



The International Business Alliance  
for Corporate Ocean Responsibility

**Analysis of Industry  
Comments  
on the  
National Ocean Policy:  
Draft NOP Implementation  
Plan (2012)  
&  
Strategic Action Plans (2011)**

**2015**

# Introduction

In July of 2010, President Obama signed an Executive Order establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes (National Ocean Policy/NOP).<sup>1</sup> To translate the National Ocean Policy into substantive actions, the National Ocean Council (NOC) released nine strategic action plan (SAP) outlines for public review to describe how Federal agencies could address the priority objectives as described in the NOP.<sup>2</sup> The focus of the nine strategic action plans<sup>3</sup> were:

- Ecosystem-Based Management
- Coastal and Marine Spatial Planning (CMSP)
- Inform Decisions and Improve Understanding
- Coordinate and Support
- Resiliency and Adaptation to Climate Change and Ocean Acidification
- Regional Ecosystem Protection and Restoration
- Water Quality and Sustainable Practices on Land
- Changing Conditions in the Arctic
- Ocean, Coastal, and Great Lakes Observations, Mapping, and Infrastructure

The SAP outlines, intended as draft documents, provided opportunities for public and stakeholder input. The NOC opened the strategic plan outlines for comment in the spring of 2011 with the intent to incorporate them into a future Implementation Plan. In early 2012, the National Ocean Council released the draft Implementation Plan for public comment.

The purpose of this paper is to summarize common themes on the National Ocean Policy as generated through formal public comments by industry. As such, World Ocean Council (WOC) staff reviewed comments submitted by ocean-related businesses and associations at both the SAP outline and Draft Implementation Plan stages. Comments submitted from the private sector were analyzed for priorities, key messages and recommendations. From those comments, common themes emerged which are summarized in this paper. Full comments are available online (via web addresses in endnotes) and are documented in a separate table.<sup>4</sup>

## Common Themes

Numerous ocean businesses made specific recommendations for the NOC during the commenting periods for the SAPs and Draft Implementation Plan. The following recurring themes emerged in the comments.

- 1. Lack of funding and inappropriate allocation of funding for the NOP remains an industry concern.**

2. **The NOP should be implemented in a manner that is consistent with the existing Regional Fishery Management Councils and other regulatory bodies.**
3. **Public and stakeholder involvement should be increased and encouraged.**
4. **More clarity is needed in the Implementation Plan and Strategic Action Plans.**
5. **The Implementation Plan inadequately involves the States.**
6. **The NOP should advance the collaboration of information resources.**
7. **The NOP lacks necessary legislative support.**

Selected comments from these themes are included below which highlight details provided by ocean businesses.

### **Lack of funding and inappropriate allocation of funding for the NOP was an industry concern during both comment periods.**

Many industry sectors expressed concerns regarding the issue of funding the draft Implementation Plan and, overall funding to implement the National Ocean Policy. A recurring theme was that funds will have to be redirected from programs and offices viewed as “already strained” and that the NOP needs a specific and permanent source of funding. The following comments offer details regarding NOP funding.

- The Garden State Seafood Association commented that government and the private sector do not have enough funding or scientific information to adopt Ecosystem Based Management (EBM).<sup>5</sup>
- The American Sportfishing Association recommended avoiding public-private funding partnerships for CMSP and that the federal government should not seek or collect private funding to aid in the development of regional coastal and marine spatial plans.<sup>6</sup>
- The Western Pacific Regional Fishery Management Council recommended that the NOC consider broadening existing federal funding solicitations to support existing efforts.<sup>7</sup>
- The American Sportfishing Association commented that the SAPs did not adequately acknowledge the extraordinarily heavy burden CMSP would place on state natural resource agencies, which were suffering from budget cuts and already were struggling to meet their most basic management responsibilities.<sup>8</sup>
- The North Pacific Fishery Management Council noted that implementation of this plan should not come at the expense of ongoing, mission critical activities of NOAA and other agencies as they pertain to fisheries management under the Magnuson-Stevens Act.<sup>9</sup>

### **The NOP should be implemented in a manner that is consistent with the existing Regional Fishery Management Councils and other regulatory bodies.**

A common theme centered on the need to respect the role and authority of existing regulatory bodies, such as Regional Fishery Management Councils. Commenters called for implementation to be consistent with existing regulatory authorities, not add an extra layer of regulation, and not cause conflicting obligations on the part of permit applicants or permitting agencies.

- The Port of Long Beach called for NOP implementation to be consistent with the Port's existing regulatory and statutory obligations which result from regulation by multiple federal agencies.<sup>10</sup>
- The Northwest and Alaska Seafood Industry called for the Regional Fishery Management Council process to be exempt from this program given their long-term management already in place.<sup>11</sup> Similarly, the Atlantic States Marine Fisheries Commission urged cooperation with Interstate Fisheries Commissions.<sup>12</sup>
- The North Pacific Fishery Management Council expressed concern with the limitation that the Council representative on the regional planning bodies must be a Council member who is also a governmental representative. They suggested a reevaluation of this strategy.<sup>13</sup> This concern was echoed by Rebait Commercial Fishing which recommended that regional management councils should be more significantly involved going forward.<sup>14</sup>
  - The Council of Great Lakes Industries reaffirmed its view that the extensive ecosystem protection and restoration plans developed by multi-stakeholders in the Great Lakes should be the basis for such regional activity by the National Ocean Council.
  - The North Pacific Fishery Management Council called for effective dispute resolution mechanisms.<sup>15</sup>

### **Public and stakeholder involvement should be increased and encouraged.**

The most common theme addressed by industry sectors pertained to involvement of stakeholders and the public at large. Many industry submissions cited the need for a transparent and fair process that included the active solicitation and reflection of public and private sector views. This included the need for increased stakeholder involvement such as more opportunities for affected groups (like fishermen) to be directly involved in the processes implementing the NOP.

- The National Mining Association encouraged increased stakeholder involvement.<sup>16</sup>
- Strategic Earth Consulting called for the NOC to use the NOP as an opportunity to prioritize public involvement by highlighting the value of public engagement as essential to the overall success of implementing the policy.<sup>17</sup>
- The Pacific Coast Shellfish Growers Association requested that the NOP Implementation Plan further demonstrate stakeholder engagement. The association recommended that the NOC consider adding ex-officio stakeholder members to the Interagency Working Group on Aquaculture, or at least define a process that would allow the shellfish-

growing community to engage the Working Group to identify roadblocks, inconsistencies and inefficiencies.<sup>18</sup>

- The Recreational Fishing Alliance commented on the difficulty for the general public to engage in the new process and that the “Plan creates a system of bureaucracy where only the professional, salaried special interests will be able to afford to engage in the process and the voice/needs of the average fisherman will be lost.”<sup>19</sup>
- Boat U.S. recommended membership on regional planning bodies should include stakeholders from user groups that best reflect state and regional activities and interests, not merely acknowledge “the importance of stakeholder participation.”<sup>20</sup>
- The Arctic Slope Regional Corporation recommended the NOC implement the NOP in a manner that provided for significant input opportunities for regional, state and local stakeholders.<sup>21</sup>
- The Seattle Aquarium urged the NOP to increase collaboration with aquarium partners in order to reach the public.<sup>22</sup>
- The Council of Great Lakes Industries noted that stakeholders need to lead planning efforts not only by providing comments but also reviewing scientific information.<sup>23</sup>

### **More clarity is needed in the Implementation Plan and Strategic Action Plans.**

Several sectors expressed concern regarding the lack of clarity in the Implementation Plan and SAPs, including the implementation of Ecosystem-Based Management (EBM). Many wanted clearer definitions of terms and strategies and requested timelines be established for implementation goals.

- The Jersey Coast Anglers Association noted that the plan does not discuss how ecosystem-based management will be accomplished and called for a clear EBM definition.<sup>24</sup>
- The Recreational Fishing Alliance expressed concern regarding the speed of EBM implementation, stating that it may exceed the limitations of the information at hand. The Alliance suggested that the plan commit to funding programs to gather the information and data necessary for the EBM approach.<sup>25</sup>
- The American Petroleum Institute noted the Plan’s lack of detailed information and clarity provided to date regarding the need for the NOP and how it will be implemented.<sup>26</sup>
- The American Sportfishing Association noted that the outline on CMSP lacks sufficient acknowledgement of public recreational uses of public ocean resources or reassurances regarding CMSP potentially leading to the closure of large marine spaces to recreational activities.<sup>27</sup>

### **Duplication of Efforts:**

- The Arctic Slope Regional Corporation urged the NOC to clarify and implement the NOP in a manner that does not duplicate existing programs/processes. Instead, the Corporation suggested building on existing programs to fill gaps and develop more robust science-supporting policies.<sup>28</sup>

- The American Petroleum Institute encouraged the NOC to develop an implementation strategy that recognizes and works with the many existing laws and regulations. As a recommendation, it suggested the NOC should not seek to create a new management regime or develop a new regulatory program to implement the SAPs for oil and gas activities already covered by the OCSLA.<sup>29</sup>
- Delta Constructors, in regards to changing conditions in the Arctic, recommended that Alaska's economy, based on responsible resource development done in accordance with local, state and federal environmental protections and laws already in place, must be fully considered before plans are implemented.<sup>30</sup>

#### Use of Scientific Information

- The Pacific Fishery Management Council commented that existing available science information was not a major impediment to EBM implementation but that EBM needed to result in the proper application of the best scientific information available.<sup>31</sup>
- Nuna Technologies proposed prioritizing high resolution mapping of Alaska's shoreline and bathymetry, noting these were critical for Strategic Action Plan 9.<sup>32</sup>
- The Alaska Oil and Gas Association recommended that emphasis be placed on sound science and supported sharing of science and increased knowledge to better inform decision-makers without delaying economic development opportunities due to endless study.<sup>33</sup>

#### **The Implementation Plan inadequately involved the States.**

As a whole, commentators encouraged more regional implementation and enforcement and that involvement from the States be a central focus. In addition, many in the private sector stated that state and local authorities needed to be respected in managing resources and activities and that the NOP did not adequately involve the States in their overall goals.

- The National Aquaculture Association expressed concern that the Plan and its implementation appear to reflect a top-down approach that has inadequately involved the states.<sup>34</sup>
- The Jersey Coast Anglers Association questioned how federal goals will be met without total cooperation from the states.<sup>35</sup>

#### **The NOP should advance the collaboration of information resources.**

A general focus on the collaboration of information resources appeared throughout the comments. The private sector emphasized a need for shared science and data, as well as information made available to the public, in order to effectively implement the NOP. As a whole, commentators were in favor of shared data among organizations and agencies and encouraged the NOP to actively promote such efforts.

- The San Mateo County Harbor District encouraged the NOP to "actively promote collaboration and cooperation regarding mapping, research, and information

dissemination between agencies and research institutions with local port and harbor administrations to facilitate these activities.”<sup>36</sup>

- Radio Science Fishing requested more information on scientific evidence and other documentation to be released to the public.<sup>37</sup>
- Boat U.S. recommended that the NOC make every effort to include non-federal data and information and to incorporate socioeconomic data across the many and varied human uses and activities at [www.data.gov/ocean](http://www.data.gov/ocean).<sup>38</sup>

### **The NOP lacked necessary legislative support.**

Industry sector comments also included concern over the manner in which the NOP was created and how this may affect the policy in the future. President Obama signed an Executive Order to establish the NOP in 2010, forgoing legislative approval to become law. Several comments recommended gaining legislative support of the NOP.

- The New Jersey Council Diving Clubs stated that legislative support for the NOP is needed and that an Executive Order is insufficient authority to move the plan forward.<sup>39</sup>
- Kelley Drye & Warren, LLP stated its concern that the implementation plan originated via Presidential action and not through Congress.<sup>40</sup>

## **Conclusion**

The comment period for the SAPs occurred in Spring 2011 while the comment period for the draft Implementation Plan occurred in early 2012.<sup>41</sup> Over this period of time, the comments became more articulate and detailed, with a substantial increase in specific recommendations. However, the common themes from industry comments did not differ significantly from the SAP-focused comments to those addressing the Draft Implementation Plan. In addition, throughout the comments by the private sector, there were noticeable themes that encouraged regionally-specific designs and implementation.

## Appendix I – Private Sector Commenting Organizations and Associations

Organization	Industry Sector
Alaska Oil & Gas Association	Energy and Mining
American Association of Port Authorities	Marine Transportation
American Petroleum Institute	Energy and Mining
American Sportfishing Association	Tourism and Recreation
American Waterways Operators	Marine Transportation
Atlantic States Marine Fisheries Commission	Renewable Living Resources
Boat US	Tourism and Recreation
Coalition of Coastal Fisheries	Renewable Living Resources
Commercial Fisherman	Renewable Living Resources
Diving Equipment and Marketing Association	Tourism and Recreation
East Coast Growers Association	Renewable Living Resources
Fishermen of Grays Harbor	Renewable Living Resources
FSFA & SAFMC	Renewable Living Resources
Garden State Seafood Association	Renewable Living Resources
Great Lakes Boating Federation	Tourism and Recreation
Hawaii Aquaculture and Aquaponics Association	Renewable Living Resources
Jersey Coast Anglers Association	Tourism and Recreation
Kelley Drye & Warren LLP	Business Support and Professional Services
Louisiana Seafood Promotion and Marketing Board	Renewable Living Resources
Maine Coast Fishermen's Association	Renewable Living Resources
Marine Fisheries Advisory Council	Renewable Living Resources
Marine Technology Society	Marine Technology
National Aquaculture Association	Renewable Living Resources
National Association of Charterboat Operators	Renewable Living Resources
National Fisheries Institute	Renewable Living Resources
National Marine Manufacturers	Tourism and Recreation
National Mining Association	Energy and Mining

National Ocean Industries Association	Energy and Mining
NJ Council Diving Clubs	Tourism and Recreation
North Pacific Fishery Management Council	Renewable Living Resources
Northwest and Alaska Seafood Industry	Renewable Living Resources
Offshore Wind Development Coalition	Energy and Mining
Pacific Coast Shellfish Growers Association	Renewable Living Resources
Pacific Fishery Management Council	Renewable Living Resources
Pacific Northwest Waterways Association	Marine Transportation
Pacific State Marine Fisheries Commission	Renewable Living Resources
PODenergy Inc	Energy and Mining
Port of Long Beach	Marine Transportation
Recreational Fishing Alliance	Tourism and Recreation
Salmon Unlimited	Tourism and Recreation
San Mateo County Harbor District, California	Marine Transportation
Shell Exploration & Production Company	Energy and Mining
Soy Aquaculture Alliance	Renewable Living Resources
Statoil	Energy and Mining
Strategic Earth Consulting	Business Support and Professional Services
The Congressional Sportsmen's Foundation	Tourism and Recreation
The Sportfishing Conservancy	Tourism and Recreation
Transportation Institute	Marine Transportation
W. H. Nuckols Consulting	Business Support and Professional Services
Western Pacific Regional Fishery Management Council	Renewable Living Resources
North American Submarine Cable Association	Marine Construction and Facilities
Radio Silence Fishing	Renewable Living Resources

## Endnotes

<sup>1</sup> <http://www.whitehouse.gov/files/documents/2010stewardship-eo.pdf>.

<sup>2</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/national\\_ocean\\_policy\\_draft\\_implementation\\_plan\\_01-12-12.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf) at p. 95.

<sup>3</sup> <http://www.whitehouse.gov/administration/eop/oceans/sap>.

<sup>4</sup> Appendix II.

<sup>5</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_5.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_5.pdf) at p. 98.

<sup>6</sup> *Id.* at p. 4.

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<sup>7</sup> [id.](#) at p. 414.

<sup>8</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/full\\_website\\_public\\_comments\\_6\\_30\\_11\\_to\\_7\\_2\\_11\\_final\\_0.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/full_website_public_comments_6_30_11_to_7_2_11_final_0.pdf) at p. 708.

<sup>9</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_4.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_4.pdf) at p. 297.

<sup>10</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_5.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_5.pdf) at p. 424.

<sup>11</sup> [id.](#) at p. 362.

<sup>12</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/sap\\_website\\_public\\_comments\\_6\\_18\\_11\\_to\\_6\\_29\\_11\\_with\\_attachments.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/sap_website_public_comments_6_18_11_to_6_29_11_with_attachments.pdf) at p. 170.

<sup>13</sup> [id.](#) at p. 297.

<sup>14</sup> [id.](#) at p. 32.

<sup>15</sup> [id.](#) at 188.

<sup>16</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_5.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_5.pdf) at p. 412

<sup>17</sup> [id.](#) at p. 113.

<sup>18</sup> [id.](#) at p. 495.

<sup>19</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_5.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_5.pdf) at p. 218.

<sup>20</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_8.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_8.pdf) at p. 97.

<sup>21</sup> [id.](#) at p. 254.

<sup>22</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/website\\_comments\\_received\\_6\\_2\\_11\\_to\\_6\\_9\\_11a\\_nd\\_attachments.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/website_comments_received_6_2_11_to_6_9_11a_nd_attachments.pdf) at p. 6.

<sup>23</sup> [id.](#) at p. 169.

<sup>24</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_4.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_4.pdf) at p. 424

<sup>25</sup> [id.](#) at p. 218.

<sup>26</sup> [id.](#) at p. 125.

<sup>27</sup> [id.](#) at p. 708.

<sup>28</sup> [id.](#) at p. 254.

<sup>29</sup> [id.](#) at p. 931.

<sup>30</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/website\\_comments\\_received\\_6\\_2\\_11\\_to\\_6\\_9\\_11a\\_nd\\_attachments.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/website_comments_received_6_2_11_to_6_9_11a_nd_attachments.pdf) at p. 14.

<sup>31</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/full\\_website\\_public\\_comments\\_6\\_30\\_11\\_to\\_7\\_2\\_11\\_final\\_0.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/full_website_public_comments_6_30_11_to_7_2_11_final_0.pdf) at p. 33, 166.

<sup>32</sup>

[http://www.whitehouse.gov/sites/default/files/microsites/ceq/website\\_comments\\_received\\_6\\_2\\_11\\_to\\_6\\_9\\_11a\\_nd\\_attachments.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/website_comments_received_6_2_11_to_6_9_11a_nd_attachments.pdf) at p. 14.

<sup>33</sup> <http://www.aoga.org/sites/default/files/news/03-28-12-aoga-cmts-on-draft-nop-implementation-plan-final.pdf>.

<sup>34</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_3.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_3.pdf) at p. 13.

<sup>35</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_4.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_4.pdf) at p. 424.

<sup>36</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_1.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_1.pdf) at p. 13.

<sup>37</sup> [id.](#) at p. 11.

<sup>38</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_8.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_8.pdf) at p. 97.

<sup>39</sup> [id.](#) at p. 124.

<sup>40</sup> [http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip\\_public\\_comments\\_week\\_4.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/ip_public_comments_week_4.pdf) at p. 426.

<sup>41</sup> <http://www.whitehouse.gov/administration/eop/oceans/comments>.