

DOES THE NATIONAL OCEAN POLICY MANDATE FEDERAL ZONING OR MARINE PROTECTED AREAS?

Coastal and marine spatial planning is a process to assess ocean use needs (including conservation) and better inform and coordinate agency priority setting and decision making. Ocean zoning isn't even mentioned as an objective of the National Ocean Policy; neither are marine protected areas (MPAs). The specific objectives of coastal and marine spatial planning include the following:

- *Support sustainable, safe, secure, efficient, and productive uses of the ocean, coasts and Great Lakes*
- *Promote compatibility among uses and reduce user conflicts and environmental impacts...provide for and maintain public access*
- *Protect, maintain and restore the nation's ocean, coastal and Great Lakes resources and ensure resilient ecosystems*
- *Increase certainty and predictability in planning for and implementing new investments for ocean, coastal and Great Lakes uses*
- *Enhance interagency, intergovernmental and international communication and collaboration.*

Coastal and marine spatial planning is meant to be implemented at the regional level. Regional bodies are expected to identify management priorities for their particular area. Regional priority setting should be done in an open and transparent manner with ample public participation and input from stakeholders and scientists. Once regional plans are developed and approved, federal agencies will implement the plans using their existing authorities. Coastal and marine spatial plans will allow for rational permitting of federal activities in the ocean and the protection of important ecological features and services that our economy depends upon. It will be up to the regions to choose the most appropriate tools for implementation of these plans.



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MARINE CONSERVATION INSTITUTE
600 PENNSYLVANIA AVE SE, SUITE 210
WASHINGTON DC 20003
202.546.5346

WWW.MARINE-CONSERVATION.ORG

FREQUENTLY ASKED QUESTIONS ABOUT THE NATIONAL OCEAN POLICY AND COASTAL AND MARINE SPATIAL PLANNING

On July 19, 2010, President Obama issued Executive Order 13547, "Stewardship of the Ocean, Our Coasts, and the Great Lakes," known as the National Ocean Policy. The executive order establishes a national policy to protect, maintain and restore the ecological health of our ocean, coasts and Great Lakes (hereinafter collectively referred to as "oceans"), and to promote sustainable uses of these waters to strengthen coastal economies. The executive order establishes a National Ocean Council to implement the policy. The Council is an outgrowth of the previous White House Committee on Ocean Policy created by President George W. Bush in 2004. The Council will be advised by a Governance Coordinating Committee composed of representatives from state, tribal and local governments.

A federal regional planning body will be established in each of the nation's nine maritime regions. These entities will assess environmental and economic conditions, activities and laws and develop a coastal and marine spatial plan to inform coordinated ocean management by federal agencies using ecosystem-based approaches. The regional planning areas are – Northeast, Mid-Atlantic, South-Atlantic, Gulf of Mexico, Caribbean, West, Pacific Islands, Alaska and the Great Lakes. The regional planning bodies will consist of federal, state and tribal authorities, and are responsible for adequately engaging indigenous communities, Regional Fishery Management Councils and other existing planning bodies. States that choose to do so are encouraged to set up parallel planning processes in their territorial waters.

Concerns have been raised about the new policy's impacts on the existing ocean governance structure, ocean users and our economy. The most significant concerns are addressed here.



BACKGROUND

Currently, our oceans are governed by a patch-work of over 140 federal laws enforced by over 20 federal agencies. Near-shore waters are regulated by the nation's 35 coastal states and territories. With a multitude of players pursuing individual agendas in each ocean region, it is no wonder that business interests complain of red tape, or that the ecological aspects of ocean management are seldom given sufficient consideration. This situation is exacerbated by increasing demand for ocean use. New uses, such as alternative energy and aquaculture, jostle for space among traditional uses like recreation, fishing and tourism. Meanwhile, scientists have documented that our oceans are being environmentally degraded in numerous ways.

In sum, current management of our oceans is characterized by bureaucratic inefficiency, wasted money, delayed decision-making and poor outcomes for business, consumers and the environment. It is this problem that the president's policy seeks to address.

ISN'T THE NATIONAL OCEAN POLICY ANOTHER EXAMPLE OF FEDERAL OVERREACH, A POWER GRAB THAT CIRCUMVENTS THE AUTHORITIES OF STATE, TRIBAL AND LOCAL GOVERNMENTS?

The National Ocean Policy does not launch a federal "takeover" of the ocean, nor does the policy supersede any current authorities or abrogate state laws. The executive order is grounded in numerous statutes that regulate various activities in federal waters, or federal activities within coastal, marine or Great Lake regions. US jurisdiction over oceans extends from zero to twelve nautical miles from shore (our "territorial waters"). The federal government also exercises certain controls over resources within our Exclusive Economic Zone, which extends from the coastline to 200 nautical miles seaward. Coastal states have jurisdiction over state territorial waters, which extend from zero to three nautical miles from shore (nine nautical miles in portions of Florida and Texas).

Together with its state and tribal partners, the National Ocean Council intends to coordinate federal actions with a big picture focus on compatibility between ocean activities, trade-offs amongst priorities and long term sustainability of both our ocean ecosystems and the economies that depend upon them. Moreover, state, local and tribal governments are encouraged to participate in the implementation of the policy by serving on the regional planning bodies.

DOESN'T THE POLICY CREATE MORE REGULATION AND YET ANOTHER FEDERAL BUREAUCRACY?

"The National Policy does not establish any new regulations or restrict any ocean uses or activities. It does not require new legislation in order to be implemented and does not supersede or alter any agency or department's existing authority." —Final Recommendations of the Interagency Ocean Policy Task Force, 2010

The National Ocean Policy was created because we have too many laws and regulations, which need harmonizing and streamlining if we are serious about better ocean governance. The challenge today is to make ocean governance effective. What is needed is an overarching approach that manages and protects both our ecosystems and the economies they support.

An overarching strategy would coordinate mandates, integrate planning amongst sectors and create a broader view of the benefits and impacts stemming from the use of our ocean resources. Our ability to care for our nation's coastal and marine resources as a whole depends on an approach that is holistic, not helter skelter.

WHAT ROLE WILL STATE, TRIBAL AND LOCAL GOVERNMENTS HAVE IN THE POLICY IMPLEMENTATION PROCESS? HOW WILL THEIR VOICES BE HEARD?

"Strong partnerships among Federal, State, tribal and local authorities, and regional governance structures" will be "essential to a truly forward-looking, comprehensive coastal and marine spatial planning effort." —Final Recommendations of the Interagency Ocean Policy Task Force, 2010

The National Ocean Council will develop standards and guidelines that will guide policy implementation. Coastal and marine spatial planning is not a one-size-fits-all activity; it will be implemented regionally with extensive input from stakeholders and scientific advisory councils. Therefore, the knowledge and expertise of state, tribal and local governments is key to creating coastal and marine spatial plans that are tailored to the needs of the region.

HOW WILL PRIVATE STAKEHOLDERS PARTICIPATE IN THE IMPLEMENTATION OF THE NATIONAL OCEAN POLICY?

Implementation of both the National Ocean Policy and coastal and marine spatial plans includes requirements for an open and transparent process with consultation with interested parties. The National Ocean Council will host a national workshop in 2011 to determine how to effectively engage all parties. Every stakeholder group that wishes to participate in the planning process will follow the same rules; no group will receive special treatment. This ensures the process is fair to everyone involved.

WILL THE POLICY HURT OR HELP OUR MARITIME ECONOMIES?

Clear and non-ambiguous economic effects of marine spatial planning include *coordination efficiency* for governments resulting from improved and integrated decision-making, *reduced transaction costs* (i.e. legal, administrative and opportunity costs) for maritime activities and enhanced certainty for maritime businesses resulting in an improved *investment climate*.

Proper marine spatial planning can lead to reduced transaction costs for marine users. Studies in Europe, where such planning is already occurring, estimate a reduction of 1% in *transaction costs* over 10 years which will produce €170 million to €1.3 billion in savings (\$233 M to \$1.8 B).

Comprehensive planning can also lead to increased buy-in from stakeholders and the public. In a 2004-2007 survey, a plurality of commercial fishers, dive operators and conservationists believed the Florida Keys National Marine Sanctuary, which went through a multi-year spatial planning process to accommodate multiple uses, had benefited both the environment and economy of the Florida Keys.

HOW WILL THE NATIONAL OCEAN POLICY AND COASTAL AND MARINE SPATIAL PLANNING AFFECT OFFSHORE ENERGY DEVELOPMENT?

The permitting process for energy development, including alternative energy projects such as wind and tidal power, will continue while the country moves forward with developing regional coastal and marine spatial plans. Current projects seeking permits will not be put on hold, nor will new projects face any new barriers to implementation.

One of the specific objectives of spatial planning in the United States is to "increase certainty and predictability in planning for and implementing new investments for ocean, coastal and Great Lakes uses and enhance interagency, intergovernmental and international communication and collaboration."

HOW IS THE NATIONAL OCEAN POLICY RELATED TO THE DEEPWATER HORIZON DISASTER IN THE GULF OF MEXICO?

The oil spill highlighted the ecological and economic value of our ocean and coastal resources like never before. It is hard to say whether the existence of the National Ocean Policy would have prevented the BP Deepwater Horizon disaster from occurring. However, the disaster emphasized a fragmented regulatory structure, lax oversight and the lack of a comprehensive response strategy. Had an effective regional planning body existed, it could have avoided these problems through the check and balance process inherent in good planning.