



CALIFORNIA OCEAN PROTECTION COUNCIL

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriguez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, State Lands Commission Chair
Susan Golding, Public Member
Geraldine Knatz, Public Member
Fran Pavley, State Senator
Toni Atkins, State Assemblymember

MEMORANDUM

TO: California Ocean Protection Council

FROM: Brian Baird, Assistant Secretary for Ocean and Coastal Policy, California Natural Resources Agency
Amber Mace, Executive Director, Ocean Protection Council

DATE: August 11, 2011

RE: Update on the National Ocean Council and Coastal and Marine Spatial Planning

ATTACHMENT: [West Coast Governors' Agreement on Ocean Health July 1, 2011 comment letter](#) on the draft Strategic Action Plan outlines

EXECUTIVE SUMMARY

In July 2010, President Obama established a National Ocean Policy and an interagency National Ocean Council (NOC), consisting of the heads of 27 federal agencies and offices. The NOC is currently developing strategic action plans (SAPs) that will guide federal agencies in implementing nine priority objectives outlined in the National Ocean Policy. The NOC has focused on one of the nine priority objectives, coastal and marine spatial planning (CMSP). California Ocean Protection Council (OPC) efforts to date to advance geospatial information systems and define a California approach to CMSP are consistent with the National Ocean Policy goals. California, and the West Coast, are in the process of developing the foundation for effective CMSP and are in a strong position to leverage federal funding should it become available in support of the ongoing work of our state and region.

NATIONAL OCEAN COUNCIL

In July 2010, President Obama signed Executive Order 13547 establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes (“National Ocean Policy” or NOP) and a National Ocean Council (NOC) to implement the policy. The National Ocean Policy was based upon the final recommendations of the Interagency Ocean Policy Task Force convened in June 2009. The NOP is meant to provide a “comprehensive approach, based on science and technology, to uphold our stewardship responsibilities and ensure accountability for management of our oceans and coasts to present and future generations¹.” The NOC is comprised of representatives of 27 federal agencies and offices and is co-chaired by Nancy Sutley, Chair of the White House Council on Environmental Quality; and Dr. John Holdren, Director of the White House Office of Science and Technology Policy.

¹ National Ocean Council, draft Strategic Action Plan outlines for the National Ocean Policy, available at <http://www.whitehouse.gov/administration/eop/oceans/sap>

The NOC established a committee of state, local, and tribal representatives known as the Governance Coordinating Committee (GCC) to advise the NOC on regional, state, and local issues. California representatives to the GCC include:

- Dr. Geraldine Knatz, Executive Director, Port of Los Angeles (and OPC member);
- Jacque Hostler, Chief Executive Officer and Director of the Transportation and Land-Use Department, Cher-Ae Heights Indian Community of the Trinidad Rancheria;
- Brian Baird, Assistant Secretary for Ocean and Coastal Policy, California Natural Resources Agency, who was recently elected as one of two Vice Chairs under the GCC Chair.

The NOP identifies nine priority objectives that address “areas of special emphasis” and also “the way the federal government operates.” The nine priority objectives are as follows:

1. Ecosystem-based management
2. Coastal and marine spatial planning
3. Inform decisions and improve understanding
4. Coordinate and support
5. Resiliency and adaptation to climate change and ocean acidification
6. Regional ecosystem protection and restoration
7. Water quality and sustainable practices on land
8. Changing conditions in the Arctic
9. Ocean, coastal, and Great Lakes observing, mapping, and infrastructure

The NOC is responsible for developing strategic action plans (SAPs) for how the federal government might address the nine priority objectives. The SAPs identify specific and measurable actions, with milestones, performance measures, and outcomes. The NOC released SAP draft outlines for the nine objectives in early June 2011. Staff to the West Coast Governors’ Agreement on Ocean Health (WCGA) submitted comments on the draft outlines on July 1, 2011 (see attachment)². In general, the WCGA stated that the nine priority objectives of the federal government align with those of the three West Coast states and that the states stand ready to help implement the NOP. However, the WCGA expressed the need for adequate and sustained funding and technical assistance from federal agencies for implementation of the NOP, as well as the need for near-term deliverables, in addition to the long term goals which could take up to five years to initiate. The draft SAPs are anticipated in October and OPC staff plan to work closely with the West Coast Governors’ Agreement representatives to review and comment on the SAPs from the perspective of California and the entire west coast. The NOC held 12 “listening sessions” across the nation to solicit public comment on the SAP draft outlines. At the California listening session in San Francisco, Secretary Laird provided the welcoming address,

² The WCGA also submitted a letter in response to an earlier NOC call for public comments on development of the SAPs.

Assistant Secretary Baird provided comments as a GCC member and on behalf the West Coast Governors, and Dr. Geraldine Knatz provided comments as a GCC member.

Coastal and Marine Spatial Planning

The NOC has focused, in particular, on one of the nine priority objectives - Priority Objective 2. Coastal and marine spatial planning (CMSP). The NOC defines CMSP as:

A comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of the ocean, coastal and Great Lakes areas. It identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, CMSP provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected- now and for future generations³.

As stated in the NOP, CMSP is intended to be implemented in a cooperative partnership between federal, state, and tribal governments with significant opportunities for public engagement. The NOC has clearly stated that CMSP does not create new federal authority, nor supersede existing state or tribal authorities. The NOC has also been clear that they recognize the unique needs of each region and will allow for flexibility so that each region can meet its individual goals for CMSP while adhering to national guidelines.

As a first step in the process, Regional Planning Bodies (RPBs)—consisting of federal, state, and tribal representatives—will be established within nine regions around the country. The West Coast region includes California, Oregon, and Washington. The RPBs will work with a wide range of stakeholders to develop regional goals, objectives, and ultimately regional CMS plans within 18 months to five years⁴.

The NOC recognizes that implementation of CMSP will require substantial new resources. President Obama included \$20 million for CMSP in the Administration's FY10-11 and FY11-12 budgets; however, the prospect of Congress approving funds at this level is unlikely. In July, the Commerce, Justice, Science Bill passed out of the House Appropriations Committee with an allocation of \$5.2 million for this program. Although less than the \$20 million is requested by the administration, this is the only increase in funding for ocean programs in the bill. The WCGA, as well as the other regional ocean partnerships in the nation, have submitted grant requests for these funds. It is unlikely that the west coast could establish a RPB and produce a west coast marine spatial plan absent sustained federal fiscal support. In late June 2010, the NOC sponsored a national meeting of federal, state, and tribal representatives to develop a shared understanding of CSMP and the next steps in implementation. In addition to plenary sessions, participants were able to meet with other representatives of their region to discuss their

³ Executive Order 13547

⁴ A description of each step in the CMSP implementation process goes beyond the scope of this memo. Please see pages 69-74 of the National Ocean Policy for complete details.

region's goals and challenges. In collaboration with the Governance Coordinating Committee, the NOC still needs to develop significant guidance to inform regional implementation of CMSP.

Ocean Protection Council's CMSP-Related Efforts

OPC efforts to advance geospatial information systems and define a California approach to CMSP are consistent with the NOP goals. On September 17, 2009, the OPC adopted a resolution to "... support interagency collaboration and management of geospatial information that will help identify priority uses and address current and future user conflicts in the ocean environment... and analyze and develop recommendations on marine spatial planning, including planning principles and objectives."⁵ In November 2010, the OPC approved a conceptual workplan that identified actions for carrying out the resolution's directives.

In September 2010, Assembly Bill (AB) 2125 (Ruskin) passed, requiring the OPC to support state agencies' use and sharing of scientific and geospatial information for coastal and ocean relevant decision making, including CMSP. Specified actions under AB 2125 include: assessing public agency needs; increasing the amount of available baseline scientific and geospatial information; supporting collaborative management and use of relevant scientific and geospatial information; and helping to identify, adapt, and create relevant decision-support tools.

In response to the directives and mandates contained in the aforementioned OPC resolution and AB 2125, OPC staff are leading two projects:

A Scoping Study: The purpose of this study is to assess and make recommendations regarding the geospatial data and associated infrastructure needs of state agencies with coastal and marine jurisdiction, in order to promote efficient, cost effective, and sustainable management of our coasts and oceans (expected by October 2011).

Building on the recommendations presented in the scoping study, the OPC will prioritize actions to promote streamlined data sharing, including the development of information infrastructure and tools that allow state agencies to best capitalize on existing and future data products.

Recommended actions may be carried out in a stepwise fashion to allow for gradual building of an information foundation while simultaneously advancing projects in a way that minimizes incompatible uses, preserves ecosystem function and services, and increases certainty and predictability for economic investments (as identified in the national guiding principles for CMSP). Further, the OPC will begin identifying and leveraging funds to support implementation of these improvements.

CMSP Approach: The OPC commissioned an analysis to contextualize information about CMSP and to consider potential opportunities for CMSP in California. Building on this report, the OPC held discussions with agencies and stakeholders to explore how the state could take actions, within the context of CMSP principles that would result in better use of California's resources and more efficient governance.

⁵ http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20090917/0909COPC_03_MSP.pdf

California's approach to implementing CMSP principles, as outlined by the NOC, is rooted in the development of a data management system. This data-focused approach will provide the foundation for California, and possibly the West Coast, to advance components of CMSP, such as developing and evaluating alternative future spatial management scenarios and tradeoffs. How the regions should or will go about evaluating scenarios and tradeoffs is not explicitly described in the NOP, nor has it been determined by California. As stated previously, the NOC maintains that they will allow regions the flexibility to implement CMSP consistent with each region's unique needs and resources.

The draft OPC Strategic Plan for consideration at this meeting contains additional details regarding the OPC's proposed next steps to support improved geospatial data systems in California. The OPC's approach is consistent with the NOP and places California, and the West Coast, in a strong position to leverage federal funding in support of our state's and region's ongoing work to advance this effort.