

Options for the Northeast Regional Ocean Plan

September 29, 2014

The Northeast Regional Planning Body (RPB) is responsible for developing the Northeast Ocean Plan (ocean plan), as called for in the [National Ocean Policy](#), which President Obama established by Executive Order in 2010. The RPB has established three goals for the ocean plan: 1) Healthy Oceans and Coastal Ecosystems; 2) Effective Decision Making; and 3) Compatibility Among Past, Current, and Future ocean uses.

At its November 13-14, 2014 meeting, the RPB will discuss and decide on options for proceeding with further work under the Healthy Ocean and Coastal Ecosystems Goal and the Effective Decision Making Goal. This document summarizes these options, which are based on public comments and discussions with federal and state agencies and tribes to date.

The RPB's decisions related to these options will help determine the ocean plan's content, as briefly described for each of the options below. The RPB is requesting public comment on these options to inform its decision in November. Public comment can be provided at public meetings, a day-long public forum in Durham, New Hampshire on October 21, or through the Northeast Ocean Plan web site. See www.neoceanplanning.org for more information.

I. Healthy Ocean and Coastal Ecosystems Goal

This section summarizes options for advancing work under *Objective 1. Characterize the Region's Ecosystem, Economy and Cultural Resources*, that focus on potential approaches to identifying "areas of ecological importance" and measuring ocean health. A practical consideration for each of these options is determining whether and how regulatory and resource management agencies will develop and use information developed under these options.

Issue: Resource managers and members of the public have expressed the need for better understanding of species, habitats, and other ecological factors to help ensure healthy ocean and coastal ecosystems. Key considerations include:

- Establishment of a panel with pertinent expertise may be needed to ensure that methods are scientifically and technically sound and achievable in light of anticipated funding and technical capacity-related constraints.
- Agencies need to identify how to implement options under existing regulatory and resource management authorities and programs
- Ocean and coastal environments, and thus species and habitats, appear to be changing in many ways (warming water temperatures in certain areas and trends in increasing ocean acidification for example), which need to be considered as such changes will affect species habitats, behaviors, and abundance.

Options to identify "areas of ecological importance":

1. Summarize management areas currently designated under existing authorities, such as Critical areas under the Endangered Species Act and Essential Fish Habitat under the Magnuson-Stevens Act (partially underway)

Outcome: Ocean plan includes maps and other information on areas currently designated for specific management purposes

Practical considerations: Areas are often designated for different management purposes

2. Develop distribution and abundance maps for marine life species (partially underway)

Outcome: Ocean plan includes information on species distribution and abundance and likely habitat areas

Practical considerations: Application in regulatory decisions- use of data and maps; a significant effort needed to integrate available science and disparate data sets in the coming year

3. Identify abundance “hot spots” and other core habitat and occurrences (migratory corridors, spawning areas, etc.) for individual species

Outcome: Ocean plan identifies hot spots for protected, socio-economically and culturally important species

Practical considerations: Need to complete Option 2 first; need for an RPB-approved methodology for identifying “hot spots” and other key habitat areas; need agency agreement to incorporate outcomes into regulatory processes

4. Overlay abundance “hot spots”, core habitats and other occurrence areas

Outcome: Ocean plan includes maps that identify areas important to multiple species

Practical considerations: Need methodology for combining maps of “hot spots” and other habitats for multiple species; need to identify potential application(s) in regulatory processes.

5. Explore options for an ecosystem-based approach to identifying important ecological areas

Outcome: Important ecological areas are defined in terms of the different ecological components beyond species distribution, abundance and core habitat; technical approaches to measuring the different components are identified; existing regulatory authorities are researched for potential implementation opportunities

Practical considerations: Agreement on scientific definition and approaches will be challenging; will require extensive effort to conduct and implement analyses; need to complete option 2 and possibly option 3 first.

Options to conduct other types of assessments:

1. Coordinate with existing regional efforts to measure ocean health, such as the Northeast Regional Ocean Council’s Sentinel Monitoring for Climate Change, the Gulf of Maine Council’s Ecosystem Indicator Partnership, and others

Outcome: Ocean plan includes indicators from existing programs to inform regional baseline of ecosystem health

Practical consideration: Existing indicators were developed for different purposes; funding and technical capacity needs; RPB will need to define the purpose and use

2. Consider customizing the Ocean Health Index (www.oceanhealthindex.org) for ocean waters in the Northeast

Outcome: Ocean plan includes indicators of ocean health specific to the Northeast region's ocean planning goals and a baseline is developed to measure future progress

Practical consideration: Funding and technical capacity needs; RPB will need to define the purpose and use

3. Revisit the topic of “tradeoff analyses” (i.e., attempting to simultaneously determine multiple effects of making a decision: for example, effects on existing human activities and natural resources from siting a new activity). Consider this topic after developing reference data on human activities and natural resources, deciding on whether and how to identify ecological areas or measure ocean health, and determining the uses of ocean plan data and information under existing authorities.

II. Effective Decision Making Goal

This section summarizes options for advancing work under the following three objectives:

- *Objective 1. Enhance Inter-Agency Coordination*
- *Objective 2. Implement Specific Actions to Enhance Informed Public Input in Decision-making*
- *Objective 3. Incorporate Maps and Other Products into Existing Agency Decision-making Processes*

The options for these three objectives are presented in two general categories intended to demonstrate (1) the range of potential alternatives for using data to inform permitting and leasing decisions, including the protection of sensitive resources; and (2) the range of alternatives for agencies to enhance the agency coordination and predictability of regulatory processes, including public participation and the use of data and information in regulatory decisions.

Incorporate plan data and information into existing permitting and leasing decisions (primarily addresses Objective 3)

Issue: When an ocean-based project is proposed, better, readily available public information is needed to:

- Provide context: “What do we know about the proposed site: existing uses, natural resources?”
- Understand potential for impacts: “What are the issues?”
- Address potential conflicts: “Whom do we need to talk to?”

The regional scale of this effort and dynamic nature of the ocean environment leads to:

- Focus on information needs of early stages of development review
- Need to maintain and update data

Agency commitments are needed to implement solutions.

1. Using existing map-based data in the ocean plan, improve the efficiency and effectiveness of review of and decisions on permit and lease applications for ocean-based activities by:
 - A. Identifying the best available information that characterizes human activities (shipping, fishing, etc.) and natural and cultural resources for use in the early stages of the NEPA process, including selection of alternatives to be analyzed and issues and potential impacts to be assessed (scoping), and also for use in initial review of applications for related regulatory approvals (e.g., U.S. Army Corps of Engineers permitting).

Outcome: Ocean plan contains data representing best available science; enhanced efficiency and transparency through public availability of such information

Practical considerations: potentially extensive effort to agree on methods and approve final data, maps, and other ocean plan information.

- B. Creating ocean plan content (for example, maps, other non-spatial information, data regarding temporal trends) to facilitate and support statutorily-required consultations with federal resources agencies. Examples include the United States Fish and Wildlife Service or National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA) regarding threatened and endangered species and NMFS under the Magnuson-Stevens Fisheries Management Act regarding “essential fish habitat.”

Outcome: Ocean plan contains information that supports such consultations (e.g., life history descriptions of particular species)

Practical considerations: agency effort to agree on ocean plan content; need to identify appropriate responsibilities for developing and approving materials

2. Develop “compatibility analyses” for potential development activities and related guidance for cumulative impact and other assessments under NEPA, and other laws as applicable

Outcome: Ocean plan improves understanding of interactions and related natural resource impacts

Practical considerations: Recognizing the need to build on results of Option 1 above; is there sufficient data and information to successfully complete such analyses for each of the potential interactions?

3. Institutionalize use of the ocean plan’s data and guidance through existing regulatory review and guidance documents. Possible examples include the U.S. Army Corps of Engineers’ New England Programmatic General Permit and BOEM guidance on studies needed for proposed wind energy development.

Outcome: Ocean plan identifies specific agency documentation where such linkages will be made

Practical consideration: agency effort to agree on linkage; requires long-term support for ocean plan data and information (and tools such as the Northeast Ocean Data Portal)

Enhance agency coordination and predictability of regulatory processes (primarily addresses objectives 1 and 2)

Issue: Need for improved agency coordination and clarification of agency review processes, including those involving use of ocean plan data

- Must operate within existing regulatory programs.
- Ocean plan will provide public information on natural resources and human uses.
- Need agency commitments to implement solutions.

Options to address the issue:

1. Enhance pre-application procedures by developing standardized information about the process and use of ocean plan data and information for initial review of proposed projects

Outcome: Applicants, agencies, and interested parties understand the regulatory process and related use of ocean plan data and information

Practical consideration: balancing need for flexibility with commitment to standardizing procedures

2. Develop guidance for the public that explains how agencies will work together to use information in the ocean plan for environmental review under NEPA and other laws

Outcome: Understanding of how the ocean plan informs decisions; ocean plan contains guidance language

Practical consideration: Opportunity to do more than provide “guidance?”

3. Institutionalize use of ocean plan data (in NEPA reviews and related permitting and leasing processes) through Memoranda of Agreement or comparable expressions of agencies’ commitments, development of a regionally standard inter-agency agreement to facilitate collaboration and cooperation in NEPA reviews, and implementation of “programmatic approaches” (general agency agreements to work collectively to address specific issues, not specific to individual development proposals). These options could focus on ESA, “essential fish habitat” and other statutorily-required interagency consultations. See Option 1(B) under Healthy Ocean and Coastal Ecosystems goal, above.

Outcome: Formal agency commitments to use ocean plan data to inform decisions; ocean plan describes commitments

Practical consideration: Need to consider agencies’ level of effort (and comfort) to implement; agencies ultimately responsible for developing and implementing commitment

4. Identify opportunities for enhancing the efficiency and effectiveness of the CZMA consistency review process, such as :

- Identifying and using CZMA consistency review options designed for minor, routine federal agency activities that are compatible with state and federal CZMA policy interests .
- Improving how state CZM programs receive notice of federal actions

- Developing and using plan data and information to enhance understanding of projects' potential effects on specific state interests.

Outcome: "Ocean plan facilitates consistency with state enforceable policies that relate to management of ocean and coastal resources and activities; use of general consistency provisions, plan information and data to support projects' consistency with state enforceable policies

Practical consideration: State-by-state differences in program structures and policies; need to ensure states are involved with development and use of ocean plan data, maps, and non-spatial information

5. Establish interagency groups to address policy and management issues regarding offshore, deep-water aquaculture and sand and gravel extraction for beach nourishment as new, emerging issues in the ocean environment. For example, the interagency group could develop pre-application and siting guidance.

Outcome: Increased clarity in regulatory processes for emerging activities in federal waters

Practical considerations: Focus on certain aquaculture species, considering technologies, markets, and other issues, and specific areas that have potential need for sand and gravel.