

## Public Comment on Draft Northeast Regional Ocean Planning Goals, Objectives, and Actions

*October 2013 – January 2014*

---

### Introduction

This summary compiles public comment from October 2013 – January 2014 on draft goals, objectives, and actions for Northeast regional ocean planning. The Northeast Regional Planning Body (NE RPB), the entity charged with developing a regional plan for the Northeast United States under the National Ocean Policy, convened a series of public meetings throughout New England in the late spring-early summer of 2013 to discuss potential goals and objectives. Results of this public input informed the draft goals, objectives, and actions that were then issued for additional public comment in September 2013. From October through December 2013, the draft goals, objectives, and actions were the focus of stakeholder meetings in each New England state and were also made available on-line for electronic comment. These topics were further discussed and commented on at the January 22-23, 2014 RPB meeting.

The summary includes:

- Input received from public meetings held October-December 2013 in each New England state. For each of these meetings, general comments are summarized first, followed by input specific to individual draft goals and objectives.
- A list of people providing comment in each of three public comment sessions at the January 22-23 RPB meeting along with a link to a meeting transcript that includes comment details.
- Written comments organized in the order they were submitted electronically to Northeast Regional Planning Body (NE RPB) co-leads.

---

### Comments Provided at State Stakeholder Meetings

#### Maine

Maine RPB members have established a Maine Advisors Group comprised of 30 people from a variety of ocean sectors (i.e., fishing, aquaculture, ports, recreation, tourism, conservation, watershed groups, ocean energy, municipal officials and academics.) The Advisors Group met on October 15, 2013 with 24 people attending. A second meeting scheduled for January 7, 2014 was cancelled due to predicted weather conditions. In addition to the feedback received at the October meeting, substantial feedback was collected from Maine's advisors through the use of an online survey.

## General Comments

- There is a need to further define outcomes, the form a plan might take, who will use it and how. Lack of this level of specificity will affect stakeholders' interest in participating.
- The planning area should be clarified, both spatial and temporal and further refine "from out to three miles and up estuaries."
- It should be made clear that the actions in this document are interim steps along the way to directly addressing the goals and creating a plan.
- The document and subsequently the plan is focused primarily on offshore wind development and sand/gravel mining; it does not put enough emphasis on the protection and restoration of marine ecosystems, coastal communities, fishing, climate change including ocean acidification, decreases in zooplankton, etc. and dredging, nor does it address goals of a healthy marine-dependent economy and sustaining fisheries.
- The goals should be higher level goal statements reflecting a vision for the region's waters and marine-dependent communities (e.g., reducing the impacts of climate change is a goal, with ocean wind power as one objective. )
- There is no mention of coordination with other east coast RPBs.

## Comments on Effective Decision-making Goal

### Objective 1

- There is a need to clarify how a regional-scale plan can or will address decision-making on local issues, such as proposed projects.
- Evidence of commitment is needed on the part of federal agencies to use products resulting from ocean planning-related projects (e.g., natural resource and human use mapping-related work). An action should be added to clarify and obtain this commitment. Lack of commitment will affect interest of non-governmental stakeholders to participate.
- Other players besides government agencies can work together towards of improving efficiency and effectiveness. The objective should include ways to enhance coordination among communities, non-profits, and individuals to minimize redundancy and maximize data-sharing. There are many opportunities for improved coordination around existing ocean uses.
- Clarify if and how the plan will address areas where laws conflict.
- Add Coastal Zone Management Act to the list of key laws to be examined and to clarify states' role in federal waters.
- Efficiencies in decision-making should not short cut environmental reviews.

## Objective 2

- Clarity and refinement of the audience being targeted here is needed. People and the public are too broad.
- Stakeholder engagement is the key to a successful planning process. Processes, timelines, relevant and accurate data, ways to participate, etc., must be made clear and readily available to stakeholders in order to effectively engage them throughout the planning and decision-making process. There were continued suggestions to form a standing regional stakeholder advisory group.

## Objective 3

- Data on port traffic plans for cruise ships for 2014-2015 exists and should be added.
- Local data is important to decision-making and should be considered in a regional plan. An action to the effect of identify local data and add to portal is needed.
- Add an action related to improving the process for acquiring data to minimize multiple requests.
- Specificity is needed regarding how sensitive data will be protected.
- Clarity is needed regarding what data in the portal will be used in the plan and in decision-making.
- Data-sharing agreements that go beyond governmental agencies are needed.
- Concern was expressed about availability of funding to fill important data gaps.
- The planning process should create opportunities for stakeholders and scientists to work collaboratively on data collection/analysis.
- There continues to be concern that existing data represents a snapshot in time (e.g., fishing activity mapping occurred at time of low stocks with fewer fishermen fishing.)

## Objective 4

- It is important that the Plan takes into account the customs, traditions, and values of all communities that are highly dependent upon the ocean.
- Adding language that includes spiritual importance and adding a step to assess the sustainability of sustenance practices would improve the outcomes.

## Comments on Healthy Ocean and Coastal Ecosystems Goal

- Be clearer that terms such as key topics and key activities as used in this goal are placeholders. The wording needs to be further refined so people understand what it means.
- Coastal land use and riverine data and associated issues should be addressed in the plan. Socio-economic data should be collected to predict how changes in the ocean will affect communities. Working waterfronts are an important part of regional characterization and there should be an explicit emphasis on marine-dependent communities.

- There is lack of clarity about the purpose for characterizing Northeast waters. Questions like “what do we hope to learn?”, “what questions are we asking of this data?”, “what decisions do we want the characterization help us make?” should be answered upfront.
- A characterization of wildlife should be included.

### Objective 1

- Accurate and complete baseline data are imperative for good decision-making. Inadequacies or absence of baseline data must be identified and then research should be conducted to fill those gaps or update existing data before any management or siting decisions are made. Limitations of data due to temporal shifts in ecosystems need to be recognized and accounted for. High quality data from other non-governmental sources should be incorporated into the data portal.

### Objective 3

- The scale of the data available and the ability to use that data to inform project decisions is mismatched. Data should be collected at the scale and resolution necessary to meaningfully inform project decisions.

## Comments on Compatibility Among Uses Goal

### Objective 1

- There is skepticism surrounding the potential accuracy and usefulness of maps depicting future uses and skepticism about the ability to do cumulative impact analysis, although there was recognition that it is needed. Identifying existing and future uses is different than analyzing the effects of those uses. National Environmental Protection Act has not proven to be an effective vehicle for cumulative impact analysis.
- There is a lack of consideration for past and existing uses throughout the document and especially within this objective.

### Objective 2

- There is a need for clarity regarding the meaning of “...projects that could benefit from a regional perspective”; examples should be included.

---

## New Hampshire

New Hampshire RPB members used a December 18 Division of Ports and Harbors Advisory Council meeting to provide Council members and the public with regional ocean planning updates and to gather input on goals, objectives, and actions. Seven Council members attended along with two members from nonprofit organizations.

## General Comments

- Clarification was requested about the intent of the planning effort and whether the National Ocean Policy has regulatory implications.
- Commercial fishing representatives asked for greater transparency and involvement in product development.
- A dedicated New Hampshire stakeholder advisory group to ground truth data, provide input, and help guide state RPB members in decision-making and products is needed. The coastal community, state Advisory Council on Marine Fisheries, recreational boaters, and conservation organizations need to be engaged beyond the New Hampshire Port Advisory Council meetings. The New England Ocean Action Network (NEOAN) is also a forum to share views.

## Comments on Effective Decision-making Goal

### Objective 3

- The data collection process and products need more input and review (e.g., shipping, fishing, and recreational boating).
- The New Hampshire Director of Ports and Harbors can provide a commercial fishing taskforce report that includes extensive stakeholder input, information, and data from New Hampshire. The Director can also provide a report on the economic value of the Port of New Hampshire.

---

## Massachusetts

Massachusetts RPB members held a meeting through the Massachusetts Ocean Advisory Commission (OAC) on October 30, 2013. The OAC is a 17-member commission including legislators, agency heads, representatives from a commercial fishing organization and an environmental organization, an expert in offshore renewable energy, and representatives from the coastal Regional Planning Agencies. Along with OAC members, six Massachusetts Science Advisory Council members and 15 public attended this meeting to hear updates and provide comment on regional ocean planning goals, objectives, and actions.

### General Comments

- The development of a regional plan should be listed as an outcome.
- Including a preamble and description of goals may be useful when presenting this to audiences to enhance their understanding of the scope. Having clear milestones is also important for the public to see clearly what the RPB plans to attain.
- Establish a timeline for assessing progress.

## Comments on Effective Decision-making Goal

### Objective 1

- There is a need for decision processes to be streamlined - not only with federal agencies but with states and municipalities as well.
- Coordination of sectors such as security, transportation, and recreational uses is very important and should not be overlooked. Although more recent uses such as offshore wind and offshore aquaculture are important to consider as emerging uses, existing uses still need a focus.

### Objective 3

- It is important that users be trained in data and mapping tools.

## Comments on Healthy Ocean and Coastal Ecosystems Goal

### Objective 1

- Move towards next steps beyond a baseline characterization (e.g. based on assessments and results, what will the RPB do to help with the identification of ecologically important areas and related decision-making process?). Depending on the data, maps, and analysis, the RPB should move forward to put these products to work.
- While protecting habitat is important to protect species, the importance of the temporal aspect for different life stages of certain species, especially migrating species, should not be overlooked.

### Objective 2

- Include a socioeconomic component in this goal that will bring to bear the goal of the RPB to include the human component as a priority in healthy ocean ecosystem considerations and initiatives.
- Identify what nongovernmental groups are doing in this area and make sure the dots are connected.

## Comments on Compatibility Among Uses Goal

### Objective 2

- Develop a transmission plan with goals and outcomes. There needs to be a level of predictability for developers about where transmission cables will go (e.g. through designation of transmission corridors) and this is an issue of regional importance.

## Rhode Island

Rhode Island RPB members notified the state's Fisheries Advisory Board, Science Advisory Board, and Ocean SAMP (Special Area Management Plan) stakeholder group of a meeting on December 19, 2013 for updates on Northeast regional ocean planning. Stakeholders in this group include representatives from the municipalities that abut the SAMP project boundary, the Narragansett Indian Tribe, fishermen's organizations, recreation and tourism interests, environmental organizations, marine trades, commercial interests, and other groups with a broad interest in the area. Eleven people from industry, academia, fisheries, and nonprofit groups attended the December meeting to provide additional stakeholder comment on goals, objectives, and actions.

### General comments

- The RPB should consider Atlantic States Marine Fisheries Commission representation; their participation is important considering changes in species distribution and abundance.
- No new regulations should not be highlighted as the most important principle.
- There are additional opportunities in all goals to better characterize existing uses and natural resources and determine how to use that information.
- The RPB should make it clearer that the goals and objectives reflect what is achievable in a two year timeframe.
- The RPB needs to set a better and clearer vision for what the ocean plan is going to look like.

### Comments on Effective Decision-making Goal

#### Objective 1

- Be clear what decisions are being referred to in effective decision-making.
- In previous versions, this goal was broader and seemingly more comprehensive. The current version is more limited with the more refined drilling down into specific uses (e.g., energy, aquaculture, sand and gravel). There is concern about the focus being on these specific emerging uses and not existing uses and natural resources.

### Comments on Healthy Ocean and Coastal Ecosystems Goal

#### Objective 1

- Identify important ecological areas; the National Ocean Policy identifies important ecological areas as an essential component of a marine spatial planning.
- Baseline information is too data poor; a process to establish baseline information based on good science is needed.

- Consider idea of having marine mammal observers on trawl surveys and on fishing boats as a way to use existing opportunities to collect new data.
- Input on fisheries mapping:
  - Need to have fishermen directly involved in methodology for identifying important fishing areas (especially for lobster), and need to make sure there is sub-regional representation on the team advising and doing the work. Research projects need to inform fishery management as well as planning.
  - Vessel Trip Reports and Vessel Monitoring System are accurate for large vessels, but not the smaller day boat fleet (i.e., less than 60') that fish closer to shore and in areas affected by new uses. Fishery maps were developed for the Rhode Island Ocean SAMP and submitted to Bureau of Ocean Energy Management that should be used in the regional process. Maps identify these areas that are important for each sector.
  - The lobster fishery is bound by permits to specific areas that can be identified. This is a data gap that needs to be filled. BOEM is funding lobster background survey in Deepwater wind area; data will be useful for regional work too.
  - Need to consider the emerging Jonah crab and black sea bass fisheries as increasing in the region.
  - Need to reflect changes due to climate, including new research to quantify valuable crab resource areas.
- Input on transmission projects:
  - Cable data development: Some of the cable data is secure and cannot be released, but a lot of it can be shared and it is up to the individual owners; Verizon can share their data.
  - Companies are interested in developing metadata and would like to see submarine cables included in the data portal in the same way as characterization of other industries. The International Cable Protection Committee (ICPC) provides recommendations and guidelines for submarine cables that should be considered in regulatory decision making. This includes the recommended spatial separation between different activities. ICPC recently completed guidelines related to offshore wind based on experience in Europe.
    - In referencing the importance of characterizing the submarine cable industry in this goal, consider the language from the Mid-Atlantic RPB Framework, on page 10, it states: "Facilitate greater understanding of the current and potential future location of submerged infrastructure, such as submarine cables (e.g., for communication and electricity) and pipelines."
  - Cable location: most cables going over to Europe land in New Jersey; there are also a lot of cables on Long Island. Not many cables are currently north of Long Island except the Hibernia system which lands in Massachusetts and a cable that comes into Rhode Island. Trans-Atlantic cables carry 98% of the "voice" and data over the ocean; satellite isn't used that much.



## Comments on Compatibility Among Uses Goal

- This goal should include more specificity about assessing compatibility of uses; it does not go far enough.
  - We need to consider that just because a use starts out as compatible may not mean it is compatible in the long term. Consider a marine accident or terrorism; either might close areas that were previously open.
- 

## Connecticut

Connecticut RPB members held a meeting in conjunction with a December 18, 2013. Connecticut Maritime Commission meeting to provide an update on NE regional ocean planning. The Connecticut Maritime Commission is the primary body within the State of Connecticut to develop and recommend maritime policy to the Governor and the General Assembly. Approximately 20 people attended this meeting including members of the Commission, federal and state agency staff, industry representatives, nonprofit organizations, and the public to provide comment on goals, objectives, and actions. Additional comments provided from stakeholders interested in Long Island Sound via conference call are also captured in the summary below.

## General comments

- The RPB needs to articulate what its role will be beyond the next two years and how planning will continue to progress past this timeframe.

## Comments on Effective Decision-making Goal

- This effort is a good opportunity to work with industry to characterize areas used and are likely to use in the future based on emerging uses.
- Characterization of tribal input will be important in this (and other) goal areas.

## Comments on Healthy Ocean and Coastal Ecosystems Goal

- Information from Long Island Sound seafloor mapping and Dredge Material Management Plan projects are producing high resolution data that can be incorporated into the regional planning process. Other efforts in Long Island Sound from a habitat/natural resource perspective are at such high level resolution that it will be hard to replicate at a regional scale.
- While it is understandable that regulatory agencies want a consistent information base to make management decisions, it is important for the RPB to consider going beyond baseline characterization and consider doing vulnerability assessments and identification of ecological areas. RPB needs to agree on a timeline for these decisions in next year.

- Important to identify a geographic boundary for the effort. Understand that most activity occurs and data exists in 30-40 miles offshore but it is also important for this effort to gather as much information as possible out to 200 miles.
- The information being collected on human use and economics brings up the importance of social science in this process. Need to understand human perceptions of information and assumptions that are made. For example, there is an assumption that planning will reduce conflicts, but when competing uses are considered, conflicts are not about data but on values associated with the data. Have the science plan articulate the importance of social science data and how perceptions can shape behavior of norms attitudes and behavior. Social science can help in understanding what people are willing to support and not support (e.g., maximize ocean uses and protection at the same time.)
  - Sea Grant has projects looking at how social science connections need to be made with natural sciences.
- A sub-regional focus on Long Island Sound is important to consider. There will be more details and data at the sub-regional level. Important to continue discussion of creating a sub-regional focus of the data portal; concerns of capacity of how manage data.

### Comments on Compatibility Among Uses Goal

- The RPB needs to articulate how it will use spatial data. For example, is the RPB the entity that will make decisions or will the individual agencies through their own mechanisms use the information to make better decisions? It is important to describe how a synthesis of data products will lead to an analysis of use and compatibility.

---

## January 22-23 RPB Meeting – Public Comment Sessions

### Session 1

Verbal comment provided during the first public comment session at the January 22-23 RPB meeting can be [read online](#) in the meeting transcript. Eleven people provided comment in this session, including:

Richard Nelson, lobsterman

Priscilla Brooks, Conservation Law Foundation

Melissa Gates, Surfrider Foundation

Brent Greenfield, National Ocean Policy Coalition

Chantal Collier, The Nature Conservancy

Nick Battista, Island Institute

Valerie Nelson, Water Alliance

Rich Ruais, American Bluefin Tuna Association

Amber Hewett, National Wildlife Federation

Rob Moir, Ocean River Institute

John Williamson, Seakeeper Fishery Consulting

## Session 2

Verbal comment provided during the second public comment session at the January 22-23 RPB meeting can be [read online](#) in the meeting transcript. Eleven people provided comment in this session, including:

James Monroe, Blue Water Dynamos  
Brent Greenfield, National Ocean Policy Coalition  
Priscilla Brooks, Conservation Law Foundation  
Valerie Nelson, Water Alliance  
Nick Battista, Island Institute  
Paul Williamson, Maine Ocean and Wind Industry  
Sally McGee, The Nature Conservancy  
Melissa Gates, Surfrider  
Caitlin Cleaver, Island Institute  
Madeline Hall-Arber, MIT/Sea Grant  
Pete Stauffer, Surfrider

---

## Session 3

Verbal comment provided during the third public comment session at the January 22-23 RPB meeting can be [read online](#) in the meeting transcript. Eight people provided comment in this session, including:

James Monroe, Blue Water Dynamos  
Brent Greenfield, National Ocean Policy Coalition  
Priscilla Brooks, Conservation Law Foundation  
Valerie Nelson, Water Alliance  
Sally McGee, The Nature Conservancy  
Wendy Lull, Seacoast Science Center  
William McClintock, UC Santa Barbara  
Nick Battista, Island Institute

## Comments Submitted Electronically

From October through December 2013, the draft goals, objectives, and actions were made available on-line for electronic comment. Comments submitted to NE RPB co-leads follow in chronological order from the date they were received.

**November 11, 2013**

**Les Kaufman, Professor of Biology, Boston University Marine Program and Marine Conservation Fellow**

While I look forward to offering comments on the document as part of the period of general public comment, there remains considerable uncertainty about how, if it all, the RPB would like to make use of the work conducted both collaboratively and in parallel, by the three teams that have applied themselves over the past three or four years to develop a science for understanding, visualizing, and forecasting coastal ecosystem service flows and tradeoffs related to ocean planning options. These three teams include my team based at BU (the "MIMES" team), our colleagues at UCSB (Crow and Ben, copied here, the ESTA team), and the Invest team (Mary copied here).

The national capacity for analysis of ocean use tradeoffs in support of ocean planning is vested largely in these three teams. While many other terrific things have been accomplished without having to make extensive use of particularly sophisticated science or models (as communicated, for example, in the movie "Ocean Frontiers II") there doesn't seem to be any plan to engage our full capacity in a systematic, prospective manner, despite the fact that this could produce substantial benefits. It is 3.3 Public Comment on Draft Northeast Regional Ocean Planning Goals, Objectives, and Actions admittedly a challenge to do so because it is quite a feat to synchronize the necessary human resources and funding with the actual need. Speaking just for the MIMES team, however, we've been working very hard to keep our team together and operational in anticipation of applying what we've learned right here at home. Doing so has begun to stretch us out because it has required taking on projects in distant locales (currently Cambodia). While I readily confess to having fallen in love with the Cambodian people and cuisine (and of course all of the fishes), this is not how we originally planned for things to go.

Would it be possible, together, to at least imagine how, when, and even if ocean planning in the US...and particularly in New England, is *ever* (as in, during our careers!) likely to include an attempt to maximize net benefits, or project options for the range and distribution of these benefits, beyond the immediate outcomes that can be achieved via stakeholders looking at short-term spatial harmonies using simple maps pinned to the wall? Or, is it more likely that we will be spending the next couple of decades simply replicating the process developed in New England in other regions of the country? The advantage of just repeating our success over and over again is that the way we've done it is very simple, requiring only mapping and stakeholder engagement, without any new science or scenario projections beyond that which is immediate and fairly obvious.

The disadvantage is that the solutions achieved in this way are not likely to be particularly lasting, nor up to the more challenging tasks such as harmonizing resource extraction with wildlife protection.

**November 23, 2013**

**Richard Nelson, Captain F/V Pescadero**

You might say this is a letter to express my pre-comment concerns on the RPB's Draft Goals John emailed out recently. Concerned puts it rather mildly as there is a little shock and dismay in there also. First let me say that I've held these in check, wondering perhaps if I was being a little too critical or missing something, but over the last few days I've had a chance to discuss it with other colleagues (Island Institute and a NEOAN call on the subject) and have heard it as a concern of others as well, including those more conservative than I. This once mild mannered and openly worded Goals document seems to have been transformed into, not only a reversal of the goal-objective sequence, but a pronouncement of a major listing of agendas that gets repeated over and over again (five times) throughout its pages. We now seem to be in the business of enhancing the development of "Marine energy production, infrastructure, off shore aquaculture, and sand extraction for beach nourishment." Where have these agenda items come from? Probably not from public meetings, and where is the often talked about transparency? A great part of the reasons I support this process stems from a dissatisfaction with agencies such as BOEM, and wanting this to be a clear and reasonable alternative for decisions about ocean uses, not to be conjoined with them (BOEM) or be their data collectors. I also think this document reverses the order of things, putting this type of action ahead of its' goal (and at times not related to the goal.) When I think goals, I think in terms such as; reducing and combating ocean warming and acidification, while at the same time reducing the reliance on fossil fuels- with a subsequent action item being; supporting the development of renewable ocean energy. This order of stating it, still allows for us to track the outcomes of these projects; are they showing some success towards the goals, or are they meeting ecological criteria etc.? I could delve into many more of my thoughts here, and that of my colleagues, many having to do with a lack of strength and specific actions in the Ocean Health section, but that will come later, I'm sure. That brings me back to the gist of this letter, which is that I'm afraid that without a lot of work or revisions to the goals document, the upcoming meeting may break down into a battleground as opposed to being a productive leap forward. Taking these first steps and getting off to a good start can be difficult, but extremely important and hopefully worth the efforts involved.

Thanks for your attention

**December 4, 2013**

**Michael Tuttle, Manager, Marine Services Division, HRA Gray & Pape, LLC**

I recently read the draft document produced by NROC and RPB dated October 23, 2013. I immediately reread it as during my first reading I did not see an affirmative declaration for the conservation or protection of submerged cultural resources. Submerged cultural properties and

materials may range from inundated habitation sites to historic shipwrecks. As federal regulations, such as Section 106 of the NHPA of 1966, as amended, is interpreted these resources should be protected or at the very least considered during federal agency activities. If such a statement was in the document can you please point me to that section?

If not, I respectfully suggest some form of positive statement in regard to the conservation and protection of these limited and non-renewable resources be inserted. I attended the April 2013 public meeting at the Village Inn in Narragansett, RI and made a statement in support of the protection of our collective submerged and coastal cultural heritage.

Otherwise, I am in full support of the goals of intelligent, regional planning to aid in preserving and protecting our regional marine resources while at the same time allowing for sustainable resource utilization.

Thank you for your time and consideration



40 West 20<sup>th</sup> Street  
New York, NY 10011  
(212) 727-2700  
Fax (212) 727-1773

January 6, 2014

Ms. Betsy Nicholson  
Federal Co-Lead for the Northeast Regional Planning Body  
National Oceanic and Atmospheric Administration  
Northeast Regional Office  
55 Great Republic Drive  
Gloucester, Massachusetts 01930

*Submitted electronically to [klund@northeastoceancouncil.org](mailto:klund@northeastoceancouncil.org)*

Dear Ms. Nicholson,

On behalf of the Natural Resources Defense Council (NRDC) and our more than 1.3 million members and online activists – over 33,000 of whom live in the Northeast – thank you and the other members of the Northeast Regional Planning Body (Northeast RPB or RPB) for your work to develop a collaborative ocean plan that will guide the region's use and enjoyment of our marine resources for this and future generations. We are concerned, however, that the revised goals and objectives<sup>1</sup> which will be addressed and approved at the RPB's upcoming meeting no longer emphasize the need for protection of the ocean's important ecological functions. NRDC strongly urges you to restore language calling for the RPB to safeguard healthy ocean and coastal resources and clarify that only *sustainable* development will be advanced in order to ensure the long-term well-being, prosperity and security of our ocean and coastal resources.

As detailed in NRDC's previous comments,<sup>2</sup> only healthy ocean and coasts<sup>3</sup> can continue to provide the food, jobs and recreation we want and need. Ocean sectors, such as tourism, recreation and fishing, contributed over \$13.5 billion to the region's gross domestic product and tourism and recreation alone support more than 150,000 jobs; these significant economic contributions rely on

---

<sup>1</sup> Available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>2</sup> This letter builds on the letter NRDC submitted to the RPB on July 26, 2013.

<sup>3</sup> A healthy marine ecosystem is one that is able to support and maintain patterns, important processes and productive, sustainable and resilient communities of organisms, having a species composition, diversity and functional organization resulting from the natural habitat of the region, such that it is capable of supporting a variety of activities and providing a complete range of ecological benefits.

clean coastal waters and beaches and healthy and abundant fish and wildlife.<sup>4</sup> These economic indicators only underscore the wealth generated from our ocean – many ecosystem services such as storm surge protection are often unaccounted for. Yet, despite the importance of a healthy ocean to our livelihood and way of life, the region’s marine waters and wildlife are often taken for granted. Ocean and coastal resources currently face a host of threats, from pollution to destruction of productive marine habitats, from climate change to ocean acidification, while simultaneously being busier than ever, with, for example, offshore wind beginning to take off and an anticipated increase in shipping offering new opportunities and challenges. The economic web that our ocean life supports is vulnerable under the weight of these problems and uses; we need to take action to secure our ocean and coasts’ ability to support our many needs.

The RPB is well situated to help ensure the continued functioning of these resources and NRDC’s encouragement and support for the Northeast RPB stems from the understanding that this process will lead to improved ocean health and sustainable ocean use. Executive Order 13547 (Executive Order), from which the regional planning bodies derive their authority, calls for action to help “protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources”; “improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies”; and “bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems”.<sup>5</sup> The *Final Recommendations of the Interagency Ocean Policy Task Force* (Final Recommendations) further states:

*[Coastal and marine spatial planning or CMSP] is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through CMSP because they are centrally incorporated into the CMS Plan as desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. CMSP allows for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.*<sup>6</sup>

It is clear that protection and enhancement of ocean health should be identified as desired outcomes of the RPB’s work.

---

<sup>4</sup> National Oceanic and Atmospheric Administration. Economics: National Ocean Watch. Data Wizard. Northeast, 2010. Available at <http://www.csc.noaa.gov/ENOWDataWizard/index.jsp?RegionList=-5&vYears=2010>.

<sup>5</sup> The White House. Office of the Press Secretary. July 19, 2010. Executive Order 13547. Available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

<sup>6</sup> The White House Council on Environmental Quality. July 19, 2010. *Final Recommendations of The Interagency Ocean Policy Task Force* at 44. Available at [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf). Emphasis added.



Unfortunately, this latest version of the Northeast RPB’s draft goals focuses more heavily on enhancing interagency coordination for the purposes of ocean development; ecological protection is not granted the prioritization that it needs. The effective decision making goal – the first one noted in the revised goals document – is centered on coordination to help advance ocean industry, such as marine energy, infrastructure and sand extraction, with no attention paid to ocean functioning and non-consumptive uses like boating and surfing. Moreover, the current healthy ocean and coastal ecosystems goal which follows only states the need in Action 1-3 to “Assess and summarize efforts in the region that have attempted to identify areas of ecological ‘importance’ or measure the ‘health’ of the marine system” – it does not require the RPB to develop its own analysis and identification of key places in order to guide decision-making or require that ecologically important areas be protected. The related Action 1-6 calls for a baseline assessment of the natural resources, but does not attempt to gauge health or require ecological protection. Action 1-7, which calls for review of the vulnerability of marine life/ habitats to human activities, is not clearly tied back into the assessment and does not call for steps to be taken to address individual or cumulative impacts that put undue pressure on the resources.

The lack of attention paid to ocean health and resilience stands in contrast to the emphasis on fostering ocean industry siting and development. The healthy ocean and coastal ecosystems goal Action 2-1 encourages RPB members only to “*Identify* existing as well as potential programs that are or would be directly related to conservation, restoration, and maintaining healthy ocean and coastal ecosystems at a federal and state level. *Identify opportunities* for better coordinating and supporting those programs to address priority regional ocean planning needs”, but does not ensure that identification and protection of areas key to continued ecological functioning will occur.<sup>7</sup> Compare this to the attention given to marine industry in the first goal related to decision making, specifically in Actions 1-2, “*Pursue* opportunities for coordinating with the BOEM leasing program for offshore wind development ...”, and 1-3, “Identify specific opportunities to enhance inter-agency coordination for marine energy production, infrastructure, offshore aquaculture, and sand extraction ... Include NEPA and development-specific regulatory programs in this action. *Recognizing that there may be obstacles to this action, also identify obstacles to achieving these opportunities and specific, concrete steps toward addressing these obstacles...*”<sup>8</sup>

Critically, nor does the goals document call for *sustainable use*, the capacity of an ecosystem to endure and remain diverse and productive over time without diminished quality of life due to degradation of human or environmental health or adverse effects on social conditions.<sup>9</sup> Executive Order 13547 itself states that “coastal and marine spatial planning provides a public policy process for society to better determine how the ocean, our coasts, and Great Lakes are sustainably used and protected – now and for future generations.”<sup>10</sup> It not enough to simply examine the compatibility of ocean uses with each other as is called for by the document’s third goal; proposed uses also must be

---

<sup>7</sup> Emphasis added.

<sup>8</sup> Emphasis added.

<sup>9</sup> The World Commission on Environment and Development in 1987 defined sustainability as the ability to “meet the needs of the present without compromising the ability of future generations to meet their own needs.”

<sup>10</sup> The White House. Office of the Press Secretary. July 19, 2010. Executive Order 13547. Available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

compatible with the underlying ecosystem. Federal agencies and states and tribes should fulfill the Executive Order and Final Recommendations' intent and revise the document to call for steps that will safeguard the areas and ecosystem processes important for spawning, breeding, feeding and migrating ocean fish and wildlife and ensure that the various impacts of ocean uses – alone and in concert – do not threaten the natural system's health or the variety of uses (*e.g.*, surfing, boating, fishing, paddling, bird watching) that rely on these resources.

NRDC urges the RPB to restore the former healthy ocean and coastal ecosystems goal to:

Develop a planning framework to protect, restore, and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Account for changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the ocean, its biodiversity, and act as its steward/caretaker, recognizing humans as part of the ecosystem.<sup>11</sup>

This description varies from the objectives in the current document, for example, “Characteriz[ing] the region's ecosystem and economy”, “support[ing] existing non-regulatory opportunities to work toward conserving, restoring and maintaining healthy ecosystems”, and “Periodically assess[ing] process toward achieving this goal and Objectives 1-3.” Instead, the former goal solidifies a commitment on behalf of the RPB to secure the continued functioning of fundamental ecological processes, to protect and preserve resource access for sustainable uses, and to respect the traditional customs of indigenous people – another topic given inexplicably short shrift in the revised document. This restored goal should retain the baseline assessment action noted under the current healthy ocean and coastal ecosystems goal; however, the assessment should evolve beyond what appears to be a static snapshot of the system – a “where to site” guide for industry – and instead be used to advise and serve the members of the public and existing users who wish to enhance the health of our ecological resources and secure their continued access to and enjoyment of them. The assessment should identify and protect important ecological functions, areas and wildlife in order to ensure the system's resilience, and an action should be added to develop a series of ecological indicators and regularly assess the natural system's baseline health to better understand changing environmental conditions and the impacts from increased human activities. Further, the RPB should not limit itself to pursuit of non-regulatory opportunities to advance conservation – members should use their existing authorities to protect ocean waters and wildlife.

NRDC also requests that a regional stakeholder advisory panel and a science advisory panel be additional public input methods found under the effective decision making goal. As previously communicated, we recommend that the RPB appoint a regional stakeholder advisory panel made up of representatives from traditional, current and emerging ocean uses in New England to provide regular input and advice to the RPB and solicit feedback from stakeholders. A regional stakeholder panel would help achieve the objectives called for as part of the compatibility among past, current and future ocean uses goal. The RPB's existing stakeholder system of state-by-state stakeholder outreach may be helpful in determining each state's views but cannot substitute for the value of

---

<sup>11</sup> “Draft Goals for Northeast Regional Ocean Planning.” May 2013. Available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

having representatives come together from across the region to share their views firsthand and work together toward resolution of conflicts. We also urge you to establish a science advisory panel comprised of academics and subject-matter experts working throughout the region to advise the RPB on technical matters and to provide advice at all stages of the planning process. This panel would be a more formalized way of engaging with the scientific and academic community in developing a baseline ecosystem assessment and for creating the regional ocean science plan called for in objective 3 of the healthy ocean and coastal ecosystems goal.

Thank you for your consideration of these recommendations. The importance of your work cannot be overstated – regional planning bodies offer a revolutionary new engagement mechanism for stakeholders and the public to engage in management decisions that affect their lives and livelihoods. We urge you to ensure that protection of ecosystem health is restored to the document in order to ensure that these resources can be enjoyed far into the future. We appreciate your dedication to this effort and look forward to reviewing the final goals.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ali Chase', written in dark ink.

Ali Chase  
Policy Analyst  
Natural Resources Defense Council





January 6, 2014

To the Northeast Regional Planning Body:

On behalf of Surfrider Foundation, our more than 250,000 supporters and our vast activist network of Northeast volunteers, thank you for the opportunity to comment on the revised set of draft goals for Northeast Regional Ocean Planning.

Surfrider Foundation believes that Healthy Ocean and Coastal Ecosystems should be the overarching goal of the Northeast Regional Ocean Planning Process. Ecosystem protection is the primary goal of the National Ocean Policy and a core element of marine spatial planning as defined and practiced throughout the U.S. and beyond.<sup>1</sup> The Northeast region depends on a healthy marine ecosystem for economic, social, cultural, ecological, and spiritual values. As such, we suggest you prioritize Healthy Ocean and Coastal Ecosystems above the other draft goals.

Surfrider Foundation supports the four objectives under Healthy Ocean & Coastal Ecosystems. In particular, we support a robust characterization of the region's species, habitats, cultural resources, and existing human activities and economy. However, we believe that stronger actions to protect and restore the environment are needed; with the advent of new and expanding industries that may damage the marine ecosystem, additional protective actions will be necessary to effectively embrace the goal of a healthy ocean & coastal ecosystems. Accordingly, we suggest adding an objective to develop ecological protection areas and standards as part of the regional plan, to address future development proposals and cumulative impacts.

Surfrider Foundation also recommends reinsertion of the descriptive goal language that was included in the original draft document but removed from the revised version. This language is crucial to defining the intent and purpose of the goals.

Surfrider Foundation is concerned that the revised draft goals fail to prioritize the protection of sustainable uses over potential new uses. Existing uses such as recreation, tourism, and cultural heritage provide major economic and social benefits to coastal communities and the region as a whole. Yet, the Effective Decision Making and Compatibility Among Past, Current, and Future Ocean Uses goals suggest that potential new uses may be afforded equal consideration in assessing compatibility. Surfrider

---

<sup>1</sup> Ecosystem protection is the core element of ocean planning goals in other regions, including Washington State ([http://www.msp.wa.gov/wp-content/uploads/2013/07/MSP\\_scoping\\_document.pdf#8](http://www.msp.wa.gov/wp-content/uploads/2013/07/MSP_scoping_document.pdf#8)) and Oregon ([oregonstate.edu/leadership/sites/default/files/provost-documents/Marine-Council/klarin-cmsp-workshop-2011.pdf#5](http://oregonstate.edu/leadership/sites/default/files/provost-documents/Marine-Council/klarin-cmsp-workshop-2011.pdf#5)).



recommends the goals be modified to explicitly prioritize non-consumptive recreation and other sustainable uses. We further recommend that an additional action be added to assess the sustainability of existing uses, so that ocean planning priorities may be set in accordance with the Healthy Ocean and Coastal Ecosystems goal.

Surfrider Foundation appreciates the added attention afforded to recognizing and filling data gaps. The Northeast Ocean Data Portal provides excellent information on a variety of regional ocean uses but does not include data on non-motorized/non-consumptive recreational use. Ocean and coastal recreation encompasses a broad spectrum of human uses such as surfing, beach going, kayaking, diving, wildlife viewing, kite boarding and swimming. These activities are geographically and seasonally ubiquitous along New England's coast and are enjoyed annually by millions of residents and visitors. These uses also provide major economic and social benefits to the Northeast region. Filling the current data gap to include this scientific information regarding non-motorized/non-extractive ocean recreation is critical to the success and legitimacy of the planning process.

With regard to the formation of advisory groups, Surfrider Foundation holds that identifying a formal regional mechanism to solicit regular, proactive input and recommendations, as well as to respond to and solicit feedback from stakeholders is *critical* to the RPB's success. Surfrider is appreciative of the attention that state members have dedicated to this vital component of the body's work within their own states; however, we urge the RPB to follow the Inclusiveness and Accessibility guidelines set forth by the National Ocean Council Marine Planning Handbook, which call for inclusion of **"the full range of interests in national and regional coastal and ocean planning."**<sup>2</sup> Non-consumptive ocean recreation users should be included in all ROP advisory groups. In reviewing the state advisory groups formed to date, the invited parties are heavily stacked toward commercial and fishing uses. Surfrider requests that RPB members actively seek to include a wider swath of representation from across the spectrum of ocean stakeholders.

While state advisory groups are likely to provide valuable stakeholder input to help inform state interests in ROP, they should not serve as a substitute for a regional stakeholder body. Surfrider Foundation again calls for the formation of a regional advisory committee, in line with our previous public comments and the recommendations of the New England Ocean Action Network:

---

<sup>2</sup> National Ocean Council Marine Planning Handbook, available online at [http://www.whitehouse.gov/sites/default/files/final\\_marine\\_planning\\_handbook.pdf](http://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf) (page 9).



*Appoint a Regional Stakeholder Advisory Panel, which consists of diverse representation from the range of traditional, current and nascent ocean user groups in New England. We do not believe that utilizing existing state advisory panels is an appropriate way to encourage a crosscutting regional dialogue about a large, regional planning area. State by state advisory committees can be engaged at the discretion of individual states, but we believe strongly that the RPB should create and engage its own regional advisory panel.*

Surfrider Foundation believes that continuing to improve the public engagement process will aid in the effectiveness of the RPB's decision making. Advanced and well circulated notice for meetings, clear expectations for public input, deadlines for comments, an easily navigable and digestible website, and diversification of communication platforms and formats are needed to facilitate public input. Working to better define the public process for ROP participation and clearly articulating how public input will be considered and potentially integrated into the plan are also essential next steps.

Finally, Surfrider Foundation would like to see specific actions included in the goals for setting the plan in motion. Creating a plan that will matriculate into use is the ultimate goal of the ROP process, and as such, a clearly articulated action plan needs to be established, defining the steps to follow the final plan. Clarifying specific actions for applying data to the decision framework will assist in moving plan outcomes beyond review and assessment.

We have a great opportunity through ROP to protect the ocean ecosystem, ecological hotspots and recreational areas, before they're threatened. Surfrider Foundation appreciates being part of the formative process in the Northeast and we thank RPB and NROC members for the tremendous contributions of time and energy in developing these draft goals, considering and integrating public input, and advancing the ROP process in the Northeast.

Sincerely,

A handwritten signature in purple ink that reads 'Melissa Gates'.

Melissa Gates  
Northeast Regional Coordinator  
Surfrider Foundation

---

SURFRIDER FOUNDATION NORTHEAST REGIONAL OFFICE  
MELISSA GATES, NORTHEAST REGIONAL COORDINATOR | P.O. BOX 313 THOMASTON, ME 04861  
207.706.6378 | [www.surfrider.org](http://www.surfrider.org) | [mgates@surfrider.org](mailto:mgates@surfrider.org)  
SURFRIDER FOUNDATION NATIONAL OFFICE | P.O. BOX 6010 SAN CLEMENTE, CA 92674







January 8, 2014

Ms. Betsy Nicholson, Federal Co-Lead, NE Regional Planning Body  
Northeast Regional Coordinator  
NOAA Coastal Service Center  
35 Colovos Road, Suite 148  
Durham, NH 03824

Mr. Grover Fugate, State Co-Lead, NE Regional Planning Body  
Executive Director  
Coastal Resources Management  
Council  
Oliver H. Stedman Government  
Center 4808 Tower Hill Road  
Wakefield, RI 02879-1900

Chief Richard Getchell, Tribal Co-Lead, NE Regional Planning Body  
All Nations Consulting  
P.O. Box 326  
Mapleton, ME 04757

**Also submitted electronically to [klund@northeastoceancouncil.org](mailto:klund@northeastoceancouncil.org)**

**RE: Comments on the Draft Goals, Objectives and Actions for Regional Ocean Planning in the Northeast**

Dear Ms. Nicholson, Mr. Fugate and Chief Getchell:

On behalf of the Conservation Law Foundation (CLF), I am pleased to provide comments to the Northeast Regional Planning Body (NE RPB) regarding its October 23, 2013 *Draft Goals, Objectives and Actions for Regional Ocean Planning in the Northeast*. CLF supports the development of a comprehensive, ecosystem-based regional ocean plan as the primary mechanism for implementing the goals and priorities of the *National Ocean Policy*<sup>1</sup> and the

---

<sup>1</sup> Executive Order 13547, Stewardship of the Ocean, Our Coasts and the Great Lakes. Fed. Reg. 43023. Thursday, July 22, 2010.

*Final Recommendations of the Interagency Ocean Policy Task Force*<sup>2</sup>. Ultimately, the goal of the *National Ocean Policy* and any consequent regional ocean plan is to ensure that New Englanders, and the nation, can capitalize on all that our ocean has to offer now and in the future. We rely on the ocean for food production, transportation, clean renewable wind, wave and tidal energy, recreation, our cultural heritage and jobs. As the ocean is the source of this tremendous wealth of goods and services upon which we depend, protecting, restoring and maintain the health of the ocean is paramount. We must therefore be committed to striking the right balance between promoting sustainable use of ocean resources and ensuring that New England's ocean ecosystem, including its wildlife and habitats, is healthy and thriving. New England's ocean ecosystem also provides numerous ecosystem services that are not valued in the market place including its role in capturing carbon, producing oxygen and regulating our climate. A comprehensive ocean plan should acknowledge the value of these ecosystem services.

CLF provides these comments in addition to the oral comments that we provided in October at the New England Regional Ocean Planning Maine Advisors Group meeting and in December at both the Rhode Island's public workshop and the meeting of the Massachusetts Ocean Advisory Commission. We note that the goals and objectives document that was discussed at the Maine meeting was a condensed summary of October 23<sup>rd</sup> *Draft Goals, Objectives and Actions* document and did not provide many important details. CLF also attended the December meeting of the New Hampshire Port Advisory Council where, we note that, while there was a discussion of ocean planning in general there was no discussion of the *Draft Goals, Objectives and Action*.

### **Draft Goals, Objectives and Actions**

The Draft Goals, Objectives and Actions lacks the summary descriptions of the goals that were approved at the NE RPB's April 2013 meeting and that CLF strongly supports -- as written in *Draft Goals for Northeast Regional Ocean Planning* (May 2013). The May 2013 narrative for each goal included in italics below provides important context for the objectives and actions that follow and ought to be included in any written or oral presentation of draft goals, objectives and actions. Our comments on the *Draft Goals, Objectives and Actions* are as follows:

---

<sup>2</sup> White House Council on Environmental Quality, *Final Recommendations of the Interagency Ocean Policy Task Force* (July 19, 2010), *available at* [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf).

**Goal: Effective Decision Making**

*Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.*

- **Objective 1 - Enhance inter-agency coordination:** CLF is concerned to see language that significantly narrows the RPB’s focus regarding inter-agency coordination. Rather than signaling a comprehensive approach to regional ocean planning, as envisioned by the *National Ocean Policy*, the objective as currently worded would limit the focus of the Northeast regional ocean plan to a narrowly prescribed set of ocean uses; specifically, energy production, infrastructure (transmission cables and pipelines), offshore aquaculture, sand and gravel extraction, and other potential *future* uses (e.g. carbon sequestration). Broad interagency coordination is critical if existing and future ocean uses are to be effectively coordinated, including uses that are widespread across the ocean planning region such as commercial and recreational fishing, recreational boating and scientific research. CLF believes that the language in Objective 1 represents an unnecessary narrowing of the application of the regional ocean plan and results in the exclusion of many other uses from an objective that seeks to enhance inter-agency coordination. We strongly recommend that all ocean uses be included in this objective, recognizing that the RPB in this first generation of the regional ocean plan may need to prioritize specific issues. At the very the least the language should be amended so that it is clear that this objective is not limited to only the listed activities above. Action 1-1 should also be redrafted to include a review of federal and state statutory requirements for regulating the siting of any ocean use in the ocean planning area. Likewise, Action 1-3 should be broader to identify specific opportunities to enhance interagency coordination for all ocean uses. Such a fundamental action should be a foundational element of any ocean plan and again should not be limited to a selective subset of ocean uses. Action 1-2 should include stakeholder engagement, current ocean use, and important ecological areas of ocean wildlife and habitat as focal topics for coordination with the Bureau of Ocean Energy Management (BOEM).
- **Objective 2 -- Implement specific actions to enhance informed public input in decision-making:** Similar to our comments on Objective 1, CLF believes that promoting opportunities for public input is critical to any informed decision-making process. Affected stakeholders should have clearly defined opportunities to engage in policy discussions addressing specific ocean use. Having a plan for providing opportunities for and managing public engagement should be a foundational element of any ocean plan

(see comments on stakeholder engagement below). There is no justification for limiting these important actions to the subset of ocean uses listed under Objective 1.

- Objective 3 – Incorporate maps and other products into existing agency decision-making processes: This is one of the most important objectives of the regional ocean plan. Identifying data gaps and understanding and mapping existing data is essential to the ocean planning process and a fundamental component of any ocean plan. Devising ways for the maps and relevant data to be included in the plan so that it can be incorporated into agency decision-making will be critical to ocean plan implementation and effectiveness. To that end, Action 3-1 is particularly important and should be a focus in the regional planning process. CLF has significant legal and policy expertise that we look forward to sharing as the NE RPB considers mechanisms for incorporating the ocean plan into current state and federal decision-making processes.
- Objective 4 – Improve respect for the customs and traditions of indigenous peoples in decision-making processes. CLF strongly supports this objective and looks forward to commenting on more specific actions under this objective once they are developed.
- Objective 5 – Periodically assess process towards achieving this goal and Objectives 1-4: CLF strongly supports this objective and similar objectives under each goal to ensure that the regional ocean plan includes adaptive management measures to meet its goals and objectives.

### **Goal: Healthy Ocean and Coastal Ecosystems**

*Develop a planning framework to protect, restore, and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Account for changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the ocean, its biodiversity, and act as its steward/caretaker, recognizing humans as part of the ecosystem.*

The above narrative describing the Healthy Ocean and Coastal Ecosystems goal describes what should be the overarching goal and vision of the Northeast regional ocean plan – a framework to protect, restore and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual and economic benefits, taking into account changing environmental conditions and our evolving understanding of our ocean ecosystem while respecting the intrinsic value of the ocean and its biodiversity. We strongly support this goal as worded above, but have serious concerns that the objectives and actions that follow are not sufficient to achieve this goal.

- Objective 1 -- Characterize the region's ecosystem and economy: Characterizing New England's ocean ecosystem and associated human uses is fundamental to the development of an effective ocean plan and we support the actions associated with compiling and mapping scientific and human use data and developing a detailed portrayal of the biological, physical, oceanographic and human use characteristics of the Northeast planning region. We also want to underscore the importance of considering and planning for the potential impacts of climate change to New England's ocean ecosystem as an element of the regional ocean plan. Action 1-3 proposes to study efforts to identify important ecological areas (IEAs) *or* measure the "health" of the ecosystem. Identifying IEAs and measuring the health of the ecosystem are two distinct areas of scientific study, and it is important to the ocean planning process that there be a baseline understanding of what has been done in the Northeast region on both topics. Therefore, the word, "or" should be replaced by the word "and."

In addition, Action 1-3 inexplicably falls short of taking the obvious next step with respect to IEAs, *i.e.*, to actually identify IEAs in the planning region and develop a decision-making framework that provides appropriate protection for them. The identification and protection of IEAs is a fundamental and critical step in any ocean planning process and is essential to achieving the goal of healthy ocean and coastal ecosystems. The Final Recommendations of the Interagency Ocean Policy Task Force on a Framework for Effective Coastal and Marine Spatial Planning (CMSP) specifically calls out IEAs as an essential component of a marine spatial plan:

*CMSP is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors.<sup>3</sup>*

***Essential Elements of Ocean Plan -- Regional Assessment:*** *The CMS Plan would include a regional assessment, based on environmental, social, economic, and other necessary data and knowledge, describing the existing and predicted future conditions, uses, and characteristics of the ocean, coastal, or Great Lakes areas covered in the CMS Plan. The regional assessment would include: relevant biological, chemical,*

---

<sup>3</sup> Ibid., p. 44.

*ecological, physical, cultural, and historical characteristics of the planning area; **ecologically important or sensitive species/habitats/ecosystems**; and areas of human activities. The assessment would also include an analysis of ecological condition or health and of cumulative risks as well as forecasts and models of cumulative impacts. The regional assessment would explain the information obtained and analyses conducted during the planning process and how they were used to help determine management decisions and plan alternatives.<sup>4</sup> (Emphasis added.)*

Therefore, the identification and protection of IEAs and measuring marine ecosystem health should be major priorities of the planning process. Action 1-3 should be re-drafted so that the work of measuring marine ecosystem health is an action distinct from the specific actions needed to identify and map important ecological areas in the Northeast ocean planning area. CLF recommends the following language change:

- Action 1-3. Assess and summarize efforts in the region that have attempted to identify areas of ecological importance. Based on this information and with additional input from the regional science community develop and apply an appropriate methodology to identify important ecological areas in the ocean planning area.
- Action 1-4. Assess and summarize efforts in the region that have attempted to measure the health of the marine ecosystem. Based on this information and with additional input from the regional science community develop a set of marine ecosystem health indices for regional ocean ecosystem with which to gauge the current health of the ecosystem and to inform the development and regular updating of the regional ocean plan and in particular its goal of Healthy Ocean and Coastal Ecosystems.

Similarly, Action 1-7 (review studies on vulnerability of marine life and habitats to human activities/cumulative impacts) fails to include the step of applying this information to the decision framework of the ocean plan. Action 1-7 should be re-drafted to include an action that would make recommendations on incorporating marine life and habitat vulnerability and cumulative impacts into decision making.

---

<sup>4</sup> Ibid., p. 59.

**Goal: Compatibility Among Past, Current and Future Ocean Uses**

*Develop a planning framework to encourage compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and the connection of ocean uses and the ecosystem to shoreside infrastructure and activities. Facilitate increased understanding and coordination among stakeholders, recognizing the difficulty of resolving certain conflicts.*

The goal of compatibility among uses is an appropriate goal of comprehensive ocean planning, and CLF supports this goal as an important outcome of the Northeast regional ocean plan. However, the objectives and actions that follow this goal focus solely on studying potential future changes in human uses of the ocean environment versus actually assessing and affirmatively addressing and managing current and future *compatibility* among uses. Mapping patterns of human use in and of itself is not sufficient to assess and promote compatibility among uses. Compatibility considers how different activities interact, whether there are positive or negative consequences of those interactions and how those consequences can be mitigated and managed in a way that protect existing uses and plans for and enables new uses. We recommend that the NE RPB include appropriate actions that more directly address the compatibility goal and identify best management practices for promoting compatibility among uses.

The intent of Objective 2 regarding incorporating “regional issues” in ongoing efforts assessing human activities is confusing and appears to be focused on engaging current initiatives in the region. We believe that the regional planning process could benefit from other initiatives and processes now underway. For example, BOEM’s wind energy siting process is generating significant amounts of useful scientific data and other information about the ocean planning area, which could be incorporated into the regional planning process. This objective should be redrafted to focus on engaging current initiatives in a manner that advances the development of a regional ocean plan. In addition, it would be useful to specify what regional issues, other than offshore electricity transmission, are contemplated.

**Stakeholder Engagement**

CLF respectfully would like to also call your attention to the continued need for a formal and comprehensive public engagement process. More detailed recommendations can be found in the May 31, 2013 letter re: public participation submitted to the executive committee of the RPB by the New England Ocean Action Network of which CLF is a member. CLF would like to reinforce two of the proposals in that letter:

- Appointing a standing *Regional* Stakeholder Advisory Panel that consists of diverse representation from the range of traditional, current and nascent ocean user groups in



New England. We do not believe that relying upon existing state advisory panels is an appropriate, prudent or sufficient way to encourage regional dialogue about a large and diverse regional planning area. Reliance upon state-by-state advisory committees continues a siloed approach to ocean management that regional ocean planning should be designed to overcome. The state committees that have been engaged on regional ocean planning thus far vary significantly in their membership composition depending on the state and some committees such as the New Hampshire State Port Advisory Council are not broadly representative of all the relevant ocean planning stakeholders. Furthermore, the announcement of meetings and notification for public involvement has proven to be uneven among the various state bodies. The standards for notifying the public, accommodating public attendance and receiving and incorporating public and stakeholder comments and statements are not apparent in the RPB's use of separate state committees as advisory bodies. To be clear, we appreciate the opportunity for stakeholder dialogue that state advisory committees can provide, but we do not believe it is an adequate mechanism for ensuring stakeholder input in this regional dialogue. In addition to a Regional Advisory Body we urge the RPB to develop and implement common standards of announcement and notification for comment periods, public meetings and other public and stakeholder events.

- Creating and utilizing a standing Science Advisory Panel consisting of scientists from academic and government institutions across New England, as well as individuals or representatives of certain entities who have particular expertise in experiential, local or traditional knowledge. Such a Science Advisory Panel will ensure that the regional ocean plan is built upon the best available scientific data and understanding of New England's ocean, as well as help to increase credibility among the public and various ocean user groups regarding the ocean planning process.

CLF is pleased that New England has embarked on the nation's first ever regional ocean planning process and looks forward to the completion of the Northeast regional ocean plan. The NE RPB is now at a stage of maturation where a more fully developed and regular timeline for its regular public meetings, work sessions, outreach events and other activities is expected by stakeholders and the public who are accustomed to working in concert with other administrative bodies. Establishing an open and transparent public and stakeholder process along with a more regular and accessible RPB work schedule and timeline of actions will help to create the success that we all want to see in New England.





Thank you for this opportunity to comment on the NE RPB's *Draft Goals, Objectives and Actions*. As always, I and my CLF colleagues stand ready to assist in this important endeavor, and we look forward to the NE RPB's great accomplishments in 2014.

Sincerely,

A handwritten signature in blue ink that reads "Priscilla M. Brooks". The signature is written in a cursive, flowing style.

Priscilla M. Brooks  
VP and Director of Ocean Conservation





January 9, 2014

Submitted Electronically

Ms. Katie Lund  
Executive Secretary  
Northeast Regional Planning Body  
[klund@northeastoceancouncil.org](mailto:klund@northeastoceancouncil.org)

**RE: Comments on Revised Draft Ocean Planning Goals, Objectives, and Actions**

Dear Ms. Lund:

The National Ocean Policy Coalition (“Coalition”) is pleased to submit comments on the Northeast Regional Planning Body’s (“Northeast RPB”) revised draft regional ocean planning goals, objectives, actions, and outcomes. The Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the National Ocean Policy are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

**INTRODUCTION**

Ocean and coastal policies play a critical role in our national, regional, and local economies, national security, culture, health, and well-being. The Coalition supports ocean and coastal policies that serve as mechanisms for job creation, infrastructure revitalization, and economic growth, conserve the natural resources and marine habitat of our ocean and coastal regions, and rely on full utilization of existing programs and well-established authorities that are already in place.

The comments herein supplement the Coalition’s June 2013 comments (see Appendix) on the Northeast RPB’s initial draft goals, actions, and outcomes that were released in May 2013.

A primary driver of the Coalition’s concerns regarding regional ocean planning efforts under the National Ocean Policy/RPB construct is the reality that, pursuant to the foundational National Ocean Policy/Northeast RPB documents, RPB plans or products are to be implemented by federal agencies to the maximum extent, including through regulations where necessary.<sup>1</sup> Regardless of whether the RPB

---

<sup>1</sup> See Executive Order for Stewardship of the Ocean, Our Coasts, and the Great Lakes, July 19, 2010, *available at* <http://www.whitehouse.gov/files/documents/2010stewardship-EO.pdf>, Section 6 (“All executive departments, agencies, and offices that are members of the [National Ocean] Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law...[p]articipate in the process for coastal and marine spatial planning and comply with Council certified coastal and marine spatial plans, as described in the Final Recommendations and subsequent guidance from the Council.”); Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010, *available at* [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf), Pages 47, (“Where pre-existing legal constraints, either procedural or substantive, are identified for any Federal agency, the NOC would work with the agency to evaluate necessary and appropriate legislative solutions or changes to regulations to address the constraints. In the interim, agencies would comply with existing legal requirements but

itself is a non-regulatory entity, its actions may thus have far-reaching consequences by serving as precursors to regulatory activity that ultimately impact federal agency discretion and decision-making. The inherent potential for uncertainty, confusion, delay, and adverse impacts to result from this non-statutorily based process underscores the critical need to reduce the likelihood of such an outcome.

The Coalition therefore reiterates the critical importance of establishing a formal role for commercial and recreational user groups (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) before the Northeast RPB takes any further action. For the reasons stated above, the activities of the RPB should be held to stakeholder processes and standards at least as rigorous as those accorded to statutorily-authorized ocean use planning processes. A clear, transparent, and inclusive process would significantly decrease the likelihood of ill-informed actions that unnecessarily constrain commercial and recreational activity in the Northeast.

In addition, it is vital that any work plan that emanates from the development of Northeast regional ocean planning goals, objectives, actions, and outcomes be subject to a sufficient opportunity for public review and comment and user group engagement before its finalization.

Lastly, many of the nation's existing laws aim to promote economic activity and resource development,<sup>2</sup> and the National Ocean Policy Implementation Plan itself cites the promotion of economic growth as a

---

should endeavor, to the maximum extent possible, to integrate their actions with those of other partners to a CMS Plan.”); 61-62 (“...State and Federal regulatory authorities would adhere to, for example, the processes for improved and more efficient permitting, environmental reviews, and other decision-making identified in the CMS [Coastal and Marine Spatial] Plan to the extent these actions do not conflict with existing legal obligations. State and Federal authorities with programs relevant to the CMS Plan would in a timely manner review and modify programs, as appropriate, to ensure their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS Plan to the extent possible. State and Federal agencies would also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law. This may be implemented in a variety of ways. For example, agencies could enter into memoranda of understanding (MOUs) to coordinate or unify permit reviews and decision-making processes. Where existing regulatory or statutory requirements impose constraints on the ability of an agency to fully implement the CMS Plan, the agency would seek, as appropriate, regulatory or legislative changes to fully implement the CMS Plan.”); 62 (“...CMS Plans...are intended to guide agency decision-making and agencies would adhere to the final CMS Plans to the extent possible, consistent with existing authorities...Once a CMS Plan is approved, Federal, State, and tribal authorities would implement them through their respective legal authorities.”); and 65-66 (“Agencies would incorporate components of the CMS Plan into their respective regulations to the extent possible. Adherence with CMSP would be achieved through Federal and State agencies and tribal authorities incorporating CMS Plans into their pre-planning, planning, and permitting processes, to the extent consistent with existing laws and regulations. The CMS Plan signatories would periodically review these processes, and where legal constraints are identified, would seek to remedy these constraints, including by working with the NOC to evaluate whether a legislative solution or changes to regulations are necessary and appropriate.”); National Ocean Policy Implementation Plan, April 2013, available at [http://www.whitehouse.gov/sites/default/files/national\\_ocean\\_policy\\_implementation\\_plan.pdf](http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf), Page 21 (Marine planning will support regional actions and decision-making...); Marine Planning Handbook, July 2013, available at [http://www.whitehouse.gov/sites/default/files/final\\_marine\\_planning\\_handbook.pdf](http://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf), Page 17 (“By their concurrence, Federal agencies agree that they will use the marine plan to inform and guide their actions in the region consistent with their existing missions and authorities.”); and Northeast Regional Planning Body Charter, available at [http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories\\_FINAL.pdf](http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf), Pages 1 (“...participation on the RPB does not commit any **non-federal** RPB member, or **non-federal government** represented by the member, to adopt resulting products or plans.” (emphasis added); 2 (“By committing to this process, RPB members agree to participate in regional ocean planning as a framework for improved coordination and decision making.”); and 7 (“While regional ocean planning cannot supersede existing laws and agency authorities, it is intended to provide a better mechanism for application of these existing laws and authorities. If the Northeast RPB decides to create a formal regional ocean plan...the intent would be to guide agency decision-making, and agencies would adhere to the final plan to the extent possible, consistent with their existing authorities.”).

<sup>2</sup> See e.g. 16 U.S.C. § 1452 (Coastal Zone Management Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title16/pdf/USCODE-2012-title16-chap33-sec1452.pdf> (“The Congress finds and declares that it is the national policy—(1) to preserve, protect, **develop**, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations; (2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values **as well as the needs for compatible economic development, which programs should at least provide for... (D) priority consideration**

key driver and goal of the initiative.<sup>3</sup> The Northeast RPB in turn should identify and seek public review and comment on proposed economic goals and related actions and performance indicators.

To ensure that such economic goals and actions are fulfilled, similar to its proposal to develop a regional ocean science plan (Goal 2, Objective 3), the Northeast RPB should also include the development of a regional economic development plan as part of its goals, objectives, and accompanying actions. Aided by the close engagement of existing and future potential commercial and recreational user groups and subject to public review and comment, the plan should identify and prioritize needs and outcomes for economic data and information, clearly specify how such needs will be met, and outline in detail how Northeast RPB activities will achieve its previously identified economic goals, actions, and performance metrics.

---

*being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists, (E) public access to the coasts for recreation purposes...* [emphasis added]; 43 U.S.C. 1332 (Outer Continental Shelf Lands Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title43/pdf/USCODE-2011-title43-chap29-subchapIII.pdf> ("It is hereby declared to be the policy of the United States that—... (3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs..."); 16 U.S.C. 1801 (Magnuson Stevens Fishery Conservation and Management Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title16/pdf/USCODE-2012-title16-chap38-subchapt.pdf> ("The Congress finds and declares the following: ...The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities...A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby...It is therefore declared to be the purposes of the Congress in this Act—...to promote domestic commercial and recreational fishing under sound conservation and management principles...to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska..."); 46 U.S.C. 55601 (Energy Independence and Security Act), available at <http://uscode.house.gov/view.xhtml?path=/prelim@title46/subtitle5/partD/chapter556&edition=prelim> ("The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion or to promote short sea transportation. (b) Program Elements.-The program shall encourage the use of short sea transportation through the development and expansion of-(1) documented vessels; (2) shipper utilization; (3) port and landside infrastructure; and (4) marine transportation strategies by State and local governments."); and 46 U.S.C. 50302 (Merchant Marine Act, as amended), available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title46-section50302&num=0&edition=prelim> ("With the objective of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which the Secretary of Transportation has jurisdiction, the Secretary, in cooperation with the Secretary of the Army, shall -(1) investigate territorial regions and zones tributary to ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; (2) investigate the causes of congestion of commerce at ports and applicable remedies; (3) investigate the subject of water terminals, including the necessary docks, warehouses, and equipment, to devise and suggest the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between water carriers and rail carriers; (4) consult with communities on the appropriate location and plan of construction of wharves, piers, and water terminals; (5) investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and (6) investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight that naturally would pass through those ports.").

<sup>3</sup> See National Ocean Policy Implementation Plan, April 2013, available at [http://www.whitehouse.gov/sites/default/files/national\\_ocean\\_policy\\_implementation\\_plan.pdf](http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf), Pages 3 ("This Plan describes specific actions that translate the goals of the National Ocean Policy into on-the-ground change to address key challenges, streamline Federal operations, save taxpayer dollars, and promote economic growth.") and 6 ("This Plan responds to such challenges by focusing and coordinating action among Federal agencies under their existing authorizations and budgets, and by providing the tools we need to ensure a robust, sustainable ocean economy. It also promotes better science and information to support economic growth, more efficient permitting and decision-making, and healthier and more resilient marine ecosystems that will continue to support jobs, local economies, and a skilled and diverse ocean workforce.").

Taking such actions will help ensure that the promotion of economic activity and growth of the region's blue economy are adequately addressed in the Northeast RPB's activities.

## **GOAL: EFFECTIVE DECISION MAKING**

As the Coalition stated in its previous comments, effective decision-making is a laudable goal. At the same time, a number of government entities with vastly different jurisdictions and responsibilities serve on the Northeast RPB, and current federal law provides clear jurisdictional leads for the leasing, permitting, and licensing of offshore activities.

Northeast RPB efforts that seek to streamline decision-making must therefore proceed within the confines of existing statutes and their regulatory regimes and not dilute or blur existing authorities and mandates, and, new proposed language stating that the RPB "must work within existing regulatory authorities" that appears in Objectives 1 and 3 should be maintained and apply to all goals and objectives that are ultimately adopted.<sup>4</sup>

### **Objective 1: Enhance inter-agency coordination**

*Focus on aspects of governmental decision-making (NEPA and other existing siting/regulatory programs) related to marine energy production (wind, marine hydrokinetic) and infrastructure (transmission cables, pipelines), offshore aquaculture, sand extraction for beach nourishment, and consider other potential future uses (e.g., carbon sequestration). **For this objective, it is important to remember that the RPB must work within existing regulatory authorities and that different authorities exist for such activities.** This objective will focus on timing/scheduling, inter-agency information-sharing, and communication at a federal level and between state and federal agencies.*<sup>5</sup>

In attempting to address the enhancement of interagency coordination, the revised draft proposes to focus on existing siting/regulatory programs related to "marine energy production (wind, marine hydrokinetic) and infrastructure (transmission cables, pipelines), offshore aquaculture, sand extraction for beach nourishment, and consider other potential future uses (e.g., carbon sequestration)."<sup>6</sup> In carrying out this objective, *all* existing and potential future uses that are subject to existing siting and regulatory programs should be addressed, including fishing and boating, conventional energy, ports, shipping, and other forms of waterborne transportation and commercial and recreational activity.

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Review federal statutory requirements for regulating siting of energy-related development (including electricity generation and transmission, infrastructure such as pipelines, etc), offshore aquaculture, sand extraction for beach nourishment, and other potential future uses of ocean space. Review analogous programs at the state level. In addition to development-specific requirements (e.g., wind energy responsibilities that BOEM has related to the 2005 Energy Policy Act), include more broad considerations such as the National Environmental Policy Act

<sup>4</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 1 and 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>5</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>6</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

(NEPA). In addition to this “on-paper” review, discuss practical implementation with agencies and the regulated community.

- Pursue opportunities to coordinate with the U.S. Bureau of Ocean Energy Management’s leasing program for offshore wind development. Focus on site assessment and construction-operations plan requirements, the utility of regional ocean planning data and information, tribal coordination, and other topics.
- Identify specific opportunities to enhance interagency coordination for marine energy production, infrastructure, offshore aquaculture, and sand extraction for beach nourishment. Include National Environmental Policy Act and development-specific regulatory programs in this action. Recognizing that there may be obstacles to this action, also identify specific obstacles to achieving those opportunities, and specific, concrete steps toward addressing these obstacles. Convene non-governmental entities (regulated community and other interested parties) to discuss, and revised prior to finalizing details.<sup>7</sup>

According to the revised draft, outcomes would include strengthened interagency coordination, federal and state regulatory efficiencies, and “agency commitments to implement,” as well as public information outlining existing review processes and how regulated entities and the public can participate.<sup>8</sup>

Better coordination across governmental agencies could yield positive results. As the Coalition stated in its previous comments, addressing existing inefficiencies by identifying and cataloguing flaws in the current system in terms of regulatory agencies and their ability to work with one another could help promote effective decision-making. The development of any such review and recommendations should include close engagement with the regulated community and relevant agencies and the utilization of adequate public comment periods.

In sharing the findings of any report and recommendations with agencies and officials that have the statutory responsibilities for managing ocean and coastal resources, such information should be provided for their use and consideration as they see fit. Agency implementation of any recommended actions that are included in the Northeast RPB’s report should be strictly voluntary, based on the agency’s careful, independent, and transparent consideration and best judgment, and consistent with existing applicable laws and regulations.

## **Objective 2: Implement specific actions to enhance informed public input in decision-making**

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Develop and disseminate publicly-accessible materials describing regulatory programs related to the type of activities reviewed under Objective 1, including opportunities for public comment, steps where data and information can be provided, and overall timeline for decisions. Existing resources will provide much of the material for this task.

---

<sup>7</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>8</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

- Engage interested parties to identify other potential means of meeting this objective. This could include topics such as: enhanced use of on-line/social media, use of existing public meetings (such as those of the RPB) to provide updates on ocean development projects, demonstrating how public input is/would be incorporated in decision-making, and other ways to meet this objective.<sup>9</sup>

According to the revised draft, outcomes would include enhanced opportunities for public participation in ocean development proposals and review processes and greater public understanding of and ease of participation in regulatory processes.<sup>10</sup>

Consistent with the Coalition's previous comments, the Northeast RPB should provide assurances that any such activities would be carried out in an effective manner, as utilizing a new entity to inform and engage the public and others could create confusion, contribute to regulatory fatigue, and lead to the dissemination of conflicting information.

To the degree that the Northeast RPB itself nevertheless seeks to inform the public about existing regulatory processes and opportunities for engagement within the confines of those regimes, it should thus first coordinate with the agencies and officials of jurisdiction in order to ensure the veracity of any information that is shared with the public.

**Objective 3: Incorporate maps and other products into existing agency decision-making processes**

*Scientifically-sound, stakeholder-reviewed products should be publicly available through the Northeast Ocean Data Portal. **For this objective, it is important to remember that the RPB must work within existing regulatory authorities.** Uncertainty and variability in data and other issues must be identified and described for each data product. Caveats associated with data products may limit their utility; some data may be most helpful in generally identifying issues needing further study and/or stakeholders to engage. Certain products may be applicable for preliminary site assessment or consideration of alternatives.<sup>11</sup>*

In calling for the incorporation of maps and other products into existing decision-making processes, the revised draft calls for the use of "scientifically sound, stakeholder-reviewed products" made publicly available through the Northeast Ocean Data Portal, noting that data uncertainties and variations must be identified and described in each data product and that caveats may limit the utility of certain data products.<sup>12</sup>

In furtherance of this objective, the Northeast RPB specifically proposes to:

---

<sup>9</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 1-2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>10</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>11</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>12</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.



- Within existing regulatory processes, identify potential uses for/applicability of regional ocean planning products. Convene interested parties (government and non-government) to discuss this topic and revise products accordingly.
- Update the Northeast Ocean Data Portal reflecting the results of the above action. Enhance Northeast Ocean Data Portal functionality through better presentation, characterization, and visualization of products.
- Work with appropriate agencies/data owners to increase responsibility for maintaining/updating data products and the Northeast Ocean Data Portal, beginning with illustrations of the utility of products developed for regional ocean planning purposes and recognizing future budget issues.<sup>13</sup>

According to the revised draft, outcomes of this objective would include regional ocean planning products and information that enable preliminary site assessments, provide a better understanding of existing conditions, contribute to regulatory efficiencies, direct stakeholder engagement on the development of Northeast Ocean Data Portal products, and the long-term maintenance and updating of the Northeast Ocean Data Portal and its products.<sup>14</sup>

As the Coalition previously conveyed, data and maps that are properly collected, developed, and used can be of great utility to government, scientists, ocean and coastal user groups, and the public.

At the same time, the Northeast RPB's proposal to further the incorporation of regional data and maps into existing decision-making or regulatory processes could lead to unintended consequences.<sup>15</sup> If not conducted with great caution and sound scientific methodology and custom-designed based on a particular need, the use of data and maps could promote unnecessary or unjustified time and space restrictions. In addition, static data and maps that omit new information on the region's coastal and marine resources could preclude investments in new economic activity in the region or otherwise constrain informed decision-making on evolving national priorities.

While important and existing efforts to improve data collection and database creation should continue, absent express legislative authorization and appropriation, available resources and methodologies are insufficient to incorporate new regional maps and other products into decision-making processes by arbitrary deadlines. Furthermore, such efforts could divert scarce agency resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal activities in the Northeast.

To the degree that the Northeast RPB nonetheless pursues this objective, the use of "scientifically-sound" data products proposed in the revised draft should be maintained in favor of the original proposal to integrate "best available knowledge," and the revised draft's acknowledgement of the need to account for uncertainties, variations, and potential limitations in data should similarly be preserved.

---

<sup>13</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>14</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>15</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Any such data products must account for all of the region's offshore resources and existing and future potential uses, including fishing and boating, conventional energy, ports, shipping, and other forms of waterborne transportation and commercial and recreational activity.

In addition, the Northeast RPB should provide clear guidance and protocols that apply to its collection and use of data (including minimum requirements with relevant federal and state data quality laws, standards, and protocols).

Any decision to develop a regional ocean planning product must also be: (1) subject to an opportunity for extensive public review and comment; (2) informed by active and comprehensive engagement with all existing and future potential user groups, and (3) followed by continuous opportunities to update such products and the prompt incorporation of any updated data.

**Objective 4: Improve respect for the customs and traditions of indigenous peoples in decision-making processes**

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Identify areas and species important for sustenance activities.
- Develop means of incorporating information developed under the above action into decision-making.<sup>16</sup>

The Northeast RPB Charter notes that it “is not a regulatory body” and “has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities.”<sup>17</sup> Proposing to develop a mechanism for the incorporation of areas and species deemed “important for sustenance activities” into existing decision-making raises significant concerns that the Northeast RPB could take actions that exceed its non-regulatory function, and create new regulatory uncertainties for existing and potential future user groups who are governed by long-established ocean and coastal management statutory authorities.

The development of any mechanisms to incorporate areas and species deemed important for sustenance into decision-making must therefore be undertaken by those entities that are statutorily authorized to do so rather than the Northeast RPB, and any identification of such areas must be subject to public review and comment.

**Objective 5: Periodically assess process toward achieving this goal and Objectives 1-4**

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of effective decision-making and the goal's underlying objectives.

The Northeast RPB specifically proposes to:

---

<sup>16</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>17</sup> See Northeast Regional Planning Charter, Page 1, available at [http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories\\_FINAL.pdf](http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf).

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.<sup>18</sup>

Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

## **GOAL: HEALTHY OCEAN AND COASTAL ECOSYSTEMS**

Commercial and recreational interests have a direct stake in healthy ocean and coastal ecosystems and support sound, informed, and science-based policies that support them. As the Coalition previously stated, a number of federal laws are already in place that directly and indirectly address the protection of ocean and coastal ecosystems, and healthy ocean and coastal ecosystems should be supported through existing entities, mechanisms, and processes.

### **Objective 1: Characterize the region's ecosystem and economy**

*Characterize the region's species, habitats, cultural resources, and existing human activities and economy is a component of understanding the "health" of New England's ocean and coastal ecosystems. Environmental conditions in parts of the region appear to be changing and, where possible, such phenomena should be described and ways to portray the dynamic nature of the system explored. Some issues require additional scientific focus, data development, or longer-term consideration.<sup>19</sup>*

The revised draft proposes to characterize the region's species, habitats, cultural resources, existing human activities, and economy, noting that some issues demand more scientific focus, data development, and longer-term consideration.<sup>20</sup>

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Work with the scientific community and other interested parties to integrate natural resource data and model-derived products to characterize marine life and habitats. This includes producing maps for bird, sea turtle, shellfish, marine mammal, fish, and bottom (benthic) habitats. Consider the potential for developing products related to other issues such as historic and future trends, ocean acidification, biodiversity, productivity, species biology (including migration), and the physical/oceanographic environment. Assess the potential for climate change impacts to alter existing conditions. In these considerations, consider scientific understanding and data availability. Convene scientists and other stakeholders to discuss preliminary assessments and potential next steps.
- Identify areas and resources that are of tribal importance.

<sup>18</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>19</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>20</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

- Assess and summarize efforts in the region that have attempted to identify areas of ecological “importance” or measure the “health” of the marine system. The first step in this action will be to define these terms to provide further specificity and direction.
- Work with the shipping, commercial fishing, boating, recreational fishing, energy, aquaculture, and recreation communities to develop information describing those human activities. Engage those stakeholders in specific project design, data development where appropriate, implementation, and review of draft products prior to finalizing.
- Develop an assessment of the regional maritime economy, beginning with compilation of existing analysis/data to determine ability to produce comprehensive economic assessment.
- Incorporating information from the above actions, develop and periodically update a regional baseline assessment of the coastal and ocean ecosystem and data compilation related to the coastal and marine economy.
- Review ongoing and past studies looking at the vulnerability of marine life/habitats to human activities. As part of this summary, assess the current state of the science regarding cumulative impact assessment.
- Incorporate results of above actions into maps and other products that the RPB would seek to incorporate into existing decision-making processes under Goal 1.
- For the above actions: (1) identify priority gaps for the regional ocean science plan described in Objective 3, identifying whether there are priority gaps that could meet other purposes beyond those of regional ocean planning; and (2) pursue incorporating the results of the above actions into existing decision-making processes under Objective 3 of Goal 1.<sup>21</sup>

According to the revised draft, outcomes would include a regional characterization of human activities, cultural resources, natural resources, and the ocean and coastal economy, scientific and stakeholder community engagement, and the incorporation of products into decision-making “as appropriate and only if specific caveats associated with each product are clearly articulated.”<sup>22</sup>

If a regional economic and environmental assessment is not developed through a transparent public process, held to the highest data quality standards, and updated and adapted to suit evolving information and public policy needs, it could ultimately introduce new uncertainties for commercial and recreational interests that lead to unnecessary regulatory hurdles or obstacles to access. For example, agency use of data and maps that are incomplete, untimely, or not applied as intended could lead to adverse regulatory impacts.

For the reasons provided above in the Goal 1, Objective 3 discussion, and to limit the potential of harmful impacts, the Northeast RPB should therefore not adopt its proposal to pursue the incorporation of the results of the proposed actions in furtherance of a regional economic and environmental assessment into existing agency decision-making processes.

Consistent with its proposal to compile existing data and analysis to determine its capacity to produce a comprehensive economic assessment before one is developed, the Northeast RPB should similarly

<sup>21</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>22</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

assemble relevant existing scientific data and analysis to ascertain its ability to conduct the proposed environmental characterization before one is commenced. In addition, as with the Northeast RPB’s proposal (Goal 3, Objective 1) to assess the future viability of human activity maps -- including the identification of the need, timing, and other considerations for updates to such maps – the future viability of environmental maps and the identification of considerations for potential updates to them should also be assessed.

The economic component of the proposed assessment should include a complete analysis of all existing and future potential uses, as identified by commercial and recreational stakeholders, and the economic and societal benefits that they could provide for the region.

In addition, the Northeast RPB should maintain new language which recognizes that “[s]ome issues require additional scientific focus, data development, or longer-term consideration,” that scientific understanding and data availability should be considered in the potential development of certain products, and that caveats associated with products developed under this objective must be “clearly articulated.”<sup>23</sup>

As stated above and for any assessment, the Northeast RPB should provide clear guidance and protocols that apply to the data that is collected and used (including minimum requirements with relevant federal and state data quality laws, standards, and protocols). The development of any assessment, including any identification of areas of ecological importance and areas and resources of tribal importance, must also be: (1) subject to an opportunity for extensive public review and comment; (2) informed by active and comprehensive engagement with all existing and future potential user groups; and (3) followed by continuous opportunities to update any assessment and the prompt incorporation of any updated data.

**Objective 2: Identify and support existing non-regulatory opportunities to work toward conserving, restoring, and maintaining healthy ecosystems**

*Existing non-regulatory programs at the federal and state level are widespread and address many coastal and ocean health issues. Examples include habitat restoration activities, certain water quality improvement programs, enhancements to existing infrastructure, assessment of invasive species, etc.*<sup>24</sup>

In seeking to identify and support existing non-regulatory opportunities to conserve, restore, and maintain healthy ecosystems, the revised draft references existing federal and state-level non-regulatory programs related to habitat restoration, water quality improvement, existing infrastructure enhancements, and invasive species.<sup>25</sup>

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Identify existing as well as potential programs that are or would be directly related to conservation, restoration, and maintaining healthy ocean and coastal ecosystems at a federal

<sup>23</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 4 and 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>24</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>25</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

and state level. Identify opportunities for better coordinating and supporting those programs to address priority regional ocean planning needs.<sup>26</sup>

Utilizing existing non-regulatory mechanisms to support the conservation, restoration, and maintenance of healthy ecosystems would be consistent with the Northeast RPB's non-regulatory status and help ensure that the regulatory landscape for the region's ocean and coastal user community is not further clouded.

In seeking to support any such programs, however, the Northeast RPB must be cognizant of limited agency staff and financial resources and ensure that such resources are not diverted away from statutorily-authorized purposes, and any Northeast RPB proposals to identify and support non-regulatory programs should include projected costs and funding sources and be subject to a sufficient opportunity for public review and comment.

**Objective 3: Produce a regional ocean science plan that prioritizes ocean science and data needs for the region for the next five years**

*There will be gaps in data and information that will directly affect attempts to fully achieve goals set out by the RPB. The regional ocean science plan will help fill those gaps, but importantly will also recognize that these science needs will be directly framed by the regional ocean planning effort recognizing the continuing role and capacity of existing efforts to address certain topics.<sup>27</sup>*

In calling for the development of a regional ocean science plan, the revised draft notes that data and information gaps “will directly affect attempts to fully achieve goals set out by the RPB,” adding that the science plan will help fill the gaps while also “recogniz[ing] that these science needs will be directly framed by the regional ocean planning effort...”

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Engage agencies, the scientific community, and other stakeholders to prioritize scientific/data needs. Coordinate with existing efforts that are underway or related, and recognize continuing need for basic data development to fill gaps (and budget challenges that may enhance gaps in the future). For priority topics, describe priority outcomes and identify potential ways of addressing those issues (including consideration of leveraging/partnering with existing efforts).<sup>28</sup>

Recognizing the existence of gaps is critical to ensuring that decisions are not made based on insufficient data and information. At the same time, efforts to develop a regional ocean science plan could divert scarce agency resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal activities in the Northeast.

---

<sup>26</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>27</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>28</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Given resource constraints and the importance of ensuring that any regional ocean science plan addresses the issues of most importance to the region, a draft proposal for any such plan, including projected costs, funding sources, and goals and objectives, should be made available for public review and comment.

As the revised draft acknowledges, “[t]here will be gaps in data and information that will directly affect attempts to fully achieve goals set out by the RPB.”<sup>29</sup> In order to ensure the identification and implementation of well-informed and coordinated activities, the development and finalization of the regional ocean science plan should precede actions taken in furtherance of Northeast RPB goals and objectives that involve the use of scientific data or information.

#### **Objective 4: Periodically assess process toward achieving this goal and Objectives 1-3**

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of healthy ocean and coastal ecosystems and the goal’s underlying objectives.

The Northeast RPB specifically proposes to:

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.<sup>30</sup>

Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

#### **GOAL: COMPATIBILITY AMONG PAST, CURRENT, AND FUTURE OCEAN USES**

A number of entities, mechanisms, and processes created by federal and state statutes to address ocean and coastal resource management are in effect. Northeast RPB efforts that seek to promote compatibility among uses must do so in a non-regulatory manner that is consistent with the mandates of existing statutes and related regulations.

#### **Objective 1: Increase understanding of past, current, and future ocean uses**

*Addressing project-specific compatibility issues generally is the domain of specific project-review processes and thus is appropriately addressed during permitting. Regional ocean planning can add value by enhancing understanding of trends in human activities, to the extent foreseeable, and by ensuring that specific projects underway consider regional considerations resulting from engagement of stakeholders in the Northeast.*<sup>31</sup>

---

<sup>29</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>30</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>31</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.



In attempting to increase understanding of past, current, and future ocean uses, the revised draft proposes to “enhanc[e] understanding of trends in human activities, to the extent foreseeable” and “ensur[e] that specific projects underway consider regional considerations resulting from engagement of stakeholders in the Northeast.”<sup>32</sup>

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Examine technological, management, economic, environmental, or other factors to enhance understanding of reasonably foreseeable changes in human uses. Engage industry representatives and experts in maritime commerce, recreation, commercial fishing, marine energy development, and offshore aquaculture to help determine future possible scenarios or trends if possible. Gauge the potential for relatively new offshore uses such as offshore aquaculture and sand and gravel for beach nourishment.
- Use the results from the above action to assess the future viability of human activity maps. Identify the need, timing, and other considerations for periodic updates to such maps.<sup>33</sup>

If used to address economic activity without injecting additional uncertainty, risk, and delays, the assessment of trends in offshore economic activities could be beneficial. Therefore, the Northeast RPB should remove the “if possible” caveat currently included in the proposal to engage industry representatives and other experts to ascertain future possible scenarios or trends.

In addition, closely engaging commercial and recreational sectors is necessary to develop an informed understanding of current and future potential trends in offshore economic activity. Any such assessments should include all ocean and coastal resources and existing and future potential uses, and be subject to public review and comment and properly scoped and defined to meet regional goals and priorities developed through broad stakeholder consensus.

In the event that potential future changes to human activity maps are identified, such identified potential changes should be released for public review and comment before they are incorporated into any maps, with the Northeast RPB specifying how the potential changes to human activity maps could be implemented and what impact the incorporation of those changes into human activity maps could have on existing and future ocean and coastal users.

**Objective 2: Ensure regional issues are incorporated in ongoing efforts assessing new/existing human activities**

*Several ongoing projects are looking at potential interactions between various human activities through assessing existing information and data. Many of these projects relate to ongoing offshore wind energy development and aspects of these projects may benefit from a regional perspective, recognizing that it will be important to understand their scope, timing, and intended purpose to help identify opportunities to contribute to such work.*<sup>34</sup>

---

<sup>32</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>33</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>34</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.



In seeking to ensure the incorporation of regional issues in ongoing efforts to assess new and existing human activities, the revised draft notes that several projects examining potential interactions between human activities through existing information and data assessments are ongoing. It further notes that many of the projects relate to offshore wind development, and that aspects of the projects “may benefit from a regional perspective.”<sup>35</sup>

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Summarize the status of projects such as the Atlantic Coast Port Access Route Study, Bureau of Ocean Energy Management-led Northeast Sand Management Working Group, regional efforts to assess commercial and recreational fishing and offshore wind energy development, and the identification of potential paleocultural resources offshore Rhode Island, and others.
- Using the above assessment, identify considerations for these existing efforts and work with sponsoring agencies/entities to do so. Identify need to facilitate discussions between diverse users and agencies and undertake such discussions where appropriate.
- Convene regional stakeholders and experts to discuss issues related to electricity transmission from grid-scale wind energy projects. The purpose of this action will be to enhance understanding of issues related to siting and/or connections to existing transmission network.<sup>36</sup>

According to the revised draft, outcomes would include the incorporation of regional perspectives in ongoing projects, information describing potential future uses of the ocean, the viability of existing human activity maps and the need for updates, and public dialogue on regional issues related to offshore wind siting.<sup>37</sup>

The provision of informed comments on this proposal is constrained absent a clearer explanation of how it would be carried out. For example, the Northeast RPB proposes to ensure the incorporation of “regional issues” in ongoing efforts in part by summarizing the status of (1) two particular projects; (2) regional commercial/recreational fishing and offshore wind regional assessments; (3) the identification of possible paleocultural resources offshore Rhode Island; and (4) “and others.” In addition, it proposes to use the assessment to identify “considerations” for these existing efforts.

To provide an opportunity for informed comments, the Northeast RPB should remove references to “regional issues,” “and others,” and “considerations” and clearly specify: (1) the specific regional issues to be addressed; (2) the criteria for determining which projects/activities will be addressed; and (3) how the information included in such an assessment would specifically be used and acted upon.

Any assessment summarizing the status of ongoing projects, and all data underlying such assessments, should first be made available for public review and comment. In doing so, the Northeast RPB should clearly explain how the information included in the assessment might be used. In addition, the

---

<sup>35</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>36</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

<sup>37</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Northeast RPB should publicly announce any “considerations” for existing efforts that are identified, any related work that it engages in with sponsoring agencies/entities, and any sectors/entities that are identified as candidates for user group-agency discussions. Any such discussions should be announced by public notice and open to the public.

**Objective 3: Periodically assess process toward achieving this goal and Objectives 1-2**

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of compatibility among past, current, and future ocean uses and the goal’s underlying objectives.

The Northeast RPB specifically proposes to:

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.<sup>38</sup>

Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

**CONCLUSION**

The Coalition appreciates the opportunity to provide comments on the revised draft goals, objectives, actions, and outcomes. At the same time, the Coalition strongly maintains that mechanisms that provide a formal means for commercial and recreational interests to adequately interact with and advise the Northeast RPB on its activities (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) should be in place before the Northeast RPB moves any further ahead.

The Coalition looks forward to continued engagement with the Northeast RPB to help ensure that this process does not adversely impact the region’s existing and future potential commercial and recreational interests, and the jobs and communities that they seek to support.

Sincerely,



Brent Greenfield  
Executive Director  
National Ocean Policy Coalition

---

<sup>38</sup> See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 7, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.



June 28, 2013

Submitted Electronically

Betsy Nicholson  
Federal Co-Lead for Northeast Regional Ocean Planning  
NOAA Ocean Service  
Northeast Regional Office  
55 Great Republic Drive  
Gloucester, Massachusetts 01930-2276

**RE: Comments on the Draft Ocean Planning Goals**

Dear Ms. Nicholson:

The National Ocean Policy Coalition (“Coalition”) is pleased to submit comments on the Northeast Regional Planning Body’s (“Northeast RPB”) draft regional ocean planning goals, potential actions, and outcomes. The Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the National Ocean Policy are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

**Introduction**

Ocean and coastal policies play a critical role in our national, regional, and local economies, national security, culture, health, and well-being. The Coalition supports ocean and coastal policies that serve as mechanisms for job creation, infrastructure revitalization, and economic growth, conserve the natural resources and marine habitat of our ocean and coastal regions, and rely on full utilization of existing programs and well-established authorities that are already in place.

As currently written, the draft Northeast Regional Ocean Planning goal document includes items that could adversely impact existing and future commercial and recreational activities in the Northeast. The Coalition’s comments below address those of the most significance. With this in mind, the Coalition strongly encourages the Northeast RPB to consider the following in all activities it undertakes:

- As a newly-established, non-regulatory body, the Northeast RPB must conduct its affairs in a manner that reflects its non-regulatory function. Decision-making that falls under an existing statutory or regulatory authority of a federal, state, or local agency or planning body should not be preempted by the outcome of the work of this RPB. Such action would blur or dilute existing authorities and mandates. The Northeast RPB should strive to serve as a forum to improve the quality and accessibility of information, thus better informing and expediting effective decision-making under existing statutes and the regulatory regimes they established.

- The Coalition does not support the furtherance of any Northeast RPB efforts that extend beyond this non-regulatory scope—including the development of a new regional ocean plan or planning framework—as ocean planning denotes making decisions on resource values and use. However, to the extent that the RPB develops information to inform regulatory processes, the Northeast RPB must ensure that all its activities are well-informed by a multi-stakeholder process, thoughtfully developed to avoid biased outcomes, and grounded in sound science and quality data. The RPB must conduct its activities in a manner that is consistent with existing legal authorities, and establish clear protocols and standards so as to not be subject to arbitrary processes and decisions which would further complicate regulatory processes or inject regulatory uncertainty. Such outcomes would potentially restrict or preclude commercial and recreational use of ocean, coastal, and other “connected” areas without due process afforded in law.
- To be successful, the Northeast RPB must establish a formal role for commercial and recreational user groups to interact with and provide advice to the RPB (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) before moving forward. The activities of the RPB should be held to the same stakeholder processes and standards as those accorded to normal ocean use planning processes under regulatory authorities. A clear, transparent, and inclusive process would significantly decrease the likelihood of poorly-informed actions that unnecessarily constrain commercial and recreational activity in the Northeast.

## Timeline

Efforts to increase regulatory efficiencies and develop a greater understanding of ocean and coastal resources and existing and potential future uses can be of great benefit. However, the Coalition is concerned that the Northeast RPB is moving forward in a manner that lessens the likelihood for a thoughtful and well-informed outcome. According to the planning timeline that was recently approved, Northeast RPB products and outcomes are to be submitted to the National Ocean Council by 2015.<sup>39</sup> To that end, in seeking public comments on the draft goals, the Northeast RPB also asks for feedback on priority outcomes and actions over the next two years.

Rather than establishing pre-determined deadlines for the completion of unknown RPB activities, timelines should be developed based on the time that is needed to identify, consider, and implement goals and any related actions that are ultimately agreed upon following significant user group and public engagement efforts. Practical and achievable timelines cannot be ascertained before such engagement has taken place and such goals and related actions have been identified.

Newly-established non-regulatory entities such as the Northeast RPB must ensure that their activities are well-informed, thoughtfully developed, grounded in sound science and quality data, conducted in a manner that is consistent with existing legal authorities, and not used to arbitrarily and further complicate regulatory processes or inject regulatory uncertainty that would restrict or preclude commercial and recreational use of ocean, coastal, and other “connected” areas.

The Coalition’s comments below address those concerns of the most significance.

---

<sup>39</sup> See Northeast Regional Ocean Planning Timeline: 2012-2015, available at <http://www.northeastoceanCouncil.org/comment-on-the-draft-ocean-planning-goals/>.

### **Draft Goal One: Effective Decision-Making**

*“Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.”<sup>40</sup>*

Effective decision-making is a laudable goal. Better coordination across governmental agencies, user group engagement, collaboration, and a science-based approach could yield positive benefits, particularly for sectors in the Northeast such as the fishing industry that are already facing federal regulations that are said to be flawed and adding to continued economic headwinds and uncertainty.<sup>41</sup> However, Northeast RPB efforts intended to improve the effectiveness of ocean and coastal decision-making could foster regulatory inefficiencies rather than reduce them. Current federal law provides clear jurisdictional leads for leasing, permitting, and licensing of offshore activities. Environmental impact assessment and mitigation is also clearly provided for in the National Environmental Policy Act, the Marine Mammal Protection Act, and the Endangered Species Act. The Northeast RPB should serve as a forum to expedite decision-making under these statutes and the regulatory regimes they established and not dilute or blur existing authorities and mandates.

Similarly, the number of various governmental entities with vastly divergent jurisdictions and responsibilities that currently serve on the Northeast RPB underscores the need for this body to avoid the introduction of new regulatory hurdles, ambiguities, or uncertainties that would frustrate or delay government decision-making within or between Northeast RPB agencies and unnecessarily restrict existing and potential future commercial and recreational activities in the Northeast.<sup>42</sup>

*Draft Goal One Potential Action: “Incorporate regional data and maps into regulatory processes”<sup>43</sup>*

Data and maps that are collected, developed, and used properly can be of great utility to government, scientists, ocean and coastal user groups, and the public. However, the draft potential action to apply regional data and maps in the regulatory context raises concerns. While the Northeast RPB notes in its Charter that it “is not a regulatory body” and “has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities,”<sup>44</sup> the incorporation of regional data and maps into regulatory processes could result in impacts similar to the issuance of new regulations. The integration of regional data and maps into the regulatory process is aspirational at this point. If not conducted with great caution and sound scientific methodology, it could lead to unrelated data being combined in a manner that wrongly implies correlation and could promote unjustified precautionary principle protections.

---

<sup>40</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>41</sup> See Office of the Attorney General of Massachusetts Press Release, “AG Coakley Sues NOAA To Block New Regulations That Threaten Fishing Industry,” May 30, 2013, available at <http://www.mass.gov/ago/news-and-updates/press-releases/2013/2013-05-30-noaa-lawsuit.html>; and Gloucester Times, “Lawmakers Tie NOAA Funds To Catch Hikes,” December 15, 2010, available at <http://www.gloucestertimes.com/fishing/x1666505078/Lawmakers-tie-NOAA-funds-to-catch-hikes>.

<sup>42</sup> In addition to state and tribal representatives representing Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, Northeast RPB members include federal officials from agencies as varied as the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Interior, and Transportation to the Environmental Protection Agency and Federal Energy Regulatory Commission. See Northeast Regional Planning Body Membership Roster, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Membership-Roster-NE-RPB1.pdf>.

<sup>43</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>44</sup> See Northeast Regional Planning Charter, Page 1, available at [http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories\\_FINAL.pdf](http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf)

Moreover, data and maps cannot be universally applied to any regulatory process regardless of context. Rather, data and maps must be custom-designed based on the particular need. Generated for one particular purpose, data and maps could be misused and misapplied in other contexts as a basis for enacting new time and space restrictions for existing uses, and static data and maps could preclude new information on and investments in potential future uses that might otherwise be allowed to occur, causing economic and societal harm for the Northeast region.

Concerns about the impacts of the incorporation of regional data and maps into regulatory processes are compounded by the absence of clear guidance and protocols for the collection and use of such data and maps, as well as the draft goal's call for integrating "best available knowledge" as opposed to relying on sound science. Recent trends in "sue and settle" litigation in areas such as Endangered Species Act listings demonstrate that "best available knowledge" can be used as a proxy to block multiple uses of public lands without an adequate scientific basis.

There are many important and existing efforts in state and federal government agencies to improve data collection and database creation. Such efforts should continue. However, it should also be recognized that, absent express legislative authorization and appropriation, there will not be sufficient resources or methodologies to incorporate regional data and maps into regulatory processes by arbitrary deadlines. Furthermore, efforts to accelerate this activity in the current economy could siphon scarce resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal commercial and recreational activities in the Northeast.

*Draft Goal One Potential Action: "Conduct regional cumulative impacts analysis utilizing improved environmental and ocean use information and data"*<sup>45</sup>

This potential action is also problematic. Among other things, it is unclear how such analysis would be conducted and funded, what it would be intended to measure, and how the analysis would be used and applied. In addition, it appears to closely correspond with the "Regional Assessment" required to be included in a Coastal and Marine Spatial Plan as set forth in the National Ocean Policy.<sup>46</sup>

Therefore, without further clarity on these points, the draft potential action is too vague to provide informed comment on. To the extent that the Northeast RPB nonetheless conducts such an analysis, it must be done in a way that is grounded in real-world data and accurately assesses mitigation measures and the impact of new technology on environmental footprints.

*Draft Goal One Potential Action: "Inform and engage the public for better decision making"*<sup>47</sup>

This potential action implies that existing mechanisms are insufficient to inform and engage the public on ocean and coastal management issues in the region. Federal laws such as the National Environmental Policy Act, Coastal Zone Management Act, and Administrative Procedure Act already require opportunities for public participation in decision-making pertaining to ocean and coastal

---

<sup>45</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>46</sup> See Page 59, Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010 ("The regional assessment...would also include an analysis...of cumulative risks as well as forecasts and models of cumulative impacts.").

<sup>47</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

activities. To the degree that public engagement on ocean and coastal management can be improved, long-established mechanisms and entities are the appropriate vehicles for doing so.

Given that the Northeast RPB has been established and is contemplating actions, however, the Northeast RPB itself must conduct robust, transparent, and continuous public engagement activities to provide opportunities for citizens and those with interests in the Northeast to weigh in. This is an unfortunate circumstance, as utilizing a new entity to inform and engage the public and others could introduce additional confusion and contribute to regulatory fatigue.

*Draft Goal One Potential Action: “Coordinate and leverage science, traditional knowledge, and data development to address regional priorities”<sup>48</sup>*

The utility and success of an effort to use sound science, traditional knowledge, and quality data to address regional priorities depends in part on whether such an initiative truly addresses regional priorities. Regional priorities should be developed and furthered on a collaborative basis with the backing of those who live and work in the Northeast, including the commercial and recreational interests that support jobs and economic activity in the region.

Such an effort must also be informed by sound science and quality data that complies with strict integrity safeguards, protocols, and requirements, as well as socioeconomic data that accounts for the benefits associated with both existing and future potential commercial and recreational uses.

Finally, it is unclear how the Northeast RPB would “address” such regional priorities. The Northeast RPB Charter notes that its products “could include a formal regional ocean plan or a set of deliverables such as improved data, maps and spatial planning tools, or regulatory efficiencies.”<sup>49</sup> In addition to the comments above regarding data and maps, the Coalition urges the Northeast RPB to address regional or other priorities through actions that do not involve the development of a formal regional ocean plan.

In addition to potential impacts on human uses, the development of a regional ocean plan could generate significant questions and confusion about its alignment with existing and functioning regulatory structures—including but not limited to those under the Magnuson-Stevens Fishery Conservation and Management Act and National Environmental Policy Act—that already manage use of the coastal and marine environment. If plans would require new interagency actions, reviews, or consultations, it could also lead to real and consequential delays in agency actions for carrying out their responsibilities. In turn, economic activity (and related jobs and revenues) associated with commercial and recreational use of the region’s ocean and coasts could suffer.

Furthermore, as the National Ocean Council has previously noted, development of a coastal and marine spatial plan would require “significant initial investment of both human and financial resources.”<sup>50</sup> At the Northeast RPB’s April 2013 meeting, funding constraints were cited as an obstacle to creating a formal Stakeholder Advisory Committee. If funding and other circumstances are such that the RPB lacks

---

<sup>48</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>49</sup> See Northeast Regional Planning Charter, Page 1, available at [http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories\\_FINAL.pdf](http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf)

<sup>50</sup> See Final Recommendations of the Interagency Ocean Policy Task Force, Page 43, released July 19, 2010, available at [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf).



the capacity to establish a formal Stakeholder Advisory Committee, then it seemingly lacks the ability and should not endeavor to undertake the development of a formal regional ocean plan.

The Northeast RPB should conduct its affairs in a manner that reflects its non-regulatory function. Doing so will allow existing agencies and processes through which ocean and coastal management responsibilities have been assigned by statute and regulation to address effective decision-making, reduce new potential barriers to permitting and project reviews, and ensure that new actions are not taken that could unnecessarily reduce or remove the benefits associated with commercial and recreational activities.

For example, a Northeast RPB priority action in furtherance of effective decision-making should be to address existing inefficiencies by identifying and cataloging flaws in the current system in terms of regulatory agencies and their ability to work with one another. Information on such inefficiencies would be obtained through robust public and user group engagement, including through public comment periods and close collaboration with existing and future potential ocean and coastal resource users, and shared with those agencies and officials who have the statutory responsibilities for managing ocean and coastal resources.

In addition, the Northeast RPB should create formal mechanisms for formal user group input in the process, including through the creation of a Stakeholder Advisory Committee.

The ultimate outcome should include streamlined permitting and project review, based on comprehensive analyses of agency barriers that currently prevent such streamlining, and not empower new entities with regulatory responsibilities.

### **Draft Goal Two: Healthy Ocean and Coastal Ecosystems**

*“Develop a planning framework to protect, restore, and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Account for changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the ocean, its biodiversity, and act as its steward/caretaker, recognizing humans as part of the ecosystem.”<sup>51</sup>*

Commercial and recreational interests have a direct stake in healthy ocean and coastal ecosystems and support sound, informed, and science-based policies that support them. Indeed, a number of federal laws are already in effect that directly and indirectly address the protection of ocean and coastal ecosystems.

Such laws include the Coastal Zone Management Act, Clean Water Act, Clean Air Act, National Environmental Policy Act, Magnuson-Stevens Fishery Conservation and Management Act, Oil Pollution Act, Endangered Species Act, Marine Mammal Protection Act, Outer Continental Shelf Lands Act, Coral Reef Conservation Act, National Marine Sanctuaries Act, Antiquities Act, and National Historic Preservation Act, among others.

Application of a new “planning framework” to “protect, restore, and maintain” the region’s ocean and coastal ecosystems by the Northeast RPB would be inconsistent with the entity’s acknowledged non-regulatory status and further cloud the regulatory landscape for the Northeast’s existing and future

---

<sup>51</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.



ocean and coastal user community. In addition, the contours of and need for the planning framework have not been defined, and since a new planning framework could consist of new processes, structures, and responsibilities among various agencies, without further clarification it is also unclear how it would be established consistent with existing authorities.

Concerns about the regulatory impacts of instituting the “planning framework” are underscored by potential actions to “[i]dentify opportunities within existing regulations and authorities for restoration and protection” and “[w]orking within existing regulations and authorities, use publically-accessible maps and trends to define and characterize important, significant, or valuable areas.”<sup>52</sup> In addition, the Northeast RPB notes that a potential outcome of this goal is the incorporation of maps of species, habitats, and areas of regional importance “in existing decision making processes.”<sup>53</sup> Therefore, new regulatory impacts from instituting the planning framework seem likely to occur.

As another potential outcome, the Northeast RPB refers to “[g]reater recognition and understanding of the connection between riverine quality and healthy ocean and coastal ecosystems.”<sup>54</sup> The Coalition encourages the Northeast RPB to leave management of inland resources to existing state and federal bodies and processes. To the extent that the Northeast RPB nevertheless seeks to address upland activities, it is imperative that those who live, work, and employ individuals in such areas be informed and engaged at the earliest possible moment regarding the Northeast RPB’s existence and intention to explore potential supposed links between their areas and ocean and coastal waters.

If the Northeast RPB moves ahead with the development of a planning framework, it must account for changing economic as well as environmental conditions if the region’s ocean and coastal ecosystems are to provide “social, cultural, spiritual, and economic benefits.”

In sum, it is unclear how a new planning framework would support healthy ocean and coastal ecosystems in a different and better way than existing mechanisms, how it would be developed in tandem with existing laws, regulations, and processes, and how it would not hinder existing and future commercial and recreational users of Northeast ocean and coastal areas. Therefore, the Coalition urges the Northeast RPB to allow existing entities, mechanisms, and processes to support healthy ocean and coastal ecosystems.

### **Draft Goal Three: Compatibility Among Past, Current and Future Ocean Uses**

*“Develop a planning framework to encourage compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and the connection of ocean uses and the ecosystem to shoreside infrastructure and activities. Facilitate increased understanding and coordination among stakeholders, recognizing the difficulty of resolving certain conflicts.”<sup>55</sup>*

For the reasons stated above, the Coalition opposes development of a “planning framework” to address “compatibility among past, present, and future uses of ocean and coastal waters while minimizing user

---

<sup>52</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>53</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>54</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>55</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

conflict and impacts to environmental and cultural resources.” A number of entities, mechanisms, and processes created by state and federal statutes to address ocean and coastal resource management are already in effect. Establishment of an additional “planning framework” must not become a mechanism that circumvents or obviates the deliberative statutory constructs that currently exist. Furthermore, a new planning framework could have adverse effects on existing and potential future ocean and coastal commercial and recreational uses in the Northeast without providing added value for environmental or cultural resources.

As with Draft Goal Two, the potential for such a planning framework to result in adverse and perhaps unintended consequences for commercial and recreational ocean and coastal uses in the region is highlighted by several potential actions that are included in the draft goal document.

For example, the Northeast RPB states that potential actions to “[i]dentify and where possible map existing uses...and related infrastructure,” “[i]dentify and map cultural and historic sites,” and “[e]nhance the viability of and compatibility among new and existing ocean uses” could help further outcomes including “minimiz[ing] conflicts and informing siting of new uses” and “information for preserving important cultural and historic sites and traditions.”<sup>56</sup> It is unclear how such actions and outcomes would not result in new commercial and recreational access limitations or conditions.

As another potential outcome, the Northeast RPB refers to “[g]reater recognition and understanding of the connection between inland resource use and associated impacts on ocean resources.”<sup>57</sup> To the degree that the Northeast RPB intends to address inland activities, those who live or operate in the region’s inland areas should be informed of such intentions and provided with adequate engagement opportunities.

To be sure, certain potential actions under this draft goal may yield positive results. For example, assessing trends in maritime commerce, commercial fishing, and ocean-based renewable energy, as well as assessing the potential for offshore aquaculture, current and foreseeable uses of seafloor material, and existing shore-side infrastructure and related improvement needs could be beneficial. Any such assessments should be expanded to include all ocean and coastal resources and potential future uses, and they should be properly scoped and defined to meet regional goals and priorities developed through broad stakeholder consensus.

If not used as a building-block to construct a new regulatory layer, these assessments could improve the region’s ocean and coastal economy and environment by helping to further potential outcomes such as a more complete and thorough “[a]ssessment of the regional coastal and ocean economy,” “[c]onsideration of regional infrastructure needs,” and “[i]dentification of priority needs for shoreside infrastructure upgrades.”<sup>58</sup>

However, if the information is used in a way that has the ultimate effect of introducing new uncertainties for existing and potential future commercial and recreational interests in the Northeast by

---

<sup>56</sup> See Draft Goals for Northeast Regional Ocean Planning, Pages 3 and 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>57</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

<sup>58</sup> See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

introducing new and unnecessary regulatory hurdles or obstacles to access, the outcome for the region could be far different.

As with Draft Goal Two, the Coalition urges the Northeast RPB to allow existing entities, mechanisms, and processes to govern the multiple ocean and coastal uses that exist rather than develop a new “planning framework.”

In the event that the RPB pursues development of a planning framework, it is essential that the whole host of all existing and potential future commercial and recreational uses is fully accounted for, addressing the needs of, among others, the commercial fishing industry, needs for current and future maritime transportation routes, the concentration of and potential for recreational fishing and boating, the opportunity and need for offshore renewable energy, the possibility of the existence of offshore conventional energy and strategic mineral resources, the need for future energy infrastructure such as pipelines, transmission corridors, power plants, and refineries, and the needs of the aquaculture industry.

Furthermore, any Northeast RPB effort to develop and implement an ecosystem-based plan or planning framework will require adjustments to its anticipated schedule for completion. While the RPB activity timeline notes that by 2015 it will have achieved implementation with ecosystem-based management,<sup>59</sup> this timeline must be altered if the RPB’s actions are to be grounded in sound science and data.

At the present state of knowledge, practical experience with the design and implementation of monitoring programs that enable ecosystem-based management is limited, especially on the broad spatial and temporal scales that are required to support informed ocean and coastal planning decisions.

Therefore, significant thought and time must be invested in developing data collection, monitoring, and analysis methodologies that can deliver reliable and sound information. In addition, effective data gathering and monitoring require that the goals of any ecosystem-based management effort first be collectively defined through public processes. Until stakeholders understand what the planning framework or plan will look like and what associated efforts for ecosystem-based management are supposed to achieve, it will be difficult to determine how to efficiently and effectively approach and fund critical data collection and management efforts.

To that end, a concrete proposal specific to the Northeast must be developed which outlines the envisioned goals of ecosystem-based management and efforts associated with data collection, quality control, analysis, and interpretation. Furthermore, since “scientific” information could be used in attempts to influence public perception, the plan must also provide mechanisms to ensure the scientifically sound use of the obtained information.

At a minimum, the proposal should include the following:

- A statement outlining the goals and objectives envisioned for ecosystem-based management, as determined by the stakeholder community through public processes;
- Data collection and measurement programs outlining which parameters (variables) should be monitored, for what purpose, how, where, and how often;

---

<sup>59</sup> See Northeast Regional Ocean Planning Timeline: 2012-2015, available at <http://www.northeastoceanCouncil.org/comment-on-the-draft-ocean-planning-goals/>.

- Protocols for data quality control to ensure measurements are technically defensible and bound by acceptable uncertainty limits before they are released for analysis, model input, and interpretation; and
- Protocols outlining the anticipated use of the information to ensure the application of scientifically proven analysis methods and the dissemination of peer-reviewed, statistically sound information

An initial proposal that addresses these points should be finalized before a detailed assessment is made of the resources needed for its implementation, including, for example, sampling equipment, laboratories, and marine vessel requirements.

In addition, the Northeast RPB must ensure that all impacted stakeholders, including the Northeast commercial and recreational user community, buy in to the initiative and are involved and committed at *every* stage of the process: the identification of goals, the development and design of effective monitoring programs, the implementation of such programs on cross-sectoral scales, the continuous analysis of data outflow, and the alignment of adaptive management techniques with the observations.

In addition, defining and realizing realistic and achievable monitoring efforts, and identifying actual versus perceived problems, will require that qualified local scientists and scientific experts from industry stakeholders are brought in to work together with Northeast RPB representatives.

Therefore, a regional ocean planning framework, plan, or other actions dependent on ecosystem-based management must not be implemented before the pertinent data is appropriately collected, analyzed, and made publicly available. Such activities will take time, and their completion would be constrained by the imposition of arbitrary deadlines.

Lastly, any observing, mapping, and other data collection activities carried out must recognize limits in the ability of maps and forecasting/modeling tools to account for variations in conditions across geographic areas and reflect differences in operations among specific activities and users. Such activities should also have the ability to adapt to new information about ecosystems, alternative uses of ecosystem resources and services, and economic activities that drive quality of life in the region.

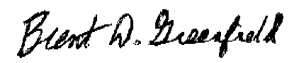
## **CONCLUSION**

While the Coalition appreciates the opportunity to provide comments on the draft goals for Northeast regional ocean planning, additional information is needed to allow all those with interests in the region to provide the Northeast RPB with informed comments.

In addition, structural mechanisms that provide a formal means for commercial and recreational interests and local officials to adequately interact with and advise the Northeast RPB on its potential future activities should be in place before the Northeast RPB moves any further ahead.

Especially during these difficult economic times, it is essential that the output of the Northeast RPB reflects the needs and desires of those who live and employ citizens of this region, be developed in a thoughtful, transparent, and deliberate manner that is based on realities on the ground rather than artificial timelines, and not lead to the creation of new and unnecessary obstacles to access for existing and future commercial and recreational activities that provide economic and societal benefits for the region. The Coalition looks forward to working with the Northeast RPB to help ensure such an outcome.

Sincerely,

A handwritten signature in black ink that reads "Brent D. Greenfield". The signature is written in a cursive style with a prominent initial "B".

Brent Greenfield  
Executive Director  
National Ocean Policy Coalition



---

**From:** David Dow [ddow420@COMCAST.NET]  
**Sent:** Friday, January 10, 2014 6:34 PM  
**To:** Katie Lund  
**Cc:** David Dow; Murphydalzell Murphy  
**Subject:** Comments on Draft October 23, 2013 NE RPB SAP

The following comments are submitted on behalf of the Cape Cod & the islands Group- Sierra Club. The New England Chapters of the Sierra Club may submit comments through NEOAN (New England Ocean Action Network), while the national Marine Action Team and Beyond Coal Ocean Wind Energy Campaign may submit additional comments. Dr. David Dow will attend the January 22-23 RPB meeting in Cambridge, Ma. and may offer some verbal comments from these other grassroots/national Sierra Club entities.

\* Goal 1: Effective Decision Making

Since the state/federal jurisdictional waters adjacent to Cape Cod will include the Cape Wind Project in Nantucket Sound and the 1350 square mile BOEM (Bureau of Ocean Energy Management) wind farm off of Marthas Vineyard, we have concerns about where this power will be brought onshore and connected to the Regional Electric Grid, since Cape Cod has limited excess transmission capacity. Since BOEM rarely has public information meetings on Cape Cod and the Cape Wind Project has been quite controversial amongst local ENGOS/Animal Rights Groups, we have had limited opportunity to comment on the power line transmission challenges that we face from offshore wind farms and the permitting nightmare that we would face on Cape Cod to construct new power transmission lines. The offshore wind farms have faced opposition from commercial fishermen/women and other traditional users (aquaculture; recreation; transportation; etc.). The RPB SAP public hearing in Barnstable Village was poorly advertised by the Cape Cod Commission and there was no media coverage of the hearing. The New England Fishery Management Council is developing an Omnibus Habitat Amendment (OHA) that may include some Habitat Areas of Particular Concern in waters adjacent to Cape Cod. The Cape Cod Commission has organized a Clean Water Act section project to address our wastewater challenges at the watershed level. The CC&I Group has participated in the Waquoit/Popponesset Bay Working Group. We are organizing a public meeting in early March to address wastewater costs/benefits and environmental justice challenges.

Barnstable and Falmouth are considering ocean outfalls for treated sewage effluent from upgraded, existing wastewater management plants. Ma. DEP has indicated to Falmouth that sewerage of 6 additional watersheds of nitrogen impacted coastal embayments may be required if the pilot projects (ecotoilets; inlet widening; oyster aquaculture; permeable reactive barriers; fertilizer bylaws; green infrastructure for storm water; etc) in the Falmouth Comprehensive Wastewater Management Plan can't meet the TMDL targets for Total Nitrogen within the impacted embayments. Cape Cod waters are already being impacted by climate change which has caused a regime shift in the marine biota and their habitats. In coastal areas on land relative sea level rise and flooding from extreme weather events has disrupted coastal geology and infrastructure and pose challenges for climate adaptation; community resilience and emergency response planning. Our wastewater mitigation challenges arise from population growth and increased development in coastal watersheds which has lead to eutrophication of coastal embayments by nitrogen and freshwater ponds by phosphorus. Septic systems are a source of contaminants of emerging concern in our private and public water supplies and some of the cecs can bioaccumulate in the marine food chain if the treated sewage effluent is released at ocean outfalls. The Cape Cod & the Islands Group has been doing public outreach on the Sierra Club's recently released cec fact sheet (Dr. Dow was on the drafting team). Our Group has also developed a webinar on climate change, extreme weather events and emergency responses (based upon the lessons learned from Blizzard Nemo). This webinar has been presented to EJ and community of faith groups.

Thus there are interconnections between marine waters and coastal watersheds that require planning and regulatory integration between local/state/federal officials with involvement of public stakeholders. Having the RPB SAP meetings and hearings during the day when many people work limits much of the public engagement to policy wonks and groups with paid staff/retired volunteers. By contrast the CC&I Group has done outreach on the cec fact sheet at Town Public Health and Safety Fairs on Saturdays and with communities of faith organizations to spread the word on ways to reduce homeowners exposure to these largely unregulated toxic chemicals. NROC and the RPB contractors and staff should do the same !!! The five objectives under this goal are very broad and generic, so

that the revised SAP should add some more specifics to address Sierra Club concerns and those from other stakeholders impacted by the "Effective Decision Making" goal.

\* Goal 2: Healthy Ocean and Coastal Ecosystems

We agree with the general philosophy outlined under Objective 1 (Characterize the Region's Ecosystem and Economy), but since our socioeconomic/environmental system is in a state of flux from a variety of factors (climate change; eutrophication; overfishing; invasive species; development and population growth in coastal watersheds; etc.) there is a need to integrate the science and technological advances with public policy changes that improve sustainability, while allowing compatible uses (goal of NOP). The SAP might want to consider an ecosystems-based, adaptive management framework for connecting the science/technology phases with changes in planning and public policy. EPA's Waquoit Bay Watershed Ecological Risk Assessment project might provide a good site for a pilot test of this concept, since many scientific studies have occurred here and it is one of the section 208 WG watersheds. Another practical problem is that monitoring data, scientific studies and maps need to be integrated into products accessible to the public and stakeholders. It is not apparent from the RPB meetings that we have participated in that this is the case.

Even though the federal/state agencies are responsible for carrying out permitting and regulatory authority in their areas of oversight/legislative authority, a major constraint is that these regulations are based upon science from the 1980's-1990's. We need to develop more nimble ways to incorporate that data and information from the actions 1-1 to 1-8 into the policy and regulatory pathway. NOAA Fisheries and the New England Fishery Management Council face this challenge in incorporating climate change into the population dynamic models that establish the TACs (Total Allowable Catches) that set the quotas for groundfish sectors. The NEFMC ecosystem indices won't be developed until 2015 which is when the RPB SAP is supposed to be submitted. Since the Northeast Fisheries Science Center's Ecosystems Assessment Group has already seeing climate-change induced effects in the Gulf of Maine, we shouldn't have to wait until 2015 to make policy or regulatory changes. There is a lot of inertia in the Magnuson-Stevens Sustainable Fisheries Act implementation process, so that changes on the water may require an additional 3-4 years. The NEFMC Omnibus Habitat Amendment has been under development for 7-8 years and is still not completed. Other federal/state agencies face similar problems as their resources (dollars and people) are reduced in an era of financial austerity. It is not clear how actions 1-1 through 1-8 will be accomplished in this fiscal situation.

Objectives 2 through 4 seem like good ideas, but the description is so generic it is impossible to make comments. The devil will obviously be in the details.

Goal 4: Compatibility Among Past, Current and Future Uses

Since grassroots entities (Sierra Club Chapters and Groups) have to take positions compatible with national Club policies/positions, the Marine Action Team and Beyond Coal Ocean Wind Energy Campaign should comment on Objectives #1 through 3. This requires balancing the needs to conserve wild places, wild things (using marine reserves as one tool) with generation of green electricity from ocean wind farms for transmission to the regional electric grid to reduce greenhouse gases. The Sierra Club has a Sustainable Fisheries Policy (SFP) which helps guide its conservation of marine biota and their habitats. This national policy used the Massachusetts Chapter Policy as a template and the Cape Cod Group helped the Chapter develop its SFP. Climate change is the Sierra Club's top conservation endeavor and includes numerous sub-campaigns. The national activists can address these concerns better than the CC& I group can. Many of the public comments at the RPB meetings are focused on this goal (how to balance past, current and future uses amongst diverse stakeholders).

Thanks for the opportunity to comment on the October 23, 2013 Strategic Action Plan draft.

Dr. David Dow  
Treasurer, Cape Cod & the Islands Group- Sierra Club  
18 Treetop Lane East Falmouth, Ma. 02536



**From:** Jim Reardon [<mailto:jimreardon@earthlink.net>]

**Sent:** Thursday, January 16, 2014 3:33 PM

**To:** John Weber

**Subject:** RE: Reminder: Regional Planning Body Meeting January 22-23

This NOC process is moving very rapidly and hoping/trusting the fisheries has legitimate representation. Who are the panelists representing fisheries on the NERP? We hope these appointees are well aware of the dire situation in the fisheries trenches. The plumes from Hurricane Sandy have done insurmountable damage quite subtly. The entire ecosystem is in distress as we now have 7 billion people using the limnology entirety and waste infrastructures are deficient. We are light years behind many nations in fostering and proliferating Marine Recirculating Aquaculture Systems (MRAS). It is becoming clearly more evident of the need to energize an MRAS catapult as we become more dependent on imports from unsustainable aquaculture and foreign fisheries with inept or non-existent policies. The US fishing fleet suffers from cash flow restriction unbearable at dock prices nearing those paid in 1985. Universally beneficial processing on a grand scale forged by fisheries units is long overdue without which is particularly threatening at this time as imports displace Northeast Fisheries landed fresh. A price support policy and a distinct interpretation of the Kennedy-Saltonstall Act would be a refreshing beginning. In case you have not been in the trenches lately, we are losing our New England Fishing Fleet and its generative infrastructure.

Sincerely,

Jim Reardon

Fishery Section Manager, Massachusetts





January 17, 2014

Submitted electronically to [klund@northeastoceancouncil.org](mailto:klund@northeastoceancouncil.org)

**Re: Revised Draft Goals for Northeast Regional Ocean Planning**

Dear Northeast Regional Planning Body:

The New England Ocean Action Network (NEOAN) is pleased to provide comments to the Northeast Regional Planning Body (RPB) regarding its revised October 23, 2013, Draft Goals, Objectives and Actions for Regional Ocean Planning in New England. NEOAN is a diverse group of ocean users and stakeholders that was created in 2011 to ensure that all ocean user groups have the opportunity to be fully involved in the development of a regional ocean plan in New England, a component we believe is essential to the successful implementation of the goals and priorities envisioned by the *National Ocean Policy*<sup>1</sup> and the *Final Recommendations of the Interagency Ocean Policy Task Force*<sup>2</sup>. NEOAN continues to strongly support the development of a comprehensive, ecosystem-based regional ocean plan as an essential tool for ensuring that New Englanders have the knowledge and tools they need to make informed decisions to keep our ocean, coasts, and economies healthy and strong. NEOAN is concerned that in its revision of the three draft goals, the RPB has omitted some of the important guiding principles present in the *National Ocean Policy*.

We provide the following brief comments regarding the three goals:

**Goal: Effective Decision Making**

Objective One- Enhance inter-agency coordination

Objective One under this goal focuses on improving aspects of governmental decision making while appearing to prioritize certain ocean uses by singling out marine energy production and infrastructure, offshore aquaculture, and sand extraction for beach nourishment. NEOAN

---

<sup>1</sup> Executive Order 13547, Stewardship of the Ocean, Our Coasts and the Great Lakes. Fed. Reg. 43023. Thursday, July 22, 2010.

<sup>2</sup> White House Council on Environmental Quality, Final Recommendations of the Interagency Ocean Policy Task Force (July 19, 2010), available at: [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf).

recommends that the RPB amend this unnecessary narrowing of scope by altering this language to reflect a broader approach to improve decision making across all ocean uses. NEOAN supports a regional ocean planning process that acknowledges and considers the economic and cultural importance of current and historic ocean users. The language should be clear in that this objective is not only limited to the three stated issues above.

#### Objective Two- Implement specific actions to enhance informed public input in decision-making

Objective Two under this goal should also be amended to reflect that public input will be sought on a comprehensive set of ocean uses - not just the activities listed under the first objective. One of NEOAN's top priorities is to ensure that a meaningful stakeholder engagement process is an essential component of Regional Ocean Planning in New England. We refer the RPB to the detailed recommendations submitted to the executive committee of the RPB by NEOAN on Friday, June 13, 2013. We would like to reinforce one of the proposals in that letter:

- Appoint a **Regional Stakeholder Advisory Panel** which consists of diverse representation from the range of traditional, current and nascent ocean user groups in New England. We do not believe that utilizing existing state advisory panels is an appropriate way to encourage a crosscutting regional dialogue about a large, regional planning area. State by state advisory committees can be engaged at the discretion of individual states, but we believe strongly that the RPB should create and engage its own regional advisory panel.

NEOAN encourages the RPB to more fully develop its outreach strategies with stakeholder groups to ensure an open and transparent process and comprehensive involvement from the public and diverse ocean user groups. The RPB should develop regional standards for notifying the public about meetings, accommodating public attendance, and receiving and incorporating public and stakeholder comments.

#### **Goal: Healthy Ocean and Coastal Ecosystems**

NEOAN supports the actions under this goal and would once again like to draw the RPB's attention to Section 1 of Executive Order 13547.<sup>3</sup> NEOAN reinforces its prior recommendation submitted to the executive committee of the RPB on Friday, June 13, 2013, that:

- The RPB make explicit in the actions for this goal the principles of Ecosystem Based Management; a place-based approach to natural resource use that aims to restore and protect the health, function and resilience of entire ecosystems for the benefit of all **organisms**, including humans. The principle of Ecosystem-Based Management is fully expressed in the *Final Recommendations of the Ocean Policy Task Force*<sup>4</sup> and the RPB's use of that language as a guide is fully appropriate.

---

<sup>3</sup> Executive Order 13547, Stewardship of the Ocean, Our Coasts and the Great Lakes. Fed. Reg. 43023. Thursday, July 22, 2010.

<sup>4</sup> United States. White House Council on Environmental Quality. *Final Recommendations of the Interagency Ocean Policy Task Force*. 2010. Web. <[http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf)>.

### Action 1-7

Specifically, we are concerned that merely reviewing ecological information as described in Action 1-7 (review studies on vulnerability of marine life and habitats to human activities/cumulative impacts) fails to include the step of applying this information to the decision framework of the ocean plan. Action 1-7 should be re-drafted to include an action that would make recommendations on incorporating marine life and habitat vulnerability and cumulative impacts into the decision making process.

### **Goal: Compatibility Among Past, Current and Future Ocean Uses**

The objectives and actions that follow the goal of Ocean Use Compatibility focus on a study of potential future changes in human uses of the ocean environment versus an assessment and strategies to better manage current and future *compatibility* among uses. Mapping patterns of human use in and of itself is not sufficient to assess and promote compatibility among uses. Compatibility considers how different activities interact, whether there are positive or negative consequences of those interactions, and how those consequences can be mitigated and managed in a way that protects existing uses and plans for enabling new sustainable uses. NEOAN recommends that the RPB include appropriate actions that more directly address the compatibility goal and identify best management practices for promoting compatibility among uses.

Thank you for your consideration of these recommendations. We encourage you to visit our website at <http://newenglandoceanaction.org/> to learn more about the New England Ocean Action Network and we look forward to working with you to advance a Regional Ocean Plan for New England that benefits all ocean users.

Sincerely,  
NEOAN

Melissa Gates  
Northeast Regional Coordinator  
Surfrider Foundation  
Rockland, Maine

Marci Wilkens  
Sierra Club  
Connecticut Chapter  
Hartford, Connecticut

Wendy Lull  
President  
Seacoast Science Center  
Rye, New Hampshire

Meghan Jeans  
Director, Fisheries and Aquaculture Programs  
New England Aquarium  
Boston, Massachusetts

Jack Clarke  
Director of Public Policy & Government Relations  
Mass Audubon  
Boston, Massachusetts

Nick Battista  
Marine Programs Director  
Island Institute  
Rockland, Maine

Rachel Calabro  
Community Advocate  
Save the Bay  
Providence, Rhode Island

Ben Martens  
Executive Director  
Maine Coast Fishermen's Association  
Brunswick, Maine

Jamie Rhodes  
Director  
Clean Water Action Rhode Island  
Providence, Rhode Island

Megan Amsler  
Executive Director  
Cape & Islands Self Reliance  
Cataumet, Massachusetts

Richard Nelson  
Lobsterman and Captain  
F/V Pescadeo  
Friendship, Maine

Jen Kennedy  
Executive Director  
Blue Ocean Society  
Portsmouth, New Hampshire

Sean Cosgrove  
Oceans Campaign Director  
Conservation Law Foundation  
Boston, Massachusetts

**From:** Mark Ring [<mailto:mark.ring3@verizon.net>]  
**Sent:** Sunday, January 19, 2014 10:25 AM  
**To:** Katie Lund  
**Subject:** Northeast Regional Planning Body

January 19, 2014

Dear Ms. Lund,

I am submitting his letter as a public comment in regards to the ongoing Northeast Regional Planning Body meetings. As the process moves forward, there is much work to be done by all the concerned entities.

The Northeast is a very dynamic area with a hugely diverse group of fisheries and user groups. It is important that all groups are brought to the table, remain informed and the process is transparent.

As new projects arrive on the horizon, it is imperative that no project take precedence over the traditional stake holders and user groups that have derived their livelihood and income from these areas for well over three hundred years.

Many communities socioeconomic environments rely a great deal on these ocean areas, this should way heavily on any future decisions. The user groups and different fisheries are numerous, each with totally different methods. It is important that all are included and each treated individually.

If this commission can be of any assistance, please feel free to contact me at [mark.ring3@verizon.net](mailto:mark.ring3@verizon.net).

Sincerely,

Mark Ring

Chairman, Gloucester Fisheries Commission







The Nature Conservancy  
Worldwide Office  
4245 N. Fairfax Drive  
Arlington, VA 22203

tel 703-841-5300  
web nature.org

January 21, 2014

Ms. Betsy Nicholson  
Federal Co-Lead, NE Regional Planning Body  
NOAA Coastal Service Center  
35 Colovos Road, Suite 148  
Durham, NH 03824

Mr. Grover Fugate  
State Co-Lead, NE Regional Planning Body  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road Wakefield, RI 02879-1900

Chief Richard Getchell  
Tribal Co-Lead, NE Regional Planning Body  
All Nations Consulting  
P.O. Box 326  
Mapleton, ME 04757

Submitted via regular mail and email (Katie Lund, RPB Executive Secretary,  
[katie.lund@northeastoceancouncil.org](mailto:katie.lund@northeastoceancouncil.org))

RE: Comments on the Draft Goals, Objectives and Actions for Regional Ocean Planning in the Northeast

Dear Ms. Nicholson, Mr. Fugate and Chief Getchell:

On behalf of The Nature Conservancy (the Conservancy), please accept the following comments on the new version of the Northeast Regional Planning Body (RPB) draft regional ocean planning goals, objectives and actions. The Conservancy supports the RPB in its efforts to establish clear goals for ocean planning in the Northeast and appreciates the opportunity to provide further input.

The Conservancy's mission is to conserve the lands and waters on which all life depends. With the support of more than one million members, the Conservancy has protected over 120 million acres and 5,000 river miles around the world and currently has more than 150 marine conservation projects in 32 countries and in every coastal state in the U.S. The Conservancy has been working to conserve, protect, and restore coastal and marine habitats and species along the U.S. Atlantic Coast for over four decades. Based on this experience, we ask that you consider the following comments in addition to our original letter submitted August 2, 2013.

First and foremost, the Conservancy appreciates your further work to develop goals, objectives and short term actions. Your continued focus on effective decision making, supporting healthy ocean and coastal ecosystems and compatibility among past, current and future ocean uses, are all important to promote conservation of coastal and ocean natural resources. In order to advance these goals, we would encourage the RPB to consider including the original descriptions of the goals that were discussed by the RPB last spring. As more stakeholders become engaged in regional ocean planning, this additional text will provide much needed context for newcomers, and remind others of the meaning behind the more goals, objectives and activities.

One of the things the Conservancy is doing with respect to ocean planning is working to bring stakeholders into the process. Stakeholders need an explanation as to why they should be engaged with the RPB. Therefore, as you consider restoring the original explanatory text. Further, the Conservancy strongly encourages the RPB to clarify the nature of its ocean planning framework. As we have previously suggested, this would include a mission and vision statement, as well as an explanation of the structure of a regional ocean plan in the northeast, proposed application of decision tools, and maps, and how all of these pieces will fit together. As it stands, these important aspects of the RPB's work remain unclear and create a challenge to explaining the purpose of regional ocean planning, particularly those new to the process.

With respect to the goals as currently drafted, we offer the following suggestions:

### **Goal 1: Effective Decision Making**

*Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.*

Objective 1 - Enhance inter-agency coordination. Improving inter-agency capacity to protect habitats is an important goal of ocean planning. However, habitat protection and restoration is missing from the suite of actions included in this objective. The Conservancy strongly recommends adding habitat protection and restoration to the actions that would benefit from enhanced inter-agency coordination and improved decision making under this objective.

The Conservancy supports the RPB's efforts to specify user groups and associated regulators that need to be considered to fully understand the overlap and interactions among them. This will help engage stakeholders in the planning process. However, we also believe this list is not necessarily comprehensive and that other new uses may need to be considered as well. Therefore we ask the RPB to consider adding more expansive language to that effect.

Objective 2 - Implement specific actions to enhance informed public input in decision-making. As we articulated in our August 2, 2013 letter, the Conservancy believes that more can be done to include the public in RPB decision making. Therefore, we ask that the RPB continue to consider those suggestions. Specifically, the Conservancy encourages the RPB to consider appointing science and stakeholder advisory groups to inform your planning process. We also suggest adopting an open and inclusive public process as you proceed. This may include:

- Keeping meeting minutes and accessible public records.
- Providing access to work and decision documents well in advance of meetings.
- Providing generous notice of RPB, advisory body and other public meetings.

- Encouraging interaction between RPB members and members of the public offering comments.
- Using *ad hoc* working groups which could include regional experts to inform discussion around certain issue areas.

Objective 3 – Incorporate maps and other products into existing agency decision-making processes. The Conservancy supports the RPBs goal for “regional ocean planning products and information enable preliminary site assessments, (to) provide a better understanding of existing conditions, and otherwise contribute to regulatory efficiencies.” Further, the Conservancy suggests that conducting regional cumulative impacts review *and* further analysis should be of RPB priority actions. Over the last several years many partners in the Northeast region have created a solid foundation for better understanding of the combined effects of multiple human uses on natural resources. Building on this work will provide ocean planners and stakeholders with essential information and tools for informed decision making.

## **Goal 2: Healthy Ocean and Coastal Ecosystems**

*Develop a planning framework to protect, restore, and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Account for changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the ocean, its biodiversity, and act as its steward/caretaker, recognizing humans as part of the ecosystem.*

The Conservancy strongly supports this goal. We also support the RPB in further developing objectives and actions to achieve it, including, objective 3, development of a regional science plan. Additionally we offer the following comments.

Objective 1 – Characterize the region’s ecosystem and economy. The Conservancy reiterates our support for characterizing ocean ecosystems and associated human uses. This process of characterization should explicitly include bays, estuaries, and tidal rivers, as these form essential components of coastal ecosystems. A comprehensive approach to characterizing these systems is critical to advance ocean planning. We also feel that it is particularly important for the RPB to consider climate change in your research agenda. We are fortunate in the Northeast to have experts who can support efforts to understand climate change and begin to forecast what may lie ahead.

## **Goal 3: Compatibility Among Past, Current and Future Ocean Uses**

*Develop a planning framework to encourage compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and the connection of ocean uses and the ecosystem to shoreside infrastructure and activities. Facilitate increased understanding and coordination among stakeholders, recognizing the difficulty of resolving certain conflicts.*

This excerpt from our August 2, 2013 letter best articulates our views on this goal:

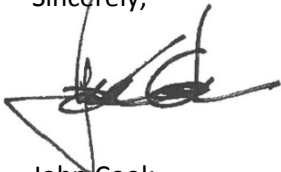
The Conservancy supports this goal and the RPB’s efforts to maximize compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources as a priority action. Better assessments and maps showing both compatibility between different human use types

and between human uses and marine ecosystems will help planners and stakeholders to work together to craft plans that balance multiple interests. As you advance assessment and mapping of compatibility and cumulative impacts, we encourage you to incorporate information on climate change impacts and trends so the region can effectively develop adaptive responses. This will be essential to sustaining the region's ecosystem dependent human uses and cultural values into the future.

The Conservancy also urges the RPB to consider the value of integrating existing sub-regional and state-based ocean planning work into your own broader regional work. Specifically, we recommend that the RPB adopt a similar approach (as you have taken with Massachusetts and Rhode Island) to emerging planning efforts for Long Island Sound and adjacent coastal waters off Connecticut and New York to provide for consistent integration throughout the Northeast region and with the Mid-Atlantic.

Thank you for this additional opportunity to comment on the RPB draft goals and for your important work to advance ocean planning in the Northeast. Please contact Sally McGee, Northeast Marine Program Director ([smcgee@tnc.org](mailto:smcgee@tnc.org); 860-271-3922) with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Cook', with a large, sweeping flourish extending to the right.

John Cook  
Managing Director, Eastern U.S. Division

## **Statement of Support for Offshore Wind in the National Ocean Policy Implementation Plan**

It is my pleasure to provide these comments, on behalf of the Sierra Club – the nation’s largest and oldest grassroots environmental organization, with over 2.1 million members and supporters nationwide.

The Sierra Club believes that our oceans are one of our country’s, and our planet’s, most precious resources. As we devise plans to ensure the wise stewardship of this critical resource, we must take into account the threat of ocean acidification and other likely hazards posed by global climate disruption.

The Sierra Club views climate disruption as the most significant crisis facing the world today. The science is now clear and the consequences of failure to slow and reverse the rate of greenhouse gas emissions into the atmosphere are dire. That’s why we have made pursuit of clean and renewable energy sources one of our highest priorities.

We strongly support wind energy projects, including those located offshore, as a critical step in moving away from energy production based on fossil fuels – and toward the long-term health of our oceans. At the same time, we are committed to the protection and restoration of marine and coastal ecosystems. It is not enough for us to simply endorse wind energy projects as such. We seek to be involved in decisions on when, where and how such projects are implemented. We urge the use of a rigorous and transparent process for decision making in the siting of such projects so as to avoid or minimize adverse environmental impacts.

It is particularly important that the development of offshore wind facilities give special attention to the highly endangered North Atlantic Right Whale, which is known to occupy or transit through coastal waters within which a number of regions where Wind Energy Areas are located.

We support the wise and responsible development of offshore wind. Doing so will help displace dirty, dangerous fossil fuels that have placed our oceans in peril, will spur economic development, particularly for coastal communities, all while protecting our air, water and public health.

Thank you for your time.

David Dow  
Treasurer, Cape Cod & the Islands Group-Sierra Club





January 22, 2014

Dear Northeast Regional Planning Body,

The National Working Waterfront Network believes that working waterfronts play a critical role in our coastal communities and provide an important connection between ocean uses and land-based markets. Working waterfronts connect ocean uses to land-based markets and provide a critical access point to ocean space for fishermen, ocean energy, and a multitude of other uses but most importantly, working waterfronts provide a gateway to the ocean for our nation's coastal communities. Many communities were built around vibrant working waterfronts and over time have come to define themselves by the connection to their working waterfront, bordering ocean space, and ocean uses. The culture and economies of coastal communities are inextricably linked to secure access to the ocean and the resources it provides. Working waterfronts are the lens through which the public views and accesses ocean space. The goals, objectives, and actions the Northeast Regional Planning Body is currently developing should reflect the important role working waterfronts play in the success of our ocean and coastal economy.

The National Working Waterfront Network is a nationwide network of businesses, industry associations, nonprofits, local governments and communities, state and federal agencies, universities, Sea Grant programs, and individuals dedicated to supporting, preserving, and enhancing our nation's working waterfronts and waterways. The NWWN recently completed project for the Economic Development Administration, [<http://www.wateraccessus.com/toolkit.html>] that developed a sustainable working waterfront toolkit and characterized the nation's working waterfronts by looking at numerous case studies, the historical and economic trends driving change on the waterfront as well as the policy, legal, regulatory, and financial tools available to help protect our working waterfronts.

As noted in the Sustainable Working Waterfront Toolkit and accompanying report on the state of the Nation's Working Waterfronts, there are a number of policy and financial tools that have or could be used to protect working waterfront infrastructure. At the same time, there are very few programs or policies focused solely on working waterfront infrastructure. Working waterfronts are impacted by a wide range of government policies ranging from local zoning to federal fisheries management to FEMA floodplain management to international trade patterns. At the same time, there are a wide variety of federal programs that have invested in working waterfront related infrastructure. These investments are not well coordinated or even understood in a regional context. Additionally, participants at the third National Working Waterfront and Waterways Symposium held in Tacoma, WA in March 2013 identified the need for additional socio-economic data to be collected and requested the NWWN pursue further research in this area.

To help the determine concrete next steps that the RPB could take in regards to working waterfronts, the NWWN created an ad-hoc working group, drawn predominately from its steering committee's New England to develop a framework for how working waterfronts fit within ocean planning. The framework is attached as a separate document. We expect this will be a living document as the connection between working waterfronts and ocean planning has not yet been a topic of significant conversation.

We would like to offer our Network as a resource and to assist this process in any way that we can. Please do not hesitate to contact us with questions concerning working waterfronts.

Thank you for your consideration and attention to this matter.

Sincerely,

Handwritten signature of Stephanie E Otts in blue ink.Handwritten signature of N. Springuel in blue ink, with a horizontal line underneath.

Natalie Springuel and Stephanie Showalter Otts

Co-Chairs, National Working Waterfronts Network





## **National Working Waterfront Ocean Planning Framework Document**

Prepared by NWWN Ad hoc NE MSP Committee (Natalie Springuel, Maine Sea Grant, Nick Battista Island Institute, Jack Wiggin Urban Harbors Institute, Hugh Cowperwaite Coastal Enterprise Inc.) for NE Regional Planning Body

January 22, 2014

Based on our experience working on working waterfront issues at the local, state, and national level, we believe that the following course of action would address the issues raised in our companion letter to the NERP. We hope that this document can serve as a guide to help NERP members determine the best course of action.

The NERP should adopt a course of action in the near term that is focused on substantially increasing our knowledge and understanding of the characteristics and economic value of working waterfronts in the region and the activities that depend on them. The human activities that now occur or will occur on the ocean emanate from or are destined for and are supported by these waterfronts. An understanding of the types of existing water-dependent activities and the capacities and capabilities of the shore-based facilities of each of the region's working waterfronts seems an essential input for marine spatial planning and decision making. This approach would provide transferable models to other regions for integrating working waterfront goals into the marine spatial planning process. For the purposes of ocean planning, we believe that the first step is prioritizing the variety of direct, federal monetary investments in working waterfront infrastructure.

We suggest the following:

- Compile information on public investment in the region's working waterfront infrastructure. Federal, state and municipal government expenditures on dredging channels, building breakwaters, bulkheads, wharves and piers, etc., are investments of public resources that enable and support commercial and recreational use of coastal and ocean waters. Cataloging these investments in the region's working waterfront infrastructure fills in one of the data gaps in terms of what is known about working waterfront infrastructure.
- Identify and summarize each state's policies and programs for working waterfronts and any data and information that has been compiled. For example, Maine has a number of government and other resources and information already identified about some kinds of state investment in working waterfronts and has mapped working waterfront infrastructure along its coast. Rhode Island has done a similar statewide inventory and Massachusetts has numerous sources including municipal harbor management plans. This review would help inform subsequent tasks.

- Using existing sources, supplemented as necessary by outreach to regional stakeholders, document the public and private facilities that support water-dependent commercial and recreational uses of each working waterfront. Characterize the marine-related activities of each working waterfront and develop a typology of these waterfronts based on nature of their principal activities (commercial fishing, maritime shipping, energy, passenger transportation, recreational boating, etc.) and the economic value of these activities. This will provide a clearer and comparative picture of the region's working waterfronts. This region-wide information could help provide the rationale and justification for needed additional public investment in dredging.
- Determine how to incorporate municipal or local public investment in working waterfront infrastructure into the decision-making framework.

We recommend staying away from issues related to zoning, flood plain management, fisheries management, and other perspective policies that substantially impact the region's working waterfront infrastructure but are not direct federal monetary investments.

Additionally, it is worth noting that these recommendations are consistent with the recommendation made to NROC in the Spatial Characterization of New England Fisheries Report available at <http://northeastoceancouncil.org/2013/09/23/report-describing-first-phase-of-the-commercial-fishing-mapping-project-is-now-available/> and excerpted below.

#### **D. Role and Value of Working Waterfronts**

Working waterfronts provide a critical link between commercial fishing industries, land-based infrastructure, and markets where fishermen obtain bait and fuel, as well as land their catch. The presence or absence of working waterfronts can significantly influence distribution of commercial fishing activities. As communities across New England have seen, a decline in the fishing industry can have large and often negative consequences for the adjacent communities.

NROC should consider working waterfronts to be an integral piece of the marine spatial planning process. It should create a regional inventory of working waterfront infrastructure, particularly that which is public or has received public funding. For the purposes of this report, that should be focused on public investment in the continued viability of the commercial fishing fleet.

Beyond mapping physical infrastructure, NROC should also map the use of ocean space emanating from the region's working waterfront communities, this is similar to the mapping by community recommendation below and could be combined with those data collection efforts.

To help address issues related to working waterfronts, NROC should consider partnering with the National Working Waterfront Network (NWWN) to host a meeting with leaders of the region's working waterfront communities. Further information about working waterfronts, including their economic value to the New England region, can be found at the National Working Waterfront Network's website. The "Sustainable Working Waterfront Toolkit," may also be downloaded at:

<http://www.wateraccessus.com/toolkit.html>.

## Comment RPB meeting Jan. 22-23 Written end of Meeting

RPB Leads, Members and Staff,

This is a letter (comment) to express my thoughts and feelings on the just now concluded meeting in Cambridge. I sometimes get a little carried away with my impassioned comments, such the ones submitted before and expressed during the meeting, in a effort to keep a modicum of focus on our small coastal fishing based communities further down east. A lot of my immediate concerns going into the meeting were exacerbated perhaps by the bad timing and lack of communication surrounding the release of revised goals document. However, as the meeting progressed, it soon became apparent that the RPB was both ready and willing to deal with these issues. By that I mean, they made a concerted effort to resolve the issues brought up by previous public comment or by state groups etc.. Also the effort to make the public verbal comment segment of the meeting more a part of the ongoing conversations was noticeably successful and commendable. I at the same time both, applaud and appreciate your efforts, but also urge you to think in terms of expanding upon them. From my perspective, these efforts to expand and open up stakeholder participation in this process are just as important as the other “things accomplished.” And as I watched the members struggling with every last word of the goals document, towards the end of the meeting, I couldn't help but think some of the stakeholder groups in the audience would be well equipped to help and ease their work load. I'd also like to recognize and thank John Weber, for taking the time to talk with me at length, not only alleviating some of my concerns thru a good discussion and information sharing, but hoping to form a communications pathway for the future. And again, I'd like to express my appreciation and thanks to the RPB members for their caring and their good work.

Richard C. Nelson  
F/V Pescadero  
Member NEOAN  
Friendship, Maine  
fvpescadero@yahoo.com

The Northeast Regional Ocean Planning Body

To the Northeast Regional Planning Body:

We, the undersigned New England ocean recreation stakeholders, call upon the Northeast Regional Planning Body to make the following changes to the draft goals for Regional Ocean Planning:

1. Prioritize the health of the ocean ecosystem above all other goals.
2. Include stronger actions under the Healthy Ocean & Coastal Ecosystems goal to restore and protect the environment from existing and potential future threats.
3. Prioritize the protection of sustainable uses, such as non-extractive ocean recreation, over ecologically unsound existing uses and potential new uses.
4. Identify actions for filling the data gap for non-consumptive/non-motorized ocean recreation uses.
5. Articulate the public process for participation in ROP and plan ahead for enhanced public engagement, offering enough time with specific deadlines across diverse platforms for meaningful public participation; define the process by which the RPB will consider and integrate public input.

Thank you for your consideration of these ROP goal changes that would help better protect New England's ecological hotspots and recreational areas, before they're threatened.

	<b>Name</b>	<b>From</b>	<b>Comments</b>
4.	Melissa Gates	Thomaston, ME	Thank you for your consideration of these ROP goal changes that would help better protect New England's ecological hotspots and recreational areas, before they're threatened.
7.	Tony Dobson	Fort mill, SC	
8.	Peta Clarke	Denmark, Australia	
9.	Ted Williams	Ralls, TX	
10.	George Theobald	Cooktown, Australia	
11.	NICKY MELVILLE	Ojai, Australia	The time to act is NOW before it is too late!
12.	Christine Orodí	Westerville, OH	
13.	mauricio carvajal	Santiago, Chile	
14.	Mary Ch	Toronto, Canada	Please watch shows "Planet Earth: Our Loving Home" on <a href="http://www.suprememastertv.com">www.suprememastertv.com</a>
15.	ravinder singh	delhi, India	
16.	Andy Lessels	Phuket, Thailand	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
17.	Joyce Overton	Rowlett, TX	
18.	Jenna Miles	Dartmouth, Canada	
19.	Natasha Salgado	Toronto, Canada	
20.	Lily West	Scottsdale, AZ	
21.	Sarah Alvarez	Torrance, CA	
22.	Dinda Evans	San Diego, CA	
23.	Justin Maddox	Lynnwood, WA	
24.	Jerry Bailey	Sarnia, Canada	
25.	Elizabeth Vick	Bemidji, MN	
26.	Vicky Pitchford	Toronto, Canada	
27.	bernd hoeschele	Whitehorse, Canada	
28.	Jim Fitch	Overland Park, KS	
29.	Andrew Pawley	Hong Kong, Hong Kong	
30.	Robert Ortiz	Phoenix, AZ	
31.	Elvira Escamilla Davila	Berlin, Germany	
32.	Steve Dale	Frankston,victoria, Australia	
33.	Zara Stoyanova	Plovdiv, Bulgaria	
34.	Edo R	Zagreb, Croatia	
35.	Francis Dams-Konkol	Melb, Australia	
36.	John Brewer	Marietta, OH	
37.	Sandi O'Donovan	Cork, Ireland	
38.	Aten?ia Ara?jo	Campina Grande, Brazil	
39.	Ioana Mitu	Bucharest, Romania	
40.	Bill C	Kempton, Germany	
41.	Barbara Vieira	Staten Island, NY	
42.	Anneke Andries	Raamsdonksveer, Netherlands	
43.	ManYa Kniese	Amsterdam, Netherlands	
44.	Ana Lopes	Sesimbra, Portugal	
45.	Donna Hamilton	Great Yarmouth, United Kingdom	
46.	Alicia Guidarelli	Cortlandt Manor, NY	
47.	Laura Saxon	Morrison, FL	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
48.	Ken Lucas	Rock Of Gibraltar, Gibraltar	
49.	AniMaeChi ..	Adelaide, Australia	
50.	Stacey Calvert	Sunderland, United Kingdom	
51.	Nils Anders Lunde	Eidsvoll, Norway	
52.	Ana MESNER	Ljubljana, Slovenia	
53.	Fi Tse	Hong Kong, China	
54.	PAUL RUNNING	Ottawa, Canada	LET US ALL HELP
55.	Achim Westenberger	Berlin, Germany	
56.	Joe Renneke	Savage, MN	
57.	jo puleo	Babylon, NY	
58.	Carole Sarcinello	Greeneville, TN	
59.	Fay Wouk	Boulder, CO	
60.	Ed Vieira	Staten Island, NY	
61.	Tina Florell	Stockholm, Sweden	
62.	Tesni Bishop	Sanderstead, United Kingdom	
63.	Laurie Brewer	Newburgh Hts, OH	
64.	Victoria De Goff and family	Berkeley, CA	
65.	Ruth Ann Wiesenthal-Gold	Palm Bay, FL	
66.	Dennis Kaplan	Mayfield Heights, OH	
67.	Michael Kirkby	Toronto, Canada	
68.	Dimitris Dallis	Thessaloniki, Greece	
69.	JL Angell	Rescue, CA	
70.	Aileen Pitko	Helsinki, Finland	
71.	Theodore Shayne	Toronto, Canada	
72.	Bettina Lorenz	Rhede, Germany	
73.	RANA AZZAM	Beirut, Lebanon	
74.	Jeannet Bertelink	Ermelo, Netherlands	
75.	James Wolcott	Evansville, IN	
76.	Nathan Nash	Belfast, United Kingdom	
77.	Ana Marija R	Zagreb, Croatia	
78.	James Mulcare	Clarkston, WA	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
79.	Elizabeth O'Halloran	Kettering, United Kingdom	
80.	julie Hoffer	Brooklyn, NY	
81.	Henry Weinberg	Santa Barbara, CA	
82.	Ginger Hill	Lyman, SC	
83.	Florence Lefizelier	Laval, France	
84.	Tanya Williams	Collinsville, Australia	
85.	Teresa Wlosowicz	Sosnowiec, Poland	
87.	jon x watson	Hull, United Kingdom	
88.	Janet Clarke	Burgess Hill, United Kingdom	
89.	Janet Chase	Sedona, AZ	
90.	Debbie Davis	Beech Grove, IN	
91.	Fred Hoekstra	Charleston, ME	
92.	Edward Laurson	Denver, CO	
93.	cynthia rabinowitz	Bethlehem, CT	
94.	Karen Vale	Weymouth, MA	
95.	Sonia Minwer Barakat Reque	Ubeda, Spain	
96.	Rikke Drejer	CPh, Denmark	
97.	Monica Dance	Wellington, New Zealand	
98.	Kathleen Jameson	Erfurt, Germany	
99.	Joerg-Michael Krah	Berlin, Germany	
100.	deane rykerson	Kittery, ME	
101.	Carol Jacklin	Lincolnshire, United Kingdom	
102.	Ela Gotkowska	Lodz, Poland	
103.	Amanda Peters	Cardiff, United Kingdom	
104.	Chantal Buslot	Hasselt, Belgium	
105.	Peggy Johnson	Minneapolis, MN	
106.	Brian Watson	Winchester, MA	
107.	Rebecca Watson	Winchester, MA	
108.	B W	Essex Jct, VT	
109.	EDWARD G. MRKVICKA	Arvada, CO	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
110.	Ismail Al Ahmad	Beirut, Lebanon	
111.	Pete Stauffer	Portland, OR	
112.	Chet Terry	Avon, CT	I will support initiatives that enforce the preservation and protection of coastal waters.
113.	Benjamin Giaquinto	East Haven, CT	
114.	suzanne anderson	dedham, ME	
115.	Emre Saman	Canakkale, Turkey	
116.	Joseph Wenzel	West Saint Paul, MN	
117.	Caterina Rech	Melbourne, Australia	
118.	Jerry Curran	Amherst, NH	
119.	Katrina Sukola	Arlington, MA	The health of local ocean ecosystems has a significant impact on local economies, industries and recreation. Their protection also helps mitigate climate change impacts to our coasts and infrastructure.
120.	Ryan Cope	Newcastle, ME	
121.	Nicole Dolan	Portsmouth, NH	
122.	Sarah Minella	Portsmouth, NH	
123.	Elizabeth Carpenter	Charlestown, MA	
124.	Tom Sullivan	Woods Hole, MA	
125.	Jocelyn Hamner	North Bend, OR	
126.	Matthew Stout	Seattle, WA	
127.	Drew Martin	Lake Worth, FL	
128.	Tracy Bonin	Bristol, CT	
129.	Alyson Dewar	Winthrop, MA	
130.	Kerin Beaumier	Lake Elsinore, CA	
131.	Jamie Brandt	Byfield, MA	
132.	Marco Aguilera	Carlsbad, CA	
133.	John Daly	Natick, MA	The negative impact on the oceans, especially on the New England ecosystem is already apparent. We must do something about this now. I don't want to eat Icelandic Cod on Cape Cod!
134.	Bill DeHaven	Pleasant Hope, MO	Please help
136.	Ethan Van Dusen	Camden, ME	
137.	Kait Schiro	Greenwich, CT	
138.	J Bucci	KP, ME	
139.	Stewart Dalzell	Boston, MA	



	<b>Name</b>	<b>From</b>	<b>Comments</b>
140.	Jim Schubert	Cornish, NH	Let's do what we can to protect the livelihoods of those who work with the ocean and try to maintain a healthy marine eco system. A healthy ocean is a healthy planet!
141.	Alys Myers	Dorchester, MA	
142.	Kristin Brinner	Solana Beach, CA	I grew up in Concord MA and have lots of family in the Boston area still. Every summer we go to the Cape for a family vacation, and want to make sure our beaches are protected for everyone.
143.	Amber Jones	Santa Cruz, CA	
144.	Stephen Avola	Beverly, MA	
145.	Jamie McCallum	Exeter, NH	
146.	Alicia Lynch	Exton, PA	
147.	Chris McCarty	Highland Beach, FL	
148.	Lance Lew	Mission Viejo, CA	
149.	EJ Otis	Narragansett, RI	
150.	Ryan Lobb	Smithtown, NY	
151.	Heather Barackman	Winthrop, MA	
152.	Perry Primm	Houston, TX	
153.	Chuck Allison	Avalon, NJ	
154.	kathryn harris	Ann Arbor, MI	Ocean ecosystem health affects YOUR health. Protect our oceans. Please.
155.	Lisa Burdsall	Snow Hill, MD	
156.	Matthew Farrell	New York, NY	
157.	Lindsay Mati	Beaverton, OR	
158.	Mia Leist	Los Angeles, CA	
159.	Robert Keats	Santa Barbara, CA	
160.	Joseph Hardin	santa monica, CA	
161.	Alan Ryan	Encinitas, CA	
162.	John Griek	Aguadilla, Puerto Rico	
163.	David Jean	Amesbury, MA	
164.	david ross	tiverton, RI	
165.	shira margulies	Astoria, NY	
166.	Mark Barillaro	Poughkeepsie, NY	
167.	Brandy Mahler	New Smyrna Beach, FL	Protecting our ocean's is a no-brainer
168.	John B. Manly, Jr	Biddeford, ME	
169.	David Prescott	Charlestown, RI	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
170.	Stephanie Ringuet	Austin, TX	
171.	Louis McGovern	Hampton, NH	
172.	Michele Van Derrick	Fort Collins, CO	
173.	Amy Orr	North Potomac, MD	Please protect our oceans. Act now.
174.	Suzanne Bruen	Burlington, VT	
175.	Martha Colella	Providence, RI	
176.	Erin Sharoni	Miami Beach, FL	
177.	Christian Castellani	carlsbad, CA	
178.	Melissa Bauer	Marietta, GA	
179.	Joseph Arsenault	st malachie, Canada	
180.	Lexy Deming	Roseau, MN	
181.	benjamin mostel	Great Neck, NY	
182.	Kristi Kerrigan	Charleston, SC	
183.	Lauren Thompson	Virginia Beach, VA	
184.	Nicholas Allen-Sandoz	Long Beach, NY	
185.	Tim Evin	Bedford, NY	
186.	Peter Slovinsky	Scarborough, ME	
187.	Wayne MONSON	stow, ME	
188.	Cathleen OConnor	Skowhegan, ME	It is imperative that we protect our oceans.
189.	Caroline Williams	Adelaide, Australia	
190.	Cara Lannon	Penzance, United Kingdom	My birthplace - I love it - protect not destroy
191.	Daniel Tainow	New York, NY	
192.	Laura Cromwell	Brooklyn, NY	
193.	Joselle Spinoza	San Diego, CA	For once let's do something for the environment prior to a crisis situation.
194.	Noel LaPierre	Belmont, MA	
195.	Reed Fletcher	Kansas City, MO	
196.	Elizabeth Bonney	Saint John, Canada	
197.	Damien O'Halloran	Pelham, MA	For once, lets prevent it, instead of trying to fix it later!
198.	Amber Garrard	New Haven, CT	
199.	Liz Patton	Kingston, MA	I love my beaches and want to protect them. They are precious ecosystems.

	<b>Name</b>	<b>From</b>	<b>Comments</b>
200.	Mike Hrinewski	Chester, NJ	
201.	Geoffrey King	Brooklyn, NY	
202.	Jonathan Lewis	Cambridge, MA	
203.	Nicholas Fazah	Brookline, MA	Scuba Diving / Freediving
204.	Kathryn Lesneski	Boston, MA	
205.	Anthony Pallazola	salem, MA	
206.	Bruce Webber	Plainville, MA	
207.	Laraine Zappala	Homosassa, FL	
208.	Natanya Levine	Hailsham, United Kingdom	
209.	Adam DeFalco	Waltham, MA	Scuba
210.	scott johnston	manchester, NH	
211.	Kenneth Apple	upton, MA	
212.	Frank Miller	Clinton, MA	
213.	Daniel Reed	dartmouth, MA	I'm a recreational scuba diver whom LOVES the New England Coast! Please help protect it.
214.	Nelson Bernardo	Lisboa, Portugal	
215.	Steve Hillman	Rye, NH	
216.	julian honma	Brighton, MA	
217.	paul krest	lockport, NY	
218.	Zack Anchors	Portland, ME	
219.	Scott Murdoch	Cranston, RI	
220.	Carlos Rodriguez	Gurabo, Puerto Rico	I lived in Boston for 10 years, and now I live in Puerto Rico; I fully support the strongest measures to support the conservation of beaches and other natural resources and make them a priority, both in the Caribbean and in New England!
221.	Kim Murray	framingham, MA	
222.	James Carozza	Malden, MA	Let's all smarten up people!
223.	Ivar C. Fossen	Burnaby, Canada	
224.	Sheryl Bierden	Westwood, MA	
225.	Dani Frank	Acton, MA	
226.	Michael Cormier	Haverhill, MA	
227.	Heather LaPierre	Belmont, MA	
228.	red godin	Johnston, RI	I support this petition as long as it is not used to further increase restrictions on public access to dive and fish shipwrecks and other aquatic points of interest.
229.	mark czerwinski	everett, MA	
230.	Dustin Swindle	San Diego, CA	

	<b>Name</b>	<b>From</b>	<b>Comments</b>
231.	Katie Willis morton	Somerville, MA	
232.	Amy Dye	Falmouth, ME	
233.	Charles Gilliam	Shutesbury, MA	
234.	Zachary Zeilman	Groton, CT	A New England native who loves to surf at New England breaks all year - please protect our beaches, offshore ecosystems, and wildlife for the good of our environment and economy.
235.	Sandra Marschner	Worcester, MA	
236.	F Rossi	Northford, CT	
237.	Heather Dye	Williamsburg, VA	
238.	platto manuela	Brescia, Italy	
239.	Constance McCabe	Harpswell, ME	
240.	Jody Stapleton	Milford, CT	
241.	Shaina Vlaun	Waterford, CT	
242.	Bob Bilikas	Winthrop, MA	
243.	Jamie McCarthy	Gardiner, ME	Our oceans are dying. Please help.
244.	Vin Malkoski	Marion, MA	
245.	David McLaughlin	Newport, RI	Ocean Health is a top priority for Clean Ocean Access and we support prioritization of this topic within the planning body and close integration and coordination with shoreline planning. The opportunity for local environmental groups to become members in the planning body is a good idea too!



January 31, 2014

Ms. Betsy Nicholson  
Federal Co-Lead, Northeast Regional Planning Body  
National Oceanic and Atmospheric Administration  
Northeast Regional Office  
55 Great Republic Drive  
Gloucester, Massachusetts 01930

***Submitted electronically to [klund@northeastoceancouncil.org](mailto:klund@northeastoceancouncil.org)***

***RE: Comments on the Draft Goals, Objectives and Actions for Regional Ocean Planning in the Northeast***

Dear Ms. Nicholson:

On behalf of the National Wildlife Federation (NWF) and our more than four million members and supporters nationwide, I would like to commend the extensive work of the Northeast Regional Planning Body (NE RPB) to date. Recognizing the importance of your task and the scope of your challenge, NWF appreciates the transparency of your process and the opportunity to review and comment on the NE RPB's *Draft Framework and Workplan* (January 2014). We submit these comments in addition to oral comments we provided at the January 2014 NE RPB Meeting in Cambridge, MA.

NWF strongly supports the careful development of a regional ocean plan for New England, and sees this as a pivotal moment in determining the path we choose for the long-term health of the marine and coastal ecosystems that currently provide our communities with a broad range of services including healthy food sources, transportation, recreation, and – of primary interest to NWF – important wildlife habitat. A truly comprehensive plan, developed with the substantive input of key stakeholders and experts, is needed to ensure we responsibly continue our current ocean uses while also ensuring we have an efficient process for including appropriate new uses – such as much-needed clean, renewable wind energy – moving forward.

As the foundation of our engagement in this issue, NWF fundamentally believes that climate change is the single greatest threat to wildlife and their habitats. The swift advancement of utility-scale clean energy development is critical for protecting coastal and marine wildlife from the dangerous effects of climate change and ocean acidification – impacts that are already being seen here in the Northeast and around the globe. Appropriately-sited and responsibly-developed offshore wind power is critical for the Northeast region to realize a clean energy future.

### ***Goal: Effective Decision-making***

NWF urges the NE RPB to use its authority bestowed by Executive Order 13547 to encourage the prioritization of harnessing the clean, renewable energy off our shores in a manner that respects and protects existing ocean uses, ecological services, and wildlife habitats. To this end, we support the attention given to enhancing inter-agency coordination, as there is no overstating the importance of ensuring that all key parties have an opportunity to engage in the process surrounding offshore renewable energy development from the very start.

We are pleased to see the intention of Action 1-2, yet are concerned that it neglects to outline the inclusion of wildlife and habitat protection as a focus of coordination with the Bureau of Ocean Energy Management (BOEM). NWF and other environmental groups are following the BOEM offshore wind energy leasing program very closely and have strongly advocated for marine wildlife protections throughout the process. Action 1-2 should be strengthened by emphasizing the importance of engaging local and regional environmental organizations as plans to develop much-needed clean energy off our shores move forward.

Recognizing the importance of ensuring effective and efficient stakeholder participation, NWF supports the production of a road map clearly describing the permitting process outlined in Objective 2. This has the potential to be immensely valuable, provided all relevant stakeholders are invited to contribute to such a resource. Likewise, we appreciate the value that Objective 3 will add to future BOEM leasing activities. It is precisely such commitments to documenting lessons learned and making the information and data publicly accessible that will leverage the NE RPB's work and contribute to sound ocean planning decisions moving forward.

### ***Goal: Healthy Ocean and Coastal Ecosystems***

NWF identifies the *Healthy Ocean and Coastal Ecosystems* goal as the core of this effort and strongly supports its intention to "account for changing environmental conditions and new information as it becomes available." Such language allows for the important recognition that present and future ocean use decisions need to reflect our constantly evolving environmental challenges. With severe changes and threats to the health of our ocean and coastal ecosystems caused by carbon-polluting energy sources, this goal highlights that in order to be true stewards of the ocean we must pursue utility-scale clean energy solutions with great urgency. NWF does feel that this goal could go further to draw the connections between the threats our ocean and coastal ecosystems face and the solutions we need to embrace to overcome them.

NWF is particularly pleased with the inclusion of Actions 1-1 and 1-2. Identifying areas of ecological importance and measuring the health of the marine systems throughout the Northeast region is a critical precursor for decision-making regarding future ocean uses. We do urge the NE RPB to articulate the intention to protect the ecologically important areas discussed in Action 1-2. Such information will be essential for discussions about potential future scenarios for the renewable energy sector (Objective 1-Task 7).

### ***Goal: Compatibility Among Past, Current and Future Ocean Uses***

Increased understanding and coordination among stakeholders is an immensely important component of effective ocean planning, particularly as the process to advance much needed offshore wind power

advances in New England. NWF strongly supports the planned development of future energy scenarios and the explicit inclusion of appropriately-sited and responsibly-developed utility-scale offshore wind projects. We further commend the inclusion of transmission planning and encourage the NE RPB to articulate that wildlife and habitat protection experts will be fully engaged in the information sharing process outlined in Action 2-3.

As an organization with an over 75 year history of protecting wildlife and habitat for future generations, NWF's support for offshore wind power development in the Northeast is contingent on ensuring strong wildlife protections at every step of the process. Doing this right means bringing the right people to the right table, and we applaud NE RPB's efforts to do just that. NWF appreciates the opportunity to comment on this process, and we look forward to staying engaged moving forward.

Sincerely,

A handwritten signature in black ink that reads "C Bowes". The signature is written in a cursive, flowing style.

Catherine Bowes  
Senior Manager, Climate & Energy Program  
National Wildlife Federation - Northeast Regional Office  
149 State Street  
Montpelier, VT 05602  
[www.nwf.org/offshorewind](http://www.nwf.org/offshorewind)