

Framing

- Why:
 - Historic/cultural/spiritual importance of ocean
 - New uses emerging, changes to existing uses
 - Concern (sometimes decline) in ocean “health”, conditions of the ecosystem
 - If appropriately developed, better data = better decision-making!
 - Need for gov’t coordination and efficiencies
- Public trust, now and in the future
- Adaptive process
- These are draft goals with possible actions-need extensive public input
- Timeframe for potential actions: what can we do in 3 years?

Goal: Healthy ocean and coastal ecosystems

Descriptive paragraph:

Develop a planning framework to protect, restore, maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Take into account changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the natural world, biodiversity, and acting as a steward/caretaker.

Goal: Healthy ocean and coastal ecosystems

Potential Actions:

- Map species/habitats and assess trends
 - Use regional data as screening tool
- Use maps/trends to characterize important/significant/valuable areas
- Identify opportunities for restoration
- Understand changing environmental conditions, including climate change
- Prioritize science/research needs to fill key gaps in knowledge

Goal: Compatibility among current/future uses

Descriptive paragraph:

Promote compatibility among current and future uses of ocean and coastal waters and shorelines while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and potential for community impacts and opportunities. Facilitate increased understanding and coordination among stakeholders [not just govt].

Compatibility among current/future uses

Potential Actions:

- Understand existing uses and practical implications of new/changing activities on regional economy, environmental and cultural resources
- Enhance viability of new and existing uses:
 - Maintain/enhance fishing, boating and maritime commerce (infrastructure, adequate access, dredging & disposal, etc.)
 - Consider regional electricity transmission and other energy infrastructure
 - Consider offshore aquaculture, recognizing current regulatory environment and federal policy/permitting

Goal: Effective decision making

Descriptive paragraph:

Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.

Goal: Effective decision making

Potential Actions:

- Increase interagency coordination across management and regulatory programs
- Enhance transparency and engagement of the public in decision making
- Use regional data as a screening tool
- Coordinate and leverage science and data development to address regional priorities

Northeast Regional Planning Body Charter

April 2013

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 (RPB) in nine regions of the U.S., which will work together to develop products driven by specific needs of the geography and building on existing efforts. Depending on how the Northeast 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.

Members of the Northeast Regional Planning Body (RPB) include federal, tribal, state, and New England Fishery Management Council representatives. This charter describes the purpose, participants, and a preliminary delineation of roles and responsibilities for these members and the Northeast regional ocean planning process. While the charter serves as an express commitment for 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 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 RPB members. Further, participation on the RPB does not commit any non-federal RPB member, or non-federal government represented by the member, to adopt resulting products or plans.

Purpose and Scope of Activity

The Northeast RPB provides a forum for information sharing and coordination of regional ocean planning activities from the Gulf of Maine to Long Island Sound. The National Ocean Policy (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 RPB deems appropriate
- Privately owned lands as defined by law are excluded

The RPB will agree on a manageable geographic scope based on a set of regional goals and measurable objectives that provide 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 of its members and partners 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 Regional Planning Body 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, RPB members agree to participate in regional ocean planning as a framework for improved coordination and decision making among federal, state, tribal, and NEFMC members. 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.

RPB Members and Roles

The National Ocean Council (NOC) convened and organized RPB federal members and invited Governors, tribal leadership, and a member of the NEFMC to participate in the planning effort. Ultimately, state authorities and tribal leadership determined their own representation, identifying staff that typically have a role in providing technical assistance, management, or regulatory review of ocean and coastal resources and activities. Any vacancy on the RPB will be filled in the same manner in which the appointment was made.

In addition to the description of RPB membership below, a formal RPB Roster can be viewed in Appendix A.

State Members

State participants from 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 with the authority to act on his or her behalf on RPB matters. Each state Governor retains the authority to designate up to two representatives to serve as official representatives on the RPB from each New England 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 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 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 with the authority to act on his or her behalf on 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, tribes 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

Federal agencies will identify a representative to serve as their agency's official representative to the RPB. Federal members are subject-matter experts with sufficient seniority and expertise to enable them to represent their agencies on the RPB and have the authority to make decisions or commitments on their agency's behalf.

The federal RPB members will represent their respective agency mandates and goals in the planning process. Federal agency representatives will also provide data, resources, and tools that may be applicable to regional planning challenges and help identify legal authorities relevant to their participation. They will also work to ensure coordination of federal agency actions in support of Northeast ocean planning goals and objectives. Federal agency representatives will encourage regional consistency with national programs and activities; 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. As the RPB gets more specific with the development of its work plan, it is expected that federal members bring the full capacity of their agencies to the initiative by involving more appropriate federal colleagues with expertise needed.

Entities Include:

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

New England Fisheries Management Council (NEFMC) Member

Membership of a NEFMC representative on the RPB provides a formal mechanism to incorporate fishery related issues given their 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 RPB reserves the right to extend an additional U.S. based tribe ex-officio status. 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 RPB will provide mechanisms for meaningful local input into the regional ocean planning process through its state 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 representatives are further engaged in the regional ocean planning effort.

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 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 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 reality of 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 statutory and regulatory mandates and ensure that their priorities align with this regional initiative.

Roles of the Co-leads and Executive Secretariat

The Northeast 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 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 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 RPB products and get their government sector's input and feedback.
- Coordinate with RPB members to establish working groups as needed and comprised of members, or their designated representatives, and other experts as necessary.
- Promote collaboration among RPB members by seeking consensus.
- Seek to resolve RPB disputes that arise during the planning process.

Relationship to Existing Authorities

The 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 framework for application of these existing laws and authorities. If the Northeast 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

The RPB 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

RPB members will make a number of decisions as they develop regional objectives and deliverables 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 their concern with a co-lead about a proposed course of action either verbally 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 where 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 where 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

[Signatures of the members or their duly authorized representatives -- each signature by an RPB member is provided on behalf of the agency/entity their membership represents]

Appendix A: Northeast Regional Planning Body Membership Roster

States

Connecticut

- Macky McCleary, Deputy Commissioner, Department of Energy and Environmental Protection
- Susan Whalen, Deputy Commissioner, Department of Energy and Environmental Protection

Maine

- Patrick Keliher, Commissioner, Department of Marine Resources
- Walt Whitcomb, Commissioner, Department of Agriculture, Conservation and Forestry

Massachusetts

- Bruce Carlisle, Director, Executive Office of Energy and Environmental Affairs/Coastal Zone Management
- Paul Diodati, Director, Department of Fish and Game/Division of Marine Fisheries

New Hampshire

- Thomas Burack, Commissioner, Department of Environmental Services
- Glenn Normandeau, Executive Director, Department of Fish and Game

Rhode Island (State Co-lead)

- Grover Fugate, Executive Director, Coastal Resource Management Council
- Janet Coit, Director, Department of Environmental Management

Vermont

- Joseph Roman, Research Assistant, University of Vermont
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Federal Agencies

Joint Chiefs of Staff

- Joseph Atangan, Naval Undersea Warfare Center Division, U.S. Navy

U.S. Department of Agriculture

- Christine Clarke, Natural Resource Conservation Service

U.S. Department of Commerce (Federal Co-lead)

- Betsy Nicholson, National Oceanic and Atmospheric Administration, National Ocean Service

U.S. Department of Defense

- Christopher Tompsett, U.S. Navy

U.S. Department of Energy

- Patrick Gilman, Office of Energy Efficiency and Renewable Energy

U.S. Department of Homeland Security

- Dan Hubbard, Maritime Energy Program Specialist, First District U.S. Coast Guard

U.S. Department of the Interior

- Bob LaBelle, Science Advisor to the Director, Bureau of Ocean Energy Management

U.S. Department of Transportation

- Jeffrey Flumignan, Maritime Administration

U.S. Environmental Protection Agency

- Mel Coté, Region 1, Office of Ecosystem Protection, Ocean and Coastal Protection Unit

Federal Energy Regulatory Commission (Point of Contact)

- Stephen Bowler, Office of Energy Projects
 - David Swearingen, Environmental Biologist, Office of Energy Projects
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New England Fishery Management Council

- Douglas Grout, Chief of Marine Fisheries, New Hampshire Fish and Game
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Tribes**Aroostook Band of Micmac Indians (Tribal Co-lead)**

- Richard Getchell, Tribal Chief

Houlton Band of Maliseet Indians

- Sharri Venno, Environmental Planner

Mashantucket Pequot Tribe of Connecticut

- Rodney Butler, Tribal Chief

Mashpee Wampanoag Tribal Council

- Chuckie Green, Natural Resources Assistant Director

Mohegan Indian Tribe of Connecticut

- Jean McInnis, Environmental Protection Administrator

Narragansett Indian Tribe of Rhode Island

- Doug Harris, Deputy Tribal Historic Preservation Officer/Preservationist for Ceremonial Landscapes

Passamaquoddy Tribe - Indian Township Reservation

- Donald Soctomah, Tribal Historic Preservation Officer

Passamaquoddy Tribe - Pleasant Point Reservation

- Vera Francis, Tribal Community Planner

Penobscot Indian Nation

- Angie Reed, Water Resources Planner

Wampanoag Tribe of Gay Head (Aquinnah)

- Elizabeth James-Perry, Tribal Cultural Resource Monitor

Ex Officio Members

New York State

- George Stafford, New York Department of State

Canada

- Tim Hall, Department of Fisheries and Oceans, Canada