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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

**MEMORANDUM**

**DATE:** November 12, 2010  
**TO:** Council Members  
**FROM:** Paul J. Howard, Executive Director *PAH 11/12/10*  
**SUBJECT:** **Advancing Regional Coastal and Marine Spatial Planning Workshop**

1. On November 9, 2010 I attended subject workshop. I have attached the agenda and the handout materials for the workshop. As you know the Council has asked NROC for full membership of the Regional Planning Group (RPG) proposed in the governance structure set forth in the Executive Order.
2. I will brief the Council about my observations of NROC and CMSP under reports at our November Council meeting.



**ADVANCING REGIONAL COASTAL AND MARINE SPATIAL PLANNING**  
**Meeting Agenda • November 9, 2010**  
**Roger Williams University, Bay Point Conference Center, Portsmouth, RI**  
 Directions to meeting location: <http://www.rwu.edu/about/maps/directions/#Portsmouth>

8:30 AM	<b><u>Coffee and Participant Check-in</u></b>
9:00 AM	<b><u>Welcome, Purpose of Workshop, Review of Agenda, Introductions</u></b> <i>Ted Diers, NH/NROC State Chair; Betsy Nicholson, NOAA/NROC Federal Chair; Stephanie Moura (Facilitator), Mass Ocean Partnership; and Tricia Ryan (Facilitator), NOAA CSC</i>
9:30 AM	<b><u>Setting the Context: What to Expect from the National Ocean Council and Expectations of New England</u></b> <i>Andy Lipsky, National Ocean Council; Betsy Nicholson, NOAA/NROC Federal Chair</i>
10:00 AM	<b><u>Break</u></b>
10:15 AM	<b><u>Regional CMSP Framework Review</u></b> <i>John Weber, MA and Kathleen Leyden, ME</i> <ul style="list-style-type: none"> <li>▪ Overview and status of framework           <ul style="list-style-type: none"> <li>○ Partner contributions</li> <li>○ Q&amp;A with focus on how the framework will be used</li> </ul> </li> <li>▪ Break out groups to discuss how to operationalize the framework.           <ul style="list-style-type: none"> <li>○ <i>Stakeholder engagement: Discuss guiding principles, key challenges, best practices and messaging considerations.</i></li> <li>○ <i>Regional data portal: briefing on data portal project to support regional CMSP followed by discussion.</i></li> <li>○ <i>Ecosystem approach: Identify core components/principles of an ecosystem-based approach to CMSP and key limitations / challenges for operationalizing.</i></li> <li>○ <i>Habitat: Discuss key considerations for defining "ecologically significant" areas to allow us to understand and map them (geographic scale, time, vulnerability to human impacts, ecosystem function vs. spatial occurrence of habitat, etc.).</i></li> <li>○ <i>Human use characterization: Discuss how to identify areas "significant for recreational fishing" and/or areas "potentially suitable for commercial renewable energy potential." Discuss challenges for forecasting future "demands."</i></li> <li>○ <i>Regulatory: How does the Regional CMS Plan get implemented through existing regulatory authorities and mechanisms?</i></li> </ul> </li> </ul>
12:00	<b><u>Lunch</u></b>
1:00 PM	<b><u>Brief Report Back from Framework Breakouts</u></b> <ul style="list-style-type: none"> <li>▪ Discuss how to bring the pieces together</li> <li>▪ Large group discussion on observations</li> </ul>
1:45 PM	<b><u>Draft Regional Governance Structure</u></b> <i>Mel Cote, US EPA and Deerin Babb-Brott, MA</i> <ul style="list-style-type: none"> <li>▪ Present known form and function of CMSP governance structure per Executive Order</li> <li>▪ Explore ideas on how the Regional Planning Body and a regional advisory committee structure might work to engage partners and be most effective</li> </ul> Break out groups to discuss / explore formal (FACA) and less formal options for engagement, advisory functions, etc.
3:00 PM	<b><u>Break</u></b>
3:20 PM	<b><u>Update on NOAA Federal Funding Opportunity</u></b> <i>Ted Diers, NH/NROC State Chair</i> <ul style="list-style-type: none"> <li>• Share process for submission to the funding announcement</li> </ul>
3:45 PM	<b><u>Wrap-up</u></b>
4:30 PM	<b><u>Adjourn</u></b>

## **DRAFT Outline of Regional Coastal and Marine Spatial Planning Process for New England**

**DISCLAIMER:** The Northeast Regional Ocean Council (NROC) has drafted this outline as a starting point for the New England region and to identify, generally, the process and substantive needs to develop a Coastal and Marine Spatial Plan (CMSP) for the region. The intent is to develop a plan that builds on the considerable accomplishments in the region and is consistent with recently issued federal requirements and guidance. NROC realizes that this preliminary outline does not reflect the perspectives of all stakeholders, including those who will have a formal role in the planning process.

**Purpose:** NROC is committed to assisting in the development of a regional coastal and marine spatial plan to support ecosystem-based management of New England's marine environment and its human uses, working collaboratively with government, tribal partners and stakeholders.

### **NROC goals are to:**

1. Achieve state and regional renewable energy goals (and other appropriate energy-related goals).
2. Strive for healthy, resilient marine ecosystems, including protection of ecologically significant areas, to ensure the continued provision of desired ecosystem services
3. Enable sustainable coastal economies through the support of marine resource management goals and by supporting sustainable, safe, secure, efficient, and productive human uses. For example, support existing fisheries regulatory entities (recognizing existing authority through the Magnuson-Stevens Act and state fishing regulations) to identify ways to pursue shared goals such as the protection of fishery resources and fisheries economy from non-fishing activities that adversely impact fisheries.
4. Facilitate multiple uses while minimizing conflict among uses and between uses and natural resources

### **NROC Desired Coastal and Marine Spatial Planning Outcomes**

A regional plan that:

1. Is based on a clear set of operating principles (outlined below).
2. Reflects regional goals and objectives (specific, measurable where possible) and states' priorities
3. Characterizes a baseline of existing environmental resources and human uses, and builds upon this baseline to develop alternative future scenarios of human uses based upon compatibility of potential new uses with existing uses and environmental resources.
4. Establishes a structure for ongoing interactions between NROC, the Regional Planning Body, states, federal and tribal entities, and other stakeholders
5. Identifies ecologically important resources/areas and areas for potential human uses
6. Provides broad-scale information for renewable energy planning and siting, and other energy-related issues
7. Is implemented through federal, state, (and local if appropriate) agency authorities, policies, and regulations
8. Establishes regional management policies/guidelines
9. Establishes a framework for evolution of management strategies based on periodic evaluation of plan performance



10. Identifies priority supporting data needs
11. Identifies effective mechanisms for conflict resolution. The Interagency Task Force model acknowledges that disagreement might at the regional council level and that some decisions may go to the National Ocean Council.

**NROC Operating Principles:**

- Regional ocean planning should recognize that a the ocean ecosystem includes human activities; a healthy ocean ecosystem is the basis for all of the benefits gained from our interactions with the ocean
- Regional coastal and marine spatial planning should minimize conflicts between new and existing uses and reduce conflicts between human uses and the natural environment
- Regional coastal and marine spatial planning should focus on results, including a comprehensive environmental characterization of the planning area with focus on achievable results (short term and longer term)
- Initial priorities include energy siting (particularly wind energy), environmental conservation, and support of sustainable human uses
- The scale and level of detail of the plan should be commensurate with: the data available (either existing or acquirable) for the three year planning process, the decisions being made by the Regional Planning Body and other stakeholders, the capacity of the region to engage, develop and implement an effective process and plan, and with biogeographic distinctions within the region
- The planning process will engage and reflect the participation of stakeholders and the public
- The planning process will be participatory and transparent (and an early action should be to define the terms of this bullet and the preceding bullet)
- The CMSP process should be seen as a continuing, adaptive process that will continue beyond the plan produced in the first three year period

**Goal 1: Determine the goals, objectives, desired outcomes and planning framework for the New England region, with broad-based public and stakeholder participation supported by member states, tribes, and federal agencies; ensure continuing, broad-based participation throughout planning process.**

Objective 1.1 Ensure that each step of the CMSP process (goals and objectives, data acquisition, mapping, development of draft plan, etc) is informed by ongoing collaborative process

Action 1.1.1 – Develop CMSP process that incorporates broad-based participation of stakeholders, beginning with development of plan goals, objectives, and desired outcomes

Action 1.1.2 –Develop appropriate process/structure for the interaction of the Regional Planning Body with stakeholders

Objective 1.2 Implement process for regional stakeholder participation

Action 1.2.1 – Identify appropriate stakeholders (federal, regional, state, local)

Action 1.2.2 – Identify existing opportunities for stakeholder involvement and coordination with existing entities and efforts, including coordination with other regional ocean planning efforts (such as through the Mid Atlantic Regional Council on the Ocean) as needed

Action 1.2.3 – Implement appropriate public involvement mechanisms during all stages of plan development (goal setting, data acquisition, mapping, review of draft plan, etc.).

Consider setting up work groups and/or advisory bodies (re: data, science, legal, e.g.) to assist with plan development and enhance stakeholder involvement.

**Goal 2: Understand the ecological, social and economic environment of the planning area as the basis for sound CMSP and management**

Objective 2.1 Identify geographic scope and appropriate scale of information: Define planning area, including consideration of the need for sub-regional components and coordination with MARCO.

Objective 2.2 Characterize baseline information on environmental, social, and economic aspects of the planning area that is of priority interest using an ecosystem services approach to help organize the characterization and prioritize data needs (identifying existing and desired human benefits derived from the ocean ecosystem will also enable tradeoff/scenario analysis described below) while considering inputs and linkages beyond the planning area.

Action 2.2.1– Define the term "ecosystem services" and consider the level of sophistication such an approach requires in terms of data, modeling, and scientific understanding and the extent to which available data/understanding lend themselves to such an approach

Action 2.2.2– Identify specific parties responsible for data gathering, housing, and analysis in support of regional plan and ways to overcome any practical limitations.

Objective 2.3 Define appropriate temporal and spatial scales for data gathering and analysis, recognizing different scale requirements depending on the variable and the planning area (and any sub-regional components).

Objective 2.4 Develop baseline characterization of ecological, social and economic conditions for the planning area

Action 2.4.1 – Based on goals and objectives, and results of Objectives 2.1, 2.2, and 2.3, develop inventory of priority, available baseline characterization data components (may include projections of anticipated/desired conditions), including human uses, natural resources (including existing stressors and consideration of future implications of climate change), natural processes (currents, etc.)

Action 2.4.2 – Develop inventory of available qualitative information (e.g., preliminary characterization of certain human uses such as recreational activities for which little spatially explicit data exists) to help identify gaps in quantitative information related to the ecosystem services definition identified in Action 2.2.1

Action 2.4.3 – Develop derived products from existing data, such as characterizations of existing cumulative effects, representations of ecosystem services models, and/or other related, pertinent, useful products.

Action 2.4.4 – Prepare maps + accompanying text that describe the baseline characterization

Objective 2.5 Identify future spatial data needs to achieve management goals and objectives

Action 2.5.1 – Identify geographic or issue-based data gaps, or data products, necessary to achieve plan goals and objectives

Action 2.5.2 – Develop work plan to complete items in Action 2.5.1, considering existing efforts and national standards for housing/serving data.



### **Goal 3: Identify Areas for Potential Conservation**

#### **Objective 3.1 Identify ecologically significant areas**

Action 3.1.1— Define “ecologically significant”, considering issues related to geographical scale, climate change effects and shifts in habitat, protection of biodiversity, vulnerability of habitats/species to particular human uses, understanding of and ability to map significant oceanographic processes and important geologic features, and state of scientific understanding of the ecosystem; consider application of ecosystem services approach outlined in Objective 2.1 above.

Action 3.1.2—On a parallel track with Action 3.1.1, develop inventory of existing spatial and temporal data (species/habitats): the limits of existing data may limit the definition of ecologically significant.

Action 3.1.3—Develop methodology for using data to spatially represent output of Action 3.1.1

Action 3.1.4—Developing alternative future spatial scenarios to ensure areas in need of additional attention for conservation are considered simultaneously with identification of areas for potential future use, tradeoffs are evaluated, etc. (see description in Objective 4.1)

Action 3.1.5 – Identify areas potentially in need of additional attention for conservation

#### **Objective 3.2 Identify management measures to achieve conservation goals (based on the definition developed in Objective 3.1, stakeholder input, etc.) for areas identified in Action 3.1.4**

Action 3.2.1 – Develop management objectives for areas identified in Action 3.1.4

Action 3.2.2 – Identify regulatory and non-regulatory management measures to achieve objectives

Action 3.2.3 – Identify appropriate federal/state coordination mechanisms

Action 3.2.4 – Identify future data/information needs to further management objectives

### **Goal 4: Identify Areas for Potential Future Uses**

#### **Objective 4.1 Identify locations for potential future uses**

Action 4.1.1 – Determine the characteristics of the ocean area that are essential to or desired by various ocean uses, based on technology, space requirements, related infrastructure requirements, consideration of natural processes, etc.

Action 4.1.2 – Determine spatial and temporal conflicts and compatibilities among human uses and between human uses and the natural environment; consider application of ecosystem services approach outlined in Objective 2.1 above

• Action 4.1.3 – Project current trends of existing human activities

Action 4.1.4 – Estimate spatial requirements for new demands for ocean space

Action 4.1.5 – Develop alternative future spatial scenarios representing attempts to achieve stated goals for new uses/economic activity, applying tools or models to aid in visualization of scenarios/tradeoffs

Action 4.1.6 – Specify criteria for evaluating alternative spatial scenarios and making trade-offs

Action 4.1.7 – Assess tradeoffs and identify preferred spatial scenario for the region

Action 4.1.8 – Assess compatibility of preferred spatial scenario with existing comprehensive or targeted management plans

Action 4.1.9 – Identify areas suitable for potential uses/development

Objective 4.2 For renewable energy (and other appropriate energy-related issues including transmission), identify plan-specific management measures for achieving identified state and regional goals and objectives. Specifically:  
Action 4.2.1 –Identify existing marine renewable energy goals as expressed by individual states, regionally, and nationally; incorporate other energy goals as appropriate.  
Action 4.2.2—Identify opportunities and obstacles to achieving those goals, e.g. related to the existing grid/infrastructure, technology  
Action 4.2.3 – Based on the results of Actions 4.2.1 and 4.2.2, and incorporating the approach identified in Objective 4.1, identify areas potentially suitable for commercial renewable energy development and/or that address other energy-related issues (such as transmission).

Objective 4.3 Identify areas significant for commercial and recreational fishing  
Action 4.3.1– Define “significant for commercial and recreational fishing”, considering issues related to geographical scale, shifts in effort over time, and state of scientific understanding  
Action 4.3.2– Develop inventory of existing spatial and temporal data on commercial and recreational fishing  
Action 4.3.3 – Develop methodology for using data to spatially represent outcome of Action 4.3.1  
Action 4.3.4 –For all steps in Objective 4.3, coordinate with appropriate fisheries regulatory entities and support shared goals such as the protection of fishery resources and fisheries economy from non-fishing activities.

Objective 4.4 Identify management measures to advance the interests of areas identified in Objectives 4.1, 4.2, and 4.3  
Action 4.4.1 - Develop policy statements for areas identified in Action 4.1.6 and 4.2.3.  
For areas identified in Action 4.3.3, coordinate with fisheries regulators to develop these policy statements.  
Action 4.4.2 – Identify regulatory and non-regulatory management measures for areas identified in Action 4.1.6 and 4.2.3. For areas identified in Action 4.3.3, coordinate with fisheries regulators to develop appropriate management measures.  
Action 4.4.3 – Identify appropriate federal/state coordination mechanisms  
Action 4.4.4 – Identify future data/information needs to further management objectives

**Goal 5: Develop a performance monitoring and evaluation system as part of the CMSP plan to inform plan adaptation over time**

Objective 5.1 Identify performance indicators for the CMSP plan

Action 5.1.1 – Ensure that performance indicators are measurable, cost-effective, concrete, interpretable, sensitive, and grounded in scientific theory

Objective 5.2 Design and implement a monitoring system, based on the performance indicators, that will measure the performance of the management measures of the CMSP plan.

Objective 5.3 Periodically evaluate results from the performance monitoring system (using tools for visualizing and communication such results) and develop recommendations to adapt the CMSP plan as necessary

**Goal 6: Provide regional management governance structure and coordination mechanisms for integrated state, tribal and federal CMSP and decision-making**

Objective 6.1 Building on the success of NROC, recommend operating principles and structure for a regional ocean management body in response to the National Framework for CMSP and Executive Order

Action 6.1.1 –Develop and evaluate options

Action 6.1.2 –Seek advice on stakeholder and partner engagement

Action 6.1.3 Seek support from National Ocean Council on preferred management structure and mechanisms for achieving regional goals

Objective 6.2 Review existing regulatory, management and planning frameworks to identify how they can be integrated and improved to achieve regional CMSP goals and objectives

Action 6.2.1– Review existing frameworks, including the authority vested in the regional plan from the Framework and Executive Order, and identify roadblocks to necessary changes and opportunities to achieve desired outcomes through existing federal and state law and regulation.

Action 6.2.2– Make recommendations for needed changes to enhance consistency of agency determinations with plan

Action 6.2.3– Develop regional management policies to guide future state and federal planning/review/ regulatory actions in the planning area, including mechanisms to resolve conflicts (note the national framework as a starting point for that).

Objective 6.3 Develop CMSP plan, which may include discrete sub-regional components, consistent to the extent possible with other state, federal and regional management plans and regulations

Action 6.3.1 – Define existing management measures to incorporate into plan, recognizing basic issues of ownership, public trust rights and responsibilities, and implementing authority.

Action 6.3.2 – Develop future coordination mechanisms with pertinent agency regulators to achieve shared goals and objectives and methods for resolving conflicts

Action 6.3.3 –Propose amendments to existing state and federal laws, policies, and programs to further plan goals and objectives

Action 6.3.4 – Identify future data/information needs to achieve management goals and objectives



## ADVANCING REGIONAL COASTAL AND MARINE SPATIAL PLANNING

### November 9<sup>th</sup> WORKSHOP

Morning Breakout Session: – Operationalizing the Draft Regional CMSP Framework

Plenary Room:

**Data** – Ru Morrison (NERACOOS) and Daniel Martin (NOAA) (content and facilitator/notes), *Matt Nixon NROC POC (See Goal 2, Objective 2.4 and 2.5)*

This session will be a mini-briefing/working session on the data portal. Depending on participants' interests and familiarity with data portal efforts, questions addressed may include:

1. What are the key institutional, technical or other challenges for data portal progress?
2. How might stakeholders, beyond the technically inclined, use the data portal?

Plenary Room:

**Stakeholders** – Stephanie Moura (facilitator), Howard Krum (notes), *Kathleen Leyden, NROC POC (See Goal 1, Objectives 1.1 and 1.2)*

1. Each participant names 2-3 guiding principles for stakeholder engagement and public involvement from their experience that are most important/relevant.
2. Based on participants' experience, identify key challenges for designing and implementing stakeholder engagement / public involvement in a regional context and best practices to address those challenges.
  - When, how and who to engage? (Stakeholders vs. general public)
  - How can sub regional issues be addressed?
  - What existing products could inform this process?
  - Optimize use of existing forums before creating new ones?
3. What considerations are important as NROC develops messaging to support the regional CMSP process?
  - What are compelling ways to optimize participation and communication?
  - How can regional (and sub-regional) messaging be coordinated with the NROC's messaging?

Adjacent Room:

**Regulatory** - Bud Ehler (facilitator), Martina McPherson (notes)  
Susan Faraday, John Duff (content)  
*David Blatt, Bob LaBelle, NROC POCs (See Goal 6, Objective 6.2)*

1. Federal CMSP Framework and Executive Order are administrative directives with no legislative mandate. Big question: How does the Regional CMS Plan get implemented through existing regulatory authorities and mechanisms?
2. Where might we find conflicts that arise between existing mandates when put into CMSP context?

Adjacent Room:

**Ecosystem Approach** – Adrienne Harrison (facilitator), Verna DeLauer (notes), Nick Napoli (content) *John Weber, NROC POC (See Goal 2, Objective 2.2)*

1. Each participant name **one thing** s/he feels is a core aspect/component /principle of an “ecosystem services approach” to CMSP with a brief explanation why.
2. Identify the limitations / challenges associated with operationalizing the identified principles/component - pick one or two of the above to discuss.
3. Reflecting on those lists/ideas, group then attempts to outline core elements of an ecosystem services approach to CMSP and identifies existing efforts that could inform/support that (to answer the question “what does an ecosystem services approach really mean to you?)
  - a. What parts of a CMS Plan could benefit from an ecosystem based approach?

Lounge Area:

**Habitat** - Regina Lyons (facilitator and notes), Chris Boelke (content), *Deirdre Gilbert NROC POC (See Goal 3, Objective 3.1)*

1. What are the critical habitat factors / issues that need to be considered in defining the term “ecologically significant” to be able to understand and map them? (geographic scale, time, vulnerability to human impacts, ecosystem function vs. spatial occurrence of habitat) Create a list of these issues.
2. How can we consider/address those factors / issues? Pick a few issues and then:
  - a) Discuss general ideas and
  - b) Identify examples of existing methods/models/efforts

Lounge Area:

**Human Use** – Arleen O’Donnell (facilitator and notes), Jack Wiggin (informal notes and content), *Deerin Babb-Brott, NROC POC (See Goals 2 and 4, Objectives 2.4, 4.2.3 and 4.3.1)*

1. Referring to CMSP framework outline, discuss how to identify areas “potentially suitable for commercial renewable energy potential” and how to define “significant for recreational fishing.”
2. Identify best practices as well as challenges in forecasting future human use demand.



## National Priority Objectives of the New National Ocean Policy

The implementation strategy of the National Ocean Policy recommends nine priority objectives. The first four, which together frame *How We Do Business*, represent overarching ways in which the Federal Government must operate differently or better to improve stewardship of the ocean, our coasts, and the Great Lakes. The implementation strategy also identifies five *Areas of Special Emphasis*, each of which seek to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes.

### How we do Business

These objectives represent overarching ways in which the Federal government must operate differently to improve stewardship of the ocean, coasts, and the Great Lakes.

1. **Ecosystem-Based Management:** Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.
2. **Coastal and Marine Spatial Planning:** Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning (CMSP) and management in the United States.
3. **Inform Decisions and Improve Understanding:** Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.
4. **Coordinate and Support:** Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.

### Areas of Special Emphasis

These objectives identify priority issue areas to address the most pressing challenges facing the oceans, coasts and Great Lakes.

1. **Resiliency and Adaptation to Climate Change and Ocean Acidification:** Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.
2. **Regional Ecosystem Protection and Restoration:** Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.
3. **Water Quality and Sustainable Practices on Land:** Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.
4. **Changing Conditions in the Arctic:** Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.
5. **Ocean, Coastal, and Great Lakes Observations and Infrastructure:** Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, and data collection platforms into a national system and integrate that system into international observation efforts.