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President Obama Announces a New Ocean Policy, National Ocean Council, and Final Framework for Coastal and Marine Spatial Planning

Summary

On July 19, 2010, President Obama issued an Executive Order establishing a new Ocean Policy Council and new Ocean Policy (Policy) for the United States, and at the same time, released a final report elaborating on the Policy and creating a comprehensive regional structure and process for Coastal and Marine Spatial Planning. The Policy is the result of a one-year inter-agency study and public comment period. The Administration expects draft Coastal and Marine Spatial Plans (CMSPs) to be submitted in two years and become effective by 2015. Stakeholders will be involved at the regional planning level (see map on page 2).

New Ocean Policy

The new National Ocean Policy announced by President Obama includes the following statement of goals:

- Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- Improve the resiliency of the above communities;
- Bolster the conservation and sustainable uses of land to improve the above ecosystems;
- Use the best available science to inform decisions, and enhance humanity's capacity to respond to a changing global environment;
- Support sustainable uses of the ocean, coasts, and Great Lakes;
- Respect and preserve our Nation's maritime heritage;
- Respect international law, including preservation of navigational rights and freedoms;

- Increase scientific understanding of the above ecosystems;
- Improve our understanding of changing environmental conditions, trends, and their causes; and
- Foster a public understanding of the value of the ocean, our coasts, and the Great Lakes.

National Ocean Council

As part of the announcement, the President also created a new inter-agency National Ocean Council (Council). The Council will be co-chaired by Nancy Sutley, the Chair of the White House Council on Environmental Quality and John P. Holdren, the Director of the White House Office of Science and Technology Policy. Other members of the Council include the Secretaries of Agriculture, Commerce, Defense, Energy, Health and Human Services, Homeland Security, the Interior, State, Transportation, Justice and Labor; the Administrators of the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration; the Chairman of the Joint Chiefs of Staff; the Director of the National Science Foundation, and assorted White House environment and energy czars.

The role of the new Council is to oversee the implementation of the Ocean Policy, above, through the development of strategic action plans; facilitation and implementation of CMSPs, described below; and coordination of an annual budget establishing ocean priorities for Federal agency members of the Council.

The Council is planning on holding its first meeting later this summer to begin the work of implementing the National Policy, above.

The Council is also directed to establish a Governance Coordinating Committee consisting of 18 officials from State, tribal, and local governments.

Marine Spatial Planning

The guts of the final Task Force report and Policy is to create a system of regional CMSPs, surrounding all coasts of the U.S., its territories, and Great Lakes, for the purpose of permitting uses of those waters, and resolving conflicts among overlapping and significant uses of the marine environment, including aquaculture, commerce and transportation, commercial fishing, marine sanctuaries, mining, oil and gas exploration and development, ports and harbors, recreational fishing, military activities, subsistence uses, and tourism, among others. The Administration takes the position that existing laws permit them to create a national system of CMSPs without specifying those authorities.

The geographic scope of the planning area includes the U.S. territorial sea, the 200-mile Exclusive Economic Zone and the Continental Shelf. The planning area would extend generally landward to the mean high-water line, but uplands may also be included. In the Great Lakes, the boundary would extend from the ordinary high-water mark and include the

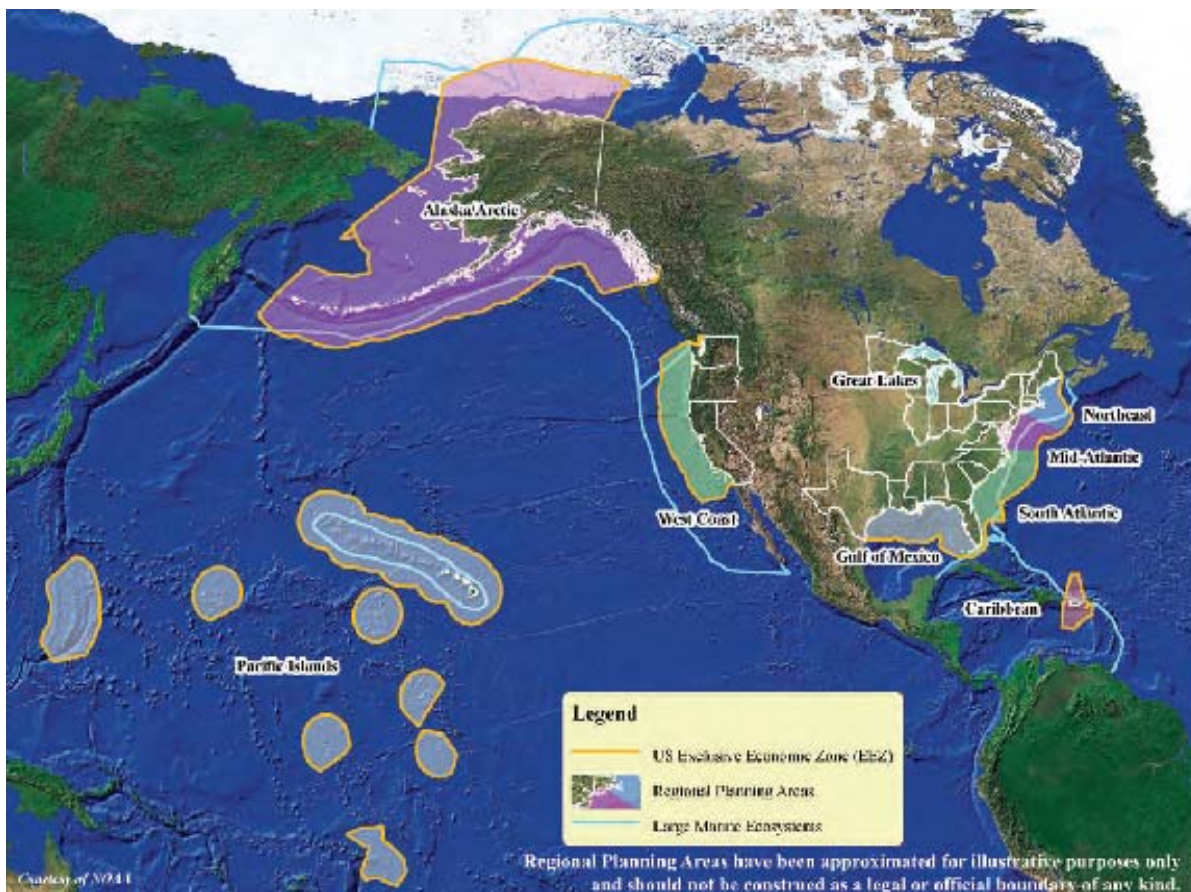
lakebed, subsoil, and water column to the limit of the U.S. and Canadian international boundary.

The plan divides the nation into nine regions (and corresponding states) for purposes of developing the CMSPs:

1. **Alaska/Arctic Region:** Alaska
2. **Caribbean Region:** Puerto Rico and U.S. Virgin Islands;
3. **Great Lakes Region:** Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;
4. **Gulf of Mexico Region:** Alabama, Florida, Louisiana, Mississippi, and Texas;
5. **Mid-Atlantic Region:** Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia;
6. **Northeast Region:** Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont;
7. **Pacific Islands Region:** Hawaii, Commonwealth of the Northern Mariana Islands, American Samoa, and Guam;
8. **South Atlantic Region:** Florida, Georgia, North Carolina, and South Carolina; and
9. **West Coast Region:** California, Oregon, and Washington.

Pennsylvania is included twice because it is both a coastal and Great Lakes state.

[See map insert below from Final Report, courtesy of NOAA.]



Membership of each regional planning group would consist of Federal, State, and tribal authorities relevant to that region. The group would be co-chaired by Federal and non-Federal parties. The purpose of each regional CMSP is to better manage multiple sustainable uses, resolve conflicts, and support ecosystem-based management of the ocean, coasts, and Great Lakes in accordance with shared goals, guiding principles, and applicable legal authorities. The plans can be tailored to the needs of each region. Participants on each planning group would agree to act in accordance with their respective CMSPs, within the limits of existing laws and regulations, and agree to make permitting decisions in accordance with the CMSPs.

The CMSPs are to be submitted to the Council for review of their consistency with the National Ocean Policy. Following a 30-day public comment period, the Council would certify each plan, and Federal, State, and Tribal representatives would co-sign the plan and agree to implement it, consistent with existing authorities.

The report lays out a detailed schedule for the development of the CMSPs. The first CMSP is expected to be submitted to the Council for certification in two years, with all plans submitted and certified by mid-2015.

The principal developers of the plans are Federal, State and local governments, and representatives from tribal govern-

ments. Public input is to be obtained through the establishment of regional advisory committees.

Conclusions

The success of the new Ocean Policy will depend on the success of the coastal and marine spatial planning process. This will depend, in turn, on the willingness of state, local and tribal governments to participate and commit to a joint decision-making process for permitting marine activities as well as the resources that the respective governments can commit to the process. The plans are not expected to supersede existing laws on which governments base their decisions. But, if adopted and certified, they may provide a useful, even predictable, roadmap for future offshore development, including wind, renewable energy, transportation, commercial and recreational fisheries, etc.

Commercial and recreational users of the marine environment are encouraged to monitor the development of the regional plans closely, and participate as much as possible so that their respective maritime interests are not adversely affected in the final plans.

The complete set of policy recommendations, new Executive Order, and establishment of the National Ocean Council can be found at www.whitehouse.gov/oceans. ■

For Additional Information

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