

Northeast Regional Planning Body

Options for Technical and Stakeholder Advisory Functions

DRAFT Prepared for June 26, 2014 RPB Discussion and Public Comment

Overview

The Northeast Regional Planning Body (NE RPB) has discussed internally, and received feedback from the public on, options for obtaining appropriately designed input from scientific and other communities with relevant expertise and interest. This document summarizes available scenarios and will assist the NE RPB in deciding how to fulfill the advisory functions.

Legal Guidance

The NE RPB solicited the U.S. Department of Commerce General Counsel (pursuant to the National Ocean Council Handbook with a National Oceanic and Atmospheric Administration representative as Federal Co-lead) and the National Ocean Council for guidance on these options to ensure appropriate interpretation of the Federal Advisory Committee Act (FACA). The NE RPB consists entirely of federal officials and elected officers of state, local, and tribal governments, and therefore qualifies for a statutory exemption from FACA under the Unfunded Mandates Reform Act (UMRA). Subcommittees established by and reporting to the NE RPB would not be subject to FACA given that the NE RPB is a government committee and not a single federal agency. The options below reflect this legal guidance.

Technical Advisory Function

The intent is to access expert opinions from a group of government and non-government colleagues on a variety of subjects. Immediate topics will focus on characterizing marine life and habitats, with other topics discussed as needed in the future.

Assumptions

- These groups would include both government and non-government members.
- The general purpose is to provide an appropriate, effective, and efficient means of obtaining technical expertise for Ocean Planning in the Northeast.
- For the protection of the RPB and the planning effort, the advisory function would be designed to comply with legal requirements.

Option 1: Convene expert panel

An expert panel would provide individual opinions on specific topics as they arise. This panel would not meet regularly as a standing body, but rather, individuals with relevant technical expertise would be invited to participate in topical workshops or other public meetings. Their participation and the discussion at such public events would contribute to issues deliberated by the full NE RPB. The workshops would not be designed to arrive at consensus opinions from the attendees. The precise nature and format of public events will be determined by the specific topics discussed. The nimble approach of this option allows for flexibility to involve individuals in particular subjects where expertise is needed to inform NE RPB decisions and provide for public discussion of these subjects, while recognizing the need to bring disciplines together to reflect an ecosystem approach.

An immediate example of this approach in action is the work related to the Healthy Coastal and Ocean Ecosystem goal, particularly the tasks related to characterizing the region's marine life and habitats and assessing approaches to using such information in more complex models. The next step in this work is to convene the June 25, 2014 natural resource workshop immediately prior to the June 26, 2014 NE RPB meeting. This workshop will include focused input from experts in marine mammals, fish, and birds, and will also be facilitated to ensure discussion from all attendees. This input will create an information base that the NE RPB will use when it decides how to move forward with characterizing marine life and habitats. Further opportunities beyond June 25 will include: a discussion at the June 26 NE RPB meeting, periodic updates (e.g., through webinars) to enable additional discussion throughout the coming months, public meetings in fall 2014 to review progress, and other events as needed.

Option 1 would not create a standing technical committee of the NE RPB and there would not be a set roster. Rather, participants would evolve as workshop topics necessitate. All workshop agenda announcements and results would be posted and broadcasted with ample lead time; workshops would be open to the public and provide opportunities for public input.

Pros

- Would be nimble in the ability to plug expertise into relevant discussions and workshops, therefore using resources strategically and efficiently.

Cons

- Does not satisfy desire of some to have standing, formal technical advisory committee.

Option 2: Establish standing Technical Advisory Committee

The Technical Advisory Committee (TAC) would be a subcommittee of the NE RPB with experts in a variety of subjects that will meet regularly and provide advice on process and products to the NE RPB for their deliberation. The NE RPB would select committee members, which could include government and non-government colleagues, and include at least one non-federal member of the NE RPB to serve as a liaison. The TAC would present preliminary

products to the NE RPB for deliberation in public at an NE RPB meeting. The TAC would not be privy to NE RPB documents that were not also disclosed to the public.

Pros

- Creates a standing, formal advisory body to provide NE RPB guidance.
- Institutionalizes support for technical direction of NE RPB.
- Satisfies preference for formal TAC raised by some stakeholders.

Cons

- General timing considerations: would take time to convene formal body initially and for subsequent meetings, resulting in possible delay of the 2016 planning timeline established by the NE RPB.
 - Difficult to choose set membership: over the next two years, the NE RPB may request technical input on a variety of topics with a cumulative effect of a large number of members. Reconstituting the group could cause delay.
 - Lacks flexibility needed for dynamic planning process over the next 1-2 years.
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Stakeholder Advisory Function

The intent is to provide stakeholders with opportunities for meaningful feedback on NE RPB process and products outside of public comment periods during NE RPB meetings.

Assumptions

- There are ongoing efforts by existing stakeholder groups to help communicate information and gather input to inform the planning process and products. The diversity of viewpoints these self-organized groups provide have direct impact on NE RPB member decisions and deliberations. Their input is acknowledged, appreciated and will continue being considered as one of the suite of engagement options.
- The general intent of the NE RPB is to provide appropriate, transparent, legal, effective, and efficient means of obtaining stakeholder input for Ocean Planning in the Northeast.
- Capacity will continue to be a challenge and should be considered in choice of approach.
- A variety of methods are required to meet stakeholder engagement needs and are further articulated in the NE RPB's [Framework for Ocean Planning](#).
- Existing mechanisms for stakeholder input will continue, including:
 - State-specific advisory groups reporting to NE RPB via state member
 - Project-specific outreach and stakeholder input (e.g., through the recreational use characterization effort)
 - Periodic public meetings and workshops
 - Public meetings of the selected option above (re: the technical advisory function)
 - Meetings with individuals

Option 1: Continue with suite of existing stakeholder activities

While continuing with existing stakeholder engagement activities stated in assumptions above and in the [Framework for Ocean Planning](#), this approach would also continue exploring ways to maximize functionality, improve regional dialog, and adapt current practices to future needs (e.g., working to ensure that state advisory bodies are functioning well and possibly convene these bodies periodically for a cross-regional dialog).

Pros

- Continued ability to be nimble to address needs as they arise.
- Maximizes utility of existing groups/functions; addresses “meeting fatigue”.
- Reduces administrative staffing need.

Cons

- Does not satisfy desire of some to have standing, formal stakeholder advisory committee.

Option 2: Establish standing Stakeholder Advisory Body

The Stakeholder Advisory Board (SAB) would act as a subcommittee that will meet regularly and provide advice to the NE RPB for their deliberation. The NE RPB would select committee members, which could include government and non-government colleagues, and include at least one non-federal member of the RPB to serve as a liaison. The SAB would not be privy to NE RPB documents that were not also disclosed to the public.

Pros

- Creates a formal advisory body providing guidance to NE RPB.
- Meets the need of regional/cross-state discussion.

Cons

- General timing considerations: would take time to convene formal body initially and for subsequent meetings, resulting in possible delay of the 2016 NE RPB planning timeline.
- Difficult to choose set membership: over the next two years, the NE RPB may request input on a variety of topics with a cumulative effect of a large number of members.