

## **Guidance for Marine Plans**

(Primary Reference: National Ocean Council, Marine Planning Handbook, July 2013)

**I. Purpose of Marine Plans:** Marine plans produced by a regional planning body (RPB) can provide information about specific issues, resources, and areas of interest to better inform existing management authorities and measures. They can also describe future desired conditions and provide information and guidance that support important Federal, State, tribal, and non-governmental actions moving forward in a particular region. (Handbook, page 12)

**II. Authority:** Executive Order 13547 (EO), “Stewardship of the Ocean, Our Coasts, and the Great Lakes,” of July 19, 2010, and the Final Recommendations of the Interagency Ocean Policy Task Force (FR) it references, provide basic guidance about the purpose of marine plans. The Implementation Plan describes how the EO will be implemented. However, both the EO and the FR provide that the National Ocean Council (NOC) will provide additional guidance to support marine planning in the regions that choose to move forward through RPBs. This guidance is the Marine Planning Handbook (Handbook). That Handbook makes clear that it supplements the discussion of marine planning in the EO, FR, and Implementation Plan, and provides more specific information and guidance on RPBs, regional participation, and the development of marine plans. (Handbook, page 1)

### **III. Content of Marine Plans:**

A. Examples of potential focus areas for marine planning include, but are not limited to:

- Developing information that facilitates more effective review and permitting among State, Federal, and tribal authorities for a specific class of activity, such as offshore energy infrastructure and maritime shipping;
- Characterizing environmental conditions and current and anticipated future uses of marine space to assist in review and permitting among relevant approval authorities for classes of activities;
- Developing and implementing a plan to acquire data and information to support more efficient management of activities of particular regional interest, such as remote sensing data to support coastal mapping and maritime domain awareness;
- Developing and implementing a plan to acquire data and information to support sustainability of coastal and marine ecosystems in the region;
- 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 the Endangered Species Act, Marine Mammal Protection Act, and the National Environmental Policy Act that apply to offshore development activities important to the region;
- Developing maps and information that inform effective co-location of multiple existing and new ocean uses, including, but not limited to commercial fishing, vessel traffic lanes, military training, sand and gravel mining, dredging and dumping, and new offshore infrastructure development; (Handbook, page 12)
- Developing more collaborative decision-making processes amongst all activities regionwide to ensure that all issues are addressed;

- Proposing agreement on a basic level of ecosystem protection at regional and local geographic scales; and
- Developing agreements for specific geographic areas.

B. Some elements of the process and content of marine planning are common to all regions. The marine planning framework described below provides a framework for regional work that can be tailored to the circumstances of individual regions. The framework allows all interested parties to clearly understand the issues involved, the process and material used to develop a regional plan and/or sub-regional plans, and how the marine plan will be used to address the issues the region has chosen to address. (FR, page 54; Handbook, page 13)

C. Consistent with the scope and scale of a region's work, a marine plan should include the following:

- Goals and objectives that the region wants to accomplish through its marine plan;
- A regional assessment that uses maps, their underlying data, and other information to describe the marine environment and human activities relevant to the subject matter of the plan;
- The Federal, State, and/or tribal regulatory context relevant to the subject matter of the plan;
- A description of the planning process, materials, analyses, and information and guidance that make up the plan;
- A description of where and how the marine plan intersects with Federal and State agencies' existing authorities and activities;
- A description of how the results of the marine plan will enhance coordination and promote consistency in Federal agencies' interpretation and application of existing laws and regulations, in consultation with the States, tribes, and fishery management councils;
- Ongoing monitoring and evaluation mechanisms that assess the effectiveness of the plan; and
- The dispute resolution process the NOC developed for Federal agencies to follow when a dispute arises between Federal agencies during implementation of an approved marine plan. (Handbook, page 13)

D. To develop a marine plan, regional planning bodies should address the following steps in a way that best suits their needs, interests, and capacity as further discussed in the EO, FR, and Handbook:

- Assess regional capacity for marine planning;
- Host introductory discussions with members, stakeholders, and the public;
- Agree on a shared regional vision;
- Identify regional goals and objectives;
- Pursue additional resources needed to conduct effective marine planning;
- Develop a work plan that outlines how the region will develop a marine plan;
- Analyze data, uses, services, concurrent uses, potential threats, and impacts;
- Develop and evaluate options for achieving the region's goals and objectives, and select an option to develop the plan;
- Provide a draft plan for public comment;

- Provide a final plan for NOC review and concurrence; and
- Implement, monitor, evaluate, and modify the plan over time, as available resources permit. (Handbook, page 13)

E. The marine plans are intended to be iterative, and each RPB has an ongoing responsibility to monitor and assess the effectiveness of its plan, and adapt it if necessary. (FR, page 58)

F. Most of these steps do not have to be sequential, although many will rely in part on actions that fall under other steps. For example, an RPB can begin to identify available data, sources of expertise, stakeholder issues of interest, and other information as part of introductory discussions with stakeholders and the public. In practice, there may be feedback loops among the planning steps. For example, evaluating options for achieving the region's goals and objectives may reveal the need for additional information, or for additional expert analysis of data and information. (Handbook, page 13)

#### **IV. Process for Creating Marine Plans:**

A. The two RPBs established before July 2013 are expected to complete their marine plans by the end of 2016. Those RPBs established after July 2013 are expected to complete their marine plans within 4 years of their establishment. (Handbook, page 15)

B. RPBs shall develop and provide a draft version of their marine plan for public review and comment, after the State agencies have received executive approval to release the plan for public review. The public review of the draft marine plan shall be for a minimum of 30 days and a maximum of 90 days. The type of public review will depend on the complexity of the draft marine plan. Consideration should be given to whatever means the member States and Federal agencies use for public comment on documents of similar complexity, including public notices and the Federal Register or applicable State registers, although inclusion in the Federal Register is not an absolute requirement. Public comments shall be recorded and responded to in an appropriate manner. (FR page 58; Handbook, page 16)

C. Once the public review process is completed, the RPB will develop its final marine plan, and send the final marine plan to the NOC Office for review and concurrence. (Handbook, page 17)

D. The NOC will review and concur, as outlined below, that the final marine plan is consistent with the substantive and procedural standards and framework described in the Executive Order, Final Recommendations, and Handbook. By their concurrence, Federal agencies agree that they will use the marine plan to inform and guide their actions in the region consistent with their existing missions and authorities. As a reminder, marine plans are not regulatory, and concurrence does not create new authorities, regulations, or missions. All activities will continue to be managed under existing authorities. (Handbook, page 17)

1. The NOC Office will submit the final marine plan to the NOC Marine Planning Implementation Subgroup, which will review for consistency and make a recommendation to the NOC Steering Committee within 30 days of receipt. The review will consist of the following:

- (a) Consistency with substantive standards in the Handbook (as summarized in subsection III.C. above).
  - (b) Consistency with procedural standards in the Handbook (as summarized in subsection III.D. above).
  - (c) Other criteria:
    - (i) Consistency with other authorities and guidance documents (Executive Order, Final Recommendations, Handbook, and Implementation Plan);
    - (ii) Consideration of the marine plan's compatibility with an adjacent region's plan regarding issues that cross regional boundaries; and
    - (iii) Interplay with other relevant national priorities. (FR, page 63)
2. The NOC Steering Committee will concur or not concur with the NOC Marine Planning Implementation Subgroup's recommendation within 30 days of receipt.
3. The NOC Steering Committee will forward their recommendation to the NOC Deputies Committee, which will make the final concurrence determination within 30 days of receipt. The RPB and the Steering Committee will ensure that any disputes raised at the RPB are thoroughly described and briefed to the Deputies for their consideration and either decision or information.
4. The NOC Director will notify the NOC Principals Committee of the concurrence of the marine plan within 7 days.
5. Upon concurrence by the NOC, the marine plan will be co-signed by senior State officials (e.g. Governors), tribal representatives, as appropriate, and senior officials of the Federal agencies represented on the regional planning body. Upon signature by all the partners, the regional marine plan would be considered "in effect" and implementation would begin. (FR, page 64)