

COASTAL STATES ORGANIZATION



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Via Regulations.gov Portal

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1305 East-West Highway
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Re: Draft Guidance on Designation of New Regional Ocean Partnerships (NOAA-NOS-2024-0066)

The Coastal States Organization (CSO) respectfully submits these comments to the National Oceanic and Atmospheric Administration (NOAA) regarding its Draft Guidance on Designation of New Regional Ocean Partnerships (ROPs).¹

Since 1970, CSO has served as the collective voice for the nation's coastal states, commonwealths, and territories on policy issues relating to coastal, Great Lakes, and ocean management. CSO's members, governor-appointed delegates representing thirty-six state and territory coastal management programs, play a multi-faceted role in all aspects of ocean and coastal management including planning, data management, project review, and regional collaboration. Coastal programs coordinate across coastal communities, federal agencies, tribal governments, academia, non-profit partners, and industry for the effective management, beneficial use, protection, and development of marine resources through the federal-state partnership established under the Coastal Zone Management Act (CZMA).² Many CSO members are leaders and state representatives on the existing ROPs.

CSO strongly supports the mission of the ROPs and the purposes of the Regional Ocean Partnership Act to expand federal support for ocean monitoring, data management, restoration, research, and conservation activities, strengthen tribal nation engagement, and above all empower states to take a lead role in managing oceans, coastal, and Great Lakes areas.³ The regional ocean management framework embodied in the ROP model provides a critical, irreplicable platform to identify and advance regionally-defined ocean management priorities unique to each region.

The Draft Guidance is a welcome step toward offering all interested states, territories, and regional partners the opportunity to participate in the proven ROP framework. CSO offers the following comments in addition to and in support of comments submitted separately by states and existing ROPs.

1. **Flexibility:** CSO appreciates that § V on requirements provides flexibility around membership, leadership, and structure for new ROPs to meet each region's unique needs. NOAA should ensure that the final guidance maintains this vital flexibility and adaptability.

¹ Nat'l Oceanic & Atmospheric Admin., *Notice of Availability of Draft Guidance on Designation of New Regional Ocean Partnerships*, 89 Fed. Reg. 49,160 (Jun. 11, 2024).

² 16 U.S.C. § 1451 *et seq.*

³ Pub. L. 117-263, div. J, title CII, § 10202 (Dec. 23, 2022) (codified at 16 U.S.C. § 1468).

2. **Predictability:** NOAA should ensure that all minimum requirements are clearly set out in § V of the final guidance. In some areas, NOAA notes minimum requirements (e.g., the governing body must include, at a minimum, governor-designated voting members from each participating coastal state); NOAA should ensure that these requirements represent a comprehensive, predictive framework for proposal review.

Reaching agreement on the structure of a new ROP and securing participant commitments is necessarily a lengthy process requiring considerable effort and investment. Potential future ROP proponents should have confidence that, if an application is submitted in compliance with all minimum requirements identified in the guidance, then the ROP will not be disapproved for failure to comply with expectations not laid out in the guidance.

3. **“Regional” Clarification:** NOAA should clarify the geographic scope intended by the term “regional” as used throughout the draft guidance. Existing ROPs cover broad geographic scopes, enabling them to provide interjurisdictional data and management coordination at ecosystem scales unavailable at the state and nationwide levels.
4. **Existing ROP Consultation:** NOAA should add language at § IV on application submission and at § V(6) on duplication to require proponents of a new ROP located within a geography covered by an existing ROP to consult with that ROP prior to submission to explore opportunities to integrate into existing coordination structures.
5. **Tribal Nation Participation:** CSO strongly supports language in the guidance prioritizing coordination with and inclusion of Tribal partners in ROP development and implementation.
6. **Federal Agency Participation:** NOAA should consider including language in the § V subsection on partnership members that federal agencies may participate as partners/members.
7. **Environmental Compliance:** NOAA should indicate in § III on Environmental Review and Compliance whether designation of a new ROP is a major federal action under the National Environmental Policy Act and whether a categorical exclusion would apply or if an environmental assessment or environmental impact statement would be required.

CSO supports the language in § III noting that applicants shall comply with all federal, state, and local law, including compliance with state and territory coastal management programs under the Coastal Zone Management Act.

Please direct questions about these comments to John Ryan-Henry (jryan-henry@coastalstates.org).

Sincerely,



Derek Brockbank
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