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Northeast Regional Planning Body  
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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

RE: Comments on draft Northeast Ocean Plan

Dear Members of the Northeast Regional Planning Body:

Thank you for the opportunity to comment on the draft Northeast Ocean Plan (hereinafter the "Plan") developed to improve and coordinate protection of ecosystem health and promote sustainable use of our common property ocean resources. We value the efforts of the many federal, state and tribal partners as well as the many participants in the ocean planning process over the past several years. Harmonizing the management goals, governance requirements and information sources to engage in this endeavor was - and remains - a herculean task and the efforts to date have made great strides in the right direction. Indeed, now is the time to move beyond the "simple" plan and embark on a "learning-by-doing" approach and actually implement and test the plan in real world decision-making, then adapting new approaches as needed to improve the process. While we are confident you will receive many comments on the governance side of the Plan, we offer several comments from a conservation and sustainability perspective that we suggest need to be addressed for the final Plan before implementation.

## 1. The Northeast Ocean Data Portal

The Northeast Ocean Data Portal is one of the foundations for implementation of the plan. Indeed the Data Portal and visualization tools provide an important source for particular data sets and will serve as an invaluable tool for engaging a diversity of agencies and stakeholders. That said, in both formal meetings and informal discussions, the Data Portal has been referred to as a one-stop shop for regional ocean data to support decision-making. We are concerned that such a description of the site minimizes and diminishes other sources of local data (not regional in geographic scope) and other non-geospatial sources of information used for site specific and regional ocean planning and impact analyses. Further, such a characterization sets the stage for future conflicts when such data do not comport with other evidence brought to bear in specific planning and assessment efforts and unnecessarily raises the bar for bringing new information to the table.

While the text in the Plan is careful to describe the use of the Data Portal in limited terms and advise, for example, that "[t]he Portal will be used to the extent practicable as important reference information about the distribution and densities of marine life species and the presence and extent of important habitats ..." it does not articulate what it is not and what is missing from the library of data sets. **We suggest that clear statements about limitations and what is absent from the Data Portal is needed to clarify the role this tool can and cannot play in planning and assessments.** For example, clear statements should be emphasized that indicate the use of local data in particular planning efforts can provide additional insight and may change conclusions based on patterns in regional scale data visualizations. Such data sets and associated interpretations are available in hundreds of theses and dissertations, local impact studies and focused monitoring programs. Due to the timing and scope of the current effort, such data sets could not be integrated at this time within the Data Portal for very practical reasons, but neither should they be ignored and minimized in their utility.

## 2. A Process for Assessing Trade-offs in Risks and Benefits

The Plan offers much data and information but little guidance in the way to utilize these and other data products to assess risks and benefits in planning and cumulative impact assessments. Indeed one of the underlying rationales for the entire ocean planning process was to harmonize the conflicts of multiple users of ocean space and produce a coherent approach to assessing risks and trade-offs, allowing decision-makers and stakeholders to assess such trade-offs from a perspective above the individual governance silos (e.g., fisheries versus ocean energy infrastructure). Such approaches exist and range from simple to complex. **We suggest the Plan minimally indicate and describe one or more approaches for risk-benefit analysis and illustrate the utility of such approaches.** This would be an important step beyond the nominal cumulative impacts analysis inherent to existing environmental impact procedures.

### 3. Identification of Important Ecological Areas

Important Ecological Areas (IEAs) have been defined in the Plan as "habitat areas and the species, guilds, or communities critical to ecosystem function, resilience, and recovery. IEAs include areas/species/functional guilds/communities that perform important ecological functions (e.g., nutrient cycling, provide structure) that are further defined by five components." These components include areas of: high productivity; high biodiversity; high species abundance including areas of spawning, breeding, feeding, and migratory routes; vulnerable marine resources; and rare marine resources.

First, there is some dissonance between the IEA definition and defining such an area for "rare" species. Unless rare taxa function as keystone species, having disproportionately large effects within the community out of proportion to their abundance, they would not be "critical to ecosystem function, resilience, and recovery." **We suggest the definition of IEA needs to be modified to insure inclusion of rare taxa that have a redundant functional role within the ecosystem.**

Certainly one of the roles of IEAs is to prevent reductions in component species and avoid all of the problems inherent to listing under Federal or State Endangered Species Act authorities. Noteworthy is that listed species are not mentioned in the draft IEA framework detailed in Appendix 3. **We suggest that not only species listed as threatened and endangered need to be considered in this context but that species of concern and candidate species be assessed as well.**

**Finally, we suggest that designation of IEAs and how they should be used for planning is a critical first step. Given the state of the Northeast US Large Marine Ecosystem and the species of both economic and ecological importance, the designation of IEAS should be the foundation of this Plan.**

Again, we thank you for the opportunity to comment on the draft Plan and look forward to future opportunities to participate in the regional ocean planning process. This is a critical first step forward and an example for the Nation in developing a coordinated approach to ocean management and we are pleased to be part of this discussion.

Sincerely,



Katie Cubina  
Sr. Vice President of Mission Programs