

Northeast Regional Planning Body Charter

Introduction

Presidential Executive Order 13547, signed in July 2010, established our Nation's first *National Policy for Stewardship of the Ocean, our Coasts, and the Great Lakes*. The National Ocean Policy (NOP) encourages a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process based on sound science for analyzing current and anticipated uses of ocean and coastal areas. The approach is driven by the formation of Regional Planning Bodies in nine regions of the United States. Northeast Regional Planning Body (RPB) members will develop planning products driven by the specific needs of their geography and building on existing efforts. Depending on how the NE RPB decides to proceed, these products could include a formal regional ocean plan or a set of deliverables such as improved data, maps and spatial planning tools, or regulatory efficiencies.

The NE RPB includes federal, tribal, state, and New England Fishery Management Council members. This charter describes the purpose, participants, and a preliminary delineation of roles and responsibilities for members and the Northeast regional ocean planning process. While the charter serves as an express commitment for NE RPB members to work constructively and cooperatively together, it is also a helpful reference for the public and partners seeking information about the roles and functions of this planning group.

It is important to note that the NE RPB is not a regulatory body and has no independent legal authority to regulate or otherwise direct federal, state, tribal, or local entities; nor does membership constitute a delegation of decision-making or legal authority to NE RPB members. Further, participation on the NE RPB does not commit any non-federal NE RPB member, or non-federal government represented by the member, to adopt resulting products or plans.

Purpose and Scope of Activity

The NE RPB provides a forum for information sharing and coordination of regional ocean planning activities from the Gulf of Maine to Long Island Sound. The NOP provides further guidance on the geographic scope of the planning area:

- Includes the territorial sea, the exclusive economic zone, and the Continental Shelf
- Extends landward to the mean high-water line

- Includes inland bays and estuaries
- Additional inland waterways may be included as the RPB deems appropriate
- Privately owned lands as defined by law are excluded

The NE RPB will agree on a manageable geographic scope based on a set of regional goals and measurable objectives that provide a clear direction, outcomes, and timeframes for completion. The RPB will also develop a formal regional work plan that describes an agreed upon strategy for completing deliverables. Through a capacity assessment, the RPB will identify existing activities to build on related efforts in the region. This work should be leveraged and expanded to advance a regional approach while not duplicating or hindering existing and ongoing efforts.

The NE RPB will consult scientists, technical experts, and those with traditional knowledge of or expertise in coastal and marine sciences and other relevant disciplines to ensure that regional ocean planning is based on sound science and the best available information. The RPB will also ensure there is frequent and regular engagement of partners and the public throughout the process, including development, adoption, implementation, evaluation, and adaptive management phases of its work. During this time, RPB members will discuss their respective legal authorities, requirements, and processes and how they can be better applied in the context of regional ocean planning.

Mission

By committing to this process, NE RPB members agree to participate in regional ocean planning as a framework for improved coordination and decision making. This cooperative regional approach will build partnerships that encourage sharing of information and best practices, help foster mutually agreed upon goals and objectives, and make more effective use of scarce resources by focusing those resources on the highest regional priorities.

NE RPB Members and Roles

NE RPB members represent entities from six states, ten federal agencies, ten federally recognized tribes, and the New England Fisheries Management Council (Appendix A). The National Ocean Council (NOC) convened and organized NE RPB federal members and invited Governors, tribal leadership, and a member of the New England Fisheries Management Council (NEFMC) to participate in the planning effort. Ultimately, state authorities and tribal leadership determined their own membership, identifying staff that typically have a role in

providing technical assistance, management, or regulatory review of ocean and coastal resources and activities. Any NE RPB member vacancy will be filled in the same manner in which the original appointment was made.

Members who are unable to participate in NE RPB activities can identify delegates to participate on their behalf. Delegates will serve the role and function of their member and communicate key information and points of decision back to their member. In addition to NE RPB membership described below, a formal NE RPB Roster can be viewed in Appendix A.

State Members

State members will represent their respective state interests, mandates, and goals in the overall regional planning process. The state members are typically an elected official, or the elected official's designated employee authorized to act on his or her behalf on ne RPB matters. Each New England state Governor retains the authority to designate up to two members to serve as official representatives on the RPB from his or her respective state.

Entities include:

State of Connecticut

State of Rhode Island

Commonwealth of Massachusetts

State of New Hampshire

State of Maine

State of Vermont

Tribal Members

The NE RPB structure acknowledges the sovereign status of ten Northeast federally-recognized American Indian Tribal Governments. Each federally-recognized tribe is invited to have its own seat on the NE RPB and represent their respective tribal interests, mandates, and goals in the regional ocean planning process. The tribal representative must be an elected or duly appointed tribal official, or the tribal official's designated employee authorized to act on his or her behalf on NE RPB matters.

The National Ocean Policy explicitly recognizes the importance of enhanced coordination with federally-recognized tribal governments, specifically as it pertains to preservation of the Nation's heritage, including historical and cultural values. As partners in the regional planning process, tribes will be called upon to share not only their traditional knowledge, but also their natural resource management expertise. Through this partnership, tribal members can help all

participants better understand treaty rights, traditional knowledge of marine ecosystems, and tribal scientific capacity.

Entities Include:

Aroostook Band of Micmac Indians
Houlton Band of Maliseet Indians
Mashantucket Pequot Tribe of Connecticut
Mashpee Wampanoag Tribal Council
Mohegan Indian Tribe of Connecticut
Narragansett Indian Tribe of Rhode Island
Passamaquoddy Tribe - Indian Township Reservation
Passamaquoddy Tribe - Pleasant Point Reservation
Penobscot Indian Nation
Wampanoag Tribe of Gay Head (Aquinnah)

Federal Members

Each participating federal agency will identify a member to serve on the NE RPB and represent their respective agency's mandates and goals in the planning process. Federal members are subject-matter experts with sufficient seniority and expertise to enable them to represent their agencies on the NE RPB and have the authority to act on their respective agency's behalf. They will provide data, resources, and tools that may be applicable to regional planning challenges and help identify legal authorities relevant to their participation. As the NE RPB gets more specific with the development of its work plan, these members will also involve the most appropriate federal colleagues with needed expertise. Federal RPB members will work to ensure coordination of federal agency actions and programs in support of Northeast ocean planning goals and objectives. It is recognized and agreed by all parties in this charter that federal agencies cannot direct actions by those decision-makers responsible for such programs or activities.

Entities Include:

Federal Energy Regulatory Commission
Joint Chiefs of Staff
U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of the Interior
U.S. Department of Transportation
U.S. Environmental Protection Agency

New England Fisheries Management Council (NEFMC) Member

Membership of a NEFMC representative on the NE RPB provides a formal mechanism to incorporate fishery-related issues into the NE RPB's considerations and is appropriate in light of the NEFMC's unique statutory responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act. The NEFMC member will have specific knowledge of fishery marine resources and management in New England waters. Officials identified by the NEFMC to serve as RPB members shall do so in their capacity as federal, state, tribal, or local government officials.

Ex-Officio Members

Given that activities happen outside the planning area of this initiative, ex-officio membership is extended by letter of invitation to a representative from the State of New York. It is desirable that this member also sit on the Mid-Atlantic Regional Planning Body to help integrate and enhance consistency between regional ocean planning efforts. The RPB recognizes that Northeast states share maritime boundaries with Canada, and ex-officio membership is extended by letter of invitation to a Federal Canadian representative. The NE RPB also reserves the right to extend ex-officio status to an additional U.S. based tribe. The role of ex-officio members is to participate in discussions, share perspectives, and offer expertise while being observers when the RPB decides more formally to seek consensus on an issue.

Local Government Participation

The NE RPB will provide mechanisms for meaningful local input into the regional ocean planning process through its state NE RPB members. State members will work with existing local entities to identify issues and communicate ideas back to the full RPB by establishing new forms of two-way communication or using existing consultative bodies that include but are not limited to local authorities (e.g., Massachusetts Ocean Advisory Commission, Maine Municipal

Association, regional planning agencies, etc.). This approach recognizes that mechanisms for participation may evolve through time as local entities are further engaged in the regional ocean planning effort.

NE RPB Member Commitments

By signing this charter, members agree to participate in the Northeast regional ocean planning process to the extent practicable and consistent with their existing authorities. The purpose of this charter is to formalize federal, state, tribal, and NEFMC commitments to the principles of regional ocean planning and their willingness to work constructively and cooperatively toward their identified regional goals and objectives. Specifically, members (on behalf of the entity they represent) will commit in good faith to:

- Fulfill the role of representing their agency, Governors, or tribe on the RPB
- Participate in and attend NE RPB meetings
- Build a cooperative, open, and transparent process
- Agree on a process, timeline, goals, and work plan
- Incorporate the National Ocean Policy goals, principles, and objectives into the planning process where appropriate
- Consider providing additional support (e.g., technical assistance, data, and information) to ensure NE RPB functions can be fulfilled

This charter reflects an agreement for planning and coordination purposes without binding members to final outcomes. Members agree that the commitments contained in this charter will not be enforceable and do not create financial or legal obligations or affect existing rights or create new private causes of action beyond those created by existing statute or regulation. Recognizing the limited availability of new resources, federal agencies engaged in the development and implementation of regional ocean planning will evaluate how resources are allocated in light of their respective statutory and regulatory mandates and ensure that their priorities align with this regional initiative.

Roles of the Co-leads and Executive Secretariat

The NE RPB has one federal, state, and tribal co-lead. The NOC selected the Northeast Federal co-lead as a representative from the National Oceanic and Atmospheric Administration. State

and tribal RPB members will select their respective co-leads. Along with an Executive Secretary, the three co-leads form the Executive Secretariat.

Co-leadership will be rotational and based on a two year term (with no limits on consecutive terms), at which point co-leads could be re-elected or replaced. The state and tribal co-leads have no financial obligation to support the operations of the RPB. NOAA, as the current federal co-lead, is providing basic resources needed to administer the process.

In consultation with NE RPB members, co-leads may consider and decide how to fulfill the following roles and responsibilities:

- Facilitate and guide the planning process.
- Perform Executive Secretariat functions for the RPB (e.g., prepare and review meeting materials, co-lead NE RPB meetings, communicate with the NOC, and perform other administrative duties, as appropriate and necessary).
- Coordinate review of existing regional ocean governance structures and regulatory and planning authorities to the maximum extent practicable.
- Provide initial review of NE RPB products and get their government sector's input and feedback.
- Coordinate with NE RPB members to establish working groups as needed and comprised of members, or their designated representatives, and other experts as necessary.
- Promote collaboration among NE RPB members by seeking consensus.
- Seek to resolve NE RPB disputes that arise during the planning process.

Relationship to Existing Authorities

The NE RPB is not a regulatory body and has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities. Agencies involved in this effort administer a range of statutes and authorized programs that provide a basis to implement regional ocean planning. The process and decision-making that the National Ocean Policy envisions for regional ocean planning will be carried out consistent with and under the authority of these existing statutes. While regional ocean planning cannot supersede existing laws and agency authorities, it is intended to provide a better mechanism for application of these existing laws and authorities. If the NE RPB decides to create a formal regional ocean plan, this plan would not be regulatory or necessarily constitute final agency decision-making. Rather, the intent

would be to guide agency decision-making, and agencies would adhere to the final plan to the extent possible, consistent with their existing authorities.

Procedural Elements

Conduct of Business

NE RPB members will meet periodically as necessary at the call of the Executive Secretariat in person, by phone, or other electronic means. The Executive Secretariat shall seek input on meeting agenda topics from its members. The RPB will also establish a procedure for the introduction of determinative issues and work plans by consensus, will regularly report out such findings or progress made at regular meetings, and receive public comment throughout the process.

Decision-making

NE RPB members will make a number of decisions throughout the planning process. With the help of co-leads and facilitators, decisions will be made by consensus - not by vote of RPB members. General concurrence is consensus, but unanimous concurrence is not required. General concurrence is the absence of express disagreement by a member on a particular issue. A member may register his or her concern with a co-lead about a proposed course of action either orally or in writing without preventing consensus from being reached.

Dispute Resolution

For purposes of RPB decision-making, a dispute is defined as the inability of the members to reach consensus as described above. Express disagreement by a single member on a particular issue which prevents general concurrence is sufficient to constitute a dispute. In instances in which consensus on a particular matter cannot be achieved, the RPB co-leads will work to resolve differences at the regional level and within the RPB. If disputes cannot be resolved within the RPB, then NOC guidance is available for consultation and the NOC can assist when necessary and desired by RPB co-leads.

Administrative Provisions

1. This charter shall take effect on the date of the last approving signature.
2. A change in membership does not require execution of a new charter. New members who join the Regional Planning Body after execution of this charter will be asked to sign.

3. A non-federal member may withdraw from this charter by providing written notice to the RPB co-leads. Withdrawal from this charter by a federal member requires notice to the federal co-lead, and subsequent concurrence by the NOC.
 4. Members may modify this charter by developing and agreeing to a written amendment.
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Signatories

State Members



Brian Thompson
Connecticut Department of Energy and Environmental Protection



Susan Whalen
Connecticut Department of Energy and Environmental Protection



Patrick Keliher
Maine Department of Marine Resources



Walter Whitcomb
Maine Department of Agriculture, Conservation and Forestry



Bruce Carlisle
Massachusetts Executive Office of Energy and Environmental Affairs



Paul Diodati
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Thomas Burack
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Glenn Normandeau
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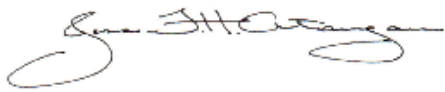


Grover Fugate
Rhode Island Coastal Resource Management Council

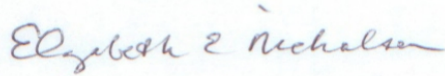


Janet Coit
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Federal Members



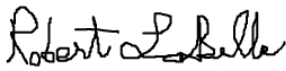
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Christine Clarke
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Christopher Tompsett
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Wayne Muilenburg, First District U.S. Coast Guard for Dan Hubbard
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Jeffrey Flumignan
U.S. Department of Transportation

New England Fishery Management Council Member



Douglas Grout
New Hampshire Fish and Game

Tribal Members



Richard Getchell
Aroostook Band of Micmacs/All Nations Consulting



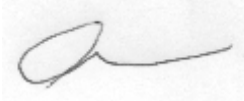
**Brenda Commander, Tribal Chief for
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Houlton Band of Maliseet Indians



**Cedric Cromwell, Chairman for
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Jean McInnis
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**Tobias Vanderhoop, Chairman for
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Wampanoag Tribe of Gay Head (Aquinnah)