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Grover Fugate, Rhode Island Coastal Resources Management Council and RPB State Co-lead
Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-lead
Northeast Regional Planning Body
c/o National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northeast Regional Office
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Submitted via email

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

Congratulations on completing the draft Northeast Regional Ocean Plan. This was an enormous task and your leadership has been essential to guiding the Plan to this critical juncture. After thorough review of the Plan, The Nature Conservancy finds that Northeast Regional Planning Body (RPB) has accurately addressed the interests and needs of a range of stakeholders in this Plan.

The Conservancy appreciates the openness of the RPB's process and the many opportunities provided to work with the RPB in developing the Plan and the accompanying Northeast Regional Data Portal (Data Portal). We strongly support the core ocean planning principles, including meaningful public participation, sound science, comprehensive, ecosystem-based approach, transparent, efficient government decision-making, and adaptive management.

A critical strength of the Plan is based on the ample opportunity for meaningful public participation throughout its development. Basing this Plan on sound science ensures that the public can have confidence in its recommendations, and that it will have significant utility to improve the decision-making processes of the participating agencies. Going forward, we are committed to supporting the RPB in implementing a comprehensive ecosystem-based approach to ocean management, including transparent, and efficient government decision making and adaptive management. Further, the Conservancy strongly supports the RPB's ocean planning goals:

1. Healthy ocean and coastal ecosystems,
2. Effective decision making,
3. Compatibility among past, current and future ocean uses, and
4. Periodically assessing progress to achieve these goals

In order for the RPB to achieve these goals, we encourage the RPB members to start implementing the commitments described in the Plan as soon as is practical. We look forward to supporting your efforts to do so in the coming months and years.

Before then, and as the RPB finalizes the Plan for submission to the National Ocean Council (NOC), the Conservancy offers the following comments and suggestions for refinements to the Plan. We appreciate your consideration of these ideas and as always are happy to talk in greater detail about how they may be incorporated into the Plan.

Chapter 3. The Regulatory Environment and Management Actions

Marine Life and Habitat

The Conservancy supports the Actions associated with the Marine Life and Habitat section of the Plan. In particular, Action ML-6 reads, “*RPB agencies will...use marine life and habitat data to inform applicable review processes under federal environmental and regulatory laws.*” This Action, along with ML-7 and ML-8 are the heart of the Plan as they relate to driving tangible conservation outcomes.

In order to ensure these actions are taken, it is crucial that the Northeast Ocean Data Portal (“Data Portal”) be quickly incorporated into decision making processes. This will depend on clear articulation through internal agency guidance as to how these actions will be implemented in practice. Further, it will be essential for the Data Portal to continue to be regularly updated, refreshed and expanded as new data are available. And, it is essential to identify and secure public funding to ensure the Data Portal is maintained and updated.

Related, it is very important that the Data Portal continue to build on coordination efforts with the Mid-Atlantic Ocean Data Portal. In areas where the Mid-Atlantic and Northeast plans coincide, layers should be freely shared between Data Portals and developed in tandem as they have with the MDAT data and maps. Sharing ideas on different analyses and layers will be beneficial to implementation of both plans. We also suggest that RPB members make commitments to 1) developing additional data and maps, 2) maintaining the Data Portal, and 3) providing financial support as specific as possible to ensure effective implementation.

Important Ecological Areas

The Conservancy supports the initial steps the RPB has taken to identify Important Ecological Areas (IEAs) through establishing a framework. The RPB’s efforts to date represent a useful baseline that can serve the region, as well as sub-regional efforts (e.g. the Connecticut/Long Island Sound Blue Plan). Implementation of the IEA framework will have significant value in ensuring future activities are compatible with IEAs. In order to advance this important process, we have two suggestions to make the IEA framework itself more effective.

1. Definition of IEAs - At the public meetings, there were many questions about what IEAs are, and are not. It would be useful to highlight the definition of IEAs in the Plan, to provide an explanation of how IEAs could be selected, and to clarify how they are distinct from designations like Essential Fish Habitat (as described in the Magnuson Stevens Act).
2. Framework Implementation – In addition to illustrating one or two IEA components by 2017, the RPB should consider setting a goal for completion all five IEA components. Once this important task is complete and maps are added to the Data Portal, managers will have the means to make

good decisions based on the RPBs guiding principles. As such, the RPB should consider including specific actions in the Plan relating to mapping the five components of IEAs as well as additional agency commitments to use those map layers to guide decision making. These could be included as distinct bullets in ML-4 (p 55).

Cultural Resources

The Conservancy supports the actions relating to cultural resources, in particular actions relating to maintaining and updating maps and data on the Data Portal. We note, however, that in the past year, tribal participation in ocean planning activities has waned. It is critical to re-engage the region's six federally recognized tribes to participate actively in planning and implementation efforts that impact their interests.

Marine Transportation

With respect to marine transportation, the Conservancy supports the creation of new AIS unique transit data sets described in MT-2¹ and appreciate the articulation of agency commitments to update these maps on a regular basis. Further, mapping underwater noise fields is an emerging area of inquiry which should be included in the future research section, and has been called for in recent journal articles². The Conservancy appreciates the RPB's effort to mapping marine mammals based on noise sensitivity, but there is a necessity of mapping the sources of this noise as well. Vessels are one significant source of noise, and the RPB should recognize this in its research plan going forward.

This section also includes a valuable articulation of the many U.S. Coast Guard (USCG) operational uses of the Data Portal. It is however essential that consideration of marine life and habitat impacts be specifically listed and included in considerations by the USCG (and all other Agencies) as all ocean uses have impacts. For example, the siting of shipping channels can be done in a way that reduces the likelihood of whale strikes, as was seen in the well-known case of shifting the Boston Harbor traffic lanes. These additional considerations may be included in MT-3.

Commercial and Recreational Fishing

The Conservancy has numerous partnerships with the commercial fishing industry in New England in support of sustainable fisheries, marine conservation, and better information. As such, we offer the following comments on the Commercial and Recreational Fishing section of the Plan. First, we support actions described in CF-1³. While the maps currently included in the Data Portal are useful, changing ocean conditions and variable fishing patterns make updating the maps on annual basis crucial to ensure potential project applicants and decision-makers have the most up-to-date information possible. We urge the RPB to articulate commitments to make this happen.

¹ MT-2. Provide additional data through new analyses: Portal Working Group is converting AIS data into maps displaying the number of unique transits occurring within a 1 kilometer block of ocean over a year, and then displaying this info on a monthly basis to show seasonality.

² Hatch, et al, 2016. Available at: <http://www.int-res.com/articles/esr2016/30/n030p171.pdf>

³ CF-1 Maintain exiting maps and data on the Portal: OLE will update the VMS maps annually; GARFO will update the VMS-related management area maps when necessary.

Second, we support developing additional maps and data products described in CF-2⁴. As indicated in the Plan, the current maps in the Data Portal are limited to fisheries with regulatory requirements for vessel monitoring systems. Several economically important fisheries including lobster, red crab, fluke and the recreational fishery are not included. The Plan and these fisheries will benefit from additional mapping efforts. It would be useful to include a conservative timeframe for data product development to track progress.

We also support CF-3, which focuses on efforts to inform regulatory and environmental reviews of agency actions for potential impacts on commercial and recreational fisheries. We support the commitment to use information in the Data Portal to inform regulatory review of proposed activities. The RPB agencies' commitment to use the Data Portal when reviewing new offshore development projects and other activities that may impact commercial and recreational fisheries is also an important aspect of the Plan. Therefore, we urge RPB agencies not only to use the data, but to make final permitting decisions that avoid user conflict wherever possible and minimize them when it's not.

We appreciate the commitment by RPB agencies to consider regional marine life and habitat data in the Data Portal when assessing conflicts or impacts on fisheries. However, we believe the agencies should do more than just consider regional marine life and habitat data in permitting decisions. We urge the RPB agencies to consider that data, and to ensure that final permitting decisions avoid adverse impacts on living marine resources and sensitive habitats wherever possible, and minimize them when it's not. Related, our understanding is that the US Army Corps of Engineers (USACE) and Bureau of Ocean Energy and Management (BOEM) are already obligated to consider existing ocean uses in their permitting decisions. Therefore, we seek clarification on what additional steps these agencies will take to avoid and/or minimize conflicts beyond what they are already required by statute to do.

Further, with respect to CF-4, we support efforts by RPB agencies to use the Data Portal to improve communications with commercial fishing and all other stakeholders potentially affected by agency actions. However, it is unclear how using the Data Portal will help improve communications with affected parties and we believe additional tools are needed to improve communications. This could take the form of a list of known industry or user groups.

Lastly, the Conservancy appreciates the inclusion of NEFMC as a full member of the RPB. Their participation has been important to augment fishing stakeholder input to the planning process. It has also been important to begin incorporating fishery related datasets into the Data Portal. The NEFMC is both a data user and a data creator, and as such the Council could commit (like other organizations with a seat at the RPB table) to sharing spatial data they develop on the Data Portal. A logical time would be when management actions go out for public comment. This would allow interested parties to use the existing Data Portal layers, in conjunction with the Council developed layers, to better evaluate the impacts of those management actions. NEFMC participation has created a positive feedback loop between fishing interests and ocean planning and we support that continuing.

⁴ CF-2 Develop additional regional maps and data for commercial and recreational fisheries: GARFO will develop new maps and data products using VTR information; RPB and regional partners will develop a regionally consistent tool for better mapping the lobster fishery; RPB and regional partners will continue to develop the smartphone tool for better mapping the recreational fishery; RPB will continue to look for ways to fill existing data gaps.

Energy and Infrastructure

With respect to energy and infrastructure, the Plan may be improved by directly addressing the issue of regional energy planning and rapidly changing energy markets, including projected impacts of offshore energy development including wind, oil and gas, and LNG. This is a potentially major issue for the region, so the RPB may want to take advantage of the opportunity, through ocean planning, to highlight the importance of ecological protection for fish habitat, avian habitat, and critical habitat for whales and sea turtles as energy demands increase. This was an important outcome of Rhode Island's Ocean SAMP, which was focused on offshore wind energy development. The RPB now has the opportunity to build on the Rhode Island experience and prepare for likely demands on ocean resources that will result from new energy projects and related infrastructure.

Aquaculture

The Conservancy supports actions described in the Aquaculture section of the draft Plan. Additionally, because aquaculture is often assessed on a site by site basis through the lens of local government entities, the RPB may want to secure commitments from states to work with their municipalities to begin understand the cumulative, region-wide impacts of aquaculture.

Offshore Sand Resources

The Conservancy appreciates the RPB's proactive efforts to characterize the potential impacts of mining and the types of tradeoffs that would need to be considered for these kinds of projects. The RPB may wish to consider additional language in this section that describes the costs and benefits of beach nourishment, while taking into consideration impacts on beach habitat as well as offshore habitat.

Restoration

The Conservancy is strongly supportive of the restoration section of the Plan. We are also pleased to continue to be a part of the RPB's restoration subcommittee, and support further development of restoration layers for the Data Portal. The Conservancy will continue to provide technical support, including access to our prioritization tools to help identify the highest priority projects in the region.

Chapter 4. Ocean Plan Implementation

Implementation of the Plan is where the keel hits the water, and the Conservancy stands ready to support the RPB agencies in this new phase of ocean planning in the Northeast. We are strongly supportive of all of the monitoring and evaluation actions, including ecosystem health monitoring and evaluation, and development and implementation of the Ocean Health Index for New England as a tool to evaluate progress toward improved ocean health.

In terms of operationalizing intergovernmental coordination, the Conservancy feels that an annual RPB meeting is insufficient, especially in the first year of implementation. We strongly encourage the RPB to continue its pace of 3-4 meetings per year, especially in the first few years of implementation to ensure momentum continues to build within the RPB agencies and stakeholder communities. When the RPB does convene, one of its primary tasks should be securing renewed commitment to actions outlined in the Plan.

The RPB should also establish a mechanism for stakeholders to provide input and submit requests for consideration of specific issues that the RPB is uniquely positioned to address. These may be issues relating to particularly complex permitting issues, or new issues that the RPB may not have considered in the original Plan. A simple mechanism for stakeholders to submit questions and comments to the RPB and a commitment on the part of the RPB to respond in an interactive way will help establish the RPB as a go-to source for information and problem solving relating to ocean resources.

Chapter 5. Science and Research Priorities

Characterizing changing environmental conditions is important, and we strongly support studies related to this topic. However, it is important we also understand the variability naturally occurring on a sub-regional basis in order to ensure any climate change study is compared to the most accurate baseline. Currently, the structure of the Data Portal does not facilitate the inclusion of ecosystem-wide or ecosystem based studies. While the Plan mentions studying relationships between different trophic levels, the Data Portal currently only includes layers separated by species or trophic level. In the future, the Data Portal should provide a structure to include species-based layers at an ecosystem level as well. Also, the Data Portal would benefit from a structure that includes user-friendly, temporal, long-term, change-related layers.

Further, we believe the portal should not only be the provider of the best available datasets for the region but also highlight important data gaps. For example, important fishing areas, such as the section of Georges Bank that falls within US waters, have not been mapped using high-resolution sonars (e.g. multi-beam). With more fisheries models and data analyses reliant on seafloor complexity information, it is important that fishing hotspots are mapped at the highest available resolution. Prioritizing data gaps across the area could help direct funding to the locations in urgent need of high-quality information. Finally, we believe better characterization of commercial and recreational fishing activities is also very important, especially at finer temporal and spatial scales.

Compatibility Matrix

Throughout development of the Plan, the Conservancy has raised the importance of understanding compatibility. Stakeholders need to know what activities are compatible with other activities (e.g. – wind energy and commercial fishing), and what activities are compatible with certain natural resources (e.g. – shipping lanes and marine mammals). While the question of compatibility is addressed in some sections of the Plan, we suggest that the RPB consider developing a “quick guide” for each subsection in Chapter 3.

This will be a significant task, so we suggest including development of a quick guide as an action item in Chapter 5. This guide will provide stakeholders with easy access to information about what activities or natural resources they should pay particular attention to. This will be especially useful for the many stakeholders who have not participated actively in the development of the Plan. Ultimately, understanding compatibility is essential to making the Plan accessible, useful and effective.

The Conservancy recognizes the important step forward that the RPB has made as the first region to release a draft Ocean Plan. You have created a solid foundation upon which our region will build a

coordinated approach to better stewarding of our important ocean resources in the Northeast. Thank you for your hard work, and please do not hesitate to call on us for support as you complete and implement the Plan. We stand at the ready.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally McGee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sally McGee
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