

National Coastal and Marine Spatial Planning Workshop

June 21–23, 2011

Washington, DC

Summary Report

Workshop convened by the National Ocean Council

Workshop report prepared by Meridian Institute, Workshop Facilitators

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Executive Summary

Background

In July 2010, President Obama signed Executive Order 13547 establishing the *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes*. The National Ocean Policy sets forth a vision for America that ensures our ocean, coasts, and 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. To achieve this vision the National Ocean Policy establishes a comprehensive, collaborative, regionally based planning process—coastal and marine spatial planning (CMSP).

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. This process involves cooperative planning among Federal, State, and Tribal authorities, and solicits extensive input from the public and stakeholders to develop an approach tailored to the unique needs of each region.

About the Workshop

The National CMSP Workshop was called for in the President's Executive Order to facilitate the implementation of the National Ocean Policy and outline the role of CMSP in meeting our Nation's stewardship responsibilities. It was held in Washington, DC, on June 21–23, 2011. The workshop was hosted by the National Ocean Council (NOC), planned and implemented with assistance from Federal agency representatives, and facilitated by the Meridian Institute. In attendance were representatives from Federal, State, Tribal and local authorities; Regional Fishery Management Councils; and indigenous communities. The first day of the workshop was open to stakeholders and the public.

Major Themes of Panel Discussions

Panelists representing the NOC described the potential benefits of the CMSP process for facilitating more effective and efficient management of ocean resources. They provided detailed presentations on how Federal agencies are currently taking action to coordinate more effectively on issues related to ocean management and to lay the groundwork for successful CMSP. They described stakeholder engagement processes and development of NOC guidance currently underway. They provided information about the National Information Management System—a web-based portal to link existing Federal, State, and Tribal data—currently being developed to support CMSP. They also described details of how Regional Planning Bodies (RPBs) would be established and carry out their responsibilities, including the essential elements of CMSP, and legal and jurisdictional issues related to development and implementation of CMS Plans.

Panelists representing States, Tribes, local communities, and stakeholders described their experiences in carrying out spatial planning processes at local and State scales. They identified lessons learned and provided insights on topics such as stakeholder engagement, transparency in decision-making, collection and use of science and data, regional data portals under development, building on existing processes and plans, and timing.

Major Themes of Breakout Groups

Throughout the workshop, participants discussed opportunities, challenges, and insights about the CMSP process. Major themes that emerged in these discussions are briefly summarized here. For a more complete understanding of the discussions, including those focused on particular regions, please see the full meeting summary.

Potential Benefits and Challenges

Throughout the 3-day workshop, participants identified a number of potential benefits and challenges related to establishing CMSP in their regions. Potential benefits of CMSP emphasized in discussions included more coordinated decision-making among Federal and State agencies and with stakeholders; improved efficiencies in permitting; leveraging of limited resources for ocean and coastal management; better stakeholder engagement; improved data collection, coordination, and management leading to more informed decision-making; reduced conflicts among users; and greater regulatory predictability leading to enhanced economic opportunities and private sector investment, particularly with regard to emerging ocean uses.

A number of overarching challenges were also identified by participants. Among them, participants encouraged the NOC to ensure that CMSP does not add an additional layer of bureaucracy and slow government decision-making. They also cautioned Federal and State governments to ensure that use of existing resources for CMSP does not divert resources and focus from other essential activities.

Stakeholder Engagement

Participants strongly emphasized the importance of stakeholder engagement to carrying out successful CMSP. They noted that a broad range of viewpoints will need to be taken into account throughout the process, including those of local governments and Regional Fishery Management Councils. Regional planning bodies and member agencies were encouraged to engage coastal communities, members of the public, and key stakeholders from a range of interests through various mechanisms, including in-person interactions and the use of web-based technologies. They were also encouraged to tap into existing stakeholder networks and engagement processes.

Sub-regional Approaches

Throughout the workshop, participants from a number of regions expressed support for taking a phased, sub-regional approach to CMSP as a starting point. The general sense was that a sub-regional approach would allow the process to move forward despite limited resources, and this

approach also would address concerns expressed by some stakeholders about the possibility of moving too quickly. A sub-regional approach would also provide an opportunity to demonstrate success and learn lessons at a smaller scale initially. Such an approach was deemed particularly practical for larger regions, including those that are non-contiguous. Various ideas were expressed about how to delineate sub-regions, implement a phased approach, and eventually combine sub-regional plans into larger regional plans.

Flexibility

A broad range of participants expressed a desire for flexibility in carrying out CMSP in their regions. They discussed a number of specific areas in which they believe the RPBs would benefit from significant flexibility, including:

- Timing of initiating CMSP and carrying out various steps of the process, including the order in which regional workshops are convened and RPBs are established.
- Composition and decision-making structure of RPBs.
- How sub-regions would be delineated and the process phased in over time.
- Substantive contents of CMS Plans that would be developed by the RPBs.

Resources

A major overarching concern of participants was how to acquire the funds and other resources needed to carry out successful CMSP in this time of fiscal austerity. With Federal agencies, States, and Tribes across the Nation facing budget cuts, the need to reallocate existing funds for CMSP prompted concerns about existing activities and programs. State and Tribal participants noted that provision of Federal resources would demonstrate commitment and facilitate efforts to secure State and Tribal resources as well. The importance of in-kind resources was also emphasized.

Existing Initiatives and Authorities

A number of questions were considered regarding the connection between CMSP and existing initiatives and authorities. Many participants wondered how existing regional ocean partnerships would relate to the RPBs and whether those existing regional partnerships could in fact carry out CMSP themselves. Participants also sought clarity on how existing objectives identified by regions and States, as well as existing plans regarding ocean resources, would be taken into account. There were also questions about whether and how existing regulations would be amended to be consistent with CMS Plans.

Tribes and Indigenous Peoples

Participants noted that Tribes and other indigenous peoples will need to be engaged throughout the process because they share decision-making authority in many cases, hold significant interests in the management of ocean resources, and often possess important data and information that should be taken into account. Although a Tribal representative will share the co-lead role with Federal and State representatives on each RPB, a number of participants expressed concerns about how non-Federally recognized Tribes and indigenous peoples of the Pacific Island territories, Hawaii, and Alaska would be engaged in a meaningful way.

Data and Information

The importance of basing planning decisions on good data about ocean resources and uses was a significant theme throughout the workshop. Participants emphasized the need for robust and coordinated data collection, management, and dissemination. The Federal agencies and some regional ocean partnerships are currently developing data portals that will serve as clearinghouses for information central to planning. These efforts were identified as important starting points, and the need to maintain, update, and improve these systems into the future was emphasized. Participants also discussed the importance of engaging Tribes for their data and traditional knowledge, as well as industry stakeholders, many of whom possess significant existing databases as well as resources for enhanced data collection. Issues related to the proprietary and sensitive nature of some of these data were identified as challenges. Coordination of data to support better decision-making was identified throughout the workshop as an opportunity to demonstrate the value of CMSP with limited resources in a short amount of time. However, it was acknowledged that these should not be the only initial efforts to demonstrate success, because the topic of data management tends not to attract widespread enthusiasm among members of the public.

Readiness for CMSP

Discussions at the workshop highlighted that regions vary in terms of their readiness to move forward with CMSP. Some regions have robust existing regional ocean partnerships that could serve as foundations for future work, as well as regional representatives who are enthusiastic about positioning their regions as early implementers of CMSP. These regions are prepared to engage stakeholders, establish their RPBs, and convene regional CMSP workshops soon. Other regions are inclined to move more slowly or have indicated a reluctance to participate. Their representatives had a number of questions and concerns. Some questioned the value of the process, and some expressed the belief that Federal agencies and other CMSP proponents would first need to generate support among stakeholders and State leaders in order for CMSP to be successful in their region. A coordinated effort to communicate to States and the public about CMSP may be needed in those regions, and the NOC should consider taking smaller steps in the near term while options for moving forward are explored.

About the Workshop Report

This report summarizes the presentations, breakout sessions, and discussions held during the National CMSP Workshop. The feedback provided verbally at this workshop, in writing, and otherwise through parallel stakeholder engagement processes is being carefully considered and taken into account as the NOC moves forward with CMSP and National Ocean Policy implementation.

Introduction

Background

In July 2010, President Obama signed Executive Order 13547 establishing the *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes*. Based on the *Final Recommendations of the Interagency Ocean Policy Task Force*, the National Ocean Policy sets forth a vision for America that ensures our ocean, coasts, and 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. To achieve this vision the National Ocean Policy establishes a comprehensive, collaborative, regionally based planning process—coastal and marine spatial planning (CMSP).

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. This process involves cooperative planning among Federal, State, and Tribal authorities, and solicits extensive input from the public and stakeholders to develop an approach tailored to the unique needs of each region. In practical terms, CMSP provides a public policy process for society to better determine how these areas are sustainably used and protected.

CMSP is one of the nine national priority objectives described in National Ocean Policy. More specifically, the *Final Recommendations* presents a CMSP Framework for the United States that articulates national CMSP goals and objectives. The National CMSP Workshop was called for in the *Final Recommendations* to facilitate the implementation of the National Ocean Policy and outline the role of CMSP in meeting our Nation's stewardship responsibilities.

About the Workshop

The National CMSP Workshop called for in the National Ocean Policy and CMSP Framework was held in Washington, DC, on June 21–23, 2011. The workshop was hosted by the National Ocean Council (NOC), planned and implemented with assistance from Federal agency representatives, and facilitated by the Meridian Institute. In attendance were representatives from Federal, State, Tribal and local authorities; Regional Fishery Management Councils; indigenous communities; stakeholders; and the general public. Workshop participants learned more details about CMSP, including key concepts regarding how CMSP can be used to harmonize the competing uses of our Nation's waters, such as energy development, recreation, fishing, marine transportation, and establishing marine protected areas.

The first day of the workshop was open to the public. For members of the public unable to attend in person, the plenary sessions were available through a live webcast. The taped webcast

and workshop materials for the workshop can be viewed through the NOC website at www.whitehouse.gov/administration/eop/oceans.

The National CMSP Workshop provided an overview of the CMSP process, presented an opportunity to bring together future CMSP practitioners from across the Nation, and helped set the stage for future locally focused Regional Workshops. Meeting objectives were:

- Develop and carry forward a shared understanding of regional CMSP and the development of coastal and marine spatial (CMS) plans as described in Executive Order 13547.
- Build greater comprehension and understanding of the value of regional CMSP in the United States.
- Identify key challenges, solutions, and collaborative strategies for regional CMSP, including next steps for developing the tools, resources, and guidance to implement regional CMSP.
- Engage the public and other stakeholders in a dedicated session that provides further opportunity to educate, listen, and connect with the American people about CMSP.

About the Report

This report summarizes the presentations, breakout sessions, and discussions held during the National CMSP workshop. It is organized to reflect the workshop agenda, presented in Appendix A. The report captures the major themes of the plenary sessions and the breakout group discussions as well as the common questions and suggestions from the workshop participants to the NOC regarding the CMSP process. Workshop participants also provided additional written comments and questions throughout the workshop to the NOC staff. The feedback provided verbally at this workshop, in writing, and otherwise through parallel stakeholder engagement processes is being carefully considered and taken into account as the NOC moves forward with CMSP and National Ocean Policy implementation.

Day One: Public and Stakeholder Session

June 21, 2011

Tribal Blessing Song

Mr. John Ehrmann, Senior and Managing Partner at the Meridian Institute, opened the workshop and welcomed all those in attendance. He introduced the Honorable Micah McCarty, Chairman of the Makah Tribal Council and Vice-Chair of the NOC's Governance Coordinating Committee, to start the workshop with a Tribal blessing song. Mr. McCarty spoke about the importance of the workshop, elaborating that all people are connected to the ocean. It is said, he explained, that all people carry water in their bodies, and it is the same water that was carried by our ancestors. In honor and reverence of the ocean and for the water that our ancestors held, Mr. McCarty offered a prayer accompanied by wood flute.

Welcoming Remarks

During the welcoming remarks, NOC co-chairs welcomed participants and provided an overview of the Administration's *National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes* and outlined the role of CMSP in meeting our national stewardship responsibilities.

The Honorable John P. Holdren, Assistant to the President for Science and Technology, and Director, White House Office of Science and Technology Policy; Co-Chair, NOC

On behalf of the NOC, Dr. Holdren opened the workshop by welcoming all attendees as well as those participating via webcast. He began by highlighting CMSP as an important part of the landmark National Ocean Policy created by President Obama. He spoke to the variety of interests in the oceans and Great Lakes represented by workshop attendees. He explained that CMSP is a collaborative process focused on bringing stakeholders together and promoting a variety of uses of the ocean, coasts, and Great Lakes to ultimately gain better resource protection for current and future uses. He stressed that CMSP is aimed at saving money, improving efficiency, and abiding by already established laws and regulations to form a more streamlined and effective management system.

He stressed that CMSP emphasizes ecosystem-based approaches that will be adaptable to the multitude of challenges facing our oceans, coasts, and Great Lakes, explaining that an integrated ocean data system is needed to advance our current knowledge. He elaborated that increased interagency communication capabilities will also need to be implemented to effectively address complex policy issues. He mentioned that both the Office of Science and Technology Policy and the Council on Environmental Quality are already working hard to

collaborate on these issues and increase technology capabilities. He extended special thanks to his fellow co-Chair, Nancy Sutley of the Council on Environmental Quality. He concluded by thanking all participants for dedicating their time to working together to achieve healthy oceans, coasts, and Great Lakes.

The Honorable Nancy H. Sutley, *Chair, White House Council on Environmental Quality; Co-Chair, NOC*

Ms. Sutley thanked everyone in attendance for working to make our ocean and Great Lakes healthy. She described the host of benefits that the ocean, coasts, and Great Lakes provide to people all over the continent and stressed the jobs and economic activity that they support. She explained that the National Ocean Policy was developed with input from the public and that CMSP will help to achieve regional goals. She said that CMSP is a way to apply comprehensive planning strategies used on land to the oceans. She gave special mention to Massachusetts, a State with advanced ocean management and planning that has allowed it to support diverse ocean uses such as shipping and endangered species habitat conservation without conflict. She thanked everyone for working together to achieve healthy and prosperous oceans.

Agenda Review

During this session, panelists discussed the importance of the workshop and its objectives, and reviewed the agenda, with specific emphasis on the opportunities for participants to ask questions and provide input and feedback.

The Honorable Sherburne Abbott, *Associate Director for Environment, White House Office of Science and Technology Policy; Deputy Co-Chair, NOC*

Ms. Abbott began the agenda review by reiterating Dr. Holdren's message that the NOC is committed to establishing and developing a collaborative and comprehensive, regionally based CMSP process. She emphasized stakeholder and public input and encouraged participant involvement, asking that participants support community engagement in their own regions. Ms. Abbott noted that the NOC has been working hard to lay the groundwork to establish effective CMSP and highlighted major achievements since November 2010, including:

- Establishment of the Governing Coordinating Committee, a council of State, Tribal, and local government officials that serves to ensure that the NOC's work takes into account the perspectives of local communities.
- Full content outlines of the Strategic Action Plans for the nine national priority objectives drafted and currently open for public comment.
- Significant progress on the development of a national data information system that will support CMSP, to be launched in the coming months.
- Identification of the Federal RPB representatives for most of the regions.

Ms. Abbott then stressed the NOC's commitment to using good science and continued stakeholder input to develop CMSP. Ms. Abbott concluded by explaining that the day would be dedicated, in part, to explaining the Administration's vision for CMSP, with the remainder devoted to listening to input from participants. She then introduced Jay Jensen to further explain the agenda.

Jay Jensen, Associate Director for Land & Water Ecosystems, White House Council on Environmental Quality; Deputy Co-Chair, NOC

Mr. Jensen thanked everyone for traveling to the workshop. He drew parallels between the stakeholder engagement process of CMSP and his experiences working on collaborations between the Federal Government and multi-users on public land issues. He explained that participant input during the CMSP workshop would be used by regional representatives to help create and implement plans. He also said that the work done and information gathered on the first day of the workshop would help structure the remainder of the workshop sessions. Mr. Jensen detailed the opportunities that participants would have to ask questions and encouraged comments and feedback. He stated that he hoped everyone would leave the workshop understanding that the NOC encompasses a breadth of responsibilities such as security, conservation, recreation, and commerce.

National Ocean Council Approach to CMSP: Vision and Stewardship Responsibilities

The purpose of this session was to set the context and describe how the NOC is implementing the Executive Order to address our national stewardship responsibilities. Panelists discussed the value of the National Ocean Policy for achieving goals related to national security, the economy, energy supply, and environmental conservation. The roles of the Governance Coordinating Committee and Ocean Research Advisory Panel were discussed.

The Honorable David J. Hayes, Deputy Secretary of the Department of the Interior

On behalf of the Department of the Interior (DOI), Mr. Hayes welcomed attendees and thanked the organizers and planners of the event. He spoke about the great potential of CMSP to help protect coastal and ocean resources, and then went on to discuss DOI's role in the process. DOI has responsibilities in energy, resources, and conservation, including areas of the oceans and coasts. DOI has focused recently on renewable energy, an important part of this Administration's interest in moving toward a cleaner energy economy, particularly the development of offshore wind energy. He explained that oil and gas are still very important in today's economy. However, in light of recent events such as the Deepwater Horizon oil spill, DOI has been trying to create a better standard for offshore oil and gas. Crucial to the success of the entire process is reliance upon good science and a strengthened relationship with the National Oceanic and Atmospheric Administration (NOAA). He pointed to the impending release of a scientific report about Arctic drilling as an example of strides that have been made.

Mr. Hayes explained that wind energy development in the Atlantic will be a test case for a CMSP-like approach. The ongoing process will require collaboration between the Federal and State governments to decide on the best offshore locations for wind energy. Extensive use of the best available information, in a comprehensive database or other widely accessible format, will be crucial to informing decisions and helping to refine details before Mid-Atlantic leases are issued. DOI also has a stake in CMSP due to the large swaths of coastline managed by the agency. DOI also has plans for ecosystem-based conservation efforts on its lands and waters, which will require a close partnership with local and State governments. He noted that park and refuge conservation planning is required by law, but CMSP is voluntary; therefore, it is important that everyone come together to work toward shared goals. He ended by stating that DOI brings a wealth of experience to the table, which they hope to be able to share as CMSP move forward. DOI looks forward to partnering in this exercise.

The Honorable Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, U.S. Department of Commerce

Dr. Lubchenco opened by explaining a common vision for the oceans that she has encountered from people across the United States: healthy and sustainable seafood, abundant wildlife, clean beaches, a safe and secure coast, clean energy, meaningful recreational opportunities, and good jobs and resilient economies, both now and in the future. Achieving this vision, she said, will require new approaches that are proactive and involve smart ocean planning. She detailed five major benefits that CMSP can provide: increased predictability and certainty for users planning investments in ocean and coastal areas, improved decision-making across multiple levels, maximum regulatory efficiency, easy access to data, and improved ecosystem health. She stressed that State, Tribal, and local representatives and stakeholders across the country are a crucial centerpiece of making CMSP work.

Dr. Lubchenco noted that NOAA fully supports the National Ocean Policy and is working to contribute to its implementation with scientific and management expertise. NOAA has gained valuable experience working with regional, ecosystem-based ocean management systems. Their work has focused in three main areas: data collection and management, including database development; decision support tools; and organizing staff at a regional level. She concluded by reiterating NOAA's commitment to working with partners to achieve a common vision of healthy oceans.

Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, U.S. Coast Guard, Department of Homeland Security

On behalf of the Department of Homeland Security and the United States Coast Guard (USCG), Vice Admiral Salerno thanked workshop attendees for their participation. He then explained that the USCG views its role as threefold: protecting people at sea, defending the country from security threats that come from the sea, and protecting the sea itself. Because of this, the USCG is committed to engaging in the CMSP process. He listed many of the benefits that Americans have historically derived from the sea, such as international trade connections, bountiful

fishing, and protection. Dependence upon the sea has grown dramatically, as over half of the U.S. population is concentrated along the coasts. To the USCG, CMSP is an essential tool that will help facilitate current and expected demand for ocean space, and assist the Coast Guard in planning appropriately for the future.

Ms. Nancy Stoner, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency

Ms. Stoner spoke about how the Environmental Protection Agency's (EPA) goals support the National Ocean Policy. She said that the National Ocean Policy is a roadmap for stewardship of the oceans, coasts, and Great Lakes that is focused on integration and creating a balanced process. In its efforts to safeguard human health and the environment, the EPA is proud to be part of the National Ocean Policy efforts. Specifically, she said that the National Ocean Policy aligns with the EPA's Office of Water, which is primarily concerned with ensuring that water resources are safe and secure for people to use for drinking, recreating, fishing, and swimming and for economic purposes such as manufacturing and agriculture. She highlighted the significance of the NOC's coordination with Federal agencies along with State, local, and Tribal groups, which will allow agencies to hear from stakeholders they might not normally encounter. She elaborated that the National Ocean Policy reflects the EPA's focus areas—climate change, partnership, and expanding the environmental conversation—and adds an organizational structure to the efforts. Furthermore, she noted that the EPA's expertise closely aligns with the nine priority objectives of the National Ocean Policy. She gave as examples water quality, sustainable land use, and estuary programs. Ms. Stoner also explained that CMSP can build on the EPA's environmental education programs, work on resiliency, and ocean acidification research, and that CMSP can save money by coordinating environmental analysis. She expressed her excitement about further collaboration on CMSP.

The Honorable Kristin Jacobs, County Commissioner, Broward County, Florida; Chair, NOC's Governance Coordinating Committee

Ms. Jacobs began by thanking President Obama for the National Ocean Policy that brought everyone to the workshop. She emphasized the scale of the collaborative process that is in progress, highlighting the importance of including local governments in the discussion of ocean policy, as they are the first line of defense when there is an issue in a community. She cited her own region in South Florida, where a large population lives in a small space between the ocean and Everglades. These communities have a large impact on the ocean, and water quality issues and sea level rise are being directly felt by South Florida communities. She described a climate change task force formed by four heavily populated counties in Florida to address local problems of sea level rise and the action they have been taking on local and national levels. She said that there is a strong need to engage in planning for the future. She concluded that the environment is something everyone cares about and that we must protect it for future generations.

Dr. Steven Ramberg, Vice Chair, Ocean Research Advisory Panel (ORAP)

Dr. Ramberg clarified the role played by the Ocean Research Advisory Panel (ORAP) as advisor to the NOC on research, resources, and ocean data. He explained that ORAP tries to maintain an external, third-party perspective when providing advice. Members on the panel come from diverse backgrounds, including government and the private sector. ORAP is working on projects centered on ocean acidification and Arctic science, and a workshop on renewable energy permitting processes. In the future, ORAP hopes to explore topics in geo-engineering. Recent ORAP work has been related to CMSP, and they have been providing feedback to the NOC about Strategic Action Plans. Dr. Ramberg concluded by stating that ORAP will continue to be active and advise the NOC through the process of CMSP development.

Overview of National Ocean Policy: The National Framework for Effective CMSP

The purpose of this session was to provide context and understanding of how the National Framework for CMSP will be implemented in the United States.

Dr. Jerry Miller, Assistant Director for Ocean Sciences, White House Office of Science and Technology Policy

Dr. Miller explained that the National Ocean Policy established by President Obama did four things: established a stewardship policy to protect the oceans, coasts, and Great Lakes; created the NOC; identified nine national priority objectives of which CMSP is one; and outlined a CMSP framework, which led to this National CMSP Workshop. He noted that the United States needs a comprehensive ocean policy that recognizes the value of our oceans and our dependence on them. He cited the extensive United States coastline, vast Exclusive Economic Zone, millions of ocean-related jobs, and scientific activities as connections that the United States has to the ocean. He said that the National Ocean Policy provides a foundation for recognizing and protecting the importance of the ocean, and that the NOC was established to see it implemented. He outlined the structure of the NOC: a steering committee; two interagency committees in addition to the 27 Federal departments and agencies that have ocean responsibilities; formal connectivity to the National Economic Council and Security Council; and two external advisory bodies, the Governance Coordinating Committee and ORAP. He then explained that the Governance Coordinating Committee provides input on issues of interjurisdictional coordination at all levels of government and that ORAP has representatives from many sectors to provide advice. He concluded by encouraging public comment on the Strategic Action Plans of the nine priority objectives, emphasizing that CMSP is dependent on the execution of the other eight priority objectives.

Michael Weiss, Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality

Mr. Weiss explained the vision of the CMSP framework as a regionally based, collaborative planning process that identifies which areas are most suitable for specific services such as environmental protection and security. The process is flexible with no predetermined outcomes. It is a multiyear process that looks holistically to the future, building off of current efforts. He said that CMSP is needed to proactively and effectively manage the increasing uses of the ocean by bringing all parties involved together from the start. He discussed the central goals of CMSP, including improved decision-making, sustainable growth, and ecosystem health. He used Stellwagen Bank National Marine Sanctuary as an example of how multiple stakeholders came together to adjust shipping lanes for entry into Boston harbor to mitigate the risk of strikes to endangered whales, as well as to reduce conflicts among shipping and other commercial activities (fishing, whale watching, and proposed liquefied natural gas terminals).

Mr. Weiss explained that CMSP takes this type of collaborative effort and implements it on a regional scale. This regional approach identifies nine regional planning areas across the United States based on large marine ecosystems, which are defined on the basis of consistent ecological conditions and other factors, and which also parallel existing regional ocean governance bodies. The CMSP Framework envisions a RPB comprising Federal, State, and Tribal representatives for each region that would implement CMSP. Each region will be able to move forward at its own pace, thereby allowing the region to focus on its priorities. He said that CMSP will be phased in slowly and is not intended to halt or alter existing processes. Finally, he emphasized that stakeholder and multiple interests are important for successfully developing this process. Mr. Weiss asked attendees to consider the following three questions over the course of the workshop: what questions do we collectively need to answer as we move ahead with collaborative planning; what do you see as key benefits of CMSP and what is needed to ensure success; and what are the key challenges that need to be addressed in order to see that success?

Question and Answer Session

In the question and answer session, three main points were raised: preservation of historic lands, disagreements or conflicts, and RPB formation.

How will the preservation of historic lands on the continental shelf be treated in CMSP?

Respecting natural, cultural, and maritime heritage is part of the National Ocean Policy.

Who will have authority if there is a disagreement among agencies or a conflict between an existing regulation and a CMSP-driven plan?

CMSP is not regulatory, so ultimately it is implemented by the agency with the requisite statutory authority applicable for that area.

What is the status of RPB formation?

Regional-level Federal representatives have been identified for RPBs. Feedback from this workshop will be incorporated before final decisions are made and RPB guidance for State and Tribal representatives is issued by the NOC.

Lessons Learned from Places with CMSP Experience

The session was moderated by Charles (Bud) Ehler, President of Ocean Visions. Mr. Ehler explained that the panel would be devoted to learning about how CMSP has worked and been implemented in specific areas of the country, and he introduced the panelists.

Captain Rick Bellavance, *President, Rhode Island Party and Charter Boat Association*

Captain Bellavance discussed his experience with the Rhode Island Special Area Management Plan process, the first time that a Special Area Management Plan had been attempted on a scale that included Federal waters. He noted that it was a large undertaking for the small State and that there was extensive stakeholder participation in the process, which most stakeholders felt was a success. He acknowledged some challenges arose with project implementation and said that the true test will be how the plan is used into the future. He added that he thought the process would serve well at a regional level. He then described lessons that he took away from the Rhode Island process, both for fishermen and fishing communities and for the teams running regional approaches. First, for fishermen, getting involved in the process early on and staying involved, being open-minded, and working with agencies are all imperative to inform policymakers about how the fishing industry really works. In turn, he advised agencies and regional teams to recognize that modern fishermen are informed, their operations are technologically advanced, and they care about providing healthy, fresh food and supporting their families. Agencies and teams need to respect fishermen and be transparent with the planning process, making sure that fishermen are involved. He gave examples such as taking fishermen's schedules into account by scheduling meetings in the slow season and including fishermen on advisory committees. He concluded by asserting that fishermen's input and institutional knowledge of the sea can complement the planning process.

Grover Fugate, *Executive Director, Rhode Island Coastal Resources Management Council*

Mr. Fugate explained that Rhode Island has a history of marine zoning and CMSP, but that they extended considerably offshore with the Special Area Management Plan effort, involving Tribal, State, and Federal partners. He stressed that stakeholder involvement in and ownership of the process was critical. He then described major milestones of the project: the plan began in 2008, the council adopted the plan in October 2010, and NOAA approved the plan in May 2011. He said they have sought to use the Federal consistency provision of the Coastal Zone Management Act to manage resources and worked with stakeholders to review every chapter of the process. He then shared lessons learned. First, he noted the importance of drivers and deadlines; he explained that it would have been hard to get interest in process development without a driver

such as wind energy and that the process could have been drawn out extensively without a deadline. He then reiterated that transparency of the process was imperative and that decisions needed to be open to the public. He said that a neutral, third party is helpful to run the stakeholder involvement process. Finally, he stressed that science-based decision-making tools are important to show a logical path of decision-making.

The Honorable Micah McCarty, Chairman, Makah Tribal Council; Vice-Chair, NOC's Governance Coordinating Committee

Mr. McCarty began by acknowledging the contributions that indigenous peoples made to the origins of the United States, from ecological knowledge they gave settlers, to some elements of American democracy and land planning. He then provided background on the Makah people, speaking about how a healthy and diverse marine environment has shaped the Makah people's history. Since the 1850s, Washington State Tribes have co-managed some marine resources and have experienced "stovepipe" management. He said that Tribes have worked with agencies and Federal entities that come into territories they have managed, and that effective management must cut across compartmentalization. He thanked President Obama for taking on this task and bringing the Nation together to understand the benefits received from the oceans. He also recognized local governments, in addition to Tribal communities, that have multigenerational experience with ocean management and stated that moving forward collectively, with all stakeholders engaged, will provide the best chance of success. He concluded by indicating his enthusiasm for the road ahead, and saying that, due to a dearth of funding, drawing on the experience of indigenous communities in doing more with less will be important.

The Honorable Kevin Ranker, Senator, 40th District, San Juan Island, State of Washington; Member, NOC's Governance Coordinating Committee

Senator Ranker spoke from a State perspective. He gave an example of comprehensive marine spatial planning legislation passed in Washington State in response to a conflict over a wind farm project. From discussions with industry and other interest groups prior to passing this legislation, the consensus was that CMSP must involve protecting existing jobs and economic opportunities. He emphasized that the legislation, just as with the National Ocean Policy and CMSP, is a *process* rather than a *goal*. He explained that after passing the legislation, regarding implementation, there must be a driver, a task that the process helps to accomplish. He added that a large problem at the State level is a lack of funding; in comparison to concerns about jobs, protecting the environment is seen as a luxury. He suggested that other drivers, such as the need to address port issues, could be used to advance CMSP at the State level. From his work with the National Conference of State Legislatures and Caucus of Coastal State Legislators, Senator Ranker said two themes have emerged: (1) respect the local processes that are in place and (2) don't go where you are not invited. He concluded by saying that CMSP does not need to progress at the same rate everywhere, that some areas are more open to it than others.

Question and Answer Session

The question and answer session focused around four topics: goals of CMSP, the economics of CMSP, ocean “zoning,” and ocean acidification.

Emphasizing the view of CMSP as a process, what are the outcomes that can be expected from CMSP in the coming years?

Mr. McCarty expressed his enthusiasm that, with CMSP, Tribes will be at the table from the start of the planning process and that there is the opportunity for creative problem-solving. He said that integrating this holistic view and the resulting cost effectiveness of government will be his measures of success. Senator Ranker answered that it depends upon what outcomes individual communities identify as important to them. Since CMSP is not the goal, he reasoned, it will vary by community or region. Captain Bellavance added that, from a fisheries perspective, he would view keeping development out of identified important fishing areas as a success. Mr. Fugate noted that the goal is to bring about positive change and common understanding.

How have overlaps in agencies’ regulatory areas and gaps in the science been handled?

Mr. Fugate replied that, rather than attack agency overlap, they have tried to get agencies to work together on these common platforms. He acknowledged there are gaps in the science and, in his experience, planning processes have allowed questions to drive the scientific development, generally at an ecosystem level. Senator Ranker agreed, adding that just starting a discussion in Washington had identified key relationships between the environment and the economy.

How will the CMSP process increase economic development and job growth?

Senator Ranker explained that if jobs are the drivers, the CMSP process can be set up to protect jobs and current uses and position the State to expand into other economic areas, such as renewable energy. Continuing on this theme, the next participant asked how continued funding for efforts could be secured. Senator Ranker replied that interest must be generated in individual districts and States, appealing to outcomes that are important locally. Mr. McCarty added that it needs to be a locally driven, bipartisan effort.

What is ocean-based zoning?

Mr. Fugate explained, the term “ocean-based zoning” started in the late 1970s with a classification system that had zones and standards to provide predictability for developers and environmentalists.

To what extent did ocean acidification play a role in the Rhode Island Special Area Management Plan development?

Mr. Fugate acknowledged that ocean acidification was considered as an issue in conjunction with climate change, but that it was not currently identified as a priority issue for that State.

Overview: Steps for Regional Implementation of the National Framework for Effective CMSP

The objective of this session was to provide an overview of the regional steps in implementing the CMSP Framework as outlined in the *Final Recommendations*, including regional organization and the essential elements of the Framework.

Dr. John T. Oliver, Senior Ocean Policy Advisor, U.S. Coast Guard; CMSP Strategic Action Plan Writing Team Lead

Dr. Oliver opened the session by explaining that CMSP is not an end in itself. Rather it is a tool with which to achieve goals that will help improve ocean health and increase quality of life in the United States. The National CMSP workshop was an initial step in the implementation process. There will be a significant amount of flexibility in the process, which will empower regions to come up with a time frame and plan that best suits their needs, such as including inland waters or subdividing the region. He emphasized that public participation will be essential to develop a better system of ecosystem stewardship. The NOC will work with the nine RPBs to come up with individualized plans. Dr. Oliver noted that preliminary steps need to be taken to establish each RPB, with partners of each body acting as equals. The RPBs will hold regional workshops and create work plans to move forward.

Dr. Oliver went on to detail the nine essential elements for developing CMS Plans that will help regional partners accomplish their goals. He stressed that these elements are not chronological steps and that some elements, such as stakeholder engagement, are critical throughout the entire process. These elements include:

- Identify regional objectives.
- Identify existing efforts that should help shape the plan throughout the process.
- Engage stakeholders and the public at key points throughout the process.
- Consult scientists and technical and other experts.
- Analyze data, uses, services, and impacts.
- Develop and evaluate alternative future spatial management scenarios and tradeoffs.
- Prepare and release for public comment a draft CMS Plan with supporting Environmental Impact Analysis documentation.
- Create a final CMS Plan and submit for NOC review.
- Implement, monitor, evaluate, and modify (as needed) the NOC-certified CMS Plan.

He elaborated that one of the first steps is to identify regional objectives based on local needs and opportunities that CMSP will work to address and accomplish. There is also a need to identify existing efforts that should help to shape the plan throughout the process, thereby encouraging and empowering local efforts rather than inhibiting them. He stressed that stakeholders and the public should be engaged throughout the process to ensure that a representative balance of interests are expressed and have a role in the development and review of the plan. This can be done through workshops, websites, town hall meetings, and public review and comment periods. He also pointed out that a variety of experts should be

consulted—such as scientists, regional fisheries management councils, and traditional knowledge experts—to ensure that plans are based on the most up-to-date science and information. Data, uses, services, and impacts must be analyzed to accurately monitor conflicts and compatibilities, ecosystem services, and future maritime uses. Data collection efforts should be coordinated and partnerships with research institutes utilized to maximize information gathering and data sharing. In addition, alternative, future spatial management scenarios and tradeoffs should be developed and analyzed. With these elements as the foundation, he stated that a draft CMS Plan with a supporting environmental impact analysis document should then be prepared released for public comment. Based on the public feedback, a final draft of the CMSP plan should be created and submitted to the NOC for review. Once in place, the plan should be implemented, monitored, evaluated, and modified as needed with continued public involvement. Dr. Oliver concluded that these elements will help ensure that the ocean, our coasts, and the Great Lakes are used for the best possible purposes for this and future generations.

Breakout Session: Furthering Understanding of the National Framework for Effective CMSP

The breakout session provided an opportunity for workshop participants and members of the public to interact and further understand the CMSP regional planning process in a smaller group setting. The focus was on listening to participant perspectives, answering questions, obtaining input on methods to effectively engage the public and stakeholders in the CMSP process, and gathering other ideas that can inform the process for development of CMS Plans. There were 15 breakout sessions with approximately 30 individuals per room, including invited participants and public registrants representing diverse perspectives and experience with CMSP. Each session was supported by a facilitator and a resource expert from the NOC or one of the participating Federal agencies with expertise in the CMSP process laid out in the Executive Order and the *Final Recommendations*.

At the beginning of each breakout session, the resource experts reviewed the nine essential elements of the CMSP process Dr. John Oliver covered in the previous plenary presentation. They also stressed that the National CMSP Workshop is the first step in the CMSP process. The NOC welcomes questions and input at the workshop and will continue to provide mechanisms for public comment as the process moves forward in the regions. The Council is looking to the workshop participants to help design the process so their interests are taken into consideration. The Federal agencies are getting the CMSP process started with the national workshop, but they look to the regions to take responsibility and make it into a useful tool for managing their ocean resources and uses.

This section summarizes the major themes and questions common across the breakout groups, as well as the responses provided by resource experts. They are primarily organized according to the essential elements of CMSP.

General Questions About CMSP

Below are general questions raised by breakout participants regarding the CMSP process and the common answers provided by resource experts.

Why do we need to do CMSP?

Resource experts responded that ocean uses are rapidly increasing and the Executive Order is clear that we need to address use and sustainability problems now. CMSP is a comprehensive, ecosystem-based, and transparent spatial planning process that provides a science-based way to collaboratively manage our shared coastal and ocean resources. It allows earlier assessment and collaboration when two or more uses appear to be in conflict. Resource experts stressed that CMSP is intended to promote sustainable economic growth in coastal communities by providing predictability for economic investments. At the same time, CMSP is aimed at improving coastal and ocean ecosystem health by planning for protection of key ecological areas in concert with human uses. While CMSP will not replace any existing laws, it does provide a tool for making informed and coordinated decisions on how ocean, coast, and Great Lakes resources can be better used and protected under existing legal authorities.

What is the focus of CMSP process—collaboration or addressing individual issues?

Resource experts stressed that CMSP is about collaboration. Reflecting on past reports, such as reports of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, the Task Force stressed in the *Final Recommendations* that we need to move from addressing single, fragmented issues to full-scale collaboration. We need to move away from agencies taking single actions and neither fully understanding impacts nor collaborating with other agencies. CMSP and RPBs are designed to ensure agencies collaborate better before making decisions.

How will CMSP improve the way we manage our resources? What will be the benefits?

CMSP is envisioned to be a regionally based, collaborative planning process that identifies which areas are most suitable for specific uses. Resource experts stated that the process will lead to improved coordination, information sharing, and efficiencies between Federal agencies and better decision-making by Federal, State, Tribal, and local managers. This will likely lead to permitting efficiencies as well as a greater understanding of the resources and specific ecological areas that may need protection. In the meantime, industry projects and proposals currently being developed are not going to stop. CMSP will not halt ongoing activities. Rather, ongoing activities will be informed by the National Ocean Policy and will inform the CMSP process.

Several participants urged the NOC to consider implementing CMSP in a pilot region first to allow the pilot process to receive the full attention and limited resources of the NOC to ensure the process is on track. This pilot region would also provide a model for RPB formation, stakeholder engagement, and conflict resolution, and ideally would provide some tangible and clear examples of the real benefits of CMSP that could be used to increase buy-in in other regions.

Setting Up the Regional CMSP Process

Below are questions raised by participants regarding setting up the regional CMSP process, including questions about legal and jurisdictional issues, setting up the RPBs, and holding the regional workshop. Each question is followed by common answers provided by the resource experts during the breakout session.

Legal Issues

Are the RPBs exempt from the Federal Advisory Committee Act (FACA)?

Resource experts stressed that the RPBs as currently structured are not Federal Advisory Committees subject to FACA. They will be exempt from FACA under the exemption to the Act set forth in the Unfunded Mandates Reform Act with Federal officials and elected Tribal and State government officials, or their designated employees authorized to act on their behalf, serving as the members. Since they are not Federal Advisory Committees, they have a range of options regarding how they can engage stakeholders. For example, the RPB can decide to create a Regional Advisory Committee subject to the FACA.

How will the RPBs get stakeholder involvement without violating the FACA?

One of the requirements of the CMSP process is for the RPBs to engage stakeholders and the public at key steps in the process. To meet this requirement, the RPBs have a range of options, all of which are consistent with FACA. The Executive Order provides the RPB with the authority to set up a Regional Advisory Committee that would be subject to FACA and could be composed of stakeholder groups. The RPBs can establish technical advisory committees not subject to the Act. They could seek the advice of individual entities as opposed to the consensus advice of a Committee. They could engage in a series of information exchanges with various groups or stakeholders to avoid the provision of consensus advice. They should avoid hosting consensus processes and seeking advice from the same person(s) repeatedly, but they can host town hall meetings or public hearings as long as there is a mechanism for getting diverse viewpoints. The NOC is still developing its guidance to the RPBs regarding their engagement with the stakeholders and the public, as well as developing the consultation mechanism with Regional Fishery Management Councils, including consideration of whether the Councils should be added as members.

Jurisdictional Issues

Will CMSP just add another layer of bureaucracy to the existing Federal and State laws?

Resource experts stated that the goal of CMSP is to ensure coordination between existing agencies responsible for multiple laws and regulations. CMSP does not establish a new regulatory overlay, but rather it builds on existing authorities. Agencies will implement Council-certified plans under and consistent with existing statutory authority. Enforcement and compliance is achieved under the existing regulatory process consistent with existing statutory authority. If the agencies or RPBs identify constraints, the Council would work with

the agency to address these constraints, including assessing whether a change in the law or regulation is necessary and appropriate. CMSP will inform decision-makers by bringing the necessary data and affected parties to the table. The intent is not to create an additional layer but to provide a tool for decision-makers to make informed decisions, reduce conflicts, and improve permitting efficiencies consistent with existing legal authority.

Under the Federal consistency provision of the Coastal Zone Management Act, would CMSP plans be enforceable for Federal permits and would States need to follow?

Resource experts noted that coastal States with approved coastal zone management programs have Federal consistency authority under the Coastal Zone Management Act. The expectation is that States would be at the table to inform regional processes so that the CMS Plans complement their objectives under the Coastal Zone Management Act. Some elements of CMS Plans may become enforceable if the States decide to make those portions part of their State coastal management programs. It is envisioned that CMSP will be implemented through a variety of laws, including the Coastal Zone Management Act.

CMS Plans are not regulatory, but at the same time are binding on Federal agencies to the extent their mandates allow them to be. How will that work?

The CMS Plans will not be regulatory or supersede existing regulations. Agencies will implement the NOC-certified plans under and consistent with existing statutory authority. Practically speaking, none of the agencies will benefit from or be able to implement if the plans are inconsistent with the existing statutory authorities.

Some participants expressed concern that the CMSP process may bring into light mandates from different agencies that conflict with each other. They stressed the need for the NOC to be prepared to provide guidance and help regions when conflicts between agencies and existing mandates occur.

Some States already have ocean resource management plans. Will CMSP interfere with those?

Resource experts stressed that CMSP is meant to work with those existing plans. That is why an essential element of CMSP is identifying existing efforts, so that CMSP can build off of those efforts.

Will CMSP pre-empt what States can do within their State waters, out to 3 miles? What is the shared jurisdiction past that?

Resource experts stated that CMSP does not take regulatory authority away from the States. Rather, it provides a process for States to work with the Federal agencies, Tribes, local governments, and stakeholders to assess existing and potential uses in State and Federal waters and plan how to better manage them into the future.

Will the RPBs add another level of Federal bureaucracy?

Resource experts responded that CMSP is a planning process meant to help the Federal agencies, States, Tribes, and stakeholders work together better to manage ocean resources in which all Americans have an interest. CMSP does have a national structure and national objectives, but once the RPBs are formed, it will be a regionally driven process. Regions will set their own priorities and objectives within the general guidance of the national framework. The Federal agencies may have organized this first workshop but the intent is to turn over the process to the regions.

Setting up the RPBs**What kind of authority will the RPBs have?**

Resource experts stressed that the RPBs will have no regulatory authority. CMSP is not a regulatory process, but rather a planning process. The function of the RPBs is to develop the CMS Plans. These plans are a tool for helping decision-makers make better decisions about the management of our coastal and ocean resources, based on the best available science. The RPBs will not be making those decisions; this authority will remain with the agencies.

What will be the size and composition of the RPB in each region?

Resource experts stated that the size of each RPB will depend on the region. The NOC has not yet set a limit on the size of each RPB. One consideration is the relative balance in numbers between State, Federal, and Tribal representatives. The Federal agencies have identified leads for each region as well as additional Federal representatives they would like to have on the RPB from their agencies. Participants noted that if the Federal leads for each RPB have been decided, those names should be circulated and posted on the NOC website so people in the regions have someone to contact about the regional CMSP process. For the State and Tribal representatives, the coastal state Governors and Tribal leaders will receive letters from the NOC inviting the States to participate in CMSP for the region. The Council will then coordinate with State and Tribal leadership on the selection of State and Tribal members. States will select State members, and Tribes will select Tribal members. All members of RPBs will be empowered with decision-making authority by their organization. The final composition and timelines of each RPB will be up to the regions, and the NOC will provide guidance to the RPBs on how to engage with local governments, Regional Fishery Management Councils, and other stakeholders.*

**Following input received at the National Workshop, the NOC has agreed to revisit the idea of having local government officials serve as RPB members. At the time this report was published, the NOC had not reached a final decision on these two issues, and continued to coordinate with members of the GCC in examining a suite of options for both groups.*

Who will lead the CMSP process?

Resource experts clarified that each RPB will have two or three co-leads depending upon the region. This will include one Federal and one State lead and, in regions with Tribes, a Tribal lead as well. The Federal co-lead will help kick things off in the region but will have equal responsibilities with the State and Tribal leads to make sure the process moves forward. It is

important to note that the co-leads will not have any enhanced decision-making authority. The Federal co-lead will help organize the logistical aspects of the RPB meetings, and will serve as the designated Federal official for any Regional Advisory Council established under the FACA.

When will the RPBs be stood up?

Resource experts stated that the NOC will take the input from this workshop and will then coordinate with the Governance Coordinating Committee to develop guidance regarding State and Tribal membership on the RPBs. As stated earlier, the Council will then coordinate with State Governors and Tribal leadership on inviting them to participate in CMSP in each region. The NOC will issue guidance in the coming months and work with the regions to begin the process of establishing RPBs in late fall 2011. The final timeline of each RPB stand-up will be up to the regions. Several participants strongly suggested that the NOC should consider whether the regional workshops could be held prior to the selection of the RPB members, so that the meetings can be used to determine the right composition of membership to address regional objectives.

How will Tribes engage with the RPBs?

Resource experts clarified that there will be representatives from Federally-recognized Tribes on the RPBs, but the number will depend on the region. The NOC is already in discussions with Tribes and the Governance Coordinating Committee to consider options as to how Tribal representatives will participate as RPB members, particularly in those regions with significant numbers of Federally-recognized Tribes, such as Alaska and the West Coast. It is important to note that nothing in the CMSP process supplants a Tribe's right to engage in government-to-government consultations.

Participants stressed that financial resources will need to be available to help Tribes meaningfully participate in the process and send people to the regional meetings.

How will one or several Tribal representatives carry the water for many Tribes? What about Tribes that are not Federally-recognized?

Resource experts noted that the NOC and Governance Coordinating Committee will work with the Tribes in the regions to consider how many Tribal representatives should be on the RPB. For other non-Federally recognized Tribes and indigenous community representatives, the NOC will develop guidance for the RPBs on how to engage these groups that have jurisdictional responsibilities or interests relevant to CMSP.

Does Tribal participation in the CMSP process limit their ability to continue government-to-government consultations?

Resource experts stressed that the CMSP process is not a substitute for meaningful government-to-government talks or negotiations. The participation of Tribal representatives on the RPBs will not limit the Tribes' right to government-to-government consultation.

What if a State decides not to accept the invitation to participate in the regional CMSP process?

Resource experts responded that participation by a State or Tribe is *voluntary*. Federal agencies may not “opt out,” as they are required by the Executive Order to conduct CMSP. This means that the Federal agencies will move forward with CMSP. However, even if States are not members of the RPB, they will be engaged throughout the process. Further, even if a State decides not to get involved initially, the door is always open to doing so down the road. This process will still help the Federal agencies improve their coordination and make better decisions. The Federal agencies recognize the value of State involvement and States will be encouraged to participate. The hope is that efficiencies in permitting, among other things, will offer a compelling incentive to States and Tribes to participate. If agencies work together, it will take much less time to achieve objectives. If one State or Tribe wishes to participate while others in the region do not, the Federal agencies will work with the interested parties.

Several participants highlighted that States need to be committed to CMSP for it to be successful and urged the NOC and the RPBs, once formed, to ensure the process adequately addressed the interests, needs, and goals of individual States and their local governments.

Will the RPBs be able to include representatives from Canada and Mexico?

Each RPB adjacent to or sharing borders with another country (e.g., Canada or Mexico) has flexibility to invite them, in coordination with the NOC and the U.S. State Department, to be ex-officio members of or observers to the RPB.

Are there any RPB milestones?

Resource experts clarified that broader milestones exist, but the NOC recognizes that some regions are farther along with regional CMSP, so the timelines in the Final Recommendations are flexible. The tentative plan is to start establishing RPBs by winter 2012. In the interim, there are still key elements of the RPBs to figure out, including Tribal and State representation, co-leads, and how best to coordinate with existing regional entities.

How do the RPBs begin their work?

Resource experts stated that once the RPBs are formed, each will draft and sign a CMSP development agreement, or RPB charter. This charter will lay out how the RPBs will operate, including how they will engage with stakeholders, their process for making decisions, and their dispute resolution process. The agreement would not commit any Federal, State, or Tribal partner to its approval of a yet undeveloped CMS Plan. The NOC, in consultation with the Governance Coordinating Committee, is preparing a model charter to help RPBs develop their own such reference document. The model will identify the minimum elements for inclusion in the regional charter to be executed by the RPBs to ensure consistency with the national framework for CMSP. It is only a model, and each RPB can use it as the starting point for their regional charter and rules of procedure. The partners are free to proceed with CMSP as they develop their charter. The model RPB Charter will be made public by the NOC this fall.

Will decisions by the RPB be made by consensus or majority? How will disputes be resolved?

Resource experts responded that decision-making will be by consensus. There will be a dispute resolution process outlined in the RPB's charter. The model charter being developed by the NOC in coordination with Governance Coordinating Committee will include a dispute resolution mechanism that focuses on the regional level. It will, however, allow RPBs to elevate disputes to the NOC for resolution if needed. In that event, the NOC would coordinate with the Governance Coordinating Committee on matters involving State or Tribal interests.

Holding Regional Workshops

What will come first—the regional planning bodies or the regional workshops?

Resource experts noted there is flexibility so regions can determine what best fits their needs. Resource experts stated, however, that it was envisioned that the RPBs would be stood up first. Federal agency leads have already been chosen for most regions and the NOC will soon be asking for State and Tribal RPB members. If regions are interested in holding their regional workshop before finalizing the RPB membership, there is flexibility for the region to pursue that option. Ultimately the NOC will support whatever option best suits an individual region to initiate effective RPB stand-up.

Is there a timeline for the regional workshops?

Resource experts responded that each region is on its own schedule and the NOC staff will work with each region individually to determine what process and timeline makes sense. Under the current thinking, RPB stand-up and execution of some regional CMSP workshops are likely to commence in early 2012. As mentioned before, regions may choose to hold their regional workshop before finalizing the membership of the RPB.

Identify Existing Efforts

Below are questions raised by participants about the essential elements of identifying existing efforts, followed by answers provided by the resource experts during the breakout session.

Many regions have active regional ocean partnerships. Will the creation of an RPB on a parallel track create problems?

Resource experts clarified that the RPB's role is to implement CMSP and develop CMS Plans in the region. Some regions may want to link their RPB with their existing regional ocean partnership. The approach is to ensure the efforts are complementary.

What will be the relationship between the regional ocean partnerships and the RPBs?

Resource experts responded that the regional ocean partnerships may decide they do not want to morph into the RPB; however, that does not mean some members of the regional ocean partnership will not also be members of an RPB. They have the choice to coordinate or come up with something completely different.

In addition to the regional ocean partnerships, regions have groups that already have existing committees/task forces and plans. What if they are redundant or in conflict with CMSP?

Resource experts stressed that, once established, the RPB will need to look at the existing efforts in the region. This is one of the nine essential elements of CMSP. They will need to assess the issues across the board and consider how the existing pieces fit within the larger regional landscape. Each region will be able to determine the best path for itself. There will be flexibility in how these relationships are structured to best meet the needs of the region. The NOC is considering guidance on this topic, and will coordinate with the Governance Coordinating Committee, to ensure we are not creating a redundant or competing entity in the regions. If a region has been coordinating and has several plans in place, there is value in ensuring the Federal Government is coordinated appropriately as well.

Identify Regional Objectives

Below is a common question raised by participants about the essential elements of identifying regional objectives, followed by an answer provided by the resource experts.

What will be the process for determining regional objectives?

Resource experts reiterated that CMSP is a bottom-up process, so each region will determine its own priorities and objectives, and RPBs will develop their own CMS Plan to achieve the objectives. The regional workshops will help State, Tribal, regional, and local leaders develop their process, part of which will include assessing existing regional efforts that have already identified regional objectives. The NOC will develop national objectives in the draft Strategic Action Plan but will not issue specific guidance on how each region should identify objectives.

Engage Stakeholders and the Public

Below are common questions raised by participants about engaging stakeholders in the CMSP process, followed by answers provided by the resource experts during the breakout session.

What actions can be taken to ensure all stakeholders are engaged and all views represented?

Resource experts noted that the NOC is working to make sure that stakeholder engagement is embedded in every step of the process, but, the exact engagement opportunities will be left to the RPBs to decide. They will conduct stakeholder processes to gather feedback and can convene panels, hold town hall meetings, put documents out for public review and comment, and provide mechanisms for individual comments. They will aim to keep the process open and transparent to stakeholders. It is important that stakeholders get involved early and stay involved. People are invited to be engaged from the beginning, but will be welcome to join later after the process has started in the region.

Participants noted it is important for the NOC and the RPBs to more specifically define the roles of stakeholders and mechanisms for engagement, such as what committees or groups will be

formed. It should also be clarified what the RPBs need input on, what data or information is needed, when key decisions will be made, and what opportunities are available for stakeholders to weigh in and react.

How will counties and municipalities engage with the RPBs?

Resource experts responded that the *Final Recommendations* stated that local government officials will not be official members of the RPBs. Instead, the RPBs would be required to develop a mechanism to coordinate with appropriate local authorities throughout the CMSP process.

Participants expressed concerns that there are a host of local laws, and much of the implementation of the CMS Plan may need to take place at the local level. They noted that if the States, Federal agencies, and Tribes do the planning, there may be little incentive for the counties and municipalities to do the actual implementation if they do not feel they are an integral part of the planning process. In some States, such as in the Great Lakes, municipalities and counties are equal players and will want to have a say in planning, not just implementation. It was stressed that local governments would need help with funding their participation.

The NOC, based on participant feedback about local government official representation on the RPBs, has asked to revisit the issue of local government officials participating as full RPB members. In doing so, the NOC will coordinate with the Governing Coordinating Committee.

How will Regional Fishery Management Councils be incorporated into this process?

Resource experts stated that, as outlined in the *Final Recommendations*, the RPBs will provide a formal mechanism for consultation with the Regional Fishery Management Councils on fishery-related issues given their statutory responsibilities under the Magnuson-Stevens Act. The NOC will prepare guidance for RPBs in meeting these consultative process requirements in order to ensure consistency across regions. The NOC is considering whether representation on the RPBs is the best method for such engagement. In addition, the RPBs will look to the Regional Fishery Management Councils to get involved in the data collection needed for the CMSP process and help with necessary projections and scenario building.

Some participants noted that the fishermen in the region or sub-region may not agree with the Regional Fishery Management Council on all issues. They stressed that the RPBs need to reach out to engage fishermen in addition to their formal consultation with the Regional Fishery Management Councils.

What precludes a Regional Fishery Management Council representative from being on the RPB?

Resource experts noted that the CMSP framework requires RPBs to have a formal mechanism for consultation with the Regional Fishery Management Councils. The NOC is determining the best mechanism to engage the Councils including whether a seat on the RPB is the best mechanism.

How will other coastal industries and users be able to engage in the process?

Resource experts responded that the regions and RPBs will identify interested stakeholders, including commercial and recreation fishermen, ports, shipping, energy, etc. This will be an open process designed to engage the wide variety of stakeholders, including the public.

How do we provide public outreach and education to maintain support for the CMSP?

Resource experts agreed there is a need to improve awareness and bring people together. The general public needs to be engaged in the CMSP process if it is to be successful. The outcomes of CMSP will be best measured and assessed over the long term, but it will be important to consider a way to engage the public from the beginning, even before we can fully demonstrate the local benefits.

Data and Information

Below are common questions raised by participants during the breakout session regarding data and information, followed by answers provided by the resource experts.

How are the Federal agencies coordinating their existing data and making it accessible for use in the CMSP process?

Resource experts responded that the NOC is in the process of creating the National Information Management System. It is a web-based portal to link initially to existing Federal data and portals relevant to CMSP. Eventually, the National Information Management System will provide a centralized system to point data seekers to information from all relevant entities beyond the Federal Government, to include States, Tribes, and other institutions or organizations with data that would support CMSP implementation. The first prototype of National Information Management System is projected to be launched this fall.

What data standards are being used?

Resource experts noted that many different standards exist, and organizations collect data to those different standards. The NOC is currently working on articulating minimum data standards for National Information Management System initially at the Federal Government level, building off of existing Federal data standards. This process will take time, to standardize the Federal data and will, in the long term, incorporate State, Tribal, and local data.

How will data and knowledge held by a range of groups that are not Federal agencies be incorporated into National Information Management System?

Resource experts responded that the NOC will look to the RPBs to provide input into what they want to see in the portal, which may be clearer once they identify their regional priorities and consider the data needed to plan for those priorities. The NOC encourages RPBs to gather stakeholder input on data needs for the CMS Plans so that information can be considered as they assess the expansion of National Information Management System. Right now, it is primarily a Federal system designed specifically for CMSP. The incorporation of data and

information from other groups in the National Information Management System will happen in the future.

Several participants stressed that, while the National Information Management System will be useful, there is a need to collect and analyze data from regional sources. A major concern was funding for the regional data coordination, collection, and analysis. Some participants also highlighted that, in addition to funding to use existing data, funding also needs to be available to do new research or expand existing research when data gaps are identified.

Will confidential data be released through the National Information Management System?

Resource experts stated that confidentiality rules will be maintained. For example, NOAA collects proprietary data on where fishermen fish; the agency will not release these data in a manner that is identifiable and violates confidentiality mandated under the Magnuson-Stevens Act. Nor will classified data from the U.S. military be included. However, derived products of these data sources, which are already available to the public, will be made available for the CMSP process.

What is best available science? Who decides?

Resource experts noted that the NOC anticipates there will be conflicts, especially with interpretation of data. RPBs can engage scientists and other experts to help them determine what is best available and how it should be interpreted. They may also identify data gaps where research needs to be done or data collected.

Several participants stressed the importance of identifying and using both spatial and temporal data to inform the CMSP process. Others highlighted the availability of real-time data and urged that this data also be incorporated into the CMSP process, for both planning and monitoring purposes. Some participants identified the need for robust data for developing the alternative use scenarios as well as guidance or examples on how to develop such scenarios.

How will traditional/cultural knowledge be incorporated?

Resource experts clarified that traditional knowledge will be considered as part of the best available information that RPBs can use to develop the plan. We are aware that not all Tribal and traditional knowledge is readily available for various reasons, but the RPBs will work with the Tribes to consider what can be made available and how to incorporate it with other data to inform decisions.

How will monitoring data and information be incorporated into the CMS Plans and implementation process?

Resource experts highlighted that monitoring is one of the nine essential elements of the CMSP process in the regions. The RPB will be responsible for monitoring the implementation of the CMS Plan and will need to build the monitoring plan into the process. This will include use of performance monitoring, which will be related back to the regional objectives that are established.

Prepare CMS Plans

Below are common questions raised by participants about the essential element of preparing the CMS Plans, followed by answers provided by the resource experts during the breakout session.

What will the final CMS Plans look like?

Resource experts responded that each region is unique and will identify its particular regional objectives, and thus each plan will be unique, although the process to develop has common elements that must be addressed. There will be flexibility in what the regional CMS Plans look like, but every plan will use a common framework and address the essential elements described in the CMPS Framework. Ultimately the goal is to have a comprehensive plan for the region, to further whatever objectives have been identified and better coalesce around those priorities.

Are there deadlines associated with these plans?

Resource experts clarified that the CMSP framework describes that initial regional plans would be completed by 2015. However, the NOC recognizes some regions will get off the ground faster than others and that the CMSP Framework has substantial flexibility.

Will the plans be driven by projects or by goals?

Resource experts explained that the CMS Plans will not be all things to all people. Each RPB will need to reach consensus on regional objectives. Some regions may be driven by individual projects whereas others will be driven by regional goals. Every region will have different drivers, depending on the issues, needs, and priorities, as informed by the public and stakeholders.

Some participants voiced concerns that if CMS Plans are driven by a particular use, such as offshore energy or mining, the plan crafted to accommodate that specific use may not be the best plan for the broader purpose of comprehensively planning for all ocean uses.

What should be the scope of the CMS Plans?

Resource experts responded that the CMSP framework outlines the geographic scope of the planning area, which runs from the mean-high water line out to the extent of the Outer Continental Shelf and Exclusive Economic Zone. The CMSP Framework does recognize the land-sea interface, but left it up to the regions to determine the inland scope of their CMS Plan. It is recognized that the complexity of the plan may increase significantly closer to the shorelines. Regions may choose to approach this in a phased manner, dealing with certain geographies early on and then moving on to more challenging aspects later, or they may target more difficult problems immediately. Some regions may already have plans in place that will help with the process, and this may drive their decisions on how to approach the scope of their CMS Plan.

If plans are to define outcomes, will the RPBs also have to define a monitoring strategy?

Resource experts stated that the CMS Plans need to be adaptable and the RPBs will be asked to identify performance measures to monitor whether milestones are being met and the plan is achieving the objectives defined for the region. For example, if an agency or partner frequently cannot comply with the plan for some reason, the RPB may need to review and amend the plan.

Will the final CMS Plan submitted for NOC review be “final” or will it evolve over time?

Resource experts clarified that the plans will not be final in the sense that they will not be considered fixed in the long term. CMSP is meant to be an adaptive process. Regions need to make decisions based on the best available information at that time, and fill data gaps and needs as time goes on. The ultimate goal is for truly comprehensive plans that address every major ocean use. The NOC recognizes this is not going to happen at first, and that regions will proceed at different speeds with emphasis on different uses. CMSP is going to be an iterative process, and CMS Plans will be living documents.

What will the NOC review process look like? Will the NOC trump decisions made on the regional level, or is it more of a process?

The NOC will review the plan for consistency with the National Ocean Policy, CMSP goals, and principles as provided in the CMSP Framework. The NOC will identify any inconsistencies and will coordinate with the RPB to address them. The NOC will not “line item veto” the CMS Plans. The Federal and State agencies and Tribal governments participating on the RPB will also help ensure the plan is consistent with any other Federal, State, or Tribal review processes that might be relevant.

What happens after the CMS Plan is approved?

Upon certification of the CMS Plan by the NOC, a decision document adopting the CMS Plan would be co-signed by senior State officials (e.g., Governors), Tribal representatives, as appropriate, and senior officials of the Federal agencies represented on the RPB. Upon signature by the partners, the CMS Plan would be considered “in effect” and implementation would begin. Federal agencies can choose to incorporate components of the plan into their regulatory processes, but that would be a separate effort. States can also incorporate components of the plan into their Coastal Zone Management Plans in a similar fashion to ensure compliance and consistency with the plan to better meet the region’s objectives.

What will be the dispute resolution process after the CMS Plan is in place?

Resource experts noted that with any process involving multiple uses in the same area, not everyone will be in agreement all of the time. Each RPB will establish a dispute resolution mechanism as part of its CMSP development agreement or charter through this mechanism. It is envisioned that disputes will be handled at the regional level, but there will be a process to elevate disputes up to the NOC if needed for resolution.

Funding

Below are common questions raised by participants during the breakout session about funding for CMSP, followed by answers provided by the resource experts.

Is CMSP an unfunded mandate?

Resource experts stressed that CMSP is not a mandate, since participation by States and Tribes is voluntary. CMSP was established through an Executive Order that requires the Federal agencies to engage in this process. NOC agencies have been directed to utilize and leverage existing resources to implement CMSP and other National Ocean Policy items. A few participants expressed interest in a cost analysis of the CMSP implementation to understand what kind of financial commitment is needed to support this process for the long term.

Where are the funds going to come from to do CMSP and how much will be needed?

Resource experts explained that under the President's budget request for Fiscal Year 2011, NOAA received deferred funding for CMSP and regional ocean partnership competitive grants that can be implemented for that purpose. Requests have been put forward by regional ocean partnerships, but NOAA is waiting on Congressional spend-plan approval. There is little money right now, but agencies do have funds to carry out activities and analyses that will inform the regional CMSP process. In addition to existing funds, there are potential cost savings as the Federal agencies improve coordination and alignment. There is presently no additional specific funding for the regions for CMSP at this point.

Some participants asked whether the funds from offshore leasing activities could be shared with the RPBs to help support the CMSP process. There was concern that using Outer Continental Shelf leasing fees might lead RPBs to shift activities to those that will generate more revenue.

How will regions move forward with establishing RPBs and holding regional workshops without Federal funds?

Resource experts responded that the NOC anticipates providing support to assist regions to initiate their CMSP processes. There will be a need to identify in-kind contributions (e.g., using the DOI building for this national workshop). RPBs may need to consider using teleconferencing and webinars, among other options, to engage their members and stakeholders in light of current resource limitations.

Will regional ocean partnerships or RPBs be the primary funding recipients?

Resource experts explained that regional ocean partnerships are currently the designated funding recipients for the NOAA competitive grants. It is hoped that, over time, the NOAA grants will not be the only source of funding. When work plans from the RPBs are submitted to the NOC, it will explore whether resources are available from the Federal agencies to support regional efforts.

There is concern that Tribes and States cannot apply directly for the NOAA funds. There may be cases in which a regional ocean partnership does not include individual Tribes or individual States, meaning they are therefore unable to apply for and receive these grant funds.

How do RPBs set expectations for the CMSP process when there is limited funding?

Resource experts explained that CMS Plans need to be built mostly with existing resources, and thus these plans will align with current efforts and perhaps prioritize what objectives can be advanced with existing activities and funding. Expectations and outcomes will differ region by region. Ultimately each region will define a set of specific, measurable regional objectives that provide clear direction, outcomes, and timeframes for completion.

National Ocean Policy/NOC Questions

Below are common questions raised by participants during the breakout session about the National Ocean Policy and the National Ocean Council, followed by answers provided by the resource experts.

CMSP is one of the nine national objectives. Will it be integrated with the other eight?

Resource experts stated that the National Ocean Policy has nine priority objectives, one of which is CMSP, but that they are all interrelated. For example, CMSP is a comprehensive tool and approach to further ecosystem-based management, and other issue-specific priority objectives will influence and be informed by CMSP. This national workshop, development of a more extensive Strategic Action Plan to outline more details about the CMSP process, and guidance to the RPBs will help clarify the interaction among the objectives.

Participants expressed concern about the possibility of CMSP and the other eight priorities developing on different tracks, especially considering the overlap of CMSP with some of the priorities (e.g., ecosystem-based management). Questions were also posed about what role the RPBs would play in the other national priorities.

How flexible are the CMS Plans going to be to respond to the impacts of climate change and the adaptation strategies that may be needed?

Resource experts explained that the RPBs will need to consider climate change impacts and projections as they work on their CMS Plans. They will need to work with stakeholders and experts in the region to decide how to account for climate change and how to make plans adaptable into the future. The NOC will also assess the “Resiliency and Adaptation to Climate Change and Ocean Acidification” Strategic Action Plan and how it may relate to the CMSP process.

What kind of support can the RPBs expect to receive from NOC staff?

Resource experts stated that the Federal agencies will be providing support to the RPBs but the exact level of engagement of the NOC staff is not yet certain and may depend on the needs of the RPBs.

How will the continuity of the CMSP process be guaranteed, given that we may face a new administration in 2012?

Resource experts agreed that, while there is uncertainty, the interest in doing CMSP emerged from the regions and there is recognition of the enduring value of better coordination and planning. The NOC envisions that the regions and the RPBs will take ownership of the CMSP process as progress is made. As per the Executive Order, Federal agencies will continue their commitment to National Ocean Policy implementation, including CMSP.

Will the National Ocean Policy be codified?

There is no current legislation that would seek to codify CMSP.

Will the NOC establish a central resource to make it easier for stakeholders to follow the process? Will the answers to all of the questions from the workshop be available?

Resource experts responded that the NOC website will continue to be a central location for CMSP information and guidance, and the workshop summary report will capture the main points of the workshop, including the important questions shared in this session and over the next 2 days. The NOC will work with the RPBs once they are established to consider the best way to keep people informed about regional meetings, opportunities for engagement, and deadlines.

At the end of the breakout session, each group was asked to provide questions they would like to see addressed further by the NOC. These questions were provided to the next panel of the day, which included NOC staff and other experts with experience in CMSP.

Reflections and Questions from Breakout Groups

In this session, panelists addressed the questions provided by the breakout groups. The floor was then opened for participants to ask more questions. Panelists for this session were:

- **Dr. Jerry Miller, Assistant Director for Ocean Sciences, White House Office of Science and Technology Policy**
- **Michael Weiss, Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality**
- **Dr. John T. Oliver, Senior Ocean Policy Advisor, U.S. Coast Guard; CMSP Strategic Action Plan Writing Team Lead**
- **Captain Rick Bellavance, President, Rhode Island Party and Charter Boat Association**
- **Grover Fugate, Executive Director, Rhode Island Coastal Resources Management Council**
- **The Honorable Micah McCarty, Chairman, Makah Tribal Council; Vice-Chair, NOC's Governance Coordinating Committee**
- **The Honorable Kevin Ranker, Senator, 40th District, San Juan Island, State of Washington; Member, NOC's Governance Coordinating Committee**

Topics discussed fell under four general categories: specifics about RPBs and their formation, information and funding, mandates and responsibilities, and Strategic Action Plans.

Specifics about RPBs and CMSP

What methods will be used to ensure that CMSP does not duplicate current planning efforts?

Senator Ranker replied that the process needs to be institutionalized, recognizing local and State laws, and Mr. McCarty added that the process needs to be integrated.

Who will take the first step toward convening the RPBs?

Mr. Weiss explained that, after the national workshop, the NOC will publish guidance documents that will initiate the process to stand up the RPBs, which will include letters to Governors and Tribal leadership inviting them to participate in the CMSP process.

How will existing Governor-created, State-led regional ocean partnerships be leveraged in RPB formation?

Mr. Weiss responded that many existing regional ocean partnerships align well with the nine designated regions and that they have heard that existing groups may be interested in joining the RPBs while others would prefer to remain separate and coordinate with the RPBs. Senator Ranker added that the formation of RPBs is a good opportunity to expand discussions beyond the gubernatorial level.

Concerning RPB eligibility, what is the possibility of some individuals being both members of a Regional Fishery Management Council and also a State or Tribal RPB member?

Mr. Weiss explained that how to handle this overlap is still being discussed and workshop feedback and input from Regional Fishery Management Councils will be helpful in coming up with a final decision.

How will public involvement be generated across large regions?

Senator Ranker replied that this process is an opportunity to develop public-private partnerships, and that non-governmental organizations play a significant role in cultivating leaders and facilitating interstate dialogue.

What is the process for identifying non-Federal members of RPBs?

Mr. Weiss explained that under the current process a Federal co-lead will be identified, followed by the NOC coordinating with Governors and Tribal leadership to identify Tribal and State members of the RPB. He elaborated that the NOC will create guidelines for the RPB formation, but this will not be finalized until after the workshop. Also, feedback is being gathered from the Governance Coordinating Committee. Mr. McCarty added that each region will have a degree of flexibility regarding RPB membership.

Will regional workshops be held before the final RPB memberships are finalized?

Dr. Oliver clarified that regional partners can take the steps in their own time; the exact timing is not critical, rather the regional workshops are meant to empower and educate the RPBs. Mr. McCarty reiterated the intended flexibility of the approach.

What standards will be used to review the regional plans?

Dr. Oliver explained that plans will be reviewed to ensure they are consistent with the overall framework and principles of the National Ocean Policy, but that the review process is not a “second guessing” of the regions’ CMS Plans.

What will happen if the NOC does not approve a region’s CMS Plan?

Mr. Weiss said that if a plan is found to be inconsistent with requirements (e.g., the CMSP essential elements, or national CMSP goals and objectives), the NOC would coordinate with the RPB to address the inconsistency.

Information and Funding**What are the sources and standards for scientific information being used in the CMSP process?**

Dr. Miller acknowledged that gathering good data is a huge task that will require extended partnerships and coordination at the national level. Mr. McCarty added that traditional knowledge can also be incredibly useful. Mr. Ehler emphasized the need to start from a planning perspective and establish a research agenda to identify needed information that will help management.

How will CMS Plans be created with little to no funding?

Mr. Weiss emphasized the need to leverage existing resources and partnerships, while Senator Ranker highlighted the merits of starting small, at the state or local level, to generate success on which to build. He also added that long-term funding for the oceans is urgently needed.

Mandates and Responsibilities**When considering mandates and responsibilities, what will the conflict resolution policies be for disagreements across regional planning areas?**

Dr. Oliver answered that a consensus process with established ground rules would be the best way to proceed. Each RPB will have its own decision-making process and dispute resolution mechanism as part of its Charter. Should conflicts arise between two regions, it would be expected that this dispute resolution process would be used to resolve the issue. Mr. McCarty elaborated that there needs to be healthy discussion in areas of shared jurisdiction. Mr. Ehler noted that not all conflicts need to be resolved because that could bog down the process; rather, the focus should be on the goals.

What would happen if a State, Tribe, or territory declined to participate in CMSP?

Dr. Oliver explained that individual States, Tribes, or territories cannot be forced to participate, but that it is to their own advantage that they participate so they will be able to influence policies affecting them. Mr. McCarty emphasized that the door will always be open, even if a State or Tribe is reluctant to participate initially.

Strategic Action Plans**How does the CMSP process fit into the nine Strategic Action Plans being developed?**

Dr. Miller explained that CMSP is one of the nine priority objectives in the National Ocean Policy, and that a Strategic Action Plan was being developed for CMSP.

What are the specific challenges of developing CMS Plans?

Captain Bellavance replied that keeping up with all of the data from different agencies will be a significant challenge. Mr. Fugate noted there will be areas of disagreement, and that the method for coping with disagreements will be important to the success of the process. Mr. McCarty explained that Tribes are still participating in many agencies' processes and that there is still much work to be done to integrate agencies and Tribal knowledge. Senator Ranker highlighted that maintaining enthusiasm and dedication in the face of delays, setbacks, and financial hardship will be difficult.

Will the following determinations be made for the current or the future state: making judgments about the compatibility of uses with one another, with goals, and with underlying resources?

Mr. Ehler answered that identifying areas of conflict and compatibilities is important. He said that planning is inherently a future-looking activity, so it was necessary to develop scenarios that can predict for space needed in the future.

Public Comment

The first day of the workshop concluded with a dedicated opportunity for open comments from the members of the public in attendance. Written public comments were also collected and provided to the NOC. Below is a summary of all verbal comments provided during the open public comment session of the workshop.

Tom Ingram, *Diving Equipment and Marketing Association*

The Diving Association represents over 1,500 members that include dive equipment and marketing companies. Divers are important and diverse users of the coasts and oceans and significant contributors to the economy. We recognize the need for the National Ocean Policy and agree that it should be guided by stakeholder collaboration, based in strong science, and transparency. We urge that CMSP include divers in the process and recognize that diving activities are not consumptive and thus should be allowed to continue without restriction under

CMS Plans. We offer our assistance and support to the NOC and the RPBs as the process continues.

Boyce Thorne-Miller, *Northwest Atlantic Marine Alliance*

It is important to integrate the Strategic Action Plans of all nine national objectives, and specifically for CMSP to be integrated with ecosystem-based management. It is vital that each CMS Plan has a vision and is guided by it, and for scale to be considered when developing the plan. There is also a need to decide how to best gather and organize scientific information and how to monitor outcomes effectively. CMSP must be an adaptive process, so new information can be integrated over time. It is advisable to look at and learn from both the mistakes and successes from similar planning processes on land. Drivers for CMSP are important but should not be the goals of the plans. Instead the CMS Plans should be a vision for the long term.

Megan Mackey, *EcoTrust*

The CMSP concept has generated anxiety, including concerns that marine protected areas will impact current activities or processes. However, we recognize pending and increasing conflicts between users and see CMSP as a good opportunity to be prepared for future decision-making, through a process that aims for wide participation. At EcoTrust, we see opportunities to bring people together. We offer tools to gather local knowledge. We have worked with other organizations to develop tools such as MarineMap, which has been used for spatial planning in Oregon, California, and Massachusetts. Both MarineMap and OceanMap integrate information and input from a wide range of stakeholders to create a more comprehensive picture. CMSP needs to be a transparent process. We need to view CMSP as more about what we stand to gain than what we stand to lose. We will provide more input during the regional workshops.

Brent Greenfield, *National Ocean Policy Coalition*

The National Ocean Policy Coalition is a diverse group that represents commercial and recreational interests. We believe that implementation of the National Ocean Policy should be suspended until Congress does more analysis. We offer two recommendations. First, that the National Ocean Policy should be tested in a pilot project in a limited geographic area. There is no reason to rush CMSP into national application, as the scope of a United States plan exceeds all other known marine spatial plans in the world. Second, CMSP should rely on neutral government funding to ensure that special interests are not influencing the planning process. Only neutral funding will ensure all perspectives are included. Funding should be open to all stakeholders. This will require improved coordination to leverage resources between parties.

Henri Boulet, *LA Highway One Coalition*

CMSP will promote enhanced energy security, and though this process, we hope to see the Federal energy agencies— Department of Energy, Department of Transportation, and the Bureau of Ocean Energy Management, Regulation, and Enforcement—jointly recognize and prioritize vulnerabilities in infrastructure. States represented on the RPBs should have more than one seat. Groups should be sector-appointed, balanced, and represent commercial and recreational interests.

Chris Moores, *Portland State University*

Oceanographers contribute to the physical variability and regional connectivity that support migratory fish and birds. It is heartening that the CMSP process recognizes the value of science, but it is important to understand that observations are sparse and validated models are needed. CMSP could become an important mechanism for designing, evaluating, and operating a sustained regional environmental system that would provide benefits to the community.

Merrick Burden, *Marine Conservation Alliance*

The Marine Conservation Alliance supports efforts to increase the productivity and resiliency of ocean ecosystems. We are concerned that funding for CMSP is unclear and may come out of existing fisheries science and research funds. We agree that sound science is important but should not be to the detriment of existing important research. We also assert that the Regional Fishery Management Council system has evolved and is working, despite its imperfect history. The system does incorporate habitat information and spatial planning and engages local stakeholders for input. We are concerned that the system might be compromised by CMSP, when in fact it should be complementary. We encourage you to work with the Council system.

Lori Swanson, *Groundfish Forum*

The Groundfish Forum represents responsible fishermen who work to make the best use of the resources with the least impact. Our members comment on fisheries analyses and work with other sectors to find resolutions to problems. We play a large role in the Northwest Pacific Fishery Management Council. I understand the Regional Fishery Management Council process, which is a public process and a deliberative transparent process. We are able to engage in that process and believe it works. I understand the CMSP process is a second stakeholder engagement process, but it is not clear how we will be able to engage in this process. Regional Fishery Management Councils are not represented on RPBs and it is not clear what “consulting with Councils” means in the Final Recommendations. It would be helpful to clarify the relationship between the RPBs and the Regional Fishery Management Councils.

Josh McGrath, *University of Maryland, American Society of Agronomy, Crop Science Society of America, and Soil Science Society of America*

On behalf of the American Society of Agronomy, Crop Science Society of America, and Soil Science Society of America, I am speaking today to ensure agronomic crop and soil science is represented. Throughout the Final Recommendations, there is a deficit in land-based management and how land management affects estuaries and coastal waters. The landscape that drains to coastal and ocean waters are important. Scientists with expertise in watershed hydrology, soil science, and agronomy should be included in the CMSP progress. Land use, including grazing land and suburban/urban land, needs to be considered in the process. The involvement of the American Society of Agronomy, Crop Science Society of America, and Soil Science Society of America is important as we are in the position to provide expertise related to how land use practices affect environmental quality. We include extension personnel who can reach out to stakeholders. We urge you to integrate scientists from our organizations who are

ready to address these challenges. Recognizing the importance of land managers is critical to accomplishing the goals of the NOC.

Jessica Chute, *Alaska Wilderness League*

The Arctic is a beautiful place and home to native communities that make use of the environment, including subsistence hunting. The Arctic provides vital habitat to many iconic wildlife—seals, whales, birds, fish, and bears, to name a few. Economic activities such as shipping and oil and gas exploration and drilling affect the wildlife. The Alaska CMS Plan should establish an overarching strategy to help strengthen and improve our management of the area, including addressing specific management issues by setting short-, mid-, and long-term goals. The CMS Plan should have a special focus on the local communities and also target filling knowledge gaps by establishing a monitoring program. The Alaska CMS Plan as well as the Arctic Strategic Action Plan should be a priority.

Shaunna McCovey, *Ocean Conservancy*

CMS Plans should be informed by use and integration of traditional ecological knowledge. Native communities practice adaptive management methods and have useful information on how to use resources properly. Tribal representatives will be active members of RPBs and will provide critical data and information. Traditional ecological knowledge is often separated from other conventional data but needs to be integrated. Best available knowledge is important and sometimes that is traditional knowledge. It is important to acknowledge that some regions are ahead of others in the governance shift needed to move forward with CMSP. Some regions are ready to move forward and some want more data. We urge the NOC to recognize these differences and set 2015 as the deadline for one region in an effort to create a success story. For CMSP to be effective, Federal agencies need to commit to funding the process, including robust State and Tribal participation.

Donald McIsaac, *Pacific Fishery Management Council*

We urge you to allow fishery management councils to sit on RPBs. Regional fishery management councils have successful track records with setting fishing seasons and protecting habitats through an open and transparent process that considers science. It seems like it has yet to be decided how the fishery management councils will play into the RPBs, but now is the time to revisit. For CMSP to advance, there needs to be optimal coordination between the councils and the new RPBs. Fishing will come up in the CMSP process and the regional councils will bring the science to the table as well as the important stakeholders. CMSP should be a bottom-up process, so if the region decides that its regional fishery management council should be on the RPB, this arrangement should be allowed to proceed.

Sean Cosgrove, *Conservation Law Foundation*

One of reasons for the National Ocean Policy is to advance ecosystem health. The *Final Recommendations* acknowledge that the ocean can only provide benefits if it is taken care of. CMSP involves layers of data gathering but needs to have a structural design that keeps ecosystem health as the focus of the process. The NOC should provide guidance to the RPBs to

ensure that ecosystem health underpins the final regional plan. This guidance might include parameters such as the need to identify and protect important ecological areas in the CMSP process.

Day Two

June 22, 2011

Welcome and Opening Remarks

Eileen Sobeck, Co-Chair, NOC Ocean Resource Management Interagency Policy Committee; Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior

On behalf of the NOC, Ms. Sobeck began the second day of the workshop by characterizing the focus of the coming day as “rolling our sleeves up” and getting into the details of the work moving forward in regard to two main components of CMSP—the RPBs and the Strategic Action Plans. The NOC provided an initial outline of the CMSP Strategic Action Plan to the workshop participants with the request to provide feedback to help inform the content of the Strategic Action Plan. It was made clear that the proposed outline included only preliminary suggestions and that it could be adjusted as needed to reflect the group’s understandings and preferences. The goal of the NOC in sharing this Strategic Action Plan is to get input from participants on how the National Ocean Policy will affect regional processes. Those with the task of writing the CMSP Strategic Action Plan have been notified to incorporate feedback from the workshop and from individual participants into future iterations of the document.

Sally Yozell, Co-Chair, NOC Ocean Resource Management Interagency Policy Committee; Director of Policy, Senior Advisor to the Under Secretary, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

In follow-up to Ms. Sobeck’s introduction, Ms. Yozell thanked workshop participants for their energy during the first day and for the great questions that the National Ocean Council was provided in helping to clarify their mission going forward. Ms. Yozell highlighted the fact that the issues and priorities vary from region to region. Ultimately, the regions need to determine what specific issues are their highest priorities to meet their needs and decide at what pace to move the work forward. There is no “one size fits all” approach to the planning the regions will conduct. The partnerships are a mechanism for support and for providing additional ideas and direction as needed. From past indicators, great ideas usually generate at the local level; this is how marine planning has evolved to date. The NOC is aware that energy needs have been the driver in many cases and that State-level planning has already begun in Maryland, Massachusetts, Rhode Island, Oregon, Hawaii, and Washington State.

Establishment, Roles, and Responsibilities of Regional Planning Bodies (RPBs)

The objective of the session on establishment, roles, and responsibilities of the RPBs was to foster greater understanding regarding those issues, including an overview of relevant NOC guidance as well as the legal requirements of FACA. The session also was intended to review essential elements of the CMSP process, with an emphasis on stakeholder participation and consultation with scientific and technical experts.

Jeff Luster, *Ocean Policy Advisor, NOC Staff*

Jeff Luster opened this session of the workshop by reviewing roles, responsibilities, and functions of the RPBs. Mr. Luster identified the key aspect to this process as flexibility, in that the information presented during this session is not the only way of approaching the RPBs. He stated that the President's Executive Order afforded significant flexibility for the process, which is regionally driven. The CMSP Framework offers some guidance and criteria but those elements can be customized and adjusted because it is an iterative, living process. In terms of who is involved in the RPBs, up to 27 Federal representatives are possible, but only the Federal agencies with a stake in a given region will sit on the RPBs, so in most cases there will be approximately 8 to 12 Federal representatives to the RPBs. Each RPB will have both Tribal and State representation (subject to their decisions to participate) and will determine ex-officio members from adjacent coastal States, inland State members, and/or observers from other nations. The regions will have the authority to determine what inland State members to add to the RPB as defined by the specific issues pertaining to their region (e.g., contamination may go beyond member State boundaries).

The NOC will prepare guidance for the RPBs on the consultative requirements for local governments, non-Federally recognized Tribes and indigenous local communities, and for the Regional Fishery Management Councils in the event the Council does not add them as members to the bodies. In terms of Federal representation, each agency has been asked which regions they want to participant in the RPBs. Furthermore, each Department (e.g., Department of the Interior, Department of Defense) will assign one designated member representative, but sub-agencies may participate in the process, which is both encouraged and expected. Regarding State and Tribal representation, the RPBs will include official representation from each State and from Federally recognized Tribes if they accept the NOC's invitation to participate in the CMSP process for the region. The NOC will coordinate with the GCC to determine the specific criteria, but the actual members will be selected by the States and Tribes. The participation of Tribal representatives in the RPBs will not limit the Tribes' right to government-to-government consultation. There will also be a Federal, State, and Tribal co-lead, and together they will assist in guiding and facilitating the process, performing administrative functions, establishing working groups, implementing the dispute resolution processes as needed, and preparing a charter. The co-leads will not have greater decision-making authority than the other members of the RPB.

The *Final Recommendations* call for the development of RPB charters, formally described as “CMSP development agreements” in the recommendations. The charters will likely be reference documents that include all of the pertinent materials and information, such as background on goals, binding principles, roles, and relationships that reflect the partners’ commitment to participate in the CMSP process. This is meant to facilitate the RPB process and is not related to the outcomes or ultimate agreements. It will facilitate transparency in the CMSP process as a mechanism for communicating guidance. In addition, the decision-making and dispute resolution process will likely be a part of the charter. The aspect of dispute resolution is still under review by the NOC and will be provided as guidance to the RPBs after the NOC coordinates with the Governance Coordinating Committee. While the NOC will provide each region with the model charter, the RPBs have the responsibility to draft their own charters. Mr. Luster reiterated that the charters do not represent a commitment to a CMS Plan.

To establish the RPBs, the Federal co-lead for each of the RPBs will be identified. They have already been identified for most regions. Following the National CMSP Workshop, the NOC, with advice from the Governance Coordinating Committee, will identify any necessary additional representation for RPBs. The NOC will also send out invitations to State Governors and Tribal leadership, who in turn will identify their representatives to the RPBs and select the State and Tribal co-leads. After the RPBs are established, they will develop their charters.

Elaine Crowley, Presidential Management Fellow, General Services Administration

Elaine Crowley continued the discussion on the role of the RPBs by discussing the pertinent legal considerations. First and foremost, Ms. Crowley stressed that, as currently formed, RPBs are not subject to the Federal Advisory Committee Act (FACA) because they fall under a narrow exemption found in the Unfunded Mandated Reform Act of 1995 (UMRA), which exempts groups made up entirely of Federal, State, and/or Tribal officials or their designated officials. The RPBs may decide to establish regional advisory committees, and these bodies would be subject to FACA, including the requirement that any advice provided by the advisory committee is objective, as well as accessible to the public.

The RPBs can obtain advice from members of the public, without implicating FACA, through groups assembled to provide individual advice (including town halls or public hearings), through groups assembled to exchange facts or information, or through notice and comment procedures. The RPBs should avoid obtaining consensus advice, as well as seeking advice from the same person(s) repeatedly. The ideal is to obtain a diverse set of opinions.

The second legal consideration and obligation is to continue to adhere to the narrow UMRA exemption to FACA that the RPBs fall under. Under UMRA, if an RPB member is not a Federal employee, the member must be an elected officer of State, local, or Tribal governments or their designated employee with authority to act on their behalf, acting in their official capacity. If an RPB member no longer complies with UMRA exemption, the RPB will become subject to FACA. Members of the NOC are available for assistance with questions regarding UMRA, FACA, meeting with the public, and other such protocols.

The last two legal considerations Ms. Crowley discussed were ethics and the Freedom of Information Act. Because State, local, and Tribal members of a RPB serve in their official capacities, they continue to be subject to the ethics requirements imposed upon them by their respective State, local, and Tribal governments. Finally, RPB members should be aware of the Freedom of Information Act, which is intended to ensure government accountability through transparency. She stressed that any information shared by an RPB member that would otherwise be protected under State, local, or Tribal laws is potentially subject to release.

FAQs and Public Comment

The question and answer session focused on clarifying legal concerns of the RPBs.

Does the creation of CMS Plans count as a Federal action under the Endangered Species Act or Marine Mammal Protection Act?

Mr. Luster responded that they do not. In more practical terms, it is expected that the actions already taken by Federal regulators—such as NOAA’s National Marine Fisheries Services and the U.S. Fish and Wildlife Service—will inform CMS Plans on matters such as species breeding locations and migratory paths, which will in turn inform future agency decisions when implementing the plans.

Can groups, and specifically Regional Fishery Management Councils, provide consultation to RPBs?

Ms. Crowley responded that the RPB can meet with an established group that is not utilized and/or managed by a Federal authority; it will not affect Regional Fishery Management Councils. There are also ways to create groups from which to get advice, but that will not affect any interactions between Regional Fishery Management Councils and RPBs. Mr. Luster followed up, saying there is no predetermination how the Regional Fishery Management Councils will interact with the RPBs, including possible membership.

How can RPBs obtain advice without triggering the FACA?

Mr. Luster stressed that the CMS Plans are not legally binding. Ms. Crowley answered that the Regional Fishery Management Council can approach the RPB and that will not implicate the FACA. Mr. Luster also stressed that the NOC recognizes the critical role of Regional Fishery Management Councils and that they are essential to informing the process.

Regional, Tribal, and Local Perspectives about CMSP

The objective of the session on regional, Tribal, and local perspectives on CMSP was to discuss the role and views of representatives from each of these stakeholder groups in implementing regional plans for CMSP.

Jacque Hostler, Chief Executive Officer and Transportation and Land-Use Director, Cher-Ae Heights Indian Community of the Trinidad Rancheria; Member, NOC's Governance Coordinating Committee

The first panelist, Jacque Hostler, provided highlights from the California Marine Life Protection Act process. Ms. Hostler talked about her background working with Tribes having lived on, or near, reservations her entire life. She spoke of the importance in conducting community building practices that offer a venue for sharing diverse perspectives, reiterating that there are 565 Federally-recognized Tribes, all of which have unique characteristics, geographical locations, cultural practices, and perspectives. Ms. Hostler believes that community building begins by exploring past lessons learned together, among Tribes and non-Tribal organizations. In the past, Tribal representatives were not included in processes similar to these, so there is excitement among the Tribal representatives—first, to have the opportunity to be a part of this process going forward, and second, for the efforts to recognize Tribal uses as a regulatory solution. In particular, the North Coast Tribes wanted to express gratitude to Secretary Laird and other State legislators for recognizing various Tribal rights and uses.

Geraldine Knatz, Executive Director, Port of Los Angeles, California; Member, NOC's Governance Coordinating Committee

Dr. Knatz introduced herself as one of three local representatives from the Governance Coordinating Committee, from Los Angeles and representing both the marine industry and local government. The key issue for Dr. Knatz is that the adjacent land use often drives the ocean use and that policy decisions related to land use are frequently made at the local level, highlighting the importance of having local governments involved in decision-making and implementation. Dr. Knatz illustrated her points through the example of the California Coastal Act, where only certain coastal areas were designated for ports. Although California has a strong coastal protection law, it provided certainty for the maritime industry and protects coastal areas for traditional maritime uses. Unfortunately, traditional maritime uses are not uniformly protected for other ports around the country. Most residents in coastal areas would prefer that community waterfronts be used for shops and hotels rather than industrial port facilities or “working waterfronts.” Dr. Knatz advised the maritime industry to view the CMSP process as a dynamic one in which they can and should be involved, in order to utilize ports not only as sources of economic growth, but also as a platform for advancing science.

David Naftzger, Executive Director, Great Lakes/St. Lawrence River Basin Water Resources Council; Member, NOC's Governance Coordinating Committee

Mr. Naftzger spoke on behalf of the Great Lakes-St. Lawrence River Basin Water Resources Council. He described the Great Lakes region as an “environmental jewel” and as a treasure of international significance. The region contains 20 percent of the world’s surface fresh water, provides world class fisheries, hosts diverse aquatic and marine species, and supports vibrant local, coastal economies. The Great Lakes region involves thousands of local governments and many Tribes and First Nations, from the eight U.S. States as well as Ontario and Quebec, Canada. Each State in the region has its own legal history and set of geographic and policy needs. Over the past 100 years, numerous institutions have been formed and agreements established regarding the management of the area’s waters. In recent years, there have been even greater efforts to foster collaboration. For example, the Great Lakes Regional Collaboration developed a restoration plan that was adopted in 2005. It eventually fed into the launch of the Great Lakes Restoration Initiative. While CMSP had not been identified as a regional priority to date, some States have done related work. For example, Michigan, Ohio, and New York have recently made efforts to determine appropriate sites for wind energy.

Mr. Naftzger offered two specific recommendations. First, the NOC needs to redouble communication efforts to potential participants in the regional CMSP process to help them understand the process well, including the NOC’s intent that regional plans will enhance planning efforts, not duplicate them. Second, he emphasized the importance of efficiency and flexibility in the regional planning efforts to build on existing plans (e.g., Great Lakes Plan), mechanisms, and frameworks. Using the progress made in the past will avoid adding additional layers of bureaucracy, which he expressed as a concern. He also mentioned concerns relating to the lack of available resources and the potential of moving forward hastily or prematurely.

Lelei Peau, Deputy Director, Department of Commerce for American Samoa; Member, NOC's Governance Coordinating Committee

Mr. Peau spoke regarding the implementation of CMSP in the Pacific Islands region and offered background on the efforts already being pursued to establish a regional ocean partnership. Members of the ocean partnership have already participated in collaborative processes to address other issues. This region spans a large area of the Pacific, presenting special challenges. Mr. Peau mentioned that most of the four jurisdictions neither share continuous borders nor have the same governance structures, yet some elements of connectedness remain.

Mr. Peau stated that the partnership will develop a plan, including CMSP, to address topics such as climate change, rising sea levels, and ecosystem protection. The partnership will strive to improve ocean health and resources, address issues relating to food security, expand on scientific technological efforts, enhance coastal decision-making to support future sustainability, and provide economic growth. While addressing these issues, flexibility will be a necessary component considering the vastness of the geographic area in focus. In addition, the

partnership would like to more fully integrate the vision for current uses of resources with those uses of future generations. The partnership plans to leverage their available resources and expertise to consider place-based issues. One particular challenge facing this partnership is how to integrate their efforts with those of the RPB. Mr. Peau said he is encouraged by the efforts for coordination and collaboration, considering how important the oceans are to Pacific Islanders and their livelihoods.

Greg Capobianco, Director, Ocean and Great Lakes Program, New York Department of State

Mr. Capobianco expressed the needs, issues, and concerns specific to the Mid-Atlantic States. He began by stating support for the NOC, saying that the Mid-Atlantic States want the NOC to be successful and support the regional and State authorities. The States think this approach is a good one, especially since coordination is vital for the management of offshore continental shelf resources. Further, Mr. Capobianco said that the NOC and the regions must be able to adapt and make adjustments and incremental changes as new resources and information become available. A concern is that the CMSP process will “bite off too much to start.” The Mid-Atlantic States think the best way to begin is by addressing two particular priorities: offshore renewable energy (to meet state energy goals and create jobs) and critical offshore habitat issues (to sustain and enhance the ecological health and the services our ocean-related economies depend on). In New York State, two workgroups have been formed to discuss these two issues as part of New York’s offshore planning activities. These workgroups are in the process of analyzing the existing data provided to them, with Federal agency assistance. New York has also worked with a wide range of ocean interests to generate data on human uses of the ocean that identify, locate, and characterize those ocean uses.

Mr. Capobianco noted there are many misperceptions about CMSP and it is important to first determine and clearly convey the end goals of an offshore plan and explore how CMSP can be utilized as a tool to achieve those goals. It is important for the regions to determine what collaborative interstate efforts make sense to focus on now and what actions and outcomes are really necessary and cost-efficient. The Mid-Atlantic States do not see the Mid-Atlantic Regional Council on the Ocean as the future Mid-Atlantic RPB, but rather believe that the council will participate on, and provide direction to, the RPB and serve up its regional work to help the RPB hit the ground running. Those States participating in the Mid-Atlantic Regional Council on the Ocean want to be assured that the CMSP process will take into account both shared regional priorities and State-specific priorities. The current sets of data are being organized so that this region can be better equipped to make decisions regarding pending and future offshore proposed actions.

Technology, Data, and Information Needs

The objectives of this session were to update participants on the National Information Management System Prototype Portal and address issues related to the data science, information, and operational tools that will be needed for CMSP to be effective.

Dr. Mary Boatman, *Ocean Policy Advisor, NOC*

Dr. Boatman explained the effort to develop a national information management system and prototype portal to support coastal and marine spatial planning. The NOC has teamed with data.gov to create a community for CMSP. This prototype portal will provide data and information to be used by RPBs during their planning process. Initially, the portal will provide Federal datasets that are available in web formats. The portal will include search and discovery capabilities as well as access to the Federal datasets. There will also be a registry of decision support tools to aid in the planning. For the technical people, there will be a community of practice that provides information about all types of data standards. Regional efforts will be made available in order to share what other regions are doing. There will also be a forum page where portal users can submit comments and questions. The prototype portal will be the first step out the door and she invited everyone to join the community and help build the portal and information management system to meet their needs.

Dr. Ru Morrison, *Executive Director, Northeast Regional Association of Coastal Ocean Observing Systems (NERACOOS)*

Dr. Morrison spoke about the Northeast Ocean Data Portal that was generated in coordination with the Northeast Regional Ocean Council through a volunteer effort that built off of State-based marine spatial planning and regional data integration efforts. He listed the progress to date including interviews, document analysis, the creation of draft data profiles, and regional data product development. In mid-June the group went live with the site, www.northeastoceandata.org, which contains maps, tools, and a data catalogue. He went on to describe the functionality of the site, including a data viewer with descriptions for each data layer and the ability to extract and download data in a variety of formats. In closing, he outlined the next steps to be taken in this project, emphasizing the need for stakeholder feedback as more advanced functionality is added to the site and noting that coordination with the NOC will continue.

Laura McKay, *Manager, Coastal Zone Management Program, Virginia Department of Environmental Quality*

Ms. McKay described the Mid-Atlantic Regional Council on the Ocean Mapping and Planning Portal. She explained that the Mid-Atlantic Regional Council on the Ocean began 3 years ago in an attempt to understand, at a regional level, how best to protect key habitats such as submarine canyons; cold water coral reefs; migration corridors for birds, marine mammals, and sea turtles; and critical fish habitat, and how best to site offshore renewable energy facilities,

such as wind farms. Coastal issues related to climate change and the resulting sea level rise was also identified as important. The Mid-Atlantic Regional Council on the Ocean is composed of five State Governors, an executive team, a Management Board, and five action teams, of which CMSP is one. They have drawn on the Virginia Coastal Geospatial and Educational Mapping System as an example of a user-friendly portal from which to develop their regional portal. The Mid-Atlantic Regional Council on the Ocean contracted with The Nature Conservancy to create the regional portal. They developed and tested the portal and, with user feedback, have incorporated that information.

She had three tips about portal development: stay focused on immediate planning needs at first; trust that the portal will evolve and adapt; make data needs known; and remember to seek Tribal knowledge. She explained that the portal contains 29 data layers in six data categories and can be accessed through the Mid-Atlantic Regional Council on the Ocean website, www.midatlanticocean.org. She concluded by enumerating the next steps to be taken in the portal development, which include finding a host server, creating a maintenance plan, seeking missing data layers, and finding funding for decision support tools.

Question and Answer Session

The question and answer session focused primarily on technicalities of portal functionality and coordination.

Are discussions underway about utilizing cloud computing in the future to eliminate compatibility and host server issues?

Dr. Boatman agreed that cloud computing would be ideal down the road, but that the first order of business is to collect, integrate, and present Federal data relevant to CMSP. Once additional datasets from States, Tribes, local governments, etc. are integrated into the NIMS, cloud computing could be a viable option.

Have temporal and spatial aspects, such as seasonally specific charts, been considered?

Dr. Morrison and Ms. McKay both replied that temporal data are available and have been considered; however the goal of the portal is to be very user-friendly and they want to avoid over-complicating it.

Were the Technical Working Groups necessary, and how were they encouraged and convened?

Ms. McKay said they had relied on each State in the Mid-Atlantic and brought them together through conference calls. Dr. Morrison said that in the Northeast, they had also gone to States but that they had done State consultations, then developed a product and taken it back to the States for review.

Is it possible to attribute data to a source in the portal, and who develops the data standards and significance levels?

Dr. Morrison replied that the specifics of data sources were known in the Northeast. Dr. Boatman added that they are already using Federal data standards. Following up on this, there was a question about data reliability, specifically related to temporal data. Dr. Boatman assured them they are moving toward being able to track the source of the data.

Is there attention being paid to the ocean surface and above, especially when considering the airspace being lost to renewable energy for bird migrations and military activity?

Dr. Morrison replied that there is a good deal of discussion about this issue in Virginia in conjunction with naval bases. Dr. Boatman added that this is what the CMSP process is about, bringing these issues to the table early to work through them.

How will regional and national databases will be coordinated?

Dr. Boatman said that the learning process for how to best share data is still underway. Dr. Morrison added that regional associations provide the model.

Breakout Session: Simulation

The simulation exercise was specifically called for in the *Final Recommendations* to the President as a central component of the National CMSP Workshop. Participants were divided into breakout groups by regional affiliation for the simulation sessions. The breakout sessions were designed to give participants an experience through which they could develop further understanding of the National Ocean Policy's CMSP process and the essential elements of the process for each region. The sessions also gave participants an opportunity to identify next steps for their region and start to build a regional CMSP community. The afternoon was divided into three simulation sessions: (1) Use Compatibility Exercise, (2) Spatial Scenario Discussion, and (3) Planning for CMSP in our Region. Materials for the session are included in Appendix D.

Use Compatibility Exercise and Spatial Scenario Discussion

The Use Compatibility Exercise was designed to expose participants to the fundamental concepts of compatibility and incompatibility and foster discussion about key considerations, including time, scale, and information needs for determining compatibility. The exercise involved participants in their regional breakouts dividing into yet smaller groups of 4 to 6 individuals to analyze pairings of example uses of the ocean for compatibility with one another. The group then reconvened and discussed insights gained. This highly simplified, illustrative exercise sparked discussion among participants about a number of important considerations for conducting CMSP in actual regions.

The Spatial Scenario Discussion involved participants assessing a map and fact-set for a prototype region whose features echoed those of the previous Use Compatibility Exercise. The

purpose of the session was to illuminate key opportunities and challenges associated with the multi-use, multi-state, and temporal aspects of CMSP. Participants discussed their insights in the full regional breakout group.

The major insights gained across the regional breakout groups about CMSP generally and about determining use compatibility specifically are summarized by the following common themes:

General reflections by participants:

- It is important to take into account possible mitigation measures that would make otherwise incompatible uses become compatible. It seems there are many options for creating and enhancing compatibility, leveraging funds, and maximizing efficiency and effectiveness. Designations of medium compatibility in the exercise indicate room for collaboration and negotiation to make uses compatible, which is positive.
- Spatial and regional context are important. Each potential conflict between uses has different spatial and temporal characteristics that can be worked with as well as engineering or technological solutions.
- It will be important to let the group that will make decisions define the rules for decision-making and the process going forward, including the working definitions of uses and compatibility. The decision-making process needs to be very clear to all involved. The definitions for terminology need to be clear to avoid misunderstanding, as does the scope and scale of the task.
- The concept of compatibility may be overly simplistic. It is important to assess how uses might affect one another. Also, some use conflicts will not have a spatial solution and there needs to be clarity about the other management approaches that will be used to resolve those situations.
- Land-based considerations should be part of CMSP and it is unclear how those considerations will fit into the process.
- CMSP could start with the Federal waters being planned first and then move toward the coast. Or it could start close to shore and work outward. Finally, it could begin by planning smaller sub-areas. How to subdivide and phase the effort will be left to the RPBs to decide.
- Scientific uncertainty is a major factor in many of the decisions that will need to be made for CMSP.
- There are secondary and tertiary effects of decisions, which regions will need to try to take into account, even though those effects are often hard to quantify.
- Ecosystem changes will alter determinations of compatibility over time. Regions will need to work with the best forecasts available and ensure CMS Plans are adaptive.

Regional goals and criteria for compatibility determinations:

- Goals of the planning process may drive determinations of compatibility in actual regions. Criteria are needed for making compatibility determinations and can be developed at the regional level.

- Because of varying goals and circumstances, compatibility determinations of the same basic uses are likely to vary across regions.
- Regional goals and priorities should influence national decisions and help identify policies that are working and those that are not. And the opposite will be true as well, since there are strategic national goals and international obligations; the regions will need to keep those in mind as they proceed.
- Just as CMS Plans should be iterative, so should the goals and priorities, which may shift as the region changes and more information becomes available.

Taking into account existing activities and authorities:

- CMSP is an opportunity to build on existing efforts and to engage the stakeholders who have been involved with them.
- Decision-makers need to be aware of decisions already made and understand which can and cannot be revisited.
- It will be important for decision-makers to be explicit about the benefits of all the various uses to society. They might work harder to find compatibilities if all the benefits are clear.
- Tying regulatory and other responsibilities to the visual maps used for planning would be helpful. Among the many authorities and responsibilities that should be taken into account when looking at a spatial map are treaty rights, Tribal trust lands, non-trust lands, and subsistence land boundaries, among others.

Need for broad participation:

- The process of determining use compatibility will require engagement of diverse perspectives from a range of sectors, agencies, and organizations. They can bring important information that might not otherwise be considered. They can also help identify tradeoffs that can enhance compatibility among uses. The NOC should clarify the process for engaging the following important entities:
 - Regional Fishery Management Councils.
 - Local governments.
 - Non-Federally recognized entities (e.g., cultural groups, some Tribes).
 - Neighboring countries and adjacent RPBs and States.
- It will be important to get to know the individuals with whom decisions will be made. It will also be important for participants to be clear and explicit about their interests. It is good to have some understanding of one another's backgrounds. The perspective of the individual and the organization they represent will affect their determinations of compatibility.
- It will be important to engage all stakeholders at the same time with one approach so that everyone is on the same page, particularly at a regional scale. It is also important to be transparent.

Data and information:

- In order for the approach to be information-based, good spatial information and detailed assessments are needed. It will be important to have the correct information and data for making compatibility decisions and to engage the right technical experts.
- It will be important to recognize that decisions can be made with the data currently available. Regions can find more information and refine decisions in the future. When deciding which additional data need to be gathered, it will be important to be thoughtful and prioritize what is needed to make decisions. Even partial data sets are better than nothing and should be taken into account while regions are working to make them complete.
- Information is important, but with limited resources regions will need to prioritize what kind of new data is collected to support CMSP. This will be affected by what they are planning for, i.e., the objectives of the process. Tribal culture, needs, uses, and authorities often are not well understood, so it will be important to bring that information to the table. Tribal information comes with special challenges because some cultural sites are intentionally kept under the radar to protect them from undue attention, yet they would need to be factored into planning. There are challenges to collecting some Tribal data, just as with the proprietary data issues in the private sector. Some States have released proprietary information under confidential circumstances so that it could be incorporated but not be made public.
- Private industry conducts analyses that are sometimes very different from those used by government. One challenge to tapping into their information resources is that data provided by industry to the government cannot be shared unless it is aggregated. This limits its utility for planning.

Timing and seasonality:

- Temporal dimensions are key for determining compatibility. There is the possibility of designing temporal mitigation measures and thereby enhancing compatibility. Temporal considerations, such as seasonality, may allow for compatibility that might not otherwise exist.

Emerging and changing uses:

- New and emerging uses are a particular challenge because information about them may be limited. Wind energy and other technologies are in development, but it is unclear where and when these developments will occur, making them difficult to plan for. Maps are obviously helpful to look at, but emerging uses can be hard to predict and represent on a map. There will need to be a process that can rapidly adapt to new information and be flexible.
- In addition to the various potential compatibilities, there is the question of which use was in that space first, overlaid with potential and emerging uses. Also, some uses are harder to change or move than others. Some involve massive investments of infrastructure and are long-term investments.

- Consideration of future potential uses can inform investment opportunities and thereby stimulate economic growth.
- Economic growth and development will be a major driver in most regions. Economic data needs to be part of the analysis.
- Global climate change and sea level rise data will be important to consider. Changes to specific migration and other movement of resources will need to be taken into account.
- Resolving one potential conflict, for example by moving the location of a use, could create other conflicts. So regions will need to think ahead a few steps to ensure a net positive result. Also, they will need to keep in mind longer term trickle-down effects and keep a long time horizon. Tradeoffs can have long-term consequences.

Planning for CMSP in Our Region and Next Steps

During this session, regional participants in their regional breakout groups discussed key opportunities and challenges related to preparing for the initial steps of CMSP in their regions. This provided an opportunity to identify next steps in each region. Each breakout session began with a brief summary of activities in the region that may be relevant for CMSP. This summary was provided by one of the workshop participants from the region as a way to ensure that all participants in the group had a general, common understanding of the major activities underway in each region. Then participants engaged in facilitated discussion about how to prepare for key elements of CMSP as identified by the National Ocean Policy.

Participants were provided the following list of essential elements to consider during discussion:

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

Discussion was focused on the elements intended to occur during initial CMSP implementation.

NORTHEAST

The Northeast regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the Northeast region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- The need for coordination and shared commitment by Federal agencies, States, and Tribes.
- A desire for clarity and further discussion about the decision-making processes that RPBs will undergo.
- Prioritization of issues and areas to address, data and knowledge, and scope of the process.
- Ideas for how the NOC can support regional efforts by raising the profile and awareness of the National Ocean Policy, assist in data gathering efforts, building on regional successes (e.g., Northeast Regional Ocean Council portal), and funding.

Participants discussed needs and opportunities with which CMSP might be able to help the Northeast region. Needs included a clearinghouse for all activities and information that could be helpful to the effort. A related opportunity was identification of synergies and leveraged resources, and momentum to acquire better data. Another opportunity identified was regulatory streamlining at State and Federal levels. Taking into account longer-term issues such as climate change was considered both a need and opportunity for CMPS in the region. Challenges for moving forward included ensuring sufficient commitment to the process and final plan from stakeholders and government agencies, conducting CMSP with little or no new funding, and potential offshore boundary issues among States.

The process for creating future-oriented regional objectives was discussed. Participants expressed a sense that stakeholder engagement would be critical for developing good objectives and that this engagement should include a broad range of interests, but were concerned about the cost of extensive listening sessions. It was suggested that when it comes to identifying specific objectives, there would be a distinction between cross-jurisdictional issues (e.g., migratory species) and those issues that are simply shared across States in the region. Objectives should also be meaningful for management, i.e., not too lofty.

With regard to incorporating existing efforts into the process, participants noted that numerous planning efforts and data collection and management activities should be inventoried and taken into account. Many existing organizations have stakeholder networks that could be tapped into for CMSP-related outreach. In further discussing stakeholder engagement and existing concerns, participants noted that some ocean users are concerned about losing access and that these groups would need to be engaged early and often. A suggestion was made that fishery and natural resource managers from each State should be members of the RPB. A lack of clarity was identified about how Federal agencies that are not on the RPB, but that hold important data or authority, would be engaged. There was also a question about the points at which CMSP might constitute a Federal action subject to the requirements of National Environmental Policy

Act and Endangered Species Act. It was noted that Tribes need to be engaged in the process and that their preferred position may be government-to-government rather than as stakeholders.

Participants identified some actions the NOC could take that would facilitate the process in the Northeast, including guidance, resources, a deadline, a heightened profile of the National Ocean Policy, and celebration of regional successes when they occur.

MID-ATLANTIC

The Mid-Atlantic regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the Mid-Atlantic region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- A general sense of commitment to successfully implementing CMSP. Participants expressed the belief that high-quality data, science and technical capabilities, and stakeholder networks already exist that can be leveraged. The region is eager to take the lead in this process, but interested in exploring how regions working on CMSP could learn from and coordinate with each other. Participants felt positive about the ability to work through difficult issues.
- Broad agreement about the importance of integrating Regional Fishery Management Councils into the CMSP process.
- A need to engage stakeholders and understand their environmental, economic, and national security objectives. Also, a need to manage stakeholder expectations of this process. It was noted that the region can tap into existing networks for engaging stakeholders in the region.
- A sense that the physical scale on which the region chooses to work will define the issues and objectives. A desire to be as inclusive as possible was expressed, but with a recognition that the region will have to define its objectives and scope as early as possible. This includes identifying whether the effort would include inland areas and, if so, how far inland the process would cover.
- Challenges to finding sufficient funding were a major concern.

With regard to identifying objectives for CMSP in the Mid-Atlantic, participants discussed the work of Mid-Atlantic Regional Council on the Ocean as an important starting point, but noted that it would need to be tailored to this process and be grounded in robust stakeholder engagement. The Mid-Atlantic Regional Council on the Ocean has already developed a proposal for stakeholder engagement that could be built upon. Building on existing initiatives is particularly important in light of limited resources to carry out CMSP.

Participants discussed the need to identify important economic drivers for the region, such as offshore wind power, as well as historical uses and also degraded sites that could offer

opportunities for redevelopment. They also discussed growing awareness of how climate change will impact the region and the need to take that into account in CMSP.

With regard to engagement of scientists and technical experts, participants suggested that the RPB set up a technical scientific committee, not simply an advisory board. This committee would focus on sharing information across agencies and sectors. Participants also mentioned the need to engage Federal agency and academic scientists and to support ocean observations. They also noted the need to ensure that data portals are sustained, maintained, and easily accessible for the long term.

In further discussing data, participants noted that there is much data at the Federal and State levels and CMSP could help decision-makers look at the ecosystem as a whole and gather, translate, quality control, and then use the data in a coordinated way. They also discussed that they will need to work with the data they have, even though it is not perfect. They should also be sure to identify the highest priority data needs to guide future efforts. It was noted that more offshore habitat data are needed.

SOUTH ATLANTIC

The South Atlantic regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the South Atlantic region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- The importance of engagement and effective communication with all relevant sectors to supporting a successful and broadly supported CMSP process.
- The importance of flexibility in the process, for example by allowing RPBs to include representatives of local governments and stakeholders. Because of region-specific circumstances, participants wondered whether a RPB could be established without a development agreement and with an alternative approach, perhaps through an existing regional ocean entity.
- Concerns about how the effort would be funded both in the short and long terms and how money made available for planning in the region would be managed.

Participants discussed the process of setting up the RPB, focusing on certain political challenges. Specifically, it could be difficult to secure formal agreement from all States. Perhaps the region could begin by carrying out planning efforts in a sub-region, for example in the Florida Keys or Everglades. Examples of success in some discrete areas could then help further the concept throughout the region. South Carolina was identified as a State where mechanisms are already in place to move CMSP forward.

With regard to engaging stakeholders and the public, participants discussed the following points:

- Engaging the public in setting objectives will be very important. Stakeholders need to be willing to participate and engaged in the process. There are existing networks in the South Atlantic region that can be tapped into for outreach.
 - One challenge in engaging local governments will be identifying a representative entity with credible authority to speak for them. Some areas, such as the Florida Keys and Everglades, have engaged local governments successfully. Those efforts could be built upon for CMSP pilot projects.
 - The South Atlantic region could create a regional advisory committee to move CMSP forward in a fashion that would allow non-government and local government entities a formal place at the table. It was suggested that the region explore a wide range of possible mechanisms, including those that are subject to FACA and those that are not.
 - Fishery management councils need a significant role in the decision-making process, with several participants in the South Atlantic expressing that the councils should be formally represented on the RPB.
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GULF OF MEXICO

The Gulf of Mexico regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the Gulf of Mexico region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- Participants noted that the goals identified by the region will influence decisions about compatibility among uses. Priorities for those goals would include reducing loss of life and supporting livelihoods in the region.
- Participants discussed the close relationship between the health of ecosystem services and the health of the region's economy.
- Participants defined comprehensive planning as a system under which both ecosystems and the economy are managed in a sustainable manner and that these goals are not mutually exclusive.

Participants discussed how to set up the RPB, focusing on the following points:

- There will be challenges to choose one representative to represent a variety of agencies and sub-agencies. This challenge may be an opportunity for those organizations to coordinate, since they will only have one vote on the RPB.
- Decision-makers will need to be genuinely committed to staying engaged in the planning process and adhering to the final CMS Plan in order for the process to be successful. Changes in State leadership will pose a challenge to the continuity of the effort and consistent participation. To overcome this, the group will need to make an effort to engage new Governors quickly and articulate the benefits of working together across the region.

- Cities and counties should be involved in a meaningful way, perhaps through a council of some sort. There are existing groups that could be good starting points for establishing a network of local contacts to engage throughout the process.

With regard to identifying regional objectives, participants noted that a major societal and economic goal for the Gulf region is increasing resiliency to storms and other hazards. Objectives such as wetland restoration and risk reduction are shared across the region and there may be opportunities to leverage resources through CMSP. There may also be opportunities to engage the insurance industry and other stakeholders. Perhaps funding would be directed to those priorities identified through CMSP. There was concern that objective-setting would become highly politicized.

Participants discussed how to include existing initiatives, noting that much work has gone into development of existing plans, data collection and mapping, and the Gulf of Mexico Alliance process. Participants discussed whether and how these processes could become the starting point for CMSP.

Participants focused much discussion on engaging stakeholders. Ideas were shared about getting stakeholders and members of the public to the table through State Sea Grant programs, national estuary programs, and other existing entities with robust engagement in communities with a stake in the process. They noted there may be opportunities to engage people at existing meetings related to these issues to maximize efficiency. To overcome existing wariness to CMSP in the region, there may be a need to reach out with good information, incentives to participate, and stories of demonstrated success. There must be clear benefits for the business community, such as faster permitting and greater predictability for investment. The Federal agencies should come together and develop an incentive process along these lines.

Pulling together data across the region in support of CMSP and making it more useful for decision-making could be a significant early victory and would build confidence in the process in the region. It would allow stakeholders to see the benefit of collaboration. Key points related to doing this included:

- A regional data portal will be very important to link various data, provide standards, and make the data more accessible. The Gulf of Mexico Alliance research council can facilitate the sharing of data across State and Federal lines.
- Much good data already exist, and are held by State and Federal agencies. There are also datasets, such as digital elevation and sand data, that need to be improved. Also, much information was collected following the Deepwater Horizon oil spill in 2010.

Participants discussed next steps for the region, including development of outreach information on CMSP that is tailored to the Gulf region and would be informative for local officials and industry representatives. It was suggested that Gulf of Mexico Alliance could coordinate such an effort. It was emphasized that any outreach should come from within the region by non-Federal representatives. Initial areas of collaboration could be data sharing and management

and providing an effective collaboration framework for States seeking funds arising from the Deepwater Horizon oil spill in 2010.

Outstanding questions in the Gulf included questions about funding for the effort, how to take into account existing uses effectively, and who will be the Federal co-lead for the region.

WEST COAST

The West Coast regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the West Coast region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- Existing policy and data-related initiatives on the West Coast that should be taken into account for CMSP.
- Potential needs and opportunities that can be addressed through CMSP.
- Timing of RPB creation, membership in the RPB, and resources needed to make the entity operational.
- Funding and how to move forward with existing resources. Participants agreed to continue conversations about how to work together to find funds.
- The role of stakeholders and how and where they could fit into the process.
- Importance of ensuring there is accountability, including to the science that decisions are based on, the rules of the process, and the results of monitoring.

Major potential benefits of moving forward with CMSP identified by participants included having a coordinated coast-wide perspective, leveraging limited resources, and increasing transparency and quality of decision-making at all levels. Participants also identified the importance of making CMSP successful, including coordination with the Pacific Fishery Management Council, conducting ecosystem assessments and monitoring, and increasing capacity and resources to do the work. An idea that seemed to resonate with participants was begin at the sub-regional scale and find some early successes in discrete places that are ready to move forward. There was also interest in starting at a more local level and then rolling various local plans into a larger regional plan. It was noted that the framework allows the flexibility to move forward this way, and a decision to do so would be available to the RPB.

With regard to the process of identifying regional objectives, participants discussed that:

- It will be important to identify objectives very early in the process, since this should inform how the rest of the regional process will be designed. It will also be important to identify clear objectives for potential funders interested in investing in the process.
- Stakeholder engagement is itself an important objective and should happen early and often, including at the regional workshop(s). Consultation should be more robust with coastal populations, since they are more directly affected.

GREAT LAKES

The Great Lakes regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the Great Lakes region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion included:

- At this point, planning for offshore wind power is a major driver for data collection and planning efforts. It will likely be the critical driver of a CMSP process in the region. Other important characteristics of the region include the fact that the waters of the Great Lakes are also the region's drinking water and that there is a strong international component because of boundaries shared with Canada.
- There are many existing collaborative processes in the region, and some participants were uncertain of the benefits that an additional CMSP process would provide. It was suggested that perhaps the existing processes could be improved and made more coherent instead of beginning something new. For example, an existing entity could become the RPB or simply move forward with developing a CMS Plan. Additional ideas included existing groups adding CMSP in their charters and working on plan development together.
- Potential benefits of CMSP that were discussed included that it could be a way to bring many of the various processes, data, and plans together to better streamline and coordinate decision making. It might also facilitate offshore wind development and other investment and thereby help to create jobs in the region. Participants were eager for the NOC to further articulate the benefits it sees for the region.
- There are many existing sets of regional objectives developed by various collaborative processes and for various sectors, depending on the process. These may not be the same that would emerge from a CMSP objective setting process, but could be a starting point.
- A necessary initial step would be generating the support of the region's political leadership, including Governors and members of Congress. Related to that, stakeholder engagement needs to be ongoing and robust.

Participants discussed next steps for the region. Highlights included:

- Articulating clear and compelling reasons for moving forward with CMSP in the region.
- Creating a regional toolkit and a platform for moving forward, and starting to pool data sets.
- Further exploring the use of an existing entity as an alternative to a new RPB structure and articulating that vision to the NOC.
- Seeking funding for the highest priority work regarding data collection, coordination, and management.

Participants also identified some outstanding questions regarding the process, including:

- How could a modified process in which we use an existing structure fit within the NOC's framework for CMSP? For example, could the Great Lakes Regional Collaboration take on the role of RPB and conduct CMSP for the Great Lakes region?
 - What role will neighboring countries, in this case Canada, play in CMSP?
 - What role will existing plans play? Could they become CMS Plans or be incorporated into a CMS Plan?
 - What are the benefits of participating in a CMSP process as opposed to continuing with existing plans and structures?
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ALASKA

The Alaska regional breakout was attended by regional, State, Tribal, and Federal agency representatives from the Alaska region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Major themes of the discussion were:

- Opportunities that CMSP might generate for Alaska, including streamlining the NEPA process, efficiencies that could be gained by having all agencies working from the same plan, and better coordination of Federal agencies. Potential benefits include getting out ahead of issues before they become a serious problem and identifying some areas as appropriate or inappropriate for economic development, which could provide incentives to developers and offer increased predictability for investment. Some participants felt that Alaska is in a good position to create a plan that makes sense for them and that this opportunity should be taken advantage of.
- Challenges for Alaska will include the vastness of the coastline and the myriad uses, gaining a common understanding and vocabulary about CMSP, and finding the resources to implement the process. Some participants expressed concern that the national process is being rushed and that Alaska would need time to build support, trust, and collaboration among the various parties before advancing. These challenges and concerns led participants to consider a sub-regional approach to start.

Participants expressed concern that they were still unclear about some of the mechanics of the process. They wondered how much flexibility the State would have to modify the process as articulated currently by the NOC. They were also unclear about the mechanics and logistics for setting up a RPB. Concern was expressed that North Pacific Fishery Management Council rules and processes would be superseded by a CMS Plan.

With regard to data and information, participants noted a number of existing activities that could be built upon. They also noted the importance of considering both scientific and traditional knowledge in decision-making for the region. They identified the potential for CMSP to be an effective vehicle for sharing information across agencies and other entities.

PACIFIC ISLANDS

The Pacific Islands regional breakout group was attended by regional, State, Tribal, and Federal agency representatives from the Pacific Islands region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Participants engaged in discussion about several challenges faced by the Pacific Islands region. These challenges include:

- Involving the many indigenous communities in the planning when they are currently not recognized as potential formal members of the RPB.
- Coordinating the development of a CMS Plan in such a large, dispersed, and varied region.
- Engaging local communities and stakeholders and stimulating interest and involvement.
- Finding funding for CMSP within the region.

In particular, detailed discussion focused on the issue of membership composition of the RPBs and the current lack of Federal recognition of the many indigenous communities in the Pacific Islands region. Participants recognized this as a major obstacle to successful implementation of CMSP in the Pacific Islands region.

Participants developed several ideas for how to overcome some of the challenges they face, in particular to conduct comprehensive and collaborative CMSP within such a vast geographic area. These ideas included:

- To account for the large geographic scope of the Pacific Islands region, the RPB could develop multiple sub-regional CMS Plans.
- A variety of media and methods could be employed to reach out to, inform, and engage local communities that are located far from one another.
- The region could conduct a survey of current plans and efforts to inform the CMSP process about what is currently taking place and how CMSP can leverage those efforts.
- The region needs to be creative about funding various elements of CMSP.

The participants also identified several ways in which the NOC can help the Pacific Islands region accomplish CMSP, including:

- Guidance on membership of the RPBs and resolution of issues regarding membership of indigenous communities. Indigenous communities must be formally involved in the Pacific Islands RPB for CMSP to be successful in that region.
- Support to the region through funding and other resources.

Participants ended the session optimistic, but also cautious and aware of the difficulties of moving from fruitful discussion to actual implementation of the process.

CARIBBEAN

The Caribbean regional breakout group was attended by regional, State, Tribal, and Federal agency representatives from the Caribbean region, as well as a small number of national-level Federal agency representatives who were available to answer questions. Participants discussed several challenges that the Caribbean region faces in moving forward with development of a CMS Plan. Some major challenges include:

- Achieving adequate stakeholder involvement and managing the process due to the size and complexity of the region.
- Articulating what CMSP is and describing the tools needed to develop the CMS Plan.
- Identifying one specific driver that motivates the region to develop a CMS Plan, because the region is large and dispersed and thus different parts of the region are dealing with different drivers.
- Coordinating with international neighbors including the Dominican Republic and the British Virgin Islands. An idea offered to address this was to have representatives serve as ex officio members on the RPB.
- Motivating local communities to take advantage of the possibility that CMSP would empower them and convincing them to engage in the process.
- Finding funding to conduct CMSP and to continue important efforts that will support CMSP.

Despite the challenges that participants agreed present obstacles to developing a successful CMS Plan in the region, the participants also identified several clear opportunities for the region if it proceeds with CMSP. Opportunities identified include:

- The Executive Order can build an effort for sharing knowledge and resources and establish a collaborative culture.
- In the CMSP process the States, Tribes, and territories have a seat at the table and the flexibility to make the plan their own. The key would be to take advantage of the flexibility.
- By working together, the U.S. Virgin Islands and Puerto Rico can avoid duplication of efforts. This will be challenging, but in the long run will increase efficiency across the region.
- CMSP can help the region achieve economic, environmental, and ecological sustainability, if those three elements are clear goals.

One item that the region identified as a clear next step is the development of a comprehensive inventory of existing efforts to capitalize on the work currently being done in the Caribbean region.

Participants also identified several areas where the NOC could assist the region in establishing successful CMSP: These areas include:

- The NOC and the Governance Coordinating Committee should help the Caribbean region develop regionally based talking points to help articulate why CMSP is needed and how it can benefit the specific region.
- Timelines and deadlines need to be clarified.
- Funding needs to be available to help the regions move forward with CMSP.
- CMSP needs to lead the region toward achieving economic, environmental, and ecological sustainability.

The participants ended the session with optimism and determination to bring the momentum created by discussion back to the region. Many participants agreed that the National CMSP Workshop helped clarify that CMSP is intentionally flexible so the region can formulate its planning process and CMS Plan based on its needs. They suggested this means the onus is on the regions to make CMSP work.

Day Three

June 23, 2011

Welcome and Agenda Review

Participants were welcomed to the final day of the workshop and given an overview of the agenda, as well as their charge for the breakout group sessions that would launch the day's discussions.

Breakout Session: Debrief of the Simulation and Day One Sessions

Participants were divided into mixed breakout groups on the morning of day three so participants could hear the perspectives and insights of individuals from the other regions and sectors. The session offered an opportunity for these groups to reflect on the experience of participating in the workshop and provide suggestions for next steps and reflections on key insights. Specific session outcomes included insights, suggestions, or questions to pose to a final plenary panel, including specific requests or suggestions for the NOC.

There were approximately 25 to 40 individuals in each breakout group. Each group was asked to designate a spokesperson to share insights, suggestions, or questions with the closing panel. Facilitators posed the following questions to participants to stimulate reflection:

- What are the most interesting insights, observations, guidance, or questions you gained from the workshop? In particular, focus on ideas that will help move toward the successful implementation of CMSP.
- What specific suggestions do you have for how the NOC can help the CMSP process move forward?

This section summarizes the major themes as well as common insights and suggestions offered across the breakout groups. They are primarily organized according to the essential elements of CMSP.

General Themes from Breakout Groups

Major themes that emerged across the breakout groups included:

- Flexibility for regions in terms of timing, establishment, and decision-making of the RPBs.
- How to subdivide the region for phased planning.
- What role existing regional ocean partnerships will play in CMSP.

Participants also expressed a desire for more information and clarity about the role of the NOC and exactly who would be leading specific elements of the process (i.e., regions or Federal agencies). In particular, there is a desire for better understanding of the process and what will be required in a CMS Plan. Some regions expressed a desire for more guidance from the NOC.

Strong relationships between and among agencies were identified as critical to CMSP, as was broad and frequent stakeholder engagement. Participants were interested in how to keep individuals motivated to stay involved over time, especially given limited resources and competing responsibilities. They were also interested in specific ways to communicate effectively with elected leaders and stakeholders about CMSP. Coordinated and higher quality data were seen as relatively easy, early potential wins for the process. There are significant concerns about how the effort will be funded. The following are more specific highlights from the breakout groups.

Setting up the Regional CMSP Process

Jurisdictional Issues

- Participants highlighted that it is unclear how coordination will happen with other RPBs and international neighbors such as Canada, Cuba, and Mexico. It will not only be important to coordinate with neighboring RPBs but also to ensure that information is shared across the regions.

Legal Issues

- It is unclear how existing processes through laws such as NEPA will fit with the CMSP process, and how existing plans under processes, such as Coastal Zone Management Act, will be incorporated into CMS Plans.
- Participants expressed a need for more information on FACA implications and rules to inform the engagement of stakeholders in the regional CMSP process. A request was made that the NOC share such information with the regions.

Setting up the RPBs

- The regions need to focus on initial steps of getting their RPBs organized and running. Once they have their RPB members identified, they can begin the actual work.
- There is some confusion about the degree of uniformity versus flexibility of the process across the regions. There is a strong desire for maximum flexibility about a number of subjects, including:
 - The sequence of RPB formation and convening of the regional workshops.
 - The composition of the RPBs.
 - The process RPBs will use to make decisions.
- There is concern that the Federal Government has stated on one hand that this is going to be very flexible, but on the other hand many participants have the impression that

many of these details are being decided at the Federal level. They believe that States should help determine the details. One example frequently discussed throughout the workshops is the role of Regional Fishery Management Councils and local governments and whether regions will be allowed (or required) to offer these entities formal seats on the RPBs.

- There are special issues related to those regions that are non-contiguous and the RPB requirements should be flexible to those circumstances.
- There is concern about there being one State co-lead for RPBs when most regions have many States with a stake. In addition, some participants were concerned that each State will only be allowed one representative to the RPB and a suggestion was made to allow at least two. Some participants are also concerned that this will not sufficiently represent indigenous perspectives on the RPB, particularly in the Pacific Islands, where many indigenous groups are not Federally recognized Tribes. There were dual concerns on this issue. On one hand, participants expressed a desire for more representation on RPBs. On the other hand, there is concern about the potential size of the RPBs and that too many individuals could lead to difficulty in making decisions.
- Several participants discussed the importance of trust building across the involved entities on an RPB as an important priority, particularly early in the process. This suggests a need to formalize the membership early on so that RPBs would not be rushed through the planning process and instead have time to work together carefully and deliberatively.
- Participants stated the importance of maintaining enthusiasm going forward and concern that limited resources and competing priorities would be a challenge to sustaining robust engagement by RPB members. It was suggested that engagement is most effective when it occurs in person, but there are large expenses associated with travel, particularly for some regions.

Identify Existing Efforts

- Participants wondered about the relationships between existing regional ocean partnerships and the RPBs.
- Related to the issue of flexibility in selecting RPB members, participants wondered whether an existing regional collaborative partnership could take on the role of RPB by simply adding this assignment to their charters and proceeding.
- Regardless of their regions' overall level of enthusiasm about CMSP, participants generally agreed on the importance of tapping into existing mechanisms, particularly existing regional ocean partnerships. Reasons cited included leveraging resources and increasing efficiency, since existing processes often already have broad agency, stakeholder, and public support. In some regions, some Governors may choose not to engage in CMSP and it will simply be necessary to continue to use and build on existing mechanisms. A related suggestion was made to build on existing efforts that use spatial planning already to show early successes that can help build momentum and increase local buy-in.

- Some participants suggested that the NOC stay closely in touch with the existing regional ocean partnerships to ensure the new RPB process does not derail existing successful activities.

Prepare CMS Plans

- There is concern that although the timing has been laid out at the Federal level in the CMSP Framework, some regions may need more than 5 years to develop a CMS Plan that has broad support. While some regions expressed concern that the timeline is too ambitious and they won't be able to build the robust support needed to carry out successful CMSP if they are pushed to move too quickly, other regions expressed a desire for a deadline from the NOC in order to motivate partners to get serious and be committed.
- There is a desire for clear guidance on what is required in an approvable CMS Plan. For example, are RPBs required to "draw lines" on a map?

Engage Stakeholders and the Public

- Participants generally agreed that broad stakeholder and public participation will be important. It was noted that engagement should happen early and often and that stakeholders should feel their input is valued and affects the process.
- Some participants noted that conducting robust engagement can be costly for States and Tribes, and that financial and logistical constraints may require prioritizing engagement with those interests having a strong stake in decision-making.
- The importance of relationships was discussed; in fact, good relationships were identified as critical to success. This includes relationships among States, Tribes, and Federal agencies, as well as stakeholders, local governments, and the interested public. CMSP can be an opportunity for this full range of important entities to weigh in on decisions regarding Federal waters in a way not previously available. It was also noted that people need time to build trust in one another and to understand each other's perspective. In addition, as a practical matter, it takes time to understand which agencies and stakeholders play which roles and have which responsibilities.
- Industry stakeholders were identified as needing to become more engaged and more supportive of the process. A suggestion was made to establish a NOC panel that is equivalent to the Governance Coordinating Committee but that represents industry stakeholder groups.
- In several regions the momentum for CMSP revolves around planning for development of renewable energy. It was suggested that engagement efforts be built around such economic drivers and opportunities.
- It was noted that it can take time for stakeholders and the public to become comfortable with a new process. For this reason it was suggested that an explanatory element be added to outreach efforts, in addition to the input gathering.

- Several participants mentioned a need to manage stakeholder expectations and not oversell the process. This is particularly true given budgetary constraints that will mean that most regions will start by taking small steps.
- A recurring theme throughout the breakouts was a desire for Regional Fishery Management Councils to be at the table in a meaningful way and influence the process, perhaps with a formal membership on RPBs.
- Cultural and Tribal perspectives were identified as very important. For some regional partnerships, this workshop offered an opportunity to begin a dialogue with Tribes on how to move forward. A need for more clarity about how CMSP would affect interaction and consultation with the Tribes was noted.
- It was noted that constraints to engagement of Pacific Island and Hawaiian indigenous peoples need to be overcome, as well as a mechanism for engaging mainland Tribes that are not Federally-recognized. Perhaps this is another area in which regions could have the flexibility to determine RPB membership, and thereby potentially not be limited to only Federally-recognized Tribes.
- It was said that regions need help in crafting articulate messages to talk to local and State leaders about CMSP. Some participants noted a need to focus on the potential economic benefits of CMSP. Some participants felt that CMSP needs a new name, that the term sounds too bureaucratic and evokes zoning.
- It was requested that the NOC establish a mechanism for communication between stakeholders and the Governance Coordinating Committee members, who are supposed to be representing them.

Data and Information

- Having good data and information will be very important for decision-making and for measuring progress toward goals. CMSP needs to be built on a foundation of science and data. Participants supported a national commitment for sustained data collection and analysis.
- Data will need to be organized and managed, including identifying who will house regional data portals, establish chain of custody for the data, determine who will analyze the data and conduct quality control, and decide how data and tools will be used in decision making. There will also need to be mechanisms to identify and fill data gaps and to ensure that individuals focused on policy and technical/data aspects are closely coordinated. Managing all of this will require attention, time and resources.
- It was acknowledged that there is scientific uncertainty and that regions will need to plan despite some unknowns. The importance of plans being adaptive to new information over time was emphasized.
- Participants identified a need for further consideration of how to use industry data more effectively, specifically how to gain better access for management purposes without compromising proprietary information. It was suggested that discussions about data can be one avenue to reach out to industry stakeholders, to ask for their help in filling data gaps, and thereby bring them into the CMSP process overall.

- Several participants suggested that data collaboration could be a relatively simple way to quickly demonstrate the value of CMSP. Data portals that are developed will be important initial steps and shared data and common standards would be a highly useful outcome of the process.
- It was suggested that regions will need a community of practice for managing data across the regions. Some participants requested that the NOC orchestrate that cross-regional learning.
- A need to further consider how to take into account important information and data that may not be in a spatial format was identified.
- Climate change was noted as an important overarching element that needs to be taken into account.

Funding

- Participants expressed strong concern about the lack of adequate funding to carry out CMSP. If new Federal funds will continue to be limited, then reallocation of existing resources at both the Federal, State, and Tribal levels raised concerns, both about what management activities are being given up and about how to convince leaders and the public that this is the right area in which to invest at this time. There was concern that this will end up being an unfunded mandate in effect. A statement was made that the States would be much more likely to agree to invest in CMSP if the Federal Government were also making an investment. It was noted that regions will need all manner of resources, which includes people to staff the effort.
- Constrained funding and poor understanding of CMSP were cited as practical reasons to focus on beginning the process at a sub-regional scale, using pilot projects that can build momentum and early success stories.
- Suggestions were made in several groups that CMSP could ultimately be a savings opportunity if existing efforts are leveraged and resources aligned.

Practical Considerations

- Many participants expressed support for the concept of regions starting CMSP in sub-regions. There seemed to be broad agreement that a sub-regional approach at the beginning would offer the opportunity to establish early success and help build momentum for the concept. There were questions about what requirements the NOC would impose in terms of boundaries of ecosystems for these sub-regions and other potential restrictions. Some suggested options for delineating sub-regions include:
 - Starting offshore and working toward shore, since the interest increases and the complexity of reaching consensus intensifies the closer you get to shore. Also, this would allow the Federal agencies to begin the process on their own more easily while States consider their paths forward.
 - Starting with the nearshore because it is more important to plan where the ocean is most crowded and there is more robust data. Also, this would encourage local

- governments and States to be involved at the outset rather than starting as a Federal effort that the rest then join later.
- Starting in discrete areas that include some offshore and nearshore components.
 - It was suggested that it may be beneficial for one or two regions that are more poised than others to initiate the CMSP process. This would offer lessons for the rest of the regions, which may decide to only take preliminary steps for now. Such a step-wise process might facilitate full participation by all regions and States in the future. It would provide success stories and experience to draw upon in designing the processes across the United States.
 - Participants stressed, in general, the need for more information about what to expect from the CMSP process.
 - Participants identified a need for good messaging on the benefits of CMSP to States, various sectors, and stakeholders. They felt that the NOC and the regional ocean partnerships in regions should collaborate in developing a package of information for local and State elected officials. It was urged that the information be short on jargon and long on articulating potential outcomes.
 - It was suggested that the NOC should respond directly and in a timely manner when States provide comments on the process. This would ensure that the States feel they are being heard and it would ensure their questions are answered. It would also contribute to building trust.
 - It was suggested that for some regions the RPB structure may be too rigid and it would make more sense to start by building up a highly effective regional ocean partnership.
 - It was suggested that the NOC should come out strongly in support of the United Nations Convention on the Law of the Sea because it will be critical for CMSP in the Arctic region.
 - Participants questioned the relationship and overlap between CMSP and the other eight Strategic Action Plans.

What Have We Learned and Where Do We Go From Here?

The purpose of the final panel was to hear highlights from each of the breakout groups, including key questions and issues that arose during their group discussion. These highlights were delivered by volunteer spokespeople for each breakout group. Panelists representing a variety of perspectives then provided responses and reflections based on their own experiences.

Panelists were:

- **Gene Brooks**, Senior Director, *Technical Organization, Maersk Line Ltd.*
- **Charles (Bud) Ehler**, *President, Ocean Visions*
- **Duane Harris**, *Ecosystem Committee Chairman, South Atlantic Fishery Management Council*

- **Jacque Hostler**, *Chief Executive Officer and Transportation and Land-Use Director, Cher-Ae Heights Indian Community of the Trinidad Rancheria; Member, NOC's Governance Coordinating Committee*
- **Jim Lanard**, *President, Offshore Wind Development Coalition*
- **Jennifer Lukens**, *Acting Director, Coastal and Marine Spatial Planning Program, National Oceanic and Atmospheric Administration*
- **Stephanie Moura**, *Executive Director, Massachusetts Ocean Partnership*
- **Dr. Alan Thornhill**, *Science Advisor to the Director, Bureau of Ocean Energy Management, Regulation and Enforcement, Department of the Interior*
- **Dr. Sandra Whitehouse**, *Senior Advisor, Ocean Conservancy*
- **Michael Weiss**, *Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality*

The following is a summary of the major ideas discussed by breakout group representatives and panelists:

Stakeholder engagement

Regarding the importance of engaging stakeholders and coordinating data collection and analysis with them, panelists encouraged participants to reach out to stakeholders in person in a meaningful way. They reminded participants that stakeholders are often very busy and need to see how taking the time to participate will affect the process. To tap into the quality data and information that industry and other private organizations possess will require engaging them early and often. However, it was also noted that convening meetings throughout a region can become time consuming and expensive, so panelists encouraged participants to build on existing forums and be strategic in conducting outreach. Participants were also encouraged to support research into how humans are using the ocean, that this can be a great way to gain important information, inform stakeholders about the process, and gather their input in the same interaction. It will also be important to speak in understandable terms when engaging stakeholders and explaining the process to them. Participants requested assistance from the NOC in communicating about CMSP. It will be important to create a sense of community and ensure that all the right people are at the table from the beginning, and it was noted that this can take time and perhaps be in conflict with an ambitious timeline laid out in the framework for CMSP. Effectively tapping into various organizations' potential contributions requires first identifying who can bring what to the table—a recommendation was made to map capacities and relationships in a region as a starting point.

Problem solving

It will be important to focus the process in regions on solving specific regional challenges. Panelists reflected that regions need to think carefully about what the major economic drivers are and which entities and individuals are impacting those drivers. The current CMSP framework as laid out by the Executive Order does not provide very specific objectives because the intention is for those to be defined for each region by each region. There are general

overarching goals for CMSP that are intentionally broad. The process is focused on encouraging a systems approach to managing a common resource, but how this will be carried out will be tailored by each region. Panelists also encouraged participants to remember that CMSP is a long-term solution and results will be fully realized over time, not immediately. They were also reminded that the process is not the goal. The goal is a plan that produces real outcomes that will benefit communities, the regions, and the nation.

Leadership

It will be very important to ensure there is robust leadership to carry the process forward successfully. Because of high turnover rates in government, a need was identified for RPBs to memorialize steps of their process so that new people becoming engaged can be brought up to speed quickly. It was said that RPBs should institute mechanisms for succession planning. At the NOC level some early successes have taken place, including the 27 agencies coming together to develop this shared process for working together and engaging States and Tribes. Also, development of the National Information Management System is requiring interagency coordination and is working well. Panelists expressed a positive outlook about effective Federal coordination under the new NOC structure.

Flexibility and phasing in CMSP

With regard to a desire by regions for great flexibility in carrying out the process, panelists explained that the RPB concept is intended to allow for great flexibility and iterative efforts. It was noted that while flexibility is important to ensure a process that works for each region and that gains broad support, industry stakeholders also need predictability for investment, and so a balance needs to be achieved. Participants and panelists seemed to agree that a phased approach was advisable. A relatively easy and uncontroversial first phase for most regions could involve identifying data needs and existing resources and then engaging stakeholders to help fill gaps wherever possible. Pilot projects would also be a good way to start. It was recommended that regions give themselves deadlines for making progress.

Existing initiatives and resources

The importance of engaging the Regional Fishery Management Councils and existing regional ocean partnerships was discussed. Panelists recommended that participants could enhance RPB efficiency and partnership by tapping into the non-governmental and private sector entities in their regions that can often take action more quickly and with greater flexibility than government agencies. The need to leverage existing resources at the Federal level and across Federal, State, and Tribal entities was identified.

Regulatory authority

It was requested that the NOC provide greater clarity about the role of the CMS Plans in shaping regulations. While it has been said that CMSP is not a regulatory process, a cornerstone of eventual implementation of CMS Plans is that agencies carry out their existing mandates in a manner that is consistent with these plans, which includes regulatory consistency.

Closing Remarks

The Honorable Nancy H. Sutley, *Chair, White House Council on Environmental Quality; Co-Chair, NOC*

Ms. Sutley wrapped up the 3-day workshop by thanking those who attended for their suggestions and ideas, which will help the NOC going forward. She noted that the diversity represented by the more than 500 people from across the United States who participated in the workshop—from government representatives, to stakeholders, to Tribal leaders—was crucial to making this National Workshop a success. Valuable conversations took place about how CMSP will improve communication, facilitate more coordinated decision-making, and more effectively plan across all spectrums of government. The discussions highlighted the need for broad participation by communities and stakeholders, as well as the need for transparency and predictability. She emphasized that this is only the beginning of the process, and that the conversations need to continue and spread to all affected communities. She called upon workshop participants to be leaders in their home communities and to offer comments and suggestions to the Strategic Action Plan outlines put out by the NOC. Going forward from the workshop, she explained that the focus is on moving CMSP into the regions to be led by the RPBs, which the NOC stands ready to support. She ended by reiterating that the workshop discussions have helped to establish a solid foundation for successful collaborative stewardship of ocean, coastal, and Great Lakes resources.

The Honorable Micah McCarty, *Chairman, Makah Tribal Council; Vice-Chair, NOC's Governance Coordinating Committee*

The workshop concluded with a Tribal Blessing Song given by Honorable Micah McCarty.

Conclusion

The National CMSP Workshop provided an overview of the CMSP process, presented an opportunity to bring together practitioners and stakeholders from across the Nation who will be engaged in CMSP as it moves forward, and helped set the stage for future CMSP workshops at the regional level. The NOC will carefully consider the insights and suggestions from the workshop as it continues to initiate CMSP, as reflected in the CMSP Framework.

Specific near-term next steps for the NOC are to: (1) in coordination with the GCC, continue development of the RPB guidance documents including the Model Charter and RPB membership guidance, both crucial steps in establishing the RPBs and subsequent regional CMSP implementation; and (2) continue to coordinate with and support regions as they consider initial steps in the process, including planning for regional CMSP workshops and developing stakeholder engagement processes.

Appendix A

Agenda

National Coastal and Marine Spatial Planning Workshop

Date: June 21-23, 2011

Location: Yates Auditorium
U.S. Department of the Interior
1849 C Street, NW
Washington, DC

Participants:

- Representatives from Federal, State, tribal, and local authorities, Regional Fishery Management Councils, and indigenous communities
- General public and interested stakeholders in a dedicated public session on Day One that will also be webcast

Meeting Objectives

- Develop and carry forward a shared understanding of regional coastal and marine spatial planning (CMSP) and the development of coastal and marine spatial (CMS) plans as described in Executive Order 13547
- Build greater comprehension and understanding of the value of regional CMSP in the United States
- Identify key challenges, solutions, and collaborative strategies for regional CMSP, including next steps for developing the tools, resources, and guidance to implement regional CMSP
- Engage the public and other stakeholders in a dedicated session that provides further opportunity to educate, listen, and connect with the American people about CMSP

Day One: Public and Stakeholder Session

7:30 am Workshop Registration

8:30 am Tribal Blessing Song

- The Honorable Micah McCarty, Chairman, Makah Tribal Council; Vice-Chair, National Ocean Council's (NOC) Governance Coordinating Committee (GCC)

Welcoming Remarks

- The Honorable John P. Holdren, Assistant to the President for Science and Technology, and Director, White House Office of Science and Technology Policy; Co-Chair, National Ocean Council

SESSION OBJECTIVE: *Welcome participants and provide overview of the Administration's National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes (National Ocean Policy) and outline the role of CMSP in meeting our National stewardship responsibilities.*

Webcast

8:50 am Agenda Review

- The Honorable Sherburne Abbott, Associate Director for Environment, White House Office of Science and Technology Policy; Deputy Co-Chair, National Ocean Council
- Jay Jensen, Associate Director for Land & Water Ecosystems, White House Council on Environmental Quality; Deputy Co-Chair, National Ocean Council

SESSION OBJECTIVE: *Review meeting objectives, agenda, and related logistical information. Introduce workshop facilitators, John Ehrmann and Laura Cantral, Meridian Institute.*

Webcast

9:00 am National Ocean Council Approach to CMSP: Vision and Stewardship Responsibilities

Panelists

- The Honorable David J. Hayes, Deputy Secretary of the Department of the Interior
- The Honorable Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, U.S. Department of Commerce
- Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, U.S. Coast Guard, Department of Homeland Security
- Ms. Nancy Stoner, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency
- The Honorable Kristin Jacobs, County Commissioner, Broward County, Florida; Chair, National Ocean Council's Governance Coordinating Committee
- Dr. Steven Ramberg, Vice Chair, Ocean Research Advisory Panel (ORAP)

Facilitated Q & A

Introductory Remarks

- The Honorable Nancy H. Sutley, Chair, White House Council on Environmental Quality; Co-Chair, National Ocean Council

SESSION OBJECTIVE: *Set the context and describe how the NOC is implementing the National Ocean Policy to address our National stewardship responsibilities. Panelists will discuss the value of the National Ocean Policy for achieving goals*

related to national security, the economy, energy supply, and environmental conservation. The role of the GCC and ORAP will also be discussed.

NOTE: All workshop sessions will include time for Q&A and as many questions will be addressed as time permits. In addition, workshop organizers will record all questions posed and will offer options for submitting questions in writing so that all questions can be addressed either during the workshop or shortly thereafter.

Webcast

10:15 am Overview of National Ocean Policy: The National Framework for Effective CMSP

- Dr. Jerry Miller, Assistant Director for Ocean Sciences, White House Office of Science and Technology Policy
- Michael Weiss, Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality

SESSION OBJECTIVES: *Provide context and understanding of how the National Framework for CMSP will be implemented in the United States.*

Facilitated Q & A

Webcast

10:45 am Lessons Learned from Places with CMSP Experience

Moderator: Charles (Bud) Ehler, President, Ocean Visions

Panelists

- Captain Rick Bellavance, President, Rhode Island Party and Charter Boat Association
- Grover Fugate, Executive Director, Rhode Island Coastal Resources Management Council
- The Honorable Micah McCarty, Chairman, Makah Tribal Council; Vice-Chair, National Ocean Council's Governance Coordinating Committee
- The Honorable Kevin Ranker, Senator, 40th District, San Juan Island, State of Washington; Member, National Ocean Council's Governance Coordinating Committee

SESSION OBJECTIVE: *Representatives of state and tribal agencies and stakeholders with experience in CMSP describe how the process has been implemented in various locations. Emphasis is on sharing the outcomes of their CMSP experiences.*

Facilitated Q & A

Webcast

11:45 am Lunch on your own

NOTE: While the Department of the Interior has a cafeteria, it cannot accommodate a significant number of visitors, and participants are encouraged to eat at outside establishments. Maps and information about nearby lunch choices are included in the meeting materials.

1:15 pm Overview: Steps for Regional Implementation of the National Framework for Effective CMSP

Presenter

- Dr. John T. Oliver, Senior Ocean Policy Advisor, U.S. Coast Guard; CMSP Strategic Action Plan Writing Team Lead

SESSION OBJECTIVE: *Provide an overview of the regional steps in implementing the National Framework for Effective CMSP, including regional organization and the essential elements of the Framework.*

Webcast

1:30 pm Charge to Breakout Groups

SESSION OBJECTIVE: *Briefly review information presented thus far and describe how it will be applied in the subsequent interactive breakout session. Provide instructions for the breakout groups and subsequent plenary public/stakeholder session.*

1:45 pm Breakout Session: Furthering Understanding of the National Framework for Effective CMSP

SESSION OBJECTIVE: *Opportunity for workshop participants to interact and further understand the CMSP regional planning process in a smaller group setting. Focus will be on listening to participant perspectives, answering questions, obtaining input on methods to effectively engage the public and stakeholders in the CMSP process, and other ideas that can inform the process for development of CMS Plans.*

3:00 pm Break

3:15 pm Reflections and Questions from Breakout Groups

Panelists

- Dr. Jerry Miller, Assistant Director for Ocean Sciences, White House Office of Science and Technology Policy
- Michael Weiss, Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality

- Dr. John T. Oliver, Senior Ocean Policy Advisor, U.S. Coast Guard; CMSP Strategic Action Plan Writing Team Lead
- Panelists from the 10:45 a.m. session “Lessons Learned from Places with CMSP Experience”

SESSION OBJECTIVE: *Increase understanding and address public/stakeholder questions. Feedback and input gathered will further inform the CMSP process and development of CMS Plans.*

Webcast

4:15 pm Public Comment

SESSION OBJECTIVE: *Provide opportunity for open public comment.*

NOTE: Those who wish to offer public comment will be given an opportunity to sign up for a comment slot. Commenters will be given a 3 minute time limit to accommodate as many commenters as possible. Additional opportunities for the public/stakeholders to offer comments in writing will be provided.

Webcast

5:45 pm Adjourn day one and conclude public/stakeholder participation

Day Two

8:30 am Welcome and Opening Remarks

- Eileen Sobeck, Co-Chair, NOC Ocean Resource Management Interagency Policy Committee; Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior
- Sally Yozell, Co-Chair, NOC Ocean Resource Management Interagency Policy Committee; Director of Policy, Senior Advisor to the Under Secretary, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

8:40 am Establishment, Roles, and Responsibilities of Regional Planning Bodies (RPBs) Presenters

- Captain Jeff Luster, Ocean Policy Advisor, National Ocean Council Staff
- Elaine Crowley, Presidential Management Fellow, General Services Administration

SESSION OBJECTIVE: *Develop a greater understanding about establishment, composition, roles, and responsibilities of RPBs, including an overview of relevant*

NOC guidance as well as the legal requirements of the Federal Advisory Committee Act (FACA). Review essential elements of the CMSP process, emphasizing stakeholder participation and consultation with scientific and technical experts.

Facilitated Q&A

9:50 am Regional, Tribal, and Local Perspectives about CMSP

Panelists

- Jacque Hostler, Chief Executive Officer and Transportation and Land-Use Director, Cher-Ae Heights Indian Community of the Trinidad Rancheria; Member, National Ocean Council's Governance Coordinating Committee
- Geraldine Knatz, Executive Director, Port of Los Angeles, California; Member, National Ocean Council's Governance Coordinating Committee
- David Naftzger, Executive Director, Great Lakes/St. Lawrence River Basin Water Resources Council; Member, National Ocean Council's Governance Coordinating Committee
- Lelei Peau, Deputy Director, Department of Commerce for American Samoa; Member, National Ocean Council's Governance Coordinating Committee
- Greg Capobianco, Director, Ocean and Great Lakes Program, New York Department of State

SESSION OBJECTIVE: *Discuss perspectives of State, tribal, and local government representatives in implementing regional CMSP.*

Facilitated Q&A

10:45 am Break

11:00 am Technology, Data, and Information Needs

Panelists

- Dr. Mary Boatman, Ocean Policy Advisor , National Ocean Council
- Laura McKay, Manager, Coastal Zone Management Program, Virginia Department of Environmental Quality
- Dr. Ru Morrison, Executive Director, Northeast Regional Association of Coastal Ocean Observing Systems (NERACOOS)

SESSION OBJECTIVE: *Provide update on the CMSP national information management system prototype portal and address issues related to the data, science, information, and operational tools that will be needed for CMSP to be effective.*

Facilitated Q&A

11:45 am Setting the Stage for the Simulation

John Ehrmann, Facilitator, Meridian Institute

SESSION OBJECTIVE: *Introduce the purpose, objectives, and structure for the Simulation. Briefly introduce the Use Compatibility Exercise and Spatial Scenario Discussion. Provide instructions on breakout room assignments and charge to the groups.*

12:15 pm **Lunch on your own**

1:20 pm **Report to Auditorium for Information Regarding Breakout Room Logistics**

1:30 pm **Breakout Session: Simulation**

Note: All day two afternoon sessions will be conducted in breakout groups by region. Please refer to Tab 5 in your binder for materials associated with the Simulation.

SESSION OBJECTIVE: *Develop an understanding of the National CMSP Framework and demonstrate essential elements of the planning process for each region. Help participants identify next steps for their regions and start to build a regional CMSP community.*

Use Compatibility Exercise

Expose participants to the fundamental concepts of compatibility and incompatibility. Facilitate discussion about the key considerations, including time, scale, and information needs for determining compatibility.

Spatial Scenario Discussion

Briefly demonstrate a spatial example of a prototype region to illuminate key opportunities and challenges associated with the multi-use, multi-State, and temporal aspects of CMSP.

Planning for CMSP in our Region

Illuminate key opportunities and challenges related to preparing for the initial steps of CMSP in each region. Provide participants an opportunity to identify next steps their region should take in preparation for CMSP.

Discussion of Next Steps and Other Regional Implications in Breakout Groups

Synthesize insights from the breakout group discussions. Identify the major implications that CMSP has for the region and begin thinking about how those might be addressed.

6:00 pm **Adjourn day two**

Day Three

8:30 am Welcome and Agenda Review

John Ehrmann and Laura Cantral, Facilitators, Meridian Institute

8:45 am Breakout session: Debrief of the Simulation and Day One Sessions

SESSION OBJECTIVE: *Opportunity for small groups to reflect on experience of participating in the simulation, using themes, questions, and other guidance that will be provided. Discussion will be further informed by what the participants heard from the stakeholders during the Day One public/stakeholder session.*

10:15 am Break

10:30 am What Have We Learned and Where Do We Go From Here?

Panelists

- Gene Brooks, Senior Director, Technical Organization, Maersk Line Ltd.
- Charles (Bud) Ehler, President, Ocean Visions
- Duane Harris, Ecosystem Committee Chairman, South Atlantic Fishery Management Council (invited)
- Jacque Hostler, Chief Executive Officer and Transportation and Land-Use Director, Cher-Ae Heights Indian Community of the Trinidad Rancheria; Member, National Ocean Council's Governance Coordinating Committee
- Jim Lanard, President, Offshore Wind Development Coalition
- Jennifer Lukens, Acting Director, Coastal and Marine Spatial Planning Program, National Oceanic and Atmospheric Administration
- Stephanie Moura, Executive Director, Massachusetts Ocean Partnership
- Dr. Alan Thornhill, Science Advisor to the Director, Bureau of Ocean Energy Management, Regulation and Enforcement, Department of the Interior
- Dr. Sandra Whitehouse, Senior Advisor, Ocean Conservancy
- Michael Weiss, Deputy Associate Director of Ocean and Coastal Policy, White House Council on Environmental Quality

SESSION OBJECTIVE: *Hear highlights from each of the breakout groups, including key questions/issues that arose during their group discussion. Panelists will provide responses and reflections based on their own experiences to provide insight into the next steps of CMSP implementation. Panelists will be encouraged to point to specific CMSP examples and discuss how challenges have been addressed.*

12:15 pm Closing Remarks

- The Honorable Nancy H. Sutley, Chair, White House Council on Environmental Quality; Co-Chair, National Ocean Council

12:30 pm Tribal Blessing Song

- The Honorable Micah McCarty, Chairman, Makah Tribal Council; Vice-Chair, National Ocean Council's Governance Coordinating Committee

Workshop concludes

Appendix B.1

Workshop Participant List June 21-23, 2011

Sherburne Abbott | Associate Director for Environment | White House Office of Science and Technology Policy | sabbott@ostp.eop.gov
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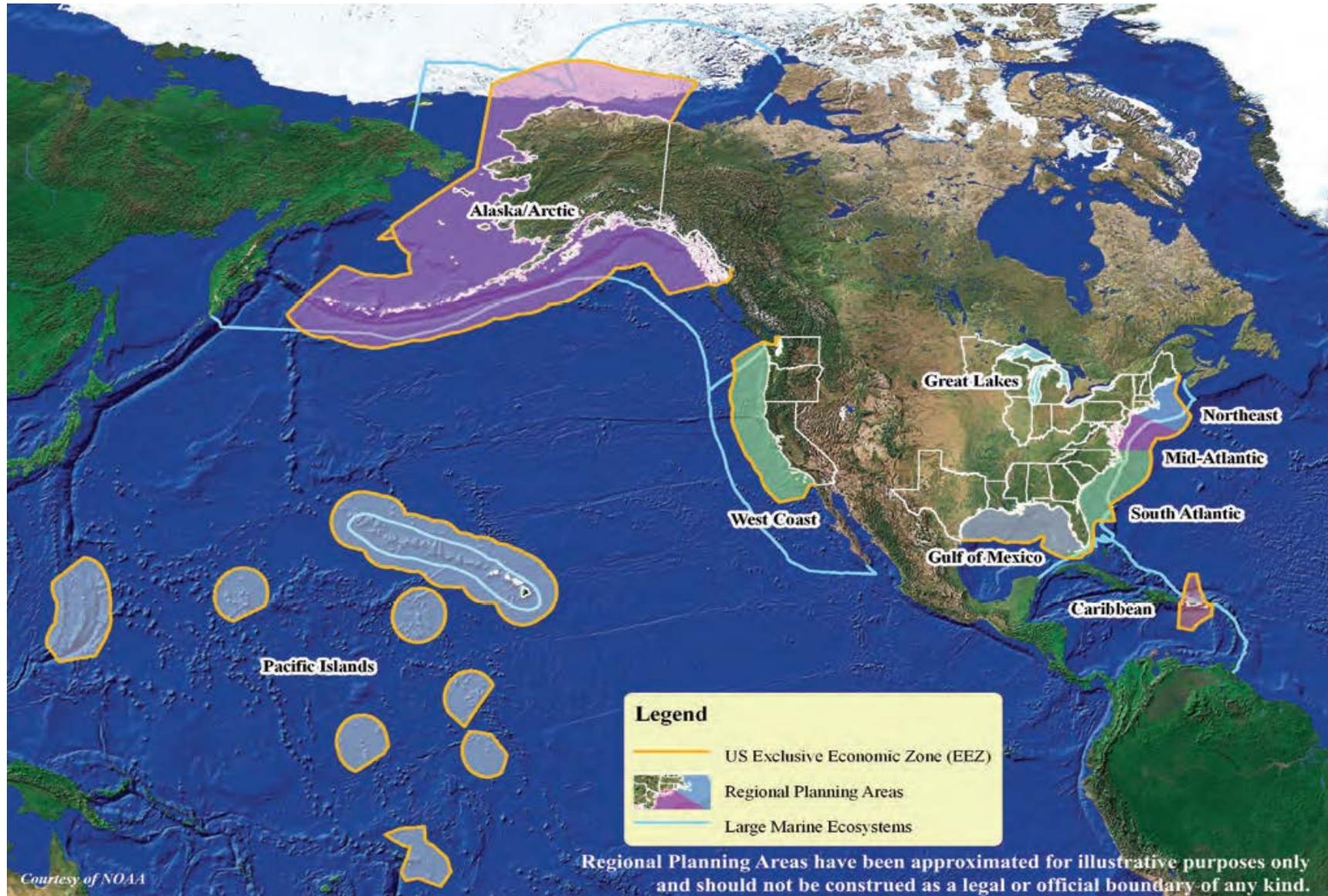
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U.S. Large Marine Ecosystems and Regional Planning Areas



Source: Council on Environmental Quality. (2010). *Final Recommendations of the Interagency Ocean Policy Task Force*, p. 52.

Simulation Agenda

Appendix D.1

Simulation Objectives

Develop an understanding of the National Ocean Policy's coastal and marine spatial planning (CMSP) framework and demonstrate essential elements of the planning process for each region. Help participants identify next steps for their regions and start to build a regional CMSP community.

Simulation Process Notes

- The exercise will be conducted with participants in breakout groups divided by regional affiliation. Federal agency representatives with no affiliation with a particular region will be spread evenly among the groups.
- The breakout groups of approximately 25-35 participants (depending on region size) will gain experience about planning in the context of an exercise related to analyzing use compatibility, a discussion about a prototype region, and discussion about important initial CMSP planning steps.
- Participants will discuss challenges and opportunities associated with implementation of CMSP generally and in their region specifically.
- Participants will meet with their regional counterparts, for the first time in some cases, to begin to build a community knowledgeable about CMSP and discuss specific steps to prepare to implement CMSP in their region.
- Each breakout group will be led by a facilitator and have at least one resource expert to answer substantive questions and assist the facilitator as needed, and a note-taker to record the key outcomes.

Note: All day two afternoon sessions will be conducted in breakout groups by region.

1:30 pm **Welcome and brief review of the agenda and goals of the session**

Facilitator and resource expert for each regional breakout group will welcome the group and provide an overview of the simulation exercises.

1:40 pm **Use Compatibility Exercise**

SESSION OBJECTIVE: *Expose participants to the fundamental concepts of compatibility and incompatibility. Facilitate discussion about the key considerations, including time, scale, and information needs for determining compatibility.*

PROCESS NOTES: The facilitator will explain the exercise to the full breakout group for 10 minutes then divide participants into 4-6 person small discussion groups. These small discussion groups will conduct the exercise for 50 minutes. When conducting the exercise, the small groups will use a matrix with preselected uses listed on each axis. They will be asked to add any emerging uses that are highly relevant to their region to blank spaces on the matrix axes. The small groups will then consider the compatibility of hypothetically locating each use in the same ocean space as each other use in the matrix. Guiding questions will prompt discussion where needed. For the final 20 minutes, the full group will debrief and discuss outcomes and observations from the exercise.

3:00 pm Spatial Scenario Discussion

SESSION OBJECTIVE: *Briefly demonstrate a spatial example of a prototype region to illuminate key opportunities and challenges associated with the multi-use, multi-state, and temporal aspects of CMSP.*

PROCESS NOTES: Participants will conduct this facilitated discussion with the full regional breakout group. The facilitator will explain a map and narrative fact-set for a prototype region, after which participants will discuss opportunities and challenges related to spatial and temporal aspects of planning for this prototype region. The uses on the map of this prototype region will echo the uses discussed during the Use Compatibility Exercise.

3:45 pm Break

4:00 pm Planning for CMSP in Our Region

SESSION OBJECTIVE: *Illuminate key opportunities and challenges related to preparing for the initial steps of CMSP in each region. Provide participants an opportunity to identify next steps their region should take in preparation for CMSP.*

PROCESS NOTES: At the beginning of this session, a workshop participant representing a state or tribe in the region will give a brief overview about related activities taking place in the region, including regional ocean partnerships as well as any state-based CMSP initiatives and other relevant efforts. Participants will then have a facilitated discussion about key questions related to each of the initial steps of the CMSP process. The participants will focus on the initial steps that will be encountered when beginning CMSP in their region. The questions focus on identification of key needs in each region related to the steps. This is not a role-play; participants will consider the questions from the perspective of their own agency / state / tribe. A written list of example stakeholder interests and concerns will be provided to the participants so they keep in mind the potential concerns and questions that stakeholders will bring to the discussion during actual planning. A map of the region will be available in the breakout rooms as a resource and to remind the group about spatial elements of the planning process during discussion.

5:30 pm Discussion of Next Steps and Other Regional Implications

SESSION OBJECTIVE: *Synthesize insights from the breakout group discussions. Identify the major implications that CMSP has for the region and begin thinking about how those might be addressed.*

PROCESS NOTES: Regional breakout groups will identify three major questions and/or challenges to share in their mixed breakout groups and in plenary on day three.

6:00 pm Adjourn Day Two

Use Compatibility Exercise

Appendix D.2

Purpose

Enhancing compatibility and avoiding conflict are central goals for coastal and marine spatial planning. Development of coastal and marine spatial plans will require several analyses of compatibility where uses are analyzed for compatibility with other uses, natural resources, and goals and objectives of management. The principal purpose of this exercise is to introduce participants to the issues, complexities, and information needs that will be involved with the analysis of use compatibility. A secondary purpose is the identification of information that would be needed to conduct this analysis during an actual coastal and marine spatial planning process. Each Regional Planning Body will conduct a much more detailed form of this type of analysis as they undertake CMS Plan development.

Note: This exercise is intended to be illustrative and not decisional. The series of uses on the matrix is not intended to be comprehensive nor imply prioritization of these particular uses over those not listed. This exercise does not include a map.

Instructions

For each general use category on the y-axis of the matrix determine an initial compatibility with the uses on the x-axis, inserting a value of **High, Medium, or Low** into the intersecting cells of the matrix. General assumptions for conducting this basic analysis are:

1. Uses are evaluated as if they would occur in the same place at the same general time
2. Uses are general in nature and, as such, may require additional information for determining compatibility (e.g., frequency, intensity, timing, infrastructure needs) or subdivision (e.g., Alternative Energy could be wind, wave, tidal, etc.). These information needs and/or caveats should be captured in the second table called “Use Compatibility Additional Information Needs”

Breakout group participants will be divided into small groups of 4-6 individuals that will conduct the exercise collaboratively. Small groups can be expected to discuss roughly 4-6 uses in the time allowed. In order for all use combinations to be addressed, small groups will be assigned a starting point for discussion. For example, one group will begin with use #1, moving onto uses #2, #3 and so forth, moving across the axis. Another will begin with use # 4, moving onto #5, #6 and so forth. Each group is encouraged to add emerging uses or uses expected to expand considerably in the next 20 years in the blank spaces in rows/columns #12 and #13 of the axes of the matrix. Groups will be asked to ensure that they reserve time to discuss at least one of these added uses.

As the exercise is intended to be illustrative, it is not necessary to reach consensus during small group discussion. Rather, a short discussion about each use’s compatibility is preferred. If participants disagree on the level of compatibility, the group should select **Medium** and capture the information needs or issues on the table below the matrix, and move on to the next use.

Use Compatibility Matrix

	13													
	12													
Shipping/Port Activities	11													
Military Operations	10													
Protecting Breeding/ Calving Grounds	9													
Biodiversity Maintenance	8													
Recreational Fishing	7													
Commercial Fishing	6													
Tribal Uses	5													
Oil and Gas Development	4													
Alternative Energy	3													
Tourism	2													
Swimming	1													
		1	2	3	4	5	6	7	8	9	10	11	12	13
Write a letter in each cell: H – High Compatibility M – Medium Compatibility L – Low Compatibility		Swimming	Tourism	Alternative Energy	Oil and Gas Development	Tribal Uses	Commercial Fishing	Recreational Fishing	Biodiversity Maintenance	Protecting Breeding/Calving Grounds	Military Operations	Shipping/Port Activities		

Use Compatibility Additional Information Needs

Use/ Use	Additional Information Needs / Comments
/	
/	
/	
/	
/	
/	
/	
/	
/	

Spatial Scenario Discussion

Appendix D.3

Narrative

A regional planning area that includes three coastal states (States B, C, and D on the associated map) is economically dependent on its ocean and coastal resources. Commercial and recreational fishing, shipping, recreational boating, beach tourism and ocean-related military operations provide a significant percentage of jobs in the region. These uses are projected to increase over the next ten years. New uses of the ocean are under consideration in this region, including offshore alternative energy, and are seen as critical drivers of economic development in the future. At the same time, the region takes the protection of marine habitat seriously, recognizing that additional marine habitat protections could be needed to ensure thriving ocean and coastal ecosystems as human uses increase.

Overarching considerations:

- Planning will be conducted over a 20 year time span. Changes in the intensity and distribution of current uses will need to be considered, as well as the establishment of future uses.
- Global change must be considered. As the climate changes, areas that are suitable for various uses may also change. Additionally, geographic areas that are currently found to be critical to sustaining ecosystem function and services may need to be re-evaluated over time.

Description of major features of the region:

Area of Potential Conflict #1:

- The area includes a boundary between regional planning areas at the line between States A and B. The planning area to the south of the boundary is associated with States B, C, and D. State A is in another planning area with states to its north, which are not visible on the associated map.
- The area has rich fishing grounds that are used by commercial and recreational fishermen year-round. The fishing grounds overlap in part with a large conservation area that is focused on fishery management, but also surrounds an important scuba diving site.
- A Native American tribe is located along the coast of State B and relies on subsistence fishing off their tribal lands and also to the north, at a site off of State A. The site off of State A is near a proposed wave energy facility.
- There is a wind resource north of the rich fishing grounds in which some wind power developers had expressed interest. In analyzing the site, they discovered some technological challenges for exploiting the resource that may be overcome in the coming years as technology improves.
- A threatened species of whale migrates through the region. The whales travel north in the spring. The Native American tribe harvests a small number of the whales every year.

Area of Potential Conflict #2:

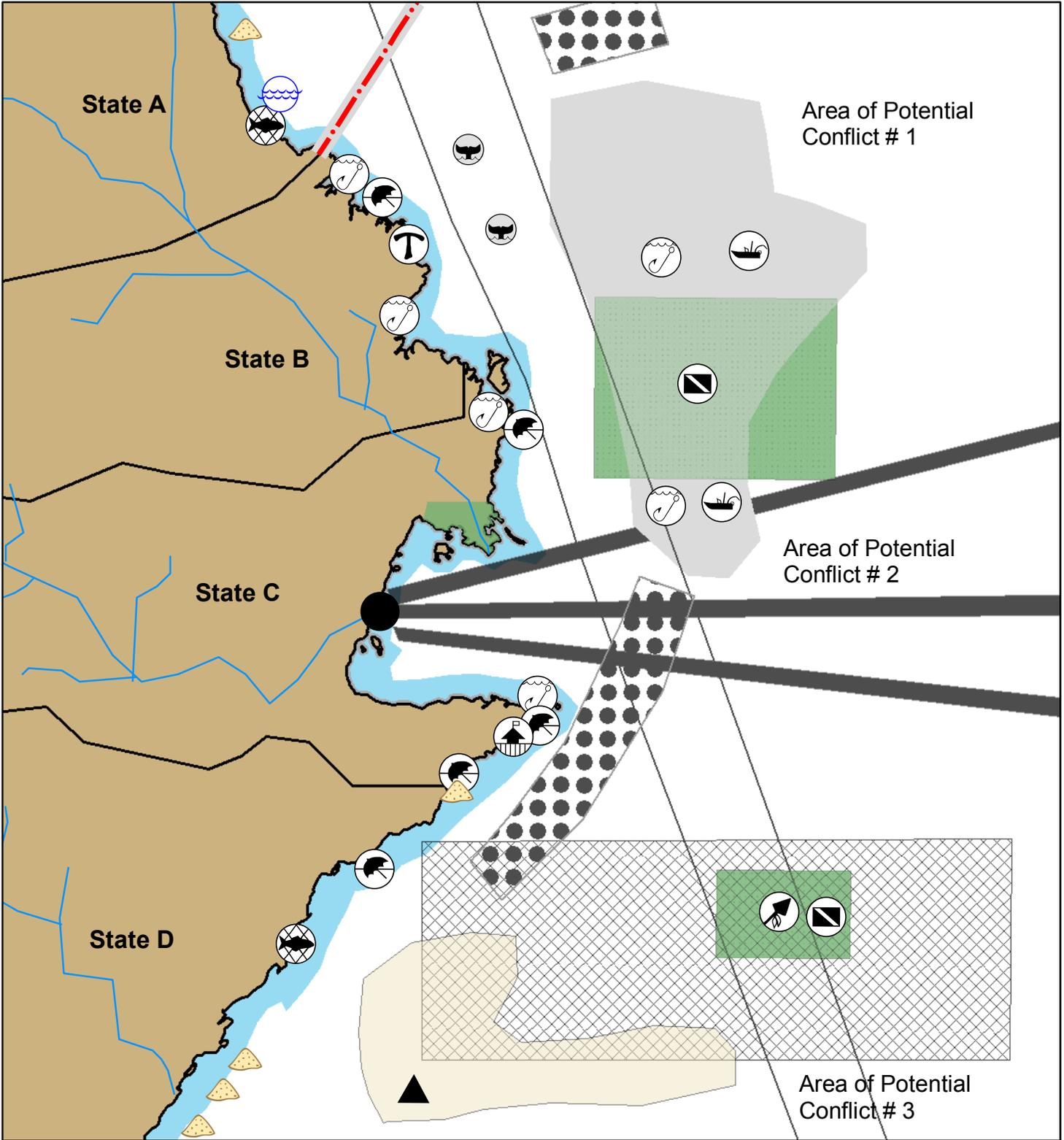
- Shipping lanes through the region provide vital corridors for marine transportation. The traffic utilizing these lanes allows for trade to the key port in the region. Traffic is expected to increase by 50% during the next ten years as a major port redevelopment is completed.
- The viewshed and aesthetics are of concern to certain coastal communities that rely on tourism, particularly in States C and D. The state and local coastal economies depend heavily on this tourism revenue. Tourists come for beach going, swimming, boating, fishing, whale watching, and visiting an important historical site in State C. The line of sight from the coast is typically 12 miles.
- There is offshore sand and gravel mining near the border of states C and D.
- There is a sizable wind resource and large interest in developing offshore wind power off the coast of State C.
- The threatened whales that migrate through Area of Potential Conflict #1 also migrate directly through the shipping lanes and wind resource area in Area #2.
- State C has a coastal conservation area to the northeast of the major city.

Area of Potential Conflict #3:

- The military conducts training exercises across a broad area during 25% of the year. The training exercises do not take place during the remaining time.
- There are oil and gas resources in the area. A small amount of oil and gas development is currently taking place, and there is some interest in expansion. The area of oil and gas resources overlaps with the area in which the military operates.
- There is a designated conservation area, the main purpose of which is to protect the winter breeding ground of the whales. The area also surrounds a shipwreck that is popular with scuba divers.
- A Native American tribe relies on subsistence fishing off the coast of State D.
- There is heavy offshore sand and gravel mining in the southern area of State D.

Discussion Questions

- A central element of CMSP is multiple stakeholders and interests identifying a more desirable future than what the processes under business-as-usual would provide. What opportunities and challenges come to mind with respect to achieving that goal as you look at this map?
- What opportunities and challenges come to mind for the multi-jurisdictional nature of regional CMSP?
- What opportunities and challenges do the temporal dimensions of uses and resources on this map present for avoiding conflict and facilitating enhanced compatibility among uses in this prototype region?



Legend

- | | | | | | | |
|--------------------|-----------------|-----------------|----------------------|---------------------|-------------------------------|-----------------------|
| City | Diving | Tribal Land | Recreational Fishing | Subsistence Fishing | Proposed Wave Energy Facility | RPB_Boundary |
| Commercial Fishing | Historical Site | Oil Platform | Sand and Gravel | Swimming | Subsistence Whaling | Major Rivers |
| | | Sand and Gravel | Shipwreck | | | Oil and Gas Resources |
| | | | | | | Conservation Area |
| | | | | | | Wind Energy Resource |
| | | | | | | Whale Migration Route |
| | | | | | | Rich Fishing Grounds |
| | | | | | | Shipping Lanes |
| | | | | | | Military Use |
| | | | | | | State Waters |
- This map was produced for the CMSP National Workshop, June 21-23, 2011. The features on this map are entirely fictitious.

Planning for CMSP in Our Region Appendix D.5

The following essential elements or steps of the CMSP process are provided under the National Ocean Policy. Those that will be discussed in this session are highlighted in bold.

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

Questions for Discussion

A. General Question

- In our region, what are the needs and opportunities that CMSP can help with?

B. Identify Regional Objectives

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

- If the states or the regional ocean partnership in our region have already identified drivers or developed objectives for coastal and ocean management, can these be used as a starting point for creating regional CMSP objectives? How do we anticipate these will shape regional CMSP objectives?
- How do we go about creating regional objectives focused on the future of the region?

C. Identify Existing Efforts that Should Help Shape the Plan throughout the Process

***Framework Guidance:** The regional planning body would identify existing efforts (e.g., State and Federal ocean plans, data management efforts, and CMSP decision products) that would allow the regional plan to*

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

- It is highly desirable that every relevant governmental entity with authority be at the table at the beginning of the CMSP process and that the RPB identify them. How do we identify these authorities and who are they in our region?
- How can existing efforts be incorporated/integrated into the work of the RPB and how can these support regional CMSP? How will existing formally adopted plans be “edge matched” with a regional plan?

D. Engage Stakeholders and the Public at Key Points throughout the Process

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

- How would we identify key current and emerging stakeholders in our region?
- How would we ensure that all relevant stakeholders, even those with less vocal advocates, are engaged?
- What needs and concerns have been raised by stakeholders in our region as they relate to CMSP?

E. Consult Scientists and Technical and Other Experts

Framework Guidance: *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.

- What mechanisms can be used to consult scientists, technical experts, and those with traditional knowledge of or expertise in coastal and marine sciences and other relevant disciplines from a range of sources (e.g., governmental, academic, and others)?
- What are the key points in the process at which scientific and technical experts should be consulted and how?

F. Analyze Data, Uses, Services, and Impacts

Framework Guidance: With assistance from scientific and technical experts, the regional planning body would investigate, assess, forecast, and analyze the following:

- Important physical and ecological patterns and processes (e.g., basic habitat distributions and critical habitat functions) that occur in the planning area, including their response to changing conditions;
- The ecological condition and relative ecological importance or values of areas within the planning area, including identification of areas of particular ecological importance, using regionally-developed evaluation and prioritization schemes that are consistent with national guidance provided by the NOC;
- The economic and environmental benefits and impacts of ocean, coastal, and Great Lakes uses in the region;
- The relationships and linkages within and among regional ecosystems, including neighboring regions both within and outside the planning area, and the impacts of anticipated human uses on those connections;
- The spatial distribution of, and conflicts and compatibilities among, current and emerging ocean uses in the area;
- Important ecosystem services in the planning area and their vulnerability or resilience to the effects of human uses, natural hazards, and global climate change;
- The contributions of existing place-based management measures and authorities; and
- Future requirements of existing and emerging ocean, coastal, and Great Lakes uses.

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

- Situations will likely arise where there is an important data gap and no time or resources to fill it before planning commences. What are some issues we would need to consider in order to move forward?

Example CMSP Issues and Stakeholders

*Note: The purpose of these lists is to be a resource during the Simulation to remind participants about the kinds of stakeholders and region-specific issues they may encounter during actual planning. These lists provide some common examples and are **not** intended to be comprehensive.*

Example region-specific issues

- Active and organized recreational boating community
- Coastal communities vulnerable to natural disasters
- Commercial boating community (e.g., whale watching, ocean sports)
- Cultural uses
- Extensive current/potential future oil and gas exploration and drilling
- Local economies highly dependent on coastal tourism/industrial activity
- Major fishery time/area closures/stock health
- Major military (e.g., naval, air force, coast guard) activity in the region
- Marine transportation/shipping
- Offshore mineral extraction
- Port activities
- Presence of endangered/vulnerable species migration pathways
- Presence of marine protected areas
- Presence of offshore pipelines and cables
- Wind/wave energy proposals
- Others

Example stakeholder groups

- Coast Guard
- Coastal inhabitants
- Commercial fishermen
- Conservationists
- Indigenous community members
- Local/State/Federal elected leaders
- Managers of various agencies
- Navy
- Offshore aquaculture developers
- Offshore mineral extractors
- Offshore wind energy developers
- Oil and gas producers
- Pipeline and cable developers
- Recreational fishermen
- Recreationalists
- Scuba divers
- Seafood processors
- Shipping industry workers
- Tourism industry workers
- Wave and tidal energy developers
- Others

Appendix E.1

Day 1: Overview of National Ocean Policy: Jerry Miller and Michael Weiss



A Collaborative Approach: Coastal and Marine Spatial Planning in the United States

National Coastal and Marine Spatial Planning Workshop

Washington, D.C.
June 21, 2011

Jerry Miller, Ph.D.
Assistant Director for Ocean Sciences
Office of Science and Technology Policy

Michael Weiss
Deputy Associate Director
Ocean and Coastal Policy
Council on Environmental Quality

National Ocean Council



Executive Order 13547

- Establishes our Nation's first ever National Policy for Stewardship of the Ocean, our Coasts, and the Great Lakes
- Creates an interagency National Ocean Council to provide sustained, high-level, and coordinated attention to advance the National Policy
- Prioritizes 9 categories for action that seek to address the most pressing challenges facing the ocean, our coasts, and the Great Lakes
- Establishes a flexible framework for effective coastal and marine spatial planning to address conservation, economic activity, user conflict, and sustainable use of ecosystem services

National Ocean Council



What is the National Ocean Policy about?

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.

National Ocean Council



Governance Coordinating Committee

Governance Coordinating Committee State/Tribal/Local

State Legislative
Representative
Kevin Ranker

Representatives from
inland States (2)
(TBD)

State Regional
Representatives
Brian Baird, Vice Chair
(West Coast)
Kathleen Leyden
(Northeast)
David Nafziger
(Great Lakes)
Lelei Peau
(Pacific Islands)
Mark Robbins
(Alaska)
Paige Rothenberger
(Caribbean)
George Stafford
(Mid-Atlantic)
Bill Walker
(Gulf of Mexico)
Dee Freeman
(South Atlantic)

Tribal Representatives
Steve Crawford
Jacque Hostler
Micah McCarty, Vice Chair

Local Government
Representatives
Kristin Jacobs, Chair
Garialine Knatz
Jean Murphy

Ocean Research Advisory Panel

Dr. Margaret Leinen, Florida Atlantic University, Harbor Branch
Oceanographic Institute – **Chair**
Dr. Steven Ramberg, National Defense University - **Vice-Chair**

VADM Paul Gaffney, (USN Ret.), Monmouth University
Dr. Dennis Bartels, Exploratorium
Dr. Don Boesch, National Academies, Ocean Studies Board
Dr. Dan Costa, University of California, Santa Cruz
Ms. Jane Davis, Walt Disney World Animal Programs
Mr. Randy Fisher, Pacific States Marine Fisheries Commission
Dr. John Gannon, International Joint Commission
Mr. Paul Kelly, Rowan Companies (ret.)
Dr. Andrew Rosenberg, Conservation International
Mr. Kerry St. Pé, Barataria-Terrebonne National Estuary Program
Dr. Robert Weller, Woods Hole Oceanographic Institution
Dr. Clarice Yentsch, Nova Southeastern University Oceanographic Center
Dr. Michael Bruno, Stevens Institute of Technology
Dr. Peter Brewer, Monterey Bay Aquarium Research Institute

Priority Objectives

- ✓ Ecosystem-based management
- ✓ **Coastal and marine spatial planning**
- ✓ Inform decisions and improve understanding
- ✓ Coordinate and support
- ✓ Resiliency/adaptation to climate change and ocean acidification
- ✓ Regional ecosystem protection and restoration
- ✓ Water quality and sustainable practices on land
- ✓ Changing conditions in the Arctic
- ✓ Ocean, coastal, and Great Lakes observations and infrastructure

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Coastal and Marine Spatial Planning Defined

What it is:

A regionally-based planning process for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.

What it does:

Identifies areas most suitable for various types of activities in order to facilitate compatible uses, and preserve ecosystem services to meet our nation's economic, environmental, security, and social goals.

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.

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How is Coastal and Marine Spatial Planning Different?

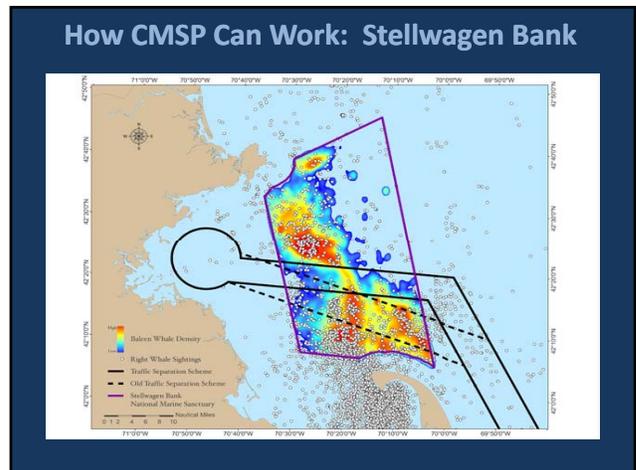
- **Comprehensive and Integrated**
 - All interested parties at the table from the beginning
 - Long range planning independent of specific activity
 - Focused on region, not a specific location
 - Multi-sector focus

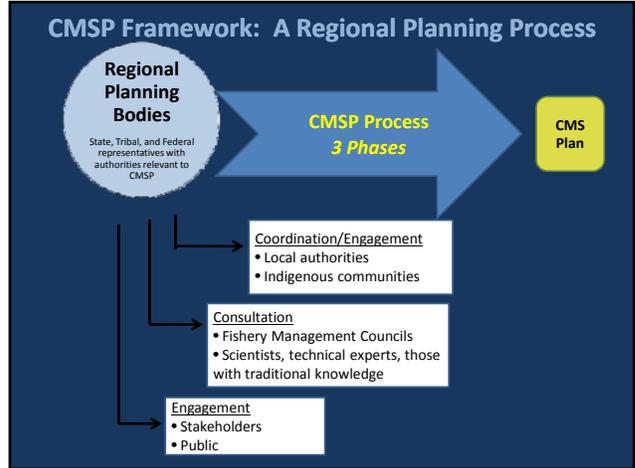


Benefits of CMSP

- Improve decision-making and planning across multiple levels of government
- Improve opportunities for community and citizen participation in the planning process
- Facilitate sustainable economic growth by providing transparency and predictability for economic investments
- Improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas
- Leverage, strengthen, and magnify local planning objectives through integration with regional and national planning efforts







For Consideration

- What questions do we collectively need to answer as we move ahead with collaborative planning?
- What do you see as key benefits of CMSP and what is needed to ensure success?
- What are the key challenges that need to be addressed in order to see that success?

National Ocean Council

Thank You

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

- President Barack Obama

www.WhiteHouse.gov/oceans

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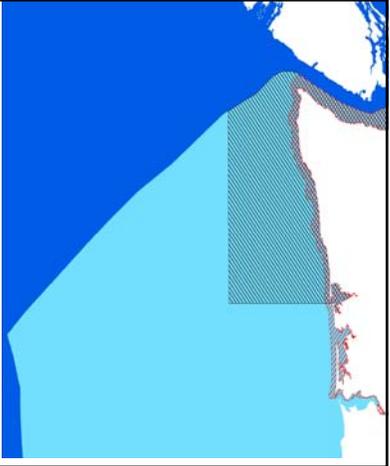
Appendix E.3

Day1: Lessons Learned from Places with CMSP: Micah McCarty

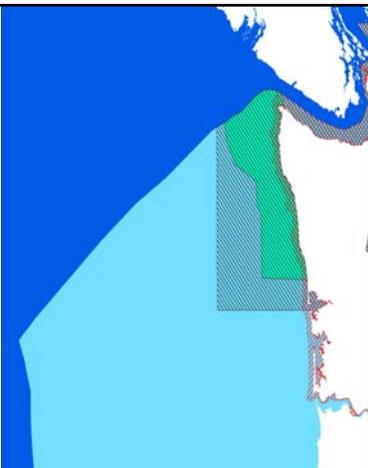
CMSP
Tribal
Perspectives



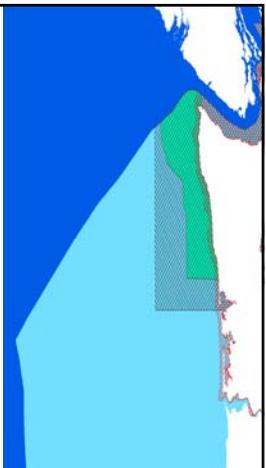
- The Washington Coastal Tribes sign treaties with the United States in the late 1880's.
- This initiated the beginning of co-management of the region's natural resources.
- The Washington Coastal Tribes have federally recognized treaty rights and resources that extend well into federal waters.



- Tribal/State jurisdiction occurs 0-3 miles
- Tribal/Federal occurs outside of 3 within our Usual and Accustomed Areas.
- Tribal/Federal/State jurisdiction occurs in the National Marine Sanctuary depicted by the green area



- We are actively engaged in a host of management and habitat forums: International Whaling Commission; International Pacific Halibut Commission; US/Canada Pacific Salmon Commission; Pacific Fishery Management Council; EPA Region 10/USCG dist. 13 RRT; OCNMS IPC; NW Navy Tribal Council; Washington State Tribal Accord



Summary

- The tribes are interested in all activities that affect their sovereignty, trust resources, and treaty rights.
- We recognize the importance of building partnerships, implementing shared governance mechanisms, and developing common priorities, goals and objectives.
- We see the value in Coastal Marine Spatial Planning.
- For us, it is a natural extension of current management practice, decisions are based on the premise that all things are connected and made from a long-term perspective.

Appendix E.4

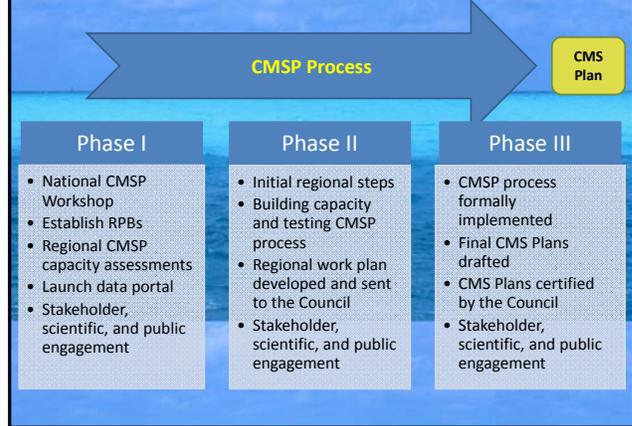
Day 1: Overview: Steps for Regional Implementation of the National Framework for CMSP: Dr. John Oliver

Steps for Regional Implementation of the National Framework for CMSP

Dr. John T. Oliver, Senior Ocean Policy Advisor, U.S. Coast Guard;
CMSP Strategic Action Plan Writing Team Lead

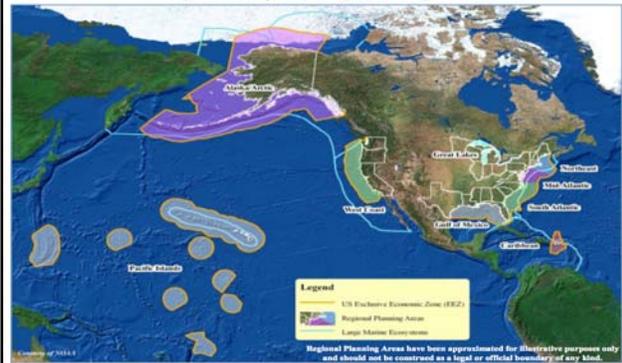


CMSP Framework: A Regional Planning Process



Large Marine Ecosystems and Nine Regional Planning Areas

Large Marine Ecosystems and Regional Planning Areas



Regional Flexibility and National Consistency

Flexibility

- Geographic scope (inland?)
- Establish sub-regions?
- Regional objectives
- Initial regional steps
- Stakeholder and public outreach and engagement
- Mechanisms for coordination and consultation with experts

Consistency

- Same planning elements
- Same minimum components for CMSP
- Same CMSP web portal
- Same Council-certification process, with national goals, principles, and objectives

Preliminary Steps in the CMSP Process

- Form the Regional Planning Body
- Hold the Initial Meeting and Select Co-Chairs
- Enter into a CMSP Development Agreement, including a Dispute Settlement Process
- Plan and Conduct a Regional CMSP Workshop
- Develop a Formal Regional Work Plan

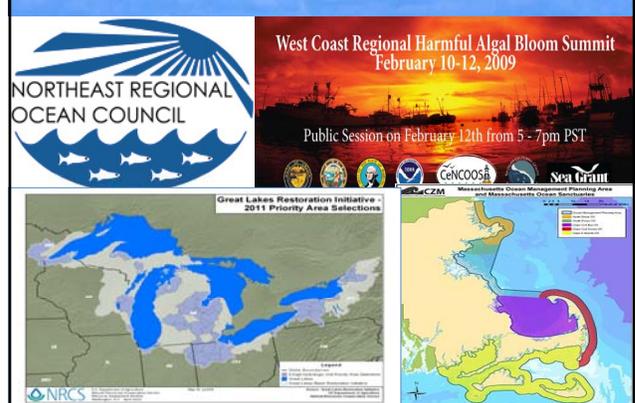
Essential Elements of the CMSP Process

- (1) Identify Regional Objectives
- (2) Identify Existing Efforts that Will Help Shape the Plan
- (3) Engage Stakeholders and the Public at Key Points
- (4) Consult Scientists and Technical and Other Experts
- (5) Analyze Data, Uses, Services, and Impacts
- (6) Develop and Evaluate Alternative Future Spatial Management Scenarios and Tradeoffs
- (7) Prepare and Release a Draft CMS Plan for Public Review
- (8) Create a Final CMS Plan and Submit for Council Review
- (9) Implement, Monitor, Evaluate, and Modify the Plan

Identify Regional Objectives



Identify Existing Efforts to Help Shape the Plan



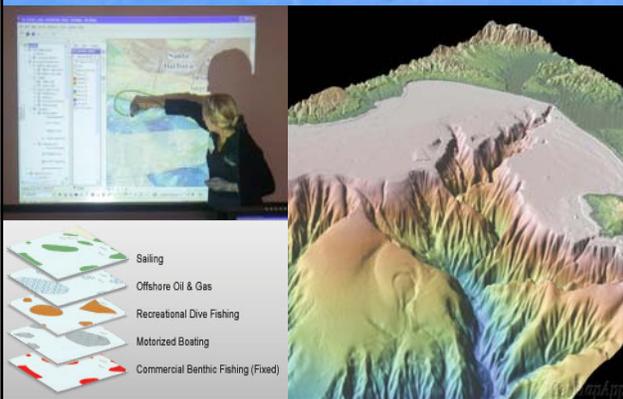
Engage Stakeholders and the Public



Consult Scientists and Other Experts



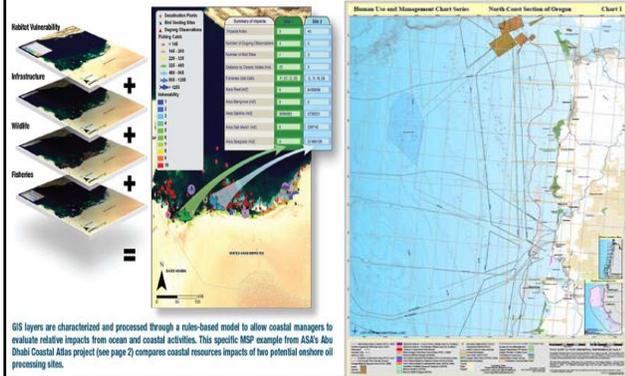
Analyze Data, Uses, Services, and Impacts



Develop and Evaluate Alternative Future Spatial Management Scenarios and Tradeoffs



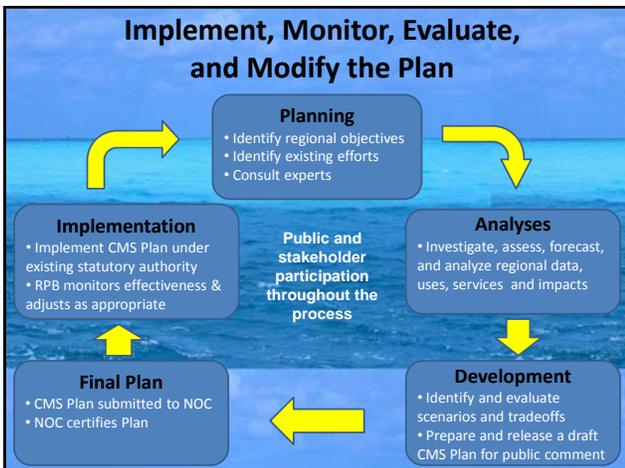
Prepare and Release a Draft CMS Plan for Public Review and Comment



Create a Final CMS Plan and Submit for Council Review



Implement, Monitor, Evaluate, and Modify the Plan



Thank You!

“These regional plans will enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes.”

President Barack Obama, Executive Order 13547

Appendix E.5

Day 2: Establishment, Roles, and Responsibilities of PRBs: Jeff Luster and Elaine Crowley



Establishment, Roles, and Responsibilities of Regional Planning Bodies (RPBs)

National CMSP Workshop
June 22, 2011

Jeff Luster
National Ocean Council Staff

Elaine Crowley
General Services Administration

National Ocean Council



Overview

- RPB Responsibilities
- Representation
- RPB Co-Leads
- Establishment of RPBs
- Legal Considerations

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Regional Planning Bodies (RPBs): Responsibilities

- Development of coastal and marine spatial plans (CMS Plans)
- CMS Plans would be developed following the essential elements of the planning process
- Partners would commit in good faith to collaborative planning

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RPBs: Representation

- Representation from Federal agencies
- Representation from Federally-recognized Tribes
- Representation from States
- RPB to determine:
 - Ex-officio members from adjacent coastal states
 - Inland State members
 - Ex-officio members or observers from other Nations
- NOC will prepare guidance for RPBs on consultative requirements for:
 - Local governments
 - Non-Federally recognized tribes and indigenous community representatives
 - Regional Fishery Management Councils, including whether to extend RPB membership

Lessons learned from this Workshop will inform the development of this guidance!

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RPBs: Federal Representation

- One official representative for each NOC agency
- Subject-matter experts with sufficient seniority, authority, and expertise to represent their agency on the RPB and make decisions or commitments on their agency's behalf
- Participation (attend and contribute) by relevant sub-units of Federal agencies permitted

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RPBs: State & Tribal Representation

- Official representation from each State
- Official representation from Federally-recognized tribes
- NOC will coordinate with State authorities to determine representation
- NOC will coordinate with Tribal leadership in each region to determine representation
- State and Tribal leadership will select respective RPB members
- After the National Workshop, the NOC, with advice from the GCC, will determine, if necessary, additional types of representation

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RPBs: Co-Leads

Co-Leads will:

- Guide and facilitate the timely progress of the CMSP process, but will not have final decision-making authority
- Perform administrative functions to fulfill RPB responsibilities
- Establish RPB working groups comprised of RPB Federal, State, and tribal members or their designated representatives
- Seek to resolve RPB disputes arising during CMS Plan development and subsequent interpretation
- Ensure preparation and execution of a regional CMSP development agreement

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Draft Model CMSP Development Agreement

- Prepared by NOC to assist RPBs
 - Analogous to a charter
 - Intended to foster consistency and efficiency across the regions, and facilitate subsequent NOC certification of the CMS Plan
 - Sets forth the NOC-approved CMSP dispute resolution mechanism
- Purpose and Objectives:
 - Identify RPB members (including *ex officio* members)
 - Document and articulate RPB Partner commitments to work cooperatively to engage in CMSP and develop eventual CMS Plans
 - Identify geographic scope as determined by the RPB
 - Define ground rules, roles, and Partner responsibilities

The agreement facilitates transparency in the CMSP process.



Establishing the RPB

- Convene and organize RPB Federal members
- ↓
- Selection of the Federal Co-Lead
- ↓
- National CMSP Workshop and CMSP Simulation Exercise
- ↓
- NOC, with GCC advice, determines additional RPB representation, if necessary
- ↓
- NOC invitation to State authorities and Tribal leadership
- ↓
- State authorities and Tribal leadership determine representation, and select respective Co-Leads
- ↓
- RPB members ("Partners") prepare and enter into a development agreement
- ↓



RPB Operations: Legal Considerations

- The Federal Advisory Committee Act
- The Unfunded Mandates Reform Act of 1995
- How RPBs Can Obtain Advice Without Implicating the Federal Advisory Committee Act
- RPB Members: Ethics
- The Freedom of Information Act (FOIA)

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Federal Advisory Committee Act (FACA)

- Enacted in 1972.
- In general, advisory groups established or utilized by a Federal agency and comprised of at least one non-Federal employee are subject to FACA.
- FACA's intent is that the advice produced by a Federal advisory committee is objective and accessible to the public.
- It formalizes the process for establishing, operating, overseeing, and terminating Federal advisory committees.

RPBs are not Federal advisory committees.

RPBs may establish Federal advisory committees ("Regional Advisory Committees").

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The Unfunded Mandates Reform Act (UMRA) Requirements

- UMRA is a narrow exemption to FACA.
- Members of a group formed under the UMRA exemption must:
 - Be an electd officer of a State, local, or tribal government (or a designee with the authority to act on behalf of an elected official),
 - Act in their official capacity, and
 - Only exchange views, information, or advice related to the management or implementation of the National Ocean Policy and related matters.

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Non-Compliance With FACA

- If the UMRA exemption is used to form a committee or group that falls outside of FACA, it is critical that its members continue to comply with the UMRA requirements during their tenure.
 - Members must continuously satisfy UMRA requirements, otherwise the committee will be required to comply with FACA.
- If such a committee no longer meets the UMRA exemption, neither the NOC nor the Federal government will be able to use any advice or work products produced by the committee in making National Ocean Policy decisions.

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How RPBs Can Obtain Advice Without Implicating FACA

- Each person provides individual advice
- Information exchange/gathering
- Meetings initiated by group to express views
- Town hall or public hearing
- Unfunded Mandates Reform Act Exemption
- Groups established, managed, or controlled by a non-Federal entity
- Exempt by statute
- Operational committees
- Interagency committees (solely Federal employees)

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RPB Members: Ethics Obligations

- Members appointed in their official capacities to serve on a Regional Planning Body or any RPB subgroup must follow the ethics requirements imposed on them by their State, local, or tribal governments.

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The Freedom of Information Act (FOIA)

- FOIA encourages Government accountability through transparency.
- Any information shared by a RPB member, that would otherwise be protected under State, local, or tribal Freedom of Information laws, is potentially subject to release to the public if a FOIA request is made [to the NOC].
 - RPB member to NOC
 - RPB member to any Federal agency

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Legal Considerations: Summary

- The Federal Advisory Committee Act
- The Unfunded Mandates Reform Act of 1995
- How RPBs Can Obtain Advice Without Implicating the Federal Advisory Committee Act
- RPB Members: Ethics
- The Freedom of Information Act (FOIA)

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Thank You!

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Appendix E.6

Day 2: Technology, Data, and Information Needs: Mary Boatman



National Information Management System (NIMS) and Coastal and Marine Spatial Planning (CMSP) Portal

Mary C. Boatman
Ocean Policy Advisor
National Ocean Council

National Ocean Council



Coastal and Marine Spatial Planning

What it is:

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.**

What it does:

CMSP **identifies areas** most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.

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Where we are today

Developing a Common Knowledge Base

- What are the current uses of the ocean, coastal and Great Lakes areas?
- What are the ecological habitats, ecosystem services?
- What are the tribal interests?
- What are the cultural (maritime heritage) interests?
- What are the existing laws and regulations?

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Where we want to go

Vision for the Future

- Ecosystem-based Management
- Regional goals and objectives
- Long term outcomes
- Evaluation of anticipated uses (scenarios)
- Determining the costs and benefits of various scenarios, recognizing trade-offs

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NIMS and CMSP Data Portal

- A robust national IMS dedicated to coastal and marine scientific data
- Compatible with existing Federal information resources
- Has effective governance and accountability across agencies
- Built upon existing national data systems and initiatives

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Interagency Working Group

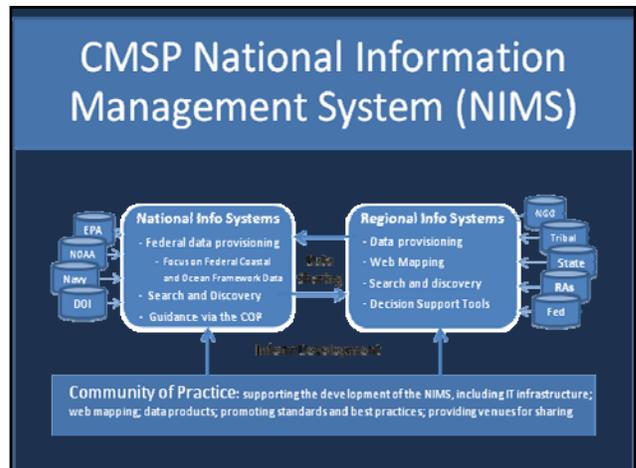
- Reports to NOC Steering Committee
- Consists of 15 Federal agencies
- Drafting Requirements Document for NIMS/Portal development
- Working with Data.gov to develop Prototype

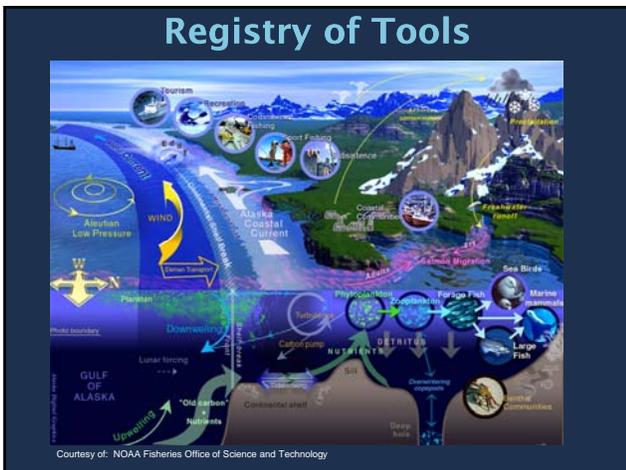
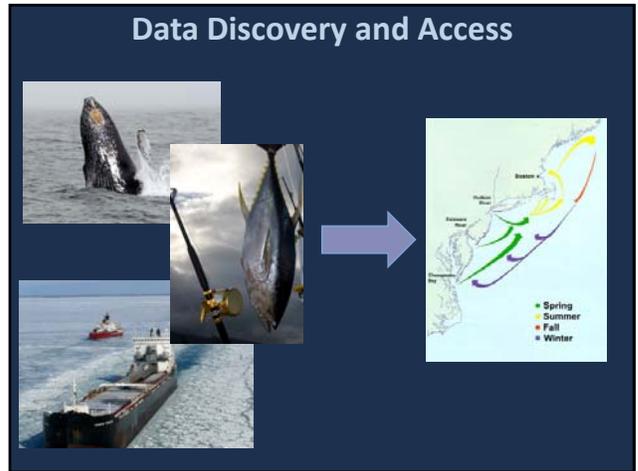
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IWG Operating Principles

- Focus on the Customer
- Use existing efforts
- Keep it simple

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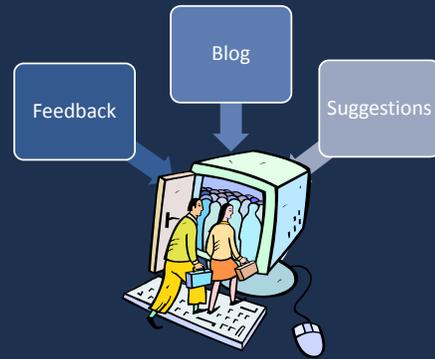




Regional Efforts



Forum



NIMS Implementation

NIMS

Phase 1 (1-9 mo)	Phase 2 (9-24 mo)	Phase 3 (beyond 24 mo)
<ul style="list-style-type: none"> • Guidance for NIMS Development • Guidance for Data Standards • Determine Lead Agency • Guidance for Tools • Guidance on additional information needs • Launch NIMS Prototype 	<ul style="list-style-type: none"> • Continue Populating NIMS with data • Add levels • Increase Regional Support • Respond to user input 	<ul style="list-style-type: none"> • Update NIMS with new information • Evolve with improved technology

Current Status

- Development team working on Prototype Portal – looking towards late summer for “going live”
- Working with Federal Agencies to make data available – on websites
- Reaching out to regional efforts

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We Want to Hear from You!

www.whitehouse.gov/oceans

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Appendix E.7

Day 2: Technology, Data, and Information Needs: Laura McKay



NORTHEAST OCEAN DATA PORTAL
SUPPORT FOR COASTAL AND MARINE SPATIAL PLANNING

National CMSP Workshop

June 22, 2011



Ru Morrison, NERACOOS
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NORTHEAST OCEAN DATA PORTAL
SUPPORT FOR COASTAL AND MARINE SPATIAL PLANNING

NE Portal Working Group

- A volunteer effort closely coordinated with the Northeast Regional Ocean Council (NROC)
- Building off State MSP and data integration efforts in the region
- Entirely self funded – cash and in-kind investments
- Goals to integrates data from many providers and provide regionally consistent data products and tools.



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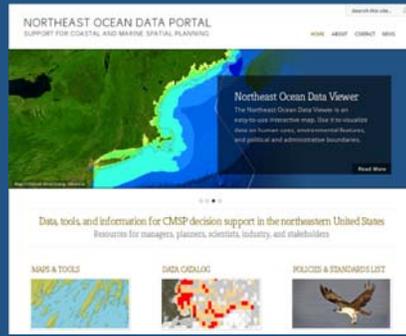
Progress to Date – Data Integration

- Identification of Regional Data Priorities
 - Interviews
 - Analysis of recent documents – including from two regional CMSP workshops
- Draft Data Profiles
 - Priority datasets or theme areas
 - Scoping documents
- Regional Data Product Development

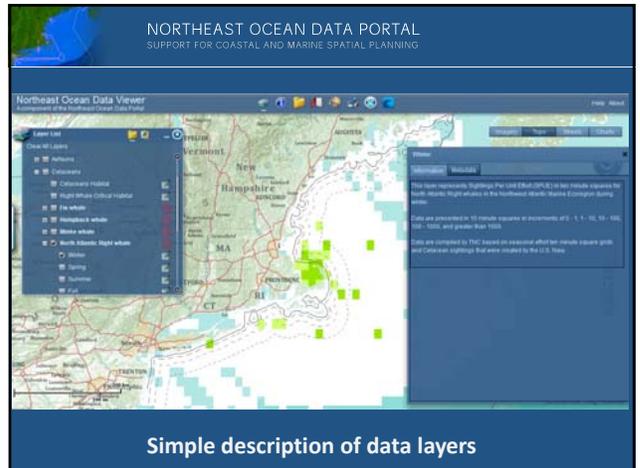
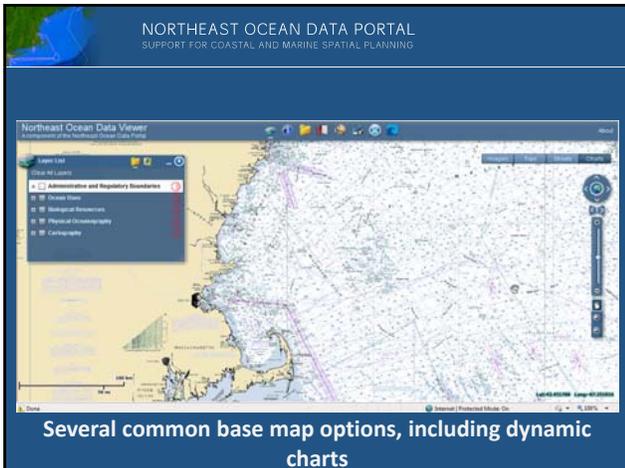
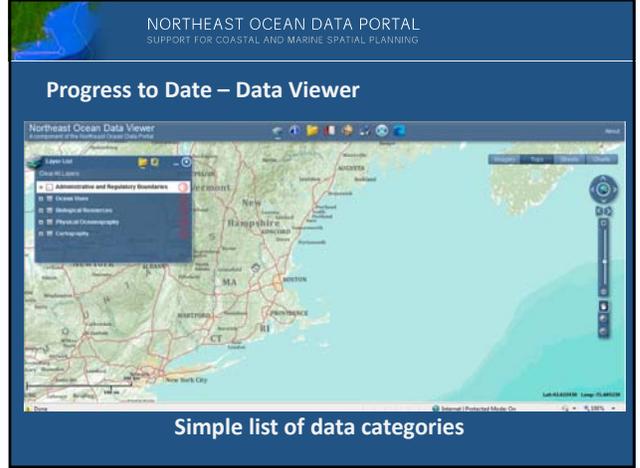
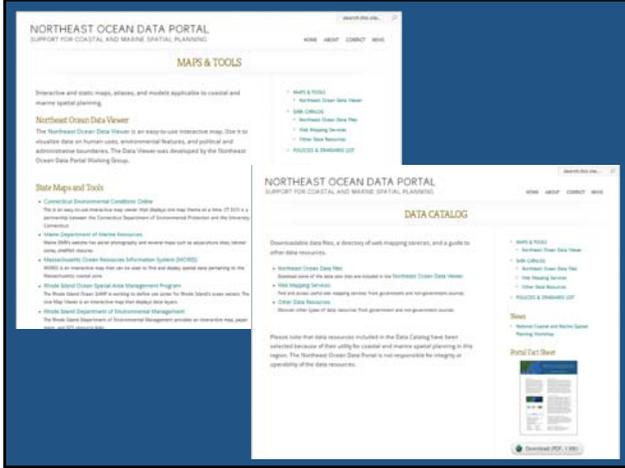


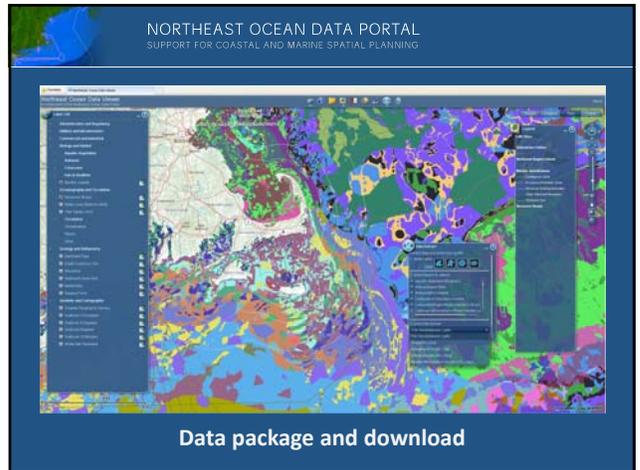
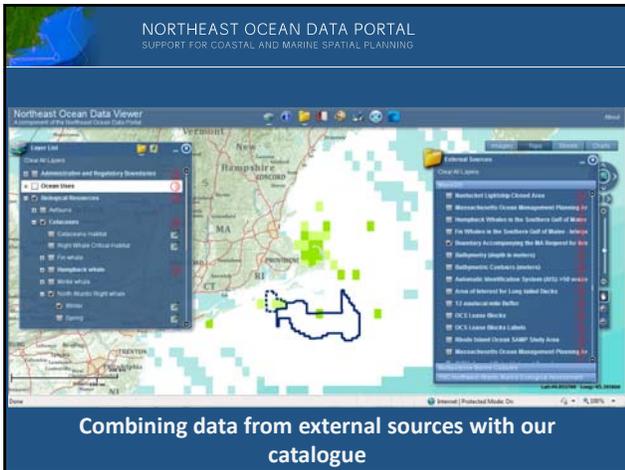
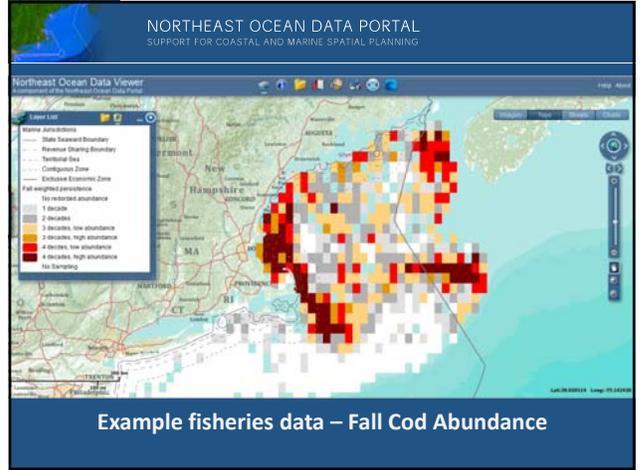
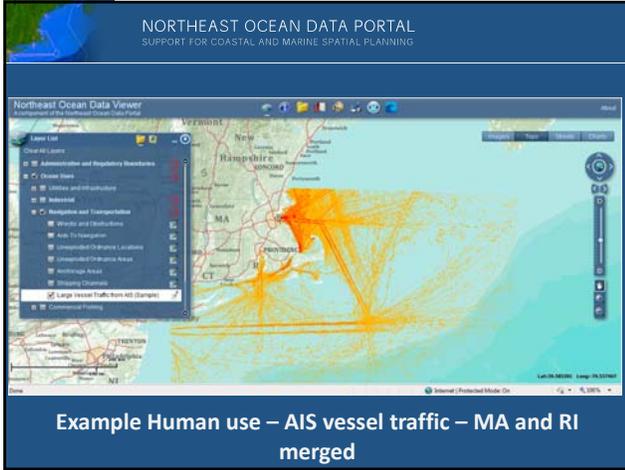
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Progress to Date - Website



northeastoceandata.org





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Three tips or lessons learned

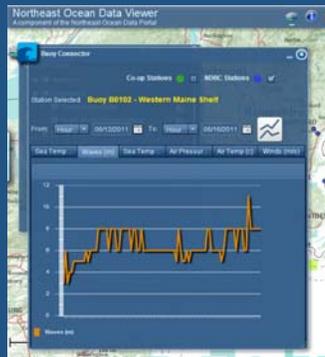


- Regional scale portal efforts allow for efficient access to all data types through personal relationships
- Partnering both within the region and with neighboring regions makes data access easier
- Cloud Based and shared infrastructure facilitates a community type approach

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Next Steps & Ongoing Efforts

- Initial Release
- Stakeholder feedback
 - Current products
 - Priorities for Regional Planning Body and other stakeholders
 - More advanced functionality?
 - Decision support tools?



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Next Steps & Ongoing Efforts

Continued data product development and collaboration with data providers, especially for the data priorities:

<u>Human Uses</u>	<u>Habitat</u>
Vessel traffic patterns – AIS and VMS	Avifauna
Shipping channels	Cetacean
Energy facilities	Fish habitat – EFH, resource surveys
Pipelines and cables	Shellfish habitat
Commercial fisheries	Benthic communities
Recreational boating & fishing	Bathymetry
Shipwrecks	Seafloor geomorphology
	Wind regime
<u>Administrative & Regulatory</u>	Surface current and waves (circulation)
Fishery management areas	
Dangerous and restricted areas	

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Next Steps & Ongoing Efforts

- Coordination and Engagement
 - Regional Planning Body including Native Americans and NROC
 - Identify additional participants
 - Include traditional knowledge
 - Quarterly meetings
- Liaison with NOC data working group and MMC to ensure national consistency
- Continue coordination with MARCO portal group

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Appendix E.8

Day 2: Technology, Data, and Information Needs: Dr. Ru Morrison

MARCO Mapping & Planning Portal



Laura McKay
Virginia Coastal Zone
MANAGEMENT PROGRAM




How MARCO Began

- Summer of 2008 George started calling us
- Fall 2008 NY commissioned Meridien to create an issues paper
- Winter 2009 we drafted a regional agreement
- June 2009 the five governors signed the Mid-Atlantic Ocean Governors' Agreement on Ocean Conservation
- December 2009 held a summit for about 150 stakeholders



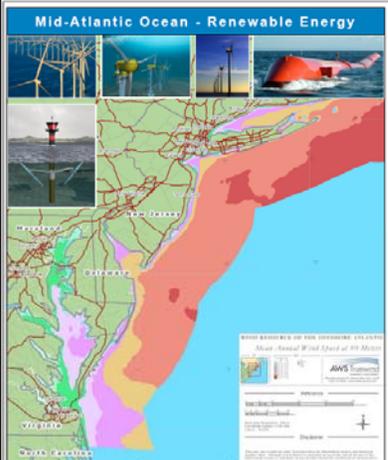
Mid-Atlantic Ocean - Habitats



Protect Key Ocean Habitats

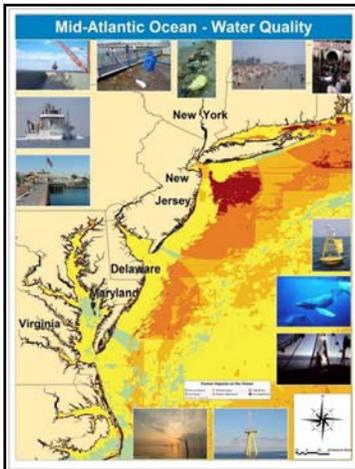
- 10 major offshore canyons
- Cold water corals
- Key fish habitats
- Bird, marine mammal, sea turtle and other migration corridors

Mid-Atlantic Ocean - Renewable Energy



Promote Renewable Offshore Energy

- Requires knowledge of best locations for wind energy facilities.
- Requires knowledge of where use conflicts may arise.



Improve Water Quality

- Not on MARCO's agenda as a spatial planning task. MARCO is working on this from policy perspective.
- But water quality data may be important for some facility siting and habitat protection issues.



Adapt to Climate Change

- Identify key infrastructure vulnerable to sea level rise and flood hazards at a coarse scale

MARCO Structure

Five Action Teams:

1. Offshore Renewable Energy
Lead: MD – Gwynne Schultz
2. Offshore Habitats
Lead: NY – Greg Capobianco
3. Climate Change and Coastal Resiliency
Lead: DE – Sarah Cooksey
4. Water Quality
Lead: MD – Matt Fleming
5. Coastal & Marine Spatial Planning (CMSP)
Lead: VA – Laura McKay



Coastal GEMS (Geospatial and Educational Mapping System)

MARCO Portal Creation

1. Contracted with TNC for \$75k 
2. TNC surveyed a small group of potential users (some MARCO staff and some summit attendees)
 - What portal functions do you want?
 - What data do you have?
3. Create internal test portal
4. TNC collected feedback from survey group and revamped as needed



3 Tips

- Stay ***focused*** on immediate planning needs first and ***“satisfice”*** where possible.
- Trust the portal will grow, ***evolve*** and ***adapt*** over time.



- ***Make data needs known*** over a wide audience and remember to ***seek traditional knowledge*** from tribes and others who have spent their lives “on the water.”

MARCO/NROC Data Portal Crosswalk						
Portal	Category	Data Layer	Source	Sufficient?	If not sufficient, why not?	Is Better Data Available or Under Development?
MARCO	NROC	Administrative	Marine Jurisdiction	BOEMRE	Yes	
MARCO	NROC	Administrative	DCS Administrative Boundaries	BOEMRE	Yes	
MARCO	NROC	Administrative	Protraction Diagram Boundaries	BOEMRE	Yes	
MARCO	NROC	Administrative	DCS Blocks	BOEMRE	Yes	
NROC	Administrative	Northeast Region Extent	NOAA	Yes		
NROC	Administrative	Coastal Barrier Resource System	DOI	Yes		
NROC	Administrative	County Laterals	Census Bureau	Yes		
NROC	Administrative	State Laterals	Census Bureau	Yes		
NROC	Administrative	Danger Restricted Areas Draft	Coast Guard?	Yes		
NROC	Administrative	Collision Regulation Boundaries	USCG	Yes		
NROC	Administrative	National Marine Sanctuary	NOAA	Yes		

MARCO focused on about 30 layers, NROC has at least 48.

Critical Data Needs for CMSP - Identified by MARCO and NROC					18-Mar-11
Category	Data Type	Description	Source of Data	Notes	
Administrative	Military, hazard and restricted areas	Information pertaining to uses of the marine environment by the Department of Defense for training, classified or restricted areas, with unexploded ordnances, etc.	USCG & DOD including ACOE, Navy, etc.	Most spatial data exists, but may need to be attributed with additional information (e.g. permitted uses with zone types).	
Biological	Marine mammal migration paths	Existing marine mammal data highlights important concentration areas, yet may not reveal critical migratory pathways.	Unknown	Need to leverage existing data and survey efforts; additional surveys needed.	
Biological	Important bird habitat (e.g. nesting, breeding, stopover)	Point and polygon data on sea bird and sea duck use of coastal and marine habitats.	Multiple sources	Need to leverage existing data and efforts; additional data needs to be collected.	
Biological	Regional scale sea bird and sea duck habitat model	A high resolution, predictive model for sea bird and sea duck habitat and distribution.	PIROP/Manomet	NCCOS and partners working on a tier for New York that could be expanded to the Bay of Fundy to Cape Hatteras region; additional data needs to be collected.	
Biological	Coldwater coral model	A high resolution, predictive model of coral habitat and distribution.	Multiple sources	Currently, point data is available; NCCOS and partners working on a layer for New York that could be expanded to the Bay of Fundy to Cape Hatteras region; additional data needs to be collected.	

Tip: Make your data needs known. MARCO made known on many occasions and in many places that we need regional scale bird data and it's now under development.

MARCO Website

MARCO Mapping & Planning Portal

Available at www.midatlanticocean.org

MARCO Mapping & Planning Portal

6 Data Categories:

1. Administrative (5)
2. Decision Support (2)
3. Human Use (5)
4. Biological (6)
5. Geophysical (9)
6. State Specific (2)

29 data layers

MARCO Portal Features

- 3 base maps: streets, aerial or topo
- Pan and zoom
- Select layers to create customized map
- Dynamic map legend
- Layer transparency adjustment
- Save and print maps
- Search, identify, draw and measure tools
- User friendly fact sheets through "help" button

MARCO Area

Waterbirds, Wind Energy Areas, Shipping Separation Zones, OCS Boundaries, Major Canyons



Next Steps

- Find a host server.
- Develop a maintenance plan.
- Seek missing needed data layers (began working with MARCOOS recently on identifying “derivable” layers).
- Find funds for and develop decision support tools.

