

## National Ocean Council Releases Draft Implementation Plan to Address Challenges Facing Oceans, Coasts, and Great Lakes

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On January 12, 2012, the National Ocean Council (Council) released a [draft National Ocean Policy Implementation Plan](#) (Implementation Plan) setting forth 50 federal actions required to achieve the objectives of the previously-released National Ocean Policy (Ocean Policy). The Implementation Plan was issued just before President Obama [proposed](#) consolidating several agencies with authority over ocean issues, and the Department of Energy released two resource assessment reports ([here](#) and [here](#)) indicating that water power resources, including ocean wave and tidal power, could provide 15 percent of the nation's electricity by 2030.

### BACKGROUND

In July 2010, President Obama issued an Executive Order creating the Council to guide federal agencies' implementation of his Administration's Ocean Policy, a set of priority objectives promoting stewardship of the nation's oceans, coasts, and Great Lakes. (For more information see [July 22, 2010 VNF Alert](#)). Recognizing the various and potentially competing uses of these waters, key priority objectives of the Ocean Policy included: (1) adoption of ecosystem-based management as a foundational principle of ocean, coastal, and Great Lakes oversight; (2) implementation of a comprehensive coastal and marine spatial planning and management process; and (3) acknowledgement of the unique environmental challenges in the Arctic.

### ECOSYSTEM-BASED MANAGEMENT

The Implementation Plan prioritizes ecosystem-based approaches in place of single-species or single-use management. For example, the Implementation Plan suggests that fisheries can be better managed by considering not only fishing and fish populations, but also invasive species, habitat, cultural, societal, and economic factors, climate change, and human uses, such as energy, development, and national security. The Implementation Plan also identifies key actions including: (1) establishing a framework for collaboratively incorporating ecosystem-based management considerations into federal agency environmental review on ocean, coastal, and Great Lakes activities by 2016; and (2) identifying and conducting pilot projects that foster ecosystem-based management by 2016.

### COASTAL AND MARINE SPATIAL PLANNING

To accomplish the coastal and marine spatial planning priority objective, the Ocean Policy envisioned the creation of nine regional planning bodies composed of federal, state, and tribal authorities, to develop regional plans to guide agency decision-making relating to use of the oceans, coasts, and Great Lakes. To that end, the Implementation Plan identifies several actions needed for regional coastal and marine spatial planning, including: (1)



developing a “Handbook for Regional Coastal and Marine Spatial Planning” in 2012 for use by regional planning bodies; (2) convening regional spatial planning workshops and exercises in 2013 and 2014 to identify key challenges, solutions, and strategies for developing and implementing regional coastal and marine spatial plans; (3) establishing the nine regional planning bodies by 2015; and (4) developing Council-certified regional coastal and marine spatial plans within three to five years of establishing the regional planning bodies.

### CHANGING CONDITIONS IN THE ARCTIC

The Implementation Plan also reflects the Administration’s efforts to address climate-induced and other environmental changes in the Arctic. Areas of concern for the Administration include a decrease in sea ice, vulnerability of coastal areas to sea level rise, storm damage, and erosion, impacts on marine ecosystems, and the potential for open Arctic transit routes. Emphasizing the need for coordination among federal, state, and local entities, including Alaska Natives, the Implementation Plan’s actions include: (1) improving Arctic environmental response management; (2) observing and forecasting Arctic sea ice; (3) enhancing Arctic communication systems; and (4) improving Arctic mapping and charting.

### NEXT STEPS

Public comments on the Implementation Plan are due February 27, 2012. The Council specifically seeks comment on: (1) the adequacy of the Implementation Plan in meeting the Ocean Policy’s priority objectives; and (2) effective means of measuring whether proposed actions align with their intended outcomes. The Council expects to release a final National Ocean Policy Implementation Plan in Spring 2012.

### IMPLICATIONS

Energy developers and other ocean users have expressed concern that implementation of the Ocean Policy could result in additional layers of regulation and restrict classes of activities in certain areas of the oceans, coasts, and Great Lakes. While the Implementation Plan maintains that it creates no new regulations, the introduction of ecosystem-based decision-making could broaden the scope of federal agency review of ocean and coastal uses. Similarly, coastal and marine spatial plans will require the involvement of new regional bodies in ocean and coastal activities, and future resource development and other activities in the Arctic and U.S. coastal regions could involve increased federal oversight and face heightened permitting and environmental requirements.

At this early stage of development, stakeholder involvement and comments could play a key role in shaping how implementation measures promote and manage ocean energy development activities as well as other ocean resource activities. Engagement in the upcoming regional planning processes will be instrumental in the next phase of development and implementation of the Ocean Policy and the Administration’s announced initiatives.

### FOR ADDITIONAL INFORMATION

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