

The Commonwealth of Massachusetts

*Executive Office of Energy and Environmental Affairs -
Office of Coastal Zone Management*

Department of Fish and Game - Division of Marine Fisheries

July 25, 2016

Betsy Nicholson, NE RPB Federal Co-lead
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930-2276.

RE: Comments on Draft Northeast Ocean Plan

Dear Ms. Nicholson—

As the Massachusetts representatives on the Northeast Regional Planning Body (Northeast RPB), we are pleased to submit the following comments on the Draft Northeast Ocean Plan. Since its formal inception in November 2012, the Commonwealth has actively participated on the Northeast RPB and in the regional ocean planning initiative pursuant to the National Ocean Policy of 2010. In its work over the past four years, the Northeast RPB has engaged with many stakeholders in its efforts to define goals and objectives; establish reference information on human activities and the ecosystem; and inform the development of a draft regional ocean plan. The Northeast RPB has held numerous public meetings, workshops, stakeholder forums, and industry-specific projects to gather information and input by collaborating with scientists, fishermen, boaters, and environmental groups, as well as leaders in the shipping, aquaculture, and energy industries.

As you well know, Massachusetts has been a pioneer in ocean planning, passing the state's Oceans Act in 2008, issuing the first-ever Massachusetts Ocean Management Plan in 2009, and releasing a revised and updated ocean plan in 2015. We believe that once finalized and formally adopted, implementation of the Northeast Ocean Plan will complement our state work, by advancing and improving federal and state agency coordination; allowing for greater access and use of existing and new data, maps and information on marine life, habitat, and ocean uses; and providing for greater stakeholder involvement and engagement in shared ocean issues.

The plan development process has been responsive to many of our previous comments. Before the plan is finalized, some revisions and adjustments can ensure the plan submitted to the National Ocean Council has as broad consensus and support as possible and reflects input from both Northeast RPB members and stakeholders. Within this context, we want to share the following comments and concerns, which were informed by the three public meetings held in Massachusetts as well as a special joint meeting of the Massachusetts Ocean Advisory Commission and Science Advisory Council on the draft plan.

Data, Maps and Information – Northeast Ocean Data Portal

We recognize that a very significant amount of effort went into the development of peer-reviewed data, maps and information on marine life habitat and ocean uses, activities, and infrastructure resulting in the production and availability of literally hundreds of data layers (and accompanying meta-data). This multitude of data layers are hosted on the Northeast Ocean Data Portal (“Portal”) which provides an excellent one-stop point of entry to access this information. While the plan is clear that, in most cases, the data on the Portal will not be the exclusive or sole source of information and in many cases site- and project-specific information will be required to support regulatory review and decision-making, the information in the Portal will support baseline information for NEPA review, pre-application consultation, and initial characterization of conditions relevant to a proposed project or activity. The Portal is a critical advancement to manage resources and multiple uses in the planning region. The effectiveness of the plan therefore is tied to the Portal, and it is critical that the information in the Portal is maintained and updated and that new and higher-resolution data be developed and incorporated. There are notable gaps in the available data—including spatial characterizations of the lobster fishery and maps of fishing activity according to gear type and port affiliation—as well as need for maps developed with data a finer scale. If the federal agency commitments in the plan are realized the Portal will provide the most value for improving management decisions and ensuring they include ecosystem considerations. It will be important for agencies to operationalize the provision of updated and new data products to the Portal as described in Table 4.1. Identifying broader connections to other mapping initiatives at the federal level could help clarify this intent and the various mechanisms by which the Portal can continue to be supported.

Important Ecological Areas

The Northeast Ocean Plan itself represents efforts to manage using “ecosystem-based management” (EBM) principles and approaches. In order to maximize the efforts to incorporate EBM, the EBM Work Group, a working group of scientists and managers was assembled with a charge to “support and inform a range of activities designed to incorporate additional EBM considerations into the 2016 Northeast Ocean Plan, including the identification and scoping of activities that could be described in the first ocean plan and

would be implemented over a longer timeframe.” The work to date has been primarily focused on the development of an initial framework for identifying Important Ecological Areas (IEAs), including the definition of IEA “components” (i.e., areas of high productivity, high biodiversity, high species abundance, vulnerable marine resources, and rare marine resources) and data that would be applicable to these components. While this is important work, and we are committed to continued participation on the EBM Work Group, we believe that is critically important to (1) clearly spell out the purpose of identifying IEAs in the plan (or companion document) and (2) not lose sight of the other elements of EBM that were considered in the EBM Work Group’s charge and terms of reference. EBM will involve far more than the identification of IEAs. At the public meetings and in other dialogue with stakeholders, we heard significant confusion and concern around the purpose of identifying IEAs, the process utilized to do so, and how IEAs will be used.

Adding to this uncertainty and misperception among many stakeholders is the possibility of the autonomous designation of a National Marine Monument by the Obama Administration. This is a very unfortunate confluence of initiatives, and we very much share the concerns expressed by Governor Baker in his letter to the President last November that such a designation will undermine the ongoing work, plans, and processes by the Northeast RPB and New England Fishery Management Council. The plan should clearly articulate that the identification of IEAs is one aspect of a longer-term effort to better understand the functions and inter-relationships of marine ecosystem components and is an element of EBM and not a formal depiction of discrete areas that have conservation value or are vulnerable to certain activities.

Ocean Health Index

The plan references an “Ocean Health Index” as the proposed tool for tracking the condition of the ocean (see www.oceanhealthindex.org). This is a complex index, and as with other indices, any development and application of it in the Northeast should be done carefully and include peer review. The plan references an Ocean Health Index (OHI) Team, and since we have not previously seen the membership, we are assuming this group has not yet been established. We would like to indicate our willingness and desire to have one or more individuals from our agencies participate to ensure that the Commonwealth’s concerns and needs specific to OHI development and use are included.

Restoration

The Northeast Ocean Data Portal previously identified the restoration spatial data layer as containing the region’s restoration priorities, and we are glad to see this has changed to characterizing the sites contained in the layer as potential restoration projects. However, given the language in the plan, we could see funding agencies potentially requiring or

recommending that a project being proposed for funds to be on this list, yet the process for including a project on the list is unclear and may be time consuming. It should be stated in the plan and in the metadata of the Portal restoration layer that the list is not exhaustive. We recommend that the Restoration Subcommittee, as it updates the maps and data in the Portal, and reviews the initial criteria that were developed to inform the map restoration projects and the list of habitat types, vet this work with the Northeast RPB and stakeholders.

Plan Implementation

Stakeholder engagement remains a challenge for this complex undertaking and continued efforts with outreach and engagement were recommended at the public meetings. With the network of informal subcommittees and working groups, it is understandable that stakeholders may have difficulties tracking the work and outcomes of these various groups, and because the plan is so new, the implications of their decisions are still unknown. It would be a useful next step to define a workflow and review process for each RPB working group or subcommittee to follow. All working groups (past, current, and planned), a chairperson or key contact, and the working group members should be identified in an Appendix to the plan and be readily available on the website.

It was mentioned in RPB meetings and in public meetings that the Portal could be utilized to visualize and communicate about pending federal actions. We think the Portal is a powerful tool to communicate with stakeholders regarding upcoming decision-making and could be a mechanism to identify affected parties. It would also serve a valuable function to start to assess cumulative impacts. Adding this capability to the Portal would be worthwhile.

The Portal enables massive amounts of data to be accessed and utilized by decision-makers. We recommend that a curriculum be developed for managers, government scientists, and the interested general public to learn how to use the Portal and to better understand the individual layers of information and how they can be used.

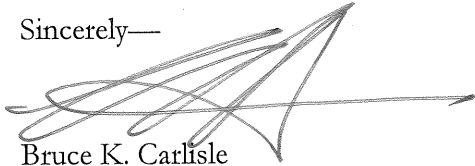
Baseline Assessment

The baseline assessment is a useful snapshot of the economic value of the various sectors utilizing the marine environment. The assessment mentions the inability to adequately assess the value of certain ecosystem services. The main drawback is that it is based on a single measurement year (2013), and there is no clear description of the amount of error associated with the value estimates. It would be useful to connect these metrics to plan performance assessment.

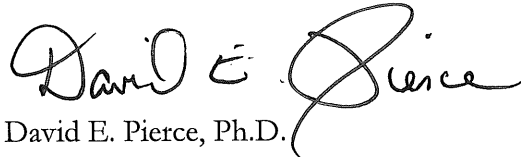
In closing, we want to again state our support for the draft plan and the work undertaken to date. The Northeast Ocean Plan represents a major advancement in our collective ability to improve

ocean management and fosters the networks necessary to improve the efficiency and effectiveness of decision-making. We want to recognize the all of the significant effort made by yourself, as federal co-lead, and all of the other federal and state RPB members and agency staff, as well as the staff from the Northeast Regional Ocean Council and other contributors in developing the Nation's first regional ocean plan.

Sincerely—



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RPB Representative for Massachusetts



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