



CALIFORNIA OCEAN PROTECTION COUNCIL

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January 28, 2010

Ms. Nancy Sutley
Chair, White House Council on Environmental Quality
Chair, Interagency Ocean Policy Task Force
722 Jackson Place, NW
Washington, D.C. 20503

Dear Ms. ~~Sutley~~, *Nancy*

The California Ocean Protection Council (OPC) commends the Interagency Ocean Policy Task Force (Task Force) for its work in developing the Interim Framework for Effective Coastal and Marine Spatial Planning (Interim Framework) that was released on December 9, 2009. Coastal marine spatial planning (CMSP) has the potential to be a valuable planning tool for California with its extensive coastline, natural abundance of marine resources, and large population of coastal and ocean users.

The OPC believes that a national CMSP framework can provide essential guidance and support for a coordinated effort to improve comprehensive planning of ocean uses and protection of our marine resources. At the same time, this forward-looking document carries with it significant implications for how coastal and marine management may be conducted at the state level. California has already undertaken several statewide planning and coastal management efforts involving elements of CMSP (i.e., California's Coastal Act and Marine Life Protection Act) and our coastal protection laws are some of the strongest in the nation. With this in mind, the OPC is providing several comments and suggestions that we respectfully request be addressed in the final framework.

Thank you for this opportunity to enhance national, regional, and state partnerships and advance our shared interests in protecting and managing ocean and coastal resources through comprehensive planning. We look forward to further dialogue with you as the Task Force develops this framework at the national level.

Sincerely,

Mike Chrisman

Mike Chrisman
California Ocean Protection Council Chair
Secretary for Natural Resources

Attachment

1. **National Guiding Principles for CMSP** – We agree with the national goals and guiding principles for coastal and marine spatial planning outlined in the Interim Framework (p. 7-8), particularly those that support ecosystem-based and adaptive management, engagement of stakeholders and the public, and the use of best-available science and technology. We are particularly interested in the role of CMSP in supporting interagency coordination, promoting improved comprehensive planning, and managing emerging uses and reducing user conflicts within the ocean space. We would like to ensure, however, that conservation of natural resources is a priority and not equated with human uses as a “use” of the coast and ocean; environmental conservation is a tool used to protect marine resources, and should be an overall goal of any CMS Plan.

Recommendation: Elevate the importance of conservation and protection of natural resources by removing conservation from the list of potential uses under National Goal #1 and moving National Goal #2 up to #1 to emphasize that to “Protect, maintain, and restore the Nation’s ocean, coastal, and Great Lakes resources” is the primary goal of CMSP.

2. **Regional Planning Bodies** – We support the formation of the regional planning bodies (RPBs) based upon the delineation of U.S. Large Marine Ecosystems (LME) to address regional issues. Regional planning is important to account for the particular circumstances of a given area and the LMEs seem appropriate planning units for CMSP when accounting for regional ecosystem resources and services. However, we maintain that it is imperative to recognize that there are certain uses and designations that may be more appropriately planned at the state level; we suggest language deferring to state decision-makers in matters such as these.

We also agree that existing regional governance structures are likely to be integral to the CMSP planning efforts. California is party to the West Coast Governors’ Agreement on Ocean Health (WCGA), a regional collaboration between the governors of California, Oregon, and Washington that is showing promise in addressing various coastal and marine issues on the West Coast. We propose looking to the WCGA as an example of a successful regional governance team that could serve as a basis for the West Coast Regional Planning Body with the addition of certain participants. At a minimum, RPB members should consist of federal, state, regional and tribal representatives with significant experience and authority in ocean and coastal resource management, science, or policy.

We further propose the formation of a sub-committee or advisory council made up of state and local agency representatives with coastal and marine jurisdiction to inform the delegates to the RPBs. States should be allowed to decide the specific participants in this sub-committee/council.

Recommendation: Include language deferring to state planning processes in matters more suited to state and local decision-making rather than the regional planning bodies. Recommend the WCGA as a basis for the West Coast RPB. Support the formation of a sub-committee or advisory council to inform the state representative(s) to the RPBs, consisting of state and local agency representatives with coastal and marine jurisdiction.

3. **Intended Strength of CMS Plans** – We concur that the involvement and cooperation of federal, regional, state, and tribal partners will be a crucial component of successful CMSP, and that development of CMS Plans should take place at the regional level, rather than the national level. However, it is not clear in the Interim Framework how strong these plans are intended to be, i.e., whether they are intended to supersede or complement existing coastal and ocean management plans and laws at the state and regional levels, and to what extent states and regions will be expected to adhere to the CMS Plans. For example, on page 20 the Interim Framework states, “State and Federal agencies would also be expected to *formally incorporate* relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law,” but page 23 states, “agencies *may incorporate* components of the CMS Plan into their respective regulations” (emphasis added). This determination is critical for states and regions to understand to evaluate and provide support for the Framework, including any requirements for adaptation of existing management plans to adhere to future CMS Plans. Many states and regions have marine resource management plans in place (i.e., California’s Coastal Act and Marine Life Protection Act, as mentioned above) and CMS Plans should complement these existing efforts (to the maximum extent possible), rather than replacing them. With that in mind, we believe that actual use designations and on-the-ground implementation of CMSP should occur at the state and local levels, while remaining consistent with the overall provisions in the regional CMS Plan.

Recommendation: Clarify the extent to which states and regions will be expected to incorporate and comply with the regional CMS Plans, particularly when these plans differ from existing state and regional coastal and ocean management plans. Allow states to adapt CMS Plans to complement existing resource management plans and uphold the authority of states to designate areas for certain uses or resource protection.

4. **Federal Support Required to Implement CMSP** – If states and regions will be required to adopt new CMS Plans or incorporate CMS Plans into their existing coastal and ocean management efforts, then federal support is necessary to ensure their full participation. The Framework should identify incentives, such as financial and technical support to develop and implement CMSP, and specific funding sources to ensure states have the capacity to comply with CMS Plans. Furthermore, states and regions should not be expected to reallocate existing funds for this purpose, which could undermine existing (and often mandated) resource management efforts. The OPC is leading efforts to

evaluate existing data sources and data needs for California agencies that will ultimately assist with efforts such as CMSP; it is important that institutional and financial support for state and regional efforts as they relate to data management (including efforts to support the National Information Management System, see following comment #5) is specifically incorporated into the Interim Framework. Additionally, we recommend that federal support for state CMSP efforts should be based upon current capacity and need, the range of existing and projected coastal and marine uses, and the number of users within the state.

Recommendation: Provide financial and technical assistance to states to develop and implement regional CMS Plans and to conduct data management efforts to facilitate the exchange of federal, regional, and state information relevant to CMSP.

5. **National Information Management System** – Information sharing among and between federal and state agencies as well as research entities (i.e., academic institutions) will be vital to the mission of gathering sound scientific data as a basis for successful implementation of CMSP. As such, we are excited to see that data integration, research, management and access under a national information management system is a priority of the Interim Framework. However, the development of a national data system containing all relevant data for CMSP is a challenging task and likely to be highly resource intensive. If a national data system is put into place, we recommend that other federal agency data systems and tools are evaluated and potentially adapted to avoid duplication of money and effort.¹ Any system or tool used for this purpose must be evaluated based on user needs. As far as developing a single data management system to serve the nation and individual states, this may be difficult to achieve as states require more detailed information (i.e., higher resolution data) than the national data system can often support. Based on our research, a search tool may be more appropriate than a clearinghouse or other repository for providing relevant CMSP data.

Any national data system or tool used for CMSP should be designed to capture or access relevant data developed at the regional and state levels, and vice-versa, data developed at the national level should be made readily available to regions/states to access or incorporate into their data management systems. This will require federal support of the development of precise data standards and data-sharing agreements to allow efficient information exchange. Furthermore, all agencies should be supported in their efforts to maintain up-to-date data and metadata to facilitate data-sharing and to meet the requirements of the CMS Plans.

Recommendation: Explore the feasibility of adapting an existing federal data management system or search tool that can access state and regional data rather than developing a new information management system. Evaluate the system/tool

¹ Several federal agency data systems exist that support CMSP, notably NOAA's Multipurpose Marine Cadastre.

according to user needs. Develop national data standards and data-sharing agreements to facilitate the exchange of useful CMSP information between federal, regional, and state agencies.

6. **Environmental Sensitivity Index** – We recommend the development of a standard index supported by established criteria for identifying coastal and marine areas of high environmental sensitivity. A standardized environmental index would assist states and regions to more easily and efficiently assess areas of particular ecological importance (i.e., sensitive, vulnerable and/or valuable habitats), such as the index developed by Massachusetts for their Ocean Management Plan. Furthermore, it would allow for consistent comparison of CMS Plans (i.e., the extent to which they protect sensitive habitats and species) and results from ongoing environmental monitoring across regions.

Recommendation: Develop an environmental sensitivity index that assigns appropriate values to areas of ecological importance based upon standard environmental criteria that take into account sensitive, vulnerable and/or valuable habitats and species within a state or region.