After the workshop and exercise are held, the NOC, with advice from the GCC, would determine the additional types of representation needed for the composition of the regional planning bodies. Once the composition of the regional planning bodies is determined, the NOC would coordinate with the appropriate State authorities (e.g., Governors) and tribal representatives to establish regional planning bodies for each of the nine regions, identify specific members, and enter into a development agreement.

Capacity Assessment and Identification of Initial Regional Steps (Months 6-12)

During the latter six to twelve months of Phase I, the regional planning bodies would conduct a regional CMSP capacity assessment. The assessment would evaluate capabilities, expertise, and resources in each region available to develop and implement CMSP. In addition, the assessment would help to identify and prioritize initial regional steps described below in Phase II. The NOC, in coordination with the regional planning bodies, would make a determination on how best to meet the needs identified in the capacity assessment and to support the initial regional steps through existing mechanisms, and possibly new resources and/or funding mechanisms.

Develop Stakeholder and Scientific Participation Process (Months 6-18)

During Phase I, each regional planning body would begin to identify key stakeholders, scientific and technical experts, non-governmental organizations, and other partners to engage in the CMSP process. A formal mechanism for regular stakeholder, scientific, and technical input would be established and incorporated into the process. Additionally, regional planning bodies, in conjunction with the NOC, would establish procedures and methods to ensure transparency, participation, and collaboration in the planning process, such as public meetings, document availability, and timely public notification.

### *Phase II (9-24 months)*

Building on Phase I's initial foundational steps of CMSP implementation, Phase II focuses on building capacity and testing specific issues or elements of the process.

Initial Regional Steps (Months 9-18) and Work Plan Development (Months 12-24)

During Phase II, the NOC would enable the regions to focus during the initial work plan development period on those issues that are of highest regional priority. In this way, these early steps in each region can serve as a test for the other regions for specific issues. For example, a region may select to begin CMSP efforts by organizing, gathering, and analyzing data, whereas another region may select to focus on developing regional CMS Plan objectives. The focus for each region's initial steps should be agreed upon after the capacity assessment is completed at the end of Phase I. After the initial regional steps are underway, the regional planning bodies would begin development of a full CMSP work plan, as detailed in Section X of this Part. In development of its work plan, each regional planning body should integrate the lessons learned from its and other regions' initial steps and also consider how to best integrate relevant ongoing regional planning initiatives.

Work Plan Submittal and Planning Process Preparation (Months 18-24)

Once initial regional steps are completed or in tandem with their completion, the regional planning bodies would submit to the NOC a package consisting of the proposed work plan. Once the work plan is submitted, the NOC would re-evaluate how best to support the regional CMSP effort through existing mechanisms, and possibly new resources or funding mechanisms to build on the lessons learned from the initial regional CMSP steps. For example, support might involve individual agencies

contributing staff or technical expertise to efforts coordinated through the NOC, or identifying existing grant programs to help support CMSP and achieve mutually agreed upon outcomes.

### *Phase III (18 months to 5 years)*

While continuing to advance the actions and steps of Phases I and II, regional planning bodies would build out and scale up their efforts to establish a comprehensive CMSP process during Phase III to develop, multi-objective, multi-sectoral CMS Plans in all regions.

Develop and Carry Out CMSP Process and Provide Feedback from Initial Regional Steps (Months 18 and beyond)

After the initial regional steps are undertaken by each region, the regional planning bodies would transition into Phase III, developing and carrying out a CMSP process using the initial regional steps and the work of the NOC as a foundation. There is recognition that some regions' planning processes might be longer or more complicated than others. The timeframes for completion of the CMSP process are intended to be flexible to account for differing levels of resources, capacity, and other factors. During this process, regional planning bodies, in coordination with the NOC, would develop a mechanism for providing feedback and status reports to the NOC and appropriate State and tribal leadership to share lessons learned, best practices, and ensure routine and frequent communication nationally and among the regions. The regional planning bodies, in coordination with the NOC, would also ensure consistency, address questions and concerns, and adaptively manage the effort as appropriate. Although there would be flexibility in the framework to allow for variable CMSP process timeframes, regional planning bodies are encouraged to have final CMS Plans completed in three years and all regions would be expected to have final CMS Plans certified and implementation started by mid-2015. These final CMS Plans are intended to be iterative and are expected to be modified through the adaptive process beyond 2015.

## XVII. Priorities for Financial and Other Support

Recognizing the reality of the limited availability of new resources, each of the Federal agencies engaged in this bold mission of developing and implementing CMSP would re-evaluate how resources are allocated in light of their statutory and regulatory mandates. Agencies would use the implementing actions of the President to recommend adjustments to their respective agency priorities to better align with the approved National Policy and CMSP goals. As CMSP is developed and implemented over time, the NOC would consider any additional resource needs through the budget prioritization process described earlier. Various Federal agencies would have differing roles to support the scientific basis and governance structures necessary to develop and implement CMSP. The following four areas should receive initial priority consideration for financial and other support for CMSP.

1. National Workshop(s) and Simulation Exercise

Priority: Hold a national workshop(s) and simulation exercise.

Rationale: The first step towards a constructive process for CMSP would be for the participants to engage in a forum that creates a common vision for implementing CMSP, to identify challenges and solutions for regional CMSP development, and to enhance the capacity of regions to implement CMSP. This priority also would include support to ensure widespread involvement of Federal, State, and tribal representatives.

2. Initial Support for Regional CMSP Processes

Priority: Support the development of regional CMSP, including the capacity for regional planning bodies and the NOC to carry out initial CMSP activities.

Rationale: A comprehensive and inclusive approach for regional CMSP planning processes would be based on each region engaging Federal, State, and tribal representatives to form the regional planning bodies. An effective process to sustain initial CMSP activities would necessitate regional planning bodies to organize and establish the necessary CMSP coordination (e.g., partnerships, interagency teams, and technical support staffing). To attain national and regional objectives, regional planning bodies would assess capacities, target resources, and begin implementing initial regional steps (e.g., stakeholder engagement, information acquisition, and CMS Plan development). This priority would also include support for the NOC to establish and carry out the necessary national CMSP steps (e.g., national objectives, national guidance, and building regional capacities), as described in Section XVI of this Part.

3. National Data and Information Management System, Prototype CMSP Portal(s) and Initial Development of Science and Information Needs

Priority: Improve and integrate the information (i.e., data and knowledge) used to inform CMSP; and identify additional scientific research to support CMSP information needs.

Rationale: Effective CMSP would utilize the best available data and objective analyses. Such information would be nationally consistent, publicly available, and easily accessible to promote public engagement and allow for a consistent framework for regional implementation. Priority would be given to developing the national information management system and a prototype CMSP data portal(s). Subsequent efforts would identify and fill key national information needs,[13] and develop CMSP decision-support tools and derived data products, including visualization tools, forecasting, and routine integrated ecosystem assessments. Additionally, scientific understanding is central to make informed CMSP decisions that reflect an integrated and transparent planning framework. To achieve this end would require a robust research foundation.

[13] Identification and filling information gaps, as previously presented in the framework, is an ongoing and iterative process. This framework recognizes that the acquisition of data and knowledge would proceed in tandem with developing CMS Plans using sound science and the best available information.

4. Public Outreach and Stakeholder Engagement

Priority: Build the knowledge, skills, and understanding of CMSP through regional planning bodies and stakeholder workshops, blogs, webinars, and other outreach methods.

Rationale: An informed and engaged public and stakeholder community is critical to the effective implementation of the CMS Plans. Effective CMSP is predicated on the building of knowledge, skills, and understanding of CMSP through a range of robust outreach approaches.

# PART FIVE. CONCLUSION

In response to President Obama's June 12, 2009 memorandum, and after careful consideration of thousands of valuable comments from political leaders, public and private organizations, and citizens, the Task Force is pleased to submit these final recommendations for a comprehensive national ocean policy, an improved governance structure, a targeted implementation strategy, and a framework for effective coastal and marine spatial planning. Once implemented, these final recommendations will provide the first-ever comprehensive national policy of the United States to improve stewardship of the ocean, our coasts, and the Great Lakes.

The Task Force is unanimous in its call for the Nation to set a new course for improved stewardship of the ocean, our coasts, and the Great Lakes. This must include a comprehensive, integrated, transparent, science-based, and ecosystem-based planning process to achieve the sustainable uses of the ocean, our coasts and the Great Lakes. The Task Force is mindful that these recommendations may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges. The NOC will address questions and specifics as implementation progresses. Meaningful and frequent opportunities for stakeholder and public engagement throughout the implementation of the National Policy and implementation of coastal and marine spatial planning will be an essential component of cooperatively addressing these uncertainties head-on, and the Task Force recommendations embrace this approach. The Task Force is confident that the investments and improvements described in these final recommendations will advance the economic interests of the United States through sustainable and productive ocean uses; significantly improve our capacity to address the long-term challenges and impacts of climate and environmental changes; and provide a lasting foundation for further enhancing the many vital benefits our Nation can derive from these areas.

With a clear National Policy and a revitalized, empowered, unified, and comprehensive framework to coordinate efforts set forth in these recommendations, we can achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.

# APPENDIX A.
# PRESIDENTIAL MEMORANDUM ON A NATIONAL POLICY FOR THE OCEAN, OUR COASTS, AND THE GREAT LAKES

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release June 12, 2009

June 12, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: NATIONAL POLICY FOR THE OCEANS, OUR COASTS, AND THE GREAT LAKES

The oceans, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. We have a stewardship responsibility to maintain healthy, resilient, and sustainable oceans, coasts, and Great Lakes resources for the benefit of this and future generations.

Yet, the oceans, coasts, and Great Lakes are subject to substantial pressures and face significant environmental challenges. Challenges include water pollution and degraded coastal water quality caused by industrial and commercial activities both onshore and offshore, habitat loss, fishing impacts, invasive species, disease, rising sea levels, and ocean acidification. Oceans both influence and are affected by climate change. They not only affect climate processes but they are also under stress from the impacts of climate change. Renewable energy, shipping, and aquaculture are also expected to place growing demands on ocean and Great Lakes resources. These resources therefore require protection through the numerous Federal, State, and local authorities with responsibility and jurisdiction over the oceans, coasts, and Great Lakes.

To succeed in protecting the oceans, coasts, and Great Lakes, the United States needs to act within a unifying framework under a clear national policy, including a comprehensive, ecosystem-based framework for the longterm conservation and use of our resources.

In order to better meet our Nation's stewardship responsibilities for the oceans, coasts, and Great Lakes, there is established an Interagency Ocean Policy Task Force (Task Force), to be led by the Chair of the Council on Environmental Quality. The Task Force shall be composed of senior policy-level officials from the executive departments, agencies, and offices represented on the Committee on Ocean Policy established by section 3 of Executive Order 13366 of December 17, 2004. This Task Force is not meant to duplicate that structure, but rather is intended to be a temporary entity with the following responsibilities:

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(OVER)

1. Within 90 days from the date of this memorandum, the Task Force shall develop recommendations that include:

a. A national policy that ensures the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhances the sustainability of ocean and coastal economies, preserves our maritime heritage, provides for adaptive management to enhance our understanding of and capacity to respond to climate change, and is coordinated with our national security and foreign policy interests. The recommendations should prioritize upholding our stewardship responsibilities and ensuring accountability for all of our actions affecting ocean, coastal, and Great Lakes resources, and be consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

b. A United States framework for policy coordination of efforts to improve stewardship of the oceans, our coasts, and the Great Lakes. The Task Force should review the Federal Government's existing policy coordination framework to ensure integration and collaboration across jurisdictional lines in meeting the objectives of a national policy for the oceans, our coasts, and the Great Lakes. This will include coordination with the work of the National Security Council and Homeland Security Council as they formulate and coordinate policy involving national and homeland security, including maritime security. The framework should also address specific recommendations to improve coordination and collaboration among Federal, State, tribal, and local authorities, including regional governance structures.

c. An implementation strategy that identifies and prioritizes a set of objectives the United States should pursue to meet the objectives of a national policy for the oceans, our coasts, and the Great Lakes.

2. Within 180 days from the date of this memorandum, the Task Force shall develop, with appropriate public input, a recommended framework for effective coastal and marine spatial planning. This framework should be a comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

3. The Task Force shall terminate upon the completion of its duties.

The Task Force's recommendations and frameworks should be cost effective and improve coordination across Federal agencies.

This memorandum covers matters involving the oceans, the Great Lakes, the coasts of the United States (including its

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territories and possessions), and related seabed, subsoil, and living and non-living resources.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, regulatory, and legislative proposals.

The Chair of the Council on Environmental Quality is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

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# APPENDIX B. INTERAGENCY OCEAN POLICY TASK FORCE MEMBERSHIP LIST

**Task Force Chair**
**White House Council on Environmental Quality**
Nancy Sutley
Chair

**Department of Agriculture**
Robert Bonnie
Senior Advisor to the Secretary

**Department of Commerce**
Dr. Jane Lubchenco
Undersecretary for Oceans and Atmosphere
NOAA Administrator

**Department of Defense**
Vice Admiral James Houck
Judge Advocate General of the Navy

**Environmental Protection Agency**
Peter Silva
Assistant Administrator for Water

**Department of Energy**
David Sandalow
Assistant Secretary for Policy and International Affairs

**Federal Energy Regulatory Commission**
John Katz
Deputy Associate General Counsel

**Department of Health and Human Services**
Dora Hughes
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**Department of Homeland Security**
Admiral Thad Allen
Commandant, U.S. Coast Guard

**Department of the Interior**
Laura Davis
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**Office of the Joint Chiefs of Staff**
Major General Darren McDew
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**Department of Justice**
John Cruden
Acting Assistant Attorney General, Environment and Natural Resources Division

**Department of Labor**
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**National Aeronautics and Space Administration**
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**National Security Council**
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Xavier Briggs
Associate Director for General Government Programs

**White House Office of Science and Technology Policy**
Shere Abbott
Associate Director of Environment

# APPENDIX C. PUBLIC ENGAGEMENT

Below is a description of the methods and summary results from the Task Force's public engagement process. In addition, included is a summary of key public comments and how they were addressed by the Task Force in the Final Recommendation.

## I. Overview

The Task Force carried out a public engagement process throughout the 180-day period to receive input for consideration as it developed these recommendations. This builds on the comprehensive reports of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, which were based on significant scientific, public, and stakeholder input. CEQ, on behalf of the Task Force, organized and hosted thirty-eight expert roundtables to hear from a broad range of stakeholders and interest groups. The roundtables included representatives from sectors including energy, conservation, recreational fishing, commercial fishing, transportation, agriculture, human health, State, tribal, and local governments, ports, recreational boating, business, and national and homeland security. Task Force representatives attended each roundtable. There was robust participation and the Task Force received many valuable comments and perspectives for its consideration during each session.

On behalf of the Task Force, CEQ also set up a website to accept public comments. The Task Force received approximately five thousand comments from a range of affected parties, including academia, citizens, commercial and recreational interests, non-governmental organizations, and States, tribes, and regional governance structures. Many of the groups commenting represented constituencies of hundreds or thousands of members.

Additionally, the Task Force hosted six regional public meetings with over two thousand public participants, in which Task Force members were available to answer questions and the public was able to voice their concerns and opinions. These meetings took place in the following regions: Alaska (held in Anchorage, Alaska, August 21, 2009); West Coast (held in San Francisco, California, September 17, 2009); East Coast (held in Providence, Rhode Island, September 24, 2009); Pacific Islands (held in Honolulu, Hawaii and via satellite link, September 29, 2009); Gulf Coast (held in New Orleans, Louisiana, and via interactive video link October 19, 2009); and Great Lakes (held in Cleveland, Ohio, October 29, 2009).

The public meetings, roundtables, and website showcased a strong desire and enthusiasm among participants for a national policy that provides clarity and direction regarding how the Nation will better care for the ocean, our coasts, and the Great Lakes. A valuable and wide diversity of interests were represented, and several key themes emerged. While not exhaustive, these include:

- Support for adopting ecosystem-based management as a guiding principle, acknowledging regional differences, and practicing adaptive management in light of concerns about competing uses and growth of industrial uses;

- Support for embracing science-based decision-making and investing in ecosystem-based science, research, ocean observations, and mapping including comprehensive research on the linkages among ecosystem health, human health, economic opportunity, national and homeland security, social justice, and environmental change, including climate change;
- Desire for improved coordination and collaboration across Federal, State, tribal, and local governments, and regional governance structures, and for improved transparency and public participation, while avoiding new layers of bureaucracy and unnecessary costs;
- Support for improving both formal and informal education about the ocean, our coasts, and the Great Lakes;
- Support for ensuring that policies are adequately funded; and
- Support for joining the 1982 United Nations Convention on the Law of the Sea (the Law of the Sea Convention).

## II. Summary of Public Comments on the Interim Report of the *Interagency Ocean Policy Task Force* and on the *Interim Framework for Effective Coastal and Marine Spatial Planning*

The Task Force reviewed the public comments received in response to the *Interim Report* and *Interim Framework* and determined whether substantive comments were adequately addressed, merited further consideration and resulting changes, or were more suited for further consideration by the National Ocean Council (NOC), if established, as it implements the National Policy, if adopted.

### *Comments on the Interim Report of the Interagency Ocean Policy Task Force*

Substantive comments on the Interim Report ranged from general support for a national policy and improved Federal coordination, to concerns over the process, and concerns that the Interim Report did not adequately account for economic uses of the ocean, our coasts, and the Great Lakes, or specifically mention the benefits of certain types of activities. There also were comments on governance, and numerous specific comments on the nine priority objectives of the implementation strategy, and other specific recommendations (e.g., reauthorize certain laws). The following summarizes some of the key substantive comments received and how the Task Force addressed them:

1. Overall Tone and Balance

   Comments have suggested that the balance between conservation and ocean uses in the report was skewed too much toward stewardship, and failed to emphasize certain types of uses such as recreational fishing, aquaculture, or renewable energy. The Task Force determined that the overall tone and balance of the recommendations were consistent with the President's direction to recommend a stewardship policy for the ocean, our coasts, and the Great Lakes. Improved stewardship will support not only healthier and more resilient ocean, coastal, and Great Lakes ecosystems and services, but also benefit the economies (e.g., commercial and recreational activities) and communities that rely on them. The Task Force recognizes the



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significant role of recreation and other existing and emerging sustainable uses (e.g., renewable energy, aquaculture) of ocean, coasts, and Great Lakes resources. However, it did not single out individual sectors for discussion in the recommendations. Rather, the recommendations discuss better managing all uses of the ocean, coasts, and Great Lakes in a sustainable manner.

2. Recreational Users

Comments expressed a concern that recreational fishing interests and the unique distinction between recreational and commercial fishing were not adequately represented in the *Interim Report.* Additionally, the Task Force received comments to recognize that recreational users (e.g., anglers, boaters, and other outdoor enthusiasts) not only use and rely on the health of ocean, coastal, and Great Lakes resources, but have a long history of actively participating in their conservation and stewardship.

The Task Force made several changes in the recommendations to distinguish recreational and commercial fishing and to more expressly recognize the importance of access to the ocean, our coasts, and the Great Lakes for recreation. The Task Force recognizes the importance of recreation, including sustainable recreational fishing, and that Americans should continue to enjoy such outdoor experiences, which are also critical to the economic, social, and cultural fabric of our country. Recreational users have a long history of actively participating in the stewardship of the ocean, coastal, and Great Lakes resources. Ensuring healthier oceans, coasts, and Great Lakes will benefit all recreational activities and the communities and economies that rely on them.

3. Ecosystem-Based Management

A range of comments were received concerning the use of ecosystem-based management in the *Interim Report.* Some suggested that the language regarding ecosystem-based management be strengthened while others would like to ensure that ecosystem-based management, while a good principle, not be mandated. The Task Force determined that this principle, which was articulated in the President's June 12, 2009 memorandum, is critical to how we govern and manage our ocean, coasts, and Great Lakes and should remain as one of the nine priority objectives. How ecosystem-based management will be defined and implemented would be further addressed by the NOC as it develops a strategic action plan for this priority objective.

4. Precautionary Approach

A range of comments were received concerning the use of the precautionary approach as one of the National Principles. Application of a precautionary approach, as defined in the recommendations ("[w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation"), is consistent with and essential for improved stewardship. Moreover, the United States has already affirmed this exact wording in the 1992

Rio Declaration on Environment and Development. Many comments supported its inclusion while others were concerned it would be used to prevent activities from occurring. These latter comments, however, may have misinterpreted the precautionary approach here as mandating, for example, the prohibition of activities that present an uncertain potential for significant harm unless the proponent of the activity shows that it presents no appreciable risk of harm. The Task Force has retained the precautionary approach as reflected in the Rio Declaration in its final recommendations, as it believes that we must be able to avail ourselves of timely, cost-effective stewardship measures, consistent with the approach articulated in the Rio Declaration. Some comments used the term "precautionary principle," but the United States has long taken the position that precaution is a tool or approach rather than a "principle," given the lack of a single definition or agreed formulation and the differing implications of its various forms.

5. National Ocean Council Membership

Comments were received on the role of the National Oceanic and Atmospheric Administration (NOAA) in the recommended governance structure, particularly that it should have a more prominent role on the NOC. The Department of Commerce would have a seat on the NOC. However, the Task Force recognizes that NOAA (an agency within the Department of Commerce) plays a particularly important role in coastal and ocean research, planning, and management. While the Task Force had always envisioned that NOAA would have a substantial role within the NOC and in the implementation of these recommendations, the Task Force has determined that the final recommendations should be more explicit by clarifying that the NOAA Administrator should also be added as a member of the NOC.

6. State, Tribal, and Local Government Role

A variety of comments were received pertaining to the role of State, tribal, and local governments in the recommended governance structure. Comments advocated for a greater role for State, tribal, and local governments and for more detail regarding the interplay of the Governance Advisory Committee with other entities in the NOC structure. The Task Force addressed these comments in five main areas: (1) changing the name of the Governance Advisory Committee to the Governance Coordinating Committee (GCC) to more accurately reflect its function; (2) modifying the composition of the GCC to include representation from local governments and State legislatures; (3) expressly acknowledging the unique legal relationship with federally recognized American Indian and Alaska Native tribal governments; (4) clarifying GCC functions and its relationship to other governance structure entities; and (5) strengthening coordination and collaboration between the GCC and various levels of the NOC.

7. Transparency and Public Input

   Comments suggested adding more detail on how the NOC will incorporate public input and keep the public informed about its actions. The Task Force addressed these comments throughout the recommendations, including adding new text that expressly identifies the need for the NOC to ensure substantial opportunity for public participation as it develops strategic action plans.

8. Additional Priority Objectives and Specificity of Implementation Strategy

   Comments suggested a range of additional priority objectives, including Community and Cultural Access, Protection of Culture and Traditions, Caribbean and the Pacific Islands, Antarctica, Coral Reefs, Marine Aquaculture, Recreational Fishing, Fisheries Management, Renewable Energy, Marine Transportation Safety, and Collaborative Environmental Problem Solving in Underserved Coastal Communities. While the Task Force strongly considered a wide array of priority objectives, the Task Force determined that the nine priority objectives, with some minor modifications, set out in these recommendations were the most appropriate initial priorities of the NOC. In addition, the NOC may always identify additional or different priority objectives in years to come. In fact, the functions of the NOC include updating and setting national priority objectives, as well as providing National Policy implementation objectives. Comments also advocated for more specificity in the implementation strategy, but the Task Force determined that further clarity and detail is best determined by the NOC and its component bodies.

## *Comments on the Interim Framework for Effective Coastal and Marine Spatial Planning*

Substantive comments on the *Interim Framework* ranged from questioning the overall need for coastal and marine spatial planning (CMSP) to general support for a new, more efficient, ecosystem-based approach to managing sustainable uses of the ocean, our coasts, and the Great Lakes. Some comments also advocated for ensuring that CMSP provides a balance between economic uses and stewardship, while others raised questions or concerns over the relationship of CMSP to existing processes and authorities and specifics of how the process will work. Some comments were similar to those received on the *Interim Report* and are addressed in the previous section. The following summarizes some of the additional key substantive comments received on the Interim Framework and how the Task Force addressed them.

1. Why Coastal and Marine Spatial Planning

   Comments raised a variety of issues regarding the general nature of this effort. For example, it was suggested that the *Interim Framework* did not provide an adequate description of the problem trying to be solved; that existing processes are sufficient and only require improved coordination rather than a new top-down bureaucracy with too much authority vested in the National Ocean Council. Other comments strongly supported the need for CMSP and

the benefits to be derived from more proactive, multi-objective, multi-sectoral planning. Some comments raised concern that many processes in the *Interim Framework* were vague and required greater clarity and definition of terms (e.g., ecosystem-based management).

The recommendations describe a flexible, regionally based approach for the development of CMSP. The NOC would facilitate development of coastal and marine spatial plans (CMS Plans) and provide national guidance to ensure national consistency, as appropriate. The Task Force has made a number of changes to better clarify the processes described in the recommendations. The recommendations also describe that the NOC would provide further clarity through the development of a strategic action plan and national guidance documents, which would be developed with public and stakeholder input.

2. Overarching Goals, Principles, and Nature of Coastal and Marine Spatial Planning

Comments suggested that the *Interim Framework* should have as its primary overarching goal "protection, maintenance, and restoration" as this is a fundamental goal that supports all others (e.g., healthy ecosystems support the full range of ecosystem services). Other comments suggested that the *Interim Framework* should recognize benefits of commercial and recreational uses, and the significant economic benefits to be derived from the responsible production of energy resources, and other economic activities in Federal offshore waters.

The Task Force agrees that healthy ecosystems provide the foundation for the full range of ecological services the ocean, coasts, and Great Lakes provide, including economic, environmental, and societal benefits. CMSP is intended to result in better management of and planning for sustainable multiple uses (e.g., energy, recreation, and commercial and recreational fishing) across sectors as well as to improve conservation of the ocean, coasts, and Great Lakes. The Task Force believes that the recommendations adequately discuss the multi-objective nature of CMSP and the potential economic, environmental, and societal benefits.

3. Integration, Cooperation, and Coordination

Comments requested that the Task Force clarify that CMSP is intended to build off of and incorporate existing plans, processes, and authorities. Comments also requested that the Task Force recognize that certain decisions should be left to, or deference be given to, State decision-makers. There are a number of places throughout the *Interim Framework* (e.g., "Essential Elements of the CMSP Process") that expressly discuss the relationship of CMSP to existing processes. The Task Force has made additional clarifying changes to address these comments.

4. Geographic Scope

There were a number of comments on various aspects of the geographic scope for CMSP, including the treatment of private lands, inland areas, and bays and estuaries. The recommendations exclude private lands from the CMSP planning area; clarifying that the

exclusion applies to all private lands, not only private submerged lands. The Task Force decided to leave the regional planning bodies with the flexibility to include inland areas within the geographic scope, but has recommended that the NOC, in coordination with the GCC, develop guidance for the regional planning bodies to help determine whether to include inland areas. Finally, the Task Force determined to maintain the requirement to include bays and estuaries due to the strong linkages with ocean, coastal, and Great Lakes areas.

5. Development and Implementation of Coastal and Marine Spatial Planning

A number of comments raised questions regarding the role, composition, and operation of the regional planning bodies. The Task Force has maintained the core composition of regional planning bodies to include State, Federal, and tribal authorities, and has further articulated the types of representatives to be considered for inclusion. The Task Force did not add local governments to the regional planning bodies due to the numerous and wide variety of local authorities that could result in very disparate participation and representation across regions. However, the recommendations require regional planning bodies to coordinate with local governments, as appropriate, throughout the process.

Some comments suggested adding a Regional Fishery Management Council (RFMC) representative to the regional planning bodies given their unique quasi-regulatory role under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Task Force is interested in finding the most effective opportunity for sustained and meaningful engagement with the RFMCs as it is their statutory responsibility to develop fishery management plans and management measures for fisheries which NOAA then reviews and, if approves, implements through regulation. While the Task Force acknowledges the relatively unique role that RFMCs play, it did not want to prescribe a particular method for how RFMCs should be included in the CMSP process without more thoughtful consideration and analysis. The recommendations describe that the regional planning bodies would provide a formal mechanism for consultation with the RFMCs across their respective regions on fishery related issues and that the NOC would further assess if representation on the regional planning bodies is the best method for this engagement. In the future, if other statutorily-mandated or quasi-regulatory groups are identified, the NOC would determine whether a formal mechanism for consultation should be developed for such groups and, if necessary, provide guidance for regional planning bodies on the development of such a process.

Comments questioned how the regional planning bodies would operate, who would lead them, and how decisions would be made. Comments also suggested clarifying that the regions could create sub-regional planning bodies. The Task Force has clarified that the work plan to be developed by each regional planning body would specify the participants, Federal and non-Federal co-lead(s), timing, milestones, etc. The Task Force also clarified that there would be flexibility to develop sub-regional plans provided that these plans are encompassed in the

regional planning body's final CMS Plan. The Task Force recognized that this flexibility may be particularly useful in the Alaska/Arctic and Pacific Islands Regions.

There were a number of comments regarding strengthening involvement of stakeholders, the public, and scientific and technical experts in the CMSP process. The recommendations clarify and strengthen their role in CMSP, including requiring the development of inclusive and transparent stakeholder and scientific participation and consultation mechanisms in each region.

6. Nature of Planning Process and CMS Plans and Adherence to CMS Plans

Comments raised questions about whether CMS Plans would be comprehensive, multi-objective, and multi-sectoral. The Task Force has clarified that while there is flexibility as part of the CMSP process to address different priority issues at certain times, the final CMS Plans would be required to achieve this level of comprehensiveness in order to receive NOC certification. The Task Force also clarified that while it is recognized that CMSP is an iterative process and initial CMS Plans would likely identify gaps in understanding that may limit the ability to make informed decisions at a particular time, these gaps would be identified in the CMS Plan along with an implementation approach to how they would be addressed in future iterations of the CMS Plan.

A number of comments raised questions regarding the binding or non-binding nature of CMS Plans and the requirements to adhere to them. Comments also questioned the scope of the allowance for deviations from CMS Plans. The Task Force has clarified the language regarding the binding nature of CMS Plans to be consistent throughout the document. As it relates to deviations, the existing language allows for deviations from CMS Plans, but requires periodic reviews to determine why they are occurring and to identify remedies to minimize such deviations. The Task Force expects that as agencies gain experience with this process, any deviations would be minimized. The Task Force does not intend this language to be a broad exemption to CMS Plans.

Comments also expressed that the *Interim Framework* does not clearly establish the relationships between CMS Plans and existing regulatory authorities, including the Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, and Outer Continental Shelf Lands Act. The Task Force has added language to better clarify the relationship between CMSP and existing authorities.

Comments suggested that the Task Force consider adding language that addresses what happens if a State opts out or a regional plan does not meet NOC certification requirements. The Task Force has added language clarifying that even if some States or tribes opt out of the CMS Process, the Federal, and participating State and tribal authorities would continue to develop and implement a regional CMS Plan.

7. National Consistency

Comments raised concerns that with nine different regions there could be different standards applied to the same activities (e.g., ballast water), or potential for other significant inconsistencies regarding commerce and other socio-economic sectors. The recommendations make clear that the NOC would develop national guidance and objectives to ensure national consistency and seek to minimize inconsistencies and conflicts across regions for cross-cutting or national issues. Development of this guidance would include opportunities for robust public and stakeholder participation.

8. Scientific Knowledge and Data Integration, Research, Management, and Access

Comments raised concerns over the complexities and resources needed to create a new information management system and encouraged adapting an existing system or search tool as an alternative. Comments also requested that the Interim Framework make clear that State, local, and other data would be included in the system, not only Federal data. Other comments requested a greater emphasis on local and traditional knowledge as data/information sources. These issues have been addressed in the recommendations.

9. Implementation

Comments on the length of the implementation process varied from the timeframe for development of CMS Plans being too short to excessively long. The Task Force determined that given the varied range of comments the phased, flexible approach recommended in the document provides an ambitious, but achievable timeline to develop CMSP in the United States.

10. Resources

While the Task Force is mindful of the national economic situation and budgetary challenges, it is confident that making the investments and improvements in these recommendations will advance the economic interests of the United States and facilitate greater efficiencies across the Federal Government. Recognizing the reality of the limited availability of new resources, Federal agencies would re-evaluate how resources are allocated in light of their statutory and regulatory mandates to further the recommended National Policy. Also, the President's Fiscal Year 2011 Budget Request includes funding that would support priority activities identified in these recommendations, such as coastal and marine spatial planning, geospatial modernization, regional ocean partnerships, water quality improvement, habitat restoration, integrated ecosystem assessments, coastal and estuarine land protection, research and development of ocean sensor technology, and environmental tools to support resilient coastal communities.