

Mid-Atlantic Regional Planning Body Draft Interjurisdictional Coordination Actions

September 2015

Introduction

A key purpose of the ocean planning process in the Mid-Atlantic region is to help member entities work better together to achieve the Healthy Ocean Ecosystem and Sustainable Ocean Uses goals and objectives identified in the [Mid-Atlantic Regional Ocean Planning Framework](#) (Framework):¹

1. Promote ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration.
2. Plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness and regulatory predictability, and supports economic growth.

Interjurisdictional coordination (IJC) is a critical component of the regional ocean planning process and addresses specific processes and mechanisms that will allow the Federal, State, and Tribal member institutions of the RPB to enhance coordination, leverage resources, and improve decision-making to benefit ocean users and ecosystem health through the implementation of their existing mandates and authorities. The agreements and products resulting from IJC actions will serve as the cornerstone of the Mid-Atlantic Regional Ocean Action Plan (OAP).

Throughout the spring and summer of 2015, RPB member entities generated ideas about specific draft IJC actions to foster improved information exchange, data sharing, and coordination in the region. At the September 23-24 2015 in-person RPB meeting, the RPB will agree to further develop a set of IJC actions for inclusion in the OAP. RPB discussion will be informed by stakeholder input during the Mid-Atlantic Regional Council on the Ocean Stakeholder Workshop on September 22.

Draft actions for consideration

For each Framework objective, the RPB will define actions and sub-actions in varying levels of detail as determined appropriate by the RPB and its member entities. As a result of RPB discussions to date, a draft suite of actions have been developed for consideration and discussion in September 2015.

¹ <http://www.boem.gov/Mid-Atlantic-Regional-Ocean-Planning-Framework/>

Draft actions are being developed that link directly to specific Framework objectives, related to the following topics:

- Valuing traditional knowledge and Tribal uses
- Healthy ocean ecosystems
- Wind energy
- Offshore sand management
- Commercial and recreational fishing
- National security
- Navigation and commerce
- Ocean aquaculture
- Non-consumptive recreation
- Critical undersea infrastructure

Draft actions on cross-cutting topics:

- Ongoing intergovernmental communication and coordination
- Maintaining a data repository (the Mid-Atlantic Ocean Data Portal)

These draft IJC actions are detailed further in the slides below.

Please note that these draft IJC actions are initial working ideas at different stages of development. They are designed to spark discussion and deliberation at the September 22 MARCO stakeholder workshop and September 23-24 RPB meeting and do not represent RPB decisions on OAP content at this time.

Tribal Uses

Kelsey Leonard, Tribal Co-Lead, Shinnecock Indian Nation
Kevin Chu, NMFS/NOAA

Tribal Uses Goal and Objectives from the “Framework”

- Goal: Recognize and respect the right of Tribal Nations to free, prior, and informed consent while taking into account important Tribal uses and submerged cultural resources in the planning process.
- Objectives:
 1. Increased coordination among Tribes, states, and federal entities for integrated management efforts.
 2. Document and foster shared understanding of ocean and coastal sites important to Tribal use, beliefs, and values related to the Mid-Atlantic ocean.
 3. Consider climate change effects on tribal uses, emergency management, and territorial erosion/degradation.

Overview of Proposed IJC Actions

1. Identify data gaps pertaining to tribal uses and develop research agenda to address the need
2. Improve ability of RPB entities to use traditional knowledge for planning, management and decision-making purposes
3. Identify best-practices for increased coordination among tribes, states, and federal entities for marine planning
4. Assess opportunities for marine planning to consider and where appropriate support of tribal economic self-sufficiency
5. Assess and plan for climate change impacts

1. Data and Research

- Building on the ROA, identify areas for research such as:
 - Submerged Cultural Resources (e.g. Clovis Point Concentration on Delmarva Peninsula of Mid-Atlantic)
 - Timeline of treaties with tribes in the region and history of laws affecting use of ocean by tribes
 - Beach Access laws, Current restrictions; Private Beaches; Parking Permitting
- Identify and recommend to appropriate agency(ies) actions that could increase tribal participation in data collection and analysis.
 - Incorporate tribal review
 - Enhance tribal engagement through access to and participation in management, environmental, and regulatory review
- **Desired Outcome:** Increased Tribal participation in data collection and analysis and prioritized list of research needs to be shared with funding entities.



2. Traditional Knowledge

- Develop best practices for identifying and incorporating or accessing traditional knowledge, as appropriate, in current and future planning products (e.g., Data Portal, OAP, protocols for sensitive information, other) and decision-making processes.
- Develop database for Mid-Atlantic Marine Traditional Knowledge
- **Desired Outcome:** Tribal Nations, States, and Federal entities have tools necessary to access and incorporate TK, as appropriate, in planning and decision-making.



3. Increase Coordination & Management

- Incorporate existing and/or develop best practices for government-to-government consultation and tribal participation in planning, management, and environmental and regulatory review processes
- Develop Tribal Ocean Planning Network (TOPN) facilitating coordination between Mid-Atlantic Tribes in the ocean planning process.
- Develop best practices to work with tribes to concurrently define jurisdiction (if appropriate), create co-management programs, and coordinate applicable regulations including sharing of state and tribal management plans.

3. Increase Coordination & Management

- Increased coordination with tribal historic preservation officers when burial sites and other funerary/cultural objects may be desecrated by a proposed use
 - MARCO Portal: Zones of Notification
- Identify mechanism(s) and process(es) to support tribal engagement in coastal bays and estuaries programs as tribal ocean uses flow into those areas of geographic scope.
- **Desired Outcome:** Tribal Nations, states, and federal entities have foundation for sustained coordination for ocean planning in Mid-Atlantic.



4. Tribal Economic Self-Sufficiency

- Undertake measures to encourage tribal economic self-sufficiency
 - Commercial fishing/aquaculture
 - Renewable energy
 - Commercial eco-tourism, etc.
- **Desired Outcome:** Increased tribal economic development in Mid-Atlantic Ocean supported by diverse entities.



5. Assess and plan for Climate Change impacts

- Increased awareness on Tribal Climate Change Adaptation planning
 - Identify funding system
 - Emergency Management and Preparedness
- Coastal Resiliency
- Identify Species of Concern for Cultural Preservation
- Increased tribal climate change data (e.g. composite map overlay tribal territories, floodplains, shoreline erosion)
- **Desired Outcome:** Tribal Nations prepared for climate change impacts on ocean uses and resources



Member Entities and Stakeholder Involvement

- RPB Tribal Uses members
 - Tribes: Shinnecock, Pamunkey, Oneida
 - Federal Agencies
 - States
 - MARCO
- Tribal Nation input Opportunities
 - MARCO Tribal Listening Sessions
 - RPB written comment period

Healthy Ocean Ecosystems

*Laura McKay, Virginia CZM Program
Kevin Chu, NMFS/NOAA*

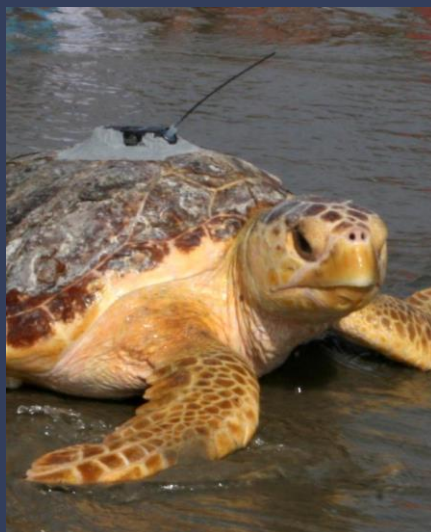
Healthy Ocean Ecosystem Goal and Objectives from the "Framework"

- Goal: Promote ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration.
- Objectives:
 1. Discover, understand, protect, and restore the ocean ecosystem
 2. Account for ocean ecosystem changes and increased risks



Overview of Proposed IJC Actions

1. Select ecologically rich areas (ERAs) for in-depth review
2. Select region-wide features for in-depth review
3. Identify Mid-Atlantic Ocean health indicators/metrics
4. Develop a management research agenda
5. Assess and plan for climate change impacts



1. Select ecologically rich areas (ERAs) for in-depth review

- Based on relative ecological richness and/or immediacy of risk of negative impacts, select initial set of ERAs from MDAT's analysis for review
- Overlay human use data to identify managing agencies
- Review Traditional Knowledge habitat stewardship practices and current management practices affecting ERAs
- Identify and recommend to appropriate agency(ies) actions to reduce or eliminate risk of degradation for each ERA
- As new data are collected, update & re-run ERA model
- **Desired outcome:** Maintenance and or restoration of health of ERAs



2. Select region-wide features for in depth review

- Building on the ROA, identify region-wide features, e.g.
 - migration corridors
 - linkages between ERAs
- Overlay human use data to identify managing agencies
- Review current management affecting region-wide features
- Identify and recommend to appropriate agency(ies) actions that could reduce or eliminate risk of degradation for region-wide features
- **Desired outcome:** Maintenance and or restoration of health of region-wide ecological features



3. Identify Mid-Atlantic Ocean indicators/metrics

- Building on ROA, identify easily measured parameters to measure ocean health and/or effectiveness of actions
- Determine time intervals and appropriate agencies to measure indicators
- **Desired outcome:** A sustainable program for monitoring ocean ecosystem health



4. Develop a management research forum and agenda

- Establish a forum for sharing current and planned Mid-Atlantic Ocean research
- Identify management research needs
- Review and build upon existing research agendas
- Pool resources to study cumulative impacts of human uses
- **Desired outcome:** Prioritized list of research needs to be shared with potential funding entities



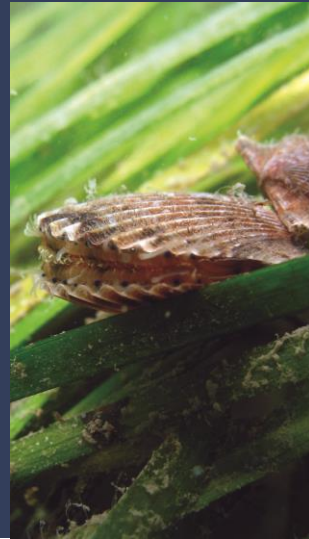
5. Assess and plan for climate change impacts

- Enhance the region's ability to address **ocean acidification** impacts
 - Review existing efforts/identify gaps
 - Identify funding stream
 - Ensure a robust, integrated Mid-Atlantic OA monitoring network is in place
- Enhance the region's ability to address expected **shifts in species and habitats**
 - Review existing efforts/identify gaps
 - Map expected species/habitat shifts
 - Assess need for and develop recommendations for actions
- **Desired outcome:** Management agencies prepared for climate change impacts



Member Entities and Stakeholder Involvement

- RPB Healthy Ocean Ecosystem members
 - Federal Agencies: NOAA, BOEM
 - States: VA, MD, DE, NY
 - Tribes: Shinnecock
- Stakeholder input opportunities (Sep –Dec)
 - MARCO SLC meeting
 - RPB written comment period



Offshore Wind Energy

*Dept. of the Interior, BOEM
New York Department of State*

Overview of Offshore Wind Energy

- **RPB objective:** Facilitate greater collaboration around ocean energy issues with states, tribes, and federal partners
 - **Example action:** Coordinate data collection for environmental assessment to inform development of new Mid-Atlantic offshore renewable energy projects
- **Desired outcome:** More efficient, predictable and informed process that supports effective coordination; provides more meaningful participation for affected states in a shorter timeframe; enhances agency management and environmental and regulatory review processes; and advances state and federal wind energy development objectives

Proposed Interjurisdictional Actions

- **Coordination and management:** Identify intersections among federal programs; develop clearly defined coordination mechanisms to inform site assessment and project construction plans; and ensure activities are mutually reinforcing and provide the necessary information for decision-making where statutes intersect
 - BOEM consults with tribes to better understand impacts to economics and the environment, marine mammals, sacred ceremonial sites, and cultural resources
- **Data:** Develop agency guidance that addresses how data will be used in management, environmental, and regulatory reviews; agree on what data is sufficient for responsible entities to use for their reviews
- **Research:** Partner in on-going and planned studies; identify knowledge gaps
- **Issue Areas:** Focus on siting issues beyond project-specific scales, collaborate on shared data sets, and outline where and when relevant authorities play a role in decisions

Member Entity and Stakeholder Involvement

- RPB member entities working together to further develop the details of the proposed actions
 - BOEM, New York DOS, Virginia, Delaware, Maryland, DoD, DOE, NOAA, USCG, DOT, EPA
- Anticipated stakeholder engagement to further develop the actions from now to December 2015
 - Seek input from BOEM's state intergovernmental renewable energy task forces and from targeted stakeholders on BOEM's offshore wind energy program

Offshore Sand Management

*Dept. of the Interior, BOEM
New York Department of State
Virginia Dept. of Environmental Quality*

Overview: Offshore Sand Management

- **RPB objective:** Enhance participation among coastal jurisdictions, federal (USACE) and state regulatory agencies, and tribal entities to identify and prioritize the use of Mid-Atlantic sand and gravel resources for coastal adaptation, resilience planning, and implementation
 - **Example action:** Coordinate regional identification and prioritization of sand borrow sites in federal and state waters and link to RPB's regional sediment management initiatives
- **Desired outcome:** Enhanced coordination among local coastal jurisdictions, federal and state regulatory agencies, and tribal entities to share data and help identify short and long-term sand resource projects

Proposed Interjurisdictional Actions

- **Coordination and management:** Identify and improve existing state / federal interactions and cooperative agreements in the Mid-Atlantic
 - BOEM and USACE coordinate with tribes for sand re-nourishment projects during the planning and analysis phase (NEPA & consultations)
- **Data:** Inform decision making by sharing BOEM geospatial database that will contain data from over 20 years of cooperative agreements, nearly 13 leases and agreements, and new data being collected from the Hurricane Sandy funded Atlantic Sand Assessment Project
- **Research:** Numerous BOEM studies; for ex., FY 2015 study planned in collaboration with USACE examining dredging best management practices and multiple uses of borrow sites
- **Issue Areas:** Existing sand projects may be used as pilot demonstrations on how RPB efforts might be of assistance

Member Entity and Stakeholder Involvement

- RPB member entities working together to further develop the details of the proposed actions
 - BOEM, New York DOS, Virginia, Delaware, Maryland, DoD, DOE, NOAA, USCG, DOT, EPA
- Anticipated stakeholder engagement to further develop the actions
 - BOEM working now to establish a Mid-Atlantic Regional Sand Management Working Group to meet in early 2016 to discuss needs for offshore federal sand, data, and future environmental study needs; and address local government and near-shore issues

National Security

Joe Atangan, Joint Staff, U.S. Fleet Forces

Mike Jones, Dept. of Defense, Navy Region Mid-Atlantic

Overview of National Security

- **RPB objective:** To ensure National Security interests in the Mid-Atlantic are accounted for through enhanced coordination, increased transparency, and sharing of information across agencies
- **Desired outcome:** An established, efficient, and informed process that supports effective coordination; leverages existing processes, practices, and programs; and facilitates addressing National Security impacts/concerns throughout the agency management and environmental and regulatory review processes

Proposed Interjurisdictional Actions

- **Coordination and management:** Leverage existing processes, practices, programs, and groups to assess potential National Security impacts of proposed actions, identify potential mitigations, facilitate decision making
- **Data:** Identify authoritative, publically releasable data for use in management, environmental, and regulatory reviews.
- **Research:** Partner in on-going and planned studies; identify knowledge gaps
- **Issue Areas:** Focus on use compatibility issues and potential impacts on National Security

Member Entity and Stakeholder Involvement

- RPB member entities working together to further develop the details of the proposed actions
 - DoD, USCG
- Anticipated stakeholder engagement to further develop the actions from now to December 2015
 - Seek input from DoD Regional Environmental Coordinators, OSD Clearinghouse, intergovernmental task forces and targeted stakeholders

Marine Commerce & Navigation

Doug Simpson, DHS, USCG

John Kennedy, DOT, MARAD

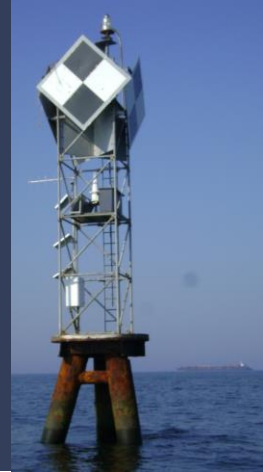
Greg Capobianco, New York Department of State

Overview of Marine Commerce and Navigation

RPB objective: Generate greater awareness and participation by states, tribes, and the public in offshore marine commerce and navigation issues.

Desired maritime transportation system:

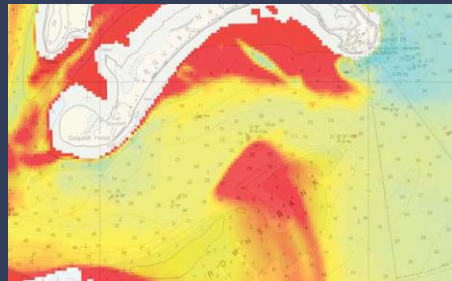
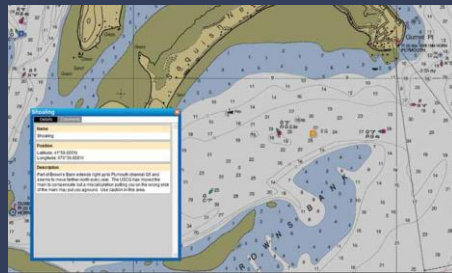
- Safe for increased, multifaceted use
- Meets national, regional, & local needs
- Resilient to market & use changes
- Values environmental stewardship



Proposed Interjurisdictional Actions: Coordination & Management

Incorporate stakeholder review: Identify and continue to leverage existing navigation safety committees.

Coordinate data product development: Catalogue intersections between federal agencies and between federal and state agencies, identifying opportunities for improving service to stakeholders.



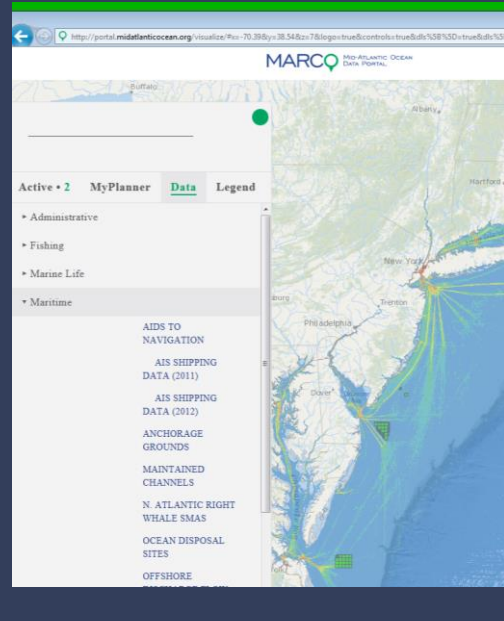
Proposed Interjurisdictional Actions: Data

Coordinate on data acquisition to leverage/share costs and expand utility of data

Incorporate releasable USCG data into MARCO data portal:

- Search and Rescue
- Marine Casualty
- Pollution

Develop navigation data that represents sub-sectors of vessel traffic

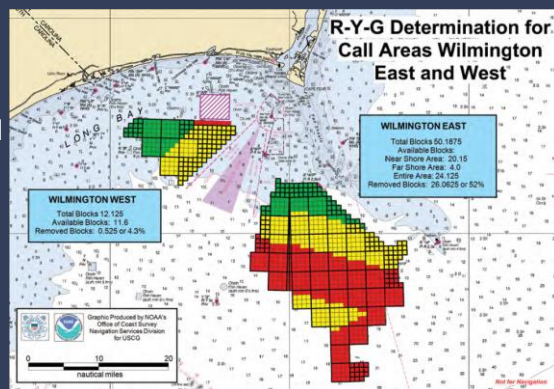


Proposed Interjurisdictional Actions: Research

Identify navigation trends to understand traffic patterns over time

Identify impacts to navigation and port infrastructure stemming from the Panama Canal expansion

Develop data layers that represent activities and structures in nearshore and estuarine waters



Member Entity and Stakeholder Involvement

- RPB member entities working together to further develop the details of the proposed actions
 - BOEM, New York DOS, Virginia, Delaware, DoD, NOAA, USCG, DOT
- Anticipated stakeholder engagement to further develop the actions from now to December 2015
 - Seek input from targeted stakeholders
 - Seek input from regional navigation safety committees

Fisheries Science and Management

Michael Luisi, Maryland Department of Natural Resources and Mid-Atlantic Fisheries Management Council

Kevin Chu, National Oceanic and Atmospheric Administration

Goals and Objectives

- RPB Framework Goal: Sustainable Ocean Uses
 - *Plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness and regulatory predictability, and supports economic growth*
- Objective: Commercial and Recreational Fishing
 - *Foster greater understanding of the needs of the Mid-Atlantic fishers and fishing communities in the context of the full range of ocean uses and conservation efforts*

Proposed Actions

1. Support dialogue between NOAA and State Fisheries Managers
 2. Collaborate on climate change studies (Science / Managers / Planners)
 3. Work with the MAFMC Ecosystems and Ocean Planning Committee
 4. Improve collaboration with Tribes
 5. Improve understanding of recreational fishing
- **Outcome: Improved fisheries science and better management decisions**

Background

- Current collaboration:
 - *Mid-Atlantic Fishery Management Council*
 - *Atlantic States Marine Fisheries Commission*
 - *Atlantic Coastal Cooperative Statistics Program*



Proposed Actions

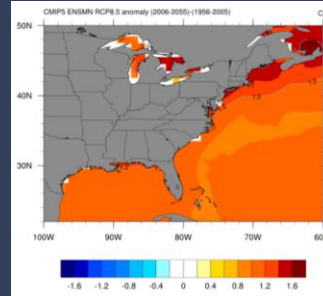
Support Dialogue Between NOAA and States

- State Fisheries Directors and NOAA/NMFS
 - *Face to face*
 - *At least once per year*
 - *Coordinated with a meeting of ASMFC*
 - *Discuss positions and develop ideas for collaboration*



Proposed Actions *Climate Change & Fisheries*

- Workshop for scientists and managers
 - Predictions about the movement of fish stocks
 - Discussions of management implications of shifting populations
 - Develop collaborative research projects
 - Establish an ongoing forum
- NOAA climate strategy
 - Regional Action Plans



Proposed Actions *RPB Collaboration with MAFMC*

- MAFMC Ecosystems and Ocean Planning Committee
 - Impacts of other activities on fishing
 - Impacts of fishing on the environment
- ACTION: RPB members to participate on Committee



Proposed Actions

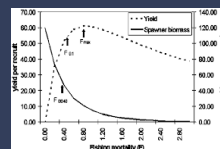
Improve Collaboration with Tribes

- In states that have Federally recognized Tribes, NOAA will meet jointly with all interested Tribes (state and Federally recognized) to share perspectives on fishery management.
 - Face to face meetings should occur at least once per year at a time convenient for the Tribes.
 - RPB members will be invited to participate.

Proposed Actions

Improved Understanding of Recreational Fishing

- Workshops for leaders in recreational fishing organizations
 - Topics to include fishery science and management
 - Discussions allow sharing of stakeholder, state and Federal perspectives



Member Entity and Stakeholder Involvement

- Member Entities
 - NOAA
 - *Mid-Atlantic Fishery Management Council*
- Stakeholder comments:
 - *Now*
 - *At Mid-Atlantic Council meeting in October*
 - *Email to:*
 - *kevin.chu@noaa.gov*
 - *michael.luisi@maryland.gov*

Sustain and Enhance Intergovernmental Coordination

Sarah Cooksey, Delaware
Supported by Darlene Finch (NOAA alternate)

Overview

- Cross-cutting objective: *Maintain forum(s) for intergovernmental coordination and communication in support of ocean planning in the Mid-Atlantic.*
- After MidA Ocean Action Plan (OAP) completion, need to:
 - monitor and track progress of actions in Plan
 - evaluate and update the Plan
 - incorporate updated scientific research and data in MidA ocean planning
 - identify and address emerging issues
 - engage governmental entities (both RPB and non-RPB members) on Mid-Atlantic ocean issues.
- Major guidance documents are mostly silent on this, although clear that ongoing coordination and communication are extremely important.

Framing the Issues

- No clarity about status of the MidA RPB after 2016.
- Three options to advance the discussion:
 - MidA RPB operation is modified to provide more opportunities for communication and informal coordination.
 - MidA RPB focuses on OAP implementation and another forum focuses on intergovernmental communication about ocean activities.
 - MidA RPB goes away but intergovernmental communication forum continues.
- Each option has positive and negative attributes. Discussion will help us consider how we organize ourselves to support future ocean planning efforts in the MidA.
- Based upon the outcomes of this discussion, we can further develop options for the OAP.

Discussion and Stakeholder Engagement

- **Questions for Discussion:**
 - Do you agree with the articulation of the need?
 - What are the benefits of continuing the MidA RPB?
 - What would be the benefits of having two forums – one that focuses on RPB business and the other that focuses on increased communication?
 - How could a separate forum be established without detracting from the efforts of the MidA RPB?
 - Are there specific topics that a separate coordination and communication forum could address?
- **Stakeholder Input**
 - During this MidA RPB meeting.
 - Offer white paper to stakeholders for comment and input.

Mid-Atlantic Ocean Data Portal: Data to Support Ocean Action Plan Development & Implementation

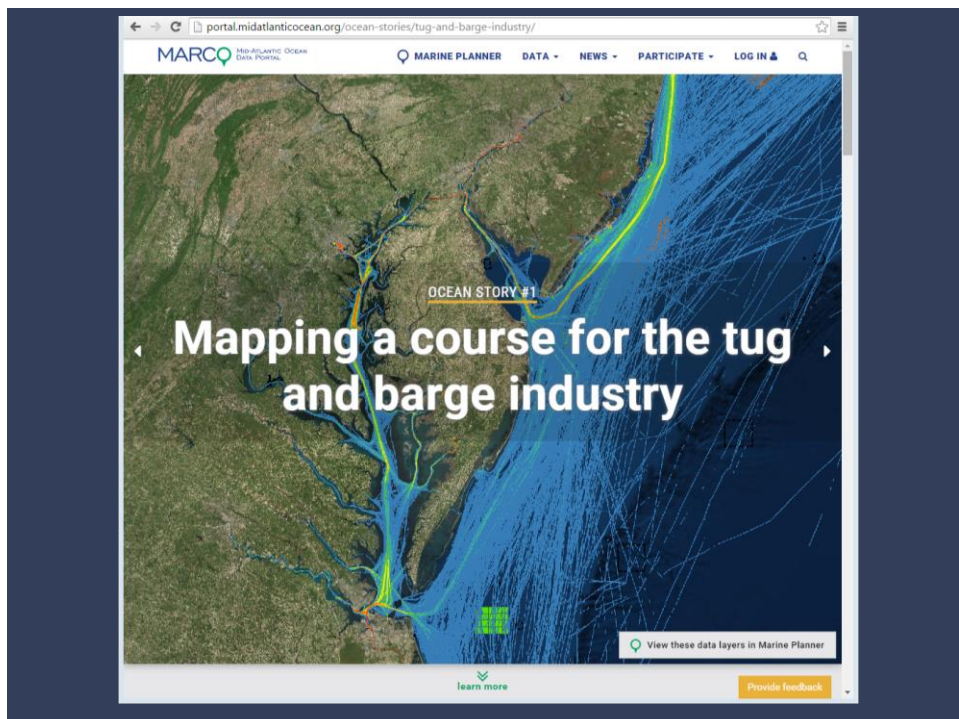
Laura McKay, Virginia CZM Program
Kevin Chu, NOAA/NMFS

Shared Data, Information and Mapping Platform

Key Objectives:

- Provide data to inform IJC actions, and advance Healthy Ecosystem and Sustainable Use goals.
- Federal – state collaboration to provide ongoing access to best available, regionally relevant ocean data

Outcome: An authoritative repository for regional data and visualization tools to reduce conflicts, and to support implementation actions and efficient ocean management decisions



Proposed Actions

- Maintain operational components including data development, management, and web maintenance
- Expand public engagement in collaboration with RPB and MARCO to enhance data, and functionality, as needed.
- Add new data and mapping products to support RPB ocean actions as they evolve



Ongoing Data Development and Public Engagement

- Work with RPB and IJC actions member entities / agency leads to focus and enhance portal data to support proposed actions
- Incorporate relevant data and information developed through ROA and DSWG, including ecological (MDAT) and human use (HUDS) synthesis products.
- Ongoing portal public/stakeholder engagement including but not limited to webinars, vetting human use data products (e.g. Communities at Sea maps), tribal data development, group briefings and meetings of opportunity (e.g. AWEA).

Ocean aquaculture Non-consumptive recreation Critical undersea infrastructure

Regional Planning Body

Ocean aquaculture

- *Inform ocean aquaculture siting and permitting through greater coordination among stakeholders and management authorities to address compatibility issues.*
- Address through:
 - Updates of the ROA
 - Use of data portal to characterize potential siting issues
 - Creation of agency guidance on data use
 - Ongoing evaluation of regional need for additional agency actions (pre-application coordination, policy, guidance, data)



Non-consumptive recreation

- *Account for importance and economic contributions of such uses, and in management of other uses and resources consider impacts to such activities.*
- Address through:
 - Updates of the ROA
 - Use of data portal to characterize potential siting issues
 - Ongoing coordination to develop/enhance data products and use in project planning



Critical undersea infrastructure

- *Facilitate greater understanding of the current and potential future location of submerged infrastructure such as submarine cables and pipelines.*
- Address through:
 - Updates of ROA
 - Use of data portal to characterize potential siting issues
 - Ongoing coordination to develop/enhance data products and use in project planning

