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

Mr. Grover Fugate
State Co-Lead, Northeast Regional Planning Body
Executive Director
Coastal Resources Management Council
Oliver H. Steadman Government Center
4808 Tower Hill Toad
Wakefield, Rhode Island 02879

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

Submitted electronically via neoceanplanning.org & comment@neoceanplanning.org

Re: Recommendations on the draft Northeast Ocean Plan

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

On behalf of the New England Ocean Action Network (NEOAN), we applaud and offer congratulations for the completion and release of the historic first draft of the Northeast Regional Ocean Plan (NEROP). NEOAN comprises individuals and organizations from the region's environmental community,

educational and research institutions, fishing industry, maritime industries, shipping, clean energy field, recreation, and other ocean users and stakeholders. Below please find our detailed recommendations to strengthen this precedent-setting, first in the nation regional ocean plan before it is finalized and submitted to the National Ocean Council (NOC).

Greater specificity needed regarding stakeholder engagement strategy for plan implementation

NEOAN applauds and supports the Northeast Regional Planning Body's (NERPB) decision to continue to be the primary convening body for NEROP implementation. While the NERPB commits to engaging stakeholders "as funding allows,"¹ this statement is lacking in tangible commitment and does not acknowledge the importance of stakeholder input in both the drafting of the NEROP, or in future implementation. This articulation of public engagement falls short of what the National Ocean Policy encourages to be a robust and detail-rich plan for continued stakeholder engagement throughout NEROP implementation. The NEROP is unclear regarding how the NERPB will facilitate an implementation strategy that is fully stakeholder-inclusive at the regional level, across all sectors. Stakeholder engagement must be a major priority for implementation, and needs to be afforded greater detail in the NEROP. Given the diversity of stakeholders represented by NEOAN, specific recommendations can be found in comment letters submitted by individual members.

Development of a stakeholder liaison committee

While we appreciate the NERPB hosting stakeholder forums and workshops throughout the planning process en route to the draft NEROP release, NEOAN feels strongly that these efforts did not consistently include stakeholders as essential and rightful partners in the regional ocean planning process. As such, we support the creation of a regional stakeholder liaison committee (SLC) by the fall of 2016 to support the NERPB and inform its decisions, providing the opportunity for ongoing and crosscutting regional dialogue and information sharing among a variety of stakeholders and the NERPB. The SLC could be formally oriented to amplify NERPB messages to targeted ocean user groups and communities, and inform stakeholders about opportunities for engagement while enabling diverse groups of industry leaders from across New England to discuss their interests together, alongside decision-makers. This is a divergence from what NEOAN feels is not working in the state-by-state public process, which thus far has to a certain degree enabled stakeholders to engage with other sectors in their state but has failed to provide equal engagement opportunities for ocean users in each NE state, and has not provided the regionally crosscutting discussion that is so essential for regional ocean planning. We believe this is a critical action necessary for the successful implementation of the NEROP to ensure that the interests of regionally diverse stakeholders from all ocean sectors are considered in future NERPB decisions and actions.

The formation of the SLC should be transparent and open, with the opportunity for stakeholders to opt-in for consideration of membership. Membership should represent the diversity of stakeholders in ocean management, including fishing, conservation, maritime industries, shipping, energy, recreation, tourism, education, and others, as appropriate. This formal SLC should be complemented by additional stakeholder

¹ Northeast Regional Planning Body, Northeast Ocean Plan (May 25, 2016), *available at* <http://neoceanplanning.org/plan/> [hereinafter Plan].

and science outreach and input, which can be tailored to particular issues and/or geographic regions.² The RPB should include within Chapter 4 a commitment and plan for the development of a SLC, how members will be chosen, a description of the role of the SLC, and how the SLC will be utilized to provide ongoing input regarding plan implementation, Data Portal functionality, plan performance monitoring and assessment, and NEROP updates and revisions. The duties of the SLC could easily serve a twofold role: to provide input on plan implementation by engaging in regional and cross sector discussions with the NERPB and to act as a collective “stakeholder amplifier,” as some SLC members could bring with them large networks representative of New England’s diverse ocean stakeholder community, and an ability to expand communication effectively across the region. A formalized stakeholder engagement mechanism must be designed and incorporated into the implementation of the NEROP, where stakeholders not only provide input but also have a seat at the decision-making table for further public engagement in both future planning and implementation efforts.

Greater specificity needed for agency commitments to both use the Data Portal and implement early coordination

While Chapters 3 and 4 include agency commitments to both utilize the Data Portal and to embrace “early coordination” to better engage ocean stakeholders, respectively, these sections present only vague references to these actions and universally lack overall detail and clarity. For example, while an agency commits to using the Data Portal to identify potential conflicts early,³ the NEROP neglects to define what the next steps are with specific regards for engagement and conflict mitigation. For a specific permitting process, exactly how will an agency use the Data Portal, and how will identified stakeholders be incorporated into early project planning? While these sections offer an initial framework for better decision making, much greater detail is required for stakeholders to better understand how agencies will engage potentially impacted stakeholders both at the project level, within specific regulatory context, and from agency to agency. As agencies work actively to develop internal guidance to implement these actions, it is essential that the language be vetted by stakeholders and included within Chapters 3 and 4, as it is important for stakeholders to understand how their lives will be impacted, as a result. For agency commitments and best practices to be most successful, stakeholders must be able to see their own roles within the NEROP, and to understand exactly how agencies will commit to mitigating conflict across all sectors and uses and incorporating community values and agency commitments to the overarching goal of healthy ocean and coastal ecosystems.

Recommendation to develop “first year implementation strategy”

NEOAN recommends that the NERPB develop a “first year implementation strategy,” to be included directly in Chapter 4 that specifies how often the NERPB will meet, what issues will be addressed and how stakeholders will be engaged and participate in the NERPB meetings, including opportunities to provide input, perspective, and comment, and how that feedback will then be utilized to inform decisions. The draft NEROP proposes that the NERPB meet once per year;⁴ however, we strongly believe that such an approach is inadequate, and recommend instead that the NERPB operate on a meeting schedule similar to that of the past several years: 3-4 public meetings scheduled annually throughout the New England

² Conservation Law Foundation, Island Institute, Surfrider Foundation, Ocean Conservancy, comment letter to the Northeast Regional Planning Body, December 21, 2015.

³ See Plan, 140

⁴ See Plan, 151

region to achieve specific goals within implementation and the planning process with robust public engagement. We recommend that the NERP continue to rely upon state and federal NERP members to utilize free and easily-accessible public spaces—such as public libraries or local and state government buildings— as it has for state-by-state public meetings, to host future NERP meetings, rather than hosting at hotels. The Tribal Council offices of the various tribes may also be suitable for NERP meetings.

Maintain multi-agency commitment to manage and update the Data Portal

NEOAN commends the NERP for their tremendous work in developing the Data Portal. Agency commitments to employ the Data Portal in its environmental reviews and day-to-day decision making will ensure that the management of the ocean will be based on the best available science. We ask that the NERP uphold commitments to continue to identify data gaps and to fill gaps already identified (for example, committing to developing region-wide lobster fishery data,⁵ expanding knowledge and understanding of high value non-consumptive ocean recreation areas,⁶ or developing a comprehensive understanding of the ocean’s important ecological areas),⁷ both of which will result in better decision making for the management of marine resources and development, and that the NERP identify a definitive strategy for accomplishing this important work. Continual maintenance, updating and expansion of the Data Portal as new data is available and our understanding of New England’s ocean ecosystem evolves will ensure that the goal for an adaptive management approach is successful, to the direct benefit of all New England ocean stakeholders.

Develop a long-term financial strategy for ocean planning in New England

As the NERP transitions into the implementation phase, NEOAN asks that a long-term financial strategy be developed in order to ensure the longevity and effective sustainability of the convening body. NEOAN recommends that a long-term financial plan be established with tangible and achievable goals for fund development through 2017. Such a plan will be essential for the ultimate success of the NERP, whether in regards to the day-to-day operations of the NERP, Data Portal maintenance, or ongoing stakeholder engagement efforts throughout the region.

Request for a final public meeting before submitting the final draft NERP to the NOC

NEOAN requests that a final public meeting be scheduled in the late summer of 2016 in advance of finalizing the regional ocean plan. The NERP has committed efforts to fold in stakeholders both in the planning process and within the actual draft NERP, and it is therefore vital that stakeholders have an opportunity to publicly review the final product, provide final input, and ask questions regarding the document’s content before it is submitted to the NOC for approval. A final public meeting need not require expansive amounts of planning and coordination in order to be satisfactory. NEOAN recommends a half-day meeting in a publicly accessible location. The agenda should be designed with three goals in mind: to review the final draft NERP and demonstrate how public comments have been integrated, solicit questions, and offer an opportunity for final public input. This provides a mechanism of

⁵ See Plan, 89, 91, 169

⁶ See Plan, 98-100

⁷ See Plan, 54-57

accountability to the public for decisions the NERPB is making about our coastal resources and the future of the sea, and will further serve to garner greater buy-in from ocean users.

Greater focus required for NEROP's Goal 3: compatibility between past, present and future uses

We strongly encourage the NERPB to focus more of their effort on satisfying the NEROP's third goal, compatibility among uses and among uses and the marine environment.⁸ References to utilizing both the Data Portal and best agency practices to better understand and mitigate conflict between uses and the surrounding marine environment can be seen as initial statements of commitment in both Chapters 3 and 4. However, the NEROP must at least include an initial framework for a comprehensive compatibility assessment approach in the final plan, as well as language that outlines a detailed timeline towards the completion of this assessment, in order to meaningfully advance Goal 3 and to contribute to better and more effective management of the ocean. While we ask that the final NEROP contain an initial compatibility assessment framework, it should also include evidence of preliminary research of compatibility between uses, and between uses and the surrounding marine environment, with a commitment to further develop a more in-depth and comprehensive understanding. This framework will prove beneficial to all stakeholders who depend upon the ocean.

The NERPB must better prioritize understanding climate change and build upon increased and improved science to facilitate better decision making

NEOAN is very supportive of the NERPB's efforts to identify data gaps within the Data Portal, and agency commitments to fill in such gaps in the larger effort to both ensure the portal's improvement over time, and to facilitate greater understanding of climate change as it effects both industries, marine life, and important habitats. While virtually all government entities and research institutions with an interest in ocean and ecosystem health have recognized the need to study climate change in the Northern Atlantic, the NERPB is perhaps one of the most appropriate conduits to spearhead region-wide collaboration across all entities to gather and house on the Data Portal the best available science, and provide cross-cutting agency commitments for more informed decision making through the lens of changing climatic patterns. To that end, we recommend that there be included in Chapter 5 a provision for periodic public meetings, at a minimum once per year, hosted by the NERPB, to convene the science, stakeholder, and resource management communities to discuss new research on the impacts of climate change in the Northeast regional ocean planning area. We also recommend that the NERPB include, also within Chapter 5, additional action items to make explicit the need to expand the definition of "expert" to tap those who live, play and/or work on the coast, including fishermen and women, non-consumptive ocean recreation users, tribal peoples, and others, for their direct observational knowledge in building this understanding of the changing marine environment.

NEOAN thanks the NERPB for the opportunity to comment on the draft Northeast Regional Ocean Plan and its continued support and inclusion of a diversity of ocean stakeholders. We offer our sincere congratulations for the completion of the final draft NEROP.

⁸ Northeast Regional Planning Body, Framework for Ocean Planning in the Northeast United States (February 2014), *available at* <http://neooceanplanning.org/wp-content/uploads/2014/02/NE-Regional-Ocean-Planning-Framework-February-2014.pdf>

Sincerely,

Nick Battista
Ocean Programs Director
Island Institute

Melissa Gates
Northeast Regional Manager
Surfrider Foundation

Priscilla Brooks
Vice President and Director of Ocean Conservation
Conservation Law Foundation

Richard Nelson
Commercial Lobsterman, F/V Pescadero

Jack Clarke
Director of Public Policy
Mass Audubon

Mary Ann Horrigan
NESS Program Director
New England Science & Sailing Foundation

Wendy Lull
President
Seacoast Science Center

R. Mark Davis
President
Sailors for the Sea

Jennifer Kennedy
Executive Director
Blue Ocean Society for Marine Conservation

Megan Amsler
Executive Director
Self-Reliance