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**RE: Comments to the Draft Northeast Ocean Plan**

Dear Regional Planning Body Co-leads:

Ocean Conservancy has supported and engaged in the ocean planning process since the beginning. We are excited to see the progress the Northeast Regional Planning Body (RPB) has made over this time and fully support the draft Northeast Ocean Plan. We urge the RPB to continue its great work during plan implementation and look forward to working with the RPB during this time and on future iterations of the plan.

Ocean users expect the plan to result in improved decisions by using the best available data as well as stakeholder involvement to proactively identify and address conflicts early in the decision-making process. The basic outcomes we expect from the plan are:

1. Best available data is used to inform and improve decision-making.
2. Stakeholders are proactively involved in decision-making from the earliest stages, so that projects can be designed to address conflicts as opposed to reactively requiring modification.

3. A venue is maintained where federal agencies, states, tribes, and stakeholders can work together to address ocean issues and recommend better processes to enhance decision-making.

We urge the RPB to ensure these basic outcomes are retained in the final version and future iterations of the plan. While we congratulate the RPB on its progress, there are several areas where the plan can be strengthened to ensure long-term success, which we outline below.

#### **I. Firm and clear commitments from RPB member agencies to involve stakeholders early**

Agency commitments to involve stakeholders early in decision-making processes are a key benefit of this regional ocean plan. Coordination commitments to facilitate better management among federal agencies, states, tribes, the Northeast Fishery Management Council, and ocean users is one of the greatest strengths of this plan. While the plan outlines details for how agencies, states, tribes, and the Council will coordinate, it is often unclear how agencies will engage potentially affected stakeholders. The overarching goal is for agencies to improve interactions with stakeholders early before conflicts occur.

We fully support the best practices outlined under federal agency coordination and coordination with stakeholders (*Chapter Four*). Having a mechanism in place that establishes early outreach and coordination with potentially affected stakeholders before a development permit is issued is of the utmost importance to Ocean Conservancy. We know that RPB member agencies will need to be flexible with the types of individual outreach to stakeholders, particularly with respect to a given proposed project; however, we urge the RPB to take these engagement commitments seriously. We urge the RPB member agencies to honor their best practices for coordination with stakeholders and work together whether serving as a lead, participating, or cooperating agency during a project proposal. Moreover, we urge the RPB to outline a plan of action for how agencies will identify stakeholders earlier and more effectively within the decision-making process. We encourage the RPB to work quickly during plan implementation to develop this action plan and for it to be referenced, where appropriate, in the appendices of the plan.

#### **II. Continued leadership and agency specific commitments**

##### U.S. Coast Guard

We were happy to see the detailed actions outlined by the U.S. Coast Guard (USCG). Specifically, the recognition that the plan and portal are important to statutory missions, providing tools to help find solutions for the increasing conflicts on the ocean. We also support the USCG actions to use the portal to “identify potential conflicts, impacts, and potentially affected maritime stakeholders during permitting and leasing for new proposed activity” (*Maritime Transportation Action Four*).<sup>1</sup> Our hope is that USCG will take a leadership role in regional ocean planning. We urge the USCG to hold firm on its actions to improve data on maritime commerce and to work to ensure Automatic Identification System (AIS) data is maintained and updated.

##### National Oceanic and Atmospheric Administration

We thank the National Oceanic and Atmospheric Administration (NOAA) for its consistent leadership and support of the Northeast Ocean Plan, serving as the Federal Co-lead. We are happy to see data provided by

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<sup>1</sup> Draft Northeast Ocean Plan. Page 74.

National Marine Fisheries Service Office of Law Enforcement on VMS-derived map products. NOAA must hold firm on its commitment actions to develop additional data characterizing commercial and recreational fisheries, specifically as it relates to sourcing, developing, and integrating better data on pelagic fish and invertebrate species, especially for those species found in the water column and not effectively captured with benthic trawl surveys (*identified as a data gap in Chapter Three and Chapter Five of the plan*). NOAA, in partnership with the RPB member agencies and stakeholders, must also work to develop additional data for the party and charter boat sector as well as the recreational, lobster, and crab fisheries. Additionally, we hope NOAA will lead or support all actions to involve identifying potentially affected commercial and recreational fishing stakeholders early in the decision-making process (*Commercial Fisheries Action Four*).

#### Bureau of Ocean Energy Management

We thank the Bureau of Ocean Energy Management (BOEM) for its leadership to support ocean planning. We were happy to see commitments from BOEM to engage potentially affected stakeholders early in the decision-making process. Many ocean users whose livelihoods are affected by BOEM decisions operate at regional scales. For example, commercial fisheries and conservation interests are not bound by a given state boundary and by nature work across the region. BOEM's stakeholder engagement must be responsive to this regional perspective and not confined simply to state-by-state outreach. The regional ocean data portals coupled with regional stakeholder engagement through the plan, therefore, provide an opportunity to improve BOEM decision-making processes, potentially improving permitting time, reducing conflicts, and saving both BOEM and offshore renewable energy developers' time and money. We urge BOEM to hold firm on its commitments to ensure affected stakeholders are involved early, before offshore permitting of energy or sand removal occurs. BOEM should work to identify steps with partner agencies and stakeholders to improve the engagement process as part of the plan of action called for above in Section I.

### **III. Commitments to consistently update and improve data within the Northeast Ocean Data Portal**

The Northeast Ocean Data Portal is a critical component and essential tool to the successful use and long-term implementation of this plan. We urge the RPB to make commitments to ensure any updates, maintenance, and development necessary to the data portal and associated data products is fulfilled. This includes a range of data updates such as AIS, fisheries data, and data gaps identified for habitat and marine life. We support the full utilization of the data portal as a tool to make more informed decisions and hope the RPB will use the science and research priorities identified to help guide portal improvements.

As part of the mechanism to ensure use of the data portal by agencies, stakeholders, and project applicants, the RPB should provide notifications to interested parties when updates are made to the plan, Northeast Ocean Data Portal, or new project proposals. For example, a mechanism that alerts portal users that new data layers have been added would greatly benefit industries that utilize and reference the data layers when making development decisions. In turn, this mechanism could be used to inform stakeholders during plan implementation to ensure ocean users are kept current on portal and plan updates.

### **IV. RPB member agencies make funding commitments to ensure the long-term success of the Northeast Ocean Data Portal**

We strongly urge the RPB member agencies to secure the necessary resources and make long-term commitments to ensure the data portal is successful. The variety and extensive amount of data and information in one central location allowing quick reference for resource managers is both a beneficial and fundamental shift in ocean management. The ability for managers to understand what data is available to

them and, of equal importance, for agencies to have an enhanced understanding of what ocean users to contact for more localized, fine scale data greatly enhances the decision-making process as agencies carry out their statutory obligations. For all the benefits of the ocean plan and portal to be realized, the data portal must be fully funded. We strongly urge the RPB to be clear in *Chapter Four* on its commitment to secure funding with text such as:

*“RPB member agencies believe that the Northeast Ocean Data Portal is fundamental to the successful implementation of the regional ocean plan and will contribute to the agencies’ ability to satisfy their missions and statutory mandates. Accordingly, the RPB member agencies commit to working together to provide the financial, staff and/or other resources necessary to ensure the ongoing maintenance and update of the Northeast Ocean Data Portal.”*

## **V. Provide clarity on the framework for Important Ecological Areas**

We applaud the overarching goals and commitments in the plan to improve ocean ecosystem health. The plan when finalized and implemented contains a variety of tools that can help RPB member agencies conserve ocean ecosystems while also supporting a sustainable ocean economy, all of which we fully support. Tools within the plan and portal such as:

- a. identifying stakeholders early in the decision-making process to reduce conflicts;
- b. outlining maritime traffic trends and safety risks that result in reductions in collisions as well as the decreased risk of oil spills;
- c. the large data sets ranging from seasonal trends of marine species to important whale migration routes ensuring managers have the best available data to make informed permitting decisions;
- d. identifying known data gaps and prioritizing filling those gaps in a systematic way to get us closer to an ecosystem perspective of management;
- e. transparent agency decisions with engagement from stakeholder that ensures better outcomes for the ocean;
- f. creating an adaptive management framework that allows the flexibility to make decisions as new data becomes available on the economy, society, and environment;
- g. coordination among agencies managing our ocean; and,
- h. the ability to take a holistic approach to management, are all benefits the plan provides and supports the overall goal defined in the plan of a healthy ocean ecosystem.

We believe Important Ecological Areas (IEA) can also be a tool to ensure success in achieving this overarching conservation goal; however, increased clarity is needed.

Based on Ocean Conservancy’s work to engage and facilitate a broad range of stakeholders in the ocean planning process, we believe the IEA framework will be an important tool to inform discussions on ecosystem health, but it also is a concept that people need clarity on. Stakeholders need to better understand the proposed process and timeline, and to feel secure that they will have the time and space to be involved in the discussion and decisions surrounding the identification and management implications of IEAs. Specifically, there are numerous data sets and approaches in other contexts that seek to define areas important ecologically, including work conducted by the Northeast Fishery Management Council surrounding essential fish habitat. From our conversations, it seems much of the confusion around IEAs is how the framework and identification of these areas will add or differ to ongoing work. We urge the RPB to clarify. Overall, a transparent process for how identification of IEAs will be used by the agencies is of the utmost importance.

The RPB must also clearly articulate in the plan that developing a framework and associated data products on IEAs does not create marine monuments, marine protected areas, or no-go zones for recreational and commercial fisheries. IEAs do not automatically generate areas where all activities are discouraged. It is our belief that multiple uses can occur within IEAs as long as these uses are compatible with ecosystem function. We urge the RPB to clearly articulate this in the plan to enhance understanding.

We see the value in the IEA framework approach but would like a clearly defined, transparent process to continue that gives all stakeholders a comfort level with which we can move forward together in support of the framework and identification of IEAs. Specifically, there are two pieces of the IEA framework that the RPB should clarify in order to drive broad acceptance:

1. Clearly describe how the scientific mapping and analyses will be done. A timeline should be established and details on who will be engaged outlined. Specifics on the public review process should also be detailed.
2. After initial data synthesis layers representing all five IEA components are created, clarity on how agencies will use maps within decision-making is essential.

This process should be open, transparent, and science-based with clearly defined timelines. The RPB should work to develop initial data synthesis layers representing all five IEA components by the end of 2016 for review by the Ecosystem-based Management Workgroup, scientists, and stakeholders to provide a basis for further discussion necessary to move the IEA framework forward. This timeline is also echoed by others working in New England who submitted comments to the RPB. Additionally, the RPB should work to provide details on how the scientific community, stakeholders, and the public will be involved in reviewing IEAs as they are identified. As new research and data is obtained, a clear understanding of when updates to IEAs will occur should also be outlined.

## **VI. Prioritize filling data gaps based on the regional research and science agenda**

As an advocacy organization whose work encompasses ensuring funding is directed toward research and science priorities for the ocean, we were thrilled to see a regional research and science agenda identified as part of the ocean plan. Our hope is that the RPB and its member agencies will use these research and science priorities to prioritize filling data gaps to ensure successful updates to the data portal and that future iterations of the plan will advance. We encourage the RPB to develop work plans that are included in the ocean plan appendices to ensure data gaps are proactively filled and agencies make the necessary commitments. Additionally, we encourage the RPB to coordinate with stakeholders to elicit assistance with filling data gaps, thereby creating an additional feedback loop of stakeholder engagement.

One of the strengths of the data portal is that it incorporates a variety of data sources in one central location; we encourage the RPB to develop a mechanism where additional peer-reviewed research, such as data from universities, can be incorporated into the data portal after the proper review process.

There are several specific research and science agenda priorities that are important to ensure future progress for the plan and data portal:

### Climate change

We encourage the RPB to prioritize research towards understanding the impact of climate change on the ocean. The RPB should work to engage scientists, ocean users, and local communities focused on understanding the Northeast region's vulnerability in a shifting climate. Additionally, local knowledge from

those users on the water and experiencing the first-hand effects of climate change could provide an important perspective on shifting baseline conditions. We encourage the RPB to convene research, stakeholder, and local communities to discuss new data on the impacts of climate change in the Northeast, thereby encouraging more informed decisions about ocean management with shifting climate conditions.

#### Commercial and recreational fishing data

As mentioned above and outlined in the research and science agenda, priority must be given to filling data gaps associated with commercial and recreational fishing. In order for RPB member agencies to make more informed decisions on how potential projects may affect fisheries, more comprehensive data must be sourced and included in the data portal. We encourage the RPB to work with stakeholders and scientists to help fill these data gaps, specifically data surrounding pelagic fish and invertebrate species as well as recreational, lobster, and crab fishery data.

#### Marine life and habitat data

We appreciate the extensive work done on marine life and habitat characteristic data included in the data portal. We encourage the RPB to prioritize research and data updates that will help RPB member agencies achieve a more holistic understanding of ocean ecosystems. Specifically, data associated with ecosystem structure and function outlined in the research and science agenda is of the utmost importance.

### **VII. Create a mechanism for stakeholder input and requests to consider issues as part of plan performance monitoring and evaluation**

We agree with the acknowledgement by the RPB on the importance of monitoring and evaluation. We support the need to ensure the plan is meeting the overall goals outlined within the plan and the basic expectation outcomes we outline in the introduction above. We urge the RPB to develop specific indicators for plan performance and measurable outcomes that support a sustainable, healthy ecosystem. Overall, an effective monitoring and evaluation strategy is key to improving future plan iterations.

Given the unique cross-sectoral forum the RPB provides, a specific mechanism should be established that allows stakeholders to petition the RPB to take up specific ocean management issues as they arise. The RPB provides a unique forum that allows relevant governmental and non-governmental stakeholders who utilize or manage the ocean to come together to address difficult issues. While the plan makes some initial commitments to improve the decision-making process, these approaches will likely need revision over time as the RPB and ocean users learn lessons through implementation. For example, if a permit for a particular ocean use occurs and the ocean plan is not working to fully address the management concerns, users could petition the RPB to hold a discussion forum to explore ways to improve the process. Additionally, management issues, new ocean uses, or conservation challenges may potentially arise that the RPB has yet to address, and having a specific avenue to formally request the RPB take up such issues would enhance plan performance over time and work to improve future iterations of the ocean plan. We urge the RPB to include a mechanism as part of its plan performance and monitoring in *Chapter Four*.

### **VIII. Ocean plan implementation and future plan iterations**

### Compatibility assessment

“Compatibility among past, current, and future ocean uses”<sup>2</sup> is one of the three overarching goals of the plan. While we understand the complexities regarding conducting a compatibility assessment in this iteration of the ocean plan, we encourage the RPB to develop an initial discussion and framework surrounding a robust compatibility assessment. We recognize that a regional assessment is a significant undertaking, but our hope is that the RPB will commit to developing the necessary steps to move this overarching goal forward.

### Continuation of the RPB

Our hope is that the RPB will continue to be a venue for discussion of ocean management issues among federal agencies, states, tribes, the Northeast Fishery Management Council, and ocean users. We thus fully support the continuation of the RPB. This new approach to coordination and management will ensure reductions in conflicts, a vibrant economy continues, and a healthy ocean ecosystem is maintained.

### Stakeholder engagement

As outlined above, stakeholder engagement is an essential component of this planning process. We urge the RPB to continue its commitment to stakeholder engagement during plan implementation and future iterations of the plan.

Thank you for the opportunity to provide input to the Northeast Ocean Plan and your continued leadership and engagement in regional ocean planning. We congratulate you on releasing the nation’s first regional ocean plan and we look forward to working with you during plan implementation and on future iterations of the ocean plan.

Sincerely,

Anne Merwin  
Director, Ocean Planning  
Ocean Conservancy

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<sup>2</sup> Draft Northeast Ocean Plan. Goal Three. Page 25.