



PRIORITIES FOR A COASTAL AND MARINE SPATIAL PLANNING FRAMEWORK

The Coastal States Organization (CSO) represents the interests of the Governors of the nation's thirty-five coastal states and territories, including the Great Lakes states, on issues relating to the sound management and development of coastal and ocean resources. CSO applauds the Presidential Memorandum of June 12, 2009 creating an Interagency Policy Task Force to make recommendations for a framework for effective coastal and marine spatial planning and the Task Force's Interim Report, released on September 17, 2009, which includes recommendations for a National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes.

As oceans become more crowded with increasing demands on space and resources, it is increasingly clear that not all uses are compatible with one another or with a healthy and sustainable environment. The effects of uses such as energy facilities, submarine cables, shipping routes, fishing, and recreation on the environment and on coastal community economies cannot be fully accounted for with existing information. In order to maximize the wide variety of benefits oceans provide, it is essential to improve the capacity of federal, state, and local governments to make informed decisions.

Increased demand brings increased responsibility for the stewardship of public trust resources. The time to engage in proactive data and information collection, analysis, planning, and spatial allocation for uses, activities and facilities in coastal and marine waters has come. With a long track record of working in close coordination with federal agencies, local communities, industry and stakeholders on integrated coastal zone management and planning, coastal states and territories are critical in balancing competing uses in coastal waters, managing the development of traditional and renewable energy sources, and adapting to climate change impacts. The Coastal Zone Management Act, a key authority for state and federal action, provides a framework that advances national goals, but allows for significant flexibility in defining regional and local priorities and developing tailored management approaches to address those priorities. It will be critical in the advancement of coastal and marine spatial planning.

A new framework for coastal and marine spatial planning must use new strategies, such as adaptive management, that allow decision-making to progress at an acceptable pace as ocean technologies and industries advance. Such strategies will help to preserve the commercial viability of needed uses while ensuring that the design and deployment of technologies in the coastal and ocean environment can be modified as knowledge is gained about their impacts. These strategies and techniques require shared objectives among governmental entities, the capacity to acquire needed information in a timely way, and management processes that enable uncertainties to be addressed in a step-wise fashion.

In addition, new information technologies can enhance planning and management. Geospatial information about ocean and Great Lakes resources, uses, and conditions applied through Coastal and Marine Spatial Planning (MSP) can enable federal, state, and local governments to focus on the spatially explicit nature of activities and resources and help decision-makers meet objectives.

In this paper, CSO is pleased to propose specific recommendations for an effective coastal and marine spatial planning framework.

I. The Vital Role of States in Coastal and Marine Spatial Planning

As stated in *CSO Priorities for a National Policy for Oceans, Coasts, and Great Lakes*, a white paper submitted to the Council on Environmental Quality and Interagency Task Force in July 2009, the thirty-five coastal states and territories have unique Constitutional authorities and jurisdictions over coastal resources and activities. Coastal states and territories have Public Trust responsibilities for the submerged and submersible lands of the Nation's coasts and state ocean waters and for protecting fish and wildlife resources in these areas. These responsibilities are exercised on behalf of all citizens, including future generations. States regulate and manage these marine and coastal resources, often in partnership or consultation with federal agencies. In addition, coastal states and territories have specific authority delegated to them under the Coastal Zone Management Act to ensure that activities and permits of federal agencies that may affect their coastal zone are consistent with approved state policies for coastal management. This statute is a fundamental tool in advancing coastal and marine spatial planning.

Thus, CSO recommends that the framework for coastal and marine spatial planning recognize these unique Constitutional responsibilities and the major role that states play in managing ocean and coastal resources. As MSP moves forward, states must be granted a "seat at the table" with the federal government to collaborate as equal partners. This will produce the best, most effective stewardship for our Nation's ocean and coastal assets.

II. Recommendations for Coastal and Marine Spatial Planning Framework

As the Task Force develops its recommendations, CSO urges the Task Force to incorporate the following priorities into a framework for effective coastal and marine spatial planning.

1. Support, Collaborate With, and Acknowledge the Role of Coastal States
2. Prioritize Long-term Sustainability as the Goal of Coastal and Marine Spatial Planning
3. Offer Clear Federal Leadership
4. Support a Role for Regional Ocean and Coastal Partnerships
5. Provide a Flexible and Scalable Approach
6. Provide Robust Coastal and Marine Spatial Planning Capacity at All Governance Levels
7. Create a Mechanism to Provide Consistent Funding for Coastal and Marine Spatial Planning

1. Support, Collaborate With, and Acknowledge the Role of Coastal States

CSO recommends the framework provide an adaptable approach to MSP that supports and builds upon existing successful efforts in coastal states. For years, the states have been on the front lines of balancing competing demands in the coastal zone, nearshore waters and beyond. Coastal zone management has used tools similar to MSP for years, as both are integrated, strategic and participatory and seek to reduce conflicts between human uses and the environment. With this experience, the states have led the move toward comprehensive, ecosystem-based coastal and ocean management.

This is evidenced most recently by the development of regional coastal and ocean initiatives around the nation led by the Governors and also, by the employment of MSP concepts in state waters. Coastal states are utilizing MSP as an effective tool to move toward a system of comprehensive management, including in the Massachusetts Ocean Management Plan, Rhode Island Ocean Special Area Management Plan, Oregon Territorial Sea Plan, and California Marine Life Protection Act Initiative. States, local communities, federal agencies and the public have dedicated significant time and resources to these successful efforts and have fostered and demonstrated on-the-ground leadership and expertise on this issue. It is critical that the national framework include a process to collaborate with and build onto existing state MSP related efforts, and — in order to take advantage of the expertise and momentum developed — ensure more efficient use of resources by eliminating redundancies, focusing on existing key priorities, and building a common baseline for assessing and managing resources across jurisdictions.

2. Prioritize Long-Term Sustainability as the Goal of Coastal and Marine Spatial Planning

Defining the goals for MSP is essential to achieve the desired outcomes and to provide a framework for the execution of related activities. The goals will determine the appropriate stakeholders, planning and adaptive processes, data and information collected (criteria for decision-making) and subsequent monitoring performed, and will guide the resolution of disputes at all levels.

CSO recommends that the overarching goal — or pillar — of a national MSP framework should be the long-term sustainability of coastal and marine resources. As articulated by both the U.S. Commission on Ocean Policy and the Pew Oceans Commission and identified in the Scientific Consensus Statement on Marine Ecosystem-Based Management¹, the protection and restoration of marine ecosystems must be the primary focus of management to ensure that these systems can continue to provide the complete range of benefits, services, and values that our nation demands. Within the MSP process, striking a balance between various policy goals (both environmental and economic) is important, and as a nation, we must conserve, protect, maintain, and restore coastal, ocean and Great Lakes resources for current and future generations while fostering sustainable economic development that sustains the long-term economic value of these resources without being detrimental to the environment.

3. Offer Clear Federal Leadership

In order to develop and implement an effective national MSP framework, there is a critical need to designate a lead federal entity to oversee the process and ensure coordinated and supportive participation of federal agencies. CSO recommends that the framework provide NOAA the role of primary federal MSP agency within that entity, tasked to work with states and regions to advance federal, regional and state MSP policy and implementation and to closely coordinate with other related agency efforts, such as the multi-purpose marine cadastre of the Department of the Interior. NOAA has a broad mission of resource planning and management related to the nation's ocean and

¹ McLeod, K. L., J. Lubchenco, S. R. Palumbi, and A. A. Rosenberg. 2005. Scientific Consensus Statement on Marine Ecosystem-Based Management. Signed by 221 academic scientists and policy experts with relevant expertise and published by the Communication Partnership for Science and the Sea at <http://compassonline.org/?q=EBM>.

coastal areas which lends itself to seeking a goal of long-term sustainability of these resources. NOAA has the proven expertise and capacities in providing data, technical services, research and coordination across federal agencies related to climate and weather, ocean and coastal services, charting and observation, fisheries and marine resources, and fostering regional and state relationships. These capacities lend themselves well to the task of leading a national MSP framework..

4. Support a Role for Regional Ocean and Coastal Partnerships

CSO recommends the framework include regional ocean and coastal partnerships as a significant partner in MSP. These partnerships play an important role as organizational forums for MSP, providing support and opportunity for regional-based decisions and collaboration between states and federal agencies. These partnerships can be utilized to identify and establish common principles and priorities for MSP, inform the gathering and synthesis of the best available data and information, and serve as a convener and problem-solver through their work groups.

The U.S. Commission on Ocean Policy and the Pew Oceans Commission recognized that management of our nation's coasts and oceans has been characterized by a sector-by-sector, agency-by-agency approach and one that, despite best efforts, is primarily reactive rather than proactive. As a result, both Commissions recommended that regional approaches be employed to more effectively manage coastal and ocean resources across jurisdictional boundaries. As acknowledged by the Joint Ocean Commission Initiative, the coastal states have shown significant leadership on this front by establishing and implementing regional ocean and coastal partnerships, including the Great Lakes Commission, the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the West Coast Governors Agreement, the Southeast Governors' Alliance, and the Mid-Atlantic Regional Council on the Ocean. These partnerships are producing meaningful and measurable results on such priorities as climate change adaptation, habitat restoration, coastal hazards and human safety, water quality, renewable energy, and environmental education.

Reflecting important regional differences in policy issues, each regional partnership is unique in its structure and internal processes, key priorities, funding sources and development and implementation of a regional action plan. They all work on large-scale challenges that require interstate responses and the streamlining of activities on issues across state and federal lines. Given their individualized structure and current portfolio of activities, serving as an organizational forum for MSP would only be one of their roles.

Additionally, federal agency involvement has been vital to these state-led regional partnerships; however participation has varied by federal agency, from region to region. With the addition of the MSP related role, the framework should encourage and strengthen federal support for and participation in these partnerships.

While regional partnerships can best serve as organizational forums, there are steps in the MSP process that must reside primarily with the states and/or federal government. For example, the implementation of MSP must be accomplished by states and federal agencies, based on their existing legal authorities. Consensus building processes for MSP should also begin at the state level, closer to

the current demand for space and resources, with the assistance and partnership of the federal government. Both states and federal agencies should be responsible for the synthesis of their best available data and information, and federal agencies, in cooperation with the states, should lead the development, conversion, collection and standardization of current and new data and information for MSP.

5. Provide a Flexible and Scalable Approach

CSO recommends that the framework take a careful approach and be flexible to adapt to unique regional conditions, environmental pressures, and priorities rather than relying on a one-size-fits-all approach. Regional issues, governmental capacities, and data availability will vary regionally, and a successful MSP framework will enable flexibility in regional approaches and implementation.

CSO recommends that the framework for MSP start with a specific national or regional issue. Initially, in the beginning, it could be cost-prohibitive and require enormous resources to spatially plan and manage all coastal and ocean issues simultaneously across a large area. The framework should recognize this concern and provide for adaptive processes to achieve a more comprehensive MSP over a reasonable period of time. For example, many of the MSP efforts in state waters began in response to interest in offshore energy development. Using a focused issue like this as a starting point provides an opportunity to initiate the MSP process in a feasible and flexible manner.

6. Provide Robust Coastal and Marine Spatial Planning Capacity At All Governance Levels

National efforts to plan for and manage ocean resources and uses must include the development of robust MSP capacity at all levels of affected governments, especially federal, regional, and state. Coastal states need more capacity to support the planning and management of marine resources and uses within state waters, which can be integrated with efforts at the federal or regional levels. With increased capacity, practitioners can incorporate the necessary elements of MSP including the definition and development of planning processes, consensus building tools, acquisition and analysis of data and information, processes to resolve conflicts, implementation strategies and enforcement mechanisms, monitoring activities and adaptive processes, and opportunities for transparency and broad participation. Support and funding will need to be provided to both the federal government and the states for all of these elements. The framework should also acknowledge that planning is only one aspect of MSP; all above mentioned elements must be present for effective management.

Fundamental to the planning, monitoring and adaptive processes is spatial data and information. MSP requires geo-spatially explicit data and information on natural resources and human uses. The framework should support a federally coordinated effort, in cooperation with the states, on the development, conversion, collection, and standardization of the best available data and information in a spatially explicit format. Collection efforts should work to standardize available data as technologies advance and data acquisition and field protocols change over time. Gaps in data and information should be identified and prioritized at an early stage in the MSP process, and where unavailable, a precautionary approach should be followed consistent with the overall goal. It is likely that a good deal of new data and information on the ecological, environmental, economic and human conditions will be required; the framework should support that acquisition in the most

appropriate way. Concurrently, the federal government should provide technical assistance, funding and support to the states and regions to engage in similar efforts in their waters.

Ideally, managers have access to spatially explicit information on every resource and use in coastal, ocean and Great Lakes waters. Realistically, this will take resources and time. The lack of data and information should not serve as a reason to not move forward with more pro-active approaches to management, such as MSP. It will just require the implementation of a flexible and scalable approach.

Additionally, successful MSP will require the integration of the knowledge and skills of academic and institute specialists along with those of resource managers. Cooperative engagement with academic institutions can greatly leverage the development and application of spatial informatics, the science of searching for information.

7. Create a Mechanism to Provide Consistent Funding for Coastal and Marine Spatial Planning

It is critical that consistent funding be provided to states to implement MSP. Inconsistent funding runs the risk of implementing MSP in a piecemeal way and expending resources on stakeholder-based consensus that are subject to conflicting decisions at a later stage.

As noted in *CSO Priorities for a National Policy for Oceans, Coasts, and Great Lakes*, CSO supports the creation of a National Ocean and Coastal Trust fund in order to support programs by local, state, tribal and federal governments and regional partnerships and to fund tools like MSP. CSO recommends that this fund be based on additional revenues (not already identified for existing coastal programs) generated from traditional and renewable energy sources occurring on the outer continental shelf and revenues from future carbon tax revenues and other sources. Funding from the Trust Fund can support management needed for marine, coastal and Great Lakes resources.

If the Task Force determines that a Trust Fund is not an appropriate mechanism to fund the implementation of the MSP Framework, CSO recommends that the Task Force selects a mechanism that reinvests revenues from the extraction and use of coastal and marine resources back into the management of those resources.

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