



# 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

June 2020

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### **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 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 identifies opportunities and recommends actions to increase the efficiency of the permitting and authorization processes for ocean research, mapping, exploration, and characterization activities.

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## Recommendations for Increasing the Efficiency of Permitting and Authorization for Ocean Exploration, Mapping, and Research Activities

### *Introduction*

The United States Exclusive Economic Zone (EEZ) – an oceanic area larger than the combined land area of all 50 States – contains a vast array of natural resources such as critical minerals, energy, and marine-derived pharmaceutical compounds, and countless ecosystems on which the health and productivity of the ocean depend. However, the majority of this area is still unmapped, uncharacterized, and unexplored.

Mapping and exploring America’s coastal and ocean waters provides critical data and information that support the Blue Economy and advance critical economic sectors including maritime commerce, domestic seafood production, energy production, tourism and recreation, and other interests. In 2016, such activities contributed more than \$300 billion per year of economic activity, 3 million jobs, and \$129 billion in wages to American workers.<sup>1</sup>

To improve our Nation’s understanding of our vast ocean resources, and advance the economic, security, and environmental interests of the United States, President Trump signed a Presidential Memorandum on November 19, 2019, titled “Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska” (Presidential Memorandum), directing the development of a national strategy to map, explore, and characterize the United States EEZ, and a strategy to map the shoreline and nearshore of Alaska.<sup>2</sup> To support these activities, the Presidential Memorandum also directs the Ocean Resource Management (ORM) subcommittee of the Ocean Policy Committee (OPC) to identify opportunities and recommend actions to increase the efficiency of the permitting and authorization processes for ocean research, mapping, and characterization activities across Federal agencies.

The ORM subcommittee,<sup>3</sup> 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 received public comments from private industry, academia, and non-governmental organizations in response to a request for information published in the Federal Register (85

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<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA). 2019. *NOAA Report on the United States Ocean and Great Lakes Economy*. <https://coast.noaa.gov/data/digitalcoast/pdf/econ-report.pdf>

<sup>2</sup> The Presidential Memorandum is available at: <https://www.whitehouse.gov/presidential-actions/memorandum-ocean-mapping-united-states-exclusive-economic-zone-shoreline-nearshore-alaska/>

<sup>3</sup> Established by Executive Order 13840 of June 19, 2018 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States).

Fed. Reg. 7733, February 11, 2020). A number of the comments addressed the complex nature of the permitting and authorization processes for ocean research, mapping, and characterizing activities, including sometimes overlapping processes, misaligned guidance, or inconsistently applied analytical methodologies. In addition, the comments described opportunities to create efficiencies through better interagency coordination, without diminishing environmental standards. Several comments described opportunities to use new and emerging science and technology (S&T) to support more efficient decision-making. Lastly, comments also advocated for the protection of critical marine resources and the marine ecosystem, and for ensuring that promoting efficiency within permitting and authorization processes does not diminish existing environmental protection standards.

Through an interagency review of these issues, the task force defined three goals:

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

The task force then developed the recommended actions described below for transmittal to the Director of the Office of Science and Technology Policy (OSTP) and the Chairman of the Council on Environmental Quality (CEQ), in their capacity as OPC co-chairs.

### ***Permitting and Authorizations for Ocean Exploration, Mapping, and Research***

Ocean exploration, mapping, and research activities frequently require multiple environmental reviews, consultations, permits, and other authorizations under Federal laws and regulations that protect resources such as maritime heritage sites and sensitive or protected marine natural resources.

Government, academic, and private sector stakeholders comply with numerous Federal laws and associated regulations to obtain, where necessary, permits and authorizations to conduct the hundreds of ocean exploration, mapping, and research activities that occur each year in the United States EEZ.<sup>4</sup> Increasing the efficiency of these processes will advance the Nation's interest in mapping, exploring, and characterizing coastal and ocean waters. Specifically, this will support implementation of the national strategy to map, explore, and characterize the United States EEZ, and the strategy to map the shoreline and nearshore of Alaska, as directed by sections 2 and 3 of the Presidential Memorandum.

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<sup>4</sup> Recommendations in this report will be implemented consistent with policy of the United States on marine scientific research.

## RECOMMENDATIONS FOR INCREASING THE EFFICIENCY OF PERMITTING FOR OCEAN EXPLORATION, MAPPING, AND RESEARCH ACTIVITIES

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This report recommends actions that primarily relate to environmental review, permitting, and authorization processes under the following authorities:

- National Environmental Policy Act (NEPA);
- Marine Mammal Protection Act (MMPA);
- Endangered Species Act (ESA);
- Magnuson-Stevens Fishery Conservation and Management Act;
- National Historic Preservation Act;
- National Marine Sanctuaries Act;
- Coastal Zone Management Act;
- Outer Continental Shelf Lands Act (OCSLA); and
- Rivers and Harbors Act of 1899 (RHA).

Under these authorities, multiple Federal departments and agencies are responsible for evaluating and issuing permits or authorizations for ocean exploration, mapping, and research activities in the United States EEZ. As a result, the review of permit and authorization applications across Federal departments and agencies may be uncoordinated and the processes, information requirements, and review methodologies may be unclear to applicants.

In addition, there are opportunities to employ new and emerging S&T to enhance both the acquisition of information required for permit and authorization application processes and subsequent compliance actions. The recommendations below describe actions to assess the performance and potential utility of new and emerging S&T for permitting and authorizing exploration, mapping, and research activities.

### ***Goals and Recommendations***

The Presidential Memorandum directs bold action to map and explore the United States EEZ. Consistent with and subject to national security considerations, this large-scale effort will require extensive permitting and authorizations from multiple Federal departments and agencies in certain circumstances. This report recommends the following actions to improve the clarity, consistency, and efficiency of the permitting and authorization processes associated with ocean exploration, mapping, and research activities, without reducing environmental protections for natural, cultural, and other protected resources. Recommendations identify entities responsible for implementation, and timelines for completion. For these recommendations, short-term means less than 6 months, medium term means 6 months to 1 year, and long-term means 1 to 2 years.

At the OPC's direction, the ORM will develop and periodically update an Implementation Plan to provide the specific details to accomplish the Recommendations. The Implementation Plan will be published on CEQ's Ocean Policy website.<sup>5</sup>

### **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. [Timeline for Implementation Plan: 90 days. Responsibility: ORM]
- 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 representative. [Timeline: portal – medium term; agency POCs – short-term. Responsibility: ORM]
- 1.3 Evaluate 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, regulatory review, and processing. 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. [Timeline: long-term. Responsibility: NOAA and BOEM]

### **Goal 2: Advance Efficiency through Systematic Regulatory Practices**

Recommendations under Goal 2 address actions to increase the use of programmatic approaches and best practices for activities with minimal potential impacts, and longer-term action to evaluate innovative pre-qualification and project permitting approaches that could

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<sup>5</sup> CEQ's website publishes administration actions related to ocean policy and other environmental areas at <https://www.whitehouse.gov/ceq/initiatives/ocean-policy/>

promote better coordination and greatly increase flexibility for exploration, mapping, and research activities.

- 2.1 Facilitate use of categorical exclusions under NEPA, where appropriate, for exploration, mapping, and research activities in the United States EEZ. [Timeline: medium-term. Responsibility: ORM coordinating with CEQ for ORM-member agency consultations]
- 2.2 Evaluate opportunities for greater use of programmatic and multi-year authorization of activities related to ocean exploration, mapping, and research. [Timeline: long-term. Responsibility: ORM]
- 2.3 Establish criteria for general permits or authorizations, including under the MMPA and ESA, for low-impact activities and technologies, including high-resolution geophysical surveys, associated with ocean exploration, mapping, and research. [Timeline: medium-term. Responsibility: NOAA and DOI]

### **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 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 Conduct a subject-matter review, by experts from a cross-section of the ocean community, of opportunities and challenges 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. [Timeline: medium-term. Responsibility: ORM]
- 3.2 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. [Timeline: medium-term. Responsibility: ORM]
- 3.3 Identify immediate opportunities and conduct pilot projects that integrate new and emerging S&T in the permitting and authorization process. [Timeline: medium-term. Responsibility: ORM]



***Conclusion***

These recommended actions will promote efficiency in permitting and authorization of ocean exploration, mapping, and research activities to advance the economic, security, and environmental interests of the United States. Furthermore, pursuant to the Presidential Memorandum, these recommended actions, consistent with and subject to national security considerations, will advance the President's direction to expand our knowledge of the ocean and inform the conservation, management, and balanced use of the United States EEZ.