



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

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Ms. Betsy Nicholson (Federal Co-Lead)
National Oceanic and Atmospheric Administration
NMFS, Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Betsy:

The New England Fishery Management Council (NEFMC) greatly appreciates the effort the Northeast Regional Planning Body (RPB) put into developing the draft Northeast Regional Ocean Plan (ROP), and your willingness to frequently share information on its development with our Council. After reviewing the draft we are providing you with the following comments.

The online portal Northeast Ocean Data is a critical element of the plan. For the plan to be useful and effective, the information on the portal must remain current and the planning effort should strive for completeness. While the Northeast Regional Ocean Council (NROC) is the entity responsible for data portal updates in the short term, the long-term maintenance of the portal and its data sets need to be identified.

We support the actions described throughout Chapter 3 to update data in the portal periodically for all ocean use activities. In particular, we agree that updates to the Marine Life and Habitat data are critical. Under action ML-1, we suggest sourcing or developing pelagic fish and invertebrate species distribution and abundance information that can be included in the data portal. Most fish and invertebrate information on the portal is from benthic trawl surveys which are not designed to effectively sample water column species such as Atlantic herring and mackerel, and certain invertebrates such as lobsters that often inhabit hard bottom that is inaccessible to trawls. Maps and data products that inform our understanding of environmental change should be considered a key element of the Marine Life and Habitat section of the portal.

The Council is concerned with the Important Ecological Areas (IEA) framework described in the plan (action ML-4). While we agree that there could be benefits associated with the identification

of highly productive ocean areas, there is no regulatory authority for such designations, no formal process for review and public comment, and it is not clear how federal agencies will use IEAs. In particular, we are concerned how NOAA's adoption and interpretation of the IEA framework could affect our work on fishery management plan development. It is essential that the plan clearly articulate why these areas are being developed and how they might be used. This will allow the public to assess the potential impacts the IEAs may have on future regulatory actions.

The IEA development process also does not seem to be following the process outlined in the *Framework for Ocean Planning in the Northeast U.S. (January 2014)*. As described in Appendix 3 of the ROP, the RPB, scientists, and stakeholders were to be convened to consider options for characterizing and using IEAs. The current ecosystem based management (EBM) workgroup only includes five members that do not represent RPB agencies, and all are from academic or research institutions. To be consistent with the ROP framework, the working group should be expanded to include a range of stakeholders, and there should be a clear process for soliciting public input on the IEA proposals. Equally important, there needs to be sound (i.e., defensible) scientific criteria for designating IEAs. This will require broad expertise and scientific perspectives. Without defensible criteria, the process will be subject to politics and special interest agendas.

When identifying IEAs, the EBM workgroup and the RPB should consider information in our Council's Omnibus Habitat Amendment 2. We recognize that a broader range of metrics is being considered in IEA development as compared to the criteria used by the Council to develop habitat management areas. Nonetheless, our amendment contains a wealth of material about physical and biological ocean floor habitats and their vulnerability to fishing gear, which were evaluated using the Swept Area Seabed Impact (SASI) approach. The results of the SASI vulnerability assessment may help in identifying IEAs, and our approach could be adapted to describe habitat vulnerability from other non-fishing ocean uses.

In the Commercial and Recreational Fishing section, we are particularly pleased by the commitment of NMFS Office of Law Enforcement to update annually the commercial fishing activity VMS maps (action CF-1), which are critically important to the usefulness and success of the plan. Where possible, it would be useful for fishery management plan development to be able to subset VMS data by permit category because there are typically important differences in effort distribution by vessel type. In addition, we support and would like to emphasize the importance of implementing action CF-2, *Develop additional regional maps and data of commercial and recreational fisheries*. This is particularly important for the party/charter, recreational, and lobster/crab fisheries for which there currently is only very coarse spatial data. For the lobster fishery, spatial assignment of fishing activity in the vertical line model is only as good as the input data, which do not provide a census of effort as only some permit holders are required to

submit federal vessel trip reports. New programs are needed to provide more refined seasonal, spatial information on for-hire, private boat and shore based marine recreational fishing effort. Accurate maps of fishing activity will help project proponents, the states, and federal agencies identify potentially affected stakeholders, and these data will facilitate meaningful environmental review and consultation.

We view the plan as a valuable opportunity to promote various ocean uses important to the economy of New England, but it is unclear why the plan only promotes marine aquaculture. Aquaculture is the only ocean use that has a specific action, A-7, to *Advance national and regional initiatives to support and promote marine aquaculture*. Does advancing initiatives to support and promote a single ocean use help achieve the broader goals of the plan to highlight the ocean economy in general? If not, we think there may be other ocean uses in the plan that should also be promoted through specific actions. Similar to the focus on growing the emerging aquaculture sector, the plan could be used to promote activities that are declining in some areas, such as commercial fishing, or could increase, such as recreational fishing. Related to this, while the plan acknowledges the cultural importance of working waterfront communities, the importance of these communities deserves additional emphasis.

As a general comment, it is somewhat difficult to track the different types of economic valuations provided throughout the plan. Taking the commercial fishing industry as an example, the plan references \$1.2 billion in commercial landings (direct metric) and \$13 billion in total sales impact (indirect metric) during 2012. Direct and indirect valuations of other resources are summarized with different metrics. It would be helpful to lay out in one location which of these valuations are direct, which are indirect, and how these values were generated to facilitate appropriate comparisons across resources.

Follow through on both RPB oversight and individual agency commitments will be critical to the success of the plan. As described in Chapter 4, we agree that it is important that the RPB continues to serve as a forum for federal, tribal, fishery management council and state coordination and provides oversight to ensure progress in accomplishing the plan's goals and objectives. Through its participation on the RPB, the NEFMC can continue to provide a conduit for information from the fishing industry to the planning body. The RPB should continue to meet frequently to maintain momentum and it is critical that individual RPB member agencies follow through in implementing the recommended best practices. Also, to emphasize the numerous commitments and actions scattered throughout the plan, it would be helpful to summarize these by topic, action agency, and resources required.

The plan belongs to both the ocean users and wider public in New England and therefore stakeholder engagement is important to both the ocean planning process itself and during review of specific projects. Outreach strategies will likely vary between these two activities. Public

engagement in plan development should be ongoing, and will be particularly important as plan updates and amendments are considered. While the plan discusses potential updates and amendments and the threshold that distinguishes the two, it would be helpful to provide examples of more minor, routine updates as compared to larger modifications that would trigger an amendment. While we recognize that meaningful consultation with diverse participants can be challenging, additional efforts should be made to engage local communities, including the fishing industry. The fishing economy is directly linked with ocean ecology, and fishermen's knowledge of ever changing conditions on the water would provide helpful additional perspective as the plan continues to evolve. For this reason, we suggest that the RPB should consider engaging fishermen on its various workgroups, including the ecosystem based management workgroup which is working to develop the IEA framework. We also support the inclusion of best practices to engage the fisheries management councils and fishing industry when projects may impact fishery resources, fishing activities, or fishing communities. We will work through the RPB to help develop these best practices.

The Council has been pleased to be a part of the RPB and to help develop the draft plan. Please contact me if you have any questions about our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Stockwell".

Terry Stockwell
Chairman

cc John Weber (NROC Ocean Planning Director)
Grover Fugate (State Co-Lead)
Rick Getchell (Tribal Co-Lead)