

Summary of Feedback on Northeast Regional Ocean Planning Priorities

Draft for Discussion - November 10, 2018

On June 19, 2018, President Trump signed Executive Order 13840: *Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States*. EO 13840 and the associated federal guidance revokes the previous National Ocean Policy (EO 13547), eliminates the former Northeast Regional Planning Body, and establishes that the Northeast Ocean Plan is no longer controlling policy for federal agencies. EO 13840 supports federal agency engagement with stakeholders and Regional Ocean Partnerships, including the Northeast Regional Ocean Council (NROC), to address matters that may require interagency or intergovernmental solutions. It also states that NROC may request federal agency coordination to implement specific actions in the Northeast Ocean Plan and that federal agencies can continue to support the data portal created in conjunction with the plan.

Two days after EO 13840 was released, on June 21, 2018, NROC convened a pre-scheduled meeting of the former Northeast Regional Planning Body (RPB). The outcomes of that meeting included an expression of interest by participants, including members of NROC and the former RPB, to continue coordinating on those plan actions that fit within the requirements of the new EO, to engage stakeholders and agencies to obtain new input on regional priorities (given that the plan had been implemented for eighteen months, and considering the changes initiated by the new EO), and to consider the appropriate organizational structure for advancing those reaffirmed and/or revised regional ocean planning priorities. Participants also agreed to reconvene in November 2018 to review and discuss progress.

Since the meeting in June, NROC decided to continue the regional ocean planning discussion using its Ocean Planning Committee, which was established in 2009 before the formation of the RPB. From September through early November 2018, NROC reached out to and interviewed individuals from the public- and private-sectors who had been regular participants in the ocean planning process over the last several years. These individual and group interviews were conducted with members of tribal governments, state and federal agencies, the New England Fishery Management Council (NEFMC), industry (fishing, maritime and ports, energy, recreation, consulting firms), and environmental groups. Approximately 50 individuals participated in these discussions. Participants were provided a read-ahead document that simplified the Northeast Ocean Plan and regional ocean planning activities into *key functions* and the *priority ocean management issues* to which those functions would be applied to achieve regional goals (see appendix 1 for a list of those functions and issues). Participants were asked to reflect on the value of and any concerns with the ocean planning process to date, consider the potential opportunities and impacts of the new EO, and express their opinion on regional ocean planning priorities going forward.

This document summarizes the feedback obtained through those interviews with the purpose of supporting discussions about regional planning priorities at the November 14, 2018 NROC Ocean Planning Committee meeting. Participant feedback is grouped into six overarching themes: Value of the Ocean Planning Process to Date; Impact of the New Executive Order; Data Portal: Essential Foundation;

Best Practices; NROC's Positioning; Priority and Emerging Regional Issues. Each theme includes several subthemes and specific examples provided by participants. Many of these ideas were expressed by numerous individuals; some were expressed by only one or two people. The intent is to simply capture the range of perspectives. Presentations during the November 14th meeting will stress those areas where there was a convergence of opinions or where there were new ideas or additional opportunities. Participants at the meeting will have the opportunity to continue providing feedback or amplify a perspective, and NROC will likely continue to engage people in the identification and further specification of these and other priorities over time.

Themes from Participant Interviews

1. Value of the Ocean Planning Process to Date

- a. The ocean planning process provided a unique venue for governmental coordination
 - i. Federal, State and Tribal coordination
 - Enabled government/agency representatives to understand perspectives outside of their individual silo
 - Provided an important venue for states to coordinate with each other on offshore management and planning issues
 - Enabled government/agency representatives to develop relationships, know who to call, keep up to date with regional projects and put them in context, and to clear up misconceptions
 - ii. Focus beyond the project-scale
 - Providing a venue for everyone to be at the same table and looking at the ocean as a system advances ecosystem-based management from the theoretical to the operational
 - Unique opportunity to discuss processes and approaches outside of specific regulatory proceedings and to advance best practices
- b. Public/stakeholder engagement
 - i. The ocean planning process provided an opportunity to engage a broad spectrum of interests and stakeholders through regional meetings and targeted data- and issue-specific engagement of different sectors
 - ii. The process resulted in an improved understanding and relationships with different stakeholders and interest groups
 - iii. RPB stakeholder process during regional meetings evolved from very limited opportunity for public comment to a more flexible, conversational approach
 - iv. The process and plan encouraged agencies to view stakeholder engagement as more than just checking off a box and supported stakeholders in providing effective feedback during specific regulatory and management proceedings
- c. Lessons learned and concerns about the planning process and opportunities for improvement
 - i. Beyond sharing information and perspectives, the process built a strong foundation of trust
 - ii. There is potential for continued improvement in flexible, conversational engagement of stakeholders

- iii. It's not apparent that the federal agencies have employed the best practices described in the plan
- iv. Some participants were not sure the plan that was created was the plan that some envisioned at the beginning - it doesn't provide guidance as to where activities can and can't occur and therefore may not be viewed as marine spatial planning
- v. The process lacked sufficient representation from different fisheries, including in the formal RPB structure that was established; it also did not include fishing perspectives at the operator level

2. Impact of the New Executive Order

- a. There is some uncertainty around the following:
 - i. Status and role of some of the former RPB-designated federal agencies
 - ii. Status of Tribal participation
 - iii. The EO talks specifically about the Marine Cadastre, not the regional portal
 - iv. Status of the ocean plan
 - Will federal agencies ignore NROC if the plan isn't binding?
 - Is NROC now responsible for implementation? Is it a list of topics we can choose from? What is the status of implementation?
 - v. Given the focus of the EO on economy and security, what are the implications for NE conservation and ocean health priorities?
 - vi. How will the data portal be maintained and updated; do we need to request federal involvement?
 - vii. How will the federal interagency Ocean Policy Committee and its subcommittees communicate with ROPs – meeting outcomes and next steps?
 - viii. NROC partners need a clear statement of the new operational structure within the region, between the federal Ocean Policy Committee and NROC, and between the federal OPC and regional federal agency representatives
- b. The new EO removes some barriers for participation
 - i. There is a perception by some participants that certain aspects of the previous ocean planning initiative were outside of agency mandates and jurisdictions
 - ii. The new EO provides more flexibility compared to the rigid structure of the RPB that was dictated by the previous EO
 - iii. The plan actions around identifying important ecological areas were a significant impediment for some participants (also important to some participants) – some industry, including fishing, representatives are now more interested in participating collaboratively
 - iv. The RPB was yet another set of meetings; folding all NE regional ocean planning and management activities into NROC is a positive for efficient participation
- c. The new EO provides the following opportunities
 - i. NROC can reconsider how to structure stakeholder engagement and workgroups
 - ii. NROC can be a strong voice for regional priorities within the new federal structure
 - iii. NROC can continue to engage new agencies that were introduced through the RPB process (e.g. DOT, Navy, FERC) and can potentially engage additional federal agencies that were not previously involved

- iv. There's an opportunity to re-engage industry through the new EO's focus on the economic value of ocean resources
 - Focus on identifying areas of agreement between economic and environmental perspectives
 - Ocean-industries are interested in reaching consensus and supporting government/academic/private partnerships to build on relationships developed to date
- v. There's an opportunity to refocus on shared importance of conservation
 - Advancing and updating data on ecological resources
 - How are ecological resources, ocean health, and water quality priorities considered in decision making?

3. Data Portal: Essential Foundation

- a. There is deep value in that the data on the Northeast Ocean Data Portal have been widely vetted
 - i. The portal is a data source of record
 - ii. Agencies are suggesting that developers use the portal
 - iii. The portal is heavily used by permitting consultants
 - Examples: offshore wind Critical Issues Analysis, SAP and COP
 - iv. Data format is accessible and useable; agencies even use the portal to access their own data or to inform their own actions
- b. There is a need to secure and build on the Northeast Ocean Data Portal as a successful tool
 - i. Commitment from federal agencies to maintain their data sets
 - Example: AIS and VMS datasets particularly important, heavily used, and dependent on federal data assets and programs
 - ii. Some datasets need more timely updates
 - Example: AIS data can be quickly out of date (2 years old is too old)
 - Example: regulatory boundaries in the Marine Cadastre are not updated frequently enough
 - iii. NROC should continue to pursue the data needs/gaps identified in the plan
 - Example: habitat features
 - Example: fisheries: lobster and crab
 - iv. NROC should consider improving or pursuing higher resolution data within the first 20 miles of shore, which is an area where there is the greatest activity and of greater state interest
 - Example: Work together on a coordinated ask for new data such as topobathy LiDAR, substrate and habitat data, and support for state mapping programs to fill gaps in regional datasets
 - v. Add data layers showing management and regulatory boundaries or proposed actions
 - Example: NOAA Fisheries and the NEFMC should continue to provide existing and proposed management areas to the portal

- Example: The portal could contain more specificity for offshore wind projects (e.g. proposed development areas and turbine locations within a lease)
- Example: The portal could have more information on vessel discharge and disposal rules that vary throughout the region
- vi. Consider developing new analyses and/or analytic tools that would be available via the portal
 - Example: Develop an analysis linking offshore resources with onshore resources and locations
 - Example: Tools for determining compatibility/conflicts
 - Example: Include outputs from predictive models:
 - Marine mammal and avian wind farm avoidance
 - Sea level rise, climate change
 - Species migration due to water temperature
- vii. Consider improving the consistency of the interface and content with adjacent regional data portals
- viii. Clarify the differences in and need for multiple portals to access ocean data – Marine Cadastre, NERACOOS, Northeast Ocean Data Portal
- ix. Be explicit about what the portal can and cannot do
 - a) Continue trainings on use of the portal, especially as new data sets and tools are added
 - b) Be clear about the limits of data sets
 - Example: one Right Whale sighting colors a box; a sighting doesn't necessarily mean a risk; hard for stakeholders to interpret
 - Example: physical location of some fisheries is not known

4. Best Practices

- a. There is support for and confirmation of focusing on best practices related to: (1) the use of data and information in decision-making; (2) improving interagency and intergovernmental coordination around decision-making; (3) improving stakeholder engagement
 - i. Keep the focus on efficiency and coordination
 - ii. Operate at the pre-application phase for different project types; don't focus on specific projects
 - iii. Use NEPA process as a vehicle for identifying, coordinating, and developing a master schedule for federal-state environmental and natural resources-related review and approvals procedures and related information and study requests
 - iv. Stay within existing regulatory authorities
- b. How will Best Practices outlined in the Northeast Ocean Plan become actionable? Are agencies using BPs? How? How do we ensure federal agencies use BPs?
 - i. NROC should develop the mechanics and frameworks for federal implementation of the BPs
 - ii. Incorporate more communications with and interaction at the agency staff level
 - iii. Provide guidance for agencies to implement those frameworks and track use of BPs

- iv. Obtain written commitments from participating federal agencies regarding how and when they will employ the BPs
- c. Develop new tools for decision-making and stakeholder engagement via the portal
 - i. Include data layers for major project proposals
 - ii. Consider how the portal can be applied to the Fast 41 initiative (One Federal Permit)
 - iii. Be more explicit about how data will inform decision-making

5. NROC's Positioning

- a. NROC fills an important role as a convener
 - i. There is a tremendous need for a neutral convener around ocean issues
 - ii. Keep the focus on framing of issues and the regional context
 - iii. Be anticipatory – early intervention to establish a foundation for understanding emerging issues
 - iv. Target issue-specific topics of common interest in the region
 - v. Continue to form flexible, issue-specific workgroups
- b. NROC should consider the following operational recommendations
 - i. Keep committee representation at a high level; but improve 2-way communication with operational staff
 - ii. Define clear opportunities for stakeholder engagement in work groups
 - iii. Continue developing sector-specific stakeholder outreach to encourage participation
 - Develop a formal process for a stakeholder group to petition NROC to take up a particular topic (formalize opportunity that already exists)
 - Around particular datasets of interest
 - Add new groups to communications

6. Priority and Emerging Regional Issues

- a. Cumulative impacts
 - i. NROC is the ideal venue to establish a framework for considering cumulative impacts outside of a specific project context
 - This won't happen through NEPA
 - There's an opportunity to establish a workgroup
 - ii. NROC data provides a good basis for understanding existing conditions, but it might not be the right place to consider cumulative impacts
- b. Climate change
 - i. How are changes impacting ocean uses and use patterns?
 - ii. What are the risks of storm surge and implications for port planning?
 - iii. What are the impacts of coastal hazards in general?
 - iv. What data are needed to inform these different subthemes?
- c. Aquaculture
 - i. Federal and state agencies are developing aquaculture policies – provide an opportunity to share information and determine if they are compatible
 - ii. Can early and informal coordination around permitting be improved?

- iii. What are the data needs for siting aquaculture in the region and how will changing conditions effect siting?
 - iv. What are the impacts from on-shore salmon farms and overall nutrient loading?
 - d. Sand
 - i. In what areas is the sand budget for embayments balanced? Where are the areas that have sand deficits? What are the implications of that?
 - ii. Potential to consider beneficial use of dredge material in regional sediment management
 - iii. BOEM will go live with the Marine Minerals Information System shortly. How will data be used regionally and translated into the portal?
 - e. Offshore wind
 - i. Offshore wind transmission corridor planning - how can coordination and data support infrastructure planning as the industry grows beyond the project-by-project scale?
 - ii. What might be the footprint of offshore wind given projections and needs for renewable energy?
 - iii. Learning from the first offshore wind projects
 - Permitting and siting phase
 - What kind of vessel use occurs within the windfarm and how can that be accounted for earlier in the process?
 - How can engagement be improved?
 - Post construction monitoring and lessons
 - How are vessels operating in a windfarm?
 - What are the differences between natural habitat and the artificial habitat that has been created? What fish species have been impacted or attracted?
 - f. Tribal interests
 - i. Submerged archaeological studies and expertise
 - ii. Restoration of fish runs
 - iii. Tribal engagement in agency actions and proposed projects
 - g. Science and research priorities - can NROC provide a forum to advance the regional science and research priorities identified in the plan?

Appendix 1. Key Functions and Priority Ocean Management Issues Provided to Interview Participants

Key Functions

Data:

- Maintain and update stakeholder- and peer- reviewed regional data products for ocean management and regulatory decision-making
- Provide a platform, the Northeast Ocean Data Portal, for accessing and using regional data

Best Practices for:

- Using best available information from the Portal as a starting point to inform decision-making and stakeholder engagement
- Engaging and coordinating with other agencies and jurisdictions, including between federal agencies, federal agencies and states, and federal agencies and tribes
- Engaging and coordinating with stakeholders

Priority Ocean Management Issues

- Marine life and habitat
- Cultural resources
- Marine transportation
- National security
- Commercial and recreational fishing
- Recreation
- Energy & infrastructure
- Aquaculture
- Offshore sand resources
- Restoration
- Monitoring and evaluation

Other issues that have recently been raised since the Plan was completed (incomplete):

- Marine debris
- Specific issues for offshore wind:
 - Fisheries engagement
 - Transmission
 - Cumulative impacts
 - Research