

# Northeast Regional Planning Body April 2013 Meeting – Related Public Comment

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One of the April Northeast Regional Planning Body (NE RPB) meeting objectives was to provide continued opportunity for public comment. For a complete account of each meeting session including public comment, videos are available from the NE RPB meeting page: <http://northeastoceancouncil.org/regional-planning-body/meetings/>.

In addition, a list of written and electronically submitted comment related to topics discussed at the April meeting appears at the end of this document in chronological order (*note: comments received from the May-June 2013 public meetings will be compiled and made available in a separate document*).

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## Public Comment Session 1

Video of the first public comment session and all comments delivered verbally during that session can be viewed online in [Video Segment 1](#).

Fourteen people provided comment during this session, including:

Richard Nelson, lobsterman

Sally McGee, The Nature Conservancy

Valerie Nelson, Water Alliance

David Dow, Sierra Club, Marine Action Team

Priscilla Brooks, Conservation Law Foundation

Jim Kendall, New Bedford Seafood Consulting

Rob Moir, Ocean River Institute

Richard Bellevance, Rhode Island Charter and Party Boat Association

Nick Battista, Island Institute

Melissa Gates, Surfrider

Wendy Lull, Seacoast Science Center

John Williamson, Seakeeper Fishery Consulting

Susan Farady, Roger Williams University

Drew Minkiewicz, Kelley Drye

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## Public Comment Session 2

Video of the second public comment session and all comments delivered verbally during that session can be viewed online in [Video Segment 3](#).

During this session, ten people provided comment including:

Richard Nelson, lobsterman

Valerie Nelson, Water Alliance

David Dow, Sierra Club, Marine Action Team

Priscilla Brooks, Conservation Law Foundation

Drew Minkiewicz, Kelley Drye  
Brent Greenfield, National Ocean Policy Coalition  
Don Chapman, National Ocean Council Governance Coordination Unit  
Michael Tuttle, HRA Gray & Pape  
Karen Meyer, Green Fire Productions  
Rob Moir, Ocean River Institute

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### **Public Comment Session 3**

Video of the third and final public comment session and all comments delivered verbally during that session can be viewed online in [Video Segment 5](#).

During this session, eight people provided comment, including:

Valerie Nelson, Water Alliance  
Wendy Lull, Seacoast Science Center  
Rob Moir, Ocean River Institute  
Heather Leslie, Brown University  
Susan Farady, Roger Williams University  
Priscilla Brooks, Conservation Law Foundation  
Sandra Whitehouse, Ocean Conservancy  
Nick Battista, Island Institute

## Comments Written or Submitted Electronically for April Meeting Topics (ordered chronologically by date sent to RPB from March - May)

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Dawn Hellier  
oceansuis@gmail.com

March 28, 2013

Betsy Nicholson, NOAA and RPB Federal Co-lead  
Grover Fugate, Rhode Island Coastal Resources Management Council and RPB State Co-lead  
Chief Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-lead  
Northeast Regional Planning Body  
c/o [katie.lund@noaa.gov](mailto:katie.lund@noaa.gov)

Dear Northeast Regional Planning Body Co-leads:

Please accept this correspondence as written public comment with reference to the April 11-12, 2013 meeting of the Northeast Regional Planning Body in Narragansett, Rhode Island.

Executive Order 13547 under which the National Ocean Council (NOC) was created, defines "coastal and marine spatial planning" to be, in practical terms, "...a public policy process for society to better determine how the ocean, our coasts and Great Lakes are sustainably used and protected..."<sup>1</sup>. This coastal and marine planning process has been more particularly described by the Federal Government as "...a science-based tool that provides transparent information about ocean use, guarantees the public and stakeholders a voice early on in decisions affecting the ocean, and creates an **inclusive, bottom-up**, regional planning approach that gives the Federal Government, States, Tribes, and regions the ability to make more informed decisions about how best to use and protect the ocean, coasts, and Great Lakes. (emphasis added).<sup>2</sup> This approach is consistent with President Obama's January 2009 commitment for a more open government "...to ensure the public trust and establish a system of transparency, public participation, and collaboration."<sup>3</sup> True collaboration cannot occur with a traditional "notice and comment" method to policymaking and at the very least requires active, early and continuous public awareness and involvement.

The Northeast Regional Planning Body has echoed some of this philosophy in some of the materials that are publicly available on its website. However, if the role of the public in this policymaking exercise is to be more than artifice, the Northeast Regional Planning Body may wish to consider the following to promote actualization of real public engagement and participation in the process:

- 1) Posting the meeting agenda more than two weeks prior to the meeting;
- 2) Ensure that any revisions to meeting information are clearly and timely indicated. For example, there was no indication on the RPB website that the meeting information concerning

<sup>1</sup> See Executive Order 13547 <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

<sup>2</sup> See [www.data/gov/ocean/page/ocean-regional-planning-efforts.02/19/2013](http://www.data/gov/ocean/page/ocean-regional-planning-efforts.02/19/2013).

<sup>3</sup> 74 FR 4685, <https://federalregister.gov/a/E9-1777>. See also, OMB directive at [http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda\\_2010/m10-06.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf) recognizing that "public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information."

public comment at the April meeting was revised from public comment only on April 12, 2013 to public comment in three separate sessions on April 11 and 12, 2013. Otherwise, individuals who viewed the meeting information previously will have no idea that the public comment periods expanded or that any of the meeting information was revised.

- 3) Putting an announcement on the calendar link of the NROC main page (which was previously suggested) as on March 28, 2013 it still reads:

**"Late March or early April: Meeting of the Northeast Regional Planning Body** The second meeting of the [Northeast Regional Planning Body](#) will be held in Rhode Island in late March or early April. More details will be posted as they become available."

- 4) Providing the draft regional ocean planning goals in advance of the meeting to afford adequate time for public review and consideration of the goals so as to better inform the comment/input to be offered;
- 5) Restructuring the meeting process to afford a public comment period prior to RPB member discussion or at appropriate points within the discussion so as to better inform and elevate the discussion as otherwise public comment is provided without any sense of the consideration given to any comment is offered during the process;
- 6) Consider how the term "stakeholder"<sup>4</sup> is being used. Given the ocean's diversity as an academic, alternative energy, artistic, food, economic, health, recreational, shipping and transportation, or spiritual resource almost every human being is impacted by ocean management decisions on some level,. Documents or discussion that differentiate the public from "stakeholders" are not productive and create a hierarchy though perhaps artificial and even unintentional, that creates a perception that the public's interests are of lesser value.

Finally, steps must be taken to make this process not consist of a one way flow of input from a limited number of interests or individuals. The critical nature of this undertaking demands a maximum effort to make the public aware of this process, its significance, and to create opportunities for dialogue (not diatribe) so that the full value of the collective experience and wisdom of all involved can be reflected in the planning process.

Thank you for your consideration of these comments.

Respectfully submitted,

Dawn Hellier

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<sup>4</sup> See definition of "stakeholder" - "one who is involved in or affected by a course of action"  
<http://www.merriam-webster.com/dictionary/stakeholder>.03.21.2013

**April 4, 2013**

**David Dow, Treasurer - Cape Cod & the Islands Group- Sierra Club**

Thanks for sharing the NOP RPB goals that will be discussed at the April 11-12, 2013 meeting in Narragansett, RI !!!! I hope to attend this meeting for a day and hear more about the RPB's work.

I have one suggestion based on my experience with the wastewater infrastructure upgrades which are estimated to cost \$3-8 billion over a 20-30 year time frame. Since the NOP RPB faces challenges in getting funds from Congress to support implementation of the regional NOP Strategic Plan, they need to expand their outreach endeavors beyond the usual suspects (commercial fishermen / women; mainline marine ENGOs; commercial interests; etc.). Many of these expenditures of scarce public funds involve environmental justice concerns from those on fixed incomes; those that are un- or under employed and people in the service industries who are part of the working poor. One way to address the concerns of some of these residents is through the communities of faith organizations that address EJ issues and the need for more investment in social services/economic support for our less affluent citizens.

On April 28, 2012, the Falmouth Clergy Association organized an EJ conference at the Falmouth Public Library which drew over 50 concerned citizens on a Saturday morning. Representatives attended from the Massachusetts Executive Office of Energy and Environmental Affairs to listen to people's concerns. Some federal agencies like EPA support community EJ groups that provide input on agency policy proposals. In spite of the relatively high property prices, many of our residents have modest incomes which will make it hard to live here in the face of the costs required to address our wastewater and municipal solid waste challenges. In March 2010, Dr. Catarina du Albuquerque, UN Independent Expert on Water Justice, visited Cape Cod and heard the stories of some of our less affluent residents (who are often uncomfortable in the typical governmental public hearing where one gets 3-4 minutes to make comments).

A number of years ago I participated in the Waquoit Bay Watershed Ecological Risk Assessment project that was led by EPA. It developed a model of nitrogen loading in the Waquoit Bay watershed that was a predecessor for the Massachusetts Estuaries Project (MEP) models that guide the TMDL nitrogen mitigation efforts here on Cape Cod. The ERA pointed out that phosphorus loading was the major human stressor in the freshwater portions of this watershed. Since the NOP Strategic Plan includes water quality as a component, I hope that the RPB will address the effects of both nitrogen and phosphorus on water quality/habitat in coastal watersheds in New England. WBNERR conducts a number of outreach programs for the public that try to link scientific studies with the public policy dialog. On May 7-9, 2013, WBNERR is sponsoring an: "Ecological Restoration for Coastal Habitat Workshop". Perhaps the NOP RPB could use WBNERR as test site for an ecosystems-based management approach to address a variety of human stressors and their effects on our socioeconomic/ecological support system.

Dr. David Dow

**April 4, 2013**

**Les Kaufman, Boston University Marine Program and Conservation International**

Please remember that we have developed analytical tools in Massachusetts, applicable to the northeast generally, that greatly facilitate the exploration of tradeoffs, costs, and benefits associated with alternative coastal ocean development scenarios. We've made progress with MIMES-MIDAS at BU, UCSB's "ESTA" (ecosystem service tradeoff analysis), and InVEST. We are exploring complementarity among these tools, and others. Currently, MIMES-MIDAS and ESTA are farthest along for our region, while the InVEST team has been searching for the place where they can make their best contribution. These are not just mapping tools; they are windows into the wins and losses associated with any particular policy we might consider. They enable us to thread a wiser and more rewarding course than we would by feeling our way in the dark.

The important thing is not the model that anybody uses, but that all decisions and plans benefit from our full capacity for scenario analysis that acknowledges the close linkages between cities and the sea, verdant mainland and bounding main, ecosystem and economy. Furthermore, this should not only happen at one meeting, but continuously, as we track our successes and challenges in making New England's coastal lives and livelihoods as fulfilling, as rich, and as sustainable as possible. We need a Coastal Zone Visioning authority, unbridled by management or regulatory responsibilities, but serving them in all the northeast states (**all: none** are truly landlocked).

Right now, people are taking a *very* conservative view of what ocean planning means, using only the simplest and most familiar tools....for some, even GIS is a reach. Let's establish a slightly longer-range (5-10 year horizon) planning SWAT team, calling up the best of our academic resources in this region in a learning partnership with leadership and management. We can create an ecological-economic weather service for the coast, something badly needed in a time of rapid change, global and otherwise...and absolutely essential to implement the National Ocean Policy in substance as well as spirit.

Les Kaufman  
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Dawn Hellier  
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April 9, 2013

Betsy Nicholson, NOAA and RPB Federal Co-lead  
Grover Fugate, Rhode Island Coastal Resources Management Council and RPB State Co-lead  
Chief Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-lead  
Northeast Regional Planning Body  
c/o [katie.lund@noaa.gov](mailto:katie.lund@noaa.gov)

Dear Northeast Regional Planning Body Co-leads:

Please accept this correspondence as submission of written comment for the April 11-12, 2013 meeting of the Northeast Regional Planning Body (NE-RPB).

Last week, the NE-RPB posted the agenda for its April 11-12, 2013 meeting together with two documents entitled “Goal Setting Guidance” and “Comparison-of-Top-Priorities from-RPB-Sectors”. First, it is of concern that these documents were not posted earlier as given the close proximity of the posting date to the meeting, interested groups/individuals, including local representatives or potential ex officio members, have not had a reasonable time for their review and consideration which would allow for meaningful and informed engagement and/or participation in the process. It is similarly the case with the briefing packet which was posted on the website approximately four days before the meeting start date and which includes documents such as the draft charter which are critical to the structure and function of the NE-RPB. The balance of the comments below concern the proposed process as reflected in the documents that were posted to the NE-RPB website.

### I. The Agenda

The first item identified on the agenda after the tribal blessing and opening remarks is a discussion on draft regional planning goals. As this is the second meeting of the NE-RPB, it would seem as a threshold matter, that the rules of engagement for this body need to be determined and that therefore, the initial focus would be on the charter, or as the National Ocean Council (NOC) refers to it, the coastal and marine spatial planning (CMSP) development agreement<sup>1</sup>. By establishing some of the fundamental parameters by which the NE-RPB is to be operating before it engages in a discussion of priorities for CMSP, the discussion would necessarily include and hopefully resolve some of the outstanding issues such as local representation and ex officio membership that were previously identified. Additionally, in this regard, it would be helpful to know in advance of the meeting whether the NE-RPB has been provided a model template of the development agreement by the NOC and whether the outline for the charter that was distributed at the inaugural meeting is based on this template. It could also serve as the vehicle for publishing the common vocabulary for key terms which was a need identified at the inaugural meeting. If key terms are not commonly understood, the ability to have a substantive and informed discussion about regional objectives may be impeded. It is notable too that development of the charter was marked as the first key next step in the NE-RPB summary of

<sup>1</sup> [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf), page 54.

“The members of each regional planning body (the “partners”) would prepare and execute a CMSP Development Agreement, a model of which the NOC would develop as described in Section XVI of this Part. The Development Agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the regional planning body members for each of the partners, and define ground rules, roles, and responsibilities of the partners.”

the inaugural meeting.

It is also not clear from the agenda that the specific geographic planning area for the NE-RPB has been decided which would seem to be an important fundamental and primary element of the process. In fact, it is identified as an initial matter to be defined in the goal setting guidance and by the NOC. Whether or not inland areas are to be included would seem to be a critical first decision that precedes the goal setting process.

In addition, although previously identified in the listing of key next steps, the April meeting agenda does not reflect the capacity assessment process for the NE-RPB and the status of the template that the Executive Secretariat was going to be develop as an agenda item. It would seem that how, when and by whom that assessment will be conducted is a critical element of commencing the process.

## **II. The Goal Setting Guidance and Comparison of Top Priorities from RPB Sectors**

A. *Background.* The Final Recommendations of the Interagency Ocean Policy Task Force which are incorporated by reference in Executive Order 13547 identify seven national goals and twelve national guiding principles for coastal and marine spatial planning<sup>2</sup>. To support this framework, it appears to be the case then that each region would then develop specific and measurable regional objectives that are consistent with these national goals and principles and any national objectives of the NOC and which "...provide clear direction, outcomes, and timeframes for completion".<sup>3</sup> There are presently two preliminary national objectives<sup>4</sup> for coastal and marine spatial planning that are specified in the Draft Implementation Plan issued by the NOC<sup>5</sup>. These objectives are intended to help inform the regional coastal and marine spatial planning process<sup>6</sup> with the regional objectives then serving the purpose of delineating the actions required for an ecosystem-based, comprehensive and integrated coastal and marine spatial planning and development process<sup>7</sup>. Ultimately, the coastal and marine spatial plan will include the following essential elements: 1) regional overview and scope of planning area; 2) regulatory context; 3) regional assessment; 4) objectives, strategies and methods for coastal and marine spatial planning; 5) compliance mechanisms; 6) monitoring and evaluation mechanisms; and 7) a dispute resolution process<sup>8</sup>.

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2 [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf), pp. 47-49.

3 Id. at p. 55.

4 [http://www.whitehouse.gov/sites/default/files/microsites/ceq/national\\_ocean\\_policy\\_draft\\_implementation\\_plan\\_01-12-12.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf), pp. 87-88. National Objective 1: 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. National Objective 2: Reduce cumulative impacts on environmentally sensitive resources and habitats in ocean, coastal, and Great Lakes waters.

5 [http://www.whitehouse.gov/sites/default/files/microsites/ceq/national\\_ocean\\_policy\\_draft\\_implementation\\_plan\\_01-12-12.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf), p. 87 "The national objectives afford the regional planning bodies maximum flexibility in developing regional objectives. These national objectives should serve as models for regions to develop their own regional objectives based on their unique circumstances. The two national objectives are based on and complement the national goals and guiding principles described in the CMSP Framework. Designed to tier off these goals and guiding principles, these national objectives are not a stand-alone list of objectives. Rather, the national objectives will help inform a regional planning body's participation in collaborative regional planning and the development of CMS Plans and subsequent Federal implementation."

6 Id.

7 [http://www.whitehouse.gov/files/documents/OPTF\\_FinalRecs.pdf](http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf), p. 55.

8 Id., p. 58.

*B. The Goal Setting Guidance.* The Goal Setting Guidance does not seem to reflect the process or framework articulated by the Executive Order, the Final Recommendations of the Interagency Ocean Policy Task Force and the NOC Draft Implementation Plan which set forth a framework that contemplates the setting of regionally specific objectives ***that are consistent with the national goals and principles***. The NE-RPB guidance states, in pertinent part, “*the RPB has significant flexibility to determine regional ocean planning goals. It may decide to use the overarching goals of the National Ocean Policy, which are meant to provide consistency across regions, as a foundation from which to develop region-specific goals. The RPB is also asked to consider the state-specific goals developed by Massachusetts and Rhode Island for potential relevance to the regional scale planning effort. Finally, when considering potential draft goals, the RPB is asked to consider top regional priorities, key gaps in the current management system that can be addressed through regional ocean planning, and realistic capacities of the planning effort to address those priorities. Whether grounded in the National Ocean Policy or structured independently, a final set of goals should reflect the most pressing needs in our region that can be addressed through regional ocean planning*” . This guidance does not seem to articulate the importance of the relationship of the regional planning process to the national goals and objectives and instead seems to suggest the possibility of considering a wholesale abandonment of those goals and principles in favor of regionally specific issues. It is noted too that there is an absence of any mention of the two identified national objectives referenced above and how those objectives are intended to inform the regional process. Certainly while it is imperative that regionally specific concerns are addressed, the process guidance does not appear to place the approach for addressing those concerns and the planning effort in general in the appropriate context.

A public understanding of the origin of the goal setting guidance document and any other materials used as resources for this goal caucusing process would be beneficial. For example, the NOC was to issue a CMSP handbook or an interim version to the Regional Planning Bodies. It would be helpful to know the extent to which this handbook or any other NOC issued guidance are being utilized by the NE-RPB in this process, if and how such documents played a role in how the guidance document was drafted and when they can be made available on the NE-RPB website.

Discussion at the inaugural meeting of the NE-RPB included the subject of the need for a common vocabulary. This initial undertaking of the NE-RPB in identifying specific regional issues is a good example of why this is necessary. The terms “goals”, “principles”, “priorities” and “objectives” as they are used in the first NE-RPB issued initial planning guidance document make the process confusing. In one section, definitions of these terms with the exception of “priorities” are provided yet in the actual narrative guidance, the terms are used interchangeably with some frequency and the document presented as the comparison of priorities from the tribal, federal and state sectors reflects that linguistic tangle. Goals<sup>9</sup> and objectives<sup>10</sup> seem to be the same thing. It would be helpful to have the process use terminology that is commonly and consistently understood.

### C. The Comparison of Priorities from the RPB Sectors

The Comparison of Priorities from RPB Sectors document contains a mix of principles, actions, and goals/objectives. Because this document is presented as a summary it is not clear how it identifies issues which are unique to the Northeast Region, relevant to CMSP and for which specific, realistic, measurable actions can be identified to address those concerns within the context of the overall CMSP

9 <http://www.merriam-webster.com/dictionary/goal>. Goal. 1.b. The end toward which effort is directed.

10 <http://www.merriam-webster.com/dictionary/objective>. Objective. Noun. 2 a. Something toward which effort is directed: an aim, goal or end of action.

effort as the ideas contained in that document are similar to and are not definitively expansive upon some of the national goals and principles. It is not clear why the Northeast region would not just build more refined objectives based upon the national goals and principles to the extent determined appropriate and/or necessary for the Northeast region.

Alternatively, since the Rhode Island Ocean SAMP and the Massachusetts Ocean Plan are being used as examples of CMSP plans, perhaps a useful starting point is to gain an understanding of the successes, failures, efficiencies or deficiencies of the RI and MA plans and the extent to which they are consistent with the National Goals and Principles to help inform the development of regional goals and an overall regional plan.

Finally, as the process moves forward, it would also seem beneficial to recognize that while integrating publicly available science and information is essential and a useful CMSP tool, caution should be exercised on how that information is interpreted and used as a certain data sets might have value that is only temporal or circumstantial in nature and/or have data quality or application limitations that are not immediately apparent to the user. The origin of particular data sets and any data quality or other limitations should be continuously and conspicuously posted.

Thank you for your consideration of these comments.

Respectfully Submitted,

*Dawn Hellier*

**April 9, 2013**

**Richard Nelson, Lobsterman – Friendship, ME**

**Regional Planning Body – Suggested Goals and Priorities 4/9/13**

Richard Nelson  
P.O. Box 62 Friendship, Maine      fvpescadero@yahoo.com

**Intergovernmental Coordination**

Support projects and objectives that align with regional priorities and goals. Including budget and research alignment. Bringing people and agencies together to solve problems, identify and work on crosscutting issues such as climate etc. Incorporate and maintain elements of EBM with human factors

Caution should be taken that it's not just used just for fast tracking programs or agendas such as "Smart from the Start," that could, without proper studies, planning and impact statements ultimately prove to be detrimental to environment, local communities, or fisheries etc.

**Establish advisory groups.**

Think in terms that account for geographical and cultural variations throughout the region. Set up sub-regional groups that reflect differences in goals and desires amongst various communities, along with their variations in infrastructure, economies and heritage. Dealing at a community level would ease the gathering of stakeholder input and information, and would open up more avenues and opportunities for stakeholder involvement and at the same time be in tune with the interdependence of area businesses such as fishing with aquaculture, processing, shore side infrastructure and tourism. It would also better the relationship and advance conversations with fishing, Tribal and other user groups.

Perhaps bring sub-regional group representatives together with the addition of Industry, environmental and Science groups for a main working group.

These should be properly funded, supported, organized and facilitated by the RPB.

**Tracking Climate Change and Resulting Effects**

Push for scientific research and data collection. Research on economic and sociological effects as well as effects on infrastructure and environment.

Modeling of future climate patterns and effects for planning. How ocean and climate caused events, sea level rise and storms effect planning towards coastal resiliency. Make recommendations to reduce effects of storms and sea level rise.

Examine how ocean acidification will effect fisheries and the ecosystem.

**Efforts to reduce carbon and associated climate change.**

Studies, recommendations and possible suggested energy mandates on future ocean projects.

**Create Ocean Renewable Energy Plan.**

Coordinate agencies for planning.

Consider having an energy specific advisory group- science, industry, and non-industry experts, agencies and effected user groups etc.

Hold exploratory workshops, symposium towards energy planning. How much do we need? How many sites needed? What are the best technologies to use? Best criteria for site selection?

Create energy spatial plan. Hard map or guidelines and suggested areas? Very important to consider overlaying or combining areas of compatible uses such as closed fisheries areas, MPAs, suitable aquaculture activities etc..

Consider designating large areas as “off limits” to energy or industrial leases.

#### Initiate efforts to establish EBM as integral part of MSP and Fisheries management.

MSP should make EBM tangible and operational, identifying spatial and temporal concerns.(unesco)

Goals would include protection for both fish and fisheries. Track and model predicted changes due to climate and ocean conditions, including outlooks for economically valuable species.

Initiate the social, ethnographic and economic studies needed to understand coastal communities, their economies, goals and culture as they relate to and effect the ocean environment.

#### MPAs

Understanding that MSP should not just set the context for MPAs, but should include them in EBM studies and objectives, and as a tool useful in EBM. They should also be considered with closed fisheries areas and renewable energy sites etc.

#### Aquaculture.

Ecosystem protection would require the establishment of best practices through recommendations from sound science, agency and industry standards. Practices, siting and allowable species decisions should fit EBM criteria and objectives. Need comparable to wild caught should be considered or studied. Locating sites should suit local or sub regional criteria and goals.

#### Marine debris

The reduction of and removal of marine debris should be a prime consideration and goal in the approval, siting or recommendations for any new or existing ocean use or project to the most reasonable extent possible.

#### Working Waterfronts

Align regional priorities and objectives with the maintenance and support for the working waterfronts that give the immediate access and infrastructure necessary for the ocean related businesses and institutions that require it.

April 11, 2013

David Dow, Treasurer, Sierra Club - Cape Cod and the Island Group (CC & I)

The CC & I Group has co-operated with the Unitarian Universalist Fellowship of Falmouth (UFF), Green Sanctuary (GSC), and Education Committees on two NOP-related programs in 2012 (showing of "Ocean Frontiers" and panel dialog on "Life on Cape Cod and the Sea Around Us"). In 2011 the CC & I Group developed / co-sponsored two water justice conferences with community of faith entities / NGOs / social justice NGOs. We organized the April 2012 Environmental Justice (EJ) Workshop in Falmouth with social justice groups, UUFF GSC and Falmouth Clergy Association. Our Chair, Rev. Bob Murphy, can help the NOP RPB facilitate outreach to these communities on EJ issues if this is considered desirable by the RPB. He is active at the national level in the Sierra Club on the dialog about the interaction between EJ, population and climate change.

The MA BOEM State Task Force Fisheries and Habitat Advisory Committees are not open to the public and media. It is not possible to even find the names / affiliations of the advisory council members or what their recommendations are. This appears to be a FACA constraint challenge.

**April 11, 2013**

**Melissa Gates, Surfrider Foundation**

Thank you for the opportunity to engage in this process! Surfrider Foundations is willing to conduct outreach to recreational users to promote their participation in this process. Non-consumptive recreational ocean interests are the largest and most diverse stakeholder group in this process; it's crucial that this community is meaningfully engaged. Achieving this end will require significant outreach and collaboration between ocean planners and groups like Surfrider. Ocean recreation encompasses a broad spectrum of human connections and uses, from surfing to wildlife watching to strolling the beach. These activities are geographically and seasonally ubiquitous along New England's Coast and practiced by millions of residents and visitors annually. These connections and uses also provide major economic and social benefits to coastal communities and the region as a whole. As Surfrider, we believe the provisions of high quality spatially explicit information on these uses is crucial to informing ocean planning in New England. Surfrider has collaborated with SeaPlan and EcoTrust to develop a Recreational Use Study proposal for our region. We hope funding can be identified to support this crucial data collection effort. We are also working with NROC to bring on an Ocean Recreation Outreach Intern to help engage New England's recreational ocean gatekeepers in the ocean planning process and to help keep this contingency of non-consumptive recreational ocean users in the loop of your RPB planning efforts. Thank you for maintaining transparency in this process. Surfrider hopes you will continue to provide multiple opportunities for comment, in person, written, as well as electronic. Additionally, having a non-consumptive recreation representative on an advisory board would allow another critical avenue to voice the needs and concerns of these stakeholders.

**April 11, 2013**

**John Miller, Executive Director, New England Marine Renewable Energy Center (MREC)**

In that:

- 1) The Nation Goals for Coastal and Marine Spatial Planning include, "Increase certainty and predictability in planning for and implementing new investments in ocean..." and both Massachusetts and Rhode Island plans support / encourage use of marine resources including offshore renewable energy.
- 2) A major investment and source of uncertainty both in permitting and public acceptance for offshore renewable energy development will be the ocean right-of-ways and terrestrial grid access points.

- 3) In Germany, offshore wind development is being slowed and employment negatively impacted by lack of grid connectivity, in spite of clear assignment of responsibility to utilities.
- 4) BOEM efforts to develop offshore wind resources off the south coast of New England will result in up to 10 major developments with the potential for 10 individual and potentially conflicting plans for connection to the grid; a unified plan for this offshore grid would minimize the cost and environmental impact.
- 5) There are significant potential benefits from additional transmission cables between New England and external grids such as Long Island or Canada, and between resources and population centers within New England.

Therefore, it is recommended that a goal be included that:

Develop a plan for the offshore grid in New England and a recommendation for an entity to develop and maintain this infrastructure.

**April 12, 2013**

**David Dow, Treasurer - Cape Cod & the Islands Group and member of MAT**

As I mentioned during my public comments on behalf of the Sierra Club, the Marine Action Team (MAT) has a grant from the Club's Activist Network to conduct outreach to grassroots (Chapters and Groups) via training workshops in the 9 NOP regions of the U.S. The most recent NOP training workshop in Boston in mid-January 2013 was led by RI Chapter volunteer Sarah Schumann and CLF-staffer Sean Cosgrove (representing NEOAN). This meeting was held at the Massa. Chapter Office in Boston. Roxy Carter, MAT NOP grant lead, lives in California, so that she depends on grassroots volunteers to attend the regional NOP RPB meeting (which is why I drove over yesterday from Cape Cod). Due to the press of other Club activities, I no longer represent MAT and the Massa Chapter on the monthly NEOAN conference calls. Volunteers from other New England Chapters participate in some of these conference calls and their Chapter Excoms (Executive Committees) sign onto some of the NEOAN letters to the NOP RPB or NROC.

I don't know if MAT plans to be actively engaged in the NOP RPBs dialog in the nine different parts of the US in 2014. MAT would have to submit a pre-proposal in January 2014; followed by a full proposal in February and a funding notification in May 2014. I was reminded of these process constraints when the RPB was discussing FACE and constituent advisory committee support costs and the constraints imposed by developing proposed budgets for FY 2015 in the federal government. Much of the Sierra Club Chapter budgets go to paying their staff and supporting priority conservation campaigns. Most of the Sierra Club Chapters don't have Marine & Coastal Committees which limits their active direct engagement with the Northeastern NOP RPB,. The Rhode Island Chapter has an Ocean Committee and has been active with NEOAN. The Connecticut and Massachusetts Chapter have been engaged with NEOAN as well. I don't think that anybody from the Maine Chapter participated in the NOP RPB meeting in Portland, Me., even though they have some interest in the NOP process.

I don't think that the Sierra Club is unique amongst NGOs in having fiscal and personnel constraints in participating in regional NOP RPB meetings. Many of the commercial fishing and saltwater angling groups don't have paid staff and people participate in this process on their own time and financial resources. Certainly the communities of faith and social justice groups that deal with EJ issues have very limited resources unless they get support from foundations or EPA. Many of the Corporate Trade Associations either have paid staff or hire representatives, while the major marine ENGOs that attend these meetings have adequate

resources. I would recommend to the NOP RPB working group that was formed yesterday that they schedule meetings out in the field to engage a wider array of constituent interests and follow Rob Moir's advice to listen to people's stories to promote a regional approach for ocean planning / develop a regional Strategic Action Plan.

Here on Cape Cod we face a variety of environmental challenges (groundfish crisis; eutrophication of 56 coastal embayments under TMGL cleanup requirements; effects of offshore large scale wind development in federal jurisdictional waters; ocean acidification and warming waters from ocean climate change; ability of homeowners to purchase insurance in the private market and 5-10% wind deductibles in most policies; watershed restorations plan being developed by USDA NRCS; etc. There is poor coordination and integration of state / federal agency efforts to address these challenges. I am glad that Chuckie Greene represents the Mashpee Wampanoag Tribe on the RPB and can provide background on some of the challenges that we face locally in promoting sustainable aquaculture, restoring water quality and habitat in our impacted local embayments and the USDA NRCS watershed restoration projects on land. I have worked with Chuckie in the past on the Superfund / Safe Drinking Water Act Cleanup at the Massachusetts Military Reservation and he brings a unique Native American perspective (spirituality and 7 future generations) to the dialog. The Sierra Club approaches protecting wild places, wild things from a different point-of-view, but we have similar concerns.

Thanks for your consideration of these comments.

Dawn Hellier  
[oceansuis@gmail.com](mailto:oceansuis@gmail.com)

April 16, 2013

Betsy Nicholson, NOAA and RPB Federal Co-lead  
Grover Fugate, Rhode Island Coastal Resources Management Council and RPB State Co-lead  
Chief Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-lead  
Northeast Regional Planning Body Members  
c/o [katie.lund@noaa.gov](mailto:katie.lund@noaa.gov)

Dear Northeast Regional Planning Body Co-leads and Members:

Please accept this correspondence as submission of written comment in connection with the April 11-12, 2013 meeting of the Northeast Regional Planning Body (NE-RPB), supplementing my prior submissions of March 28, 2013 and April 9, 2013.

While it is clear that the members of the NE-RPB are dedicated and desirous of making progress on effective coastal and marine spatial planning policy for the Gulf of Maine region, the April meeting was disappointingly bereft of the very transparency and public engagement and participation that the body so repeatedly champions. If the NE-RPB sincerely values public input and involvement in this process, it must demonstrate that in its actions, processes and communications. Statements of being committed to those principles without corresponding behavior will only serve to engender distrust and cynicism. The following are provided as examples of observations of the April meeting which have the tendency to either preclude or inhibit public engagement and participation for your review and consideration:

#### **1. Vocabulary**

The NE-RPB needs to develop ***and use*** a commonly understood vocabulary in both verbal and printed communications. This was an issue that was identified at the first meeting, referenced in my April 9, 2013 submission and mentioned several times at the April meeting, by both members of the public and NE-RPB members, yet key NE-RPB members and affiliates repeatedly use terminology such as “products”, “suite of products”, “bins”, “lessons learned”, “ground truthing”, government acronyms (e.g.CMSP, TAC), “nested...”, “terms of reference”, “goals/objectives/principles/priorities”, “all-hands”, etc. These terms are not part of the daily vocabulary of the public, do not serve to engage discussion, and create confusion. While it is understood that the topic of coastal and marine spatial planning is complex, the vocabulary shouldn't necessarily be.

Again and as stated in my March 28, 2013 comment,s differentiating the “public” from “stakeholder” in written and verbal NE-RPB communications implies that the public's interest is somehow less than that of a stakeholder leaving the impression that the public is in the lowest position of influence, interest and value. Just as industry is a stakeholder, so too is the public. Unfortunately, the two continued to be treated as distinguishable groups at the April meeting.

#### **2. Transparency**

It is not clear from the April meeting what transparency means both in philosophy and practice

to the NE-RPB. The draft charter document that was presented was identified as a version of the template given to the NE-RPB by the NOC which as one of the co-leads remarked was added to and shaped to the NE-RPB mission. Since this charter is the document by which the NE-RPB will be operating and given that the NE-RPB is in the early process of defining its mission, the public has as much interest in this document as in other planning process documents such as the draft goals. Making both versions available to NE-RPB members and the public would better serve the NE-RPB's efforts at transparency. In addition, with the goal setting guidance having been made available to RPB members at least as early as mid-February, it is not clear why then that document could not have been available to the public sooner rather than just prior to the meeting.

The continual revision to a posted agenda without actually noticing the public of the revision or its substance does little to help make the process appear transparent. That on the second day a revised agenda was provided only to members of the NE-RPB, was not posted to the website though presumably an electronic copy would have been easily made available, and was issued without prior notice is of concern. Members of the public who might have timed their appearance at the meeting based upon the previously posted agenda would have been at a disadvantage in the last minute change. Similar concerns exist with respect to the unavailability of copies of other documents that were distributed on the second day of the meeting to NE-RPB members only.

These are issues that perhaps the Communications Specialist will be handling but if not addressed expediently and with full and complete disclosure, transparency will appear to be a principle by which the NE-RPB is operating in name only.

### **3. Public Engagement and Participation**

Absolutely no mention was made of any public comments that were submitted in writing for the April meeting, the general or specific nature of such comments and whether they factor into any deliberative process by the NE-RPB. Individuals who submitted written comments are then left to wonder whether such comments were distributed, reviewed, read and/or discussed and by whom and at what point in time. Without any mechanism in the process for acknowledgement and consideration of these comments in a public forum, individuals who submit written comment because they cannot take time to appear at the meeting or because they are unable to reduce their thoughts to a neat 1-3 minute time slot, are de-motivated from participating. The resultant effect is that a written submission is even further removed from any sense of actual participation or input than verbal public comment.

Since in the case of this second meeting, written comments submitted in advance of or at the time of the meeting were not compiled and distributed to NE-RPB members at the time of the meeting and in fact, will not be available until the transcript and other meeting materials are completed, an opportunity for a potentially more informed deliberation has been lost and makes the public participation process in the form of written comment diluted to the point of no impact. Decisions have already been made and actions will be taken which do not consider written public comment that is directly related to such decisions. This form of post-decisional input negates the very function of public participation in this process.

In my previous March 28, 2013 submission, it was suggested that more effective public participation would occur if it took place prior to NE-RPB discussion on agenda items. The April meeting proceeded with the traditional government meeting format of public comment following NE-RPB discussion on particular topics. An order of proceedings in which public comment is taken as a last step in the process gives the appearance if not the reality that public comment is not valued, not

used and is just a pro forma step in the process. While the meeting was structured to provide three separate public comment sessions over the two days, the 1-3 minute comment period limitation and the fact that comments are scheduled after NE-RPB discussion and with no feedback or discussion on either the general or specific nature of public comment that was offered does not create an effective public engagement and participation process.

**4. Define What the NE-RPB Is.**

Finally, it is not clear what the difference and relationship between Northeast Regional Ocean Council (NROC) and the NE-RPB are making it difficult for the public to know where, when and before whom to participate and what effect or role that participation has or could have. It would be extremely helpful to have an articulation before the NE-RPB proceeds with its public workshops that addresses what the differences are, including how the NROC work and its committees and work plans relate to the work of the NE-RPB. It is not enough to simply indicate that NROC is in a support and resource role as without more it leaves open too many questions about what appear to be overlapping activities and responsibilities. In some ways, the same is true, albeit to a lesser extent, with respect to the Gulf of Maine Council on the Marine Environment.

Thank you for your consideration of this submission.

Respectfully Submitted,

Dawn Hellier

April 30, 2013

Betsy Nicholson, NOAA and RPB Federal Co-Lead  
Grover Fugate, Rhode Island Coastal Resources Management Council and RPB State Co-Lead  
Chief Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-lead  
Northeast Regional Planning Body  
c/o [Katie.lund@noaa.gov](mailto:Katie.lund@noaa.gov)

Dear Northeast Regional Planning Body Co-leads:

Thank you for the opportunity to submit in writing a few background references re points I made during the public comment periods on April 11<sup>th</sup> and 12<sup>th</sup>.

I described my concerns with the Regional Planning Board's proposed translation of national ocean policy goals into an implementation plan. Specifically, I suggested that "coordination", "efficiency", and "more data" were not sufficient in addressing the complex and growing challenges of protecting, restoring, and sustainably utilizing the resources of the ocean. And, that "tradeoff analysis" is a particularly dangerous doorway into codifying the zoning of the ocean for resource extraction under conventional economic models that typically lead to consolidation, lack of consideration for externalities, globalization, loss of innovative capacity, and destruction of local economies.

I suggested, in part from much innovative and productive work that EPA is doing in the Office of Water and Smart Growth programs, that the challenges of ocean policy should be met instead with a "triad" of fundamentals – systems thinking, adaptive management, and symphonic governance. Briefly, here are a few introductory references and links for these ideas and methods that I recommend for your consideration.

#### Systems thinking

- Planetary boundaries -- <http://www.stockholmresilience.org/planetary-boundaries>
- Biomimicry – complex natural systems --  
[http://www.asknature.org/article/view/what\\_is\\_biomimicry](http://www.asknature.org/article/view/what_is_biomimicry)
- Recommendations from scientists re integrated systems thinking and 21<sup>st</sup> century policy -- <http://pubs.acs.org/doi/abs/10.1021/es901653f>
- EPA leadership in systems thinking -- <http://www.epa.gov/ORD/htm/anastas/path-forward.htm>

#### Adaptive management

- Dominguez, Truffer, and Gujer, 2011, "Tackling uncertainties in infrastructure sectors through strategic planning: the contribution of discursive approaches in the urban water sector". Water Policy 13.
- NAS symposium; "Science, Innovation and Partnerships for Sustainable Solutions", May, 2012, including talks by William Clark, Harvard University, and comments from Jane Lubchenco --  
[http://sites.nationalacademies.org/PGA/sustainability/SustainabilitySymposium/PG\\_A\\_069055](http://sites.nationalacademies.org/PGA/sustainability/SustainabilitySymposium/PG_A_069055)
- Federal assessment of adaptive management/USDA --  
[http://www.fs.fed.us/pnw/pubs/pnw\\_gtr654.pdf](http://www.fs.fed.us/pnw/pubs/pnw_gtr654.pdf)

#### Symphonic governance

- Tracy Mehan, former EPA Asst. Administrator for Water --  
[http://www.law.fsu.edu/journals/landuse/vol26\\_1/mehan.pdf](http://www.law.fsu.edu/journals/landuse/vol26_1/mehan.pdf)
- Slow Democracy -- <http://slowdemocracy.org>

- Gardens of Democracy -- <http://www.amazon.com/Gardens-Democracy-American-Citizenship-Government/dp/1570618232>
- Kettering Foundation on leveraging local assets and community democracy -- <http://kettering.org/publications/philanthropy-and-the-regeneration/>

There are numerous other references in these areas. I might note that other speakers in your comment periods echoed some of these themes of local leadership with assistance from higher levels of government, the need for pilot projects, and the importance of community dialogue about systems issues and policy.

I proposed that the Regional Planning Board explore EPA's work in systems thinking, adaptive management, and symphonic governance and study the literature in these areas more generally. I suggested that you consider convening a workshop around the topic. I believe that the audience on April 11<sup>th</sup> and 12<sup>th</sup> and others would have experiences and knowledge to contribute, and there could be many useful presentations and dialogue. The topic of the workshop would be: what should the role of federal agencies at the regional level be? How can regional government harness the vast capacities in the public sector, private sector, and civil society to respond to the dynamic and emerging challenges of protecting and managing the oceans sustainably? Region 1-EPA could bring their recent experiences and evolving practices to bear on these topics, and I am aware of productive partnerships between NOAA and EPA on these fronts as well.

I also proposed that the port of Gloucester convene a public forum to discuss and recommend national ocean policy goals and implementation measures appropriate for New England, and that this type of public forum be replicated in other ports. Up to now, public participation in national ocean policy has been negligible and stakeholder input largely limited to ENGO's. Traditional industry input, of course, has been provided.

The means to engage the public and civil society is not through traditional public hearings, where the government position is presented, followed by brief comments allowed from the public. This format tends to attract few participants and does not allow the public the opportunity to engage in and plumb their knowledge and experiences in-depth discussions about goals and implementation measures. This traditional public hearing model is increasingly seen as outmoded and insufficient

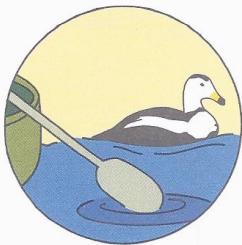
Widespread efforts to support deliberative democracy, public conversations, study circles, etc. should be explored as a means to engage the public in serious thought. A simple public forum of open-ended questions and discussion within the community, as proposed in Gloucester, would be a good start. As I suggested, it is important that the RPB accept contributions from other parts of civil society, as it has already done in accepting input and direct dialogue with ENGOs.

I look forward to speaking with you again to explore both these concepts of a workshop on developing an enhanced framework for amplifying and leveraging the regional role in governance and for using rich public forum meetings in ports, as a means to engage the country in harnessing resources in support of sustainable ocean management.

Thank you.

A handwritten signature in black ink, appearing to read "Valerie Shulman".

Valerie I. Nelson, Ph.D.  
Water Alliance and resident of Gloucester, MA  
[Valerie.i.nelson@gmail.com](mailto:Valerie.i.nelson@gmail.com)



**Ocean River  
INSTITUTE**

Protecting the Commons

May 16, 2013

**Northeast Regional Planning Body Co-leads:**

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**Re: Public Participation- Regional Ocean Planning**

Dear Northeast Regional Planning Body Co-leads:

I am taking liberties to provide specific recommendations for developing a comprehensive and robust public participation process in support of regional ocean planning efforts in New England. As a founding member of NEOAN I give to you the minority opinion. I differ from my colleagues in two ways.

First, I recommend that the Northeast RPB not establish Advisory bodies (committees, councils, or panels) composed of representatives. Here in the northeast we are unique in the nation in our ability to govern through town meetings. Our governance consists only of a moderator and a clerk taking notes. We learned this open participatory style of governance from the Iroquois. In New Hampshire we have "retail politics," where citizens shake the hand of each presidential candidate before deciding which one to vote for. We don't need representatives or experts to speak for us or to broker relationships with "the leadership."

The National Estuary Program was the trail-blazer of participatory regional planning bodies. The NEP consisted of a steering committee that was buffered from the public by three committees, one of which was limited to scientists. Another committee was for the practitioners and users. These silos of advisors/directors made the work of the steering committee members more difficult.

"All at last return  
to the sea—to Oceanus,  
the ocean river, like the  
ever-flowing stream of  
time, the beginning  
and the end."

— Rachel Carson,  
*The Sea Around Us*

I am currently a member on two federal advisory committees. Based on my experiences I do not think they should be set up here. With advisory committees only the member participates in the process. Public participation is lost when responsibility has been delegated. The member is branded an "expert" in the planning group. The member becomes a filter between those represented and the planning group. Some individuals join advisory groups to make sure something specific happens, to drive an agenda. These individuals, believing they know best, may fail to convey upwards information from others. Because of this, the input of diverse points of views and real concerns are diminished. The planning entity's ability to anticipate the unexpected is lessened and solutions are less robust.

Today's Regional Planning Groups are the beneficiaries of the pioneer work of the National Estuary Program and other participatory governance initiatives. This was evident with stunning alacrity at your meeting in Narragansett. Three distinct visions and goals were presented assembled by federal, state and tribal agencies/groups. Into that mix was stirred individual public comments at "open mikes." The combined vision statement presented the next day demonstrated that there is no need for representatives and intermediate bodies to work with varying diverse interests. You demonstrated an adept ability to listen respectfully and inclusively no matter who was speaking.

Second, I differ with my colleagues when they recommend public comments be allowed during deliberations. The RPB members have learned how to deliberate respectfully of one another. This is a skill and etiquette that must be learned. Interrupting deliberations is not respectful, nor is speaking in reaction instead of hearing the entire conversation and then thinking through a response. It is sensible to require sign-ups to speak after sufficient time has elapsed to put one's thoughts in order. Time-limits are respectful of the significant number of busy people giving of their time to listen to the public. It is a good discipline for individuals new to public speaking, to sharpen a skill that will serve well in other participatory situations including town meetings.

I particularly appreciated the three opportunities to speak at the Narragansett meeting. If one didn't get it right the first time, one could and should go at it again. I also noticed some scheduled their arrival according to when the public comment period was held. Another chose to stay longer because she knew there was a public comment period coming up.

Participatory ecosystem-based planning that is respectful of diverse interests and perspectives is a challenging endeavor. Our deliberative process is very different from the more common top-down deference-to-experts, deaf to non-experts, procedures of yesteryear. These are new waters to traverse, bon voyage.

Sincerely,



Rob Moir

Dawn Hellier  
[oceansuis@gmail.com](mailto:oceansuis@gmail.com)

May 29, 2013

Betsy Nicholson, NOAA and RPB Federal Co-Lead  
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Chief Richard Getchell, Aroostook Band of Micmac Indians and RPB Tribal Co-Lead  
Northeast Regional Planning Body Members, c/o [katie.lund@noaa.gov](mailto:katie.lund@noaa.gov)

Dear Northeast Regional Planning Body Co-Leads and Members:

Please accept this correspondence as submission of written public comment to the Northeast Regional Planning Body (NE-RPB).

The public meetings that are scheduled throughout the New England region have the potential to serve as a springboard toward meaningful and diverse collaboration and discourse on ocean planning in the Northeast, yet there are some continuing significant issues and concerns about how the NE-RPB and its supporting partners are approaching public engagement, participation and the overall process that will greatly inhibit the initiative that the NE-RPB is championing. While each of these issues are related, for ease of reference I will address observations about each of them separately as follows:

**I. Public Engagement**

A. *Improve timeliness of disclosure of information.* In the case of the Portland public meeting, which was notably the first in the series of public meetings and therefore sets the expectations and tone for the remaining New England meetings, the draft regional ocean planning goals were not posted until May 20, 2013, three days prior to the meeting. The delay in posting the materials that were to be a primary topic of the meeting affects the ability of the public to make informed and studied input or even to make decisions about whether to attend or participate as there was insufficient time to review the materials by the time they were posted. In addition, the meeting agenda was not made available until the meeting itself leaving prospective attendees in the dark about the format of the meeting. One meeting attendee commented about not knowing what the meeting format was going to be which necessitated his on the spot modification of his comments to meet the actual meeting format.

The Portland and Narragansett meetings also proceeded without the public having had the benefit of reviewing written public comments from the April meeting as they have not yet been posted. Meeting attendees and interested members of the public have no idea what written comments were submitted. Those who submitted written public comments have been left wondering whether the comments were even distributed to NE-RPB members, if they have even been read and whether others submitted comments of a similar nature. The delayed disclosure of the video from the first part of the first day of the April meeting in which the draft regional ocean planning goals were discussed is also unfortunate although video from the other portions of the meeting was posted earlier.

Similar concerns about delays in information posting were raised in writing in connection with the April meeting prior to the April meeting even taking place. The failure to address these issues is very disconcerting particularly in light of the fact that they are not a new or isolated occurrence and considering that the process now has the services of a Communications Specialist and the Consensus Building Institute for these meetings. The public announcement of the hiring of the Communications Specialist and webpage statements about information being available in mid-May generated expectations about anticipated improvements in the timeliness and completeness of information postings which are not being met.

**B. Clearly and timely indicate revisions or updates to meeting information.** Information concerning the meetings continues to be disclosed in piecemeal increments without any alerts or indications as to when the website has been updated. This was also previously expressed as a concern in connection with the April meeting. Between the time the initial schedule of meetings in New England was announced and the time of the Portland and Narragansett meetings, any individual who was looking for information would have to check the website on a repeated basis to see if and when any new materials were posted and even then it was not readily apparent unless one read through the entire webpage. Given the time constraints that everyone is facing this is not an efficient way to disclose information and may have the tendency to discourage participation. Individuals who viewed the meeting information page shortly after having received the meeting announcement notice had no idea when or if any of the meeting information was revised or information added.

**C. Re-Examine the Messaging.** The NE-RPB needs to communicate about this process in a way that is understandable, relevant and underscores the personal importance of this initiative to the public. The messaging has to go beyond announcing the meeting dates, times and locations and that public input is being sought on regional ocean planning goals. There needs to be a more specific explanation of what this process means to the public. As one of the May meeting attendees in Portland put it "...the fishermen would be like why am I here?" and how does this process impact fishery management? The public needs contextual information on this initiative that makes it relatable, approachable, less abstract and sets it apart from typical bureaucratic initiatives. Articulating what this process means in relation to other regional, subregional, state and local ocean planning processes is highly recommended. The public has no idea which planning process is most important and where their participation matters the most. For example, what is the effect of this process on the RI Ocean SAMP, the MOMP or a subregional or local planning process? Despite a question along similar lines also having been raised at the Narragansett meeting, it remains unclear. The mission statement in the Charter does little to more specifically address this issue. In addition, the public needs to know that while this process is about planning to better manage multiple and diverse uses of the ocean, it should not be assumed that it will have any effect on development activities that are currently taking place during the planning process. It would be helpful to know however the extent to which the NE-RPB members expressed commitments to improved coordination and information sharing within any existing legal or policy frameworks can be effected in the interim period.

It also appears that the means chosen to advertise these meetings which I understand to have been generally through local newspapers in the events calendar section on the Sunday preceding the meeting, the webpage and to individuals or groups that have already been involved in the process whether because of a prior meeting or workshop will not serve to foster the diversity of

input that will best serve the process. There are a multitude of organizations that the NE-RPB can use to assist with getting the word out on these meetings. It would be of interest to know which organizations and media outlets were contacted and when, how they were selected and what information they were provided.

An opportunity to improve upon outreach was completely missed at the Portland and Narragansett meetings when attendees could have been surveyed at the time they arrived at the meeting about how, where and when they learned about the meetings or what sources do they generally receive this type of meeting information through. Had this been done, the NE-RPB would have had some preliminary information about how information was being received and how to improve on communication efforts and information distribution.

Examining which interests were represented at the Portland and Narragansett meetings from the sign-in sheet can also be revealing of how efforts to involve the public in this process are or are not working. In the case of the Portland meeting, it appeared that of the 20 to 25 members of the public present, the majority of them were being paid to be present. Despite the significant population size of that region, the general public was not present. The NE-RPB should take that experience as an indicator of the need for additional efforts to engage other segments of the public in this process beyond the interests that are already participating. It appeared to be the same situation in the case of the Narragansett meeting which, given its dual purpose of discussing both the RI Ocean SAMP revisions and the NE-RPB draft regional goals, should result in more heightened concern about the absence of general public attendees or any local officials.

## **II. Public Participation**

Executive Order 13547 under which the National Ocean Council (NOC) was created, defines “coastal and marine spatial planning” to be, in practical terms, “...a public policy process for society to better determine how the ocean, our coasts and Great Lakes are sustainably used and protected...”<sup>1</sup>. If the NE-RPB sincerely values public input and involvement, and wishes to make it the “inclusive, bottom-up” process envisioned by the Executive Order, it must demonstrate that in its actions, processes and communications. Repeated statements of being committed to those principles without corresponding actions and behavior will only serve to discourage participation and generate governmental distrust. Despite the regular recitation of public input being elemental to this process, it remains unclear what value is actually being placed on public participation in this initiative and how that will be reflected. This essential undertaking demands a maximum effort to make the public aware of this process and to create opportunities for actual public participation so that the value of the collective experience and knowledge can be realized in the planning process.

As these meetings go forward, it seems that many of the remarks made by one of the NE-RPB members on public engagement and participation at the November 2012 inaugural meeting have gone into an abyss. The NE-RPB meeting summary in reporting this member's summary of stakeholder feedback states in pertinent part, that stakeholders indicated<sup>2</sup>:

1 See Executive Order 13547 <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

2 See p. 25 of the NE-RPB November 2012 Meeting Summary at <http://northeastoceancouncil.org/wp-content/uploads/2012/12/Summary-NE-RPB-Meeting-Nov-19-20-20121.pdf>.

*“Stakeholders are concerned that this process seems very top-down”. “It is confusing for stakeholders to begin engagement with a discussion about regional goals”. “The messaging has been insufficient to date”. “The identification of benefits for each constituency will be very important”. “The NE-RPB needs to demonstrate why people should care about this” “Stakeholders want to know if this is going to benefit them or harm them” “People want to know who is going to make which decisions. They need clarity about the roles and decision making responsibilities of the NOC, the NE-RPB, etc.” “Stakeholders also need a clear time line and an understanding of how and when they can engage, what materials they should be reviewing, and assurance that their engagement is a good use of their time” “People want to understand how decisions about tradeoffs will be made in the planning process”*

Addressing these information needs and process questions early on seems not only advisable but necessary to a process in which public participation is essential. For example, you may wish to consider the following:

A. ***Treat all Members of the Public Equally.*** The public comment guidelines posted for the May and June public meetings do not permit the mailing of written public comments during the comment period which would allow for public comment by those who do not use or have Internet access and who may not be able to attend the meeting. It is noted that hardcopy written comments may be submitted by those who attend a meeting but not by those who do not. There should be no differentiation in participation rules based upon format submission or meeting attendance. The current guidelines are unnecessarily excluding certain members of the public from participating in the process. It is noted that this concern was raised at the Portland meeting and although the Narragansett meeting facilitator continued to make reference to the public comment guidelines, Betsy Nicholson verbally indicated to meeting attendees that comments could be mailed in to her.

B. ***Do not Direct How Participation should Occur.*** In the case of both the Portland and Narragansett meetings, attendees were directed to make comments on the draft goals in response to two specific questions about the goals or if they wanted to submit written comment to use the Public Comment Form provided at the meeting. While having a standardized public comment format might make it easier to compile the public comments, it unnecessarily directs and limits how public participation should occur. It is noted that the form indicates that comments in general on other related topics of interest were welcome but that was not the sense given attendees by the meeting facilitator who made several statements about keeping the commentary specific to the two questions related to the draft goals.

C. ***Record the Public Meetings.*** While there appeared to be a Consensus Building Institute associate taking notes on the comments made at the meetings in Portland and Narragansett, it is of concern that as the meeting facilitator put it in Narragansett, that they were “only going to be capturing the gist of the comments made at the meeting”. A lot can be lost in this approach and certainly any one who did not attend the meeting will not have the benefit of knowing the full content and context of the public comments and discussion that took place. Recording the gist of the comments is also a subjective process and one that can put the transcriptioner in the position of making uninformed judgments about what is important to capture.

B. *Create Feedback Loops.* Steps must be taken to make this process not consist of a one way flow of input from a limited number of interests or individuals. The process does not adequately afford the public the opportunity to know the impact of or reaction to their input. This was a concern cited by a NE-RPB member at the inaugural meeting back in November of 2012<sup>3</sup>. The May meeting in Portland had some occasions of exchange between attendees and the meeting representative(s) which although they were fairly limited, were a positive development. Unfortunately, there were also several times in which a meeting representative would end the public exchange with a statement that the conversation could continue in some private or other forum leaving the other meeting attendees and meeting representatives without the benefit of knowing the sidebar communication.

### **III. Process**

There are some fundamental questions about the process that is being deployed in this initiative that remain unanswered that include but are not limited to the following:

A. *What is the Specific Geographic Planning Area.* It is not clear that the specific geographic planning area for the NE-RPB has been decided which would seem to be an important fundamental and primary element of the process. In fact, it is identified as an initial matter to be defined in the goal setting guidance and by the NOC. As indicated in a prior submission, whether or not inland areas are to be included would seem to be a critical first decision that precedes the goal setting process. This was an issue that was also raised by one of the Portland, Maine May meeting attendees yet even the Charter leaves it as an open question.<sup>4</sup>

B. *What is the status of the Capacity Assessment Process for the NE-RPB.* In addition, although previously identified in the listing of key next steps from the inaugural meeting, the April meeting agenda did not reflect the capacity assessment process for the NE-RPB and the status of the template that the Executive Secretariat was going to be develop as an agenda item. It would seem that how, when and by whom that assessment will be conducted is a critical initial element of commencing the process and one that would better inform the goal setting process.

In addition, educating the public about what aspects of the Environmental Assessment (EA) and Environmental Impact Statement (EIS) process in New England are not working to address some of the issues that are part of this initiative or why information sharing and coordination is not already taking place within existing frameworks that not only allow for it but require it would be helpful.

C. *The Charter.* The Charter has been identified as having been approved despite the fact that

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3. See pp. 13-14, and 25 of the NE-RPB November 2012 Meeting Summary at <http://northeastoceancouncil.org/wp-content/uploads/2012/12/Summary-NE-RPB-Meeting-Nov-19-20-20121.pdf>. "Members focused on the need for a two way flow of communication with stakeholders and the need to engage them continuously at every step, including through the work of this NE RPB and the planning-related projects of the individual Member states, agencies, tribes, and the NE FMC. A need to set stakeholder expectations about how and when they would be able to engage, and how their input would be used, was noted." "They want to be kept informed with feedback loops"

4. See NE-RPB Charter , p. 1 at [http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories\\_FINAL.pdf](http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf). "Additional inland waterways may be included as the RPB deems appropriate".

it does not appear that it has had official sign off by the authorized representatives of each NE-RPB member. This document which governs how the NE-RPB operates and defines its purpose has been very quickly put into place without questions such as local representation being fully resolved. Local representation is an issue that has been raised with some frequency and yet the document that addresses that very question and the overall purpose and function of the NE-RPB has not been included as an agenda item in the public meetings scheduled for May and June.

**D. Define the NE-RPB in relation to other similar Planning Initiatives.** It is still not clear what the difference and relationship between Northeast Regional Ocean Council (NROC) and the NE-RPB are making it difficult for the public to know where, when and before whom to participate and what effect or role that participation has or could have. It would be extremely helpful to have an articulation before the NE-RPB proceeds further with its public meetings that addresses what the differences are, including how the NROC work and its committees and work plans relate to the work of the NE-RPB, whether the NE-RPB endorses all of the work and activities of NROC, etc. It is not enough to simply indicate that NROC is in a support and resource role as without more it leaves open too many questions about what appear to be overlapping activities, authority and responsibilities.

**E. What is the impact of this process on development activities and managing multiple and diverse uses of the ocean in the interim?** The public needs to understand what the effect of each NE-RPB member's commitment to this process means in terms of its impact, if any, on pending ocean related development activities and licensing and permitting proceedings that are occurring within each member's jurisdiction.

**F. The Role of Mapping in Ocean Planning.** There has been considerable emphasis on the role of mapping in this initiative and it is being presented to the public as a “decision support tool” for ocean planning efforts. The significant and potentially premature emphasis on the mapping “products” during these public meetings is creating a perception that they are the primary catalyst to improved information sharing, better interagency coordination and balanced decision-making. While integrating publicly available science and information is essential and mapping is a useful planning tool in that regard, it seems that caution should be exercised on how the mapping products are being showcased. Certain data sets might have value that is only temporal or circumstantial in nature and/or have data quality or application limitations that are not immediately apparent to the user. The origin of particular data sets and any data quality or other limitations should be continuously and conspicuously posted. As one Portland attendee noted maps are great for what they are but you need to write limitations on what they are. The significance of what can be understood and what relationships can be ascertained by overlaying data sets which was also raised by another attendee with respect to cumulative impacts needs to be fully and completely articulated to the public. The public should not come away with the message that ocean planning is simply about the maps or that maps make it simple.

As a final note, some of the maps displayed at the Narragansett meeting contain information that details the location of potentially vulnerable physical critical infrastructure such as submarine cables that might present a concern for homeland security particularly as our marine physical infrastructure may have greater vulnerability than our terrestrial physical infrastructure. Has the U.S. Department of Homeland Security or any state homeland security agency vetted public disclosure of some of this type of mapping information?

Thank you for your consideration of this submission.

Respectfully Submitted,

Dawn Hellier



May 31, 2013

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**Re: Public Participation- Regional Ocean Planning**

Dear Northeast Regional Planning Body Co-leads:

The New England Ocean Action Network (NEOAN) is pleased to provide comments to the Northeast Regional Planning Body (RPB) containing specific recommendations for developing a comprehensive and robust public participation process to support regional ocean planning efforts in New England.

Pursuant to Section 8 of Executive Order 13547, NEOAN recommends the establishment of a formal and comprehensive public engagement process. The National Ocean Policy and subsequent recommendations from the Ocean Policy Task Force, responsible for creating the RPB, require that government decision makers in each region involve stakeholders to support the development of regional plans to protect, restore and maintain healthy ocean and coastal ecosystems. NEOAN commends the RPB for scheduling a series of public meetings throughout

the region in late May/early June and we look forward to subsequent follow up meetings throughout the regional ocean planning process.

Pursuant to the principles of the NOP and in support of the development of an effective and successful Regional Ocean Plan, NEOAN strongly encourages the RPB to consider the following recommendations:

- Appoint a standing Stakeholder Advisory Panel which consists of diverse representation from the range of traditional, current and nascent ocean user groups in New England. These may include but should not be limited to representatives from the commercial fishing and shell fishing industries, varied recreational user groups, charter and for-hire businesses, the aquaculture industry, offshore renewable energy industry, electric and telecommunication companies, commercial shipping and transportation industries, nature education and interpretation centers, museums and aquariums, and conservation organizations. There may be other stakeholder groups that should be included and it may be appropriate to have multiple representatives from a particular sector appointed to the Stakeholder Advisory Panel. The Stakeholder Advisory Panel would provide an important formal mechanism for stakeholders' input at all phases of the planning process and give stakeholders a formal role and responsibility in this process. Representatives should strive to provide their industry's or peers' collective experiential, technical and practical knowledge. The Stakeholder Advisory Panel may need additional structure including a charter, a description of its role and responsibilities in the planning process and rules for participation.
- The RPB and its subcommittees should follow FACA protocol, including:
  - the keeping of minutes and an accessible public record
  - providing full access to work and decision documents
  - ample notice of RPB, advisory body and other public meetings.
- Create and utilize a standing Science Advisory Panel consisting of scientists from academic and government institutions across New England, as well as individuals or representatives of certain entities who have particular expertise in experiential, local or traditional knowledge. The purpose of the Science Advisory Panel is to advise on science, information, knowledge and data issues throughout the planning process.
- Consider the establishment and use of temporary, ad hoc working groups to inform discussion around certain issue areas such as geographic areas of intense use or dependence by adjacent communities, important ecological areas and habitat conservation, specific fisheries issues, topics related to climate change impacts, energy development and use, transportation issues, focused recreational use or other topics, as appropriate.
- We encourage the continuation of public listening sessions and meetings throughout the planning process and across the New England region to gather input from stakeholders and the public regarding the development of the regional ocean plan. This should include multiple meetings in every state to reasonably cover New England's coastal and inland geographic range.
- Develop an electronic public comment portal on the NE RPB website that enables the public to provide comments to the RPB at anytime during the planning process. We also encourage the use of remote meeting, distant learning or live streaming technology when possible.