

**Release of the Final Recommendations of the
Interagency Ocean Policy Task Force
Questions and Answers
July 19, 2010**

General Questions Regarding the Final Recommendations

Q: What does the President's Executive Order do?

- The Executive Order *establishes for the first time* a comprehensive, integrated *National Policy* for the stewardship of the ocean, our coasts, and the Great Lakes, which sets our Nation on a new path toward comprehensive planning for their preservation and sustainable use. It also creates a new National Ocean Council to provide sustained, high-level, and coordinated attention to ocean, coastal, and Great Lakes issues and to focus on nine categories for action to advance the National Policy.
- The Executive Order adopts the *Final Recommendations of the Interagency Ocean Policy Task Force* (Final Recommendations) and directs Federal agencies to implement them under the guidance of the National Ocean Council. By enhancing, facilitating, integrating, and informing agency decision-making under existing statutory authority, the Executive Order provides for implementation in a way that avoids the need for a new regulatory overlay.

Q: What are the Final Recommendations of the Task Force?

- The Final Recommendations are the culmination of the Task Force's work in response to the President's June 12, 2009, memorandum. They consolidate and provide updates to the September 10, 2009, *Interim Report* of the Task Force and December 9, 2009, *Interim Framework for Effective Coastal and Marine Spatial Planning*.

Q. How are the Final Recommendations different from the Interim Report and Interim Framework for Coastal and Marine Spatial Planning?

- The Task Force received and reviewed more than 5,000 public comments during its process. It made a number of changes to the *Final Recommendations* based on comments received from the Congress, stakeholders, and the public on the *Interim Report* and *Interim Framework for Effective Coastal and Marine Spatial Planning*. These include:
 - better recognizing the importance of public access for recreation and other activities and the stewardship and education provided by recreational users;
 - adding the NOAA Administrator to the National Ocean Council;
 - adding the Assistant to the President for Energy and Climate Change to the National Ocean Council
 - clarifying and strengthening the role of State, tribal, and local governments in the governance structure;
 - providing more detail on how the National Ocean Council will operate, and
 - clarifying the processes for the development and implementation of coastal and marine spatial planning.

[If there is a desire for additional detail the following can be included]

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- The following summarizes some of the key substantive comments received and how the Task Force addressed them:
 - Recreational Users: The Task Force made several changes in the recommendations to distinguish recreational from commercial fishing users and to more expressly recognize the importance of access to the ocean, our coasts, and the Great Lakes for recreation.
 - National Ocean Council Membership: The Task Force added the NOAA Administrator and the Assistant to the President for Energy and Climate Change as members of the National Ocean Council.
 - State, Tribal, and Local Government Role: The Task Force made a number of changes to clarify and strengthen the role of State, tribal, and local governments in the recommended governance structure: (1) changing the name of the Governance Advisory Committee to the Governance Coordinating Committee (GCC) to more accurately reflect its function; (2) modifying the composition of the GCC to include representation from local governments and State legislatures; (3) expressly acknowledging the unique legal relationship with federally recognized American Indian and Alaska Native tribal governments; (4) clarifying GCC functions and its relationship to other governance structure entities; and (5) strengthening coordination and collaboration between the GCC and various levels of the NOC.
 - Transparency and Public Input: The Task Force added more detail on how the NOC will incorporate public input and keep the public informed about its actions, including adding new text that expressly identifies the need for the NOC to ensure substantial opportunity for public participation as it develops strategic action plans.
 - Coastal and Marine Spatial Planning:

The Task Force made a number of changes to clarify the processes described for the development and implementation of coastal and marine spatial planning, including:

- Describing that the NOC will develop a strategic action plan and national guidance documents with public and stakeholder input.
- Requiring regional planning bodies to coordinate with local governments, as appropriate, throughout the process.
- Describing that the regional planning bodies will provide a formal mechanism for consultation with the Regional Fishery Management Councils across their respective regions on fishery related issues, and that the NOC will further assess if representation on the regional planning bodies is the best method for this engagement.
- Clarifying that there will be flexibility to develop sub-regional plans, provided these plans are encompassed in the regional planning body's final CMS Plan. The Task

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Force recognized that this flexibility may be particularly useful in the Alaska/Arctic and Pacific Islands Regions.

- Clarifying and strengthening the role of stakeholders, the public, and scientific and technical experts in CMSP.
- Clarifying the nature of CMSP and CMS Plans and their relationship to existing authorities.

Q: Do These Final Recommendations constitute new regulations or restrictions?

- No. The Final Recommendations are not new regulations, nor do they restrict uses or activities. They do not require new legislation in order to be implemented and they do not supersede or alter any agency or department's existing authority.
- Instead, the Final Recommendations outline the use of existing authority to strengthen ocean, coastal, and Great Lakes stewardship. They aim to improve the coordination of ocean and coastal management efforts at all levels of government, restore the health of these resources, enhance the ocean and coastal economies, and promote sustainable uses and access.

Q: Has the United States ever had a National Ocean Policy?

- No, this is our Nation's first such policy establishing a comprehensive approach to uphold its stewardship responsibilities for our extensive ocean, coastal, and Great Lakes environments and resources.
- This first-of-its-kind policy also ensures accountability for our actions; and serves as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community.

Q: Why does the United States need a new National Ocean Policy?

- Our Nation has operated for far too long without a unifying framework that can better coordinate and focus the Federal Government's ocean and coastal efforts. Without that unifying framework and a more coordinated way of making it a reality, Federal departments and agencies have been left to independently implement a maze of nearly 100 different laws, policies, and regulations related to the ocean, our coasts, and the Great Lakes. This has resulted in a lack of integrated priorities on which to focus the Federal Government, resulting in duplication, inefficiency, waste, conflict, and ad hoc decision-making.
- By adopting and collaboratively implementing a comprehensive National Policy, the United States will assert its leadership in ensuring the sustainability, resiliency, health, safety, security, and productivity of ocean, coastal and Great Lakes resources. This is especially critical today as we are challenged to sustain growing demands on the use of ocean space and resources, and the impacts we face due to climate change and ocean acidification, and events such as the Deepwater Horizon oil spill. This action will ensure we leave healthy and productive oceans, coasts, and Great Lakes that

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will benefit our economy, allow for sustainable growth and associated jobs and benefits to coastal communities.

Q: What will the National Policy mean for the American public?

- Americans want clean beaches, abundant seafood and wildlife, a robust economy and jobs and recreational opportunities from our ocean, coastal and Great Lakes areas. The National Policy puts us on a path to ensure that these desires are achieved and will significantly advance our capacity to address the long-term challenges and impacts of climate and environmental changes and non-sustainable use. The actions will also provide a lasting foundation for further enhancing the many vital benefits our Nation can derive from the ocean, our coasts, and Great Lakes.
- The Final Recommendations do not restrict or regulate any use or activity. Rather, they lay out a multi-year process and begin a conversation with the American public and stakeholders about how the Nation can best advance both its environmental and economic interests through the growth of sustainable and productive ocean uses and preservation and restoration of these ecosystems. By providing opportunities for meaningful and frequent stakeholder and public engagement during implementation of the National Policy and coastal and marine spatial planning, the American public will be able to shape the future of their oceans, coasts and Great Lakes.

Q: Does the National Policy emphasize stewardship over economy?

- No. Economic growth and improved stewardship of ocean, coastal, and Great Lakes environments are inextricably linked, and this is reflected in the new National Policy. Improved stewardship will support healthier and more resilient ocean, coastal, and Great Lakes ecosystems and benefit the economies (e.g., commercial and recreational activities) and the communities that rely on them.

Q: Will NOAA get a Principal's seat on the National Ocean Council?

- Yes. The Executive Order provides for NOAA representation on the National Ocean Council. The Final Recommendations recognize that NOAA plays a particularly important role in coastal and ocean research, planning, and management, and ultimately determined, consistent with input received from members of Congress, the public, and various stakeholders, to include the NOAA Administrator as a principal member of the National Ocean Council.

Q: Why did the Task Force believe the Committee on Ocean Policy, established by Executive Order 13366 in 2004, required improvements?

- The Task Force determined that certain new elements, combined with modifications to the existing Committee structure, will deliver the best results. Specifically, there was a clear need to provide a stronger mandate, sustained high-level engagement, and renewed policy-level direction on these issues across the Federal Government. This included:
 - Establishing a new National Ocean Council whose focus is on ocean, coastal, and Great Lakes issues and whose charge is implementation of the National Policy;

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- Formally and more robustly engaging with State, tribal, and local authorities to address relevant issues through the creation of a new committee comprised of their designated representatives; and
- Strengthening the link between science and management through the National Ocean Council's integrated Steering Committee.

Q: Did the Task Force consider the recommendations of the U.S. Commission on Ocean Policy and the Pew Oceans Commission?

- Yes, the final recommendations build on the comprehensive reports of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, each of which was based on significant scientific, public, and stakeholder input.

Q: Why did the Task Force suggest changes be addressed through an Executive Order and not through congressional action or through existing authorities?

- The Task Force did not recommend the use of an Executive Order or any other specific mechanism to implement its recommendations. Instead, it focused on identifying gaps, inconsistencies, and duplications in statutory authorities, policies, and regulations, and urged the President to take whatever action he deemed necessary and appropriate to address them.

Oil and Gas

Q. How would the new National Ocean Council and National Policy relate to the Deepwater Horizon spill in the Gulf or improve the response by the Federal Government to such disasters?

- The cause of the Deepwater Horizon spill is still under investigation, and it would be inappropriate to speculate on any potential recommendations that may arise from it regarding Federal prevention and response efforts.
- The process of developing this policy began in June 2009, when the President established the Ocean Policy Task Force. The result is that the United States will have, for the first time, a National Policy aimed at ensuring the sustainability of the ocean, our coasts and the Great Lakes.
- The National Policy is intended to look ahead to the long term to help the United States think comprehensively about our ocean, coastal and Great Lakes resources, and to make informed management decisions.
- The Deepwater Horizon spill is a demonstration of just how much we rely on healthy and resilient ocean and coastal ecosystems in our daily lives, and why a comprehensive, integrated, science-based national ocean policy to sustainably manage these resources is so important.

Q: How do the Task Force Recommendations relate to the recent announcement by the President to open new areas for offshore oil and gas exploration and development as part of a comprehensive energy plan for the country?

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- The President believes that domestic oil production is an important part of our overall strategy for energy security and must be done in a safe and environmentally responsible manner.
- Coastal and marine spatial planning, as adopted by the Executive Order, outlines a step-by-step process, with substantial public input, that will help inform management decisions for all uses of the ocean, including for oil and gas development.

Q: Does this National Policy amount to a moratorium on offshore energy development?

- CMSP is not meant to delay or halt existing or pending plans and projects related to marine and Great Lakes environments or their uses. However, those responsible for making decisions on such plans and projects would be expected to take into account the national CMSP goals and principles, national policies, and any identified national and regional CMSP objectives in future decision-making to the extent possible under existing law.
- Once a CMS Plan is put into effect following NOC certification, its implementation would be phased in to avoid undue disruption or delay of projects with pending permits or other applications. The NOC would provide additional guidance on how best to accomplish this phased-in approach.

Q. Will these recommendations result in more or less offshore oil and gas drilling? Will the National Ocean Council play a role in decision making on OCS development?

- The National Policy is not intended to direct any particular outcome for any individual activity. It seeks to improve the coordination of ocean and coastal management efforts at all levels of government, restore the health of these resources, enhance the ocean and coastal economies, and promote sustainable uses and access.

Q. An oil spill like the one we are seeing devastates other users of the ocean like those small businesses that depend on seafood and tourism. How can offshore oil and gas development, given the current situation in the Gulf, ever coexist with other uses of the ocean?

- Domestic oil production is an important part of America's energy security and must be done in a safe and environmentally responsible manner.
- The National Policy provides a public policy process to determine how the ocean, coastal and Great Lakes resources are sustainably used and protected, and to make help us make informed management decisions for all uses of the ocean, including for oil and gas development.

Q. Is the National Policy established in response to the Deepwater Horizon event?

- No. In June, 2009, the President established the Task Force and charged it with developing a national policy and a framework for improved decision making. The result is that the United States will have, for the first time, a national policy aimed at ensuring the sustainability of the ocean, our coasts and the Great Lakes.
- The National Policy is intended to look ahead to the long term to help the United States think comprehensively about our ocean, coastal and Great Lakes resources, and to make informed management decisions. It seeks to improve the coordination of ocean and coastal management efforts

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at all levels of government, restore the health of these resources, enhance the ocean and coastal economies, and promote sustainable uses and access.

Resources/Funding

Q: What type of financial investment will be required for this effort? How is the Administration going to fund the National Ocean Council and the implementation of the National Policy?

- The President's Fiscal Year 2011 Budget Request includes additional funding to advance priority activities identified in these recommendations, such as coastal and marine spatial planning and geospatial modernization (\$12 million), regional ocean partnership grants (\$20 million), and integrated ecosystem assessments (\$5 million).
- The proposed FY2011 Budget Request also includes investments across many Federal agencies for activities that support these recommendations, including: habitat restoration, water quality improvement, port and coastal security, improvements in marine transportation safety and efficiency, coastal and estuarine land protection, research and development of ocean sensor technology, catch-share based fisheries management, environmental tools to support resilient coastal communities, and ocean acidification research.
- The Administration is confident that making these investments will advance the economic interests of the United States and improve efficiencies across the Federal Government. Departments and agencies will work to identify future budgetary, administrative, regulatory, or legislative proposal requirements within the budgetary and management guidelines of the President's budget.

Q: One way to increase funding for coastal community development and stewardship would be to establish an Ocean Investment or Trust Fund, similar to the existing Oil Spill Liability Trust Fund, as recommended by the U.S. Commission on Ocean Policy . Did the Task Force give any thought to creating one?

- The Task Force considered all the proposals that the U.S. Commission on Ocean Policy and the Pew Commission included in their respective reports, including their respective proposals to establish an Ocean Trust Fund. Rather than propose such a fund, however, it called upon the National Ocean Council to evaluate the full range of existing and new funding sources to promote better stewardship of the ocean, our coasts, and the Great Lakes within the budgetary and management guidelines of the President's budget.
- The National Ocean Council will also help ensure agencies are maximizing available resources across the Federal Government, in part by promoting partnerships among Federal agencies and with State, local, and tribal authorities and the private sector.

Specific Issues

Arctic

Q: The Task Force recognized Arctic concerns in their interim report. How will the National Policy ensure that policy and planning efforts address the adaptation needs of communities in the Arctic?

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- The National Policy identifies “Changing Conditions in the Arctic” as an area of special emphasis, and as such, a strategic action plan will be developed that will identify specific actions pertaining to this important region. In addition, community adaptation needs in the Arctic will be addressed as coastal and marine spatial plans are developed for the Alaska/Arctic Region.
- Working with the State of Alaska, indigenous communities, the public, and other stakeholders, we have the opportunity to develop proactive plans, informed by the best science available, to manage and encourage economic development while protecting the fragile Arctic environment.

Ecosystem-Based Management

Q: How will you implement an ecosystem-based approach to management?

- Ecosystem-based management integrates ecological, social, economic, commercial, health, safety, and security goals, and recognizes that humans are key components of the ecosystem and that healthy ecosystems are essential to human well-being.
- While some individual agencies may already be applying this concept, the Task Force’s Final Recommendations direct for the first time that – across the Federal Government - it becomes a national way of doing business. The National Ocean Council will further elaborate on the concept of ecosystem-based management as part of its development of a strategic action plan.

Precautionary Approach

Q: How will the precautionary approach be applied? Will this result in activities being stopped if there isn’t enough information to assess them?

- The Final Recommendations provide “[w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” This approach is not new to the United States. The United States has already affirmed this approach in the 1992 Rio Declaration on Environment and Development, to which it is a signatory.

What is the proper frame of reference for the legally untested concept of “serious”?

- Whether a threat is “serious” or “irreversible” will depend on the activity, resources, and other variables. However, these are not novel or untested concepts. The Final Recommendations reflect the adoption of the precautionary approach as specified in the 1992 Rio Declaration, to which the United States is a signatory. That approach has already been applied in various policy and legal contexts.

Public Engagement and Public Comments

Q: What did the Task Force gain through its public engagement process? Were there common themes?

- The public meetings, roundtables, and website showcased a strong desire and enthusiasm among participants for a National Policy that provides clarity and direction about how the Nation will better care for the ocean, our coasts, and the Great Lakes.
- A wide diversity of interests were represented, and several key themes emerged and were incorporated into the Final Recommendations. Recurring themes included: the importance of science-based decision making; support for improved transparency and public participation, avoiding new layers of bureaucracy and unnecessary costs; and support for ensuring that policies are adequately funded.

Q: What were the expert roundtables?

- CEQ hosted 38 expert roundtables to hear from a broad range of stakeholders, experts, and interest groups. The roundtables included representatives from a full range of coastal, ocean, and Great Lakes sectors including: energy, conservation, recreational fishing, commercial fishing, transportation, agriculture, human health, state, tribal, and local governments, ports, recreational boating, business, and national and homeland security. There was wide-ranging and substantive participation and the Task Force received many valuable comments and perspectives for its consideration during each session.

Q: Why did the Task Force hold half as many roundtables during the development of the framework for CMSP?

- The Task Force held 14 roundtable discussions with the key sectors that articulated an interest in this issue. This includes those interested in energy (oil and gas, renewable), shipping, aquaculture, States, tribes, port operations, maritime navigation, conservation, and national security.
- More than 74 stakeholder interest groups participated in the CMSP roundtables. There were several groups in the first series of meetings (e.g., public health and water infrastructure) that did not express a significant interest in CMSP. However, we did solicit comments from all 206 stakeholder interest groups that participated in roundtable discussions.

Q: How did the Task Force treat the many comments voiced by the recreational fishing and boating communities?

- The Task Force made several changes in the recommendations to distinguish recreational and commercial fishing and to more expressly recognize the importance of access to the ocean, our coasts, and the Great Lakes for recreational uses of all kinds. The Task Force recognizes the importance of recreation, including sustainable recreational fishing, and that Americans should continue to enjoy such outdoor experiences, which are also critical to the economic, social, and cultural fabric of our country.

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- Recreational users have a long history of actively and constructively participating in the stewardship of the ocean, coastal, and Great Lakes resources. Ensuring healthier oceans, coasts, and Great Lakes will benefit all recreational activities and the communities and economies that rely on them.

Stakeholder Concerns

Q: Do the recommendations zone or restrict uses, such as recreational fishing, or curtail access?

- Absolutely not. The National Policy is not a map drawing exercise and does not contain a zoning plan or establish any restrictions on activities, nor does it restrict access. Rather, the framework for CMSP describes a process for developing and implementing coastal and marine spatial planning in the United States.
- CMSP is a multi-year process for the development of coastal and marine spatial plans (CMS Plans) that will include extensive stakeholder and public participation. The CMSP process will enable improved coordination with the conservation activities of recreational users, who have a long history of actively participating in the stewardship of these resources.
- Management decisions will be made under existing statutory authority to promote cross-sector, compatible uses of ocean, coastal, and Great Lakes resources in a sustainable manner. This will help ensure healthier oceans, coasts, and Great Lakes, to the benefit of all recreational activities and the communities and economies that rely on them.

Q: Will the National Policy prevent new energy development off our coasts?

- No. The National Policy does not restrict any activities. Instead, the National Policy seeks to ensure that all uses are effectively evaluated, conducted and managed so as to protect and maintain the health of the oceans, coasts, and Great Lakes.

Q: Will CMSP result in additional layers of regulatory review, delays in decision-making, or moratoria for existing and proposed uses?

- No; the Task Force did not intend for CMSP to delay or halt existing or pending plans and projects related to ocean, coastal, and Great Lakes resources or their uses.
- Rather, the Task Force designed the approach to CMSP to build upon and significantly improve existing Federal, State, tribal, local, and regional decision-making and planning processes. There are no regulations, restrictions, or moratoria proposed in the framework for CMSP.

Q: Will CMSP give preference to existing uses over new or emerging uses, such as renewable energy or aquaculture?

- No; CMSP does not make a value judgment about whether one use is better than another. While recognizing that trade-offs must be made in many cases, the purpose of CMSP is to provide a more

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coherent way to proactively manage multiple uses of the marine environment in a sustainable manner, minimize conflicts among uses, minimize the environmental, impacts of various uses, and facilitate compatible uses adhering to an ecosystem-based approach.

Q: How will the National Ocean Council address multijurisdictional regulatory structure and respect for the traditional role of States in managing upland resources?

- The Executive Order provides for the development of coastal and marine spatial plans that build upon and improve existing Federal, state, tribal, local, and regional decision-making and planning processes.
- As provided for in the Final Recommendations, each regional planning body will make every effort to ensure representation from all States within a region. Ideally, this would be done through, or as part of, the existing regional governance structures that include the States in order to address cross-cutting issues such as regional planning. As some activities that occur outside of the planning area of each regional planning body may affect CMSP decisions in that area, ex officio membership on these bodies could be extended to adjacent coastal States to help integrate and enhance consistency among regions.

General CMSP Questions

Q: What is coastal and marine spatial planning?

- As defined in the Final Recommendations, “*CMSP is a comprehensive, adaptive, integrated, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. 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. In practical terms, CMSP provides a public policy process to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected now and for future generations.*”

Q: What is the *Framework for Coastal and Marine Spatial Planning*?

- The framework for Coastal and Marine Spatial Planning (CMSP) is a *new, integrated, and proactive approach to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected now and in the future.* It moves us away from the current sector-by-sector, statute by statute approach toward a management that can properly account for cumulative effects, sustain multiple ecosystem services, and explicitly evaluate the tradeoffs associated with proposed alternative uses.
- The framework defines national goals and principles for CMSP and offers a roadmap for comprehensive, integrated, ecosystem-based planning that will address conservation, economic activity, national and homeland security, user conflict, and sustainable use.

Q: What does the Framework for Coastal and Marine Spatial Planning NOT represent?

- The framework is not a map drawing exercise and does not contain a zoning plan or establish any restrictions on activities. Rather, the framework describes a process for the development and implementation of CMSP in the United States. CMSP is a multi-year process for developing coastal and marine spatial plans (CMS Plans) that will include extensive stakeholder and public participation.

Q: Why do we need coastal and marine spatial planning?

- America's rich and productive coastal regions and waters support tens of millions of jobs and account for the great majority of the national economy, totaling trillions of dollars each year. They also host a growing number of commercial, recreational, scientific, energy, and security activities, and provide a wealth of natural resources and ecological benefits. Human uses of the ocean are expanding at a rate that challenges our ability to manage significant and often competing demands.
- We need a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing uses and activities. Without this, we risk more user conflicts, increased costs and delays from planning and regulatory inefficiencies, and the potential loss of critical economic, ecosystem, social, and cultural services for present and future generations.
 - For example, while many existing permitting processes for the ocean, coasts, and the Great Lakes include aspects of coordinated planning, most focus solely on a limited range of sector-by-sector, statute-by-statute management tools and outcomes (e.g., oil and gas leases, fishery management plans, traffic separation schemes, and marine protected areas).
- Conflicts between uses are increasing and we currently lack coherent management that fully evaluates the big picture of ocean use. This translates into a lack of predictability for users, and continued environmental degradation. Examples of the types of conflicts that could be mitigated from CMSP include:
 - Increasing conflicts between recreational boats and commercial/industrial vessels;
 - Increasing spatial conflicts between growing tourism uses of coastal waters, coastlines, and ports and traditional working waterfronts (e.g., commercial fishing, seafood processing, and water-based industries); and
 - Increasing demands for renewable energy locations can be in conflict with navigation, recreation, commercial and recreational fishing, and aesthetic values at those same or adjacent locations.

Q: Who will be in charge of CMSP?

- The National Ocean Council, co-chaired by the White House Council on Environmental Quality (CEQ) and White House Office of Science and Technology Policy (OSTP), will facilitate the regional development and implementation of CMSP. Regional CMS Plans will be developed outside of Washington D.C., by regional planning bodies consisting of Federal, State, tribal, and other representatives.

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Q: What are the benefits of CMSP?

- CMSP is designed to provide significant economic, environmental, national and homeland security, and social benefits for the Nation.
- CMSP should facilitate sustainable economic growth in coastal communities by providing greater efficiencies (e.g., better coordinated permitting and decision-making) and predictability (e.g., information regarding areas best or least suited for certain types of activities) for economic investments in ocean and coastal--based businesses. This should result in reduced costs and conflicts among competing uses.
- CMSP should also improve ecosystem health and services by better planning human uses together with the conservation of important ecological areas (areas of spawning, breeding, and feeding); areas of rare or functionally vulnerable marine resources; and migratory corridors. Instead of reviewing a proposed activity's impact on the environment after an application is submitted, CMSP will consider the big picture in advance of any specific proposal. This will better inform where projects are best suited before spending time and resources related to a specific proposal.
- CMSP will improve opportunities for community and citizen participation in transparent planning processes that will determine the future of the ocean, coasts, and Great Lakes. Stakeholder and public participation will occur throughout the development of regional CMS Plans. As a result, when a project is proposed and considered in light of the regional CMS Plan, many of the stakeholder and public concerns have already been addressed.

Q: Where would coastal and marine spatial planning take place? Would upland areas be included?

- The geographic scope of CMSP includes the territorial sea, the Exclusive Economic Zone, and the Outer Continental Shelf. The geographic scope of the planning area extends landward to the mean high-water line. In the Great Lakes, the areas extend from the ordinary high water mark to the limits of the United States' and Canada's international boundary. Inland bays and estuaries are also included. While not required, regional planning bodies also have the discretion to include upland areas. Privately owned lands, as defined by law, are excluded from the CMSP geographic scope.

Q: Are the Great Lakes included in CMSP? Aren't they all State waters?

- The Great Lakes are included in CMSP. The Great Lakes are subject to increasing demands, user conflicts, and conservation concerns (e.g., invasive species and land-based pollution), similar to other parts of the country. Although the Great Lakes are largely State waters, Federal regulatory authorities apply in the Great Lakes and they will benefit from improved, integrated coordination. CMSP efforts will build on existing efforts, such as the President's Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

Q: How will the Administration and National Ocean Council implement a transparent and comprehensive public participation process in developing strategies for the National Priority Objectives and for Coastal and Marine Spatial Plans?

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- Robust public and stakeholder engagement is integral to a successful CMSP process. Including a broad range of interests throughout the planning and implementation of CMSP is necessary to strengthen shared understanding about relevant challenges and opportunities and will better inform the process and its outcomes.
- As the National Ocean Council develops and revises strategic action plans for the nine priority objectives, it will ensure substantial opportunity for public participation. The NOC will reach out to these interested parties, through its Governance Coordinating Committee comprised of State, tribal, and local government representatives, the NOC’s stakeholder advisory body, and by other means. Final plans, revisions, and reports of how well plan performance measures are being met will be made publicly available.
- In addition, a major responsibility of each of the regional planning bodies will be to ensure strong public participation.

Q: How would CMSP work?

- The framework for CMSP lays out a multi-year process for the flexible development and implementation of CMSP, facilitated by the National Ocean Council. Nine regional planning bodies (Northeast, Mid-Atlantic, South Atlantic, Great Lakes, Caribbean, Gulf of Mexico, West Coast, Pacific Islands, and Alaska/Arctic) will be established that include Federal, State, and tribal representatives from each region.
 - Regional planning bodies will work together to develop CMS Plans for their respective regions. In developing CMSP, the regional planning bodies will need to incorporate certain essential elements, as described in the framework (e.g., identify regional objectives; engage stakeholders and the public; consult scientists and technical and other experts; analyze data, uses, services, and impacts).
 - The regional planning bodies will develop a draft CMS Plan, including alternative future spatial management scenarios, and issue it for public review. The CMS Plan will then be finalized and submitted to the National Ocean Council for certification.
 - Once certified by the National Ocean Council, the Federal, State, and tribal regional planning body partners will sign the CMS Plan and implement and adhere to the CMS Plan to the extent consistent with existing law.
 - The regional planning body will adapt the CMS Plan, as necessary, based on relevant changes in ecological, economic, human health, safety, security, or social conditions and information.

Q: Hasn’t a “top-down” regulatory approach proven to be ineffective in many States as it pertains to coastal and ocean sustainability?

- Neither the Executive Order nor the Final Recommendations impose a new regulatory scheme, top-down or otherwise. Decisions will continue to be made under existing statutory authority, but will be made with the added benefit of having been informed by regional coastal and marine spatial plans developed from the ground up. Far from being regulatory in nature, this approach offers a roadmap

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for comprehensive, integrated, ecosystem-based, regionally-based planning that will address conservation, economic activity, user conflict, and sustainable use.

Q: How can CMSP move forward when there is insufficient scientific information to determine where certain uses should or should not occur?

- Robust data and scientific information sit at the heart of this effort. As is the case today, decision-making will not come to a halt due to insufficient scientific information. Decision-making will be based upon the currently best available scientific information and will be made in accordance with existing statutory and regulatory authority.
- In reviewing the past experience of several States and other nations in implementing CMSP, it is clear that their plans are only as effective as the science and information upon which they are built. CMSP is fundamentally science-based and adaptive in response to new evidence, technology, and understanding.
- The United States holds vast stores of natural and social science information about ocean, coastal, and Great Lakes ecosystems, which will be critical to the National Ocean Council and its regional planning bodies. The National Ocean Council, working with the appropriate Federal agencies and regional planning bodies, will create a national information management system dedicated to coastal and marine scientific data and information required to meet the diverse data and application requirements of CMSP.

Q: How will the NOC ensure that sufficient data is collected before agencies issue permits or regulations are enacted?

- Agency decisions regarding the issuance of permits or promulgation of regulations will proceed under existing statutory authority. Implementation of and adherence to CMS Plan will be the result of a multi-year planning process during which regional planning body members will openly discuss their respective legal authorities, requirements, and processes and how they can be better applied in the CMSP context. Once a CMS Plan is approved, Federal, State, and tribal authorities will implement it through their respective legal authorities. Agency permitting decisions remain within the purview and are the responsibility of the relevant agency, not the NOC, regional planning body, or any of its other members.

Q: How will scientific input be incorporated in the future implementation of the National Policy?

- Regional planning bodies will 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. This could take the form of regional private-public technology and science partnerships. Scientific participation and consultation will provide support to regional planning bodies throughout the CMS Plan development, implementation, and evaluation phases. In addition, as the National Ocean Council develops the nine strategic action plans, formal mechanisms will be established to ensure the participation and engagement of scientific entities and experts.

Q: What is the legal authority for CMSP?

- Federal statutes often include authorizing language that explicitly gives agencies the responsibility to plan and implement the objectives of the statutes. Moreover, several Federal statutes specifically authorize agency planning with respect to the ocean, coastal, and Great Lakes environments. Federal agencies and departments also administer a range of statutes and authorized programs that provide a legal basis to implement CMSP. These statutory and regulatory authorities may govern the process for making decisions (e.g., through Administrative Procedure Act rulemaking and adjudications) and not just the ultimate decisions made. The processes and decision-making CMSP envisions would be carried out consistent with and under the authority of these statutes.”

Q: Will CMSP require congressional authorization or provide new authorities?

- CMSP will be developed and implemented under existing authorities. CMSP will not vest the National Ocean Council or regional planning bodies with new or independent legal authority to supersede existing State, Federal, or tribal authorities.
- Where pre-existing legal constraints or impediments to developing or implementing CMSP are identified, the National Ocean Council will work with the relevant Federal agency in evaluating whether a legislative solution or changes to regulations are necessary and appropriate. Enforcement of CMSP-related laws, as discussed in the Final Recommendations, remains within the purview of the relevant agency.

Q: If CMSP relies on existing authorities, what mechanism will be available to ensure Federal and State agencies adhere to CMS Plans?

- Although CMS Plans will not be regulatory in nature, regional planning body partners will be expected to adhere to an agreed upon final CMS Plan within the limits of applicable statutory, regulatory, and other authorities, consistent with key national objectives, and respecting critical emergency response and homeland and national security interests.
- State and Federal authorities with programs relevant to the CMS Plan will review and modify programs in a timely manner, as appropriate, to ensure that their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS Plan as closely as possible. State and Federal agencies will also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law.

Q: What happens if an agency does not follow an agreed upon CMS Plan?

- Signatories and all National Ocean Council member agencies will adhere to a National Ocean Council-certified CMS Plan, within the limits of their existing statutory and regulatory authorities. If a signatory intended to take an action that does not largely adhere to a certified CMS Plan, it would need to provide advance notice to the regional planning body and the National Ocean Council, including justification (e.g., new statutory requirement) for the non-adherence.

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- The CMS Plan signatories and the National Ocean Council will periodically evaluate reasons for deviation from a National Ocean Council-certified CMS Plan, and, as appropriate, develop recommendations for minimizing these deviations in the future, including CMS Plan modification or underlying regulatory or statutory changes. Disputes regarding agency interpretation of a CMS Plan will be resolved according to the dispute resolution process developed by the National Ocean Council.

Q: What happens if a State or tribal authority does not want to participate in CMSP?

- There is no mandate that all States and tribal authorities must participate in CMSP. However, the expectation is that the benefits of participating will serve as a strong incentive for such participation. Furthermore, even if some States or tribes opt out of the CMSP process, the Federal and participating State and tribal authorities would continue to develop and implement a regional CMS Plan.
- In the event that a particular State or tribe decides not to participate in the development or implementation of a CMS Plan, the development or implementation of the CMS Plan would continue. While this is not optimal, because it would not result in a fully integrated CMS Plan, the many benefits of coordinated planning among the participating partners warrant its completion. Any non-participating States or tribes would be encouraged to join in the implementation and any future reviews and updates of the CMS Plans.

Q: How will CMSP resolve disputes between agencies?

- The National Policy states the NOC will develop a process for resolving conflicts should members of the regional planning bodies disagree during the development or modification of CMS Plans and in the interpretation of National Ocean Council-certified CMS Plans. The National Ocean Council will develop this process in cooperation with the Governance Coordinating Committee to ensure consistency from region to region. This process will be designed to ensure that most disputes would be resolved at the regional level.

Relationship with Existing Authorities

Q: Why is a new Executive Order necessary if NOAA and Regional Fishery Management Councils are in the process of implementing major amendments to the Magnuson-Stevens Act to halt over-fishing, reduce by-catch, encourage ecosystem-based management, protect marine habitat and sensitive species, and strengthen the role of science and research in fisheries management?

- Neither the Magnuson-Stevens Act nor any other single statute, will comprehensively address all of the threats to the oceans, our coasts, and the Great Lakes, which result from the ever-widening range of human activities.
- Human uses of the oceans, coasts, and Great Lakes are expanding at a rate that challenges our ability to plan and manage significant and often competing demands—not just those associated with the activities regulated under the Magnuson-Stevens Act. A comprehensive National Policy, as established by the Executive Order, will advance the economic interests of the United States through encouraging sustainable and productive ocean uses, significantly advancing our capacity to address

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the long-term challenges and impacts of climate and environmental changes, and providing a lasting foundation to support the many vital benefits our Nation can derive from these natural resources.

Q: How does this Executive Order affect Chairman Nick Rahall's CLEAR Act? Does it mean that the provisions on CMSP in the bill aren't needed?

- Chairman Rahall is a longtime leader on ocean issues. We appreciate that as he proposes his regulatory response to the BP oil spill, he has incorporated some of the recommendations of the Ocean Policy Task Force.

Q: How will CMSP integrate quasi-regulatory bodies, such as Regional Fishery Management Councils (RFMCs)?

- The National Policy acknowledges that RFMC's, as quasi-statutory bodies, should be formally engaged in the CMSP process given their role under the Magnuson-Stevens Act. The final recommendations describe how regional planning bodies would provide a formal mechanism for consulting with the RFMCs on fishery related issues across their respective regions, and the National Ocean Council will further assess if representation on the regional planning bodies is the best method for this engagement. In the future, if other statutorily-mandated or quasi-regulatory groups (beyond RFMCs) are identified, the National Ocean Council will determine whether a formal mechanism for consultation should be developed for such groups and, if necessary, will provide guidance for regional planning bodies in the development of such a process.

Q: Does an Executive Order issued by the President, and CMS Plans developed under that Order, become binding law with which the Secretary of Commerce must comply when approving or disapproving Council recommended Fisheries Management Plans pursuant to the Magnuson-Stevens Act?

- No. The Executive Order governs the internal organization of the executive branch agencies and is not enforceable against the Secretary of Commerce. The legal effect of CMS plans on the Department of Commerce will be determined by the Secretary of Commerce, as a member of the National Ocean Council, according to the terms of the CMS plans.
- As described in the Final Recommendations, regional planning bodies will provide a formal mechanism for consultation with the RFMCs across their respective regions on fishery related issues, and the NOC will further assess if representation on the regional planning bodies is the best method for this engagement.
- Signing into a CMS Plan will be an express commitment by the Federal, State, and tribal partners to act in accordance with the Plan, within the limits of applicable statutory, regulatory, and other authorities, and respecting critical emergency response and homeland and national security needs.
- State and Federal authorities with programs relevant to the CMS Plan, will in a timely manner review and modify programs, as appropriate, to ensure that their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS plan as closely as possible.

Q: Would implementation of the proposed framework supersede the existing authorities of Regional Fishery Management Councils under the Magnuson-Stevens Act (MSA)?

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- No; CMS Plans are expected to guide agency decision-making, including by NOAA and the RFMCs, to the extent consistent with existing law, including the MSA. Implementation of CMSP will occur under the MSA and other relevant existing authorities. Such authorities will not be superseded. The recommendations describe that the regional planning bodies will provide a formal mechanism for consultation with the RFMCs across their respective regions on fishery related issues and that the NOC will further assess whether representation on the regional planning bodies is the best method for this engagement.

Q: There are a number of legal provisions that are currently in place to ensure environmental protection: the Outer Continental Shelf Lands Act; the National Environmental Policy Act; the Clean Water Act; the Clean Air Act; and the Coastal Zone Management Act. Isn't CMSP redundant to an already complex, but coordinated, process?

- There are hundreds of domestic policies, laws, and regulations associated with the management of the oceans, our coasts, and the Great Lakes, addressing international, Federal, State, tribal, and local issues. Challenges and gaps arise from the complexity and structure of this regime. While many existing legal provisions and permitting processes include aspects of cross-sectoral planning (such as the process governed by the National Environmental Policy Act), most focus solely on a limited range of management tools and outcomes and do not provide for a more integrated comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing these uses and activities as envisioned with CMSP. CMSP is intended to provide an improved context and structure for coordinated planning and application of existing authorities.

Q: How will the Framework for CMSP affect laws such as the Coastal Zone Management Act, the Magnuson-Stevens Act, and the Outer Continental Shelf Lands Act?

- The purpose of CMSP is to build upon and significantly improve existing Federal, State, tribal, local, and regional decision-making and planning processes. The intent is to design a more coherent way to comprehensively manage multiple uses of the marine environment in a sustainable manner, minimize conflicts among uses and with the environment, and facilitate compatible uses. CMSP is intended to provide a better framework for application of existing laws and agency authorities, but is not intended to supersede them.
- Once a regional planning body completes a CMS Plan and the NOC certifies it, agencies are expected to adhere to CMS Plan to the extent possible under existing law. The NOC will oversee efforts to identify gaps and conflicts in Federal authorities, and recommend potential steps to reconcile them. This effort will examine how various statutory authorities of particular agencies can be harmonized in order to support comprehensive, integrated CMSP.

Federal-State-Tribal Roles

Q: Does the Framework for CMSP affect Federal-State coordination?

- The Final Recommendations seek to improve the coordination and collaboration among Federal, State, tribal, and local authorities, and regional governance structures (e.g., West Coast Governors' Agreement on Ocean Health, Gulf of Mexico Alliance). For example, the final recommendations

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establish a Governance Coordinating Committee consisting of representatives of State, local and tribal governments to coordinate with the National Ocean Council on regional, State, tribal, and local government issues.

- In addition, CMSP regional planning bodies will consist of Federal, State, and tribal representatives. Moreover, while this Framework identifies some of the incentives and benefits for a coordinated State, tribal, Federal, and regional effort and envisions a fully coordinated planning process, there will be substantial flexibility to determine how best to develop and implement CMSP for each particular region.

Q: How will tribes be included in the National Ocean Council and the regional planning bodies?

- The Task Force recognized that the United States has a unique legal relationship with federally-recognized American Indian and Alaska Native tribal governments, as set forth in United States treaties, statutes, Executive Orders, and court decisions. While the Governance Coordinating Committee includes three tribal representatives, the function of the Governance Coordinating Committee and these representatives will not replace government-to-government consultations with tribes as required under existing authorities.
- Federally-recognized tribes, including Alaska Native Villages, will also be represented on the regional planning bodies alongside State and Federal representatives. Regional planning bodies will develop a mechanism to engage other indigenous community representatives with jurisdictional responsibilities or interests relevant to CMSP.

Q: How will this affect ongoing State efforts, like Massachusetts and Rhode Island's spatial plans, or California's Marine Life Protection Act process?

- CMSP is intended to build upon planning processes, such as any existing and ongoing State spatial planning, and not to supersede them. During the last several years, States have taken a prominent role leading the way towards more effective and integrated planning, as seen in efforts in Massachusetts, Rhode Island, California, and Oregon, and in the regional alliances that have been established (e.g., West Coast Governors' Association, Gulf of Mexico Alliance). As an essential element of the CMSP process, regional planning bodies will identify existing efforts upon which the regional plan should be built.

Q: Why are local governments not included on the regional planning bodies?

- The Final Recommendations do not add local governments to the regional planning bodies due to the numerous and wide variety of local authorities that could result in very disparate participation and representation across regions. However, the Final Recommendations require regional planning bodies to coordinate with local governments, as appropriate, throughout the process. In addition, the Final Recommendations include representation from local governments on the composition of the Governance Coordinating Committee.

Questions regarding Next Steps to Implement the Final Recommendations

Q: What happens next? When and how does the NOC become established?

- The National Ocean Council will hold its first meeting within the next few months to begin the immediate work of implementing the National Policy. After an initial period to organize itself and its component advisory bodies, the National Ocean Council's interagency policy committees will develop strategic action plans for the nine priority objectives within six to twelve months of the Council's establishment. The National Ocean Council will also begin to immediately implement the three-phased approach, as outlined in the Final Recommendations, to develop and implement Coastal and Marine Spatial Planning in the United States.

Q: What are the steps to implement the Framework for CMSP?

- The Framework describes a flexible, three-phase approach to the development and implementation of CMSP, which will begin after the National Ocean Council is established.
 - During the first phase (1-12 months), the National Ocean Council will begin to develop and build a foundation for the national CMSP efforts, including establishment of the regional planning bodies.
 - In the second phase (9-24 months), the National Ocean Council will directly engage States and tribes to build capacity, test specific issues or elements of the process, and foster public and stakeholder awareness.
 - During the third phase (18 months to 5 years), regional planning bodies will build out and scale up their efforts to establish a comprehensive CMSP process in all regions, and will complete initial coastal and marine spatial plans in all regions by 2015.

Q: How can local citizens participate in the implementation of the National Policy?

- There will be numerous opportunities for the public to participate in the implementation of the National Policy, especially in regards to the development of regional coastal and marine spatial plans. Stakeholder and public participation will 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.