

# 4

## Plan Implementation



**This chapter describes the implementation of the Northeast Ocean Plan (Plan), focusing on three components: intergovernmental coordination, plan implementation responsibilities, and monitoring and evaluation. Actions in Chapter 3 are specified for each of the 10 ocean resources and activities and will be conducted by the relevant Regional Planning Body (RPB) agencies. However, there is also a need to coordinate across these topics and agencies.**

To continue the level of coordination that emerged during the development of the Plan and in conjunction with the actions in Chapter 3, RPB agencies will implement the *best practices* that are described in the **Intergovernmental Coordination** section of this chapter.

The RPB will have formal responsibilities for overall implementation of the Plan. The RPB will convene twice a year to consider whether the goals of the Plan are being met and whether the actions in Chapter 3 are being conducted, discuss the need for future changes to the Plan, and serve in a coordinating and convening role to address the science and research priorities identified in Chapter 5. These RPB *responsibilities* are included in the **Plan Implementation Responsibilities** section of this chapter.

Monitoring and evaluation will help to assess the progress being made toward achieving the Plan's goals, and these activities will also help to identify emerging issues. The RPB identified monitoring and evaluation actions that should

be included in the Plan's adaptive management approach. These actions are described in the last section, **Monitoring and Evaluation**.

### **INTERGOVERNMENTAL COORDINATION**

The intent to enhance intergovernmental coordination (and also enhance coordination with nongovernmental stakeholders) underlies several of the Plan's objectives and the National Ocean Policy. This section outlines three particular aspects (or best practices) of intergovernmental coordination:

- **Federal agency coordination**
- **Federal-tribal coordination**
- **Federal-state coordination**

These best practices enhance the effectiveness and efficiency of how agencies work together—and with stakeholders—by ensuring that the actions in Chapter 3 are understood and coordinated among these groups.



### **PLAN IMPLEMENTATION**

- 1 Intergovernmental coordination
- 2 Plan implementation responsibilities
- 3 Monitoring and evaluation

## OUTCOMES

# INTERGOVERNMENTAL COORDINATION

The intended outcome of intergovernmental coordination is to develop a common understanding of a proposed project or activity, its potential impacts and alternatives, issues for specific agencies, and the information that will be needed to support review and agency decision-making. Coordination of this type can identify opportunities for making the environmental and regulatory review process more efficient by clarifying the applicable authorities and resulting information requirements, by holding joint meetings or hearings, or by producing National Environmental Policy Act (NEPA) documents that support decision-making by multiple agencies. Done successfully, intergovernmental coordination also provides initial identification of potential adverse impacts to resources or potential conflicts with existing human activities, threatened and endangered species (or other habitats or species), and historic and cultural resources. One outcome of agency coordination is a common understanding of what data are available or missing and needed, and which stakeholders need to be consulted, both as a source of information and as parties with interests in the use of ocean space. The actions in Chapter 3 are intended to inform all of these considerations. Their collective impact, along with the best practices in this chapter, will enhance intergovernmental coordination.



## EARLY AGENCY COORDINATION

Entities that participate in early agency coordination in the Northeast typically include (or should include) some combination of the following:

- |  |   |  |   |
|--|---|--|---|
| • DOI (including BOEM, USFWS, NPS, USGS) | • DHS (including USCG and FEMA)   | • State agencies (permitting, boating, wildlife, and fisheries agencies; CZM programs; SHPO) | • Atlantic States Marine Fisheries Commission |
| • FERC                                   | • Navy  | Fisheries agencies may also coordinate through NEFMC, MAFMC, or ASMFC                        | • Federally recognized tribes                 |
| • USACE                                  | • DOT (MARAD)   |  |   |
| • NOAA (including NMFS)                  | • NEFMC and Mid-Atlantic Fishery Management Council (depending on location) |  |   |
| • USEPA                                  |   |  |   |

## RELEVANT LAWS

Federal environmental and regulatory laws to which best practices may apply include:

- |                                      |  |   |
|--------------------------------------|--|---|
| • NEPA                               | • Integrated Coastal and Ocean Observation System Act      | • Marine Protection, Research and Sanctuaries Act |
| • Rivers and Harbors Act, Section 10 | • Deepwater Port Act                                       | • Coastal Zone Management Act                     |
| • Clean Water Act                    | • Migratory Bird Treaty Act                                | • Natural Gas Act                                 |
| • Outer Continental Shelf Lands Act  | • National Historic Preservation Act, Section 106          | • National Marine Sanctuaries Act                 |
| • Endangered Species Act             | • Magnuson-Stevens Fishery Conservation and Management Act | • Fish and Wildlife Coordination Act              |
| • Clean Air Act                      | • Ports and Waterways Safety Act                           |   |
| • Marine Mammal Protection Act       |  |   |
| • Federal Power Act                  |  |   |

The term *intergovernmental coordination* in this instance refers broadly to gathering, sharing, and using information, and conducting environmental review-related meetings and procedures associated with planning, leasing, regulatory, research, or other ocean management activities. The overall goal is to address the interests of federal and state agencies, tribes, the New England Fishery Management Council (NEFMC), and stakeholders, and to enhance their participation in ocean management decisions.

Intergovernmental coordination may include informal discussion (among federal agencies and between federal agencies, tribes, states, and the NEFMC, as appropriate) of a proposed project or activity before formal project or permit application review begins. It also includes initial components of formal review under existing authorities (such as the public scoping process under the National Environmental Policy Act [NEPA]), and ongoing components of formal review through regulatory consultations under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the National Historic Preservation Act (NHPA), and other federal authorities.

Intergovernmental coordination is required or recommended in numerous forms under existing authorities and is an important element of current agency practices. The details will vary depending on the nature of the proposed project or activity, applicable authorities, whether an agency has a significant interest in the project, and the scope of information the agencies or proponent needs to address. For NEPA and regulatory actions, agency coordination typically occurs through preapplication consultation initiated by the federal agency with primary authority (the lead federal agency), at the request of a project proponent, or when an agency recognizes that the proposed project or activity may have potentially significant impacts to marine resources or human uses. For example, consistent with its mandate to provide the opportunity for preapplication review,<sup>1</sup> the US Army Corps of Engineers (USACE) in the Northeast US encourages preapplication consultation to support a more informed, efficient permitting process for projects that require Clean Water Act (CWA) or Rivers and Harbors Act (RHA) authorization.

## RESULTS OF BEST PRACTICES

These best practices provide flexible but consistent guidance to help enhance the value of agency coordination by supporting:

- Broad, shared understanding among agencies of how relevant information from the Northeast Ocean Data Portal, the Plan, stakeholders, and other sources may be used early in the review of a proposed project or activity
- Clear and efficient direction for the applicant
- An initial shared understanding of the proposed project (among and between agencies), and an initial broad, shared understanding of potential issues, impacts to marine life and habitats, and compatibility concerns with existing human activities
- Informed stakeholder engagement
- Coordinated federal, state, and tribal review, as appropriate

## Federal agency coordination

This section describes best practices for federal agency coordination under existing federal authorities. Best practices draw on existing agency practices, lessons learned from agency and stakeholder experience with recent projects in the Northeast US, and the opportunity provided by the Plan to use regional information and coordination to enhance the decision-making process. As they draw from practical experience, best practices may also evolve in the future as particular circumstances dictate, as the Best Practices Work Group develops further details as described later in this chapter, or as determined through public discussion.

The best practices described apply to federal members of the RPB, and their implementation is subject to and governed by existing legal authorities.

The best practices are organized to describe participation, data and information, and coordination with stakeholders.

## PARTICIPATION

- Implementation of best practices should be considered for proposed projects and activities consistent with existing legal authorities to the extent practical, and it is intended specifically for larger projects that require, for example, a detailed environmental assessment or an environmental impact statement under NEPA, or an individual permit from the USACE. See the *USACE New England District Guide for Permit Applicants*<sup>2</sup> for a description of these types of permits.
- As a general practice, federal agencies that are members of the RPB should engage in early coordination consistent with these best practices, with the understanding that the level of agency coordination will be related to the details of a proposed project or activity. This best practice includes, but is not limited to, a federal agency serving as a lead, participating, or cooperating agency<sup>3</sup> in NEPA review of a private (nongovernmental) project or activity, and a federal agency serving as a proponent for a government project.
- To provide awareness and consistency of information across agencies, lead federal agencies should seek to hold early coordination meetings that include all agencies with jurisdiction or subject-matter interest that are obliged or wish to attend.
- The lead federal agency should ensure that all agencies, federally recognized tribes, the NEFMC (and Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission), and states with potential interests in a proposed project or activity receive notice of, and an opportunity to participate in, agency coordination meetings.
- Over the course of early coordination, a lead federal agency (either itself or by request of a project proponent) should, to the extent practicable:
  - > Develop project materials that are informed by data and information from the Northeast Ocean Data Portal (Portal), this Plan, stakeholders, and other sources.
  - > Provide sufficient information to initially identify potential impacts of the proposed project or activity and alternatives (e.g., related to interactions with natural resources or existing human uses) and identify data gaps.
  - > Understand issues and/or requirements for additional information that agencies, tribes, and/or stakeholders are likely to raise.
- Over the course of agency coordination, participating RPB agencies should:
  - > Identify and provide clear direction about the type, level, and potential sources of additional information that they require to formally review the proposed project or activity.





- > Where possible, identify measures to avoid and minimize adverse impacts to resources and uses, in accordance with existing authorities.
- > Articulate issues they are likely to address in review under NEPA and other relevant laws, including regulatory consultations under MSA, ESA, MMPA, NHPA, Coastal Zone Management Act (CZMA), and other authorities.

#### DATA AND INFORMATION

- As described in Chapter 3, RPB agencies and project proponents will, to the extent practicable, use data and information in the Plan and the Portal as baseline information to support a systematic, interdisciplinary approach to NEPA and regulatory review.
- Data and information in the Portal and the Plan will, to the extent practicable, be used in preapplication review to support or supplement initial characterization of conditions relevant to a proposed project or activity. This best practice includes identifying potential impacts to birds, marine mammals, sea turtles, fish, habitat, or certain cultural resources, as described in Chapter 3. It also includes initial identification of potential interactions or compatibility concerns with existing human activities (also described in Chapter 3). These uses of Portal and Plan information thus will help inform impact analysis of project alternatives. (For such uses, however, the limitations of Portal and Plan information should be well understood.) This best practice will enable a cross-agency approach to identifying, as early as practicable, what additional project- and site-specific information will be required under NEPA and other relevant authorities.
- Data and information on the Portal and in this Plan should not be used as an exclusive or sole source of information. To the extent practicable, any map or data source should be used with an understanding of the underlying methods and associated caveats and limitations (in some cases, determining caveats and limitations may require discussions with subject-matter experts and the data providers). Specific project details also will inform the utility and relevance of Plan data and information for the detailed analyses required to address specific permitting standards. RPB agencies will make their decisions about the need for additional information based on the details of individual proposed projects. In almost all cases, site- and project-specific information will be required to support regulatory review and decision-making.
- RPB agencies should provide project proponents guidance about potential additional data sources that should be incorporated in project or activity planning and/or review materials. RPB agencies should coordinate with state agencies and tribal contacts to help enhance common understanding of this issue.

## COORDINATION WITH STAKEHOLDERS

- In the context of a proposed project, RPB agencies should discuss with the proponent how stakeholder interests are required to be addressed by applicable authorities. Additionally, RPB agencies with subject-matter jurisdiction or expertise should identify management provisions that require characterization of stakeholder interests.
- Consistent with requirements in existing authorities, RPB agencies should discuss with the proponent of the proposed project or activity (and the lead agency for NEPA review should address in the scoping process) a systematic process to identify and engage stakeholders who may be affected by the proposed project. Such a process should include, but may not be limited to, the following components:
  - > Using best professional knowledge, RPB agencies should informally discuss with the project proponent known stakeholders who may be affected. Such information does not relieve the project applicant of its exclusive responsibility to identify potentially affected stakeholders to the extent required or anticipated under core authorities.
  - > Project proponents should identify and seek to engage stakeholders whose activities may be affected, and they should then incorporate

stakeholders' data and information in project materials. As discussed in Chapter 3, Plan and Portal data and information can be helpful with this task. Early coordination with state coastal management and marine resource agencies can inform and assist federal agencies' efforts to identify and engage stakeholders.

- > To address the potential cumulative effects of a proposed project or activity on stakeholders, when those effects may have a community-level impact, project proponents should identify and seek to engage coastal communities that have a particular relationship with a specific location and incorporate relevant data and information in project materials.
- > Project proponents should seek to identify, engage, and incorporate information from stakeholders before filing a permit application or otherwise formally initiating the review process to ensure that stakeholder information helps inform both the project application and subsequent public, stakeholder, and agency review.
- > RPB agencies that perform research and data collection in the ocean should develop a protocol to ensure effective advance communication with stakeholders to avoid and minimize conflicts.

## Federal-tribal coordination

Federally recognized tribes have a government-to-government relationship with the United States as a result of the US Constitution, treaties, federal statutes, legal decisions, and several executive orders. As a result, tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty), and, pursuant to federal Indian trust responsibility, the federal government has legally enforceable obligations to protect treaty rights, lands, assets, and resources.<sup>4</sup>

Federal agencies may be required to formally consult with tribes regarding federal actions with tribal implications, and they may integrate tribal consultation with NEPA and NHPA Section 106 review. (See the Cultural Resources section of Chapter 3 for an overview of NHPA Section 106 and NEPA requirements). Other authorities of particular relevance include:

- **Archaeological Resources Protection Act** (administered at a federal level by the US National Park Service [NPS])—governs the excavation of archaeological sites on federal and Native American lands and the removal and disposition of archaeological collections from those sites.

Project proponents should identify and seek to engage stakeholders whose activities may be affected, and they should then incorporate stakeholders' data and information in project materials.



- **Native American Graves Protection and Repatriation Act** (administered at a federal level by the NPS and the Advisory Council on Historic Preservation [AHP])—requires federal agencies and institutions that receive federal funding to return Native American cultural items, including human remains, funerary objects, objects of cultural patrimony, and sacred objects, to lineal descendants and culturally affiliated Indian tribes.

- **American Indian Religious Freedom Act** (administered by federal agencies through their tribal consultation practices)—protects and preserves the traditional religious rights and cultural practices of Native Americans, including access to sacred sites, and thus may trigger Section 106 review under the NHPA if there are potential effects on such sites as a result of federal actions.

- **Indigenous hunting, fishing, and foraging rights** (a treaty between a tribe and the federal government or as provided for in state statute)—may reserve or provide special rights, for example, related to subsistence-related hunting, fishing, or foraging, to tribal members.

- **Executive Order 13175**—directs federal agencies to coordinate and consult with Indian tribal governments whose interests might be directly and substantially affected by activities on federally administered lands.

Federal agencies have numerous mechanisms to coordinate and consult with tribes throughout the review process. In addition to formal consultation practices, federal agencies and tribes are involved in partnerships such as the US Environmental Protection Agency (EPA) Regional Tribal Operations Committee (RTOC), and the RPB. The RPB is unique in its focus on ocean-related issues and federal, tribal, and state composition, and, as described on page 152, the RPB will continue to be a forum for federal, tribal, and state coordination. Tribes in the Northeast US also coordinate with their counterparts involved in ocean planning in the Mid-Atlantic region. The RTOC has established a communication network among tribes to coordinate among and between tribes and the EPA, and it facilitates and coordinates communication with other federal agencies. (The EPA maintains an online contact list for the 10 federally recognized tribes in New England.)<sup>5</sup> Through this network, tribes benefit from EPA notices regarding proposed regulations published in the *Federal Register*, as well as from webinars and conference calls to discuss issues of common interest.

In addition to the pertinent best practices described earlier in this chapter, the following federal-tribal coordination best practices are incorporated into this Plan:

- RPB agencies engaged in planning, management, or regulatory actions should engage in early coordination with the Northeast tribes as a general practice. These agencies include but are not limited to lead federal agencies for a government action and federal agencies serving as a lead or participating and/or cooperating agency in review of a private (nongovernmental) project. For tribes, early consultation enables concerns to be raised and questions to be answered, and it facilitates the sharing of oral history, as appropriate, to help identify areas or sites with natural or cultural significance, or other relevant information.
- Recent efforts have advanced the development of protocols for reconstructing submerged paleocultural landscapes and identifying ancient Native American archaeological sites in submerged environments. These protocols will be useful in identifying submerged National Register-eligible or National Register-listed ancient Native American archaeological sites in the marine environment. This effort has included federal agency coordination with tribes during design and implementation, and will include continued tribal coordination and training. See Chapter 5 for more details.

- Existing partnerships such as the RTOC and the RPB can be strengthened as follows:
  - > Seek opportunities to provide training to improve the use and understanding of the Portal and other spatial data (e.g., USGS light detection and ranging [LIDAR] data), so as to build tribal capacity and technical skills.
  - > Build capacity through early engagement and technical assistance on habitat and water quality restoration projects. Early tribal involvement in project development can include training on data use and analysis, and can enable tribes to identify cultural or natural resources and sites of concern.
  - > Northeast and Mid-Atlantic RPB tribal members will compile existing federal tribal consultation policies and make them available to the public. Tribal RPB members from both regions will also work together to develop guidelines for incorporating traditional ecological knowledge as an information source in regional ocean plans. These actions could help tribes continue general coordination on ocean planning activities.

### Federal-state coordination

State agencies review proposed projects or activities when they are located in state waters or, in many cases, in federal waters. Through the CZMA, states have the ability to review federal activities (including the issuance of permits or licenses) in federal waters. For federal permit or license activity in federal waters, states can request National Oceanic and Atmospheric Administration (NOAA) approval for review of a specific activity or can request inclusion of a regional geographic location description (GLD)<sup>6</sup> in the state coastal program for CZMA federal consistency review purposes (Rhode Island used this GLD approach in its Ocean Special Area Management Plan).

In cases where there is federal and state review of a proposed project or activity, existing federal law, such as NEPA,<sup>7</sup> offers numerous opportunities for federal and state coordination. For projects that may require a detailed environmental assessment or an environmental impact statement under NEPA, lead federal agencies should work with state(s) to identify opportunities for a coordinated approach to NEPA and state review. It may be appropriate for a lead federal agency to invite a state to participate as a cooperating agency in the NEPA process. Such discussion will be influenced by a range of existing statutory, regulatory, administrative, and/or practical measures. All states

in the Northeast US have an interest in, and provide opportunities for, early coordination as a general practice, and they already participate in joint federal-state coordination efforts such as the New England regional dredging team.<sup>8</sup> In the case of projects that may impact fishery resources, fishing activities, or fishing communities, engaging the states through their representation on the fishery management councils and the Atlantic States Marine Fisheries Commission may help facilitate coordinated review, especially related to joint scoping exercises to identify issues that may need further investigation.

In support of federal-state coordination, the following best practices are included in this Plan:

- RPB agencies engaged in any planning, management, or regulatory actions should engage in early coordination with the Northeast states as a general practice. This best practice applies to lead federal agencies for a government action, and to federal agencies serving as a lead or participating and/or cooperating agency in review of a private (nongovernmental) project. Topics of focus may include identification of necessary state and federal approvals and how their review requirements may align, and discussions of the potential for a coordinated approach to federal and state review (e.g., the possibility of joint or coordinated review meetings and proceedings,

public hearings, and the development of NEPA documents that can support multiple decisions), joint scoping exercises (to identify key stakeholders, issues, information needs, alternatives, and other needed consultations), and identification of required research and environmental studies.

- In cases where RPB agencies are not subject to state preapplication requirements *per se*, they should address states' substantive objectives for preapplication review through early voluntary consultation, consistent with existing authorities. The CZMA's federal consistency provision provides a basis and context for such early coordination.

In addition to these best practices, the RPB has identified three additional CZMA-related opportunities for state-federal coordination:

- Enhancing federal notice to states
- Establishing a regional GLD for CZMA federal consistency review purposes
- Identifying opportunities under existing authorities for more efficient review of certain federal activities

The objective of *enhancing federal notice to states* is for federal agencies to provide notice to states as early as practicable about actions proposed by federal agencies and by non-federal applicants for federal authorizations or federal funding. Options for accomplishing this objective include using an online location (such as the Portal) for federal agencies to post notices of proposed federal actions, with an automatic electronic notice then sent to state CZMA contacts and other interested parties. Alternatively or in conjunction, federal agencies could use a state CZMA program group email list to directly notify the state CZMA contacts of a proposed project. States and federal agencies will continue to discuss the specific actions to be undertaken to meet this objective.

For the two other topics that relate to the CZMA (establishment of a regional GLD for CZMA federal consistency review purposes, and more efficient review of certain federal activities), RPB state members and federal agencies have agreed to set up a work group that will convene during Plan implementation. For the regional GLD topic, the intent is to describe how a state and NOAA could use the Plan and the Portal to improve efficiency and predictability regarding the demonstration of a causal connection between a proposed federal activity and reasonably foreseeable effects on a state's coastal uses or resources. The work group will discuss options for

*establishing a GLD for CZMA federal consistency review purposes* for certain specified federal license or permit activities under NOAA's regulations at 15 CFR § 930, Subparts D or E.

To address the topic of *more efficient review of certain federal activities*, the work group will also determine if the states and federal agencies can develop general consistency determinations under 15 CFR § 930, Subpart C, or general consistency concurrences under Subparts D, E, and F to exclude some federal actions from CZMA federal consistency reviews; establish thresholds or conditions for federal consistency review; and determine if time frames are needed for any general consistency determination (Subpart C) or general consistency concurrence (Subparts D, E, and F). Initial state and federal discussions for possible CZMA federal consistency agreements indicate the need for further exploration of this topic by focusing on preliminarily identified activities undertaken by the Federal Emergency Management Agency (FEMA), US Coast Guard (USCG), and the Navy.<sup>9</sup> The RPB recognizes that forthcoming agreements may not include all of these preliminarily identified activities and that there may be different thresholds for reinitiation of CZMA federal consistency review for different states. In addition, state decisions on this issue may vary from state to state.

## PLAN IMPLEMENTATION RESPONSIBILITIES

This section describes responsibilities associated with Plan implementation.

**As required by Executive Order 13547 and described in the RPB Charter:<sup>10</sup>**

**The RPB is not a regulatory body and has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities. Agencies involved in this effort administer a range of statutes and authorized programs that provide a basis to implement regional ocean planning. ... While regional ocean planning cannot supersede existing laws and agency authorities, it is intended to provide a better mechanism for application of these existing laws and authorities ... the intent [is] to guide agency decision-making.**

A key aspect of implementing the Plan is that it will inform and guide federal agency actions, but the Plan does not create new regulations, supersede current regulations, or modify established agency missions, jurisdiction, or authority. Much of the day-to-day implementation of the Plan will be the responsibility of federal RPB members. The RPB as an entity (including federal, tribal, NEFMC, and state members) will retain overall oversight for the Plan and its implementation.

### **General Plan oversight and continued federal, tribal, and state coordination**

The figure on the next page and the summary of RPB work groups on page 154 provide a snapshot of Plan implementation elements and responsibilities. In addition, brief timelines of implementation activities are included at the end of this section and in the Northeast Ocean Data Portal and Monitoring and Evaluation sections in this chapter. The RPB discussion about these aspects of Plan implementation focused on the need for resources to achieve Plan goals. The RPB recognizes that additional governmental and nongovernmental support are necessary to implement the Plan. A portion of this need can be met through continued federal, tribal, and state participation in the RPB. Federal agencies will carry out some of the implementation of the Plan; for example, through the actions described in Chapter 3

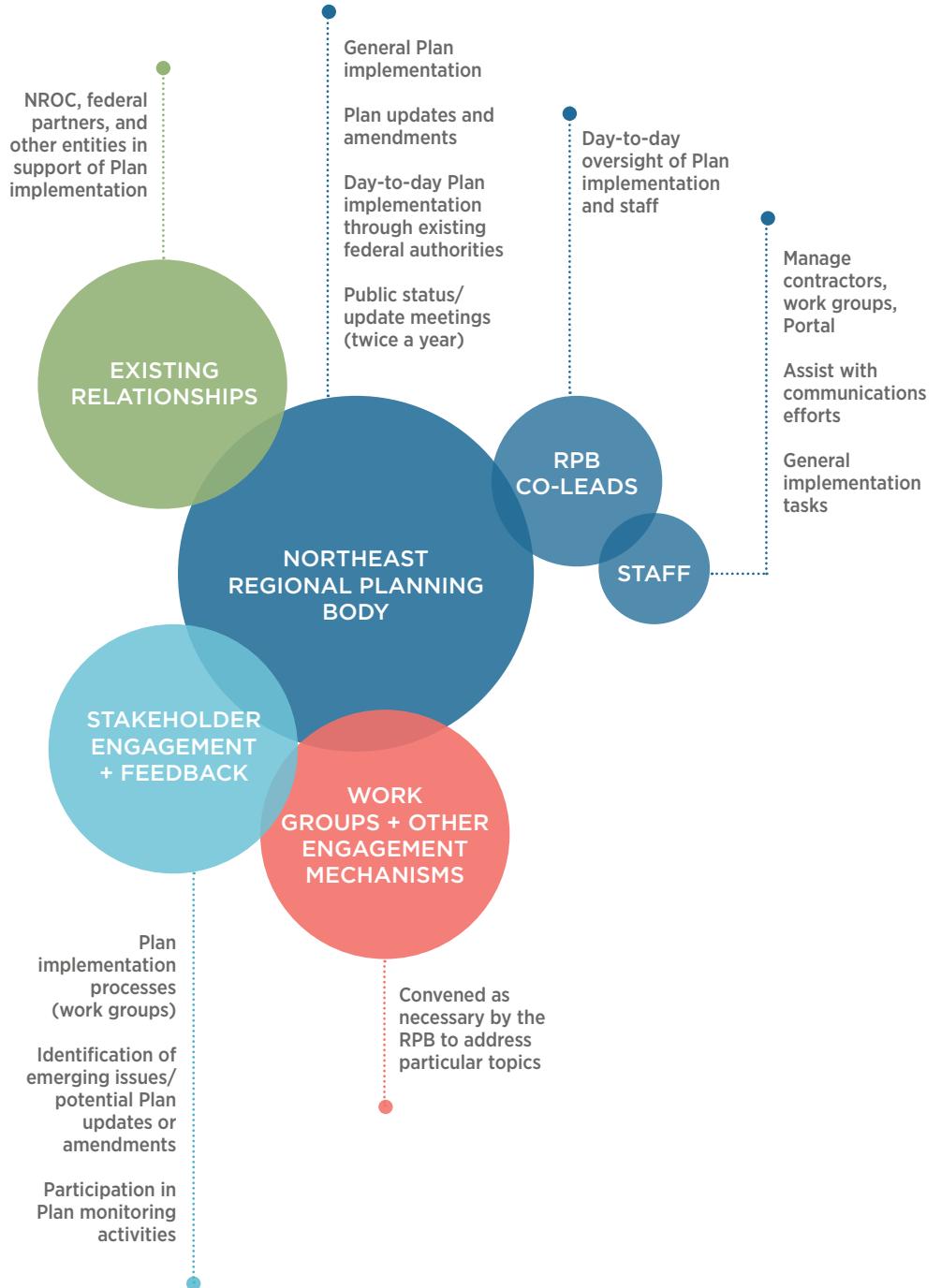
and the best practices described earlier in this chapter. However, additional governmental and nongovernmental support will be necessary to maintain and update the Portal and for future amendments or updates to this Plan. The Portal must be maintained to advance and implement the actions in Chapter 3, to help achieve the goals of this Plan, and to retain the value of the Plan for all RPB entities (federal agencies, tribes, states, and the NEFMC).

The discussion of Plan implementation reflects these realities and the current capacity that is available. Through the Northeast Regional Ocean Council (NROC), funds are available for approximately the initial year of implementation (i.e., into 2017), and the RPB will continue to seek opportunities to leverage agency programs, activities, and agency in-kind capacity to support the Portal and other implementation activities. Exploring potential sources of support for the Portal will be an early priority in 2017 during the initial steps of implementation.

The Plan oversight responsibilities in this chapter reflect the initial approach to Plan implementation, assuming continued support through NROC and federal in-kind resources. If resources or capacity change, the RPB co-leads will work with the RPB and other partners to ensure that Plan implementation activities are adjusted appropriately.

# PLAN IMPLEMENTATION SUMMARY

- Achieve Plan goals + objectives
- Improve agency decision-making + coordination
- Ensure implementation actions carried out
- Support priority data + research + science
- Evaluate Plan performance + ecosystem health



The RPB's consensus-based approach to decision-making will continue through Plan implementation, with the RPB providing oversight to ensure that progress is being made toward accomplishing the Plan's goals and objectives. The RPB will continue to serve as a forum for federal, tribal, and state coordination. The RPB will also provide oversight for stakeholder engagement activities and for each of the work groups and subcommittees identified throughout the Plan and summarized below.

- The *Ecosystem-Based Management (EBM) Work Group* will continue to inform multiple topics related to the advancement of EBM, including the Important Ecological Area (IEA) Framework, Monitoring and Evaluation, and Science and Research Priorities. The RPB will review and update the EBM Work Group membership and terms of reference, as necessary.
- The *Performance Monitoring & Evaluation (PM&E) Work Group* will inform the implementation of the three monitoring and evaluation actions.
- The *Best Practices Work Group* will advance and track the agency coordination and stakeholder engagement aspects of the Plan.
- The *State-Federal Coordination Work Group* will continue to consider opportunities for coordination under CZMA.

- The *IEA Work Group* will further identify and consider potential uses of the IEA Framework for deliberation by the full RPB and the public.
- The *Northeast Ocean Data Portal Priority Data Work Group(s)* will support the management, update, and review of priority data referenced in Chapter 3.
- The RPB has also identified work groups and subcommittees to focus on other specific topics in Chapter 3, including the *Aquaculture Work Group*, the *NROC Sand Management Subcommittee*, and the *Restoration Subcommittee*. Work groups and subcommittees will meet as priorities and resources allow. Therefore, some work groups are likely to meet more regularly and some may meet infrequently. The RPB recognizes the importance of its relationships with other regional entities, such as NROC and the Northeastern Regional Association of Coastal and Ocean Observing Systems (NERACOOS),<sup>11</sup> as key partners for advancing specific activities during Plan implementation. The RPB anticipates continuing its relationship with NROC to support the RPB through its existing grants that provide for staff and other resources, to manage the Portal (as described later in this section), and to glean input on specific topics (such as through the NROC Sand Management Subcommittee). Additionally, the RPB will continue to coordinate with the Mid-Atlantic RPB as needed. These relationships may also evolve to address new challenges and opportunities.

The RPB will convene twice a year in public meetings to:

- Continue overall coordination among RPB members.
- Receive updates on work group activities and review progress toward achieving the overall goals and objectives of the Plan.
- Discuss progress on the science and research priorities identified in Chapter 5.
- Discuss progress toward securing support for Plan implementation.
- Address, as appropriate, evolving challenges and opportunities, and the need for Plan updates and Plan amendments, as described later in this section.

The federal, state, and tribal RPB co-chairs will continue to provide immediate oversight by serving as the immediate contacts for staff, deciding on the need for RPB work groups to address particular issues, promoting collaboration, and seeking to resolve disputes among RPB members. Co-leadership will be rotational and based on a two-year term (with no limits on consecutive terms), at which point co-leads could be reelected or replaced. Ocean planning staff will continue to provide capacity to manage contractors, support work groups, assist with communications, and perform other tasks related to Plan implementation. In 2016 and

early 2017, the RPB will conduct the following activities to prepare for Plan implementation:

- Develop and review a detailed implementation plan based on available resources and capacity.
- Confirm representation for each RPB entity and identify RPB co-leads for the next term.
- Review and determine work group management and membership.



Plan updates include minor modifications to reflect incremental changes in Plan administration, to correct errata, or to otherwise provide for minor content updates that do not substantively alter the Plan's actions. (Updates to information and data elements of the Plan are discussed in the Northeast Ocean Data Portal section later in this chapter). Updates will involve public notice and will occur following consensus by the RPB. Plan updates will generally support improvements to the Plan's effectiveness or efficiency in achieving its goals and objectives, but will not include alterations to the Plan's goals and objectives (which would be addressed through Plan amendments).

### Plan updates and amendments

The RPB intends for Plan implementation to be dynamic and adaptive. Public input during Plan development, increased scientific understanding of the ocean, and the changing nature of the ocean ecosystem contribute to the need for Plan elements to be routinely reviewed and adjusted as necessary. These reviews and adjustments could take the form of Plan updates or amendments.



Plan amendments are changes to the Plan that would result in substantial changes to Plan administration, to the agency actions described in Chapters 3 and 4, or to Plan objectives or goals. Plan amendments include reviews of the Plan, including the baseline assessment, industry-specific white papers, other supporting Plan materials, and data incorporated in the Portal, at least once every five years. Plan amendments will include a public engagement process with public notice and public discussion. Plan amendments will also provide an opportunity to review and incorporate the results of Plan performance and ocean ecosystem health monitoring.

RPB co-leads, in consultation with the full RPB, will determine the need for Plan updates or Plan amendments. Plan updates or amendments would only take effect following completion of appropriate public engagement and notice procedures, and following RPB consensus to update or amend the Plan accordingly. All Plan updates and amendments will comply with existing federal statutes and Executive Order 13547.

### Public engagement

As described in Chapter 2, Plan development included many coordinated public engagement elements. During Plan implementation, the RPB will continue this approach to public engagement within the bounds of available resources; many of the actions in Chapter 3 contain a public engagement component or emphasis. Suggestions for Plan updates or amendments, or for new or additional topics to be taken up by the RPB, can be submitted to the RPB at any time. The RPB will continue to consult with scientists, technical experts, and those with traditional knowledge of the coast and ocean. As maps and data in the Portal are updated, the RPB will seek opportunities to review them with stakeholders and experts in particular topics. Plan performance monitoring and evaluation, and ocean health monitoring (described in the Monitoring and Evaluation section), will include specific measures to ensure public engagement.

As the RPB conducts projects in the future (e.g., to fill gaps in information), engagement will continue to be a main component.

As previously described, the RPB will also implement public engagement activities during future Plan amendments. While these processes will comply with applicable federal administrative procedures, the RPB will also seek to continue to develop and implement strategies that meet its overall principle of the importance of public involvement; an initial part of Plan amendments will be the development of a public engagement strategy.

#### **Northeast Ocean Data Portal**

Because the Northeast Ocean Data Portal is an essential tool for successful implementation of this Plan, it and the priority data referenced in Chapter 3 need to be updated and maintained. In addition, various constituencies, including government agencies, scientists, and the public, should become more familiar with the data and other information resources available via the Portal. Accordingly, the RPB will work to ensure the ongoing maintenance, updating, and communication of the Portal.

In the short term, through grants administered by NROC, the Portal will be managed on a day-to-day basis by staff and the Portal Working Group. This work will focus on three aspects of Portal management: priority maps and data (as identified in Chapter 3), other supporting and contextual data, and general maintenance and technical support. In addition, staff will

work with RPB members and other potential partners during Plan implementation to identify options to ensure the long-term viability of the Portal, including identifying the capacity necessary to ensure successful maintenance of the Portal's priority and supporting data and technical infrastructure.

#### **PRIORITY MAPS AND DATA**

Because the maps and data described in Chapter 3 will be used to support decision-making and to enhance intergovernmental coordination, these maps and data are priorities for long-term maintenance and updates. This commitment includes the continued collection of underlying data and using them to provide timely updates to regional map products on the Portal. The RPB will continue to engage stakeholders and scientists in the development and review of updated data and information products—just as it did with the maps and data currently on the Portal. This input was instrumental in determining the appropriate update cycle for each map and dataset.

Table 4.1 summarizes the tasks and responsibilities related to existing priority data layers in the Portal, as described in Chapter 3. In the short term, staff and the Portal Working Group will work with responsible agencies to update relevant priority datasets, as identified in Chapter 3 and in Table 4.1, and to detail the processes necessary for responsible agencies to continue updating priority data over the long term. Priority data updates associated with

Chapter 3 actions or resulting from research described in Chapter 5 will occur as data become available and resources for updates allow, or as part of the previously described Plan amendment process.

#### **SUPPORTING AND CONTEXTUAL DATA**

In addition to the priority data described in Chapter 3, the Portal also contains a wide assortment of supporting and contextual data. Many of these datasets are provided by other organizations, and, where possible, the Portal points to existing data services maintained by those providers. The RPB, through the Portal Working Group, will continue to work with those providers to maintain existing data connections and to develop new data services or other solutions that enable efficient updates by the data provider.

#### **GENERAL MAINTENANCE AND TECHNICAL SUPPORT**

In addition to the priority and supporting data layers, the Portal's online presence and information technology infrastructure will be maintained by the Portal Working Group, with staff providing oversight on behalf of the RPB.

The following is a brief timeline of RPB activities to ensure the maintenance and use of the Portal.

#### **2016-2017**

- Update priority data as described in Chapter 3 and detail the processes for responsible agencies to continue to update priority data in the future.

- Work with providers of supporting and contextual data to determine the appropriate update schedule and to identify processes and stewards to update the most relevant and important data for ocean planning.
- Develop webinar and training modules for agencies, scientists, and the public, and conduct at least one web-based training for each group.
- Develop detailed options for the long-term hosting and maintenance of the Portal through continued discussions with the RPB, NROC, federal agencies, states, the Marine Cadastre, Integrated Ocean Observing System (IOOS)/NERACOOS, and other federal and regional entities. These options will include the maintenance of priority data by relevant agencies, updates to and stewards for supporting data, support for the Portal's information technology infrastructure, and consideration of the capacity needed to coordinate Portal activities.

#### **2018**

- Review long-term options and determine next steps, including whether the Plan should be updated to reflect changes in priority data, commitments to maintaining priority data, and decisions related to the long-term hosting and maintenance of the Portal.



Table 4.1 // Actions and responsibilities related to existing priority data layers in the Portal

TOPIC	DATA LAYER	RESPONSIBILITY
<b>Marine Life &amp; Habitat</b>	<p>Incorporate recent survey data from the Atlantic Marine Assessment Program for Protected Species, the Massachusetts Clean Energy Center survey, and other sources into the marine mammal models and provide updated map products</p> <p>Update sea turtle products using recent survey data</p> <p>Incorporate fish trawl data for Long Island Sound, Rhode Island Sound, and Narragansett Bay</p> <p>Develop additional ecological groupings for whales and fish, including foraging guild groupings (whales) and dietary guild groupings (fish)</p> <p>Further develop maps of scallop abundance and biomass, potentially including the Virginia Institute of Marine Science trawl data</p> <p>Determine the feasibility of incorporating other marine life products that would fill priority data gaps within the 2017 time frame. One factor in determining feasibility will be the ability to leverage agencies' (or partners') work, since associated costs could be significant. Marine life data sources to be reviewed include:</p> <ul style="list-style-type: none"> <li>• The USFWS Mid-winter Waterfowl Survey</li> <li>• Other information sources in coastal and estuarine areas, such as the Environmental Sensitivity Index (ESI) and the Saltmarsh Habitat and Avian Research Program (SHARP)</li> <li>• Telemetry and acoustic data for fish, birds, and marine mammals</li> <li>• Available data sources of bat distribution and abundance</li> </ul>	RPB (particularly National Oceanic and Atmospheric Administration [NOAA], Bureau of Ocean Management [BOEM], and US Fish and Wildlife Service [USFWS]), through the Marine-life Data and Analysis Team [MDAT] and the Portal Working Group, through 2017
<b>Marine Life &amp; Habitat</b>	<p>Update benthic habitat maps</p> <p>Map products characterizing persistent phytoplankton bloom events</p> <p>Update submerged aquatic vegetation maps</p>	RPB through the Portal Working Group
<b>Marine Life &amp; Habitat</b>	Identify opportunities to update marine life and habitat products every five years	RPB (particularly NOAA), through the Portal Working Group
<b>Cultural Resources</b>	<p>Maintain and update maps based on National Register of Historic Places data</p> <p>Maintain and update maps based on Automated Wreck and Obstruction Information System (AWOIS) data</p>	<p>RPB (through the National Park Service [NPS], the Portal Working Group and states); review for updated information annually</p> <p>RPB through the Portal Working Group; maintain links with Marine Cadastre (which is managed by BOEM and NOAA)</p>

TOPIC	DATA LAYER	RESPONSIBILITY
<b>Marine Transportation</b>	<p>Maintain and update existing navigation maps and data</p> <p>Maintain and update Aids to Navigation (ATON) and Automatic Information System (AIS) vessel traffic maps and data</p> <p>Provide additional AIS-based products (related to monthly and seasonal traffic patterns and counts of unique vessel transits)</p>	<p>RPB, with the Portal Working Group coordinating with the Marine Cadastre</p> <p>The US Coast Guard (USCG) will provide updated data to the Marine Cadastre; the Portal Working Group will coordinate with the Marine Cadastre</p> <p>RPB with the Portal Working Group following review process</p>
<b>National Security</b>	Maintain and update national security maps and data	Department of Defense (DOD) will update periodically as needed, such as when applicable permits are renewed or operations significantly change
<b>Commercial and Recreational Fishing</b>	<p>Maintain and update existing products derived from Vessel Monitoring System (VMS)</p> <p>Maintain and update fishery management areas related to VMS products</p>	<p>National Marine Fisheries Service (NMFS) Office of Law Enforcement will provide annual updates to the Portal Working Group employing processing and analysis methods used for current maps</p> <p>NMFS Greater Atlantic Regional Fisheries Office (GARFO) provides any updates to the Portal Working Group as VMS products are completed</p>
<b>Recreation</b>	<p>As resources are available, update boating, whale watching, scuba, and other maps derived from online surveys and participatory workshops</p> <p>Maintain and update maps of coastal recreation areas</p>	<p>RPB in coordination with future partners</p> <p>RPB with the Portal Working Group, annually</p>
<b>Energy and Infrastructure</b>	Maintain and update existing infrastructure and renewable energy planning areas	RPB with the Portal Working Group, which will coordinate with: <ul style="list-style-type: none"> <li>• BOEM and the Marine Cadastre for energy and infrastructure data in federal waters</li> <li>• States for data about projects in state waters</li> </ul>
<b>Aquaculture</b>	Maintain maps of current aquaculture operations and shellfish management areas	US Army Corps of Engineers (USACE), NOAA, and RPB state members review and provide updates annually to the Portal Working Group
<b>Offshore Sand Resources</b>	<p>Maintain datasets related to the identification of sand resources on the outer continental shelf (OCS) and provide to the Portal</p> <p>Develop an Offshore Sand Resources theme on the Portal</p>	<p>BOEM</p> <p>RPB in collaboration with the Northeast Regional Ocean Council (NROC) Sand Management Subcommittee, with support from the Portal Working Group</p>
<b>Restoration</b>	Maintain and update Restoration theme and data	Annual updates by RPB restoration subcommittee, through the Portal Working Group

### **Implementation of monitoring, evaluation, and science priorities**

The Monitoring and Evaluation section describes two components of monitoring and evaluation that will occur during Plan implementation: Plan performance and ecosystem health. The RPB will establish a work group composed of RPB members and invited experts during early stages of Plan implementation to assist with actions related to both Plan performance and ecosystem health monitoring. The EBM Work Group will also inform both monitoring and evaluation activities. The RPB will have broad oversight over all aspects of these two components of monitoring and evaluation, with staff managing the day-to-day work.

The RPB recognizes that there are many opportunities to coordinate with partners regarding the science and research priorities in Chapter 5. Existing agency initiatives, academic and research institutions, regional science consortia, and other nongovernmental organizations already are addressing many of those priorities. Chapter 5 presents an ambitious agenda that can only be achieved by working with existing programs and being opportunistic.

Therefore, the RPB will have a convening and coordinating role related to the Chapter 5 science and research priorities. The RPB will periodically convene regional partners to review the items in Chapter 5, discuss progress, refine the priorities as needed, and identify potential partnerships to achieve them. These activities will occur through the RPB's periodic public meetings, the EBM Work Group, or other work groups that the RPB convenes. The RPB also may convene workshops or pursue other means of gathering partners as resources allow. Other opportunities may occur through the work of partners such as NROC.

Ocean planning staff and the RPB co-leads will serve as the main points of contact for this coordinating and convening role. Other RPB members will also help identify opportunities. The RPB will also collaborate to develop an integrated regional ocean science and research agenda, including identifying opportunities, as appropriate, for coordination and collaboration with the White House's Subcommittee on Ocean Science and Technology (SOST) on the overall agenda, and working with the National Oceanographic Partnership Program (NOPP) to facilitate discussion and support of specific research projects.

### **MONITORING AND EVALUATION**

*The Framework for Ocean Planning in the Northeast United States* includes an objective to “periodically assess progress toward achieving regional ocean planning goals.” The RPB identified two aspects of monitoring and evaluation to meet this objective: Plan performance and ecosystem health. *Plan performance monitoring* focuses on tracking progress toward achieving the Plan’s goals and objectives; *ecosystem health monitoring* focuses on understanding changes in the ocean ecosystem. RPB *actions* for both aspects of monitoring and evaluation are included in this chapter.

#### **Plan performance monitoring**

Plan performance monitoring supports an adaptive approach to implementation by providing a systematic means of measuring progress toward achieving the Plan’s goals and objectives, and by helping to identify desired changes. Indicators are typically developed to provide a set of qualitative or quantitative metrics to evaluate performance, recognizing that it can be difficult (because of data limitations, complexity of understanding cause-and-effect relationships, and changes in conditions outside the control of a particular management effort) to quantify Plan performance. The RPB identified the importance of Plan performance monitoring and agreed to the following principles for its implementation:

- The need to relate indicators to Plan outcomes, including goals and objectives and implementation activities in Chapters 3 and 4. This principle will include focusing on process-based outcomes of the Plan and the completion and utility of Plan outputs.
- The importance of describing a baseline from which to compare future indicator results while recognizing other factors or context that could affect Plan performance. This principle means that indicator development will include description of pre-Plan baseline conditions (quantitative or qualitative).
- The need to hone indicators to enable measurement of progress, learning, and testing of assumptions. To enhance their usefulness, indicators need to balance specificity with pragmatic considerations about both the availability of data and the practicality of collecting new data. Qualitative or descriptive approaches should be considered for topics that do not lend themselves to a quantitative approach. The RPB noted that developing too many indicators would not be effective or practical and that a few, better indicators would be of greater value.
- The need for ensuring that approaches to compiling existing or developing new data and analyses will appropriately support identified indicators.



- The need for public discussion and input throughout Plan performance monitoring (i.e., identification of indicators, review and discussion of indicator results).
- The importance of ensuring that monitoring and indicators inform the need for changes to the Plan, recognizing that context and evaluation of cause-and-effect are critical factors.

# ACTIONS

- PPME-1 Develop and implement Plan performance monitoring and evaluation
- EHME-1 Finalize and implement the methodology for applying the Ocean Health Index (OHI) to New England
- EHME-2 Coordinate with the Integrated Sentinel Monitoring Network (ISMN)

**Action: PPME-1. Develop and implement Plan performance monitoring and evaluation:** The RPB will develop and implement Plan performance monitoring by first finalizing indicators through application of the principles identified previously, then measuring and tracking these indicators, analyzing indicator data, and reporting on results.

#### **Ecosystem health monitoring and evaluation**

The RPB's intent is for monitoring of ecosystem health to help identify issues that may need management attention. The RPB has noted that it can be difficult to specifically identify cause-and-effect relationships when dealing with a complex, dynamic marine environment. However, tools have recently been developed to help identify and quantify indicators of ecosystem change. These tools can be used to support ocean management generally and to potentially inform Plan updates. Related efforts are already underway in the Northeast US (such as the integrated ecosystem assessment work at the Northeast Fisheries Science Center [NEFSC]),<sup>12</sup> and the RPB will leverage and coordinate with these activities as appropriate.

The RPB identified the Ocean Health Index (OHI) as a tool that can help meet its intention for monitoring and evaluating ecosystem health.<sup>13</sup> The OHI considers the physical, biological, economic, and social elements of the ocean and the coastal communities who depend on

it; uses available data to analyze and score aspects of each element; and provides various ways of summarizing and communicating its results. The OHI relies upon existing data to provide a baseline for future comparisons.

Following finalization of the Plan, the OHI methodology, goals, and analyses will be tailored to fit the circumstances (such as data availability and limitations) and needs in the Northeast US. The RPB anticipates working with the EBM Work Group and other stakeholders on applying the OHI to the region.

An additional recent focus in New England has been the development of a Science and Implementation Plan for an Integrated Sentinel Monitoring Network (ISMN). This project included input from more than 60 scientists and managers from 45 state and federal agencies, universities, nongovernmental organizations, and Canada. The ISMN plan provides a long-term strategy for monitoring benthic, pelagic, and coastal components of the ecosystem, but does not directly include human uses or socioeconomic considerations. Many of its indicators coincide with marine life and habitat data elements in Chapter 3.

The RPB recognized that the ISMN was developed for various management and scientific purposes, and that a first step would be to define areas of common interest.

**Action: EHME-1. Finalize and implement the methodology for applying OHI to New England:**

**England:** The OHI team will work with the RPB, with input from the EBM Work Group and other stakeholders, to refine the OHI approach (e.g., verify overall goals, define terms, and review and adjust modeling parameters, as necessary, to meet regional needs) beginning in late 2016, following finalization of the Plan. The OHI team will then work with the RPB and stakeholders to implement the OHI throughout 2017, with preliminary results due in early 2018. This projection assumes that the team responsible for creating the OHI will have the budget and capacity to conduct an assessment in the Northeast United States.

**Action: EHME-2. Coordinate with the ISMN:**

The RPB will work with the ISMN effort to identify areas where the ISMN's framework overlaps with relevant components of this Plan, to develop practical steps to implement monitoring protocols and assess results for those areas of mutual interest, and to ensure analyses and conclusions inform the need for management and/or updates to the Plan. The RPB recognizes the need to continue to work with the ISMN effort to resource and coordinate activities.

The RPB will advance all three Monitoring and Evaluation actions according to the following general timeline:

**2016-2017**

- Establish the Performance Monitoring and Evaluation Work Group to inform all activities related to the three Monitoring and Evaluation actions.
- (PPME-1) Develop an initial set of indicators to measure progress toward achieving Plan outcomes, including identifying appropriate qualitative and quantitative information to establish a pre-Plan baseline and measure each indicator.
- (EHME-1) Establish OHI goals by comparing the OHI framework to Plan priorities. Obtain public input on local priorities, values, and draft methods.
- (EHME-2) Through NROC and NERACOOS, coordinate with the ISMN to identify areas of mutual interest and opportunities for coordination.

**2018**

- Finalize the OHI and Plan performance indicators and review with the public. Revise as appropriate.
- Determine next steps, including whether the Plan should be updated to incorporate the development of Plan performance indicators, the OHI, and any opportunities to coordinate with the ISMN.

