

U.S. State Coastal and Marine Spatial Planning: Statutory Approaches, Similarities, and Distinctions

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ABSTRACT: Primary sector use of marine resources has historically driven offshore planning in the United States. But the increase in number and type of uses of ocean space and resources coupled with recognized declines in the state of some resources and the ecosystems upon which they depend has led managers to contemplate and design multi-use ecosystem oriented approaches to ocean planning, with the latest driver identified as renewable energy development. Here, we provide a brief overview of five leading examples of coastal marine spatial planning (CMSP) at the state level in the U.S.: California, Massachusetts, New York, Oregon, and Rhode Island. For each state, we examine the impetus, apparatus (legislative control, stakeholder process, benefits/drawbacks), and status to illustrate influences on and approaches to CMSP. This examination highlights the degree to which each state employs attributes deemed important to CMSP. We find that the legislative detail driving each CMSP effort varies, as does the delegation of planning authority to relevant administrative bodies. Those differences set the stage for varying benefits and challenges.

KEY WORDS: COASTAL, MARINE, SPATIAL PLANNING, LEGISLATION

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INTRODUCTION

Increasing knowledge about the interconnectedness of marine and coastal systems drives the development and evolution of ecosystem informed policies to govern those systems and the benefits they provide. Yet increasing understanding of coastal/marine ecosystems does not, in and of itself, shift governance from reactive to pro-active, or from single-sector to comprehensive. Coastal and marine spatial planning (CMSP) is an approach designed to facilitate informed consideration of ocean use and development (or conservation) with multi-use forethought.

In recent years, a number of U.S. coastal states have engaged in planning and resource stewardship efforts that go markedly beyond single sector resource-oriented management. In particular, California, Massachusetts, New York, Oregon, and Rhode Island have each engaged in CMSP management approaches that have been “firsts” in one way or another. Currently, the executive branch National Ocean Council is developing CMSP approaches relying on existing legislation and administrative structures.

This article outlines the impetus, apparatus and status of CMSP in the five states. The examination of impetus for engaging in CMSP reveals that renewable energy siting plays a discernible role. The review of statutory apparatus includes an analysis of each state’s enabling legislation for explicit reference to CMSP attributes (though not necessarily explicit use of the term CMSP), highlighting similarities and differences between the five states under review.

CONTEXT AND METHODS

While there are no uniformly accepted elements of CMSP, ocean planning efforts around the world and emerging in the U.S. states are coalescing into widely accepted standards and approaches. Accordingly, CMSP may be assessed by the inclusion/absence of key mechanisms. (Ehler & Douvere, 2009; Gillard & Laffololey, 2008). A number of researchers have noted that where and how those principles are articulated is important as well. Some have highlighted the importance of a “strong, legislative mandate” in the context of California’s system of MPAs, scrutinizing goals, objectives, guidelines, and defined integration for a wide range of both agencies and stakeholders (Kirlin et al., 2012; Fox et al., 2012). Other scholars have examined the importance of different components in the [C]MSP process more generally, with the passage of legislation being an important legitimizing mechanism in the national and international context (Schaefer & Barale, 2011).

Our examination of impetus for CMSP in the five states included a review of ocean development efforts, stakeholder engagements and resulting public policy to gain a sense of principal drivers. To examine the legislative apparatus in the five states we reviewed the primary or networked laws that effectively enable CMSP. For each state we then assessed recent efforts, accomplishments, and/or challenges. We set forth a summary of our impetus/apparatus/status observations in Appendix A. We follow that general review with a more detailed examination of CMSP attributes in each state.

Based on our review of the literature regarding CMSP legal structures, we identified and applied five recurring themes deemed important to CMSP legislation:

- clearly stated guidelines;
- clearly stated desired outcomes;
- the use of timelines;
- empowerment of multiple stakeholders; and,
- financing provisions.

In order to break these themes into factors that we could score, we examined the goals of ecosystem based CMSP within the National Ocean Policy draft implementation plan (N.O. Council, 2012). Researches coded state statutory language that included given factors as “1,” and states lacking statutory factors as “0.” This coding allowed us to “score” each state to reflect our findings regarding particular attributes and factors (see Appendix B).

ASSESSMENT OF STATE COASTAL AND MARINE SPATIAL PLANNING EFFORTS

Based on the general and detailed reviews we reflect on similarities and distinctions among the states.

I. California

A. Impetus

California's eleven hundred miles of coastline are an essential part of the state's economy. Over seventy-five percent of the state's population lives in coastal counties and in 2010 about two hundred million tourists visited California ocean communities (CNR, 1997; *COPC, 2011*). The state noticed a substantial decline of commercial fish catch between 1976 and 2000, from over a billion pounds to just six hundred and fifty million (Sivas & Caldwell, 2008; Kildow & Colgan, 2005). Ocean pollution impacts recreation, public health, and marine ecosystems, all deemed vital to California's economy (*COPC, 2011*). The state has experienced impacts from offshore oil and gas development, sewage from offshore ships and other vessels, a regular influx of invasive species, and beach closings that reached over four thousand in 2006 (Sivas & Caldwell, 2008).

Sea level rise poses a significant threat to the California coastal areas (*COPC, 2010*). In 2002, the state set a goal of twenty percent renewable energy by 2013 for all suppliers of electricity to California customers (California RPSP, 2002). Subsequent legislation and executive branch directives called for an increase in the renewable energy portfolio standard to thirty-three percent by 2020 (California E.O., 2008; California RPSP, 2002). A 2010 agreement between the California Natural Resources Agency, the California EPA, and the California Public

Utilities Commission established a coordinated review process for hydrokinetic energy development (California/FERC, 2010).

B. Statutory Apparatus

A 1972 voter initiative to protect the coastline followed by the passage of the California Coastal Act (CCA) of 1976 led to the creation of the California Coastal Commission (CCC) (Proposition 20, 1972; OCRM, 2001; Notthoff, 2009). The enabling act established six regional coastal boards (CCA, 1976, § 30103). The structure of the CCA accommodated the pre-existing San Francisco Bay Conservation and Development Commission (BCDC) and included a series of explicit legislative goals (coastal zone protect/maintenance, balance of economic and social use with conservation of coastal resources, maximizing public access and encouragement of state and local initiatives for coordinated development of the coast) (CCA, 1976). The act and related statutes served as the basis of California's coastal zone management program certified by the National Oceanic and Atmospheric Administration (NOAA) in 1978 (OCRM, 2001). The Act also authorizes the State Coastal Conservancy to acquire land for natural resource protection, improve public access along the coast, restores urban waterfronts, support coastal-dependent industries, and support environmental education programs (CCA, 1976; OCRM, 2001).

Currently, the California coast and state waters out to three nautical miles are regulated through the work of multiple state agencies including the BCDC, the CCC, the State Lands Commission, the State Coastal Conservancy, the State Parks Commission, the Department of Fish and Game, and the California Ocean Protection Council (COPC) (Caldwell & Segall, 2007). Seven different California codes pertain to ocean and coastal management: the Fish and Game, Government, Harbors and Navigation, Health and Safety, Penal, Public Resources, and Water

codes, and assessments of the impact of the CCA demonstrate that it has not achieved a comprehensive ecosystem approach to marine management (Sivas & Caldwell, 2008, at 233). Instead, most of state coastal and ocean management policies remain focused on single sectors (CNR, 1997). In 1989, the Legislature passed the California Ocean Resources Management Act (ORMA), creating a task force, transferring all non-statutory coastal programs to the Secretary for Resources, and mandating the development of an action plan, known as the Ocean Agenda. The Ocean Agenda recommended two initiatives: 1) increased coordination among state agencies and, 2) a clear process for coordination among agencies, the public, and industry (CNR, 1997).

In 1999, the legislature passed the California Marine Life Protection Act (MLPA) in order to implement area-based planning that would network existing Marine Protected Areas (MPAs). The legislature required State Fish and Game Commission to create and adopt a Master Plan for MPAs (California MPMPA, 2008), guided by 11 legislatively directed components (California MLPA, 1999; California MPMPA, 2008). The planning process is limited by its focus on extracted resources under the jurisdiction of the Fish and Game Commission. The Marine Managed Areas Improvement Act (MMAIA) of 2000 further streamlined the MPA planning process by reducing the eighteen classifications for marine managed areas into six classifications (California DFG, MPA Mobile, Map Legend). The Interagency Coordinating Committee created under the act includes members from all agencies with jurisdiction over marine managed areas (Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board and State Lands Commission). A public review and comment process with workshops and hearings are required

under the MMAIA by the pertinent agencies and all information provided by the scientific review panel must be available to the public. Planning for MPAs has progressed since 2004 by region, coordinated by the California DFG (California MLPA, DFG, 2004-2012).

The California Ocean Stewardship Act of 2000 directed the Resources Agency to coordinate ocean science at the state, federal and local levels, and created the California Ocean Trust, with the purpose of finding new funding for ocean science, and to fund ocean resource management and coordination. Trustees include agency representation from the Resources Agency and Environmental Protection, as well as members of the public, and representatives from higher education and ocean industry.

The legislature passed the California Ocean Protection Act (COPA) in 2004, creating the California Ocean Protection Council (COPC), a cabinet level coordinating body consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and two public members appointed by the Governor. Explicit COPC authority is limited to developing coordination policies, award grants, enter into interagency agreements, and provide assistance to public agencies and nonprofits to support this effort (COPA, 2004). The California Ocean Protection Trust fund under the Act requires the Legislature to go through the appropriation process, but directs funding towards COPC planning activities, developing sustainable fisheries, coastal water quality, and ecosystem based management. COPC developed a Five Year Strategic Plan (COPC, 2012-2017) to establish long-term goals for California's coast and oceans and coordinate state agency activities that has resulted in the integration of data and gap analysis (COPC, 2012-2017, at 26; COPC, 2012-2017, Exhibit 1). Outreach is required in regards to commercial and sport fishing groups, conservation

organizations, waterfowl and recreational groups, academia, the public and all levels of government (COPA, 2004). The 2008 Master Plan for Marine Protected Areas (MPMPA) describes COPC as tasked with ‘promoting’ coordination of ocean protection across agencies (California MPMPA, 2008).

1. Legislative Control

The Legislature has not provided adequate coordinating authority either to the CCC or the COPC to comprehensively coordinate CMSP. For example, neither the CCC nor the COPC were included as parties in the State’s MOU with FERC for siting energy in state waters, which included the California Natural Resources Agency, the California DEP, and the California Public Utilities Commission (California/FERC MOU, 2010). The CCA does include provisions regarding the development of energy or public works, allowing entities pursuing a public works or energy facilities to request amendments to coastal programs, with an appeal process available via the CCC (CCA, 1976, §30515).

2. Benefits/Drawbacks to Approach

The COPC does not have significant coordinating authority (CCA, 1976, §30515), but, as reflected in the Five Year Strategic Management Plan, the COPC is moving in this direction by developing partnerships with the CCC to improve sediment management and water management (COPC, 2012-2017). Existing COPC authority is focused on integrating information between agencies and providing funding for specific projects – which may ultimately provide the informational framework needed to engage in comprehensive CMSP.

C. Status

With a focus on MPAs, California has developed online mapping and data integration tools (NMPAC, MCBI, 2010; NMPAC, California Atlas). The Department of Fish and Game also maintains an online mapping system of the MPAs focusing on the location and classification of federal and state MPAs along the California coast (California DFG, MPA Mobile). CMSP geared towards supporting ocean energy has also moved forward: in 2008, the COPC, in coordination with the California Energy Commission, and the Public Interest Energy Research Program, issued a grant to investigate the economic, social and environmental effects of offshore wave energy development in the state (CEC, PIERP, COPC, 2008; Salcido, 2011). But, these efforts have not culminated in the designation of large-scale areas suitable for development for California waters.

II. Massachusetts

A. Impetus

Conversion of wetlands to agricultural lands and the dependence on waterways for the generation of energy and for waste disposal intensified during the industrial revolution of the 19th century. This was followed by the decline of industry and investment in private property and coastal development in the twentieth century, which has fed into a pattern of habitat destruction and degradation throughout Massachusetts Coastal waters (Mass. OCZM, 2008). From 1883 to 1995, the state lost 8,200 acres of estuarine marshes (Carlisle, 2005).

In recent year, dependence on, and impacts from, fossil fuels prompted Massachusetts to explore the possibility of utilizing the state's coastal/ocean resources for clean renewable energy.

(Mass. OMTF, 2004; Mass. EOEEA, 2009). Between 1997 and 2008 Massachusetts passed a series of energy portfolio and greenhouse gas reduction laws to steer away from fossil fuels and towards cleaner energy sources: the Electric Restructuring Act of 1997, Green Communities Act of 2008, and the Global Warming Solutions Act of 2008. A 2001 proposal to develop a commercial scale offshore wind farm in Nantucket Sound to address the state's renewable energy desires seemed timely, but the size and location of the project raised considerable opposition. While the project site was predominantly in federal waters (and would ultimately be reconfigured to be situated entirely in federal waters) it led to a heated and litigious debate and highlighted the lack of a comprehensive ocean planning process in the state.

B. Statutory Apparatus

Massachusetts gained federal approval its Coastal Zone Management Program in 1978 (Mass. OCZM, 2011). Five years later, the Legislature created the Office of Coastal Zone Management (CZM) within the Executive Office of [Energy and] Environmental Affairs (EOEEA), to act as the lead policy agency for the coastal plan and coordinate agencies within EOEEA.

The Massachusetts Ocean Initiative was an executive effort that began in 2003 (Mass. OCZM, 2004). The initiative created an Ocean Management Task Force comprised of a variety of private and public stakeholders and state agencies. The task force held public meetings, consulted with scientists and developed a set of recommendations including a call for legislative action to revise a dated Ocean Sanctuaries Act. In 2006, the legislature drafted an ocean management act that passed in the senate but failed to gain passage in the House of

Representatives (Mass. Senate Bill, No. 2575, 2006). In 2008, both chambers passed and the governor signed into law the Massachusetts Ocean Act (Oceans Act of 2008).

It merits noting that the 2006 and 2008 bills differed in several ways. The bill that ultimately became law included increased legislative representation within the Ocean Advisory Commission (OAC), a reduction of federal waters planning authority, the replacement of OAC municipal representation with regional planning representatives, the inclusion of renewable energy industry representatives, and the elimination of recreational fishing representatives (Oceans Act 2008; Mass. Senate Bill, No. 2575, 2006). The legislation established the Ocean Resources and Waterways Trust Fund and modified the 1989 Oceans Sanctuaries Act to permit “appropriate-scale renewable energy facilities” in ocean sanctuaries other than the Cape Cod Ocean Sanctuary after trade-off analysis in regards to public safety, the public trust, and review by regional planning agencies (Massachusetts Ocean Act, 2008; Kaplan, 2010).

Throughout 2009, EOEEA conducted eighteen public meetings, ninety stakeholder consultation and numerous additional meetings, organized and gathered information and met with relevant stakeholders prior to issuing a draft of the ocean plan (Mass. EOEEA, 2009). The draft plan was circulated for public review, received over three hundred written comments, the EOEEA hosted five public meetings around the state, and twenty-five additional informational meetings. The Oceans Act requires review of the Plan once every five years.

1. Legislative Control

The Oceans Act, which calls for the development of an integrated ocean plan, enumerated fifteen principles that the plan ought to employ. It explicitly refers to the importance of the public trust; biodiversity; commercial and recreational fishing; ecosystem health; climate change;

international, federal, state and local coordination; public access; public participation, adaptive knowledge building; and, the identification of appropriate locations for wind energy. The legislation created an advisory body which is obligated to include legislators, regional planners, coastal zone managers, marine fisheries representatives, and environmental protection agency representatives; as well as representatives with commercial fisheries, renewable energy development, and environmental interests. The Act charged the EOEEA with the development of a plan by the end of 2009.

2. Benefits/Drawbacks to Approach

The Ocean Management Plan developed in 2009 strives to shift ad hoc case-by-case ocean management to a more planned approach. It designates three distinct management zones: prohibited areas, renewable energy areas, and multi-use areas (Mass. EOEEA, 2009). These areas and the assessments employed to support their designation help to inform multiple stakeholders of ocean conditions and vulnerabilities and to steer particular types of use towards or away from particular areas.

The notion that the Massachusetts Plan is truly comprehensive or integrated is challenged by a few important realities. While the Oceans Act calls for any ocean management plan to “reflect the importance of fishing,” it nevertheless explicitly states that the State’s division of marine fisheries maintains sole responsibility for developing and implementing fisheries management plans and regulations. Further, the ocean management planning area falls short of actually reaching the coastline. Its inner boundary begins “0.3 nautical miles of seaward of mean high water” and exempts entirely certain areas such as Boston Harbor reflecting accommodations to certain municipal and established near shore uses (Mass. EOEEA, 2009).

C. Status

The recent Oceans Act allows for the once prohibited off shore energy facilities and has led to the production of a plan for state waters, an adaptable online GIS platform, and the designation of areas for new activities based on existing natural and human uses (Mass. MORIS, 2011). Given that the ocean management administration is housed within the agency overseeing coastal zone management, the legislative structure lends itself to an integrated and comprehensive CMSP process.

The state's first Ocean Management Plan is already being scrutinized to determine its effectiveness in achieving its sought after objectives. At this early stage, it is difficult to determine. At the same time, state managers involved in issues touching on the plan continue to elicit relevant information and perspectives to update the plan within five years, as required by the Act.

III. **New York**

A. Impetus

New York has a diverse coastal habitat that includes two thousand miles of ocean shoreline and four hundred and seventy three miles of great lakes coastline, including connecting rivers (NY OGLECC, 2009). Over the years, New York coasts have suffered from beach closings, decline in fisheries, invasive species and polluted waters, creating the impetus for systematic coastal, ocean, and great lakes planning. In 2004, New York adopted a renewable energy portfolio standard that requires that twenty five percent renewable energy by 2013 (NY PSC, 2004; NY EPB, 2009). In 2008, the Governor established a state energy planning board (NY EPB); followed by an executive order requiring the reduction in climate change emissions by

eighty percent by the year 2050 and an increased goal of forty five percent efficient and renewable sources by the year 2015 (NY E.O. 2, 2008). In 2009, the legislature passed an Act conferring authority to the NY EPB, requiring it to develop policies that minimize public health and environmental impacts, “in particular, environmental impacts related to climate change” (NY E.O. 24, 2009; NY EL, 2009). In 2009, the EPB developed a plan focused on renewable energy, including offshore renewable energy (NY EPB, 2009).

B. Statutory Apparatus

The New York State Legislature passed the Waterfront Revitalization and Coastal Resources Act (WRCRA) in 1981, which NOAA approved in 1982 under the federal CZMA (NY DOS, 2010). The legislation designated the Department of State (DOS) as the state agency charged with administering the program and coordinating related activities among agencies. Policies of the Act include achieving a balance between economic development and preservation, conservation of recreational and commercial natural resources, public access, and interagency coordination (NY DOS, 2006). DOS houses the Coastal Management Program (CMP) and advises the governor and state regarding coastal resources, evaluate and make recommendations on legislation relating to coastal management, and adopts or amends rules and regulations necessary for the performance of the functions of DOS.

Other agencies with roles in coastal management include Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, Business Permits, Energy, and General Services; Department of Transportation and Commerce; the Public Service Commission; and the Power Authority of the State of New York. In a further effort to coordinate state activities, the New York coastal management program contains forty-four policies to which

all government agencies must adhere (NY DOS, CMP, 2001; NY OGLECC, 2009). The WRCRA requires that "...actions directly undertaken by State agencies within the coastal area...shall be consistent with the coastal area policies of this Article." New York encourages municipalities to implement their own coastal policies to address their own needs through Local Waterfront Revitalization Plans (LWRPs) (Salkin, 2005). After the DOS has approved a LWRP, the actions of other agencies must be consistent with the local program.

In 2006, New York passed the Ocean and Great Lake Ecosystem Conservation Act, stating, "New York's coastal ecosystems are critical to the state's environmental and economic security and integral to the state's high quality of life and culture." Members of the New York Ocean and Great Lake Ecosystem Conservation Council (OGLECC) must include a variety of state agency representatives, including agriculture, economic development, conservation, historic preservation, health, transportation, energy research and development, environmental facilities corporation, state soil and water conservation, and the state university (OGLECA, 2006). Unlike other states in which the planning body represented industry and public interests, the NY OGLECC is an executive branch body.

The legislative principles that guide the OGLECC are sector neutral and lay out ecosystem based management principles – including coordinating existing laws and programs, the best science, utilizing the adaptive approach, utilizing higher education and non-profit institutions, and working trans-jurisdictionally. The word "ecosystem" appears at least once in six out of the eight planning directives. These directives also refer back to the principles in the legislative findings, which are similarly sector neutral and focus on sustainable use, ecosystem based management, good science, employing the precautionary approach, and public participation.

Much like California's OPC, the NY OGLECC does not have regulatory authority and functions as an advisory body with a directive to inventory needed ecosystem based information for the purpose of CMSP and submit a report to the governor and legislature. The OGLECC delivered a report to the Legislature and the Governor in 2008 that articulated necessary policy changes and actions needed to employ EBM within the CMSP process (NY OGLECC, 2009).

The OGLECC report was the result of agency and public participation. Fourteen community conversations across the state, and over four hundred New Yorkers attended and provided feedback (NY OGLECC, 2009). In 2008, the OGLECC completed a data gaps analysis, eliciting responses from a comprehensive set of NY Ocean and coastal data users, including private, public, and academic sectors though, notably, no responses were received from business development, communications, manufacturing, recreation or retail (NY OGLECC, SEI, 2008).

1. Legislative Control

The legislature effectively authorized the OGLECC to develop tools to inform coastal and marine EBM, and for the NY DOS to take this information and move towards amending the Coastal Management Program so that it can reach out into state and federal waters. This legislation mandates the development of the informational infrastructure needed to develop comprehensive CMSP, but the planning process itself still remains somewhat dispersed.

2. Benefits/ drawbacks

While the creation of the OGLECC has facilitated the integration of data and coordination among state agencies, it remains an advisory body under the current legislative

structure. As an executive branch body, the OGLECC may also lack the public sector input that can be a vital part of driving the CMSP process and ensuring a comprehensive approach.

C. Status

The NY OGLECC has compiled a comprehensive list of data and sources for the state, which includes both land based spatial data as well as data on state waters in the Great Lakes and in the Atlantic Region (NY OGLECC, 2008). The baseline data developed by the OGLECC allowed the NY DOS to partner with NOAA's Biogeography Branch (NCCOS) in order to develop a comprehensive understanding of the Atlantic Ocean region off of the Coast of NY extending out into federal waters. In 2012, NOAA coordinated with NY DOS to produce a report on the ecosystem off the NY Bight in order to facilitate offshore spatial planning that spans state and federal waters, and specifically to aid the siting of offshore alternative energy production (Menza, 2012). The NY DOS's report cites the 2006 Act creating the OGLECC as an impetus.

The resulting amendments to the coastal program will proceed by geographic area in two phases, with the first of focusing siting renewable energy production in Atlantic waters out to the continental shelf (NY DOS, Atlantic Ocean Amendment). In addition, the new York Power Authority (NYPA) has engaged in a detailed economic assessment and planning process for a three hundred and fifty to seven hundred megawatt project to be located in the Atlantic thirteen to fifteen miles southeast of the Rockaway Peninsula (NYPA, 2010). NYPA has submitted a lease application for undersea land to the federal government, which will be subject to the upcoming Atlantic Ocean Amendment (NYPA (2), 2011).

IV. Oregon

A. Impetus

Prompted by federal proposals in the 1980s for ocean oil, gas and hard mineral leasing, coupled with threat of foreign fishing fleets, the Oregon legislature recognized the need for a pro-active ocean planning (Oregon ORMP, 1991). In 2007, Oregon passed the Climate Change Integration Act, establishing the Oregon Global Warming Commission. In the same year, the state passed a Renewable Portfolio Standard (RPS) imposing RPS's on any utility selling three or more percent of the total retail electricity to consumers (Oregon RPS, 2007). Twenty five percent renewable sources are required by the year 2025, with ten percent required for smaller utilities by the same year (Oregon DOE, 2012; PGE, 2011).

B. Statutory Apparatus

Oregon has a long history of ocean planning, starting with the establishment of the Oregon Coastal Conservation and Development Commission in 1971. In 1973, the legislature established a statewide land-use program and created the Land Conservation and Development Commission (LCDC), charged with statewide planning goals to guide local government planning and state agency programs. Goal 17 establishes objectives for coastal shorelands, the development of an inventory of information necessary for integrated management, and focuses on the role of local governments (Oregon Goal 17, 1976). Goal 19 prioritizes the protection of marine life resources; emphasizes optimum-yield management for fisheries; and establishes a decision making process that requires an adequate inventory of information and the assessment of impacts from development actions (Goal 19, 1976).

In the late 1980s the administration developed regulations to implement Goal 19, but by 1987 these were superseded by the development of the Ocean Resources Management Plan (Oregon TSP(1), 1994). In 1987, the Legislature created the Ocean Resources Task Force via the Oregon Ocean Resources Management Act (ORMA), and a framework for integrated ocean and coastal management began to take form. The Task Force recommended the preparation of an Ocean Resources Management Plan (ORMP) centered on ocean resources management and Goal 19. The 1987 legislation required significant stakeholder participation in the planning process, reflected in the text of the 1991 Ocean Plan, which stated that “[f]ull public involvement in ocean resources issues is crucial [because the] ocean and its resources belong to the public” (Oregon ORMP, 1991). Each meeting of the Task Force was open to the public and publicized, citizens had an opportunity to speak at each gathering, and the Task Force held eight public workshops in 1988 in various locations around Oregon, with additional workshops held in 1989 and 1990 (Oregon ORMP, 1991).

In 1990, the LCDC adopted the ORMP, including the following goals: analysis of jurisdictional overlaps and conflicts; analysis of present and future ocean uses; a computer based GIS (Oregon DOE, Geographic Information System Service Center, LCDC); and recommendations for environmental management focusing on responses to oil spills and marine water quality (Oregon ORMP, 1991). In 1991, the Legislature passed amendments to the Oregon ORMA, establishing the Ocean Policy Advisory Council (OPAC) in the Office of the Governor to give coordinated policy advice (Oregon STAC, OPAC, 2012).

The Governor is responsible for appointing voting members (sector interest representatives: coastal county and city representatives, and representatives of the following sectors: commercial

fisheries (north and south coast), recreational fisheries (north and south coast), transportation, non-fishing recreation, environmental advocates, tribes, and statewide conservation). The Governor also has authority to appoint nonvoting staffing members (designees from State Departments of Fish and Wildlife, Land Conservation and Development, Geology and Mineral Industries, State Lands, Parks and Recreation, Agriculture, and the State Board of Higher Education, as well as “other departments as the Governor deems necessary”) (ORMA, 1991). The Ocean Resources Management Task Force is required under the ORMA to provide opportunity for public review and comment and must submit public comments along with the report and plan to the Governor and Legislature.

Based on the outcomes of the ORMP, the legislation required OPAC to prepare the Territorial Sea Plan (TSP) by July 1991. Under the 1991 amendments to the ORMA, ad hoc, project based “joint review panels” (JRPs) are formed to address the coordination needs of state, federal, local, and private bodies, but are not permanent (Oregon TSP (2B), 1994). JRPs serve advisory roles in preparing resource inventories, impact evaluations, and review of NEPA environmental assessments. The Council’s planning duties involve reviewing the TSP, developing recommendations for state agencies, acting as a mediator, developing trade-offs analysis for marine reserves, and advising on ocean resource management issues (OR ORMA, 1991). Once the LCDC approves recommendations from the OPAC, the relevant state agency must carry them out. The 1991 Legislation made consultation with local governments mandatory in the context of major ocean developments (Oregon TSP (2C), 1994).

In 2009, following Oregon’s adoption of a progressive state RPS, OPAC and the LCDC created a new chapter of the TSP for renewable energy facilities and other related infrastructure.

The new chapter lay out a permitting and licensing process, describing pertinent conservation considerations, and establishing the Northeast National Renewable Marine Renewable Energy Center (NNMREC) mobile ocean test berth (MOTB) (Oregon TSP, 2008; Oregon TSP, 2009). The chapter also gives direction to applicable state agencies for siting and regulation of renewable energy facilities, provides guidance to federal agencies in regards to development in adjacent federal waters, and requires any sited renewable energy projects to submit an adaptive management plan in addition to a monitoring approach that will investigate resulting impacts on natural resources (Oregon TSP, 2009). The first test site for wave energy is scheduled for completion in 2012 and has involved a stakeholder process with input from fishermen (Oregon MOTB, NNMREC).

The State Wildlife Fund must be utilized in a manner consistent with the State Department of Fish and Wildlife work plan, and must contain multiple elements regarding marine reserves, including ecological and socioeconomic inventories, community planning teams that involve local governments, fishing and non-fishing representatives, recreationalists, watershed council representatives, scientists, and conservationists. These plans also require enforcement mechanisms, provisions for meeting baseline data standards under the state's management regime, and implementation strategies (OR ORMA, 1991).

1. Legislative Control

The Legislature described and mandated elements for inclusion in the Ocean Plan, indicating some legislative control over the CMSP process. In addition, the legislature effectively networked ocean related legislation within overall state planning goals and objectives, thereby linking ocean and terrestrial planning frameworks and objectives. However, as recent

amendments to the TSP in regards to ocean energy reflect, the legislature has provided the administration significant planning authority.

2. Benefits/Drawbacks to Approach

The Oregon TSP reflects an adaptable administrative framework that is responding to legislative input and developments, including state renewable energy standards. However, while the Scientific and Technical Advisory Committee is permanent and mandated by law, JRPs carry out a significant portion of the planning. For example, a Wave Energy Working Group met from 2006 to 2008, with members including OPAC members (voting and non-voting), federal liaisons, and additional members from groups such as Surfrider, commercial wave energy, representatives from the fishing community, and Oregon DOE (OPAC Working Groups). Their meetings culminated in the development of a model RFP proposal process for wave energy in 2008 (Oregon ORPAC, Wind Energy, 2008), followed by the initiation of public outreach to develop a test site for wave energy in 2009 by NNMREC (Oregon MOTB, NNMREC). However, this planning advisory framework means that the overall management process may lack permanent planning expertise.

C. Status

Oregon has actively engaged in the process of comprehensive planning for its ocean and coastal spaces using emerging MSP and CMSP concepts and through a network of executive and legislative efforts (Campbell, 2009). Development of an online mapping platform began in 2010, resulting from a partnership of private and state agencies, MarineMap Consortium, Oregon LCDC, Oregon Department of Fish and Wildlife, and Oregon Wave Energy Trust (Oregon OI, 2011; Oregon MarineMap). This mapping application acts as a decision support tool

inventorying information needed by decision makers. In addition, the GIS currently contains information on two spatial options under OPAC consideration, which determine areas suitable for development based on spatial analysis of ecological resources, fisheries resources, and existing exclusionary uses under Goal 19 (Oregon MarineMap).

V. Rhode Island

A. Impetus

Given the geography of RI, the importance of ocean and coastal planning to the economy of the state is unparalleled among the five states. In 2004, the Rhode Island General Assembly created a renewable energy portfolio standard, which mandated that sixteen percent of the state's energy needs come from renewable sources by 2019 (RI RES, 2004; RI CRMC, 2010). In 2006, the Governor established the Office of Energy Resources (OER) and a broad energy reform agenda which included an aggressive plan that offshore wind facilities provide fifteen percent of the state's electricity needs by 2020 (Rolleri, 2010; RI CRMC, 2010, at Table 8.8). The RI OER determined that investment in offshore wind farms would be necessary to achieve this goal.

B. Statutory Apparatus

In the 1971 RI Coastal Resources Management Act, the Legislature recognized the damage to the state's coastal resources through "poorly planned" development and the Legislature declared that, "it shall be the policy of this state to preserve, protect, develop, and where possible, restore the coastal resources of the state." The legislature created the Coastal Resource Management Council (CRMC) to serve as the primary coastal planning agency,

consisting of sixteen members, from state and local government, and the general public, with authority to create policies and adopt necessary regulations in order to enforce its programs.

The CRMC has authority over three hundred and eighty four miles of coastline, with the power to authorize, approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities under the Council's jurisdiction (RI CRMC, 2005). The CRMC has authority for managing the state's submerged lands, and it is the sole state agency with jurisdiction over the development, preservation, and restoration of Rhode Island's coast (Rolleri, 2010). The Council evaluates proposed activities that have the potential to impact coastal resources by using the policies, standards, and prohibitions contained in the Rhode Island Coastal Resource Management Plan (RI CRMP), approved under the federal CZMA of 1972.

The Act established a Coastal Resource Advisory Committee (CRAC), with members from academia, relevant federal agencies, and environmental groups, to advise the CRMC on environmental issues, specifically related to dredging. The legislature also directed the CRMC to adopt and implement a marine resource development plan and special area management plans (SAMPs). SAMPs address coastal management goals within specific areas, such as port development, urban waterfront revitalization, and water quality (RI CRMA, 1971; RI CRMC, SAMPs). The strategy behind the development of the SAMPs is to recognize how water quality, land use, habitats, storm hazards, and geology all interact as an ecosystem to impact the health of an area (RI CRMC, 2005).

Under the 1971 legislation, the CRMC has "the sole and exclusive authority for the leasing of submerged and filled lands and giving licenses for the use of that land." The legislature

requires that the CRMC use this authority to coordinate a system consistent with the public trust. The delegation of this authority was tested and upheld in court (*Milardo v. CRMC*, 1981).

In the late 1980s and early 1990s, the Legislature provided the CRMC authority to review projects at the town, city, harbor, and local level through the RI Comprehensive Planning and Land Use Act of 1988 and the subsequent RI Land Development and Subdivision Review Enabling Act of 1992. In 2004 the Legislature reinforced the delegation of authority to the CRMC by mandating that the Council prepare a Marine Resources Development Plan (RI MRDPA, 2004; RI MRDP, 2006). Taken in the context of the planning powers already delegated to the CRMC, the Act served as an explicit legislative planning directive and led to the CRMC's completion of the Ocean SAMP in 2010 (RI MRDP, 2006; RI MRDP Implementation, 2008). The legislation requires the CRMC to review the marine resource management plan every five years (RI MRDPA, 2004).

CRMC has actively made public involvement an integral part of the planning process. The CRMC developed targeted groups that have significant interests in the outcome of the Ocean SAMP, resulting in fifty stakeholder participants from academia, municipalities, business interests, environmental groups, fishing associations, and energy interests; seventeen stakeholder meetings; and systematic outreach education to give stakeholders the tools and opportunity to offer input (Payne 2010).

A Technical Advisory Committee (TAC), made up of scientists, government agency representatives and resource users with expertise in applicable areas worked on each Ocean SAMP chapter (RI CRMC, Ocean SAMP). The TAC provided expert advice to the CRMC on the technical aspects of each issue area. In addition, the CRMC engaged federal and state agency

representatives to ensure the Ocean SAMP was consistent with the regulatory requirements and identified appropriate coordination among the agencies. All stakeholder meetings were open to the public and to public comment.

Perhaps one of the largest constituencies participating in the stakeholder process were commercial fishermen: of the forty-nine stakeholder groups, ten were from commercial fisherman organizations, the second largest constituency group involved. Fishermen noted that the CRMC took measures to ensure that “no [renewable energy] sites will be chosen until the waters have been researched and properly vetted for appropriate zoning uses with an eye to recognizing valuable commercial fishing areas” (RI CFC, 2009).

The CRMC has a network of funding available from a few different legislative components. Under the statute describing the planning powers of the CRMC, the Council has authority to apply for, accept, and expend funds to carry out the duties of the CRMC. In addition, the legislature passed a series of measures to direct funding towards specific planning processes. In 2002, the Legislature established the Coastal and Estuary Habitat Restoration Program and Trust Fund, with the purpose of improving the quality of natural resources, explicitly shellfish and fish through habitat restoration. Under the statute describing the Fund, the CRMC must develop a coastal and estuarine habitat restoration program that includes a comprehensive statewide strategy with input from public, agency and legislative stakeholders, including an inventory of ecological characteristics, current restoration projects, funding sources, local outreach resources, and requires periodic updates to this plan.

In 2006, the Legislature established the Coastal Resources Management Council Dredge Fund, a separate fund linked to dredging fees and does not require appropriation or re-

appropriation by the general assembly, but must be used “to create additional dredging and disposal options.” In 2007, the legislature established the Bays, Rivers and Watersheds Fund, to be used by the Department of Environmental Management and drawn from gifts, donations, and fees collected for the leasing of submerged lands for cables and the disposal of septage. Expenditures are subject to the legislative appropriation process. However, funds must be expended to engage in systems-level planning for the state in order to reduce pollution for non-point and point sources, protect and restore shellfish and finfish terrestrial habitat, manage nuisance species, manage dredge material disposal, promote outreach, public access, and sustainable development.

1. Legislative Control

Among the five states, RI CMSP structure provides the most authority to a central agency, but at the same time, it seems apparent that this has periodically been reinforced by a legislature committed to providing and confirming the Council’s planning and decision making powers and providing it with legislative mandates and directed funding to actively engage in CMSP.

2. Benefits/Drawbacks to Approach

The legislative and administrative approach in RI provides authority to a single agency that spans ocean and coastal resources and allows the agency to engage in CMSP that links land and marine considerations. Although fishery representatives were initially skeptical of the transparency of the process, they were ultimately satisfied with the stakeholder process (Shumann, 2010). For example, due to stakeholder requests, the CRMC revised the Ocean

SAMP to encourage those applying for permits for large scale offshore wind facilities in federal waters to meet with the Fishery Advisory Board (FAB) and the Council staff (RI CRMC, 2011).

C. Status

NOAA approved the Rhode Island Ocean SAMP on July 22, 2011, incorporating this comprehensive ocean management plan into its existing coastal zone management plan (NOAA, 2011). CRMC is in the process of developing an Ocean SAMP Science Research Agenda, with input from stakeholders, in order to compile existing data and determine where gaps in knowledge exist in the planning area (RI CRMC, 2012; Payne, 2010).

CRMC has identified ocean areas most suitable for offshore renewable energy development while balancing the impacts to transportation, commercial fisheries, recreation and other environmental concerns and developed a streamlined federal and state permitting process for wind development. Areas with vulnerable physical features, recreational areas, areas with historical significance or those areas with high usage for fishing, transportation or economic purposes have been excluded from further development planning (RI CRMC, Ocean SAMP; Connolly, 2011). This has resulted in successful progress towards offshore wind energy siting and transmission infrastructure (In re Proposed Town of New Shoreham Project, 2011; F.R., 2012).

ANALYSIS OF CMSP THEMES AND FINDINGS

As noted above, in addition to reviewing the impetus, apparatus and status for each of the five study states, we examined each effort by employing components frequently cited in the literature and echoed in CMSP guidelines laid out in the U.S. National Ocean Policy Draft Implementation Plan. (N.O. Council, 2012). Our factor-by-factor determinations are laid out in

Appendix B. Key findings in five over-arching categories emerge. Please note that our reference to “CMSP” legislation reflects our determination that particular statutes effectively enable or facilitate CMSP even if such laws do not employ that particular term.

1. Clearly stated guidelines

All five states were explicit in terms of the ecosystem-based guidelines that they employed in the CMSP legislation. Only two of the states (New York, California) invoked a “precautionary” approach, as suggested under the NOP. All five states explicitly laid out boundaries in which the planning process would take place. California, perhaps because of the number and network of laws that it has passed in regards to ocean management, scored the ‘highest’ for clearly stated guidelines.

2. Clearly stated desired outcomes

States generally scored high on clearly stated desired outcomes. Legislation in each state explicitly mentioned specific areas of the ocean economy depending on the state’s particular interests (New York, for example, was explicit about transportation and ports planning). Every state included the goal of planning for areas of ocean renewable energy, inventorying, and integrating ocean data across boundaries, and ensuring the resiliency of their ocean ecosystems.

Rhode Island and Oregon were comprehensive in their inclusion of industry sectors that the administration should consider and those sectors that should be represented in the ocean and coastal planning process. While Massachusetts specifically referred to fishing interests, it also ‘protected’ fisheries from new management via its ocean management plan while requiring that any ocean plan take into account effect it might have on fishing.

Rhode Island, Oregon, and California legislation required the development of data integration standards and frameworks, but this does not necessarily mean that other states have not developed these frameworks (researchers found that every state is at some stage in the process of developing online GIS systems to support ocean and coastal planning decisions). Rhode Island, Massachusetts, and Oregon seem to be the furthest ahead in terms of developing accessible online GIS inventories of their planning spaces. Oregon GIS includes layers representing conservation and development area options, Rhode Island GIS includes a comprehensive spatial map of development options and exclusionary criteria, and Massachusetts GIS includes layers depicting wind energy, conservation, and multi-use areas.

3. Empowerment of multiple stakeholders

Every state's legislation emphasizes the role of the public. All five legislative structures directed the administration to build on existing planning efforts at the state and regional level. States differed when it came to taking into account planning efforts at the tribal level (Oregon) and local level (all five). Again, this reflected in some cases the legislative language as opposed to actual implementation. For example, Rhode Island CRMC was very inclusive of tribal stakeholders in the development of its OSAMP. Two states explicitly indicated that the administration should coordinate with international stakeholders (Massachusetts, California).

Like the explicitly stated goals and guidelines, representation on the planning body varied and may reflect the particular interests or political goals of each state, as opposed to the actual participation and consideration of stakeholders in the decision making process. Massachusetts and Rhode Island ocean planning body representative structure, for example, focused on the inclusion of legislators and regional or local representatives, in addition to certain sectors.

Representation by industry sectors varied among the states: commercial fishing (Massachusetts, Oregon, California), recreational fishing (Oregon, California), transportation (Oregon, California), mining (California), renewable ocean energy (Massachusetts), aquaculture (California). The way in which the planning bodies are staffed also differs, with some staffed by the agency and voting members appointed by the executive branch (Oregon, New York), and in other cases, the planning body was formed by a combination of executive and legislative designees (Massachusetts). In every state, state agencies involved in coastal and ocean resource management have a role in the planning process.

Overall stakeholder empowerment scores reflect the explicitness of the legislation as opposed to the administration's applied planning process and may reflect the political process of passing legislation as opposed to the effective representation within the planning process. For example, in Rhode Island, of the forty-nine stakeholder groups participating in the overall process, ten were from commercial fisherman organizations, the second largest constituency group involved in the stakeholder review process (RI CFC, 2009).

4. The use of timelines

The explicit use of timelines in the legislation was one area where variations in legislation may be having a real impact on the comprehensive planning process. The lack of CMSP time sensitive goals may be resulting in single sector planning that moves ahead of comprehensive planning. For example, California ocean planning legislation did not explicitly require periodic meetings and reporting. While California regional MPA ocean planning has progressed, this does not necessarily reflect the comprehensive ocean planning goals of the major CMSP legislation passed by the state legislature. Instead, the California DFG has taken on

comprehensive planning, resulting in ad hoc inclusion of sectors for regional coastal environmental assessments.

Legislation that included some of the clearest timelines for comprehensive CMSP (Massachusetts, Rhode Island, New York) are states where planning for new sectors (such as offshore energy) has progressed the furthest in terms of designating areas appropriate for renewable energy production in state and federal waters. The development of new ocean uses within a state's ocean space effectively means lining up a clear and comprehensive understanding of current ocean uses and resources.

5. Financing

Three states passed CMSP legislation with accompanying funding mechanisms dedicated to ocean planning (Massachusetts, Rhode Island, California). However, the structure and purpose of these funding mechanisms vary. The California Ocean Trust Fund is supportive of ocean science and coordination as well as existing agency ocean management, but does not explicitly direct funding towards the comprehensive ocean planning process itself. The Massachusetts Oceans Act of 2008 established the Ocean Resources and Waterways Trust Fund, and directed that these funds should be used to restore and enhance marine habitat and resources impacted by development. Other amounts remaining in the fund can be used by the administration "without further appropriation" for the purpose of "environmental enhancement, restoration and management of ocean resources." Rhode Island, on the other hand, provides CRMC with general power to expend funds on the planning process, but also employs a network of legislatively established funds to finance specific planning objectives: habitat restoration, reduction of point and non-point source pollution, and dredging.

States that did not set up funding for their CMSP process (Oregon, New York) have networked existing funding mechanisms in order to ensure that adequate funding for planning is available. However, it is notable that Oregon's funding mechanism is focused on comprehensive planning for marine reserves – demonstrating that the state lacks a distinct fund for CMSP that crosses sectors. New York's comprehensive planning statute does not establish a fund directed towards comprehensive planning, but requires the OGLECC to identify available funding.

CONCLUSION

As reflected in the assessment of the five themes, the process of evaluating these factors clarified the explicitness of the CMSP legislative structures in each state. Furthermore, this assessment culminated in a better understanding of the variability of CMSP legislation within existing state legal structures and their impacts on the planning processes in the five states. In general, our results point towards the importance of legislatively set timelines and clear funding mechanisms for the development of comprehensive planning tools.

Our analysis of the renewable energy drivers of CMSP legislation in the five states echoes conclusions made by assessments of international CMSP (Portman, 2011), U.S. national CMSP (ERG NOAA CSC, 2010), and regional CMSP (NROC, 2010; NROC (1), 2010). In the MSP stakeholder analysis conducted by NOAA in 2010, researchers found that while regions around the U.S. were unique in many ways, "all interviewees mentioned renewable energy siting as the primary current and future driver of MSP efforts" (ERG NOAA CSC, 2010). These drivers of CMSP legislation merit further examination both in the context of our preliminary examination of state CMSP, as well as in the context of regional and national CMSP. For example, examination of regional GHG initiatives, such as the Regional Greenhouse Gas

Initiative (RGGI) and the Western Climate Initiative (WCI), could clarify the role of regional energy and climate change policy in the context of CMSP.

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	IMPETUS	LEGISLATIVE APPARATUS	STATUS

APPENDICES

CA	Threats to ocean economy, marine health; Lack of agency coordination; California Renewable Portfolio Standard Program (2002) (20% by 2013; 33% by 2020)	CA Coastal Act (1976); California Ocean Resources Management Act (1989); Marine Life Protection Act (1999); California Marine Managed Areas Improvement Act (MMAIA) (2000); CA Ocean Protection Act (2004)	Regional MPA CMSP plans completed or in progress
MA	Threats to coastal ecosystems; Massachusetts Electric Restructuring Act (1997) establishing RPS program (15% by 2020); Massachusetts Green Communities Act (2008) (+ 1% per year with no cap)	Massachusetts Ocean Sanctuaries Act (1989); Massachusetts Oceans Act (2008)	State waters CMSP, excluding fisheries
NY	Decline of marine ecosystem health; poor agency coordination; NY PSC RPS (2004) (25% by 2013); NY E.O. 2, 2008 (45% by 2015)	NY Waterfront Revitalization and Coastal Resources Act (1981); Ocean Great Lakes Ecosystem Conservation Act (2006)	Comprehensive CMS inventory; State/Federal waters CMSP focusing on renewable energy
OR	Oil, gas, hard mineral exploration; foreign fishing; Oregon RPS (2007) (large utilities: 25% by 2025; small utilities: 10% by 2025)	Ocean Resources Management Act (1987), Amendments creating the Ocean Policy Advisory Council (OPAC) (1991); Oregon Territorial Sea Plan (2008)	State waters CMSP (TSP)
RI	Primary importance of coastal economy and natural ecosystems; RI Renewable Energy Standard (2004) (16% by 2020)	RI Coastal Resources Management Act (1971); RI Comprehensive Planning and Land Use Act of (1988); RI Land Development and Subdivision Review Enabling Act of (1992); RI Marine Resources Development Plan (2004); Ocean SAMP (2010)	State/Federal waters CMSP (OSAMP)

APPENDIX A: TABLE OF CMSP LEGISLATIVE AUTHORITY EXAMINED

APPENDIX B: SCORES BY FACTOR/THEME/STATE (N.O. COUNCIL, 2010)

Categories	Factor	MA	RI	NY	OR	CA
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clearly stated guidelines	Ecosystem based approach	1	1	1	1	1
	reduce conflict among users	1	1	0	1	1
	enhance compatibility among multiple uses	1	1	1	1	1
	increase certainty and predictability for economic investments	0	1	1	1	1
	informed by the best science	1	1	1	1	1
	guided by the precautionary approach (Principle 15 of the Rio Declaration)	0	0	1	0	1
	clear boundaries within which the plan will operate	1	1	1	1	1
TOTAL		5	6	6	6	7
		MA	RI	NY	OR	CA
clearly stated desired outcomes	to ensure protection, integrity, maintenance and resilience of natural resources	1	1	1	1	1
	to address cumulative impacts	1	1	1	1	1
	to plan for areas for commercial fishing	1	1	1	1	1
	to plan for areas for recreational fishing/boating	0	1	1	1	1
	to plan for areas for marine transportation	0	1	1	0	0
	to plan for areas for mining	0	1	0	0	0
	to plan for areas for emerging uses (off-shore renewable energy)	1	1	1	1	1
	to plan for areas for emerging uses (aquaculture)	0	1	0	0	0
	establish data integration standards and framework	0	1	0	1	1
	inventory available data from federal, state, and non-governmental parties	1	1	1	1	1
	development of adaptive and flexible planning tool that can accommodate new information (GIS)	1	1	1	1	1
	integrate ocean and coastal data	1	1	1	1	1

	integrate ocean and coastal data across interstate jurisdictional boundaries	0	1	1	1	1
	integrate ocean and coastal data across federal boundaries	1	1	1	1	1
	integrate ocean and coastal data across intra-state jurisdictional and administrative boundaries	1	1	1	1	1
	establish a framework that will provide information of decision-makers on an ongoing basis	1	1	1	1	1
	integrate social and economic data into the planning process	1	1	1	1	1
	train practitioners and decision-makers	1	1	1	1	1
	implement pilot projects to develop best practices	0	1	1	1	1
	require future funded projects to collect data in accordance with CMSP framework	0	1	0	1	1
	planning process mechanism to identify information gaps	1	1	1	1	1
	identify priority geographic areas for pilot projects (EBM)	0	1	0	1	1
	public outreach and education	1	0	1	1	1
TOTAL		14	22	18	20	20
		MA	RI	NY	OR	CA
empowerment of multiple stakeholders	transparent broad-based stakeholder engagement	1	1	0	1	1
	takes into account and builds on existing MSP efforts at the regional level	1	1	1	1	1
	takes into account and builds on existing MSP efforts at the State level	1	1	1	1	1
	takes into account and builds on existing MSP efforts at the tribal level	0	0	0	1	0
	takes into account and builds on existing MSP efforts at local levels	0	1	1	1	1

	federal agencies representation in the planning process	0	1	0	0	1
	State agencies represented in planning process	1	1	1	1	1
	coordinated with international stakeholders (planning pursued in accordance with international law)	1	0	0	0	1
	commercial fishing representation within planning process	1	0	0	1	1
	recreational fishing/boating representation within planning process	0	0	0	1	1
	marine transportation representation within planning process	0	0	0	1	1
	mining representation within planning process	0	0	0	0	1
	emerging uses (off-shore renewable energy) representation within planning process	1	0	0	0	0
	emerging uses (aquaculture) represented within planning process	0	0	0	0	1
	Tribal representation within planning process	0	0	0	1	0
TOTAL		7	6	4	10	12
		MA	RI	NY	OR	CA
the use of timelines	development of adaptive recommendations to administration	1	1	1	1	1
	development of adaptive recommendations to legislative body	1	0	1	0	1
	Periodic meetings of planning body	1	1	1	1	0
	Periodic reporting and evaluation	1	1	0	1	0
	development of implementing regulations	1	1	1	0	1
TOTAL		5	4	4	3	3

		MA	RI	NY	OR	CA
Finance	Establishment of dedicated funding mechanism for CMSP	1	1	0	0	1
	provide in the form of fellowships, scholarships, and internships to develop human capital to support ocean and coastal planning	0	0	0	0	1
	Coordinate with existing higher education	1	1	1	1	1
	establish funding mechanism for the support of pilot planning projects	0	1	0	1	1
	provide mechanisms that leverages existing funding streams to support ocean planning	1	1	1	1	1
TOTAL		3	4	2	3	5