

Note to the reader: The Mid-Atlantic Regional Planning body (MidA RPB) welcomes input on this draft document. Comments may be provided during the public webinar on October 29, 2014, verbally or in writing at one or more of the MARCO-hosted public listening sessions from November 5-18, 2014, or via email at MidAtlanticRPB@boem.gov by 5:00pm ET November 20, 2014. More information about the webinar and public listening sessions is available at www.boem.gov/MidA-RPB-Meetings.

Mid-Atlantic Regional Ocean Action Plan Options

Introduction

Executive Order 13547 *Stewardship of the Ocean, Our Coasts and the Great Lakes* was signed by President Obama in July 2010 and established the nation's first National Ocean Policy. Subsequent documents (i.e., *Marine Planning Handbook* and *Implementation Plan*) provide guidance on characteristics of regional ocean plans under the National Ocean Policy:

Marine Planning Handbook¹:

Marine planning provides information that all ocean interests can use to maximize the benefits and minimize the impacts of how we use the ocean.

Marine planning develops:

- Regional understanding and agreement about issues that should be addressed;
- Context for acquiring and sharing data and information to help avoid and reduce conflicts;
- An effective process to ensure that stakeholder interests and expertise are part of solutions;
- A tool to guide and coordinate Federal actions in the region; and
- Enhanced coordination among Federal, State, Tribal, and stakeholders on ocean and coastal issues.

Implementation Plan²:

Each region has flexibility to build the elements of its plans over time in response to what the region wants to accomplish, the resources available to do the work, and the time it will take to learn what works best in that region. Examples of potential focus areas for marine planning could include, but are not limited to:

- Developing information to facilitate more effective review and permitting among State, Federal, and Tribal authorities for a specific class of activity;
- Characterizing environmental conditions and current and anticipated future uses of marine space to assist in siting new ocean uses;
- Identifying a specific geographic area and addressing management challenges that would benefit from multi-government resolution;
- Identifying and developing information that better informs agency or government-to-government consultations under a variety of laws that apply to offshore development activities important to the region; or
- Developing maps and information that inform effective co-location of multiple existing and new ocean uses.

¹ See http://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf. Topics listed are excerpted and edited.

² See www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf. Topics listed are excerpted and edited.

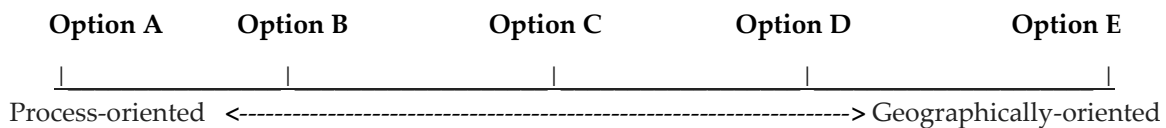
It is important to remember that, according to the National Ocean Policy, “**regional planning bodies are not regulatory bodies and have no independent legal authority to regulate or otherwise direct Federal, State, Tribal, or local government actions. All activities will continue to be regulated under existing authorities.**”

By participating in the process and working collaboratively to develop a Regional Ocean Action Plan (OAP), Mid-Atlantic Regional Planning Body (MidA RPB) member entities have agreed to: participate in the planning process; work collaboratively to develop an OAP; build on and complement existing programs, partnerships, and initiatives; and commit to following the plan to the extent that it is consistent with existing authorities.

MidA RPB Development and Discussion of OAP Options

In May 2014, a MidA RPB internal workgroup was established to consider options for the type of OAP that would be practical for the region, enhance current management of this vast ocean area, and satisfy the diverse interests of Mid-Atlantic ocean stakeholders. Five plan types (here called “options”) were considered, all of which would **inform decision making under existing authorities, be designed and implemented with robust stakeholder input, build on existing partnerships and planning efforts in the region, and be updated over time to reflect new information and changing conditions.**

The five options considered (A, B, C, D, and E) fall across a spectrum that ranges from a process-oriented approach to one that is geographically-oriented:

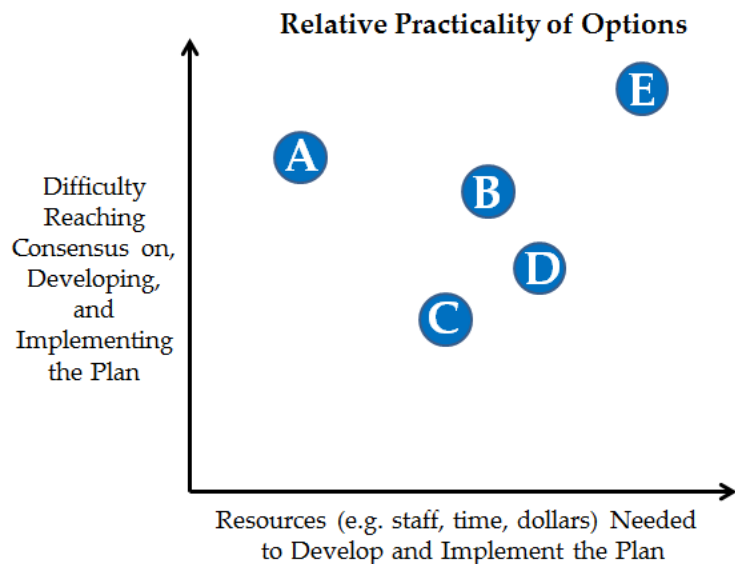


The options considered are as follows:

- *Option A: Issue-Triggered Coordination Process.* This type of plan would, with input from stakeholders, result in agreement on a process regarding how to engage in interjurisdictional coordination to address issues that arise on a case-by-case basis. Agreements would be developed between RPB member entities on how to improve governmental business practices that could be incorporated into National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) reviews and inform governmental planning processes.
- *Option B: Compatibility Assessment.* This type of plan would, with input from stakeholders, support development of a compatibility assessment and agreements to use resulting products to inform decision making under existing authorities.

- **Option C: Targeted Coordination by Issue or Geography.** This type of plan would, with input from stakeholders, describe specific interjurisdictional coordination commitments that could focus on specific issues, programs, projects, and/or geographies (e.g., areas with significant use conflicts or important ecological value) which have not yet been determined. The interjurisdictional coordination agreements articulated in the plan would aim to improve governmental business practices and inform management actions under existing authorities.
- **Option D: Compatible Use Areas.** This type of plan would, with input from stakeholders, result in mapping of discrete geographic areas (to be determined) with their specific resources, services, and habitats clearly delineated and documented. Decisions made under existing authorities would then be informed by the maps and by compatibility analyses.
- **Option E: Comprehensive Optimal Use Maps.** This type of plan would extend to the entire Mid-Atlantic region, and would, with input from stakeholders, result in a single, comprehensive map with all natural resources and current human uses mapped, areas of more compatibility and less compatibility identified, and optimal uses recommended for each type of area.

After careful deliberation, the RPB finds Options A and E impractical. Option A would require addressing issues on a case-by-case basis and therefore may not result in sufficient improvement over the status quo. Option E may be very time-consuming and costly, and create a rigid management system that may not readily incorporate changes as scientific information and technologies improve and as new uses are proposed for the ocean. It also could be very difficult to reach consensus on such a comprehensive plan.

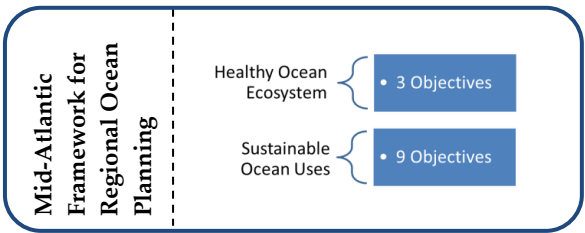
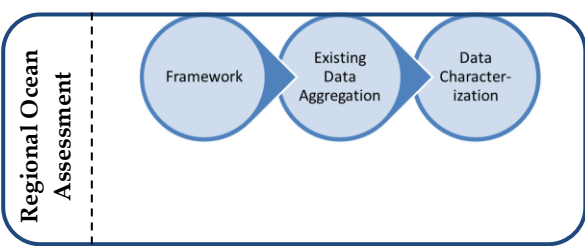


The Compatibility Assessment (option B), Targeted Coordination by Issue or Geography (option C), and Compatible Use Areas (option D) are considered more feasible and the MidA RPB, with public input, is interested in further considering and refining these options. These options are further described in the following sections of this document.

The RPB welcomes input from the public on all options articulated in this document. The RPB also recognizes there may be opportunities to refine the various elements of each option, including potential hybrid approaches.

Regional Ocean Action Plan (OAP) Options Draft Example Outline

This OAP Options Draft Example Outline provides an illustration of how the structure of a plan might appear under different options. This outline is open to refinement, and the MidA RPB welcomes input on both the nature of the options described and the suggested structure of the OAP. Each component articulated in the outline can draw from and integrate with existing and ongoing data gathering and planning efforts, and would inform decision making under existing authorities. A complete draft of the OAP could be available for review by the end of 2016, and the written OAP could be reviewed and updated periodically.

<p style="text-align: center;">Introduction</p>	<p>The OAP could begin with brief framing and context describing the regional ocean planning process. This would include some description and explanation of how the RPB’s work fits within the context of existing state and regional priorities, authorities, partnerships, and planning efforts.</p>		
	<p>The goals and objectives established in the <i>Mid-Atlantic Framework for Regional Ocean Planning</i> (Framework) would be reiterated here.</p>		
	<p>The Regional Ocean Assessment (ROA) will be a separate product but highly complementary to the OAP. The ROA would live primarily in digital format, so links and some narrative description and summary of key concepts would be captured in the OAP document. The ROA could include characterization of existing ocean data, starting with resources/uses that are relatively easy to identify and describe. It could be structured according to the goals and objectives identified in the Framework as a starting point and would be updated over time.</p>		
	<p style="text-align: center;">Compatibility Assessment</p>	<p style="text-align: center;">Targeted Coordination by Issue or Geography</p>	<p style="text-align: center;">Compatible Use Areas</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Data and Analysis</p>	<p>Would require development of decision support tools to assess compatibility and maximize ocean use and conservation goals. This could include reviewing established use areas (e.g., military areas, shipping lanes). The RPB would use information in the ROA to develop compatibility assessments (e.g., a matrix) that are agreed upon by all management entities in the MidA RPB.</p>	<p>Based on existing data initially (and updated with additional data as it becomes available), analyses could result in the identification of specific issues, programs, projects, and/or geographies that would benefit from greater coordination. Efforts might focus on issues or areas characterized by significant use conflicts or important ecological value (e.g., canyons, mouth of the Chesapeake Bay, certain wind energy areas) that align with State/Federal/Tribal priorities.</p>	<p>Analyses could result in the presentation of maps identifying resources, services, and habitats in particular areas. A first iteration OAP could start with a discrete number of areas that are relatively easy to identify. Selection of these areas and identification of resources, services, and habitats would include consideration of existing data, trends, emerging uses, existing authorities, regional priority issues, and region-wide linkages. Would require development of decision support tools.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Implementation Plan</p>	<p>RPB would create assessment(s) of compatible uses to inform decision-making, subsequently each RPB member entity would be responsible for its own implementation and regulatory decision making processes and actions.</p>	<p>RPB would facilitate and monitor the implementation of commitments made in OAP (i.e., commitments to change governmental business practices within existing authorities). RPB would work on specific issues, programs, projects, and/or geographies that would benefit from enhanced coordination, as well as commitments to address them, to include in OAP updates.</p>	<p>RPB member institutions would refer to maps with resources, services, and habitats identified. Final decisions on ocean activities would still be made per existing authorities. Their decisions would be informed by agreed-upon delineation of resources, services, and habitats wherever practicable; RPB would reconvene to assess geographies and delineation of resources, services, and habitats when/if conditions change.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Plan Updates</p>	<p>Compatibility assessments would be reviewed and updates would be considered periodically. Improvements would be ongoing throughout implementation.</p>	<p>OAP would be reviewed and updates would be considered periodically with additional/refined commitments and new information. Improvements would be ongoing throughout implementation.</p>	<p>Maps would be reviewed and updates would be considered periodically, or as indicated by changed circumstances and data. Improvements would be ongoing throughout implementation.</p>

Interjurisdictional Coordination Process

Interjurisdictional coordination entails identifying specific processes and mechanisms that will allow member institutions of the MidA RPB to better coordinate, leverage resources, and make better decisions that benefit ocean users and ecosystem health, in the context of existing mandates and authorities. Interjurisdictional coordination opportunities could be developed for each of the goals and objectives under the Framework, which emphasize sharing information and coordinating efforts to accomplish common interests. Each OAP option requires interjurisdictional coordination to implement. Therefore, interjurisdictional coordination opportunities will be developed in response to the OAP option that the RPB, with stakeholder input, determines to pursue.

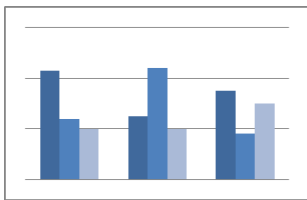
Interjurisdictional coordination opportunities include enhanced coordination among Federal, State, and Tribal agencies and/or the use of existing and new data and information from the Mid-Atlantic Ocean Data Portal and other sources (e.g., Regional Ocean Assessment) to achieve MidA RPB Framework goals and objectives under existing authorities and practices that address four basic categories of opportunities: (1) research; (2) management; (3) environmental and regulatory review; and (4) funding/resources.

Compatibility Assessment: Discussions among management entities would focus on resolving interjurisdictional use conflicts and enhancing compatibility, informed by results of the compatibility assessment. The coordination process would also generate input from management entities to inform continued development and refinement of the compatibility assessments through periodic RPB convenings. Future iterations of the OAP could reflect refinements to the compatibility assessments.

Targeted Coordination by Issue or Geography: Interjurisdictional coordination would focus on specific issues, programs, projects, and/or geographies, which have not yet been identified. Strategies employed and commitments made could vary based on the issue and available resources. This section of the written OAP would describe specific commitments related to coordination. Future iterations of the OAP could identify additional ways to carry out enhanced coordination.

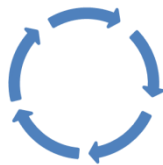
Compatible Use Areas: Management entities would convene to resolve conflicts based on the delineated resources, services, and habitats. This might include assessing and potentially redefining geographies where resources, services, and habitats have been identified and developing guidance on the management of those areas, as appropriate. Future iterations of the OAP could modify this approach and reflect any changes to the geographic areas and identified resources, services, and habitats based on outcomes of RPB-facilitated discussions.

Monitoring Strategy



The progress made on each element of the OAP would be evaluated through the development of metrics and criteria agreed upon by the RPB. The monitoring strategy would be described in this section of the OAP.

Iteration Process



The OAP could be reviewed and updates could be considered periodically, while specific elements of the OAP and related processes would be refined on an ongoing basis in light of newly available data and information and changing circumstances. ROA data, interjurisdictional coordination commitments, and stakeholder engagement opportunities would all be actively evaluated and updated in real time, and those changes would be reviewed and updates would be considered periodically.

Appendix A:
Stakeholder Engagement Plan

Stakeholder input is important throughout the planning process. A stakeholder engagement plan would be developed as a separate document initially, would evolve over time, and could become an appendix to the OAP. Key stakeholder engagement commitments could also be reflected throughout the OAP to show the specific stakeholder engagement opportunities planned for each element.

Appendix B:
RPB Member Institution Capacities and Authorities

An additional appendix could include a description of the capacities and authorities of each RPB member entity.

Appendix A: Additional Information about Options for a Mid-Atlantic Regional Ocean Action Plan

<i>Additional information on Options</i>	<i>Compatibility Assessment</i>	<i>Targeted Coordination by Issue or Geography</i>	<i>Compatible Use Areas</i>
Final Product of Planning Process	The plan would describe how a completed compatibility assessment would be used by RPB member entities. It would include agreement(s) to use products from the assessment process to inform decision-making under existing authorities.	The plan would focus on specific issues, programs, projects, and/or geographies (e.g., areas with significant use conflicts or important ecological value) which have not yet been determined, as well as specific interjurisdictional coordination commitments to take certain actions pertaining to these issues, programs, projects, and/or geographies.	The plan would include maps of discrete geographic areas with resources, services, and habitats delineated, descriptions of what those delineations mean in practice, and how they would inform decision-making under existing authorities.
Steps to Develop the Plan	<ol style="list-style-type: none"> 1. Identify compatibility assessment methods and tools currently available and achievable with existing data through data-driven analysis, stakeholder engagement, and by MidA RPB consensus. 2. Conduct compatibility assessments with stakeholder and technical input. 3. Clarify specific uses of compatibility assessment tools to inform RPB member decisions under existing authorities. 	<ol style="list-style-type: none"> 1. Identify specific issues, programs, projects, and/or geographies in the Mid-Atlantic region that would benefit from and are ripe for enhanced interjurisdictional coordination through data-driven analysis, stakeholder engagement, and by MidA RPB consensus. 2. Identify specific interjurisdictional commitments related to those issues, programs, projects, and/or geographies, particularly as they support the goals and objectives in the Framework. 3. Memorialize interjurisdictional commitments in plan. 	<ol style="list-style-type: none"> 1. Identify a discrete number of geographic areas for which maps of identified resources, services, and habitats would be generated through data-driven analysis, analysis of trends and emerging uses, stakeholder engagement, and by MidA RPB consensus. 2. Delineate resources, services, and habitats for each area. 3. Identify specific ways RPB member entities will be informed by those resource, service, and habitat delineations in their decision making as appropriate under existing authorities. 4. Memorialize the resource, service, and

<i>Additional information on Options</i>	<i>Compatibility Assessment</i>	<i>Targeted Coordination by Issue or Geography</i>	<i>Compatible Use Areas</i>
			habitat maps and RPB member commitments to use that information.
Stakeholder Engagement Opportunities	Input sought in selecting and using compatibility assessments and tools. Input would be sought on plan updates.	Input sought on identification of specific issues, programs, projects, and/or geographies, and associated interjurisdictional intergovernmental commitments. Engagement would particularly target stakeholders with interests in specific interjurisdictional coordination processes that could result in changes affecting project applicants and other stakeholders. Input would be sought on plan updates.	Input sought on initial identification of specific geographic areas and resources, services, and habitats within them. Input would be sought on plan updates.
Spatial Coverage	This would involve a regional approach that looks at all uses and resources in the Mid-Atlantic, but does not map geographic areas.	A variety of interjurisdictional coordination approaches, ranging from a region-wide scale for some issues and/or sub-regional scales, could be identified as needing enhanced coordination.	This would entail a sub-regional approach with areas mapped and resources, services, and habitats identified within those areas.
Issue Coverage	This approach would strive to cover a full range of ocean management issues.	This approach would focus on specific issues, programs, projects, and/or geographies that would be deemed priorities for enhanced coordination by the RPB.	This approach would focus on issues in the specific geographic areas identified in the plan and for which resources, services, and habitats would be identified.