

# Public comment letters

*(received Fall 2015)*



September 30, 2015

Northeast Regional Planning Body  
Ecosystem-Based Management Working Group

Submitted via email to the Northeast Regional Planning Body Executive Secretary

Dear Working Group Members:

On behalf of Conservation Law Foundation (CLF), I am writing to strongly support the Ecosystem-Based Management Working Group and the charge that has been put before it by the Northeast Regional Planning Body (RPB). We are grateful to the RPB for acting upon the comments of many stakeholders who called for the formation of this Working Group to inform and guide the ecosystem-based management (EBM) framework of the Northeast regional ocean plan and the associated identification of important ecological areas (IEAs).

Ecosystem-based management (EBM) is the first of nine priority objective of the National Ocean Policy<sup>1</sup> (as articulated in the Final Recommendations of the Interagency Ocean Policy Task Force) which calls for the adoption of “ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes”.<sup>2</sup> The Final Recommendations, adopted by the National Ocean Policy, state that coastal and marine spatial planning “is intended to improve ecosystem health and services by planning human uses in concert with conservation of important ecological areas, such as areas of high productivity and biological diversity, areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding and feeding; areas of rare or functionally vulnerable marine resources and migratory corridors.”<sup>3</sup> Further, the Final Recommendations specifically call for assistance from scientific and technical experts to analyze “the ecological condition and relative ecological importance or values of areas within the planning area, including identification of areas of particular ecological importance using regionally-developed evaluation and prioritization schemes.”<sup>4</sup> We are pleased that the RPB recognizes the Northeast regional ocean plan should be built on a foundation of EBM and that it wisely created this expert Working Group to support and inform the development of the EBM framework as well as several key components of the regional ocean, most notably IEAs. Given the short time frame for completing the regional ocean plan, CLF believes that the Working Group should focus its efforts over the next 4-6 months on the following two tasks articulated in the charge:

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<sup>1</sup> Executive Order 13547, *Stewardship of the Ocean, Our Coasts and the Great Lakes*. Fed. Reg. 43023. Thursday, July 22, 2010.

<sup>2</sup> White House Council on Environmental Quality, *Final Recommendations of the Interagency Ocean Policy Task Force* (July 19, 2010), p. 6, *available at* [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf).

<sup>3</sup> *Ibid.* p. 44.

<sup>4</sup> *Ibid.* p. 57.

- Support the research, identification, evaluation and application of approaches and methods to define and characterize important ecological areas. CLF strongly recommends that the Working Group focus its efforts over the next several months on providing guidance on the development and application of a methodology for identifying IEAs with a goal of identifying IEAs for inclusion in the final NE regional ocean plan. We believe that the extensive efforts over the past several years to build and populate the ocean data portal and to conduct extensive data analyses to advance our understanding of New England's ocean ecosystem now enables the RPB, with support from the Working Group, to advance this critically important element of the regional ocean plan. We are aware of similar work by the Mid-Atlantic RPB and recommend that the Working Group collaborate with efforts in the neighboring region, as appropriate, without slowing the progress of the Northeast regional ocean plan.
- Review analyses and mapping overlays of human use and ecological data, including compatibility considerations. Compatibility of uses with the natural environment and compatibility among uses is a core goal of the ocean plan and is essential to its effective implementation. The Working Group should provide input and feedback into the design of a compatibility determination framework to be incorporated into the regional ocean plan.

In addition to the above priority tasks we also strong encourage the Working Group to inform and guide the presentation and descriptive framing of the EBM in the regional ocean plan. At the RPB meeting in June of 2015, several members of the RPB stressed the need to better articulate how the regional ocean plan will put into motion an EBM approach for regional ocean management. The Working Group should provide guidance and feedback on how to structure the regional ocean plan and clearly describe the EBM framework and associated elements.

To the extent that enough research has been completed to produce useful benthic and pelagic habitat maps, we encourage the Working Group to review and provide feedback on the development of these maps and corresponding data, along with guidance on incorporating this information into the IEA analysis. Otherwise, we recommend that this task be sequenced after the above three tasks are completed.

Likewise, we would support the Working Group providing guidance on science priorities and options for monitoring ocean health and evaluating the effectiveness of the ocean plan, including reviewing progress towards achieving ocean planning goals and implementing EBM. This too is an essential element of EBM. However, we think this work should come after the initial two tasks are complete.

Thank you all for devoting your time and considerable expertise to the RPB and the development of the nation's first ecosystem-based regional marine spatial.

Sincerely,



Priscilla M. Brooks  
VP and Director of Ocean Conservation



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September 30, 1015

TO: Northeast Regional Planning Body  
Ecosystem Based Management Work Group

Submitted via email to the RPB Secretariat

Dear Members of the Northeast Regional Planning Body Ecosystem Based Management Work Group:

The Nature Conservancy is writing to express our strong support for the Ecosystem Based Management Working Group (EBM WG) as it begins its work on behalf of the Northeast Regional Planning Body (RPB). The work group has at its disposal the resources it needs to take many important steps to advance ecosystem approaches to management in the Northeast. We stand ready to support your efforts to do so. As you begin your work this week, we encourage you to focus on short term deliverables that will become critical pieces of the Northeast regional ocean plan.

First and foremost, the Conservancy supports the work group's focus on developing a process and criteria that may be used by the RPB to identify Important Ecological Areas (IEAs). As pressures from new and existing ocean resource uses increase, we need a shared understanding about where the most diverse, vulnerable, and ecologically valuable places are located. The work over the past year by the Marine Life Data and Analysis Team (MDAT) represents a major step in developing a new level of understanding of marine resources. When combined with the growing body of knowledge relating to IEAs in the Northeast, the EBM workgroup has a robust foundation from which create and refine the process and criteria that may be used to identify IEAs. The Conservancy encourages the work group to use products from the MDAT team and others to develop such a process that then may be included in the regional ocean plan.

Second, the Conservancy strongly believes that developing a compatibility framework is essential for successful ocean planning. Consistent with term of reference #3, providing clear guidance on "compatibility considerations" will create a shared understanding among RPB member agencies to support consistent decision making.

By developing methods to identify IEAs and a compatibility framework, the working group and the RPB will provide useful context for the regional ocean plan, for government agencies implementing the plan and for stakeholders. Once the IEAs and a compatibility framework are implemented through the regional ocean plan, the work group and the RPB can turn their attention to longer term essential activities like ecosystem monitoring and identification of science/research priorities.

Thank you all for your dedication to advancing EBM. The health of our shared marine resources will benefit from your hard work.

Sincerely,

Sally McGee, Northeast Marine Program Director  
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New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

October 7, 2015

Mr. Grover Fugate, RPB State Co-lead  
Mr. Richard Getchell, Tribal Co-lead  
Ms. Betsy Nicholson, RPB Federal Co-lead  
NOAA/GARFO  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Northeast Regional Planning Body Co-Leads:

This spring, the Northeast Regional Planning Body will achieve a major milestone: completion of its draft regional ocean plan. While I may be a bit premature, you are to be congratulated for this pending accomplishment. What makes this accomplishment even more noteworthy is the fact that this will likely be the first plan of its kind in the United States. It reflects well on the federal, state, and tribal partners in this region.

My understanding is that the draft plan will be made available for public comment, probably in April. Given the trendsetting nature of this plan, and the vast number of ocean users it will affect, I encourage you to provide a full 90-day comment period. This is the maximum period called for in the National Ocean Council guidelines. Further, I request that the 90-day period extend at least through May 15. The RPB asked to discuss the plan at our April 19-21 Council meeting. A comment period that ends mid-May will give the staff time to incorporate the Council discussion into our written comments. In addition, to facilitate the April discussion, you may want to consider a briefing on the plan at our January Council meeting.

Thank-you for considering these requests. I look forward to your reply and our continuing cooperation on ocean planning issues.

Sincerely,

Thomas A. Nies  
Executive Director

cc: Katie Lund  
John Weber  
Nick Napoli







October 13, 2015

Northeast Regional Planning Body  
Ecosystem-Based Management Working Group

Submitted via email to the Northeast Regional Planning Body Executive Secretary

Dear Working Group Members:

It has come to my attention that there may have been a misunderstanding related to Conservation Law Foundation's recommendations to the Northeast Regional Planning Body's Ecosystem-Based Management Working Group, sent in our letter dated September 30, 2015. In that letter, Conservation Law Foundation (CLF) strongly encouraged the Working Group to focus its attention on "supporting the research, identification, evaluation and application of approaches and methods to define and characterize important ecological areas for inclusion in the Northeast Regional Ocean Plan." There was apparently a misunderstanding regarding our recommendations on the inclusion of benthic and pelagic habitat information into the identification of important ecological areas. In our letter, CLF recommended that:

*To the extent that enough research has been completed to produce useful benthic and pelagic habitat maps, we encourage the Working Group to review and provide feedback on the development of these maps and corresponding data, along with guidance on incorporating this information into the IEA analysis. Otherwise, we recommend that this task be sequenced after the above three tasks are completed.*

To be clear, CLF fully supports and recommends incorporating benthic and pelagic habitat information in to the methodology for identifying important ecological area to the extent that this information is available and in a form that can be incorporated into the analysis. Our intent in the original letter was to signal that if this information was not available, that lack of information should not hinder the work of the RPB to identify important ecological areas with the best scientific information available. In subsequent conversations with scientists, it is apparent that such information is available and can be incorporated into the analysis. We strongly support the inclusions of these critical factors in the analysis and identification of important ecological areas.

Thank you all for devoting your time and considerable expertise to the RPB and the development of the nation's first ecosystem-based regional marine spatial plan.

Sincerely,

A handwritten signature in blue ink that reads "Priscilla M. Brooks".

Priscilla M. Brooks  
VP and Director of Ocean Conservation



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November 13, 2015

Betsy Nicholson  
Federal Co-Lead for Northeast Regional Ocean Planning  
NOAA Ocean Service  
Greater Atlantic Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Dear Ms. Nicholson and RPB members:

On behalf of the Fisheries Survival Fund ("FSF"), we submit the following comments on the Northeast Regional Planning Body's ("RPB's") work to develop the Northeast Regional Ocean Plan ("ocean plan") in advance of its upcoming meeting on November 16-17 in Portland, ME. FSF represents the significant majority of full-time limited access permit holders in the Atlantic scallop fishery. Our members are home-ported along the Atlantic coast from Massachusetts and Connecticut south through New Jersey, Virginia, and North Carolina.

As you know, FSF has engaged extensively in the planning process for offshore energy and other ocean projects in the Northeast and Mid-Atlantic throughout the past several years, and has provided the RPB with several comment letters regarding these experiences. FSF is particularly concerned with (1) the management context for offshore projects including interagency coordination and stakeholder outreach; and (2) improving the quality and consideration of existing use data during the offshore permitting and environmental review processes.

FSF is extremely encouraged by several of the draft documents that the RPB will consider at its meeting next week. In particular, the "Best Practices for Agency Coordination" document addresses numerous serious concerns we have about effective consultation both between agencies and with affected user groups. We commend the RPB on the thoughtful development of this document, and strongly urge you to include it in the final ocean plan. These practices will improve communication and assist in identifying, preventing, and mitigating conflicts associated with offshore activities.

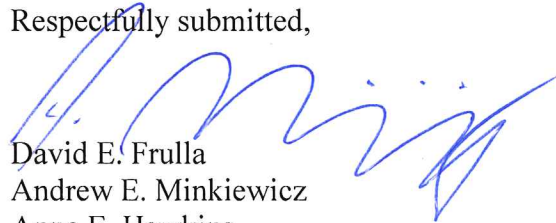
November 13, 2015

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FSF similarly thanks the RPB, its working groups, and its staff for the work each has done related not only to the compilation of useful data sources, but the identification of gaps and future research priorities within that data. We stress that, as biological and economic conditions are not static, it is important that no agency or project applicant relies too heavily on any existing data set. Since aggregated data is often outdated or incomplete, its presentation may lead to misconceptions about current uses and resources. This is particularly true about activities such as the scallop fishery that already have complex management regimes. Moreover, because fisheries data in particular often does not exist on a fine enough spatial scale to fully inform project siting decisions, it is critical that the primary use of ecosystem data in the ocean plan is to identify areas for further inquiry, rather than as a basis for decisions. This matter also highlights the need for improved monitoring and research in the region, which the draft ocean plan documents likewise productively address.

We appreciate the opportunity to submit these comments, and look forward to continuing to work with the RPB as it refines its ocean plan leading up to the release of a draft for public comment. Please do not hesitate to contact us if you have any questions or if we can provide additional information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'A. Minkiewicz', is written over the typed names.

David E. Frulla  
Andrew E. Minkiewicz  
Anne E. Hawkins

*Counsel for Fisheries Survival Fund*

**November 16, 2015**

**Northeast Regional Planning Body**

As most of you know, I'm here as an individual, a fisherman, without pretenses of being a professional planner or having a science background, solely as one whose life and livelihood are interconnected with the state of the ocean. I've read through the meeting documents wondering what sage advice to give the Planning Body in going ahead with the ocean plan. Some of the questions that arose in me were the same as you yourselves suggested at the stakeholder meeting, "Does the plan identify and support... opportunities toward conserving, restoring and maintaining healthy ecosystems," or "Does it increase the understanding of compatibility between past, present and future ocean users." These were among many matters that were discussed there, were well noted by the staff, and I hope will help shape the final plan. I have thought it best then to relate my impression that the draft plan itself appears too weighted towards the effective decision making goal, along with agency coordination, and the permitting processes. Every section of the outline is prefaced with, "Related agency coordination activities", or "Enhancement of agency practices." I believe it's not enough to make the agencies well oiled efficient machines, we should be giving them direction as well. Providing all the data and maps one thing, but that is not the extent of the regionality of this process. That would come with the inclusion, in the plan, of our wants and choices as to our culture, economy, and our ocean's health and productivity. We've heard a lot of voices during this process, from the stakeholder meetings, from the surveys and studies, and even with a glance back at the history of our region. We as New Englanders, have a deep attachment to our ocean, a love of its recreational opportunities, and a desire to restore and protect its ocean environment. We value and support our traditional ocean uses, but at the same time ask that they adapt to more sustainable practices. We'd ask that new uses be compatible with their prospective ecosystems and to be supportive of the local cultures and economies. Any part or parcel of proposed projects should be weighted heavily as to its effect on ocean health or the established uses and economies of the area. Our plan should specifically include the desires and needs of this region, as well as ask that the various State and Federal Agencies recognize and include them in any decision making process. Only then would I consider the plan truly whole and useful.

Richard C. Nelson

Capt. F/V Pescadero

Friendship, Maine

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