



The Global Maritime Information Sharing Symposium
“The Impact on Industry of Marine Spatial Planning”
September 15, 2010
Baltimore, Maryland



NCOP

- Diverse coalition of commercial recreational interests
- Common concerns over the development of ocean policy and CMSP
- Agree on ten common principles
- United voice with policy makers
- Want a constructive policy
- Not opposed to an ocean policy



Who We Are

- Agriculture
- Aquaculture
- Chemicals
- Coal
- Commercial Fishing
- Construction
- Energy
- Forest and Paper
- Manufacturing
- Mining
- Ports
- Power Generation/Transmission
- Recreational Boating
- Recreational Fishing
- Tourism
- Transportation



CONCERNS OF INDUSTRY

- Unintended consequences
- The Devil is in the details
- New layers of bureaucracy
- Lack of adequate input in the process
- Greater restrictions
- Long delays for permits/approvals
- New fees, taxes, expenses



Specific Issues

- Ocean zoning – More restrictions
- Preservation of multiple use
- Precautionary Principle 15 (Rio Declaration)
- Potential for confusion/Authorities & Existing Statutes
- Limited stakeholder input/knowledge
- Costs, Taxes, Fees
- Decision-making structure (National Ocean Council, regional bodies)
- How far inland will it reach?
- State versus Federal jurisdiction/Statutory authority





NATIONAL
OCEAN
POLICY
COALITION

COASTAL AND MARINE SPATIAL PLANNING

- “...a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.”
- “...identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.”
- “...provides a public policy process for society to better determine how the ocean, our coasts, and Great Lakes are sustainably used and protected...”

Source: Executive Order 13547, “Stewardship of the Ocean, Our Coasts, and the Great Lakes,” Issued by President Obama on July 19, 2010



OCEAN ZONING

- Assumption of Conflict
- Use of CMSP to determine which activities should take place where:

“Multiple existing uses (e.g. commercial fishing, recreational fishing and boating...marine transportation, sand and gravel mining, and oil and gas operations) and emerging uses (e.g., off-shore renewable energy and aquaculture) would be managed in a manner that reduces conflict, enhances compatibility among uses...”

(Final Recommendations at 48)

- Impact of ocean zoning on operations of commercial and recreational industries could be severe



NATIONAL
OCEAN
POLICY
COALITION

PRECAUTIONARY PRINCIPLE

- “CMSP would be guided by the precautionary approach as reflected in Principle 15 of the Rio Declaration, “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”” (Final Recommendations at 49)
- Concerns over what will constitute cost-effective?
- How can CMSP be based on “sound science” under such an approach?
- Concern over unrealistic burden of proof on ocean users



NATIONAL
OCEAN
POLICY
COALITION

POTENTIAL FOR CONFUSION

- “**The Task Force is mindful that these recommendations may create a level of uncertainty and anxiety among those who rely on these resources and may generate questions about how they align with existing processes, authorities, and budget challenges.**” (Final Recommendations at 9, 77)
- Nine regional planning areas – potentially contentious, political process
- “**CMS Plans are expected to vary from region to region according to the specific needs, capacity, and issues particular to each region.**” (Final Recommendations at 58)
- Questions over state authority



- Mechanisms for new taxes and fees
- “Most governments that undertake MSP have to rely on direct allocations to their budgets from general tax revenues...There are, however, other financing mechanisms available that can generate substantial increases in funding for MSP. Alternative financing can include...user fees...” (UNESCO Guide at 32)
- “Economic incentives include...surcharges on inputs such a fertilizer and energy, effluent charges, user fees, access fees, license fees, right-of-way fees, development fees, and permit fees.” (UNESCO Guide at 75)
- At a time of unprecedeted economic turmoil and uncertainty, now is not the time for new or increased fees to be assessed on industry



DECISION-MAKING STRUCTURE

- National Ocean Council (NOC), initially composed of 27 federal officials and co-chaired by two presidential appointees, to certify CMS Plans and resolve regional disputes, referring to the President when the NOC is unable to reach consensus
- Department of Commerce has 2 NOC representatives (Secretary and NOAA Administrator)
- Nine regional planning bodies responsible for developing regional CMSPs to be composed of an unknown number of “Federal, State, and tribal authorities relevant to CMSP for that region”
- States may not comprise a majority of each body; even if they do, the dispute resolution process could render concerns of states moot
- Apparatus could be ripe for hasty and political decision-making



NATIONAL
OCEAN
POLICY
COALITION

BOTTOM LINE

- Healthy and vibrant oceans, coasts, and Great Lakes in industry's interest, too
- We want to ensure commercial and recreational interests are part of the solution. CEQ has told us we will be part of the solution
- Want to avoid new layers of bureaucracy/long delays
- We want to avoid unintended consequences
- Want to see greater certainty
- With adequate stakeholder input a successful outcome is possible





NATIONAL
OCEAN
POLICY
COALITION

QUESTIONS?



Jack Belcher
Partner, Energy North America
832-248-2914
jack.belcher@energy-northamerica.com