



**Northeast Regional Ocean Council Workshop:
ADVANCING REGIONAL COASTAL AND
MARINE SPATIAL PLANNING**

November 9, 2010

Roger Williams University, Portsmouth, RI

Contents

Opening Remarks.....	1
A Dialogue With Andy Lipsky.....	3
Regional CMSP Framework Review	5
Operationalizing the Regional CMSP Framework.....	5
Summary of Regional Framework Breakout Group Discussions	6
1. Stakeholder Engagement.....	6
2. Regional Data Portal	7
3. Ecosystem-Based Approach	8
4. Habitat	10
5. Human Use Characterization: Recreational Boating and Renewable Energy Siting	11
6. Authority for Implementation	13
Governance and Advisory Structures for Regional CMSP	15
Regional Governance and Advisory Breakout Groups.....	17
General Governance and Advisory Considerations.....	17
Formal Versus Informal Options for Advisory Body(ies)	17
Further Governance-Related Ideas for NROC Consideration	19
Wrap-Up Summary and Next Steps.....	20
Attachments.....	21
Meeting Agenda	
Participant List	

MEETING SUMMARY

Following up from its [fall 2009 workshop](#), the Northeast Regional Ocean Council (NROC) convened a one-day session on November 9, 2010, to continue dialogue among its federal and state members and non-governmental partners on advancing regional coastal and marine spatial planning (CMSP) in the Northeast. The session paid particular attention to opportunities and challenges associated with the July 2010 Final Recommendations of the Interagency Ocean Policy Task Force, including a National Ocean Policy and CMSP Framework, and accompanying Executive Order (EO).

Opening Remarks

NROC State Co-Chair Ted Diers (New Hampshire Department of Environmental Services)

NROC Federal Co-Chair Betsy Nicholson (NOAA Coastal Services Center)

Recognition and thanks went to:

- NOAA's Coastal Services Center (CSC) and Office of Ocean and Coastal Resources Management for sponsoring the workshop.
- NROC's MSP Strategy Team for serving as the planning committee and leading sessions.
- The Eastern Research Group (ERG)/Massachusetts Ocean Partnership (MOP) contractor team, Tricia Ryan (NOAA CSC) for in-kind facilitation services, and others assisting with breakout groups.

Opening remarks highlighted the following:

- **Positioned for success:** This “community” — a combination of federal and state agencies and non-governmental partners with actual CMSP expertise and a history of ongoing dialogue fostered through NROC — is uniquely suited to advance northeast regional CMSP.
- **Solid base of accomplishment:** Since we last met as a community, Massachusetts and Rhode Island have completed their ocean plans, raising the region's visibility and offering lessons we can and should apply to regional CMSP. Maine also made great strides with its Ocean Energy Task Force, which focused on choosing demonstration sites for offshore wind energy facilities. Other efforts have been initiated to support CMSP at a regional scale. The Regional Data Portal Group exemplifies a productive collaboration among MOP, the Northeastern Regional Association of Coastal Ocean Observing Systems (NERACOOS), the Gulf of Maine Research Institute (GMRI), The Nature Conservancy, Applied Science Associates (ASA), NOAA CSC, and the states of Massachusetts and Maine. This partnership brings the right mix of technical expertise, management/policy experience, pragmatism, and investment to build on past data integration efforts and move the region toward an integrated repository for data most critical to CMSP-related decisions.

- **Our charge:** The Final Recommendations and the EO call for establishing a regional planning body (RPB), with appropriate advisory mechanisms, to develop a regional CMS Plan in three to five years. Signatories to the plan will be required to use it as an overlay to their existing mandates, and their actions must be consistent with the plan to the maximum extent possible under existing laws and regulations. The plan itself will provide important guidance for future actions, but the *process* we use to develop and implement the plan — how participants are engaged, how we leverage our collective capacity and tools, and how decision-making is improved as a result — is equally important. Beyond this meeting, NROC will bring in new partners, such as tribes and industry representatives, who were previously absent because NROC has to date been a venue primarily for state and federal coastal officials to deal with current ocean planning sparked by state initiatives.

- **Challenges.** Despite our relative maturity as a region, we face many challenges *and* high expectations. Key challenges include:
 - Plan scale and “edge matching” — how to integrate state initiatives into a regional plan, including how to handle sub-regional issues.
 - Intersection with existing mandates and plans — how to build on what exists and use the new charge as an opportunity to strengthen efforts already underway and start them where they have not yet begun.
 - Capacity — adequately resourcing the considerable capacity needed for good planning at the regional scale, which will require creativity and expectation management in addition to funding.
 - Communication — how will we communicate with stakeholders, the public, and the media about the importance of CMSP, what will change as a result, and how they can engage? (Focusing on what people really care about — *their* uses — will be important for success.)
 - Engagement beyond government — how will NROC/RPB productively involve non-government partners in *doing* the work?
 - Leadership — part of Massachusetts’ and Rhode Island’s success was having a “benevolent dictator” to make decisions and drive the planning process forward. Similarly, NROC/RPB needs to become the functional equivalent at a regional scale.

- **Exciting times — New England region has what it takes.** NROC’s aim is to use the impetus of the EO to build on our strong base of accomplishment, ongoing partnerships, and collaborative processes to position the region for success not only in attracting funds, but in realizing tangible CMSP progress. NROC appreciates partners’ patience, as this workshop plan was finalized in the past few weeks, and reiterates the importance of “keeping it real” and avoiding overcomplicating issues as the discussion unfolds throughout the day.

A Dialogue With Andy Lipsky

Ocean Policy Advisor Andy Lipsky (White House Council on Environmental Quality, National Ocean Council)

Andy Lipsky was on hand for an informal dialogue and to field questions from participants. Participants had been asked to submit one question they would like to pose to the National Ocean Council (NOC) to clarify a point or flag a key challenge about the charge put forth in the Final Recommendations. These questions were binned, resulting in four general questions representative of the group's primary areas of inquiry. Summarized below are the main points from discussion around those four topics.

1. What activities/priorities are on the NOC's immediate horizon?

Andy indicated that the NOC, which will include representation from 25 federal agencies and offices, will look to the regions to help answer many of the same questions posed during this workshop. He reiterated that CMSP is a tool for improved coastal and ocean resource management (not an end), and one of nine National Ocean Policy priorities. He outlined the following timeline for upcoming NOC activities:

- November 9: the NOC officially convened for the first time, starting the clock for all deliverables outlined in the Final Recommendations, including regional CMSP.
- Late November–December: Establish the two Interagency Policy Committees (IPCs) that will support development of the NOC Strategic Action Plan. (See page 70 of the Final Recommendations.)
- Early 2011: Announce the NOC federal co-chairs and establish the Governance Coordinating Committee (GCC).
- Next 6–12 months: Create IPC sub-bodies, including working groups on stakeholder/public engagement, the National Information Management System (NIMS), and legal/legislative matters. (See pages 70–71 of the Final Recommendations.)
- Spring 2011: Convene a national CMSP workshop, which will be followed by a series of nine regional CMSP workshops within the following 12 months. New England is expected to hold one of the first regional workshops. (See page 72 of the Final Recommendations.)

2. What additional guidance or resources are forthcoming to help implement CMSP objectives?

Andy acknowledged that federal agencies are still discussing how the new policy will dovetail with their particular mandates. He noted there is general agreement in Washington, D.C., that “the tip of the CMSP spear” lies in the regions and it is important to maintain sufficient flexibility for the regions to develop and implement CMS Plans that reflect the values of those unique places. He pointed to three particular areas where the NOC expects to offer central guidance:

- Data management: Beyond the National Information Management System (NIMS) efforts, Andy referred to a national ocean data portal being developed to service the regions. (In subsequent conversation, several participants requested additional information about this subject. In particular, they wanted to understand how the Northeast Regional Ocean Data Portal project can best coordinate with the national portal.)
- National CMSP workshop: Essentially, the NOC envisions the workshop as a management meeting of the RPBs to foster consistency, cohesiveness, and collaboration in CMSP development and implementation.
- Communication/messaging: In all regions, especially those not as familiar with CMSP, effective communication is needed to explain what CMSP is/is not, and the benefits of engaging in CMSP.

3. What would success look like after one year?

Andy reiterated that the NOC will be looking to the regions and the states for ideas about developing “common scales of assessment” to define progress/success. The NOC intends to create guidance to help the nine RPBs head in a consistent direction while allowing room for innovation and regional relevance.

4. What can New England do to best position itself right now?

Andy confirmed that the NOC will be watching New England as a model, given its many strengths: two state plans already developed, geographically manageable size, strong knowledge base, and positive working relationships. He suggested that the region might want to further explore the challenge of how to edge match state and regional plans while respecting states’ unique interests.

Follow-up discussion focused on two key challenges: securing sufficient funding for CMSP and effectively engaging tribes within the formal RPB structure and as part of broader stakeholder engagement efforts. Suggestions included talking with West Coast Governors’ Agreement colleagues for models or examples of tribal engagement strategies.

Regional CMSP Framework Review

John Weber (Massachusetts Coastal Zone Management) and Kathleen Leyden (Maine Coastal Program) set the context for this session by reiterating the expectation for New England to provide continued CMSP leadership. New England must demonstrate the value of CMSP at a regional scale and offer lessons learned to other regions. They also highlighted the need *within* this region to reach out to incoming Administrations where state leadership is subject to change, as they will have their own priorities.

John presented an overview and status of the draft regional CMSP framework prepared by NROC and revised based on input solicited from partners earlier this fall. The current [draft regional CMSP framework](#) is a first cut at interpreting guidance from the Final Recommendations to fit particular CMSP drivers and circumstances in the Northeast. Noteworthy aspects of the draft regional CMSP framework:

- The goals are intentionally broad at this stage and not presented sequentially.
- The framework is flexible and will evolve over time in response to discussions with the RPB (once established), formal stakeholder engagement efforts, and further guidance from the NOC.
- Several partners raised questions about the meaning of an “ecosystem services approach” to CMSP; NROC acknowledged that this warrants further conversation.

Discussion items:

- The framework seems process-heavy; it would be helpful to clarify expected products and outcomes in subsequent iterations.
- The framework should reflect that “planning” is a future-focused exercise and respond to questions about where are we now, where we want to be, and how we will get there.
- CMSP is an opportunity to look beyond existing authorities and data.
- Regional CMSP efforts should consider how to engage/adapt existing foundational programs (e.g. CZM, Sea Grant) to the greatest effect.

Operationalizing the Regional CMSP Framework

John and Kathleen emphasized that the objective of the subsequent breakout sessions was to tap the expertise and experience in the room to begin figuring out how to *operationalize* the framework. Consistent with its emphasis on pragmatism, NROC previously identified nine priority areas of the framework on which to focus CMSP efforts in the first two years (coincident with potential funding through the NOAA FFO). Those nine areas were subsequently condensed into the following six topics for the morning break-out groups: 1) stakeholder engagement, 2) regional data portal, 3) ecosystem-based approach, 4) habitat, 5) human use characterization, and 6) authority for implementation.

Summary of Regional Framework Breakout Group Discussions

Note: the report preparation team organized and synthesized materials from breakout group discussions rather than simply transcribing flip chart notes. Therefore, the summaries may not reflect the actual chronology of the “live” discussion, but hopefully they capture the ideas, themes, and key questions.

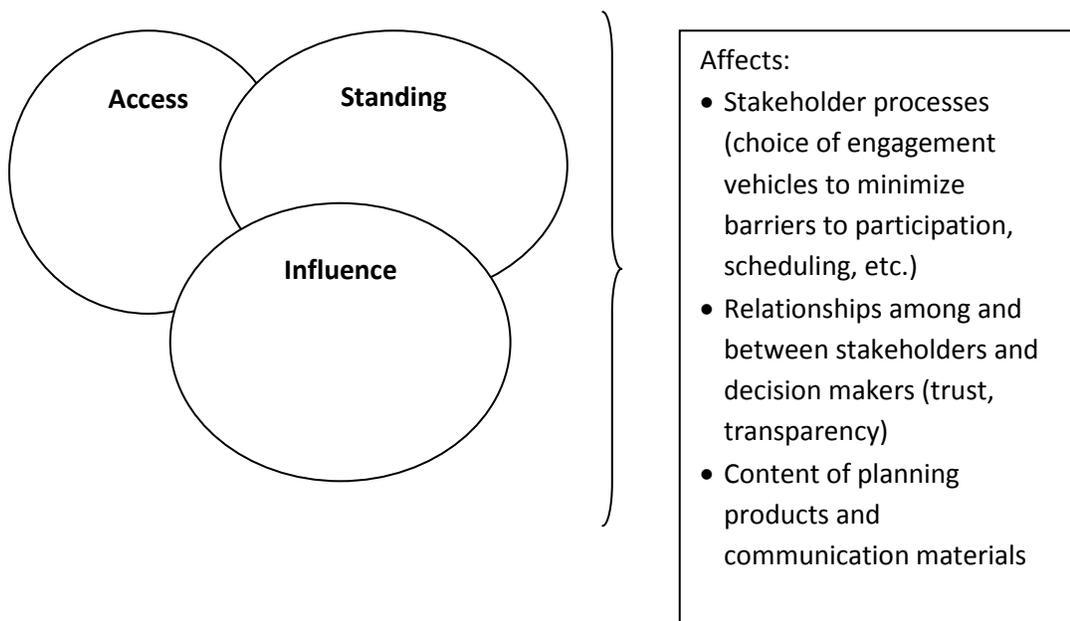
1. Stakeholder Engagement

Facilitator: Stephanie Moura (Massachusetts Ocean Partnership)

Content lead: Stephanie Moura and Kathleen Leyden (Maine Coastal Program)

Key discussion items:

- The following diagram (offered by Sue Senecah from the New York Department of State) illustrates three essential components to consider in design and implementation of effective stakeholder/public engagement processes. The most basic component is *access* to the CMSP process — including literal access through use of appropriate vehicles and the comprehensibility of the information communicated. However, access alone is not helpful unless stakeholders also have *standing* (recognized legitimacy) in the process. Essential as they may be, access and standing are only meaningful if a stakeholder also has some level of *influence* — assurance that their input is actually considered and has the potential to shape outcomes. These three components are dynamic (not static) and affect stakeholder processes, the relationships among stakeholders and with decision-makers, and can inform content development for materials/products. Breakout group participants used the diagram to help organize their thinking about stakeholder engagement, which ranged from underlying principles to vehicles to messaging.



- A common theme throughout was the importance of understanding and honoring differences of *scale* in the CMSP process (certain engagement/communication activities/objectives are best conducted from the bottom up/local scale, others will benefit from a degree of central coordination).

Suggested actions:

- Examine and learn from success and shortcomings of previous stakeholder engagement/public involvement efforts (Massachusetts, Rhode Island, elsewhere).
- Invest time up front to better understand stakeholders’ values, norms, needs, typical venues, etc., to design engagement programs that fit. (Build on existing mechanisms and forums where appropriate.)
- Map the process as clearly as possible at the outset so stakeholders and public understand how and at what points in the process they will be invited to engage (recognizing that the process will evolve over time).
- Identify central/universal messaging priorities (e.g., CMSP ≠ ocean zoning, potential benefits of CMSP) and support their clear communication region-wide; allow other messaging to develop at the appropriate scale (sub-regional, state, local, for a particular sector, etc.).

2. Regional Data Portal

Facilitator: Ru Morrison (NERACOOS)

Content Lead: Daniel Martin (NOAA CSC)

Key discussion items:

- Ensure that the portal group is both informed by and informs the national initiative.
- Coordinate within the portal group and between topical leaders in other CMSP priority areas to ensure that data management considerations permeate all topics.
- The portal is an important planning tool and, among other things, will help identify CMSP data gaps.

Concerns/challenges:

- In cases where uniform regional data sources do not exist and regional datasets must be created from sub-regional datasets, they will inherit the limitations of each of the sub-regional datasets.
- Optimize the relationship between the Northeast Regional Ocean Data Portal and efforts at the national level, (specifically, the: a) National Information Management System (NIMS), b) Multi-

Northeast Regional Ocean Data Portal

The portal will provide:

- A map viewer that will allow users to view data products
- A search tool
- The ability to download datasets from a data warehouse
- Information on data gaps
- CMSP analysis tools

Examples of data types accessible through the portal:

- Jurisdictional boundaries
- Spatial footprints of coastal and ocean laws, regulations, and rules
- Manmade infrastructure
- Shipping lanes
- Fishing grounds
- Bathymetry
- Seafloor habitats
- Sediment types

purpose marine cadastre and c) the national data portal), to avoid duplicative and/or contradictory efforts and to leverage resources.

3. Ecosystem-Based Approach

Facilitator: Adrienne Harrison (NOAA CSC)

Content lead: John Weber (MA CZM)

Key discussion items:

- Why use an ecosystem services (ES) approach to CMSP?
 - The ecosystem services concept offers a way to articulate ecosystem values. The ES approach in the regional CMSP framework will encourage the use of tools to measure benefits the natural environment provides to humans. Such benefits are typically implicitly valued, if at all.
 - Estimating ecosystem services offers a systematic way of incorporating ecological and human factors into the planning process, and thus different stakeholder perspectives into CMSP.
 - ES provides a common language for considering tradeoffs and a transparent (and explicit) method for assessing them.

- What are the key principles of an ES approach?
 - To expand possible planning outcomes, define both *constraints and benefits* of ecosystem services relative to one another. (These are different from the limitations familiar in land management, where the focus is on avoiding sprawl and identifying remaining areas for protection).
 - Stakeholder engagement efforts should directly incorporate ES as a way to make value tradeoffs explicit. For example, when evaluating planning options for offshore energy development, consider quantitative and qualitative constraints (e.g., view shed impacts, displaced commercial fishing) and benefits (e.g., increased production of clean domestic energy, enhanced local/regional jobs/economy in certain energy related sectors).
 - Stakeholder input to help define ecosystem values and indicate relative priority of those values, which is critical to discern commonality (and conflict) among stakeholder interests.
 - Don't reinvent the wheel — look for examples from the region (or beyond) of ES tradeoff analysis and visioning and learn from past practice.

- How can we organize the framework around ES? What components of ES can be part of CMSP?
 - Existing laws are a starting point for examining ES values. A key challenge is how to address the relative importance of those values without changing existing law. (For example, the Clean Water Act articulates a set of values with respect to aquatic systems.)
 - Start with services that are “obviously important” and visible to the public to build understanding, buy-in, and compliance with any sort of regulatory framework. Focus on services that aren't as obvious later in the process.
 - Evaluate progress and reassess/refine approach over time.

- How can we make ES a collaborative/interdisciplinary approach to systematically incorporate ecological and social/human use values, while communicating the process consistently?
 - The CMSP process should aim to define ecosystem services as a means of reaching common understanding and articulating regional values and goals.
 - A range of disciplinary expertise and well-designed engagement processes are needed to capture and interpret data to support these discussions.
 - To enhance stakeholder and public understanding of and ability to participate in discussions about ecosystem services values and tradeoffs, better scenario modeling and tools for visualizing tradeoffs must be developed.
 - Iterative approaches may be helpful (e.g., first develop hypothetical or non-binding scenarios and tradeoff analyses for discussion and educational purposes, then transition to real scenarios and tradeoffs once tools and stakeholder understanding are well developed).
 - How will an ES approach account for spatial and temporal factors? Such considerations may affect the level of significance of planning options at different scales. (Marine mammals provide a good example: migration patterns may make a particular location appear to be valuable due to its uniqueness within a specific state, but at the regional level or when considering life history of the species, that site may not be as valuable as many others.)

Concerns/challenges:

- What criteria should be used to select services to value and associated tradeoffs to evaluate? (Services that matter to people? Services with sufficient data to support analysis? Scenarios managers are likely to face in “real life” decision-making?)
- How can we overcome communication and data limitations to operationalize service valuation and tradeoff scenarios so this is not an academic exercise?
- As noted in the discussion summary above, a truly interdisciplinary approach that links natural science, social science, legal frameworks, and stakeholder-identified needs is needed for an ES approach.
- Ecosystem services valuation/tradeoff analyses, upon which decisions may be based, should be commensurate with available data and methodological approaches. (Massachusetts and Rhode Island ocean planning processes used different approaches and the lessons from both can inform regional CMSP.)
- What is the qualitative assessment of value, and how can qualitative values be factored into tradeoffs?

Suggested actions:

- There are a number of ecosystem service approaches currently being piloted in Rhode Island, Massachusetts, and Stellwagen Bank National Marine Sanctuary. We should build on these approaches and look for opportunities to scale these up to the region once they are well developed.
- Define and communicate a core set of ecosystem services that reflect stakeholder-articulated values and provide a common language for engagement.

4. Habitat

Facilitator: Regina Lyons (U.S. Environmental Protection Agency, Region 1)

Content lead: Chris Boelke (NOAA NMFS Regional Office)

Discussion focused on aspects of Goal 3 of the Draft Regional CMSP Framework: “Identify Areas for Potential Conservation,” and Objective 3.1, “Define ecologically significant areas:”

- What are the critical habitat factors/issues that need to be considered in defining the term “ecologically significant” to be able to understand and map them?
- How can we consider/address those factors/issues?

Key discussion items:

- Goal-setting: define regional conservation goals *as part of* developing a comprehensive regional vision for the future. Conservation goals may be nested by scale: region, bio-regions, sub-regions, states, etc. An example goal for biodiversity might be: restore and protect structure and function of ecosystem.
- How can we develop a tailored method to “identify areas for potential conservation” in our region?
 - Establish a team or “expert panel” (using existing resources/partners) to assist NROC in evaluating current methods and regulatory mechanisms, understanding respective strengths/shortcomings, and identifying options to adapt/modify for regional application (considering issues of scale and resolution). Habitat classification will be an important component of the methodology for identifying areas for conservation.
 - Methodology should incorporate: an understanding of available data and data gaps (biological, geophysical, human uses, threats, etc.), an implementation plan designed to achieve conservation goals, and an evaluation component to track progress and inform adaptive management responses.
 - Consider key factors for identifying conservation areas: protecting multi-species/multi-habitat is an important objective, taking into account food chain issues (e.g., availability of food resources for larger recreationally important species).
- How can we determine critical factors that help define “ecologically significant”?
 - Developing a clear methodological approach (as discussed above) should precede discussion of what does/does not constitute a critical factor in determining “ecological significance.” Start by surveying approaches currently being used (e.g., Massachusetts’ ecological value index).
 - In determining factors, values, or goals, we should consider:
 - Vulnerability.
 - Rare species.
 - Biodiversity.
 - Ecosystem structure and function. For example, a *native* eelgrass bed is likely to be more “ecologically significant” because it holds its ecosystem function (a breeding ground for

- fish); a *restored* eelgrass bed may have the eelgrass itself, but not the characteristics that define a “functional” ecosystem (i.e., fish may not use it).
- Integration of all the data to discern points of intersection that may not be apparent when looking factor-by-factor.
 - Identify baseline data: existing biological data (flora and fauna) are incomplete and/or the resolution is inadequate.
 - Look at existing agency guidelines for determining protected areas: identify options to modify/expand regulations to include biodiversity or other factors.
 - Learn from examples:
 - From land (e.g., the National Heritage Program).
 - NOAA NMFS’s Essential Fish Habitat (EFH) revisions.
 - Physical oceanographic characteristics help refine EFH (depth, temperature, etc.).
 - Areas are conditionally approved (Habitat Areas of Particular Concern).
 - The Swept Area Seabed Impact model, being developed by NEFMC, NMFS and UMASS-Dartmouth. This model uses existing benthic data, bottom water currents, and video to identify and ground truth vulnerable and sensitive habitats. It uses fishing data (the Vessel Monitoring System) to determine the “swept area” and identifies vulnerable areas that can be impacted by fishing gear.

Suggested actions:

- Develop a vision statement, including conservation goals, for the region (decide desired outcomes/outputs and work backwards).
- Develop a methodology and process for identifying areas/functions for potential conservation and defining “ecologically significant” that reflects lessons from existing approaches and is suitable for regional application. (Suggestions outlined above.)
- There was brief discussion about the need for a science advisory subgroup to work on these issues in greater detail, perhaps as part of the CMSP regional planning body.

5. Human Use Characterization: Recreational Boating and Renewable Energy

Siting

Facilitator: Arleen O’Donnell (ERG)

Content lead: Jack Wiggan (Urban Harbors Institute)

Key discussion items:

- How can the Northeast region identify areas “significant” for specific human uses, such as recreational boating and renewable energy?
 - Methodological considerations:
 - Build on existing information (state and federal databases and GIS data layers).
 - Fill gaps by engaging users and organized user groups, and by leveraging technology (satellite imagery, USCG twice-daily flyover data, participatory GIS).

- Consider the spatial/temporal scale and areas of high use intensity to identify areas significant for particular uses (assuming all areas are important to the user).
- One approach could be to start at the sub-regional scale and scale up to the region.
- Note the seasonal nature of uses — each season will present different a combination of uses and use intensities, potentially creating a different set of conflicts.
- Process considerations:
 - Realize the power of visualization (maps) to highlight conflicts and elicit what people value. Displaying data helps paint the picture and engage the public. People become focused on where the lines are drawn — those lines provide a mechanism for dialogue.
 - But the planning process is more than drawing lines on a map.
 - The process needs to be iterative/collaborative/a learning laboratory.
- Decision-making considerations:
 - The relative importance of uses should be informed primarily by explicit public policy, legislative mandates/designations, and Executive Orders (e.g., specific renewable energy goals, national marine sanctuaries).
 - Public policies reflect public values — in the absence of clear public policies, the relative significance of uses could be expressed by the economic value they contribute to society (ecosystem services).
 - Question: How, for example, can decisions be made for the entire region about where to locate wind turbines given importance of other uses? What is the method for determining areas most favorable for wind siting (apart from requirements such as water depth, wind consistency, etc.)?
 - Answer: There are two basic approaches for renewable energy siting, taking other uses into account.
 - Avoidance: Determine specific areas that are off-limits because of their exceptional value for other uses that are, on their face, incompatible with wind turbines. Avoidance areas will be largely informed by state and sub-regional priorities.
 - Tradeoffs: Seek to understand the nature and extent of conflicts, and also of compatibilities. For conflicting uses, conduct scenario analyses, examine tradeoffs, minimize them, and then mitigate those impacts/conflicts that can't be avoided.
 - Conclusion: On a regional scale, the approach will probably be a hybrid of avoidance and tradeoffs. Select areas can be identified for avoidance, while most others will be subject to tradeoff analysis as the basis for siting decisions.
- How can we forecast future demands? Major challenges were noted, including:
 - How to account for climate change impacts (e.g., distribution of fish stocks).
 - How to project the future offshore transmission grid.
 - The uncertainty of new technology development and issues such as equipment manufacture and transport (for wind generation, for example).
 - How to project fish stock populations. (Where recovery is expected, we need to ensure that those recovery areas are taken into account. Do we base them on historical fish habitat/fishing grounds and assume those will be significant again in the future?)

Concerns/challenges:

- Is the U.S. Department of Defense subject to the Regional CMSP?
- EEZ cannot be considered on a state-by-state basis — how will decisions be made in the EEZ?
- There are equity issues around regional renewable energy siting: Who gets the energy generated by the facilities? Who gets the jobs?
- Will offshore wind be outmoded by other technologies?

Suggested actions:

- Continue filling data gaps by engaging users (participatory GIS is a good model).
- Develop an approach for regional consideration of human uses. Start with renewable energy siting, since it is a key driver, and think through how to implement the hybrid approach above: identify select avoidance areas (based on strong state and sub-regional input), look at where competition between uses would occur, work toward minimizing those conflicts where possible, and mitigate any that cannot be avoided/minimized. Also seek to optimize compatibility and synergies between uses.

6. Authority for Implementation

Facilitator: Bud Ehler (Ocean Visions)

Content leads: Susan Faraday (Roger Williams University) and John Duff (University of Massachusetts–Boston)

- How does the Regional CMS Plan get implemented through existing regulatory authorities and mechanisms?
- How can we identify conflicts that might arise between existing mandates when put into a regional CMSP context?

Key discussion items:

- Recognizing that CMSP will be implemented through existing authorities (per the Final Recommendations/EO), it is nonetheless important to figure out what the region wants (define desired outcomes, establish regional goals) and *then* sort out how to make authorities work together to make it happen.
- The role of CMSP is to inform/guide/augment single-sector decision-making, not replace it (e.g., fisheries, oil and gas).
- Regulation is not the only incentive for participation, compliance, and implementation; economic incentives (both positive and negative) and information/outreach (moral suasion) should also be considered as tools to increase participation, resolve conflicts, and support implementation.

Concerns/challenges:

- Don't waste time reinventing the wheel: 60 CMS plans being prepared around the world right now. Learn from past and current practice.

- How will states buy in to a regional plan? (What is the role of governors? The CZMA process?)
- “Zoning” should not be equated to CMSP (zoning is just one tool that can be used to implement a CMS plan or planning process).

Suggested actions:

- The authority to begin planning exists through the EO. It would be helpful to conduct a strategic assessment of existing authorities (review statutes; identify conflicts between existing authorities, focusing on authorities that implement spatial and temporal management measures).

Governance and Advisory Structures for Regional CMSP

Mel Cote (EPA Region 1) presented an overview of governance issues for regional CMSP and indicated NROC's interest in hearing participants' thoughts on forming effective CMSP governance and advisory structures for the Northeast region (see presentation appended). Mel Cote's presentation focused on two subjects:

- Requirements regarding RPBs and options for regional advisory committees for CMSP outlined in the EO and Final Recommendations.
- The strengths and weaknesses of forming Federal Advisory Committees (FACs) versus less formal regional engagement mechanisms. Generally speaking, the formation of a committee with individuals representing interest groups whose function is to advise or make recommendations to the RPB would be subject to the Federal Advisory Committee Act (FACA). According to Section 8 of the EO, "The federal RPB lead shall establish advisory committees subject to FACA, *as they deem necessary* to advise the RPB on regional CMSP." The Final Recommendations also discuss a variety of consultation mechanisms that could be employed (see box below for excerpt from page 56 of the Final Recommendations:

"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).

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."

Deerin Babb-Brott (Massachusetts CZM) offered reflections on governance and advisory structures for the Northeast based on the ocean planning experience in Massachusetts and drawing from other examples.

- In the Massachusetts process, the formal stakeholder/policy advisory body established by the Oceans Act — the Ocean Advisory Commission — had both strengths and shortcomings. Strengths included enhanced process transparency and outcome credibility. Shortcomings/challenges included cumbersome scheduling, difficulty finding an appropriate level of engagement for senior officials not intimately familiar with the issues, difficulty keeping pace with the rapidly evolving planning process, and members often not representing their stakeholder group/constituents. Deerin noted that, on balance, a formally recognized stakeholder/policy advisory body could be useful for the regional CMSP process if it is thoughtfully composed (i.e., has the right people and the right representation), operates with clear terms of reference defining its function/role and representational responsibility, and if it is properly supported.
- The Oceans Act also established a Science Advisory Council. From that experience, Deerin noted that a single body isn't necessarily the structure best suited to serve the evolving needs of a regional CMSP process. A more pragmatic option might involve a core advisory group with sufficient disciplinary breadth to provide general guidance/feedback supplemented with a more ad hoc process that allows access to specific expertise to respond to particular plan development challenges as they arise.
- Deerin offered an alternative framing of the relationship between NROC and the RPB for the group's consideration — perhaps the CMSP dialogue could be lifted from NROC and placed with the RPB, leaving NROC to continue with its current goals/work plan minus CMSP.

Regional Governance and Advisory Breakout Groups

Following these opening presentations, participants broke into five groups to further discuss regional governance and advisory/consultation issues. Below is a synthesis of discussions, observations, and suggestions from all breakout groups.

General Governance and Advisory Considerations

- Define essential governance and advisory *functions* first, then create *forms* and *processes* to fit (e.g., critical functions include high-level decision-making, authority to manage CMSP process day-to-day, capacity and expertise to *do* the work, expert/technical advice/consultation, stakeholder engagement/consultation, public outreach/input, etc.)
- RPB considerations:
 - Can/should NROC become the RPB by expanding membership to include tribes?
 - What is the appropriate role of NEFMC?
 - How would membership and operating protocols evolve?
 - What are the implications of NROC and RPB being two separate entities? (What would be their respective authorities and roles? Would there be multiple meetings?)
 - In general, NROC should try to avoid creating structures that duplicate what already exists.
- Getting the *right people* (appropriate expertise, problem-solving approach, ability to work collaboratively, etc.) on the advisory body (or bodies) is at least as important as whether the bodies are formal or informal.

The groups were not tasked with reaching agreement, but there appeared to be a broadly held view that, given the potential drawbacks of a highly formalized process, NROC/RPB shouldn't automatically rush into creating a FAC. If sufficient resources are made available and an informal process is well designed and run, it could meet all the consultative needs of the CMSP process with greater flexibility and responsiveness than a FAC. It would also have the advantage of better leveraging all existing organizations.

Formal Versus Informal Options for Advisory Body(ies)

Perhaps not surprisingly, participants with FACA experience reported varying, sometimes conflicting observations about their advantages/disadvantages. Some felt they worked well; others felt they were not helpful or posed a hindrance. Others made a distinction based on the purpose of the FAC, noting that those responsible for negotiated rulemaking were typically more difficult to manage, whereas FACs providing policy and technical advice, without the formation of regulations at stake, tended to be more flexible, responsive, and nimble.

Perceived Advantages and Disadvantages of Establishing a FAC for Stakeholder Advisory Function	
Pros of formal FACs	Cons of formal FACs
Establishes rules for operation.	Slow, cumbersome, and process-heavy from the start (e.g., appointments) and throughout (though much work can be done under subcommittees, which do not involve most FACA requirements).
Legitimizes stakeholder process, provides formal standing in the decision-making process, enhances transparency, and gives collective stakeholder input a unified voice. Can help with balanced representation.	Raises expectations (that may not be met); defining/achieving balanced representation may be particularly difficult given regional diversity and the number of interest groups.
Can facilitate stakeholder influence on issue resolution if FAC has high-level political support; operating on consensus can send strong signals. Agency blessing/approval can be easier through a FAC.	Tends to entrench positions, constrain process, and reduce creativity/collaboration by seeking formal consensus by a body with standing (especially if done too early in the process).
Allows travel support/reimbursement.	The process is resource-intensive, due to the time and cost associated with managing the process requirements (Federal Register notices, transcription services and formal meeting minutes, designated federal officer, travel, etc.)

Perceived Advantages and Disadvantages of Establishing Informal Stakeholder Consultation	
Pros of a less formal approach	Cons of a less formal approach
Greater flexibility and nimbleness for consultation functions to adapt and keep pace with CMSP process and respond to emerging/evolving issues.	May lose formal public notice process, limiting broad public awareness and involvement of ongoing operations.
Informal, non-government venue can facilitate more creative, open discussion.	Federal agencies can be directly involved in the informal consultation process; with several state and federal agencies involved, this could encourage “lobbying” for support of certain agency positions that may benefit from political support.
Can create positive peer pressure to increase stakeholder participation.	Will also require resources to do it right.
Greater latitude for forms of engagement, including innovative technologies.	

Further Governance-Related Ideas for NROC Consideration

- The NROC could have a FAC with regional stakeholder representatives for input on national policy (may be more appropriate at this level); possibly form sub-groups to advise the work of specific regions.
- An early NROC priority could be to work with tribes to assess representational needs and how those can be met.
- NROC/RPB should consider conducting a “pre-process,” especially with tribes, to agree on the “starting point” for coastal/ocean baseline conditions.
- No matter how the regional CMSP process is managed, each state must answer to its governor and will need the latitude/comfort to participate accordingly.
- RPB should focus on streamlining the permitting process for proposed uses that are consistent with, and further the principles of, the CMS Plan.
- The advisory structure should provide a mechanism for capturing regional variability. The RPB may want to establish a common language for CMSP that allows stakeholders to articulate regional differences and values.
- Look to other states and other places to see what models have worked well. Consider what form of decision-making will best serve the different bodies (preponderance of agreement, consensus, majority rule, etc.).
- If RPB creates a FAC for advisory body(ies), establish it *once* for the region; do not change it when the lead federal agency changes. Also, pay attention to the FACA Charter; be clear about the objective of reducing conflict about goals of the FACA and focus on CMSP.
- Conditions where a FAC may be appropriate include high-level membership in an RPB and an RPB making controversial decisions.

Regarding general stakeholder engagement/public involvement strategies, consider methods that connect with different stakeholder groups/sectors in ways that fits their needs rather than a one-size-fits-all approach. Will NROC/the RPB have the ability and the will to proactively communicate with the general public about CMSP or will this be left to NGOs with constituencies?

Wrap-Up Summary and Next Steps

NROC Chair Ted Diers (New Hampshire Department of Environmental Services) and NROC Vice Chair Betsy Nicholson (NOAA Coastal Services Center)

Betsy and Ted closed the meeting by thanking participants for their active engagement and talked about the work ahead:

The results of this meeting will help set the direction for the regional CMSP and will help NROC develop a proposal for funding to continue moving the region forward as a national leader. Our region is a leader because of the strong partnerships that we have built and continue to nurture. None of our progress to date could have been accomplished without the positive relationships between state and federal government, NGOs, academia, and other stakeholders. We look forward to building on this strong foundation and expanding it to tribes and industry as our regional vision and the regional governance structure takes shape. Your efforts to date have built this strong foundation and we need your continued involvement in the months ahead in order to be successful.

We know where we need to go and today you have helped us chart a course. Our level of effort will depend on resources, but we will move forward with or without additional funding, the only question is how far forward and how quickly. There are also uncertainties about how the regional governance body will be structured and how it will seek input and advice from stakeholders. Your input on this topic today will help inform that decision. But whether the process is formal or informal, we are all committed to continued active, meaningful, and productive engagement.

We look forward to embracing both the opportunities and the challenges: CMSP is not just about managing conflict but about exploring and implementing opportunities for positive change. We will rely on data but won't be held captive by it; at some point policy questions need to be answered based on the best data that we have, even if we would like to have more data. This region has the advantage of existing state-led CMS plans. The regional planning process can be used to strengthen these existing efforts while posing interesting questions about edge matching those plans: are we combining state plans or are we starting fresh? Maybe it's a little of both. We need to build on our past momentum. Let's not reinvent the wheel. Let's keep our work focused and relevant. Let's work efficiently. Let us be mindful that form follows function, and let function be the driving force for this effort.

Participants are reminded of the upcoming schedule of activities (see page 3). An up-to-date schedule of upcoming events can be found on the NROC website: <http://collaborate.csc.noaa.gov/nroc/default.aspx>.

Attachments

ADVANCING REGIONAL COASTAL AND MARINE SPATIAL PLANNING

Meeting Agenda • November 9, 2010 • Portsmouth, RI

Directions to meeting location: <http://www.rwu.edu/about/maps/directions/#Portsmouth>

Meeting materials available at <http://collaborate.csc.noaa.gov/nroc>



8:30 AM	<u>Coffee and Participant Check-in</u>
9:00 AM	<u>Welcome, Purpose of Workshop, Review of Agenda, Introductions</u> <i>Ted Diers, NH, NROC State Co-Chair; Betsy Nicholson, NOAA, NROC Federal Co-Chair; Stephanie Moura (Facilitator), MA Ocean Partnership; and Tricia Ryan (Facilitator), NOAA CSC</i>
9:30 AM	<u>Setting the Context: What's Happened in the Past Year, What Lies Ahead</u> <i>Betsy Nicholson, NOAA, NROC Federal Chair Andy Lipsky, National Ocean Council</i>
10:00 AM	<u>Break</u>
10:15 AM	<u>Regional CMSP Framework Review</u> <i>John Weber, MA and Kathleen Leyden, ME</i> <ul style="list-style-type: none"> ▪ Overview and status of framework <ul style="list-style-type: none"> ○ Partner contributions ○ Q&A with focus on how the framework will be used ▪ Break out groups to discuss how to operationalize the framework. <ul style="list-style-type: none"> ○ Stakeholder engagement: Discussion of guiding principles, key challenges, best practices and messaging considerations. ○ Regional data portal: briefing on project to support regional CMSP followed by discussion. ○ Ecosystem services approach: Identifying core components/principles of an ecosystem services approach to CMSP and key limitations / challenges for operationalizing. ○ Habitat: Discussion of key considerations for defining “ecologically significant” to allow us to understand and map them. (Geographic scale, time, vulnerability to human impacts, ecosystem <i>function</i> vs. <i>spatial</i> occurrence of habitat, etc.) ○ Human use characterization: Discussion of potential definitions of “significant for commercial and recreational fishing” (see framework 4.3.1), and identifying challenges for forecasting future sectoral/use “demands”. ○ Regulatory: How does the Regional CMS Plan get implemented through existing regulatory authorities and mechanisms?

12:00	<u>Lunch</u>
1:00 PM	<u>Brief Report Back from Framework Breakouts</u> <ul style="list-style-type: none"> ▪ Discuss how to bring the pieces together ▪ Large group discussion on observations
1:45 PM	<u>Draft Regional Governance Structure</u> <i>Deerin Babb-Brott, MA and Mel Cote, US EPA</i> <ul style="list-style-type: none"> ▪ Present known form and function of governance structure in Executive Order ▪ Explore ideas on how the RPB and Regional Advisory Committee structure might work to engage partners and be most effective ▪ Breakout groups: discuss formal (FACA) and less formal options for engagement, advisory functions.
3:00 PM	<u>Break</u>
3:20 PM	<u>Update on NOAA FFO</u> <i>Ted Diers, NH, NROC State Chair</i> <ul style="list-style-type: none"> • Share process for submission to the funding announcement
3:45 PM	<u>Wrap-up</u>
4:30 PM	<u>Adjourn</u>

**NORTHEAST REGIONAL OCEAN COUNCIL
ADVANCING REGIONAL COASTAL AND MARINE SPATIAL PLANNING**

**November 9, 2010
Roger Williams University
Portsmouth, RI**

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