

## **Summary of Discussions**

### **Northeast Regional Planning Body Meeting**

*April 11-12, 2013*

*Narragansett, Rhode Island*

This document summarizes discussions and presentations at the second meeting of the Northeast Regional Planning Body. The meeting took place on April 11-12, 2013 in Narragansett, Rhode Island. The summary was produced by Meridian Institute, which provides meeting planning and facilitation services for the Northeast Regional Planning Body.



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## **Executive Summary**

The second meeting of the Northeast Regional Planning Body (NE RPB) took place on April 11-12, 2013 at the Village Inn in Narragansett, Rhode Island. State, federal, Northeast England Fishery Management Council, and tribal NE RPB appointed Members or their delegates participated in the meeting.

Objectives of the meeting were to:

- Identify draft goals for regional ocean planning and mechanisms for receiving public input about those draft goals through early summer.
- Continue discussions about NE RPB operational considerations, initial products, a timeline for accomplishing initial work, and engaging stakeholders as the process moves forward.
- Continue providing context about current activities that lay a foundation for Northeast regional ocean planning.
- Provide opportunities for public input about topics being considered by the NE RPB

All meeting materials can be found by clicking [here](#).<sup>1</sup> Additional information about the NE RPB and ocean planning in general can be found at the [NE RPB website](#)<sup>2</sup>. This includes information on past and upcoming NE RPB meetings and opportunities for public comment, as well as a video recording of the full meeting.

The first day of the meeting, Thursday, April 11, focused on discussion about draft regional ocean planning goals that will serve as a starting point for discussions with the public in the coming months, continued discussion and resolution of key operational considerations for the NE RPB, and hearing public input during two separate comment sessions.

The second day of the meeting, Friday, April 12, focused on continuing discussion about draft regional ocean planning goals and finalizing any operational business that remained, hearing remarks from U.S. Senator Sheldon Whitehouse (D-Rhode Island) and other presentations that set the context for regional ocean planning, and a third and final public comment session.

The NE RPB made important progress on each major decision point that was raised during the meeting and achieved its meeting objectives. The NE RPB offered three public comment sessions and the information provided during those sessions was taken into account during the course of the meeting as refinements were made to various products. The NE RPB also learned

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<sup>1</sup> <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>

<sup>2</sup> <http://northeastoceancouncil.org/regional-planning-body/meetings/>

about the results of ongoing engagement efforts about ocean planning with stakeholders in the region.

Three presentations were made to provide the NE RPB with context information about activities underway in the region, including work related to understanding and managing resources with an ecosystem-based approach, the results of a workshop focused on paleocultural landscapes, and the progress being made by federal agencies in identifying federal regulatory efficiencies. Providing contextual information and updates will continue to be an important part of the NE RPB process.

A number of operational considerations were discussed and resolved, including:

- Approval of the content of a NE RPB charter.
- Formal decision to invite New York State and Canada to nominate Ex Officio Members.
- Input about options for creating more meaningful stakeholder participation in the NE RPB process. A small group of NE RPB Members volunteered to further discuss available options and develop recommendations for the full group following the meeting. The group expressed a general sense that it did not wish to create committees subject to the Federal Advisory Committee Act at this time, but rather prefers to establish bodies that would meet the high standards for transparency set forth by the Act while being more informal, flexible, and cost-effective.
- General agreement that states would interact with and speak for their local governments. It would be at the states' discretions to develop structures and processes to ensure they bring those interests to the NE RPB discussions as appropriate.

Significantly, draft regional ocean planning goals were developed and agreed to as reasonable starting points for discussion with stakeholders. The draft goals focus on ensuring the region enjoys:

- Healthy ocean and coastal ecosystems
- Compatibility among past, current, and future ocean uses
- Effective decision making

Further detail about the draft goals and associated explanatory language and potential actions to achieve those goals can be found in the appendices to this meeting summary. Next steps include sharing the draft regional ocean planning goals with the public and gathering public input during public meetings that will be held in May and June. [Click here<sup>3</sup>](#) for more information about how to participate in those public meetings. The NE RPB will review the input received at those public meetings over the course of the summer. The next NE RPB meeting is tentatively planned for fall of 2013.

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<sup>3</sup> <http://northeastoceancouncil.org/regional-planning-body/public-meetings/>

## About this Meeting

The second meeting of the Northeast Regional Planning Body (NE RPB) took place on April 11-12, 2013 at the Village Inn in Narragansett, Rhode Island. The meeting was attended by state, federal, Northeast Fishery Management Council (NE FMC), and tribal NE RPB appointed Members or their delegates. A complete roster of NE RPB members and meeting participants can be found in Appendix A. In addition, approximately seventy-five members of the public attended as observers, and thirty-one provided input during three public comment sessions held over the course of the meeting. A list of public participants is included in Appendix B.

The meeting was called by the NE RPB state, federal, and tribal Co-Leads. The state Co-lead is Grover Fugate, Executive Director, Coastal Resource Management Council, State of Rhode Island; the federal Co-lead is Betsy Nicholson of the National Oceanic and Atmospheric Administration (NOAA); the tribal Co-lead is Richard Getchell, Tribal Chief, Aroostook Band of Micmac Indians. The meeting was organized in collaboration with Katie Lund of NOAA, the NE RPB Executive Secretary, and Meridian Institute, which provided meeting planning and facilitation services and produced this summary document.

## Meeting Objectives

Objectives of the meeting were to:

- Identify draft goals for regional ocean planning and mechanisms for receiving public input about those draft goals through early summer.
- Continue discussions about NE RPB operational considerations, initial products, a timeline for accomplishing initial work, and engaging stakeholders as the process moves forward.
- Continue providing context about current activities that lay a foundation for Northeast regional ocean planning.
- Provide opportunities for public input about topics being considered by the NE RPB

Member meeting materials can be found by clicking [here](#).<sup>4</sup> Additional information about the NE RPB and ocean planning in general can be found in the [NE RPB website](#)<sup>5</sup>. This includes information on past and upcoming RPB meetings and opportunities for public comment, as well as a video recording of the full meeting.

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<sup>4</sup> <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>

<sup>5</sup> <http://northeastoceancouncil.org/regional-planning-body/meetings/>

## Thursday, April 11, 2013

The first day of the meeting, April 11, was focused on discussion about draft regional ocean planning goals that will serve as a starting point for discussions with the public in the coming months, as well as continued discussion and resolution on key operational considerations for the NE RPB.

### Tribal Blessing

*Doug Harris, Deputy Tribal Historic Preservation Officer/Preservationist for Ceremonial Landscapes*

Mr. Harris described the shared history of tribal people of the Northeast and welcomed everyone attending the meeting to the ancestral home of the Narragansett. He then provided a tribal blessing, asking people in the room to proceed in peace and with a strong sense of collaboration as they work to address the issues in our oceans.

### Opening Remarks

The NE RPB state, federal, and tribal Co-Leads provided opening remarks and a briefing on progress made by the NE RPB to date. After brief opening remarks by Mr. Fugate and Chief Getchell, Ms. Nicholson described areas of progress since the inaugural NE RPB meeting in November 2012 and referred to a slide, which can be found in Appendix C. She noted that the three Co-Leads now hold bi-weekly calls and have established an effective relationship grounded in shared leadership. She noted that progress had been made on a number of operational considerations, and the NE RPB was therefore poised to make certain key decisions at this meeting. She also explained that, since the first NE RPB meeting in November, a webinar presenting background information was held with the tribal Members. She explained that progress was made in laying the foundations for meaningful transparency, including the development of communications materials, refinement of the NE RPB web presence, the hiring of a communications consultant, and the posting of all NE RPB Member briefing materials on the website in advance of the meeting. Ms. Nicholson also explained that there had been significant caucusing among the three governmental sectors represented on the NE RPB about draft regional ocean planning goals.

### Introduction and Agenda Review

Laura Cantral, Meridian Institute, facilitated a round of introductions. Names and affiliations of RPB Members or their delegates who were in attendance can be found in Appendix A. She noted that the focus of the meeting would be reaching agreement on a set of draft regional ocean planning goals to offer for public review in early summer, discuss and reach agreement on some operational details of the NE RPB, and hear public comment in three separate sessions throughout the two day meeting.

### Discussion of Draft Regional Ocean Planning Goals

During this session, the Co-Leads of the NE RPB described the outcomes of pre-meeting caucusing on draft regional ocean planning goals by their respective governmental sectors, the NE RPB Executive Secretary offered for review a first attempt to integrate the three separate sets

of draft goals that were developed by the governmental sectors into one concise and unified set of draft goals, and the NE RPB discussed those integrated draft goals, offering refinements to be incorporated into a next iteration.

Ms. Nicholson opened the session by reviewing the pre-meeting process undertaken by the states and NEFMC, federal agencies, and tribes who are represented on the NE RPB to develop three separate sets of draft regional ocean planning goals. She reminded the group about a guidance document for developing draft goals that was provided to the NE RPB Members after the first NE RPB meeting in November. This document, entitled *Goal Setting Guidance: Developing Draft Goals for New England Regional Ocean Planning*, was included in the [member meeting materials](#)<sup>6</sup> as document 2.1.

Mr. Fugate started by thanking the representatives of the states and NEFMC for participating in the caucusing sessions. He explained that the representatives held a call about general conceptual goals, which were then refined into discrete goal statements by a small group of state representatives, offered for review electronically to the full group of state and NEFMC representatives, and then refined based on those comments. The state and NEFMC draft goals that were the outcome of this process can be found on a slide in Appendix D.

Chief Getchell then described the process undertaken by the tribal representatives. He noted that there had been some previous work conducted on this topic among the tribes in the region as part of a survey by the United South and Eastern Tribes, Inc., and so they were fortunate to be able to build on that work in developing the tribal draft goals. He explained that the tribes had considered bifurcating the goal setting process between northern and southern New England tribes because of the possibility of differing interests, but they concluded that in fact the basic common goals were shared across the region. The tribal draft goals can be found on a slide in Appendix D.

Ms. Nicholson then described the federal goal setting process, explaining that the agencies convened in person in Boston, MA, with a small number of individuals participating by phone. She thanked the agencies for their strong participation and engagement, and described that the federal agencies had settled on three overarching themes and that these showed strong compatibility and commonality with draft goals developed by the states and NEFMC and the tribes. The federal draft goals can be found on a slide in Appendix D.

Katie Lund, NE RPB Executive Secretary, then described the process and outcomes of the integration of the three sets of draft goals. The three separate sets of draft goals generated by the states and NEFMC, federal agencies, and tribes were integrated by the Executive Secretariat into one set of draft goals that the NE RPB should discuss and refine during this session. She

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<sup>6</sup> <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>

emphasized that the outcomes of this discussions would be considered to be very initial draft goals that will be used as a basis for discussion with the public and further refinement in the coming months.

Ms. Lund referred to a set of slides throughout her description, which can be found in Appendix D. She noted that the first slide in the series captured the draft goals that emerged from each sector. When shown side-by-side, it became clear that there were significant commonalities across the sectors. Common themes included ecosystem health, where humans and their economic and cultural needs are included in the concept of “ecosystem”; compatibility among uses of the ocean; and effective governance that includes increased efficiency, transparency, and engagement with the public. Using these common themes as a basis and drawing on language provided by each sector, the Executive Secretariat developed three goal statements. Ms. Lund showed a slide with color-coding that reflects by which governmental sector the different elements of the integrated goal statement were generated.

Ms. Cantral then opened the discussion to the NE RPB. In response to a question, it was noted that the intention was to reach agreement on high-level goal statements and then beneath those goals to capture additional explanatory detail and some ideas about actions that might be taken to achieve those goals. That full suite of information would be brought to the public for discussion and refinement after the meeting.

During discussion, a number of refinements were suggested:

- Ensure that the importance of adaptive management and transparency of decision making are emphasized.
- Make clear that among the potential outcomes of the planning process are conservation and restoration of certain areas of the ocean that are essential for the health of the ecosystem. A related concept that should be captured is the importance of protecting biodiversity.
- At the same time, an important goal is supporting economic development. Be clear about what is meant by the word “use.” Use of the ocean may be considered by some to include only extractive uses or it may also include activities such as research, recreation, cultural, and conservation activities.
- Clarify that cultural uses of natural resources include both historical artifacts and present-day uses of the ocean that are important to the different cultures and spirituality of people in New England.
- Emphasize the fundamental connectivity of all components of the human and natural aspects of the ecosystem, which demands collaboration for effective management, and is the major rationale for doing ocean planning. Ensure that the concepts of stewardship, reciprocity, responsibility, and connection are highlighted. Clarify that ocean resources are held in the public trust.
- Explicitly include promotion of increased understanding, as this is the first step toward

better management and collaboration.

- Regarding wording, provide short, simple goal statements at the highest conceptual level to facilitate easy and effective communication about the purpose of this regional ocean planning effort. Then provide explanatory paragraphs and example actions that capture the important detail beneath those high-level goal statements. Ensure that the rationale for why these actions are being taken is clearly articulated.

It was noted that the draft goals focus on high-level shared commonalities and there is great value in determining shared interests as a starting point and as a focus for the group. A number of NE RPB Members expressed a sense that identifying these common areas is a great success in itself and demonstrates high potential for the group to move forward effectively. However, the group also recognized that there will be situations in the future, as the process becomes more detailed and objectives are developed, in which there may not be unanimity among Members on every question before the NE RPB. There are important cultural and jurisdictional issues that will arise that may not yet be illuminated in these high-level goal statements. Nonetheless, these draft goals do allow the group to initially focus on areas of agreement and reflect a commitment to work together to achieve those.

Ms. Cantral then asked the group to focus on illustrative examples of the kind of actions that might be taken to achieve these draft goals. She noted that identifying possible actions will help clarify the intention of the draft goals for the public, which will be asked to react and provide input on the draft goals in the months following the meeting. Ms. Cantral then asked John Weber and Nick Napoli, Northeast Regional Ocean Council (NROC), to describe some potential actions to stimulate discussion. She explained that their ideas for actions emerged from discussions held to date with stakeholders and seem like reasonable starting points for discussion.

## **Results of Engagement to Date**

During this session, Mr. Weber and Mr. Napoli described key outcomes of discussions with stakeholders around the region over the course of the recent months. These key outcomes include ideas about specific actions that might be taken to achieve the draft goals.

Mr. Napoli summarized the process of engagement with stakeholders to date and explained that in March 2012, prior to the formation of the NE RPB, NROC convened a workshop in Bristol, Rhode Island to give stakeholders an opportunity to respond to initial ideas about a work plan to lay the groundwork for ocean planning. Since then, over fifty meetings have been convened with representatives of industry, scientists, managers, etc. Also, in order to address a key data gap, a region-wide survey of recreational boaters had been conducted and coupled with numerous meetings with recreational stakeholders. During the course of these efforts, it had become clear that stakeholders believe some issues are more appropriate to address through this process than others. Mr. Weber then showed a series of slides in which the input

gathered during the stakeholder engagement activities to date were organized according to the draft goals under consideration by the NE RPB. These slides can be found in Appendix E.

During discussion, NE RPB members expressed concern that some stakeholders still have a fundamental misunderstanding about the purpose of the initiative. A key component of ocean planning is mapping existing uses and understanding them sufficiently so that proposals for new uses or changes to existing uses in given areas of the ocean can be managed in the most rational way possible. It is not intended to create a new level of bureaucracy and the NE RPB does not have regulatory authority. Mr. Weber noted the importance of continuing to clarify that point and ensuring that stakeholders have opportunities to ask questions and provide input so that they become comfortable with the process and what it is trying to achieve.

Another point that arose during discussion was that this initiative will occur on a regional scale and should focus on issues that are regional in nature and are not sufficiently addressed by existing processes. However, local-scale mapping and information will be needed and the outcomes of the process will often have local implications, so the local scale will be essential to consider while conducting planning regionally.

The pros and cons of using modeling and tradeoff analyses were also briefly discussed. Among the points made were that new tools are available to help inform decision making on a regional scale. However, these tools need to be used appropriately and carefully as not all impacts can be quantified accurately and different localities in New England will assign different values to different activities or characteristics of the ocean. It is also difficult to assign value to one species over another in an interconnected ecosystem where impacts on one part of the ecosystem impact other parts. A species of plant or animal that may appear to have little value may actually play a key role in sustaining species of greater perceived value. Taking these interconnections into account will be challenging, but important. It was also emphasized that the purpose of the ocean planning process is not to choose winners and losers in any given conflict, but to clarify which places are obviously more suitable for particular activities over others. Ms. Lund then showed additional slides that offered ideas about potential activities to achieve the draft goals being discussed. These can be found in Appendix E.

Mr. Fugate cautioned the group not to focus on addressing the most difficult issues first, but rather to focus on what can be accomplished quickly and successfully to demonstrate the benefits of the process. At such time that people in the region become comfortable with the outcomes the NE RPB is trying to achieve and the process it will use to do so, then the group should turn its attention to the more difficult challenges.

It was stated that the regional ocean planning process should lead to improved relationships across jurisdictions, increased understanding, and leveraged resources. These changes will have benefits that are hard to quantify or explain. They will lead to better governance in subtle but potentially important ways. In other words, using the NE RPB to create tools and processes that

lead to good decision making under existing authorities is an important outcome. A key element of this will be transparency. This includes showing the public how their input has been taken into account, bringing the public into the dialogue in a meaningful way, and helping the public understand how management decisions are being made. An observation was shared that remarkable progress is already being made in terms of collaboration across agencies with regard to scientific studies and data sharing.

In closing the session, Ms. Cantral briefly summarized the discussion. She also explained that staff would take the input provided today and make modification to the draft integrated goals overnight and present a next iteration for further discussion in the morning.

### **Public Comment: Draft Regional Ocean Planning Goals**

The first of three public comments sessions was held at 11:15am. Ms. Cantral opened the session by noting that the NE RPB had received feedback about the public comment session at the inaugural meeting in November and made adjustments to the format accordingly. She noted that the NE RPB welcomed members of the public to speak to any topic they wished during the public comment sessions at this meeting, but encouraged comments in particular on the topic that was most recently discussed. During this particular session, comments on the draft integrated planning goals would be greatly appreciated.

Fourteen people provided comment during this session. A video that includes all public comments provided to the NE RPB during this session is available on the [NROC website](#).<sup>7</sup>

Major themes of the comments during this session included:

- Support for emphasis of ecosystem stewardship and ocean health in the context of changing conditions. Related, a sense by some commenters that the first integrated draft goal relating to ecosystem health should be the only goal and that the second and third draft goals are actually process elements to help achieve the first goal.
- A request was made to be explicit about the need to identify important ecological areas and coordinate in protecting and restoring them, and to create a science advisory body to identify those areas. A suggestion was made to think of regional ocean planning as creating a framework for collaborative stewardship.
- Requests for the NE RPB to continue to improve transparency.
- Requests for the NE RPB to better reflect specific ocean interests. For example, it was stated that some commercial fishermen feel they are not well represented among the Members of the NE RPB and they request a stronger and more direct voice in the process. Among other benefits, this would help ensure that safety issues and cultural

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<sup>7</sup> <http://northeastoceancouncil.org/regional-planning-body/northeast-regional-planning-body-meeting-video-clips/>

issues related to that user group are taken into account. A request was made to ensure that impacts on working waterfronts are considered in any decisions made by the NE RPB. Non-extractive recreational uses of the ocean were noted as important and supportive of local economies and ecosystem protection efforts.

- Concern that the NE RPB may be distancing itself from the National Ocean Policy, which several commenters believe is a strong policy that offers a high standard that the Northeast should strive to reach.
- Recommendations about the specific wording of the draft goal statements, including that the NE RPB revisit wording used in the National Ocean Policy and that the draft goal statements be made shorter and simpler.
- Offers of assistance, particularly from environmental groups and from aquaria, museums, and other science education institutions.
- Requests to ensure the general public is brought into the dialogue and to establish partnerships for effective communication.
- Support for the concept that the main purpose of ocean planning is intergovernmental coordination, and also support for the idea that ocean planning should create a forum for industries and other stakeholders to resolve the conflicts they have with one another, share information with one another, and create partnerships to achieve mutually agreeable solutions.

### **Context Presentation: Overview of Massachusetts Ocean Plan**

*Bruce Carlisle, Director, Executive Office of Energy and Environmental Affairs/Coastal Zone Management*

During this session, Mr. Carlisle provided a presentation about key elements of the Massachusetts Ocean Plan that may be helpful for NE RPB consideration, followed by group discussion. He referred to a set of slides throughout his presentation, which can be found in Appendix F.

Mr. Carlisle began by providing an overview of this presentation. He described the reasons why Massachusetts decided to conduct ocean planning, including a large number of ocean-based project proposals, a sense that the ocean space in state waters was becoming crowded, and a belief that more careful planning would be important to protect the long-term interests of the people of Massachusetts. He then described the Massachusetts Oceans Act of 2008 which required the creation of an ocean plan with specific directives for what should be achieved and set forth an ambitious 18 month timeframe.

Mr. Carlisle explained that the Massachusetts planning process was carried out in four phases. The first phase of establishing goals and strategies is the phase in which he considers the NE RPB to be at this point with regard to regional-scale ocean planning. He noted that this phase can at times be frustrating, but is vitally important. He also shared his perspective that the

region is already making progress in the second phase of data acquisition and development through work happening under the auspices of NROC in support of the work of the NE RPB.

He described the advisory groups that were engaged closely with the Massachusetts planning effort, including a formal Ocean Advisory Commission of stakeholder representatives and a technical Science Advisory Council. He also noted that Massachusetts spent a significant amount of time developing its four goals and that these were shaped by public meetings. For each goal, Massachusetts developed outcomes and strategies. He then reviewed the four goals and associated outcomes as articulated in his slides. A draft plan was offered for extensive public review and input, and the importance of listening carefully to stakeholder input through both public engagement processes and the formal advisory bodies cannot be overemphasized. He explained that the final plan is divided into two volumes. Volume 1 focuses on management and administration. Volume 2 focuses on assessment of environmental, cultural, and use characteristics. Since the release of the final plan, Massachusetts has been working to fill data gaps that were identified. He explained that the plan created three categories of areas: prohibited areas where activities are restricted, renewable energy areas, and multi-use areas. Multi-use areas make up the majority of the Massachusetts ocean planning area. In these areas siting and performance standards apply. Another key part of the process was identifying special, sensitive, and unique resources and setting them aside for special protection. Areas with a high concentration of water dependent uses were also identified.

Mr. Carlisle concluded by sharing his perspective that the process had led to unprecedented coordination and integration between agencies and with partners. The plan uses existing regulatory and administrative authorities. And while there are provisions requiring the plan to be regularly updated, there are also interim, less formal ways to bring new data into the plan. Massachusetts is working on formal revisions at this time.

During group discussion, a question was posed about how the Massachusetts plan is being used in real situations where there is an application for an ocean activity. Mr. Carlisle noted that the major driver for the plan was renewable energy. Previously, the generation of all energy was prohibited in Massachusetts waters. This planning process allowed for renewable energy generation by taking a comprehensive look at all ocean uses and underlying environmental features and conditions and ensuring areas are identified as suitable for renewable energy development. In Massachusetts, there have been proposals for activities, such as a proposal for a submarine cable, that have gone through processes under the National Environmental Policy Act in the context of the Massachusetts ocean plan. The developer of the submarine cable was informed about key areas of the ocean that should be avoided in the cable siting proposal. The plan has also led to better science and information, and leveraged resources in acquiring that information, since it encourages partnership to address key data gaps.

Mr. Fugate added that the Rhode Island Ocean Special Area Management Plan (Ocean SAMP) also identified renewable energy areas. An offshore wind developer is currently proposing a

project within one of those areas. The existence of the Ocean SAMP allows the developer and regulators to quickly turn their attention to project details and avoid spending time and resources negotiating suitable locations.

It was noted that an ocean planning process in Canada that produced the Eastern Scotian Shelf Management Plan also included a range of stakeholders and spanned two provinces. The plan took time and patience to develop, but was worthwhile, leading to many benefits. Some key lessons learned from that process include the need to focus closely on filling any gaps and quickly identifying concrete actions and easy successes to generate momentum, rather than duplicating the efforts of existing and well-established authorities. A challenge in the Canadian case was a lack of clear accountability and clarity about the responsibilities of the planning council. An observation was shared that major benefits have been improvement of relationships across jurisdictions and with stakeholders and increased sharing of information and ideas.

A question was asked about the Massachusetts plan and the use of existing authorities. Mr. Carlisle explained that in the Massachusetts case, the intention was to use existing regulatory authorities to the extent possible. However, in order to accommodate a major new use, some new implementing regulations did need to be developed.

In response to a question about the stakeholder and technical advisory process, Mr. Carlisle explained that the two formal groups in Massachusetts were established by the legislation itself and that they were very important touchstones for the process. He also noted that the deadline established by law was important because it kept the process moving forward.

A question was asked about the process Massachusetts used for determining areas appropriate for wind energy. Mr. Carlisle responded that Massachusetts first identified existing uses and resources that are functionally incompatible with wind energy installations. Then areas of significant concern were identified, as well as characteristics that are needed for successful wind power, including water depth, wind resource, proximity to land, view sheds, etc. Developers in Massachusetts still need to undergo permitting processes, even though certain areas have been identified as appropriate for that use. Some experts have determined that the wind energy areas identified in the Massachusetts plan are not necessarily appropriate for commercial-scale wind power at this point in time, however the information gathered through the planning process has been useful in discussions with the federal government about siting wind energy in federal waters adjacent to Massachusetts.

In response to another question, Mr. Carlisle explained that areas important for existing ocean uses are protected through the planning process in Massachusetts similarly to the protections offered for sensitive natural resources. Potential projects need to avoid, account for, or mitigate impacts in those areas. These situations are treated on a case-by-case basis for each project proposed. Mr. Fugate added that there is no one tool that can do the full analysis needed, but rather a range of tools and strategies that need to be employed appropriately depending on the

circumstances. For example, in Rhode Island an advisory group of fishermen was created that could weigh in with information about their industry and represent their interests.

## **Operational Considerations**

This session focused on a number of important operational considerations of the NE RPB, including the content of a proposed draft charter and additional detail about plans for engagement with stakeholders and the public going forward.

### **Leadership**

Chief Getchell introduced a discussion about NE RPB leadership, explaining that the objective was to ensure the Members are comfortable with (1) the way the state, federal, and tribal Co-Leads are playing their co-leadership role and (2) the proposed 2-year terms for Co-Leads outlined in a draft charter that was provided in the [Member meeting materials](#) as document 3.3. In response, Members of the NE RPB expressed a sense of comfort with the current leadership structure and process. A number of statements were made in strong appreciation for the time and effort being provided by the three Co-Leads.

Ms. Nicholson added that she envisions that sub-groups would be created in the future to address specific topics and lead activities and discussions between and during meetings of the NE RPB. This would allow for greater distribution of responsibilities and less reliance and focus on the Co-Leads.

### **Ex Officio and Local Membership**

Ms. Nicholson introduced the topic of ex officio membership in the NE RPB. She explained that the purpose of such membership is for experiences, information, and considerations from across the boundary of the region to be taken into account. If situations arise where the NE RPB is working to reach consensus on an issue, the Ex Officio Members would be expected remove themselves from the debate and allow space for the core membership to reach resolution. New York State and Canada, through its Department of Fisheries and Oceans (DFO), were proposed as initial Ex Officio Member entities. The Ex Officio Member entities would be identified in the charter, but not asked to sign it. A next step would be for the Co-Leads to send formal letters to New York and Canada inviting them to submit nominations for ex officio membership. The group discussed the role of possible tribal Ex Officio Members later in the meeting, as is captured on page 24 of this summary.

During discussion, a request was made to further clarify in the draft charter the relationship between potential Ex Officio Members and the consensus-based decision making of the body. Otherwise, the group expressed comfort with the ideas proposed and agreed that the Co-Leads should formally invite New York and Canada to submit nominations.

Regarding local government representation, Mr. Fugate offered four options for consideration. Those four options were included in [Member meeting materials](#) as document 3.2. During

discussion it was noted that the options numbered 2, 3, and 4 would require significant cost and time commitment for the NE RPB to manage. This would pose particular challenges at this time because government fiscal and other resources are greatly constrained. The group expressed general agreement that option 1, in which states on the NE RPB would function as proxies and represent their local governments, is the preferred approach at this point in time. However, the NE RPB will continue to explore the question of local representation and reserves the right to develop a more formal mechanism with possible membership for a local official, if needed and circumstances allow, in the future. There was a sense expressed that the NE RPB Members representing states should reach out to their municipal associations and similar groups to discuss this topic with them, as they deem appropriate. An idea was offered to have certain public meetings in the future be tailored specifically to local government officials.

### **Charter Review and Approval**

Ms. Lund opened the discussion of the draft charter by explaining that the charter is a way to communicate the form and function of the NE RPB to the public. She asked the group to provide any comments they might have about the draft charter, which was included in the [Member meeting materials](#) as document 3.3.

General comments included the following:

- Add the listing of member states, agencies, and tribes.
- Add further detail about the purpose of the NE RPB and its procedures and frequency of meeting.
- The goals that will be established by the NE RPB in consultation with the public should be a separate companion document to the charter, not part of it.

It was agreed that staff would revise the charter overnight and bring modification to next day for consideration.

### **Three-year phased planning timeline**

Ms. Lund explained that staff created a basic timeline in response to discussions held at the inaugural NE RPB meeting in November 2012. The timeline was included in the [Member meeting materials](#) as document 3.4. During discussion concerns were expressed that tribes have not been engaged as robustly to date as other interests and significant outreach needs to happen to the tribes as the process proceeds. This need for tribal engagement makes the timeline seem ambitious to some Members. Others felt that establishing an ambitious timeline is important to ensuring the process moves forward with a sense of urgency. It was stated that defining the terms used in the timeline would be helpful, and staff responded that such a glossary is being produced. The NE RPB then agreed to the timeline as presented, with concerns noted.

### **Advisory Roles and Engagement/Communication Strategies and Updates**

The discussion about engagement and communication strategies covered a number of topics, and began with a focus on potential advisory bodies that might be created. Ms. Nicholson introduced the discussion of options for the NE RPB to receive more direct input from stakeholders and technical experts by referencing a document in the NE RPB Member briefing packets about the Federal Advisory Committee Act (FACA). It was included in the [Member meeting materials](#) as document 3.1. She noted that the NE RPB can decide to use FACA or not, and explained the circumstances in which FACA does and does not apply. She noted that less formal committees that are not subject to FACA could be created.

Mr. Fugate stated that establishing an advisory body subject to FACA would require the NE RPB to have a budget sufficient to support the members of that body and all of the associated administration. It was noted by others that FACA is associated with significant process steps. The limited budget available for support of the NE RPB may preclude creation of a FACA body as an option at this time. Several NE RPB Members expressed a preference for developing less formal bodies that allow for direct engagement with stakeholders and technical experts in ways that are meaningful and transparent, without creating a body that is subject to FACA. Mr. Fugate noted that stakeholders are already being engaged in working groups under the auspices of NROC, and building on those existing mechanisms could be a way to channel input to the NE RPB.

Mr. Weber noted that the process of gaining direct input can evolve over time as needs and circumstances change. At this point, it will be important to be mindful of available time and resources, and build on what already exists. Many stakeholders are already becoming engaged through discussions about data and information. A contractor has been hired to improve the web presence for this ocean planning effort and explore ways to use social media. These efforts will be important, but will not replace the need to talk to people in person. More engagement needs to happen and there are interest groups that have yet to be reached, but there is a solid foundation to build on. Stakeholders in the region understand that the process is still in the initial phases, but there is a need to set up mechanisms to gain direct stakeholder and technical input quickly.

It was noted that during public meetings planned for May and June, members of the public will be shown maps and other products, in addition to the draft regional ocean planning goals. The full NE RPB will be given a chance to review these materials prior to the public meetings. The group was reminded that some states, such as Massachusetts and Rhode Island, have existing models and groups of stakeholders and technical experts that could be engaged in conversations about ocean planning. Other states may not yet have the benefit of existing groups to engage about ocean planning.

There was recognition that the needs related to stakeholder and technical advice will become clearer as the NE RPB finalizes regional ocean planning goals and establishes more detailed objectives and strategies in the coming months. However, Mr. Weber noted that a number of

stakeholders are eager to engage and provide more general advice now during this early stage as the process is set in motion. The individuals who are asked to participate in such a stakeholder group should be individuals with broad networks who can truly act as conduits for information between stakeholders throughout the region and the NE RPB.

Mr. Fugate offered detail from the Rhode Island example, explaining that the state created a broad advisory group with about 80 stakeholder groups represented. All of the group's meetings were open to the public. Every major step of the process was reviewed by this advisory group. There were also specific technical advisory groups that delved into specific topics. The information provided by the technical groups was offered to the broad stakeholder group for review, and then provided to the public for input. Several NE RPB Members commented that this kind of phased approach seemed right for this process, that is, create a broad and diverse advisory group now and then develop more specific technical groups as needed as the process proceeds.

Mr. Fugate added that because some states already have standing groups to discuss ocean planning, there might be benefits in dovetailing the efforts. In that case, groups would only need to be created for stakeholders who are in states that don't already have an established group. It was also noted that there a number of existing FACA bodies that could be asked to weigh in on specific topics. A suggestion was made to catalogue all of the existing groups that could be tapped into for advice, including existing state-based ocean planning advisory groups, FACA advisory committees on specific topics, etc.

A small group of NE RPB Members then volunteered to work together after the meeting to further discuss this topic and identify specific options for an initial advisory structure and process. The small group was asked to focus on practicality, using existing groups as much as possible, and defining the relationship of the NE RPB to any advisory bodies created. The overarching purpose of direct stakeholder input at this point would be to ground-truth the early considerations and decisions of the NE RPB as it is standing up the regional ocean planning process. Staff was asked to send a clear charge to the small group of NE RPB Members who volunteered to continue the discussion and develop options.

### **Public Comment Session: Operational Considerations**

The second public comment session was held at 4:45pm. Ms. Cantral noted that the NE RPB welcomed members of the public to speak to any topic they wished during the public comment sessions, but encouraged comments in particular on the topics most recently discussed. In this case comments on the operational considerations and engagement strategies and mechanisms discussed during the afternoon of day 1 would be appreciated. During this session, nine people

provided comment. A video that includes all public comments provided to the NE RPB during this session is available on the [NROC website](#)<sup>8</sup>.

Major themes of the comments during this session included:

- Strong support for the creation of formal stakeholder advisory mechanisms. Suggestions that a standing committee that represents all stakeholder groups be created, even if it is large. A standing committee of scientists should also be created. Recommendation that even if the NE RPB does not pursue the FACA route, it should adhere to the spirit of transparency and in many cases the same processes that FACA requires. Reminder to engage the state-recognized tribes as important constituents as well and to protect cultural resources.
- Concern that ocean planning will result in a “resource grab” and not provide for adequate protection of the people and natural resources of the region. Stewardship should be the main focus of the NE RPB.
- Requests that all economic uses be taken into account, including actual and potential activities. Maximizing job growth should be one of the substantive goals of the process.
- Reminders that traditional knowledge must be included in the scientific advice and local people must be engaged closely.
- Suggestions for specific pilot sites for ocean planning in the region.
- Offers of communications materials that could be used as a resource.

### Wrap Up and Adjourn

Following the public comment session, Ms. Cantral adjourned the meeting for the day.

### Friday, April 12, 2013

The second day of the meeting, April 12, was focused on continuing discussion about draft regional ocean planning goals and finalizing any operational business that remained, hearing remarks from Senator Sheldon Whitehouse (D-RI) and presentations that set the context for regional ocean planning, and a third and final public comment session.

### Welcome Back and Agenda Review

Ms. Cantral opened the meeting and explained that the agenda items for day 2 were reordered so that the NE RPB can prioritize continuing its discussion about draft regional ocean planning goals.

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<sup>8</sup> <http://northeastoceancouncil.org/regional-planning-body/northeast-regional-planning-body-meeting-video-clips/>

## Continued Discussion of Draft Regional Ocean Planning Goals and Resolution of Other Remaining Business

Ms. Cantral opened the discussion by explaining that staff had made revisions to the draft regional ocean planning goals during the previous evening to reflect comments made during discussion on day 1 and had put those revised ideas on a set of slides. The revisions included providing additional framing and introduction of the draft goals and emphasizing that these are simply first draft ideas that will be brought to the public and stakeholders for reaction and refinements in the coming months. During revisions, staff also separated the draft goals into a very short statement for each goal followed by a longer paragraph of explanation and description. A set of potential actions that illustrate how the goal can be achieved were also included. The slides that reflect this next iteration of the draft goals can be found in Appendix J.

Mr. Weber further explained that the intention is to turn the content of the slides into a document that could form the basis for discussion with stakeholders and the public at the public meetings in May and June. He urged the NE RPB not to concern itself with specific word smithing at this point, but to ensure the right concepts are captured. Mr. Weber noted that the idea of regional ocean planning principles, which the NE RPB may decide to establish, at this point are intended to be captured under the framing introduction of the document. He then reviewed the content of the slides in detail.

During discussion, NE RPB Members expressed a high degree of comfort with the refined draft goals and appreciated the overnight effort to provide a next iteration of concepts on which to reflect. Members offered a few specific revisions, including the following:

- Ensure the concept of changing conditions is captured in the framing concepts.
- Refine the goal related to compatibility to reflect that compatibility between uses should be “encouraged.” It is not possible to achieve compatibility in every situation. Clarify that planning should not only achieve compatibility among uses, but also with the ocean itself, that is, the natural environment.
- Add more about “enhanced viability of new and existing uses.”
- Ensure that land-sea connections are addressed and that the connection between decisions in the ocean and shore side infrastructure and other implications of planning for local, coastal communities are recognized. Water quality is a related specific issue of concern.
- Perhaps note the possibility of making progress on priority local issues, such as boosting coastal tourism and upgrading of waste and storm water management systems, through working together on a regional basis.
- Reflect the importance to tribes of revitalizing wild fisheries, including salmon in New England. A related concept that is important to the tribes is related to “sustenance” and health. The tribes also feel a strong connection to the “ancient” and past. Ensure that tribes are included in listings of people and groups to whom this effort is important.
- Expand the details about characterizing important areas to include the concepts of

"special management" and "protection," beyond restoration alone. The concepts of "stewardship" and "caretaking for future generations" cannot be overstated.

- Clarify the non-regulatory nature of the planning exercise in the framing concepts.
- Edit the final language to replace jargon that may be unclear to the public with words that everyone can understand.
- Consider adding more specific example outcomes that are concrete and that members of the public may be able to relate to more strongly.
- Capture the concept of "connection" and "relationship" more explicitly, perhaps in the framing language.

In wrapping up the session, Ms. Cantral observed a general sense of agreement that the draft goals were heading in the right direction and she noted that staff would send a next version to the NE RPB electronically for review. The outcome of that written review would be a document that is shared with the public for input. The draft goals and related information conveyed in the document will be discussed with the public during the public meetings that are planned for May and June.

Mr. Fugate then introduced Senator Whitehouse.

### **Remarks on Regional Ocean Planning Efforts**

*U.S. Senator Sheldon Whitehouse (D-Rhode Island)*

Senator Whitehouse opened by noting that the lives of people in New England are closely tied to the ocean—economically, spiritually, culturally, and physically. Ensuring that competing needs are balanced and the integrity of the system is maintained requires careful planning. There are over twenty different federal agencies that manage oceans and the National Ocean Policy has helped improve communication among them. Yet this common sense process has faced resistance by some in Congress. Federal funding for ocean research and management should be a priority, including funding for regional ocean partnerships. That is why the Senator has championed legislation that would establish a National Endowment for the Oceans.

He applauded the Rhode Island Ocean SAMP process as a model. It is helping to stimulate wind energy development while avoiding critical habitat and other conflicts. Important improvements can be made to decision making simply by coming together and considering the best available information as a group. He expressed the view that ocean planning gives states and tribes more influence than they would normally have about decisions that are made in the ocean.

He asked the audience to consider the big picture and the many changes underway in oceans around the world. There are strong warning signs around the globe about the overall

degradation of the oceans, and action must be taken. He assured the group that he cares deeply about these issues.

In response to audience member questions, Senator Whitehouse expressed optimism about the chances of passage of his legislation to establish National Endowment for the Oceans, given how close it came to being enacted in the last Congress. He urged those who care about the ocean to make their voices heard so that effective actions to protect ocean health will be taken.

## Context Presentations

During this session, three presentations were provided to the NE RPB to provide the Members information about the context in which they are conducting ocean planning.

### Ecosystem Perspectives

*Mike Fogarty, National Oceanic and Atmospheric, Northeast Fisheries Science Center*

*Chuckie Green, Assistant Director, Natural Resources Department, Mashpee Wampanoag Tribe*

Mr. Fogarty and Mr. Green referred to a set of slides during their presentation, which can be found in Appendix I. Mr. Green opened by noting that in his lifetime the natural environment in the region has degraded significantly. He strongly supports taking an ecosystem-based approach to management, an approach that takes into account the interconnections between components of the system, the people, plants, and animals. Mr. Fogarty added that the Northeast Fisheries Science Center has an ecosystem assessment program that is working to enhance understanding of the scientific foundations for managing in a more ecosystem-based manner. He explained that he and Mr. Green would focus their presentation on how regional ocean planning can fit into an ecosystem-based approach.

Mr. Fogarty explained that the National Ocean Policy established nine priority goals and objectives, and among them is establishment of ecosystem-based management. Within that broad framework, their presentation focused on ecosystem services, which are the benefits that humans derive from the ecosystem. Mr. Green echoed earlier sentiments about the importance to the tribes of sustenance from the environment. Most food was acquired directly from the environment when he was a child, but that is now impossible.

Mr. Fogarty stated that the U.S. Commission on Ocean Policy in 2004 explained that the key elements of ecosystem-based management are understanding and accounting for the interconnections within ecosystems and how humans are part of the ecosystem. He noted that natural resources don't respect our jurisdictional boundaries. The idea that humans are part of the ecosystem is fundamental from a tribal perspective. Western scientists are trained to compartmentalize information, and therefore reaching out across disciplines to better understand the whole system requires special effort. He expressed his sense as a Western-trained scientist that there is much to be learned from the tribal perspective, because systems

thinking comes more naturally in their cultural context. Mr. Green added that the tribes see themselves as equals to the other species in the ecosystem, and so while they do take those species for their use, the act of taking is done with respect.

Mr. Fogarty explained that the ecosystem services approach tries to further illuminate our connections to the ocean and establish a sustainable flow of these benefits into the future. Ocean planning is trying to tackle head-on those conflicts that inevitably arise. He explained the steps of an ecosystem-based approach and noted that the first draft goal that the NE RPB is developing, related to ecosystem health that includes humans, is very consistent with the kind of aspirational statement that underpins the systems approach he recommends. Mr. Green added that understanding and acting on these connections will allow humans to identify how to achieve that goal.

Mr. Fogarty closed by sharing his sense that the work of the NE RPB so far is consistent with steps needed to foster an ecosystem-based approach. Spatial management is one of a number of tools, but it is an essential one. Bringing together scientific and traditional knowledge, using a spatial approach to consider that information, and then translating that into scientific advice for decision making is the right path forward.

During discussion, an observation was shared that conservation by setting aside certain sensitive areas is an important dimension. It was also noted that the Northeast Fisheries Science Center had recommended specific spatial units for ecosystem-based fisheries management to the NEFMC, and ideally the NE RPB would consider using those as well. Mr. Fogarty reminded the group to consider any sub-units as part of a nested hierarchical structure.

### **Outcomes from "Submerged Paleocultural Landscapes Workshop"**

*Doug Harris, Deputy Tribal Historic Preservation Officer/ Preservationist for Ceremonial Landscapes, Narragansett Indian Tribe of Rhode Island*

Mr. Harris invited two colleagues to join him for his presentation: Mr. David Robinson and Mr. John King. Mr. Harris explained how he became engaged in the Rhode Island Ocean SAMP and how the process was helpful in identifying and taking into account potential submerged sites of paleocultural importance.

He explained that the Submerged Paleocultural Landscapes Workshop was a recently convened, three day event that brought together a number of tribes, premier submerged landscapes scientists from around the world, and regulators from the Bureau of Ocean Energy Management to share information. There is now a four year research process underway to develop protocols for determining the presence or absence of important cultural sites.

Mr. Robinson explained that a major take-away of the workshop from his perspectives was that there is indeed a place for traditional tribal knowledge in Western science. Mr. Harris shared

that the tribes are not interested in stopping projects, but in influencing them through appropriate protocols to guide projects away from culturally important areas.

It was clarified during discussion that while the paleocultural research project is on a four year timeframe and the initial phase of ocean planning is on a three year timeframe, there is no inconsistency. Ocean planning is intended to be iterative and ongoing so that even if an initial ocean plan is in place when the results of this research are finalized, new information that emerges will be factored into iterations and refinements to the plan over time. It was noted that the paleocultural research will include some new and interesting maps and that some of the information will need to be confidential, given the nature of the information.

### **Federal Regulatory Assessment**

*Dan Hubbard, Maritime Energy Program Specialist, First District, U.S. Coast Guard*

Mr. Hubbard provided a presentation of progress made by the federal agencies to date in identifying regulatory efficiencies. Slides of this presentation can be found in Appendix H. Mr. Hubbard opened by explaining the role of the U.S. Coast Guard. A number of federal agencies, including NOAA, the U.S. Coast Guard, and the Environmental Protection Agency, are working to identify and address situations where the current regulatory systems is confusing and slow, as well as improvements that can be made. He provided some examples, including safety of construction at sea and aviation safety at sea.

Mr. Hubbard expressed his sense of the importance of sharing data and coordinating across jurisdictions early in project lifecycles. Better information and coordination processes will hopefully lead to better decisions. In response to a question about how the regulatory assessment was conducted, Mr. Hubbard noted that finding the appropriate authorities for each activity was challenging and time-consuming, but the result is information at the right level of detail. It was noted that this kind of information and better coordination will hopefully lead to shorter permitting times for projects. Acceleration of well-sited projects should be a key outcome of this effort. Ms. Nicholson shared her view that this work directly supports the draft ocean planning goal related to improving governance. Several Members agreed that more informed and coordinated governance seems like a topic with great potential for the NE RPB to make progress.

### **Charter Review Revisions**

The purpose of this session was to revisit changes to the NE RPB draft charter based on discussions on day 1. Ms. Lund showed slides, which can be found in Appendix K. During discussion, specific wording changes were suggested and noted by staff. In addition, there was substantive discussion about tribal ex officio representation. Chief Getchell shared his strong preference at this point in time to serve as a conduit for information back and forth with the appropriate First Nations in Canada. The tribal Members expressed comfort with this approach for now. In addition, the tribes clarified that they reserve the right to identify potential tribal Ex Officio Member entities in the future as appropriate.

The Members also discussed who would sign the final charter. Some entities will prefer the NE RPB Member sign it, while others will identify a different individual within the Member entity. The group then expressed a sense of comfort with approving the charter, pending minor wording changes that had been discussed. A next step is for staff to send the final version to the NE RPB for signatures.

### **Public Comment Session: Additional Opportunity for Public Comment on Meeting Discussions**

The third and final public comment session was held at 12:20pm. During this session, eight people provided comment. A video that includes all public comments provided to the NE RPB during this session is available on the [NROC website](#)<sup>9</sup>.

Major themes of the comments included:

- Concern that coordination and better data would not be sufficient to address the issues facing the ocean and the coastal communities that depend on it. The process should be more ambitious and better harness the potential of all stakeholders through a more meaningful relationship with decision makers.
- Appreciation for the work of the NE RPB, including specifically that the NE RPB appears to be listening to public input and taking that input into account.
- Offers to assist the NE RPB in reaching out to stakeholder and acting as a conduit for information. Requests to fellow members of the public to reach out to Members of Congress about the benefits of the effort and the importance of providing adequate funding for it.
- Recommendations to connect communications about this process to issues and stories with which people can connect and tap that into their affection for and interests in the ocean.
- Suggestions to be pragmatic and set clearly defined objectives, and to set up advisory bodies with stakeholder participants quickly.

### **Wrap Up and Next Steps**

In the spirit of resolving any remaining business, Ms. Cantral sought permission from the NE RPB to share Member contact information on the NE RPB roster in the future and post this information publicly, which the group provided. Ms. Lund asked the NE RPB to send to her any suggestions about informational webinars that staff could arrange between meetings so that more time during in-person meetings can be devoted to discussion among NE RPB Members.

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<sup>9</sup> <http://northeastoceancouncil.org/regional-planning-body/northeast-regional-planning-body-meeting-video-clips/>

Ms. Cantral then provided a brief summary of major accomplishments of the NE RPB during the meeting, noting that meeting objectives had been achieved:

- Regarding opportunities for public input, the NE RPB offered three public comment sessions and the information provided was taken into account during the course of the meeting as refinements were made to various products.
- Three context presentations were made that informed the NE RPB about activities in the region. Providing contextual information and updates will continue to be an important part of the NE RPB process.
- A number of operational considerations were discussed and resolved, including:
  - Approval of the content of a NE RPB charter. Next steps include staff making minor edits and sending a final charter to Members for signature.
  - Approval for sending a letter of invitation to New York State and Canada to nominate Ex Officio Members.
  - Input was provided about options for creating more direct stakeholder and technical advisory groups to participate in the NE RPB process. A small group of Members volunteered to further discuss available options and develop recommendations for the full group.
  - General agreement that states would interact with their local governments and develop structures and processes to ensure they bring those interests to the NE RPB discussions as appropriate.
- Significantly, draft regional ocean planning goals were developed and refined. Next steps include staff sending the NE RPB a next iteration electronically for review, sharing the draft regional ocean planning goals with the public, and gathering public input during public meetings that will be held in May and June. Staff will also send the draft agendas and any maps that will be shown during those public meetings to the NE RPB for review in advance. Staff will identify mechanisms for the NE RPB to review the input received at those public meetings over the course of the summer. [Click here](#)<sup>10</sup> for more information about how to participate in those public meetings.
- Communications materials will be developed shortly that will help the NE RPB communicate more effectively with the public about what it hopes to achieve and how.
- A next meeting is tentatively planned for fall 2013.

In closing, Ms. Nicholson urged the NE RPB Members from all governmental sectors to participate in as many public meetings in May and June as possible. She expressed pride in the progress being made by the group in terms of relationship-building and open-mindedness. The Members' commitment to transparency and willingness to take the time to attend this second meeting in person and engage thoughtfully on each discussion point was greatly appreciated.

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<sup>10</sup> <http://northeastoceancouncil.org/regional-planning-body/public-meetings/>

Chief Getchell echoed the sense of appreciation for the accomplishments of the group thus far. He observed a growing sense of connectedness and mutual understanding, which will be vital to addressing the complicated issues that lie before the group.

Mr. Fugate thanked the NE RPB for their commitment and for sharing thoughtful comments throughout the meeting.

Ms. Cantral adjourned the meeting.

# Appendix A: Northeast Regional Planning Body Membership Roster and Participant List

*April 11-12, 2013 Meeting*

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## States

### Connecticut

- Macky McCleary, Deputy Commissioner, Department of Energy and Environmental Protection\*
- Susan Whalen, Deputy Commissioner, Department of Energy and Environmental Protection\*
  - Delegate: Brian Thompson, Director, Department of Energy and Environment Protection

### Maine

- Patrick Keliher, Commissioner, Department of Marine Resources\*
  - Delegate: Meredith Mendelsohn, Deputy Commissioner, Department of Marine Resources
- Walt Whitcomb, Commissioner, Department of Agriculture, Conservation and Forestry\*
  - Delegate: Kathleen Leyden, Director, Maine Coastal Program, Department of Agriculture, Conservation and Forestry

### Massachusetts

- Bruce Carlisle, Director, Executive Office of Energy and Environmental Affairs/Coastal Zone Management
- Paul Diodati, Director , Department of Fish and Game/Division of Marine Fisheries

### New Hampshire

- Thomas Burack, Commissioner, Department of Environmental Services
- Glenn Normandeau, Executive Director, Department of Fish and Game

### Rhode Island

- Grover Fugate, Executive Director, Coastal Resource Management Council (State Co-Lead)
- Janet Coit, Director, Department of Environmental Management
  - Delegate: Robert Ballou, Assistant to the Director, Department of Environmental Management.

\* did not participate

**Vermont**

- Joseph Roman, PhD, Research Professor, University of Vermont
- 

**Federal Agencies****Federal Energy Regulatory Commission (Point of Contact)**

- Stephen Bowler, Office of Energy Projects\*
- David Swearingen, Environmental Biologist, Office of Energy Projects\*

**Joint Chiefs of Staff**

- Jose Atangan, U.S. Navy

**U.S. Department of Agriculture**

- Christine Clarke, Natural Resource Conservation Service

**U.S. Department of Commerce**

- Betsy Nicholson, National Oceanic and Atmospheric Administration, National Ocean Service (Federal Co-Lead)

**U.S. Department of Defense**

- Christopher Tompsett, U.S. Navy

**U.S. Department of Energy**

- Patrick Gilman, Office of Energy Efficiency and Renewable Energy (participated by phone)
  - Meghan Massau, Marine Science and Policy Specialist (participated by phone)

**U.S. Department of Homeland Security**

- Dan Hubbard, Maritime Energy Program Specialist, First District U.S. Coast Guard

**U.S. Department of the Interior**

- Bob LaBelle, Science Advisor to the Director, Bureau of Ocean Energy Management

**U.S. Department of Transportation**

- Jeffrey Flumignan, Maritime Administration

**U.S. Environmental Protection Agency**

- Mel Coté, Region 1, Office of Ecosystem Protection, Ocean and Coastal Protection Unit

\* did not participate

## New England Fishery Management Council

- Douglas Grout, Chief of Marine Fisheries, New Hampshire Fish and Game
- 

## Tribes

### Aroostook Band of Micmac Indians

- Richard Getchell, Tribal Chief (Tribal Co-Lead)

### Houlton Band of Maliseet Indians

- Sharri Venno, Environmental Planner

### Mashantucket Pequot Tribal Nation

- Rodney Butler, Chairman, Tribal Council

### Mashpee Wampanoag Tribal Council

- Chuckie Green, Natural Resources Assistant Director

### Mohegan Indian Tribe of Connecticut

- Jean McInnis, Environmental Protection Administrator

### Narragansett Indian Tribe of Rhode Island

- Doug Harris, Deputy Tribal Historic Preservation Officer/Preservationist for Ceremonial Landscapes

### Passamaquoddy Tribe - Indian Township Reservation

- Donald Soctomah, Tribal Historic Preservation Officer

### Passamaquoddy Tribe - Pleasant Point Reservation

- Vera Francis, Tribal Community Planner

### Penobscot Indian Nation

- Angie Reed, Water Resources Planner

### Wampanoag Tribe of Gay Head (Aquinnah)

- Elizabeth James-Perry, Tribal Cultural Resource Monitor

### Local Government Official

- (To be determined)

\* did not participate

## **Ex Officio Members**

### **New York State**

- (To be determined)

### **Canada**

- Tim Hall, Fisheries and Oceans Canada

\* did not participate

# Appendix B: Northeast Regional Planning Body Public Participant List

## April 11-12, 2013 • Narragansett, Rhode Island

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Foerd Ames  
Ocean Wave Energy Company

Amardeep Dhanju  
Bureau of Ocean Energy Management

Thomas Ardito  
Narragansett Bay Estuary Program

David Dow  
Sieera Club, Marine Action Team

Ivar Babb  
University of Connecticut

Dennis Duffy  
Cape Wind

Robert Ballou  
Rhode Island Department of Environmental  
Management

Jennifer Ewald  
Bureau of Ocean Energy Management

Nick Battista  
Island Institute

Susan Farady  
Roger Williams University

Rick Bellavance  
Rhode Island Party and Charter Boat  
Association

Jennifer Felt  
Conservation Law Foundation

Elizabeth Blank  
Conservation Law Foundation

Ona Ferguson  
Consenus Building Institute

Priscilla Brooks  
Conservation Law Foundation

Nathan Frohling  
The Nature Conservancy

Don Chapman  
G4i Development Group

Melissa Gates  
Surfrider Foundation

Giancarlo Cicchetti  
U.S. Environmental Protection Agency

Brent Greenfield  
National Ocean Policy Coalition

Caitlin Cleaver  
Island Institute

Robert Griffin  
Natural Capital Project

Sylvain De Guise  
Connecticut Sea Grant

Thomas Hatfield  
Interdisciplinary Center for Oceanic  
Solutions

Colleen DeBenedetto  
City of West Warwick, Rhode Island

Dawn Hellier  
Interdisciplinary Center for Oceanic  
Solutions

Jennifer Helmick  
ERG

Sally McGee  
The Nature Conservancy

Patricia Hughes  
Provincetown Center for Coastal Studies

Christopher McGuire  
The Nature Conservancy

Christine Huntley  
Roger Williams University

Karen Meyer  
Green Fire Productions

Robin Just  
Conservation Law Foundation

Drew Minkiewicz  
Kelley Drye

Caroline Karp  
Brown University

Geir Monsen  
Seafreeze Ltd.

Jim Kendall  
New Bedford Seafood Consulting

John Moskal  
U.S. Environmental Protection Agency

Aileen Kenney  
Deepwater Wind, LLC

Stephanie Moura  
SeaPlan

John King  
University of Rhode Island

Richard Nelson  
Lobster Fisheries

Heather Leslie  
Brown University

Valerie Nelson  
Water Alliance, Gloucester Maritime  
Innovation Collaborative

Andrew Lipsky  
SeaPlan

Dennis Nixon  
University of Rhode Island

Anne Livingston  
Rhode Island Coastal Resource  
Management Council

Allison Novelly  
Urban Harbors Institute

Wendy Lull  
Seacoast Science Center

Megan Palmer  
Brown University

Brian Manwaring  
Udall Foundation  
Evan Matthews

Troy Peck  
Roger Williams University School of Law

Martin McCabe  
Boston Pilots

Dan Pingaro  
Sailors for the Sea

Aaron Reuben  
The Nature Conservancy

Michael Tuttle  
HRA Gray & Pape

Richard Ribb  
Narrangansett Bay Estuary Program

Tom Waddington  
Substructure

David Robinson  
University of Rhode Island

Bradley Wellock  
Massachusetts Port Authority

Emily Shumchenia  
University of Rhode Island

Sandra Whitehouse  
Ocean Conservancy

Sarah Smith  
Environmental Defense Fund

Christian Williamson  
State of New Hampshire

Tiffany Smythe  
U.S. Coast Guard Academy

John Williamson  
Sea Keeper Fishery Consulting

Malcolm Spaulding  
University of Rhode Island

Julia Wyman  
Roger Williams University

Marilyn ten Brink  
U.S. Environmental Protection Agency

Katie Zilgme  
Conservation Law Foundation

Stanton Terranova  
Roger Williams University

James Ziolkowki  
U.S. Coast Guard

John Torgan  
The Nature Conservancy

Stephen Truchon  
Shell





## Appendix C: Regional Planning Body Progress to Date

### OPERATIONS

- Co-leads - nominated, biweekly calls
- Ex officios - clarity from NOC, CAN and NY invited to participate
- Local officials - clarity from NOC, options paper for discussion
- Charter -> drafted -> reviewed by team -> presented here for discussion and approval
- Three year phased planning timeline circulated for feedback

### CONTEXT

- Nov mtg: lessons learned from Narragansetts, States, FMC, Feds
- Regional ocean planning webinar/EPA call updates for tribes
- April mtg: MA, Regulatory Landscape, Ecosystem Perspectives, Paleocultural workshop

### ENGAGEMENT & COMMUNICATIONS

- Engagement strategy discussed and drafted for review
- Communications contractor hired
- Public comment at meetings (refined mtg structure)
- Web presence enhanced, documents public

### GOAL SETTING

- Guidance drafted, reviewed by co-leads, sent to full RPB
- Marine industry workshop summaries distributed
- Government sector caucusing
- Draft goal integration in April
- Public comment



## Appendix D:

### Presentation of initial sets of draft goals by each governmental sector:

#### Draft goals for regional ocean planning: TRIBE SUMMARY

- **Preserve cultural/historical sites** - “culture” allows preservation of current culture and ceremony, not just historical sites.
- **Ecosystem health** - encompasses ecosystem preservation and coastal/ marine pollution. Include humans in the concept of ecosystem. Reflects important river-ocean connections.
- **Climate change** - identify ways to plan in the face of changing climate.
- **Sustenance Preservation** - protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams, and other obstructions to fish habitat.
- **Commercial fishing** – maintain as an important existing and emerging use.
- **Stronger tribal engagement** in onshore and offshore development – transparency in decision making and a better understanding of regional authorities and interagency coordination.

#### Draft goals for regional ocean planning: STATE SUMMARY

1. Provide a framework for stewardship that protects biodiversity and sustainability in the face of changing ecosystem conditions.
2. Facilitate coastal/ocean-based economic development which meets the aspirations of coastal communities and advances state economic development needs and goals.
3. Promote compatibility among existing and future uses of ocean and coastal waters, minimize user conflicts, and strive to avoid and where this is not possible, minimize or mitigate adverse impacts to marine resources.
4. Develop a planning framework that improves coordinated intergovernmental decision-making and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.

#### Draft goals for regional ocean planning: FEDERAL SUMMARY

##### Data & Information:

- Improve the understanding of marine ecosystems and their environmental, social, cultural and economic characteristics for better management decisions that ensure societal needs and desires are met.
- Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.

##### Governance:

- Improve management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and integration of publicly-available information and science.

##### Engagement & Transparency:

- Improve transparency of activities to enable broader understanding and participation in decisions.

**Description of the process to integrate a set of draft regional ocean planning goals for discussion:**

Proposed Focus	Tribe Priorities	State Priorities	Federal Priorities
<b>Healthy Ecosystems</b>	<p>Preserve culture/historical sites - "culture" allows preservation of current culture and ceremony, not just historical sites.</p> <p>Ecosystem health - encompasses ecosystem preservation and coastal/ marine pollution. Includes humans in the concept of ecosystem. Reflects important river-ocean connections.</p> <p>Climate change - identify ways to plan in the face of changing climate.</p>	<p>Provide a framework for stewardship that protects biodiversity and sustainability in the face of changing ecosystem conditions.</p> <p>Facilitate coastal/ocean-based economic development which meets the aspirations of coastal communities and advances state economic development needs and goals.</p> <p>Sustenance Preservation - protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams and other obstructions to fish habitat.</p> <p>Commercial fishing – maintain as an important existing and emerging use.</p>	<p>Provide a framework for stewardship that protects biodiversity and sustainability in the face of changing ecosystem conditions.</p> <p>Facilitate coastal/ocean-based economic development which meets the aspirations of coastal communities and advances state economic development needs and goals.</p> <p>Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.</p>
	<p>Sustenance Preservation - protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams and other obstructions to fish habitat.</p> <p>Commercial fishing – maintain as an important existing and emerging use.</p>	<p>Promote compatibility among existing and future uses of ocean and coastal waters, minimize user conflicts, and strive to avoid and where this is not possible, minimize or mitigate adverse impacts to marine resources.</p>	<p>Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.</p>
	<p>Stronger tribal engagement in onshore and offshore development – transparency in decision making and a better understanding of regional authorities and interagency coordination.</p>	<p>Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.</p> <p>Improve transparency of activities to enable broader understanding and participation in decisions.</p>	<p>Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.</p> <p>Improve management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and integration of publicly-available information and science.</p>

Below are ideas that emerged as top priorities from each RPB government sector as a result of their draft goal caucusing. The intent is to bring these ideas forward to integrate and discuss at the April RPB meeting. Note: color coding for each government sector will be used to show overlap and steps toward goal integration at the April meeting.		
Tribe Priorities	State Priorities	Federal Priorities
Preserve culture/historical sites. "culture" allows preservation of current culture and ceremony, not just historical sites.	Provide a framework for stewardship that protects biodiversity and sustainability in the face of changing ecosystem conditions.	Improve the understanding of marine ecosystems and their environmental, social, cultural and economic characteristics for better management decisions that ensure societal needs and desires are met.
Ecosystem health - encompasses ecosystem preservation and coastal/ marine pollution. Includes humans in the concept of ecosystem. Reflects important river-ocean connections.	Facilitate coastal/ocean-based economic development which meets the aspirations of coastal communities and advances state economic development needs and goals.	
Climate change - identify ways to plan in the face of changing climate.		
Sustenance Preservation - protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams and other obstructions to fish habitat.	Promote compatibility among existing and future uses of ocean and coastal waters, minimize user conflicts, and strive to avoid and where this is not possible, minimize or mitigate adverse impacts to marine resources.	Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.
Commercial fishing – maintain as an important existing and emerging use.		
Stronger tribal engagement in onshore and offshore development – transparency in decision making and a better understanding of regional authorities and interagency coordination.	Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.	Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and integration of publicly-available information and science.
	Improve transparency of activities to enable broader understanding and participation in decisions.	Improve transparency of activities to enable broader understanding and participation in decisions.

Proposed Focus	Tribe Priorities	State Priorities	Federal Priorities
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<b>Compatible Use</b>	<p>Sustenance Preservation - protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams and other obstructions to fish habitat.</p> <p>Commercial fishing – maintain as an important existing and emerging use.</p>	<p>Promote compatibility among existing and future uses of ocean and coastal waters, minimize user conflicts, and strive to avoid and where this is not possible, minimize or mitigate adverse impacts to marine resources.</p>	<p>Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.</p>
	<p>Stronger tribal engagement in onshore and offshore development – transparency in decision making and a better understanding of regional authorities and interagency coordination.</p>	<p>Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.</p>	<p>Develop a planning framework that improves management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and integration of publicly-available information and science.</p>

Proposed Focus	Tribe Priorities	State Priorities	Federal Priorities
Healthy Ecosystems	<p>Preserve culture/historical sites - "culture" allows preservation of current culture and ceremony, not just historical sites.</p> <p>Ecosystem health - encompasses ecosystem preservation and coastal/ marine pollution. Include humans in the concept of ecosystem. Reflects important river-ocean connections.</p> <p>Climate change - identify ways to plan in the face of changing climate.</p>	<p>Provide a framework for stewardship that protects biodiversity and sustainability in the face of changing ecosystem conditions.</p> <p>Facilitate coastal/ocean-based economic development which meets the aspirations of coastal communities and advances state economic development needs and goals.</p>	<p>Improve the understanding of marine ecosystems and their environmental, social, cultural and economic characteristics for better management decisions that ensure societal needs and desires are met.</p>
Compatible Use	<p>Sustenance Preservation- protect fish and habitat to ensure there is enough fish to feed tribal nations. Includes issues of energy, dams and other obstructions to fish habitat.</p> <p>Commercial fishing – maintain as an important existing and emerging use.</p>	<p>Promote compatibility among existing and future uses of ocean and coastal waters, minimize user conflicts, and strive to avoid and where this is not possible, minimize or mitigate adverse impacts to marine resources.</p>	<p>Develop usable knowledge for Northeast regional ocean planning through an adaptive approach that characterizes current and future ocean-based human activities and marine resources.</p>
Effective Governance	<p>Stronger tribal engagement in onshore and offshore development – transparency in decision making and a better understanding of regional authorities and interagency coordination.</p>	<p>Develop a planning framework that improves coordinated intergovernmental decision-making and incorporates new data, information, and knowledge reflecting ever-changing social, environmental, and technological conditions.</p>	<p>Improve management effectiveness and efficiency through existing authorities by enhancing decision-making coordination and integration of publicly-available information and science.</p> <p>Improve transparency of activities to enable broader understanding and</p>

Proposed Integrated Draft Goals for Northeast Regional Ocean Planning
Develop a planning framework to support healthy ocean and coastal ecosystems that provide social, cultural, and economic benefits while taking into account changing environmental conditions and new information as it becomes available.
Promote compatibility among current and future uses of ocean and coastal waters while minimizing user conflicts and impacts to environmental and cultural resources.
Improve management effectiveness and intergovernmental decision making, engagement, strengthened collaboration, and integration of best available knowledge reflecting ever-changing social, environmental, and technological conditions.

Proposed Focus	Proposed Integrated Draft Goal
Healthy Ecosystems	Develop a planning framework to support healthy ocean and coastal ecosystems that provide social, cultural, and economic benefits while taking into account changing environmental conditions and new information as it becomes available.
Compatible Use	Promote compatibility among current and future uses of ocean and coastal waters while minimizing user conflicts and impacts to environmental and cultural resources.
Effective Governance	Improve management effectiveness and intergovernmental decision making, engagement, strengthened collaboration, and integration of best available knowledge reflecting ever-changing social, environmental, and technological conditions.

Focus	Examples to Illustrate Intent of Goal
Healthy Ecosystems	<p>Identify, define, and map habitats, human activities, and paleocultural areas as context for improved decision making.</p> <p>Recognize uncertainty, changing ecological conditions, and the future role of climate change.</p>
Compatible Use	<p>Through expert participation, describe patterns of human activities to:</p> <ul style="list-style-type: none"> <li>• Assist in understanding existing and potential new uses</li> <li>• Identify specific topics to resolve that are appropriate at a regional scale</li> </ul>
Effective Governance	<p>Explore use of regional-scale data for use in permitting processes.</p> <p>Improve interagency coordination by creating a permitting process roadmap and common data standards.</p> <p>Identify regional priorities for science/research and seek funding.</p>



## Appendix E: General feedback

- Extensive engagement to date
- Some issues may not be appropriate for this effort—geographic scale, addressed through other programs
- Need to address real issues and get specific

## Focus: Compatible Use

- Understand existing uses and practical implications of new/changing activities on regional economy
  - Map existing uses
  - Understand economic trends
- Enhance viability of new and existing uses:
  - Maintain/enhance fishing, boating and maritime commerce (infrastructure, adequate access, dredging & disposal, etc.)
  - Consider regional electricity transmission and other energy infrastructure
  - Regarding aquaculture; focus offshore, recognizing current federal regulatory environment

## Focus: Healthy Ecosystems

- Use regional data as screening tool
  - Understand species/habitat distributions and trends
- Identify important/significant/valuable species + habitats
  - How to define and implement?
  - Recognize integrated nature of ecosystem
- Incorporate climate change considerations
- Prioritize science/research needs to fill key gaps in knowledge

## Focus: Governance

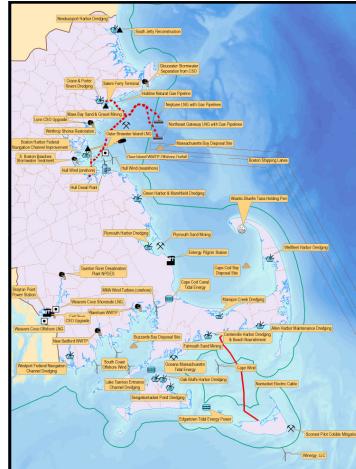
- Enhance transparency and coordination across regulatory programs (data – permitting – mitigation)
- If appropriately developed, better data should lead to better decision-making
- Use regional data as a screening tool (context of better decisions)
- Coordinate research and funding

## Ongoing & Future Work

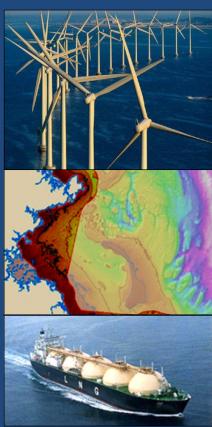
- Continue working with interested parties to develop maps and other information
- Enhance and evolve engagement and products as necessary
- Recognize regional nature of effort
- Must be transparent, participatory

# Appendix F: Ocean planning in Massachusetts: Developing the Massachusetts Ocean Management Plan

Bruce K. Carlisle  
Office of Coastal Zone Management  
Executive Office of Energy and Environmental Affairs



## Ocean-based projects proposed for permits or permit renewals 1998-2008



## Outline

- Context
  - Oceans Act of 2008
  - From Act to Plan:
    - Goal setting
    - Plan phases
    - Timeline
    - Advisory bodies
  - Ocean Management Plan:
    - Siting and management standards
    - Protecting critical marine resources and uses
    - Collaborative government

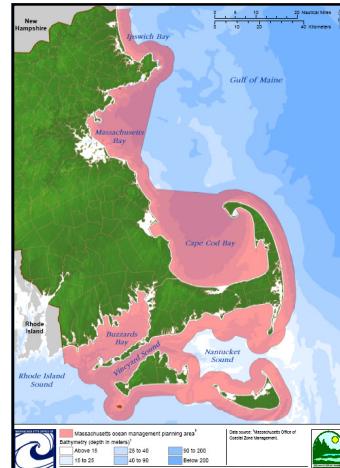
**“U**se of the state's public ocean resources have historically been determined on a ‘first come, first served’ basis, but that dictum no longer satisfies multiple competing uses and access to the ocean resources of the Massachusetts coast.

We believe that the health and welfare of our state is tied to the status of our oceans, and we think that more careful planning for the use and protection of our ocean resources is critical to our long-term interests.”

- Massachusetts Ocean Management Task Force, 2004

## Ocean Act of 2008

- Ocean Act signed by Governor Patrick May 2008
- Act directs Secretary of EEA to develop integrated ocean management plan by December 31, 2009
- 15 directives, including:
  - Develop siting priorities, locations, and standards for allowed uses, facilities, activities
  - Identify and protect special, sensitive, and unique estuarine and marine life and habitats
  - Foster sustainable uses
  - Support infrastructure necessary for economy and quality of life
- All state approvals must be consistent with Plan



**Ocean planning area**

## Ocean

### Act



**Stakeholder and public engagement and process**

*Ocean Advisory Commission - Science Advisory Council - listening sessions - technical workgroups - stakeholder meetings - workshops - public hearings - public comment*

## Ocean

### Plan

## Formal advisory groups

- Ocean Advisory Commission
  - Formal consultative body created by Ocean Act
  - Representatives for environmental interests, commercial fishing, renewable energy, and 9 coastal regional planning agencies
  - 6 state legislators
  - Heads of CZM, DMF, DEP
- Science Advisory Council
  - Science experts from academics (UMass Boston, UMass Dartmouth), NGOs (CLF, New England Aquarium, Battelle, Mass Fishermen's Partnership), and agencies (CZM, DMF, USGS)

## Ocean planning working groups

- Technical working groups
  - Scientists and technical experts identified and synthesized available data, data gaps, and issues for planning:
    - > Habitat
    - > Fisheries
    - > Transportation, navigation, and infrastructure
    - > Sediment, coastal/marine geology
    - > Recreation and cultural services
    - > Renewable energy
- Reports and datasets provided critical foundation for Ocean Plan

## Goals and outcomes

- Goal #1 - Balance and protect the interests of the marine ecosystem, including its natural, social, cultural, historic, and economic components
- Outcome - An integrated plan that:
  1. is responsive to the Oceans Act,
  2. is implemented in coordination across jurisdictional levels, and
  3. achieves balance through the designation of areas for uses and activities allowed pursuant to the Oceans Sanctuaries Act

## Goals and outcomes

- Four goals developed for the Ocean Plan to be responsive both to the Oceans Act and to provide foundation for plan development and implementation
- Established with considerable participation from Ocean Advisory Commission and Science Advisory Council
- Shaped by input from public listening sessions and workshops
- Each goal has accompanying objectives and outcome that represents the specific actions, products, or results to be achieved

## Goals and outcomes

- Goal #2 - Recognize and protect the interests of the marine ecosystem, including biodiversity, ecosystem health, and the interdependence of ecosystems
- Outcome - Special, sensitive, unique areas are identified and protected based on a first generation of an ecosystem-based management approach

## Goals and outcomes

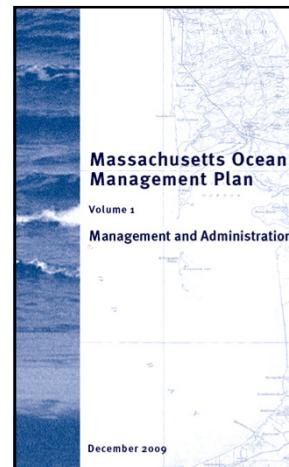
- Goal #3 - Support the wise use of marine resources, including renewable energy, sustainable uses, and infrastructure necessary to sustain the economy and quality of life
- Outcome - Development of use areas and enforceable management measures such that:
  1. locations and performance measures for allowable uses and infrastructure are identified,
  2. renewable energy projects are appropriate scale,
  3. conflicts with/impacts to existing uses and resources are minimized,
  4. measures for reconciling use conflicts with fisheries are developed, and
  5. permitting is streamlined

## Process and participation

- Developing DRAFT plan:
  - Technical workgroups for data, science, technology
  - Public meetings throughout coast as well as inland communities
  - Ocean Advisory Commission and Science Advisory Council meetings
  - More than 100 individual stakeholder meetings
  - Five public workshops
- Vetting DRAFT plan:
  - Public comments: >300 letters, input
  - 5 formal hearings
  - 25 informational meetings

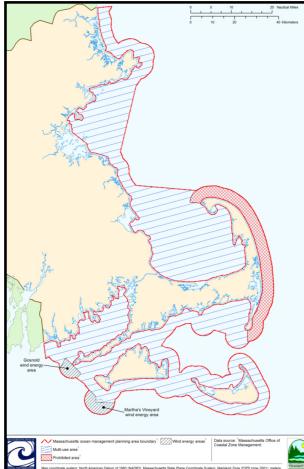
## Goals and outcomes

- Goal #4 - Incorporate new science and information to address changing social, technological, and environmental conditions
- Outcome - Development of adaptive framework that:
  1. establishes the plan as a key driver of future, ocean-related scientific research,
  2. provides a basis for sound ocean policy, management, and science in the future,
  3. results in science and research in response to identified management and policy issues and continues to engage stakeholders in future plan iterations, and
  4. provides a foundation to communicate scientific information to the public



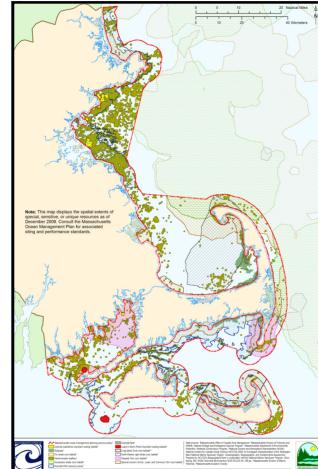
## Ocean Plan

- Draft Plan issued June 2009
- Final Plan promulgated December 2009
- Volume I
  - Management
  - Administration
- Volume II
  - Baseline Assessment
  - Science Framework



## Ocean Plan

- Prohibited area:
  - Uses, activities and facilities prohibited
- Renewable energy areas:
  - 2 areas: Gosnold, Vineyard
  - Commercial and community-scale wind
  - 2% of area
- Multi-use area:
  - Siting and performance standards apply



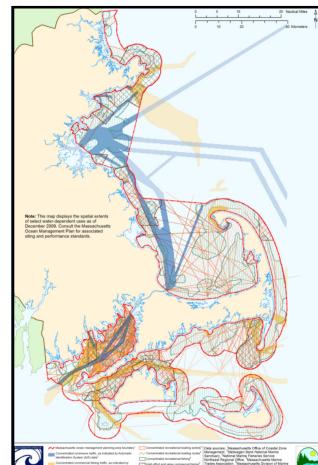
## Special, sensitive, & unique resources

- Endangered whale core habitat
- Important fish resource areas
- Roseate Tern core habitat
- Special concern tern core habitat
- Hard/complex seafloor
- Eelgrass
- Intertidal flats
- Long-tailed duck, Leach's storm petrel and colonial important habitat

## Marine habitat and water-dependent use protections



- Plan identifies and maps:
  - Important marine and estuarine life and habitats (aka Special, Sensitive, and Unique resource areas)
  - Areas of high concentrations of existing water-dependent uses
- Contains siting and performance standards to protect these areas / interests



## Areas of high concentrations of existing water-dependent uses

- High commercial fishing by effort and value
- Concentrated commerce and commercial fishing traffic
- Concentrated recreational boating activity
- Concentrated recreational fishing

## **Administration and priorities**

- Interagency management coordination / integration
  - Planning and coordination for regulatory decision-making and science and data priorities
  - Plan uses existing MEPA review and permitting processes
- Protocols for Plan updates and amendments
  - Updates to adopt new data/information on uses or resources; correct errata, technicalities
  - Amendments for changes to specified management area boundaries, protected uses / resources, standards
- Science Framework
  - Blueprint for evolving knowledge and understanding
  - Describes important information needs and identifies top 5-year priorities

Thank you

[mass.gov/eea/oceanplan](http://mass.gov/eea/oceanplan)

Bruce Carlisle

MA - CZM

[Bruce.Carlisle@state.ma.us](mailto:Bruce.Carlisle@state.ma.us)

## **Ocean planning moving forward**

- Continued progress on data and science priorities
- Promulgation of implementing regulations
- Plan review and revision process: 2013-2014
- Coordination and integration with Northeast regional ocean planning initiative



## Appendix G: Operational Considerations

### Local Representation



- 1. States function as a local member proxy:**  
State RPB members represent their local governments - consult and communicate local issues/ideas back to RPB.
- 2. Sub-regional local representation:**  
Local advisory groups formed based on specific objectives and actions with a sub-regional focus.
- 3. One formal RPB member:**  
Create an LGCC with one local representative from each state – one of these members would sit on the RPB.
- 4. One formal RPB member from each state:**  
Each Governor appoints local rep with all five members.

### Ex-Officio

**Role:** Participate in discussions, share perspective and expertise. Become observers when RPB is more formally trying to reach consensus on an issue.

**Members:** NY State, Canadian DFO

**Charter:** Describe role and list members, no signatures

**Action:** Invitation to ex-officio members sent by co-leads explaining role

### Charter Outline



- 1. Introduction**
- 2. Purpose and scope of activity**
- 3. Goals of the process**
- 4. RPB members and roles**
- 5. RPB member commitments**
- 6. Roles of the co-leads and Exec. Secretariat**
- 7. Relationship to existing authorities**
- 8. Decision making and dispute resolution**
- 9. Signatories**



## Charter – Discussion

### Further Clarification - Geographic Scope (p2)?

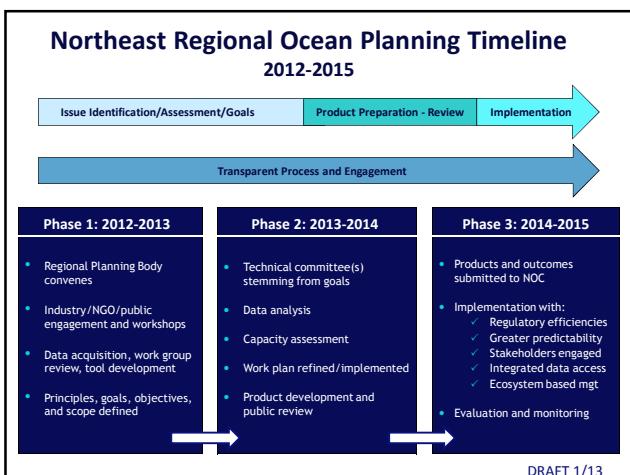
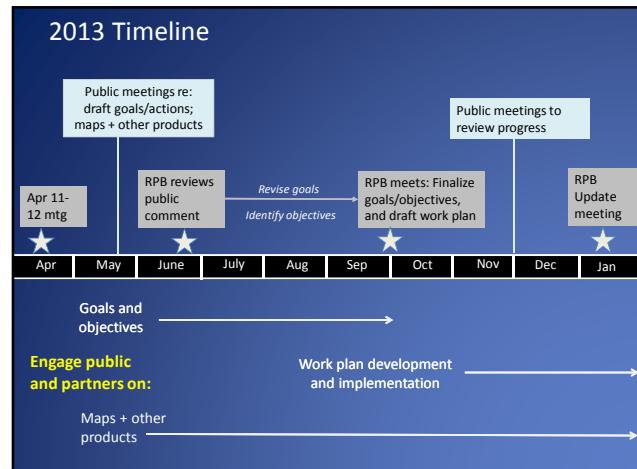
NOP guidance on the geographic scope of the planning area:

- Includes the territorial sea, the EEZ, and the Continental Shelf
- Extends landward to the mean high-water line
- Includes inland bays and estuaries
- Additional inland waterways may be included as RPB deems appropriate
- Privately owned lands as defined by law are excluded

*Recommendation: wait and see if there is a need to better define after RPB has more defined goals and objectives.*

### Ex-officio members (p4)

### Local representation (p4)



## Appendix H: Regulatory Efficiency



Northeast Regional Planning Body

12 April 2013

Daniel Hubbard

### Regulatory Efficiency: Each regulation

- A rule designed to govern conduct
- For collective benefit
- At expense of regulated

### Coastal Marine Spatial Planning National Objective One:

Preserve and enhance opportunities for sustainable ocean use through the promotion of regulatory efficiency, consistency, and transparency, as well as improved coordination across Federal agencies.

### Regulatory Efficiency:

Benefit > Cost= Efficient Regulation  
...opportunities for streamlining must be utilized.

**H.R. 267**  
**Hydropower Regulatory**  
**Efficiency Act of 2013**

Approximately 80,000 dams in the United States, approximately three percent currently generate hydropower.

TECHNOLOGY	SITING AGENCY	STATUTORY AUTHORITY	APA PROCESS	PROCEEDING
Wind Farms in federal waters	--Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) for generating facility in federal waters --State authorities for transmission facilities in state waters	--Outer Continental Shelf Lands Act (OCSLA) --Energy Policy Act of 2005 --State statutes	Adjudication  State adjudication	Lease  Site Assessment Plan (SAP)  Construction and Operation Plan (COP)  State decision
	--State authorities: E.g., Massachusetts Energy Facilities Siting Board	--Outer Continental Shelf Lands Act (OCSLA)	Formal Adjudication	State decision
	--Federal Energy Regulatory Commission (FERC), if interconnected with gas pipeline (FERC certificated pipeline); --State authority, if oil pipeline in state waters.	--Natural Gas Act --Natural Gas Pipeline Safety Act --State statutes	Approval process at regional office level  § 7 FERC adjudication  State adjudication	Lease  Exploration Plan (EP)  Development Production Plan (DPP)  Development Operations Coordination Document – only if west of 87.5 degrees longitude in Gulf of Mexico (DOCD) --COP --§ 7 FERC certificate State approval
Wind Farms in state waters	--State authorities:	--State enabling legislation		
Production (minerals from seabed) facilities in federal waters	--Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE); Lease and COP	--Outer Continental Shelf Lands Act (OCSLA)	Approval process at regional office level	
	--Federal Energy Regulatory Commission (FERC), if interconnected with gas pipeline (FERC certificated pipeline); --State authority, if oil pipeline in state waters.	--Natural Gas Act --Natural Gas Pipeline Safety Act --State statutes	§ 7 FERC adjudication  State adjudication	
	--Federal Energy Regulatory Commission (FERC), unless experimental under "Verdant Exception"	--Federal Power Act (as amended by the Energy Policy Act of 2005) --State permitting & MOUs	FERC adjudication	Preliminary Permit Pilot License Lease
Hydrokinetic Generators	--Federal Energy Regulatory Commission (FERC), unless experimental under "Verdant Exception"	--Federal Power Act (as amended by the Energy Policy Act of 2005) --State permitting & MOUs	FERC adjudication	Preliminary Permit Pilot License Lease

Work product provided by Denise Desautels, NOAA

**Offshore Federal Regulatory Landscape...**



## Work Boats and Crew

-The USCG & OSHA share vessel safety authority with at the pier



-USCG inspection responsibilities apply to offshore construction vessels and crew transfer vessels under subchapter L of title 46. (OREI OSV legal determination made by CG-5 (COMDT Marine Safety))

-EPA has jurisdiction over engine emissions for these vessels

**Conclusion:** The safety of crews, environmental impacts and general operating scheme of vessels engaged in construction offshore OREI will be covered by adaptation of the existing regulations for the new activities. Issues that will need to be addressed are as follows:

- Safety of work crew transfers to and from a fixed structure in the ocean
- Enforcement of multiagency regulations with the USCG as the primary agency with a regular presence on scene (OSHA INSTRUCTION No: CPL 02-01-47)
- Emergency accommodations at facilities and emergency evacuation plans

## Aviation



-FAA regulates the use of support aircraft for construction and crew delivery and obstruction markings (FAA AC 70/7460-1K)

-FAA jurisdiction does not extend offshore past 12 nautical miles

- Landing requirements for support craft and emergency procedures
- Flight ceilings over OREI facilities
- Issues with marine-band and Doppler radars

## Construction Safety



-USCG regulates safety in 46 CFR

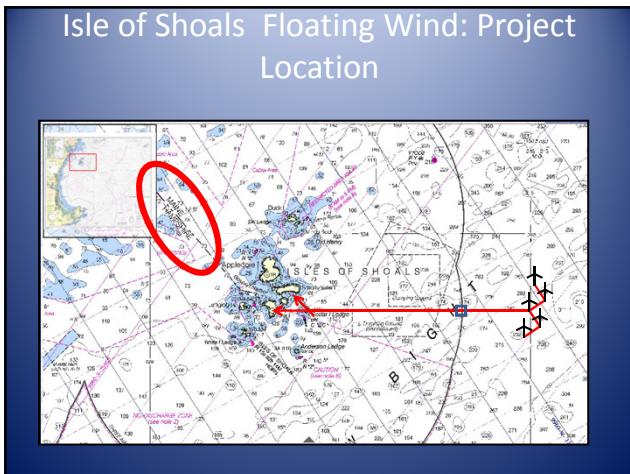
-BSEE proposed regulations in 30 CFR 285

-OSHA regulations in absence of other authority

- The rigging, worksite safety and general manner in which the operations will be executed are similar to land based operations; however there are aspects of installation on the seafloor and elevated operations on barges that will need a fresh look. (29 CFR 1926 subpart R)
- The new regulations should be a synergy of the experience from oil production, European Union experience and a de novo examination of the task
- Hoisting operations and weather-related /risk based, worker safety thresholds

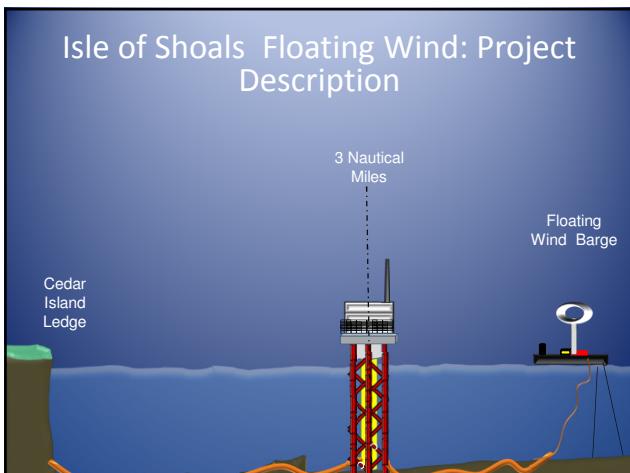
## Isle of Shoals Floating Wind: Transmission





## Recommendations from Workshop:

- Take a hard look and analyze regulation within planning area as.
- Utilize existing vehicles for collaboration.
- Utilize common data sets where possible.



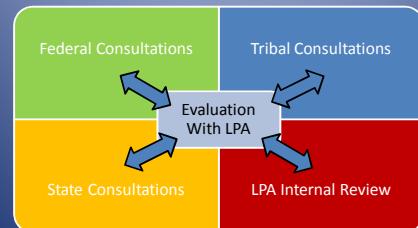
## Coordination of Data Needs:

- Permitting and Resource Agencies agreed that process could be streamlined through coordination.
- Existing State Plans can bridge data needs.
- Develop products that inform an efficient process.

## Activities triggering regulatory process:



## Alternative with bias for Regulatory Efficiency



## CZMA Consistency

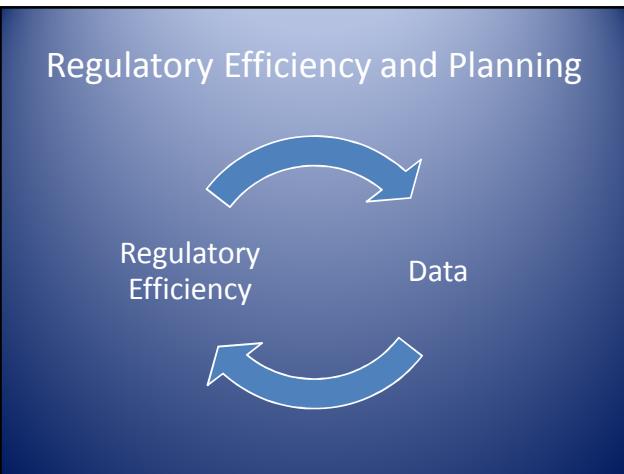


The Coastal Zone Management Act (CZMA) was enacted on October 27, 1972, to encourage coastal states, Great Lake States, and United States territories and commonwealths (collectively referred to as coastal states) to develop comprehensive programs to manage and balance competing uses of and impacts to coastal resources. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone.

- Renewable energy facilities were perhaps outside the purview of the states when they submitted their coastal management plans
- Current technologies require relatively close proximity to transmission hubs and population centers to be feasible

**"A penny of prevention is worth a pound of cure"**

- Defensible decisions
- Less cost to government
- Effective planning process not mired in procedure

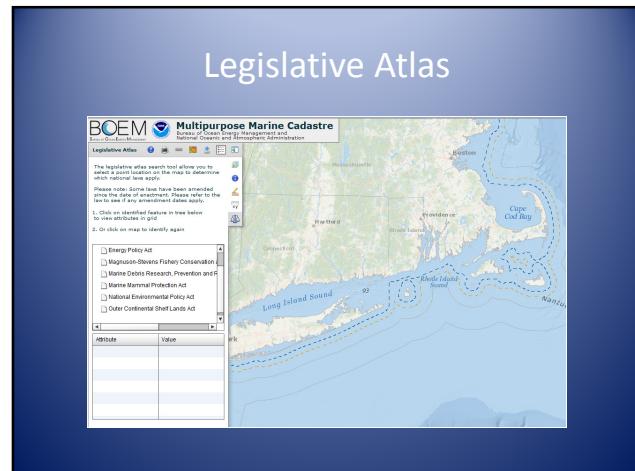


## Regulatory Matrix by Activity

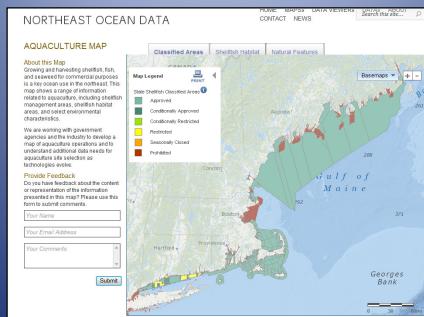
	USCG	BOEM	NOAA	TRIBAL	CZMA
Aquaculture				✗	
Shore-Sea Shipping	✗				✗
Offshore Wind		✗		✗	
Recreational					
OTEC			✗		✗

## Next steps:

National Invasive Species Act <i>(NISA)</i> 16 USC 4701 33 U.S.C. 1321	USCG	33 CFR 151 C&D	- 33 Part 151 Subpart C—Ballast Water Management for Control of Non-Indigenous Species in the Great Lakes and Hudson River (USCG) - 33 Part 151 Subpart D—Ballast Water Management for Control of Non-Indigenous Species in Waters of the United States
Dredger Port Act (DPPA) as amended by the American Jobs Act <i>(P.L. 113-124)</i> 33 U.S.C. 1501- 1524	USCG USFWS EPA USACE BOEM	33 CFR 148 33 CFR 149 33 CFR 150 46 CFR 110 46 CFR 197	- 33 PART 148—DEEPWATER PORTS: GENERAL (USCG) - 33 PART 149—DEEPWATER PORTS: DESIGN, CONSTRUCTION, AND OPERATION (USCG) - 33 PART 150—DEEPWATER PORTS: OPERATIONS (USCG) - 46 PART 148—GENERAL PROVISIONS (electrical systems on vessels) (USCG) - 46 PART 147—GENERAL PROVISIONS (driving ops) (USCG)
Port and Waterways Safety Act <i>(P.W.S.A.)</i> 33 U.S.C. 1221- 1226	USCG	33 CFR 101 33 CFR 103 33 CFR 104 33 CFR 105 33 CFR 106 33 CFR 107 33 CFR 109 33 CFR 144 33 CFR 145 33 CFR 160 33 CFR 161 33 CFR 164 33 CFR 165 33 CFR 167	- 33 PART 101—MARITIME SECURITY: GENERAL (facility security plan)(USCG) - 33 PART 103—MARITIME SECURITY: AREA MARITIME: SECURITY (USCG) - 33 PART 104—MARITIME SECURITY: VESSEL (USCG) - 33 PART 105—MARITIME SECURITY: PORT FACILITIES (USCG) - 33 PART 106—MARINE SECURITY: OUTER CONTINENTAL SHELF (OCS) FACILITIES (does not include OCSL w/ USCG) - 33 PART 107—MARINE SECURITY: OUTER CONTINENTAL SHELF (OCS) FACILITIES (includes OCSL w/ USCG) - 33 PART 144—DEEPWATER PORTS: GENERAL (USCG) - 33 PART 160—PORTS AND WATERWAYS SAFETY—GENERAL (USCG) - 33 PART 161—VESSEL TRAFFIC MANAGEMENT (USCG) - 33 PART 164—SHIPPING SAFETY FAIRWAYS (CSS: W&M) (USCG) - 33 PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES (USCG)
National Marine Sanitary Program <i>(NMSP)</i> 16 USC 1431- 1445	NOAA	15 CFR 922	- 15 PART 922—NATIONAL MARINE SANITARY PROGRAM REGULATIONS (possible relocations) (NOAA)



## Integrated Data Product by Activity



END

Daniel Hubbard  
Maritime Energy Specialist  
First Coast Guard District  
[Daniel.I.hubbard@uscg.mil](mailto:Daniel.I.hubbard@uscg.mil)  
617 223-8372 (o)  
617 512-8823 (m)



## Appendix I: Perspectives on Ecosystem-Based Management

Chuckie Green  
Mashpee Wampanoag Tribe

Michael J. Fogarty  
Northeast Fisheries Science Center

Northeast Regional Planning Body  
Narragansett, RI  
April 11-12, 2013

## National Ocean Policy

### Establishes:

- National Ocean Council
- Ecosystem-Based Management (EBM) as a Core Principle
- Regional Ocean Planning as Key Management Tool
- Regional Planning Bodies



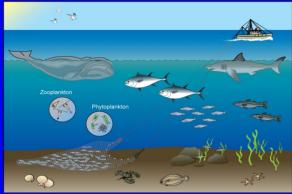
THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

Final Recommendations  
Of The  
Interagency Ocean Policy  
Task Force  
July 19, 2010



### Marine Ecosystem-Based Management

"U.S. ocean and coastal resources should be managed to reflect the *relationships* among



all ecosystem components, including *human* and nonhuman species and the *environments* in

which they live. Applying this principle will require defining relevant *geographic management areas* based on ecosystem, rather than political, boundaries (USCOP 2004)"

### Cultural Resources

#### Capture Fisheries



### Marine Ecosystem Services



Energy

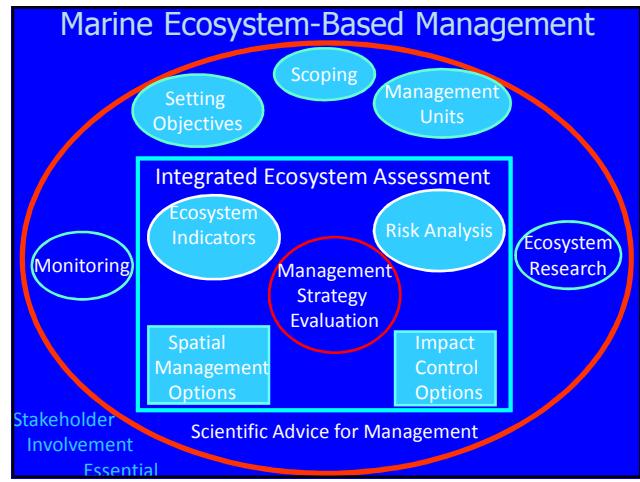
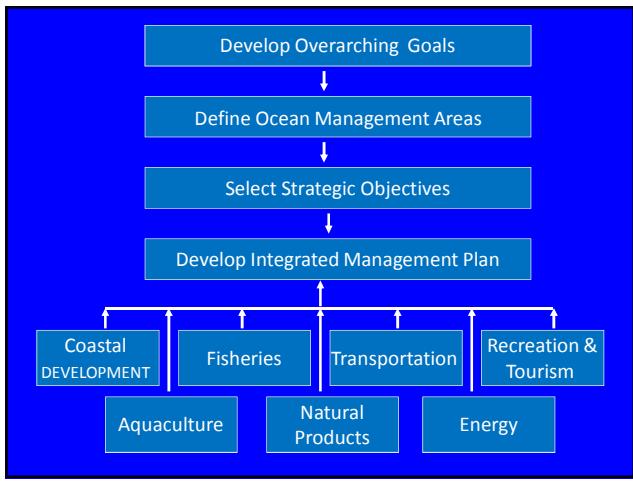


Recreation



Aquaculture

EBM provides an integrated framework for the sustainable delivery of ecosystem services



## Appendix J: Draft goals for public discussion

[Outline of a document]

- Framing concepts
- Goal statement [Glen's 5 words]
  - Descriptive paragraph
  - Potential Actions
- Rinse and repeat twice

### Goal: Healthy ocean and coastal ecosystems

#### Descriptive paragraph:

Develop a planning framework to protect, restore, maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Take into account changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the natural world, biodiversity, and acting as a steward/caretaker.

### Framing

- Why:
  - Historic/cultural/spiritual importance of ocean
  - New uses emerging, changes to existing uses
  - Concern (sometimes decline) in ocean "health", conditions of the ecosystem
  - If appropriately developed, better data = better decision-making!
  - Need for gov't coordination and efficiencies
- Public trust, now and in the future
- Adaptive process
- These are draft goals with possible actions-need extensive public input
- Timeframe for potential actions: what can we do in 3 years?

### Goal: Healthy ocean and coastal ecosystems

#### Potential Actions:

- Map species/habitats and assess trends
  - Use regional data as screening tool
- Use maps/trends to characterize important/significant/valuable areas
- Identify opportunities for restoration
- Understand changing environmental conditions, including climate change
- Prioritize science/research needs to fill key gaps in knowledge

### **Goal: Compatibility among current/future uses**

#### **Descriptive paragraph:**

Promote compatibility among current and future uses of ocean and coastal waters and shorelines while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and potential for community impacts and opportunities. Facilitate increased understanding and coordination among stakeholders [not just govt].

### **Goal: Effective decision making**

#### **Descriptive paragraph:**

Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.

### **Compatibility among current/future uses**

#### **Potential Actions:**

- Understand existing uses and practical implications of new/changing activities on regional economy, environmental and cultural resources
- Enhance viability of new and existing uses:
  - Maintain/enhance fishing, boating and maritime commerce (infrastructure, adequate access, dredging & disposal, etc.)
  - Consider regional electricity transmission and other energy infrastructure
  - Consider offshore aquaculture, recognizing current regulatory environment and federal policy/permitting

### **Goal: Effective decision making**

#### **Potential Actions:**

- Increase interagency coordination across management and regulatory programs
- Enhance transparency and engagement of the public in decision making
- Use regional data as a screening tool
- Coordinate and leverage science and data development to address regional priorities

## Appendix K: Charter Edits

- “Goals of the Process” Changed to “Mission” (p2)
- Entities added for each sector’s membership (p3)
- Paragraphs added for ex-officio and local government participation (p4)
- Procedural Elements now includes: (p6)  
1) conduct of business, 2) decision making,  
3) dispute resolution.

## Local Government Participation:

The RPB will provide mechanisms for meaningful local input into the regional ocean planning process through its state RPB members. State members will work with existing local entities to identify issues and communicate ideas back to the full RPB by establishing new forms of two-way communication or using existing consultative bodies that include but are not limited to local authorities (e.g. Massachusetts Ocean Advisory Commission, Maine Municipal Association, regional planning agencies, etc.). This approach recognizes that mechanisms for participation may evolve through time as local representatives are further engaged in the regional ocean planning effort.

## Ex-officio Members:

Given that activities happen outside the planning area of this initiative, ex-officio membership is extended by letter of invitation to representatives from New York to help integrate and enhance consistency between regions. The RPB also recognizes that Northeast states share maritime boundaries with Canada and will invite ex-officio status to a Canadian representative. The role of ex-officio members is to participate in discussions, share perspectives, and offer expertise while being observers when the RPB decides more formally to reach consensus on an issue.

## Conduct of Business:

The RPB will meet periodically as necessary at the call of the Executive Secretariat in person, by phone, or other electronic means. The Executive Secretariat shall seek input on meeting agenda topics from its members. The RPB will also establish a procedure for the introduction of determinative issues and work plans by consensus, will regularly report out such findings or progress made at regular meetings, and receive public comment throughout the process.