

Implementation Plan
for
Recommendations for Increasing the
Efficiency of Permitting for Ocean
Exploration, Mapping, and Research
Activities

Prepared by the
Ocean Resource Management Subcommittee
of the
Ocean Policy Committee

September 2020

About the Ocean Policy Committee

The Ocean Policy Committee was established in 2018 by Executive Order 13840, “Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States,” to coordinate Federal actions on ocean-related matters and is co-chaired by the Director of the Office of Science and Technology Policy (OSTP) and the Chairman of the Council on Environmental Quality (CEQ). The Executive Order directed the Ocean Policy Committee to engage and collaborate with the ocean community on ocean-related matters, identify priority ocean research and technology needs, and leverage resources and expertise to maximize the effectiveness of Federal investments in ocean research. For more information about the work of the Ocean Policy Committee, please see the Ocean Policy page on the CEQ website: <https://www.whitehouse.gov/ceq/>.

About the Ocean Resource Management Subcommittee

The Ocean Policy Committee (OPC) established the Ocean Resource Management subcommittee pursuant to Section 4(b) of Executive Order 13840 to address regulatory and policy coordination associated with ocean management, including through engagement with regional ocean partnerships and ocean community stakeholders. This includes addressing data and information needs, and other ocean-related matters that may require interagency or intergovernmental solutions.

About this Document

Pursuant to Section 4 of the Presidential Memorandum of November 19, 2019, on “Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska,” this document provides an Implementation Plan for the “Recommendations for Increasing the Efficiency of Permitting for Ocean Exploration, Mapping, and Research Activities” released by the OPC in June 2020.

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Preface

On November 19, 2019, President Trump signed a Presidential Memorandum titled “Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore Alaska” (Presidential Memorandum). This Presidential Memorandum directed the development of a national strategy to map, explore, and characterize the United States Exclusive Economic Zone (EEZ) and a strategy to map the shoreline and nearshore of Alaska. The Presidential Memorandum also addressed the need to improve the Nation’s understanding of our vast ocean resources and advance the economic, security, and environmental interests of the United States. To support these activities, the Presidential Memorandum directed the Ocean Resource Management (ORM) subcommittee of the Ocean Policy Committee (OPC)¹ to identify opportunities and recommend actions to increase the efficiency of the permitting and authorization processes for ocean exploration, mapping, and research activities across Federal agencies.

To develop the recommendations, the ORM subcommittee, working through a task force comprised of Federal agencies that have statutory authorities related to ocean exploration, mapping, and research, engaged Federal agencies, academia, and private industry to discuss opportunities for enhancing the efficiency of permitting and authorizations associated with these activities. In addition, the ORM subcommittee received public comments from private industry, academia, and non-governmental organizations in response to a request for information published in the Federal Register (85 Fed. Reg. 7733, February 11, 2020).

The final “Recommendations for Increasing the Efficiency of Permitting for Ocean Exploration, Mapping, and Research Activities” (Recommendations) were finalized in June, 2020.² They identify three goals (below) and nine actions for implementation.

- Goal 1: Promote Clarity and Consistency in the Federal Compliance Process
- Goal 2: Advance Efficiency through Systematic Regulatory Practices
- Goal 3: Advance Integration of New and Emerging Science and Technology in Permitting and Authorization Processes

The approach taken to develop this Implementation Plan and planned actions to accomplish these goals are addressed below.

Approach

This Implementation Plan was developed by the ORM subcommittee Agencies and staff, and by three Federal interagency Task Forces specifically responsible for actions 1.3; 2.2 and 2.3; and 3.1, 3.2, and 3.3 included in the Recommendations. In addition, this Implementation Plan defines Agency activities necessary to accomplish the three goals included in the Recommendations and identifies the relevant milestones and responsible parties for each action. This Implementation Plan outlines the specific actions Agencies plan to take to improve the clarity, consistency, and efficiency of the permitting and

¹ Established by Executive Order 13840 of June 19, 2018 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States).

² The Recommendations are available at <https://www.whitehouse.gov/wp-content/uploads/2020/01/20200611-FINAL-RECOMMENDATIONS-Sec.-4-Permitting.pdf>.

authorization processes associated with ocean exploration, mapping, and research activities, without reducing environmental protections for natural, cultural, and other protected resources.

Accomplishing many of the actions in this Implementation Plan will require close coordination with the National Ocean Mapping, Exploration, and Characterization (NOMECE) Council as that body develops plans, procedures, and actions to implement the new national strategy to map, explore, and characterize the United States EEZ. Accordingly, the ORM subcommittee and the NOMECE Council will work closely to ensure that the actions implemented under this Implementation Plan advance the NOMECE Council's mission to systematically and efficiently acquire knowledge and information about the ocean waters that comprise the United States EEZ. In addition, consistent with and subject to national security considerations and any applicable law, for any actions developed pursuant to this Implementation Plan, the ORM will also coordinate with members of the national security and intelligence communities to provide for an efficient national security review process of relevant permits.

Planned Actions and Outcomes

The goals and actions included in the Recommendations are set forth in italics below, followed by the relevant milestones and the responsible parties for each action.

Goal 1: Promote Clarity and Consistency in the Federal Compliance Process

Recommendations under Goal 1 seek to provide applicants with clarity surrounding permitting and authorization processes, better access to information and decision-making methodologies used by Federal agencies during those permitting and authorization processes, and an efficiently coordinated Federal approach to reviewing and approving exploration, mapping, and research activities under key statutory authorities.

- 1.1** *Develop and periodically update an Implementation Plan to coordinate implementation of these recommendations on the timelines specified below. Address recurring or systemic permitting and authorization issues associated with ocean exploration, mapping, and research activities on an ongoing basis.*

Milestone and Metrics:

- **September 2020:** ORM subcommittee finalizes the Implementation Plan.

Responsible Party: ORM Subcommittee.

- 1.2** *Develop a website that identifies and links to agency programs, authorities, and regulations, specific to ocean exploration, mapping, and research activities. Designate and publish contacts on Federal agency websites to assist applicants with permits and/or authorizations associated with ocean exploration, mapping, and research activities. Identify a single point-of-contact (POC) to coordinate with applicants, address concerns, and elevate recurring concerns to the Agency's ORM subcommittee representative.*

Milestones and Metrics:

- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **October 2020:** ORM subcommittee member-Agencies identify a POC within their Agency.

- **November 2020:** NOAA, coordinating with the ORM subcommittee and NOME Council, conceptualizes and outlines the website.
- **March 2021:** NOAA reviews prototype with the ORM subcommittee, NOME Council, and stakeholders.
- **May 2021:** NOAA, working with the ORM subcommittee, finalizes website design.
- **June 2021:** NOAA launches an operational website.

Responsible Party: NOAA, working with the ORM subcommittee.

1.3 Evaluate the National Oceanic and Atmospheric Administration (NOAA) and the Bureau of Ocean Energy Management (BOEM) OceanReports tool in consultation with the exploration, mapping, and research community to assess its utility and potential enhancements, specifically focusing on how the OceanReports tool can better inform pre-application consultation and regulatory review. Develop interagency best practices for integrating the use of geo-information tools that serve related but different functions, including OceanReports, Regional Ocean Partnership, and/or Integrated Ocean Observing System (IOOS) data portals.

Milestones and Metrics:

Best Practices

- **July 2020:** ORM subcommittee established ORM 1.3 Task Force (Task Force) to coordinate implementation of this recommendation.
- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **January 2021:** ORM subcommittee and the Task Force review Best Practices for pre-application review, including the process for integrating geo-information tools, using materials developed by the Northeast Regional Ocean Council (NROC) and other regional ocean partnerships and Federal agencies, as appropriate.
- **January 2021:** ORM subcommittee and the Task Force develop schematic of different geo-information platforms and how they can be effectively integrated in the ocean management process, including planning, screening, siting, and permitting.
- **March 2021:** (1) ORM subcommittee and the Task Force develop draft model of national Best Practices which could be applicable in all regions, subject to regional- and Agency-specific circumstances. (2) ORM subcommittee requests Federal agency regional level review and discussion of the transferability, applicability, and utility of the draft model.
- **July 2021:** ORM subcommittee and the Task Force incorporate feedback from the regions, considering the recommendations for enhancements to the Ocean Reports Tool per the July 2021 milestone below, and develop draft model for public comment.
- **November 2021:** ORM subcommittee, through its member Agencies, solicits public comment on draft national Best Practices model.
- **February 2022:** ORM subcommittee and the Task Force finalize Best Practices and identify implementation options.
- **June 2022:** Agencies begin integrating Best Practices.

Responsible Party: ORM subcommittee.

Ocean Reports Tool

- **July 2020:** ORM subcommittee established ORM 1.3 Task Force to coordinate implementation of this recommendation.
- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **December 2020:** NOAA and DOI, in consultation with the Task Force, develop a process for evaluating the utility and potential enhancements of the OceanReports Tool.
- **May 2021:** NOAA and DOI, in consultation with the Task Force, conduct webinars and follow-up interviews to evaluate the current utility of, and potential future enhancements to, the OceanReports Tool with the NOMECE Council, Federal regulators, and a cross-section of ocean community stakeholders.
- **July 2021:** NOAA and DOI, in consultation with the Task Force, provide the ORM subcommittee with a final report that summarizes the findings and provides recommendations for enhancements.
- **September 2021:** ORM subcommittee reviews and identifies enhancements for implementation.
- **October 2021:** NOAA and DOI, working with the ORM subcommittee, revise proposal for fiscal year (FY) 2022 OceanReports Enhancements.
- **June 2022:** NOAA and DOI, working with the ORM subcommittee, implement enhancements to OceanReports Tool.

Responsible Parties: ORM subcommittee, coordinating with NOAA and DOI.

Goal 2: Advance Efficiency through Systematic Regulatory Practices

Implementation actions under Goal 2 address advancing the use of programmatic approaches and best practices to review, permit, and authorize activities with minimal potential impacts, and longer-term action to evaluate innovative pre-application and project permitting approaches that could promote improved coordination and increased flexibility for ocean exploration, mapping, and research activities.

2.1 Facilitate use of categorical exclusions under the National Environmental Policy Act (NEPA), where appropriate, for exploration, mapping, and research activities in the United States EEZ.

Milestones and Metrics:

- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **October 2020:** Each of OPC's Member Agencies reviews its own categorical exclusions, specifically focusing on categorical exclusions that may be used for ocean exploration, mapping, and research activities in the United States EEZ.
- **December 2020:** ORM, in coordination with the NOMECE Council, hosts meeting for the relevant Member Agencies to discuss their Agency categorical exclusions that may be used for ocean exploration, mapping, and research activities in the United States EEZ, including opportunities for coordination between Agencies in the development or use of categorical exclusions.
- **June 2021:** Agencies consult with CEQ prior to proposing revised NEPA procedures; ORM subcommittee coordinates with NOAA to link to relevant information regarding categorical exclusions on Action 1.2 operational website.

Responsible Party: ORM subcommittee, coordinating with CEQ.

2.2 Evaluate opportunities to use programmatic compliance approaches related to ocean exploration, mapping, and research.

Milestones and Metrics:

- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **January 2021:** ORM subcommittee, working through the ORM 2.3 Task Force, begins coordination with the NOMECE Council to identify what activities constitute ocean exploration, mapping, and research. ORM 2.3 Task Force works with the ORM subcommittee to define the scope and extent of activities to be included in this action.
- **February 2021:** ORM 2.3 Task Force assists the NOMECE Council to identify activities that may benefit from programmatic compliance approaches under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) as well as other applicable laws (e.g., the National Marine Sanctuaries Act (NMSA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA)). For those activities, ORM subcommittee to identify regional variances, temporal scope, categories of technologies, or other unique characteristics.
- **March/April 2021:** ORM 2.3 Task Force and ORM subcommittee, consulting with the NOMECE Council, engage with stakeholders to address permit/authorization/consultation needs.
- **May/June 2021:** ORM 2.3 Task Force and ORM subcommittee identify priority opportunities and develop draft programmatic approaches to ensure compliance under MMPA and ESA as well as other laws (e.g., NMSA and MSA).
- **June 2021:** (1) ORM 2.3 Task Force and ORM subcommittee solicit consensus on priority opportunities and proposed programmatic compliance approaches. (2) ORM 2.3 Task Force and ORM subcommittee incorporate results of June 2021 products developed pursuant to action 2.3 below.
- **October 2021:** ORM 2.3 Task Force develops implementation actions for priority opportunities and recommended programmatic compliance approaches.
- **June 2022:** ORM subcommittee reviews and finalizes implementation actions.

Responsible Party: ORM subcommittee.

2.3 Establish criteria for general permits or authorizations, including under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) for low-impact activities and technologies, including high-resolution geophysical surveys, associated with ocean exploration, mapping, and research.

Milestones and Metrics:

- **July 2020:** ORM subcommittee established ORM 2.3 Task Force (Task Force) to coordinate implementation of this recommendation.
- **August 2020:** Task Force began coordination with Executive Order (E.O.) 13795 Working Group (Working Group), a separate ongoing interagency coordination action to implement E.O. 13795. The purpose of the coordination is to:
 - Incorporate, where applicable, the results of the Working Group's process (products) that address low-impact activities and technologies associated with ocean exploration, mapping, and research; and
 - Build on those products and identify opportunities to improve efficiencies within the permitting and authorization process that address low-impact

activities, when applicable, under the MMPA, ESA, and other associated regulatory processes, including the NMSA and MSA.

- **September 2020:** (1) ORM subcommittee finalizes the Implementation Plan. (2) Task Force engages action Agencies, including but not limited to the National Science Foundation (NSF), the United States Geological Survey (USGS), NOAA, and BOEM, to identify opportunities to improve efficiencies in the permitting and authorization processes associated with low-impact activities associated with ocean exploration, mapping, and research.
- **February 2021:** (1) Task Force develops a draft outline of improved efficiencies in the permitting and authorization processes and identifies necessary additional work needed to complete functional comprehensive outline. (2) Task Force engages all Federal entities with statutory equities under the MMPA, ESA, and other associated regulatory processes, to review and discuss the revised process.
- **May 2021:** Task Force develops draft final products and provides to the ORM for review and approval.
- **June 2021:** Task Force finalizes products. Task Force prioritizes activities for application of streamlined process moving forward and identifies targeted timeline. Federal Agencies continue to facilitate and/or support outreach to the stakeholder community as applicable and appropriate.

Responsible Party: NOAA and DOI in coordination with ORM 2.3 Task Force.

Goal 3: Advance Integration of New and Emerging Science and Technology in Permitting and Authorization Processes

Recommendations under Goal 3 seek to enhance the efficiency of the permitting and authorization process for ocean exploration, mapping, and research activities through the application of new and emerging science and technology (S&T). The following recommendations will evaluate how new and emerging S&T can increase the value of information that supports the permitting and authorization process and the efficiency with which it is acquired. The recommendations will also assess opportunities to integrate new S&T in regulatory policies and management practices, and will identify pilot projects to inform potential broad-scale application.

- 3.1** *Identify opportunities to integrate new S&T in the permitting and authorization process for ocean exploration, mapping, and research activities and recommend prioritized application of new S&T and any necessary associated regulatory reform.*

Milestones and Metrics:

- **July 2020:** ORM subcommittee established ORM 3.0 Task Force (Task Force) to coordinate implementation of this recommendation.
- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **October 2020:** Task Force, in collaboration with the Ocean Science and Technology (OST) subcommittee, will: (1) identify existing, emerging, and new S&T that could be used in new ways to improve access to data and information that increases the efficiencies of, or reduces regulatory barriers to, ocean mapping, exploration, and research activities; (2) identify policy or regulatory reforms needed to facilitate implementation of existing and emerging S&T while maintaining or enhancing current

standards of environmental protection; and (3) query relevant Federal agencies and stakeholders for opportunities to pilot emerging S&T.

- **January 2021:** Task Force and ORM subcommittee compile and prioritize opportunities to incorporate existing, emerging, and new S&T to enhance permitting and authorization processes.
- **February 2021:** Task Force provides a brief report to the ORM subcommittee that identifies: 1) opportunities to integrate existing, emerging, and new S&T into permitting and authorization processes; and 2) regulatory reforms needed to do so.

Responsible Party: ORM Subcommittee Working Group.

3.2 *Conduct a subject-matter review, by experts from a cross-section of the ocean community, of opportunities and challenges identified under 3.1, above, to using remote and autonomous sensing, artificial intelligence and machine learning, and other new and emerging S&T to meet regulatory standards and management practices.*

Milestone and Metrics:

- **July 2020:** ORM subcommittee established ORM 3.0 Task Force (Task Force) to coordinate implementation of this recommendation.
- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **October 2020:** Task Force identifies Federal agencies, regulators, and other relevant stakeholders (covering both S&T and regulatory expertise) and establish working group of experts (Working Group).
- **January 2021:** Task Force develops agenda and program for Working Group meetings.
- **March 2021:** Task Force convenes meeting(s) of the Working Group.
- **April 2021:** Task Force provides a brief report to the ORM subcommittee documenting challenges and opportunities for using new S&T to meet regulatory standards and management practices.

Responsible Party: ORM subcommittee Working Group.

3.3 *Identify immediate opportunities and conduct pilot projects that integrate new and emerging S&T in the permitting and authorization process.*

Milestones and Metrics:

- **July 2020:** ORM subcommittee established ORM 3.0 Task Force (Task Force) to coordinate implementation of this recommendation.
- **September 2020:** ORM subcommittee finalizes the Implementation Plan.
- **May 2021:** Task Force reviews products from 3.1 and 3.2, above, and provides recommendations to the ORM subcommittee for prioritized opportunities (e.g. ocean research cruises, data analysis/simulations, etc.) to pilot S&T integration to address permitting and authorization issues.
- **June 2021:** ORM subcommittee reviews and finalizes recommendations for transmittal to the OPC.

Responsible Party: ORM Subcommittee.