



June 28, 2016

Ms. Betsy Nicholson
Federal Co-Lead
Northeast Regional Planning Body
55 Great Republic Drive
Gloucester, MA 01930

Mr. Grover Fugate
State Co-Lead
Rhode Island Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879-1900

Mr. Richard Getchell
Tribal Co-Lead
Aroostook Band of Micmac Indians
7 Northern Rd
Presque Isle, ME 04769-2027

Submitted Electronically via E-Mail

RE: Request for Suspension and Extension of Draft Northeast Ocean Plan Comment Period

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

The National Ocean Policy Coalition (“Coalition”) formally requests a suspension and extension of the comment period on the draft Northeast Regional Ocean Plan (“plan”) that the National Oceanic and Atmospheric Administration released on May 25, 2016 for 60 days of public comment.¹

The need for a suspension and extension is based on several factors. First, the May 25 *Federal Register* announcement noted that the RPB states, tribal members, and New England Fishery Management Council “are in the process of describing how they can use the NE Ocean Plan to guide and inform their activities and decisions.”

In addition, as to federal agencies, the notice stated that the “specific manner and mechanism a Federal agency uses to implement the final NE Ocean Plan will depend upon that agency’s mission, authorities, and activities in the marine environment,” adding that federal RPB members “will publicly describe the administrative mechanisms they will use to implement the NE Ocean Plan when the NE RPB submits the Plan to the [National Ocean Council] for review and concurrence.”

¹ See 81 FR 33213, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-05-25/pdf/2016-12196.pdf>.

Thus, the regulated user group community and others are being asked to provide comments without critical details on how state, tribal, New England Fishery Management Council, and federal participants specifically intend to implement and execute the plan. Informed comments on the draft plan cannot be provided in the absence of such information. The need for the information is underscored by the fact that the comment period involves the review of a resource management plan that upon approval would be implemented by six states, six federally-recognized tribes, eight federal agencies/departments (and eight component agencies), and the New England Fishery Management Council.

The need for additional time is further highlighted by the National Ocean Council's marine planning guidance, which among other things states that "regional planning bodies will promote informed public participation and operate with transparency" and that a "cornerstone of marine planning, and of the work of regional planning bodies, is the engagement and substantive participation of stakeholders and the public."²

Without critical details on how each RPB entity involved intends to implement and execute the plan, it is simply not possible to provide informed comments on the proposal. Furthermore, 60 days is insufficient to provide informed comments on the release of the first-of-its-kind regional marine plan that was released simultaneously with a 173-page ecological and economic baseline assessment and over 3,000 maps of marine life and human use data that relate directly to plan implementation.

While the Coalition disagrees with the National Ocean Council imposition of a maximum 90-day comment period for draft marine plans,³ it recognizes the directive that has been imposed on RPBs and urges the Northeast RPB to utilize the full 90 days to facilitate more informed user group and stakeholder engagement during the public comment period on the draft plan.

In addition, to ensure that the public has an opportunity to provide informed comments on the plan, including the vital details on how states, tribes, the New England Fishery Management Council, and federal agencies intend to implement and execute the plan, the comment period should be suspended until such time as all such information is made publicly available. At that point, a 90-day public comment period should start anew.

Thank you for your consideration of this request, and please contact me at (713) 337-8821 should you need any additional information.

Sincerely,



Brent Greenfield
Executive Director
National Ocean Policy Coalition

cc: The Honorable Christy Goldfuss, National Ocean Council Co-Chair
The Honorable John Holdren, National Ocean Council Co-Chair

² See National Ocean Council Marine Planning Handbook (2013), Page 5, available at https://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf.

³ See National Ocean Council Guidance for Marine Plans (2016), Page 3, available at https://www.whitehouse.gov/sites/default/files/microsites/ostp/guidance_for_marine_plans_final_151001.pdf.