



November 11, 2009

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

Dear Chairwoman Sutley:

Duke University's Nicholas Institute for Environmental Policy Solutions and Meridian Institute have been following the work of the Interagency Ocean Policy Task Force with great interest. We look forward to the Task Force's recommendations to President Obama regarding a national ocean policy to improve the management of our oceans, coasts, and Great Lakes. One important element of that policy will be the Task Force response to President Obama's call for a framework for coastal and marine spatial planning.

Research from around the world indicates that, to be an effective tool for ocean management, marine spatial planning requires the active engagement of all ocean and coastal stakeholders, including environmental advocates and the many individuals who depend on ocean and coastal resources for their livelihoods. Ensuring that the U.S. framework for coastal and marine spatial planning includes provisions for such participation by all those who use and value the ocean will be a major challenge.

With this challenge in mind, the Nicholas Institute and Meridian Institute have joined in an effort to better understand the opportunities for—and potential obstacles to—stakeholder involvement in marine spatial planning. Our intent is to develop an accurate understanding of the perspectives and concerns of ocean and coastal constituents from both the environmental and user communities. Based on our findings, we will offer specific guidance and recommendations for how coastal and marine spatial planning might best be implemented to help achieve the goals of a new national ocean policy for the United States. Attached you will find the first outcome of this ongoing project.

Over the last four months we have convened representatives from a variety of ocean industries—including aquaculture, boating, commercial fishing, recreational fishing, oil and gas, renewable energy, undersea cables, shipping, and tourism—to discuss the concept of coastal and marine spatial planning and hear their thoughts, questions, and concerns. Based on three day-long meetings and numerous personal and group communications, we have developed a summary of what we believe are important concerns shared by these ocean users regarding marine spatial planning. These individuals also conveyed a number of principles and design criteria they believe should inform the development of any national framework for marine spatial planning that might be contemplated.

The attached document provides a summary of what we learned. Although it has been reviewed by all those listed at the end, this summary does not reflect a formal consensus of the participants, nor does it indicate any prioritization among their concerns or desires. We hope you will find these initial insights useful and we look forward to sharing additional findings and conclusions from this process as they are developed.

Sincerely,

Laura Cantral, Meridian Institute

Larry Crowder, Nicholas School of the Environment, Duke University

Morgan Gopnik, Nicholas School of the Environment, Duke University

Linwood Pendleton, Nicholas Institute for Environmental Policy Solutions, Duke University

# OCEAN USER PERSPECTIVES ON MARINE SPATIAL PLANNING

November 11, 2009

*Beginning in July 2009, Duke University's Nicholas Institute for Environmental Policy Solutions and Meridian Institute hosted three full-day meetings (on July 16, September 2, and September 25, 2009) to establish a dialogue with representatives from ocean industries (see list at end of document) about marine spatial planning as a tool to manage ocean resources. Over the course of these meetings, participants expressed their views regarding (1) concerns and questions about how marine spatial planning might proceed in the U.S., (2) principles that should guide and underpin any marine spatial planning framework, and (3) design considerations for any implementation of marine spatial planning. This document summarizes what the meeting's conveners heard from participants about these issues. It is not intended to represent a group consensus, but rather to accurately reflect the perspectives of meeting participants.*

## What is Marine Spatial Planning?

The recently released Interim Report of the Interagency Ocean Policy Task Force outlines recommendations for a new National Ocean Policy that promotes the ecological and economic health of our oceans, coasts, and Great Lakes. Furthermore, the Task Force calls for the policy to be grounded in an ecosystem-based management approach and to employ coastal and marine spatial planning as an important tool for implementing the national ocean policy. While a number of definitions for marine spatial planning (MSP) exist, meeting participants worked with one proposed by Ehler and Douvère<sup>1</sup>, which includes elements similar to those highlighted by the Task Force:

*Marine Spatial Planning is the public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process. MSP should be ecosystem-based and is an element of sea use management.*

## Concerns about Marine Spatial Planning

Ocean users expressed a variety of questions and concerns about implementation of MSP in the U.S. These concerns include, but are not limited to, the following:

- Decision makers need to be more explicit about why MSP is needed, what problems it will address, and how it improves upon existing management approaches.
- There is a continuing concern about inadequate industry input to date regarding MSP.
- MSP will be unwelcome if it adds further regulations, requires additional layers of agency review, or creates new grounds for litigation over ocean uses.
- The terminology of MSP is often unclear and inconsistent.
- The data needed to carry out MSP effectively, including human use and economic data, may not be available.
- MSP design and implementation could interfere with ongoing economic activities and permitting processes.
- Some stakeholders may not have the capacity to participate fully in an MSP process due to insufficient resources or time.



<sup>1</sup> Ehler, Charles and Fanny Douvère, *Marine Spatial Planning: A Step-by-Step Approach toward Ecosystem-based Management*, Intergovernmental Oceanographic Commission, Manual and Guides No. 53, ICAM Dossier No. 6. (Paris: UNESCO, 2009).

## Guiding Principles for Marine Spatial Planning

Participants identified the following as important principles that should be incorporated into any marine spatial planning framework:

### Goals and time horizon

- MSP should be driven by long-term national economic, social, and environmental goals.
- MSP should be forward-looking, incorporating projections of future ocean uses and environmental conditions.

### Economics and human uses

- Ecosystem-based management must include humans as both users of ocean resources and beneficiaries of ocean ecosystem services.
- MSP should carefully balance economic, social, and environmental goals.
- MSP should encourage and facilitate compatible or synergistic ocean uses.

### Stakeholder participation

- MSP should be conducted in an open, transparent, and participatory fashion that ensures that all stakeholders, including representatives from existing and emerging ocean industries, have an active role in all stages of the MSP process.
- The MSP process should be one in which all participants have confidence.

### Adaptation and flexibility

- The MSP process should accommodate change and promote innovation and collaboration, particularly with respect to emerging ocean industries and users.
- A national framework for MSP should allow for regional flexibility in process, planning, and implementation.

### Regulation

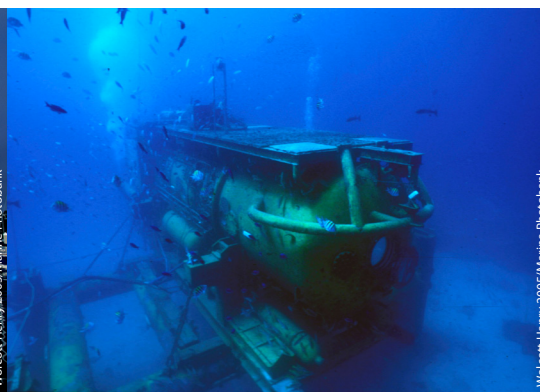
- MSP should increase ocean investors' certainty about future regulation.
- MSP should not add to the regulatory burden faced by ocean industries.

- MSP needs to work in harmony with international treaties to which the U.S. is a party or which it recognizes (e.g., UNCLOS).

## Design Elements for Marine Spatial Planning

Beyond the core principles that should guide the development of a national framework for marine spatial planning, the ocean user participants also identified a number of design elements that they believe would be critical for effective implementation of MSP:

- MSP should explicitly recognize and account for the heterogeneity of ocean space, its uses, and the social and political contexts of different regions.
- MSP should identify and acknowledge user conflicts upfront, while encouraging the co-location of ocean uses wherever possible.
- MSP should include clear plans to obtain, organize, centralize, and make available to the highest degree possible good spatial data, including data on human uses.
- MSP should build on existing regional bodies, including multistate regional partnerships.
- MSP should be implemented through existing authorities, regulations, and legal frameworks to the greatest extent possible.
- The federal government should provide support and incentives to facilitate MSP, including help with pilot projects to begin the planning process.
- Sufficient time should be allotted to guarantee that MSP reflects the concerns, needs, and interests of all stakeholders, including ocean users, and allows for the collection of good data and use of sound science.
- Existing permitting processes should go forward while MSP is under discussion and development.
- Once a spatial plan is approved, a streamlined permitting process should be instituted for uses compatible with the plan and redundant layers of review should be eliminated.
- MSP should include a process of monitoring, periodic review, and adaptation.



## MEETING PARTICIPANTS\*

**Sebastian Belle**, Maine Aquaculture Association

**Mathew Dunn**, National Marine Manufacturers Association

**John Henderschedt**, Phoenix Processor Limited Partnership

**Paul Holthus**, World Ocean Council

**Paul Kelly**, Energy & Ocean Policy Consultant, Gulf of Mexico Foundation

**Donald Kent**, Hubbs-SeaWorld Research Institute

**Richard Langan**, Atlantic Marine Aquaculture Center and University of New Hampshire

**Ryck Lydecker**, Boat Owners Association of the United States (BoatU.S.)

**Terry O'Halloran**, Tourism Business Solutions, Change Strategies & Innovation

**Sean O'Neill**, Ocean Renewable Energy Coalition

**Matt Paxton**, Coastal Conservation Association, Ball Janik LLP

**Ian Voparil**, Shell Global Solutions (US) Inc.

*\* Note: This dialogue was initiated under a promise of confidentiality to encourage candor and innovative thinking; two additional participants have asked to remain anonymous and are not listed above. Affiliations are provided for identification purposes only; no endorsement by the listed organizations is implied.*



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