

Coastal and Marine Spatial Planning Strategic Action Plan Full Content Outline

Objective: Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning (CMSP) and management in the United States.

I. Overview of the Priority Objective

- This strategic action plan (SAP) addresses the National Ocean Policy priority objective to implement and expand the framework for effective CMSP as described in the Final Recommendations of the Interagency Ocean Policy Task Force (Final Recommendations), as adopted by Executive Order 13547, *Stewardship of the Ocean, Our Coasts, and the Great Lakes* (Executive Order).
- The Strategic Action Plan (SAP) for CMSP takes a different approach and has a significantly different structure than the other eight SAPs the other writing teams are developing.
 - This is appropriate, since much of the discussion in the Final Recommendations focuses on elements of the framework for implementing an effective CMSP process.
 - The National Ocean Policy calls upon the CMSP SAP Writing Team to reflect that approach and further develop those steps.
 - Moreover, the Executive Order and the framework for effective CMSP include specific expectations for additional guidance from the National Ocean Council (Council). The full content outline below provides a structure and some text in an effort to fulfill these expectations.
- As defined in the Executive Order, 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. It 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.”
- The Executive Order adopts a clear set of objectives that our Nation should pursue to further the National Ocean Policy. CMSP is one of the nine priority objectives under this implementation strategy. In his June 2009 memorandum establishing the Interagency Ocean Policy Task Force, President Obama specifically called upon the Task Force “to develop a recommended framework for effective coastal and marine spatial planning.” As a result, the Task Force spent considerable time and effort to develop such a framework, largely based on valuable input from

a wide spectrum of stakeholders, scientists, academics, and policy experts, as well as the general public.

- The Task Force members concluded that CMSP was a crucial element in a comprehensive national policy for the stewardship of ocean and coastal resources. The Task Force then outlined a comprehensive vision for CMSP in the ocean, coastal, and Great Lakes waters of the United States that is included in its Final Recommendations.
- The CMSP process that the Task Force identified aspires to significantly improve how we manage and protect our priceless coastal, marine, and Great Lakes waters and resources. At its core, CMSP begins with assembling all relevant stakeholders in each of nine coastal regions and gathering together all of the critical data elements. This includes mapping and assessing the ecological, economic, cultural, and societal resources as well as transportation, recreation, other off-shore uses, and security information within the context of an ecosystem model. Each of the nine regional planning bodies (RPBs) which will be established pursuant to the Executive Order, working with all interested stakeholders and the general public, will consider this assessment and associated maps and data, together with the current and projected uses of the entire planning area, to comprehensively and proactively identify those areas best suited for certain uses based on all relevant factors.
- The entire process is designed to be transparent, with close coordination between all State (defined to include the Territories), Federal, and tribal bodies, as well as a wide variety of domestic and foreign stakeholders. CMSP is intended to create a common shared vision for what all parties see as the best uses for these regional planning areas.
- This SAP will further explain the process of implementing the framework for effective CMSP. To help guide these regional CMSP efforts leading to the eventual development of coastal and marine spatial plans (CMS plans), this SAP will provide national CMSP objectives and performance measures. While the objectives and corresponding performance measures are national in scope, the CMSP process and CMS plans will be developed regionally, with regional objectives and performance measures which are informed by the national objectives. CMSP and CMS plans will be developed cooperatively among the Federal, State, and tribal partners on the RPBs—in consultation with indigenous community representatives, Regional Fishery Management Councils, and scientific, technical, and other experts—with substantial stakeholder and public input. The goal will be to provide specific, actionable, measurable, and cost-effective guidance to best achieve the many economic, environmental, security, and social benefits of CMSP throughout the ocean, coastal, and Great Lakes waters of the United States.

II. Context and Continuity.

- As the concept is implemented, CMSP will yield substantial economic, ecological, and social benefits. To do so, it must incorporate the principles of sound science for ecosystem-based and adaptive management, be transparent, and be informed by all stakeholders and the general

public. Rather than adding layers of review and delays, CMSP will significantly improve and build upon existing Federal, State, tribal, local, and regional decision-making and planning processes. CMSP is intended to facilitate sustainable economic growth in coastal communities by increasing transparency and predictability for economic investments in coastal, marine, and Great Lakes industries, transportation, telecommunications, public infrastructure, and related businesses. CMSP should promote national objectives such as enhanced national energy security and trade and provide economic incentives, such as more predictable and faster project implementation, for a wide range of commercial users. 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 critical to ecosystem function and resiliency, areas of spawning, breeding, and feeding; and migratory corridors. CMSP can promote enhanced ecosystem services and benefits because they are incorporated into the CMS plans 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 will provide a more complete evaluation of cumulative effects.

- Working in concert with the other eight SAPs, CMSP is intended to promote society goals, including greater 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, such as fishing, boating, swimming, and diving, by providing improved coordination with recreational users to ensure continued access and opportunities to experience and enjoy these activities consistent with economic, safety, and conservation goals. Integrated engagement and coordination will result in stronger and more diverse ocean, coastal, and Great Lakes stewardship, economies, and communities. Moreover, CMSP can assist Federal, State, tribal, and local managers in planning activities to sustain economic, cultural, and recreational uses, human health and safety, and the continued security of the United States. Through empowering the RPBs, CMSP can overcome the obstacles and take advantage of the many opportunities present in our ocean, coastal, and Great Lakes waters.

III. National Objectives and Performance Measures [This section begins the main body of the SAP. It will list the key national strategic objectives of CMSP and describe specific performance measures for each.]

- **Introduction to the Concept**
 - As directed by the Executive Order, this SAP enumerates national objectives and associated performance measures to promote national and regional consistency in the development and implementation of regional CMS Plans. The following four national objectives are based on the national goals and guiding principles for effective CMSP under the Executive Order. Explicitly designed to tier off these goals and guiding principles, these national objectives and their performance measures should be

interpreted as a complement to them and not a stand-alone list of objectives. An appendix to this SAP will define key terms relevant to the CMSP process.

- While providing specific and measurable guidance, these national objectives as listed below are designed to permit flexibility for each RPB to craft regional objectives that address specific regional and local needs while helping to achieve the national goals. Due to the comprehensive nature of CMSP and the degree of external variables that could influence outcomes relative to national objectives, the approach taken here includes both outcome-based and output-based performance measures. Each national CMSP objective is accompanied by either performance measures that assess outcomes and/or milestones used to track specific outputs such as the establishment of RPBs. Index measures are used to help determine relative performance before plans are in place and after they are implemented in an effort to monitor changes attributable to CMSP according to individual agency specific mandates, authorities, and other requirements.
- The CMSP National Objectives and Performance Milestones and Measures will be designed to be as specific, measurable, achievable, realistic, and timely as possible given the nature of the planning process. They will also be designed to complement each other and guide CMSP development and implementation as well as monitoring and evaluating progress toward achieving the objectives and benefits of CMS plans.
- Under the Government Performance and Results Modernization Act of 2010, the Federal government will establish Federal performance goals deemed critically important to the Nation. Having national objectives and performance measures to track their achievement will be a benchmark for tracking interagency contributions as a whole and individually. This SAP identifies CMSP characteristics that should be reflected in its national objectives and measures such as regional scope; transparency; developed cooperatively among Federal, State, tribal, and local authorities, with stakeholders and the public working toward a shared vision; and incorporating ecosystem-based management for a more effective and cost-efficient means to guide and balance allocation of multi-sector activities. CMSP should reduce adverse cumulative impacts from human uses on marine ecosystems and provide more certainty in planning new investments. Further, it should reduce conflicts between how best to use and preserve the environment for sustainability and environmental stewardship.
- **Four Key National Objectives and Related Performance Measures**
 - **Objective 1 – Establish nine RPBs to undertake CMSP and develop by 2020 initial CMS plans for sustainable use and long-term protection of the ocean, coasts, and Great Lakes.** Per the Executive Order, CMSP is to be developed and implemented using a regional approach to allow for the variability of economic, environmental, and social aspects among the different areas of the United States. Each region is unique in geographic scope, cultural expectations and sensitivities, economic development, and

existing structures and planning for marine spatial planning, environmental protection, and resource management. Organizing, establishing, and beginning the work of the nine fully functional RPBs are critically important steps in carrying out CMSP and the overall National Ocean Policy. The members of each RPB will prepare and execute a CMSP Development Agreement early in the process, and then begin the planning process.

- **Objective 2 – By 2015, applicable non-confidential and other non-classified Federal data identified for inclusion will be incorporated into the National Information Management System and Data Portal.** The underpinning of the National Ocean Policy and CMSP framework is science-based decision making. While it is true that much additional research is needed, a significant amount of data and information already exists. However, not all of it is accessible or in a useable format for CMSP purposes. This second national objective calls for an innovative approach to data integration across the Federal government, as well as extending this approach to State, local, and tribal governments, industry, academia, and non-governmental organizations (NGOs). The National Information Management System (NIMS) as called for in the National Ocean Policy will not only target integration of diverse data sets, but it will also make this data readily available to decision makers, ocean users, stakeholders, and the public and support the development of new and/or improved decision support tools critical to the CMSP process. This section will include concrete action items to identify how Federal agencies will make data available and how the NIMS will support regional and local efforts. It will also describe how to best integrate data products available at State, regional, and local levels.
- **Objective 3 – Preserve and enhance opportunities for sustainable and beneficial ocean use through the promotion of regulatory efficiency, consistency, and transparency as well as improved coordination across Federal agencies.** Efficient regulatory processes are essential to preserve and enhance the sustainable use of the oceans. Improving efficiency and coordination across Federal agencies, with States, tribes, local governments, indigenous community representatives, and international partners, where appropriate, will minimize the burdens of regulatory delays on all levels of government and the regulated community. Most laws include strict time frames within which review and analysis of permitted activities must be completed. However, currently it is difficult to meet these time frames, which often leads to increased scrutiny, legal filings, and even financial constraints for both those industries that are seeking the permits, as well as the responsible Federal agencies. Using a well-designed and data-supported CMSP process can reduce these delays and costs by pre-assessing areas where certain activities may be better suited; providing frameworks for compiling all the relevant environmental, economic, and social data and information; and identifying in advance those activities that might have synergistic relationships. Coordinated efforts for integration of data as outlined in Objective 2 will also provide efficiencies and consistencies and will aid in the reduction of effort and time (by both Federal and private entities) required to support comprehensive National Environmental Policy Act

(NEPA) analyses. This objective will help meet the Administration's goal of reducing redundancy in Federal processes where appropriate, lead to more efficient regulatory review, and better support coastal economies into the future.

- **Objective 4 – Reduce cumulative negative impacts on environmentally sensitive resources and habitats.** Conducting an environmental impact assessment with a cumulative impact assessment is a mandatory step for any federally-regulated activity, yet assessing cumulative impacts quantitatively is challenging. Cumulative negative impacts on sensitive resources and habitats are those which result from adverse incremental impacts of human uses from the past, present, and foreseeable future. As stewards of the marine environment, Federal agencies are tasked with ensuring that beneficial environmental goods and services are not compromised by permitted activities. Similarly, a regional CMSP process involves defining and analyzing existing conditions and future conditions spatially—*before* any particular permitted activity is considered. As comprehensive, integrated assessment tools and analytical methods are developed and strengthened, so too will be the outputs of these efforts. Thus, this objective strives to avoid those impacts considered unacceptable, will lead to desirable activities being planned for those areas where resulting impacts are minimized or avoided, and will maximize existing sustainable and beneficial of the marine environment.

IV. Regional Implementation, Actions and Milestones, and Work Products. [This section will discuss regional implementation of CMSP consistent with the Executive Order and the framework for effective CMSP. Each of its elements should be clear and succinct; actionable; based on measurable and realistic outcomes within the stipulated milestones, timeframes, and limited resources; and adaptive, to allow for modification and addition of new actions based on new information or changing conditions. This section will also help identify the national and regional obstacles that must be overcome, including lack of adequate funding and other resources, better management data, and improved communications between all levels of government. An appendix will provide the timeline for the first five years of implementing CMSP at the national and regional levels.]

- **Organization of Federal, State, and Tribal Representatives by Region.** [This section will concisely describe the process that Federal agencies are using to identify, train, and authorize their regional representatives to participate effectively in the work of the RPBs. It will make brief reference to the lessons learned from the Council's National CMSP Workshop and Simulation Exercise. And, it will provide Council-approved guidance as to how State and tribal government representatives on the RPBs might be identified and selected by the States and tribes to represent their jurisdictional authorities as regional CMSP gets underway.]
- **Preparation of Regional CMSP Development Agreements.** [This section will include guidance on the collaborative process whereby the RPBs would prepare CMSP development agreements. The process for CMSP provides that once the Federal composition of RPBs is determined, the Council would coordinate with the appropriate State authorities and all Federally-recognized tribal representatives in the regions to establish RPBs, and enter into a development agreement.]

The development agreement would constitute a commitment from the partners to participate in a cooperative, open, and transparent CMSP process leading to the eventual development of a CMS Plan, acknowledging that each partner may have different authorities and non-discretionary mission objectives that must be fully addressed. Each RPB will have the flexibility to tailor the agreements as necessary and appropriate to reflect regional considerations and priorities, including relevant State and tribal interests which are essential to the success of CMSP.

- The agreement would not commit any Federal, State, or tribal partner to its approval of a regional CMS Plan. To this end, the Council, in consultation with the Governance Coordinating Committee, is preparing a model agreement to assist RPBs in developing their own such agreements, and to foster efficiency and consistency in forming the RPBs. The model will identify the minimum elements for inclusion in the regional development agreements to be executed by the RPBs to ensure consistency with the national framework for CMSP. The Council's Model CMSP Development Agreement will be included as an appendix.]
- **Regional Capacity Assessment.** [This subsection will include guidance in assessing regional capacity consistent with the Executive Order and the framework for effective CMSP. Among other things, it will note that some regions and regional bodies are well ahead of others in their governing structure, resources, experience, and progress toward implementing CMSP.]
- **Examples of Initial Regional Steps.** [Although the determination of the initial regional steps will be left to each RPB, this subsection will provide helpful examples and lessons learned in developing regional CMS plans. Among other things, it will provide examples in the process of identifying and organizing each RPB under the leadership of the Federal, State, and tribal RPB Co-Leads, the value in holding a regional CMSP workshop and simulation exercise early in the process, and the other initial necessary steps to get the RPBs organized, up-and-running, and ready to produce beneficial results. To the extent practicable and appropriate, it will detail relevant lessons learned from other nation's marine spatial planning experiences.]
- **Stakeholder and Public Engagement and Participation.** [This subsection will include how the CMSP process will engage and involve environmental and trade groups, commercial and recreational fishing interests, other stakeholders, and the general public, including traditionally underserved, low-income, indigenous, isolated, and minority populations. It will include a proposed timeline, with specific dates, during which the initial engagement with stakeholders in the process should be completed, and how it will continue as the CMS plans are reevaluated and updated over time.]
- **Consultation with Scientists and Technical and Other Experts.** [This subsection will describe how the RPB might best consult with scientists, technical experts, and those with traditional knowledge of or expertise in coastal and marine sciences and other relevant disciplines to ensure that the development of regional CMS plans is based on sound science and the best available information. To this end, the RPB should establish regional scientific, technical, and

other expert participation and consultation mechanisms to ensure that it obtains relevant information as required by the Executive Order and the framework for effective CMSP.]

- **Regional Advisory Committees (RACs).** [Consistent with the guidance in section 8 of the Executive Order, this subsection will describe how the Federal RPB Co-Lead, in consultation with the State and tribal Co-Leads and RPB members, could establish such advisory committees under the Federal Advisory Committee Act (FACA) as they may deem necessary to provide information and advice to the RPB on the development of regional CMS plans to better promote the purposes of the National Ocean Policy. In the end, each RPB would make the decision whether or not to establish any such FACA advisory body.]
- **Regional Work Plan Development.** [Although the development of a regional work plan will be left to the RPBs, this subsection will describe the process of how these bodies might choose to develop a regional work plan consistent with the Executive Order and the framework for effective CMSP. It will also outline how these bodies might plan to conduct their work in a wise and cost-effective manner, to enable them to produce a comprehensive, coherent, valuable, and consensus-based regional CMS plans as quickly and efficiently as possible.]
- **Council Certification of Regional CMS Plans.** [This subsection will describe the process of submitting the regional work plans and, eventually, the CMS plans to the Council to review, add value to, and then certify these plans in a timely and helpful manner. It will also explain what steps the RPB is to follow if the Council fails to certify all or part of a regional work plan or CMS plan. Finally, this subsection will provide details as to how the Council will review each regional CMS plan for national consistency after 30-days of public comment.]
- **Development of Regional CMS Plans.** [Although the development of the regional CMS plans will be left to the RPBs, this subsection will outline a recommended process for consideration. It will explain how the RPBs might choose to conduct their work in a wise and cost-effective manner, to enable them to produce a comprehensive, coherent, valuable, and consensus-based regional CMS plans as quickly and efficiently as possible. It will recognize that there will be different approaches, timetables, and expectations for developing these plans depending on regional conditions. It will also include possible target dates for the development of a preliminary draft, final draft, and final CMS plan. Finally, it will remind the regions of the need to include stakeholder engagement, scientific input, and public comment to ensure transparency and access the best possible ideas.]
- **Implementation of CMS Plans.** [Although the implementation of the CMS plans will be overseen by regional Federal, State, and tribal authorities with the necessary jurisdiction and authority, this subsection will provide appropriate guidance, along with the development of any monitoring and assessment mechanisms and any process for adaptive management. It will also recognize how CMS plans will be incorporated into the existing decision-making processes consistent with existing statutory authority, and describe opportunities for integration with existing and future State, tribal, regional, and local efforts.]

V. Council Guidance Regarding the Development of a National Information Management System and CMSP Portal. [This section will discuss CMSP-related data and informational requirements. It will be entirely informed, if not completely written, by the Council’s interagency Data Management Working Group, which is now developing such information and data-related guidance under the auspices of the Council. The approved data standards and other information concerning the information system may be included as an appendix.]

VI. Legal Analysis and Guidance. [This section will set forth the Council’s analysis of how various statutory authorities of particular agencies can be harmonized in order to support comprehensive, integrated regional CMSP. The analysis will include an effort to identify gaps and conflicts in existing Federal authorities and recommend potential steps to reconcile them. The Council will also consider how legal authorities of Federal, State, tribal, and local entities might collectively be used to support implementation of regional efforts. In this regard, the Council will coordinate with the Governance Coordinating Committee as appropriate to ensure full consideration of relevant State and tribal legal authorities. This section will also include guidance to assist RPBs in complying with various laws relevant to their operation, such as FACA and the Freedom of Information Act (FOIA).]

VII. Regional CMSP Dispute Resolution Mechanism. [This section will set forth the regional CMSP dispute resolution mechanism currently under development by the Council in cooperation with the Governance Coordinating Committee. As provided in the Executive Order, the Council will design the mechanism in a way to ensure that most disputes would be resolved at the regional level, while ensuring consistency between the RPBs. The mechanism will ensure that all State and tribal partners will exercise a vital role in resolution of disputes involving State or tribal interests in a particular region. The mechanism will account for decision-making by the RPB by consensus. The mechanism will require that the Council coordinate with the Governance Coordinating Committee on matters involving State or tribal interests in the event a dispute is elevated to the Council for resolution. The mechanism will also be included in Council’s Model CMSP Development Agreement.]

VIII. On-the-Horizon Strategic Planning Guidance. [This section is designed to provide additional strategic, long-term guidance from the Council on implementing CMSP. It may describe the benefits and products that will flow from successful CMSP, including promoting the national and regional objectives and streamlining the process of sustainable economic development in the coastal regions. However, specific elements of this guidance will be included in this SAP only as the ORM-IPC (and OST-IPC) may deem necessary and appropriate. An appendix will provide technical and scientific information and resources likely to prove useful to regional CMS planners at the appropriate level of detail. The CMSP SAP Writing Team may consider the need for such guidance and draft appropriate language for coordination with other bodies and approval by higher authority, eventually including the Council.]

IX. Conclusion

- This SAP to implement the priority objective of CMSP is intended to help chart a new course for improved stewardship of the ocean, our coasts, and the Great Lakes. Specifically, this SAP is a way forward for implementing a comprehensive, science-based, integrated, transparent, and

ecosystem-based planning process to achieve the sustainable stewardship and optimum uses of these vitally important areas.

- The Council and the writing team preparing this SAP are aware that the Executive Order and National Ocean Policy—and this plan under development—may create a level of anxiety among those who rely on these resources and that it may generate questions about how this plan will align with existing processes, authorities, and budget challenges. Meaningful and frequent opportunities for stakeholder and public engagement throughout the implementation of CMSP will be an essential component of addressing these concerns.
- The Council and the writing team are confident that the investments and improvements described in this SAP will significantly advance the economic interests of the United States through sustainable and productive ocean uses; 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, achievable, regionally-empowered approach to CMSP, 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.