



## **Industry Perspective: Marine Planning and the National Ocean Policy**

**World Ocean Council-Governors' South Atlantic Alliance Industry Forum on  
Marine Planning  
September 4, 2014  
Ponte Vedra Beach, Florida**



# WHO WE ARE

- Agriculture
- Energy
- Boating
- Fishing
- Manufacturing
- Consumers
- Seafood processing
- Shipping
- Ports
- Home builders
- Tugs & barges
- Highway infrastructure





# **NOP Marine Plans→Regulatory Activity**

**Despite lack of statutory authorization (Congress has weighed in):**

- **Federal agencies must implement to maximum extent (↑ risk of statutory conflicts)**  
“All executive departments, agencies, and offices that are members of the [National Ocean] Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law... take such action as necessary to implement the policy...[and] comply with Council certified coastal and marine spatial plans”

*Source: July 19, 2010 Executive Order 13547*

- **Agencies must incorporate marine plans through legal authorities, including regulations**  
“Once a CMS Plan is approved, Federal, State, and tribal authorities would implement them through their respective legal authorities”  
  
“Agencies would incorporate components of the CMS Plan into their respective regulations to the extent possible.”

*Source: July 19, 2010 Final Recommendations (adopted by Executive Order)*

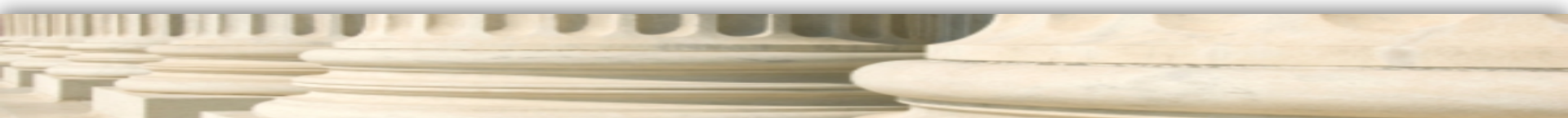
- **Agencies must incorporate marine plans into pre-planning/planning/permitting processes**  
“Adherence...would be achieved through...incorporating CMS Plans into pre-planning, planning, and permitting processes...”

*Source: July 19, 2010 Final Recommendations (adopted by Executive Order)*



# Potential Impacts on Regional Influence

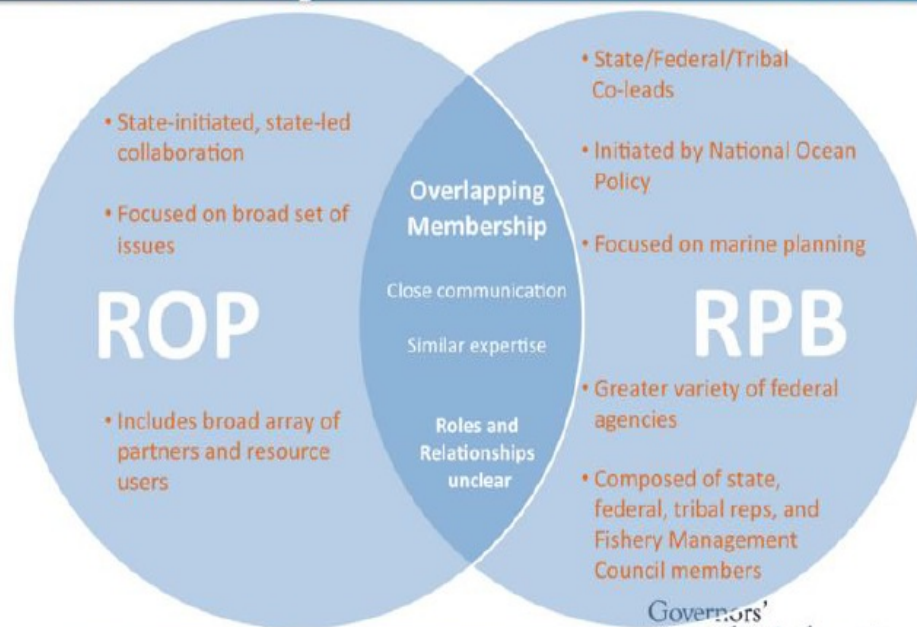
- Marine plans must be certified for national compliance by Nat'l Ocean Council
- Interior Dept. has likened NOP planning initiative to a “national zoning plan”
- NOP Executive Order was cited as justification for 2010 federal decision to exclude significant potential economic activity across large swath of the ocean
- June 2014: White House announced that Mid-Atlantic and Northeast marine plans will be out the door by January 2017
- NOP regional marine planning efforts thus far underscore major procedural/substantive concerns (e.g. user group engagement, economic cherry-picking)





# NEW REGULATORY STRUCTURE

## Relationship between ROPs and RPBs



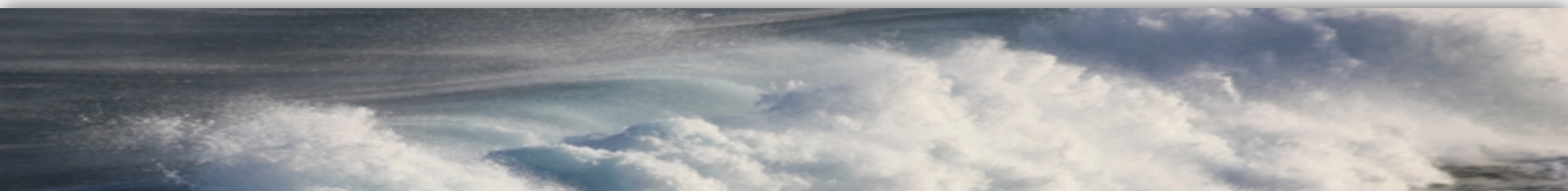
Source: Final Recommendations of the Interagency Ocean Policy Task Force, Pages 19 and 53

Source: August 21, 2014 World Ocean Council-Governors' South Atlantic Alliance Webinar, Presentation by GSAA Coordinator Kristine Cherry



# PATH FORWARD

- **Regions are at choice as to whether to establish an RPB**
- **States and existing regional, state-based partnerships are best suited to determine priorities and solutions for the South Atlantic region**
- **Existing authorities and processes provide planning mechanisms that are well-understood and statutorily authorized (e.g. Coastal Zone Management Act, National Environmental Policy Act, Magnuson-Stevens Act, OCS Lands Act)**
- **Good planning makes sense, and if more/better planning is needed, employ these mechanisms and ensure that *all* parties are brought together to determine needs, goals, timelines**





# QUESTIONS?



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