



January 9, 2014

Submitted Electronically

Ms. Katie Lund
Executive Secretary
Northeast Regional Planning Body
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RE: Comments on Revised Draft Ocean Planning Goals, Objectives, and Actions

Dear Ms. Lund:

The National Ocean Policy Coalition (“Coalition”) is pleased to submit comments on the Northeast Regional Planning Body’s (“Northeast RPB”) revised draft regional ocean planning goals, objectives, actions, and outcomes. The Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the National Ocean Policy are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

INTRODUCTION

Ocean and coastal policies play a critical role in our national, regional, and local economies, national security, culture, health, and well-being. The Coalition supports ocean and coastal policies that serve as mechanisms for job creation, infrastructure revitalization, and economic growth, conserve the natural resources and marine habitat of our ocean and coastal regions, and rely on full utilization of existing programs and well-established authorities that are already in place.

The comments herein supplement the Coalition’s June 2013 comments (see Appendix) on the Northeast RPB’s initial draft goals, actions, and outcomes that were released in May 2013.

A primary driver of the Coalition’s concerns regarding regional ocean planning efforts under the National Ocean Policy/RPB construct is the reality that, pursuant to the foundational National Ocean Policy/Northeast RPB documents, RPB plans or products are to be implemented by federal agencies to the maximum extent, including through regulations where necessary.¹ Regardless of whether the RPB

¹ See Executive Order for Stewardship of the Ocean, Our Coasts, and the Great Lakes, July 19, 2010, *available at* <http://www.whitehouse.gov/files/documents/2010stewardship-EO.pdf>, Section 6 (“All executive departments, agencies, and offices that are members of the [National Ocean] Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law...[p]articipate in the process for coastal and marine spatial planning and comply with Council certified coastal and marine spatial plans, as described in the Final Recommendations and subsequent guidance from the Council.”); Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf, Pages 47, (“Where pre-existing legal constraints, either procedural or substantive, are identified for any Federal agency, the NOC would work with the agency to evaluate necessary and appropriate legislative solutions or changes to regulations to address the constraints. In the interim, agencies would comply with existing legal requirements but

itself is a non-regulatory entity, its actions may thus have far-reaching consequences by serving as precursors to regulatory activity that ultimately impact federal agency discretion and decision-making. The inherent potential for uncertainty, confusion, delay, and adverse impacts to result from this non-statutorily based process underscores the critical need to reduce the likelihood of such an outcome.

The Coalition therefore reiterates the critical importance of establishing a formal role for commercial and recreational user groups (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) before the Northeast RPB takes any further action. For the reasons stated above, the activities of the RPB should be held to stakeholder processes and standards at least as rigorous as those accorded to statutorily-authorized ocean use planning processes. A clear, transparent, and inclusive process would significantly decrease the likelihood of ill-informed actions that unnecessarily constrain commercial and recreational activity in the Northeast.

In addition, it is vital that any work plan that emanates from the development of Northeast regional ocean planning goals, objectives, actions, and outcomes be subject to a sufficient opportunity for public review and comment and user group engagement before its finalization.

Lastly, many of the nation's existing laws aim to promote economic activity and resource development,² and the National Ocean Policy Implementation Plan itself cites the promotion of economic growth as a

should endeavor, to the maximum extent possible, to integrate their actions with those of other partners to a CMS Plan."); 61-62 ("...State and Federal regulatory authorities would adhere to, for example, the processes for improved and more efficient permitting, environmental reviews, and other decision-making identified in the CMS [Coastal and Marine Spatial] Plan to the extent these actions do not conflict with existing legal obligations. State and Federal authorities with programs relevant to the CMS Plan would in a timely manner review and modify programs, as appropriate, to ensure their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS Plan to the extent possible. State and Federal agencies would also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law. This may be implemented in a variety of ways. For example, agencies could enter into memoranda of understanding (MOUs) to coordinate or unify permit reviews and decision-making processes. Where existing regulatory or statutory requirements impose constraints on the ability of an agency to fully implement the CMS Plan, the agency would seek, as appropriate, regulatory or legislative changes to fully implement the CMS Plan."); 62 ("...CMS Plans...are intended to guide agency decision-making and agencies would adhere to the final CMS Plans to the extent possible, consistent with existing authorities...Once a CMS Plan is approved, Federal, State, and tribal authorities would implement them through their respective legal authorities."); and 65-66 ("Agencies would incorporate components of the CMS Plan into their respective regulations to the extent possible. Adherence with CMSP would be achieved through Federal and State agencies and tribal authorities incorporating CMS Plans into their pre-planning, planning, and permitting processes, to the extent consistent with existing laws and regulations. The CMS Plan signatories would periodically review these processes, and where legal constraints are identified, would seek to remedy these constraints, including by working with the NOC to evaluate whether a legislative solution or changes to regulations are necessary and appropriate."); National Ocean Policy Implementation Plan, April 2013, available at http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf, Page 21 (Marine planning will support regional actions and decision-making...); Marine Planning Handbook, July 2013, available at http://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf, Page 17 ("By their concurrence, Federal agencies agree that they will use the marine plan to inform and guide their actions in the region consistent with their existing missions and authorities."); and Northeast Regional Planning Body Charter, available at http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf, Pages 1 ("...participation on the RPB does not commit any **non-federal** RPB member, or **non-federal government** represented by the member, to adopt resulting products or plans." (emphasis added); 2 ("By committing to this process, RPB members agree to participate in regional ocean planning as a framework for improved coordination and decision making."); and 7 ("While regional ocean planning cannot supersede existing laws and agency authorities, it is intended to provide a better mechanism for application of these existing laws and authorities. If the Northeast RPB decides to create a formal regional ocean plan...the intent would be to guide agency decision-making, and agencies would adhere to the final plan to the extent possible, consistent with their existing authorities.").

² See e.g. 16 U.S.C. § 1452 (Coastal Zone Management Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title16/pdf/USCODE-2012-title16-chap33-sec1452.pdf> ("The Congress finds and declares that it is the national policy—(1) to preserve, protect, **develop**, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations; (2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values **as well as the needs for compatible economic development, which programs should at least provide for... (D) priority consideration**

key driver and goal of the initiative.³ The Northeast RPB in turn should identify and seek public review and comment on proposed economic goals and related actions and performance indicators.

To ensure that such economic goals and actions are fulfilled, similar to its proposal to develop a regional ocean science plan (Goal 2, Objective 3), the Northeast RPB should also include the development of a regional economic development plan as part of its goals, objectives, and accompanying actions. Aided by the close engagement of existing and future potential commercial and recreational user groups and subject to public review and comment, the plan should identify and prioritize needs and outcomes for economic data and information, clearly specify how such needs will be met, and outline in detail how Northeast RPB activities will achieve its previously identified economic goals, actions, and performance metrics.

being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists, (E) public access to the coasts for recreation purposes... [emphasis added]; 43 U.S.C. 1332 (Outer Continental Shelf Lands Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title43/pdf/USCODE-2011-title43-chap29-subchapIII.pdf> ("It is hereby declared to be the policy of the United States that—... (3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs..."); 16 U.S.C. 1801 (Magnuson Stevens Fishery Conservation and Management Act), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title16/pdf/USCODE-2012-title16-chap38-subchapt.pdf> ("The Congress finds and declares the following: ...The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities...A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby...It is therefore declared to be the purposes of the Congress in this Act—...to promote domestic commercial and recreational fishing under sound conservation and management principles...to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska..."); 46 U.S.C. 55601 (Energy Independence and Security Act), available at <http://uscode.house.gov/view.xhtml?path=/prelim@title46/subtitle5/partD/chapter556&edition=prelim> ("The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion or to promote short sea transportation. (b) Program Elements.-The program shall encourage the use of short sea transportation through the development and expansion of-(1) documented vessels; (2) shipper utilization; (3) port and landside infrastructure; and (4) marine transportation strategies by State and local governments."); and 46 U.S.C. 50302 (Merchant Marine Act, as amended), available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title46-section50302&num=0&edition=prelim> ("With the objective of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which the Secretary of Transportation has jurisdiction, the Secretary, in cooperation with the Secretary of the Army, shall -(1) investigate territorial regions and zones tributary to ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; (2) investigate the causes of congestion of commerce at ports and applicable remedies; (3) investigate the subject of water terminals, including the necessary docks, warehouses, and equipment, to devise and suggest the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between water carriers and rail carriers; (4) consult with communities on the appropriate location and plan of construction of wharves, piers, and water terminals; (5) investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and (6) investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight that naturally would pass through those ports.").

³ See National Ocean Policy Implementation Plan, April 2013, available at http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf, Pages 3 ("This Plan describes specific actions that translate the goals of the National Ocean Policy into on-the-ground change to address key challenges, streamline Federal operations, save taxpayer dollars, and promote economic growth.") and 6 ("This Plan responds to such challenges by focusing and coordinating action among Federal agencies under their existing authorizations and budgets, and by providing the tools we need to ensure a robust, sustainable ocean economy. It also promotes better science and information to support economic growth, more efficient permitting and decision-making, and healthier and more resilient marine ecosystems that will continue to support jobs, local economies, and a skilled and diverse ocean workforce.").

Taking such actions will help ensure that the promotion of economic activity and growth of the region's blue economy are adequately addressed in the Northeast RPB's activities.

GOAL: EFFECTIVE DECISION MAKING

As the Coalition stated in its previous comments, effective decision-making is a laudable goal. At the same time, a number of government entities with vastly different jurisdictions and responsibilities serve on the Northeast RPB, and current federal law provides clear jurisdictional leads for the leasing, permitting, and licensing of offshore activities.

Northeast RPB efforts that seek to streamline decision-making must therefore proceed within the confines of existing statutes and their regulatory regimes and not dilute or blur existing authorities and mandates, and, new proposed language stating that the RPB "must work within existing regulatory authorities" that appears in Objectives 1 and 3 should be maintained and apply to all goals and objectives that are ultimately adopted.⁴

Objective 1: Enhance inter-agency coordination

*Focus on aspects of governmental decision-making (NEPA and other existing siting/regulatory programs) related to marine energy production (wind, marine hydrokinetic) and infrastructure (transmission cables, pipelines), offshore aquaculture, sand extraction for beach nourishment, and consider other potential future uses (e.g., carbon sequestration). **For this objective, it is important to remember that the RPB must work within existing regulatory authorities and that different authorities exist for such activities.** This objective will focus on timing/scheduling, inter-agency information-sharing, and communication at a federal level and between state and federal agencies.*⁵

In attempting to address the enhancement of interagency coordination, the revised draft proposes to focus on existing siting/regulatory programs related to "marine energy production (wind, marine hydrokinetic) and infrastructure (transmission cables, pipelines), offshore aquaculture, sand extraction for beach nourishment, and consider other potential future uses (e.g., carbon sequestration)."⁶ In carrying out this objective, *all* existing and potential future uses that are subject to existing siting and regulatory programs should be addressed, including fishing and boating, conventional energy, ports, shipping, and other forms of waterborne transportation and commercial and recreational activity.

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Review federal statutory requirements for regulating siting of energy-related development (including electricity generation and transmission, infrastructure such as pipelines, etc), offshore aquaculture, sand extraction for beach nourishment, and other potential future uses of ocean space. Review analogous programs at the state level. In addition to development-specific requirements (e.g., wind energy responsibilities that BOEM has related to the 2005 Energy Policy Act), include more broad considerations such as the National Environmental Policy Act

⁴ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 1 and 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

⁵ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

⁶ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

(NEPA). In addition to this “on-paper” review, discuss practical implementation with agencies and the regulated community.

- Pursue opportunities to coordinate with the U.S. Bureau of Ocean Energy Management’s leasing program for offshore wind development. Focus on site assessment and construction-operations plan requirements, the utility of regional ocean planning data and information, tribal coordination, and other topics.
- Identify specific opportunities to enhance interagency coordination for marine energy production, infrastructure, offshore aquaculture, and sand extraction for beach nourishment. Include National Environmental Policy Act and development-specific regulatory programs in this action. Recognizing that there may be obstacles to this action, also identify specific obstacles to achieving those opportunities, and specific, concrete steps toward addressing these obstacles. Convene non-governmental entities (regulated community and other interested parties) to discuss, and revised prior to finalizing details.⁷

According to the revised draft, outcomes would include strengthened interagency coordination, federal and state regulatory efficiencies, and “agency commitments to implement,” as well as public information outlining existing review processes and how regulated entities and the public can participate.⁸

Better coordination across governmental agencies could yield positive results. As the Coalition stated in its previous comments, addressing existing inefficiencies by identifying and cataloguing flaws in the current system in terms of regulatory agencies and their ability to work with one another could help promote effective decision-making. The development of any such review and recommendations should include close engagement with the regulated community and relevant agencies and the utilization of adequate public comment periods.

In sharing the findings of any report and recommendations with agencies and officials that have the statutory responsibilities for managing ocean and coastal resources, such information should be provided for their use and consideration as they see fit. Agency implementation of any recommended actions that are included in the Northeast RPB’s report should be strictly voluntary, based on the agency’s careful, independent, and transparent consideration and best judgment, and consistent with existing applicable laws and regulations.

Objective 2: Implement specific actions to enhance informed public input in decision-making

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Develop and disseminate publicly-accessible materials describing regulatory programs related to the type of activities reviewed under Objective 1, including opportunities for public comment, steps where data and information can be provided, and overall timeline for decisions. Existing resources will provide much of the material for this task.

⁷ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

⁸ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 1, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

- Engage interested parties to identify other potential means of meeting this objective. This could include topics such as: enhanced use of on-line/social media, use of existing public meetings (such as those of the RPB) to provide updates on ocean development projects, demonstrating how public input is/would be incorporated in decision-making, and other ways to meet this objective.⁹

According to the revised draft, outcomes would include enhanced opportunities for public participation in ocean development proposals and review processes and greater public understanding of and ease of participation in regulatory processes.¹⁰

Consistent with the Coalition's previous comments, the Northeast RPB should provide assurances that any such activities would be carried out in an effective manner, as utilizing a new entity to inform and engage the public and others could create confusion, contribute to regulatory fatigue, and lead to the dissemination of conflicting information.

To the degree that the Northeast RPB itself nevertheless seeks to inform the public about existing regulatory processes and opportunities for engagement within the confines of those regimes, it should thus first coordinate with the agencies and officials of jurisdiction in order to ensure the veracity of any information that is shared with the public.

Objective 3: Incorporate maps and other products into existing agency decision-making processes

*Scientifically-sound, stakeholder-reviewed products should be publicly available through the Northeast Ocean Data Portal. **For this objective, it is important to remember that the RPB must work within existing regulatory authorities.** Uncertainty and variability in data and other issues must be identified and described for each data product. Caveats associated with data products may limit their utility; some data may be most helpful in generally identifying issues needing further study and/or stakeholders to engage. Certain products may be applicable for preliminary site assessment or consideration of alternatives.¹¹*

In calling for the incorporation of maps and other products into existing decision-making processes, the revised draft calls for the use of "scientifically sound, stakeholder-reviewed products" made publicly available through the Northeast Ocean Data Portal, noting that data uncertainties and variations must be identified and described in each data product and that caveats may limit the utility of certain data products.¹²

In furtherance of this objective, the Northeast RPB specifically proposes to:

⁹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 1-2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹⁰ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹¹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹² See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

- Within existing regulatory processes, identify potential uses for/applicability of regional ocean planning products. Convene interested parties (government and non-government) to discuss this topic and revise products accordingly.
- Update the Northeast Ocean Data Portal reflecting the results of the above action. Enhance Northeast Ocean Data Portal functionality through better presentation, characterization, and visualization of products.
- Work with appropriate agencies/data owners to increase responsibility for maintaining/updating data products and the Northeast Ocean Data Portal, beginning with illustrations of the utility of products developed for regional ocean planning purposes and recognizing future budget issues.¹³

According to the revised draft, outcomes of this objective would include regional ocean planning products and information that enable preliminary site assessments, provide a better understanding of existing conditions, contribute to regulatory efficiencies, direct stakeholder engagement on the development of Northeast Ocean Data Portal products, and the long-term maintenance and updating of the Northeast Ocean Data Portal and its products.¹⁴

As the Coalition previously conveyed, data and maps that are properly collected, developed, and used can be of great utility to government, scientists, ocean and coastal user groups, and the public.

At the same time, the Northeast RPB's proposal to further the incorporation of regional data and maps into existing decision-making or regulatory processes could lead to unintended consequences.¹⁵ If not conducted with great caution and sound scientific methodology and custom-designed based on a particular need, the use of data and maps could promote unnecessary or unjustified time and space restrictions. In addition, static data and maps that omit new information on the region's coastal and marine resources could preclude investments in new economic activity in the region or otherwise constrain informed decision-making on evolving national priorities.

While important and existing efforts to improve data collection and database creation should continue, absent express legislative authorization and appropriation, available resources and methodologies are insufficient to incorporate new regional maps and other products into decision-making processes by arbitrary deadlines. Furthermore, such efforts could divert scarce agency resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal activities in the Northeast.

To the degree that the Northeast RPB nonetheless pursues this objective, the use of "scientifically-sound" data products proposed in the revised draft should be maintained in favor of the original proposal to integrate "best available knowledge," and the revised draft's acknowledgement of the need to account for uncertainties, variations, and potential limitations in data should similarly be preserved.

¹³ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹⁴ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹⁵ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Any such data products must account for all of the region's offshore resources and existing and future potential uses, including fishing and boating, conventional energy, ports, shipping, and other forms of waterborne transportation and commercial and recreational activity.

In addition, the Northeast RPB should provide clear guidance and protocols that apply to its collection and use of data (including minimum requirements with relevant federal and state data quality laws, standards, and protocols).

Any decision to develop a regional ocean planning product must also be: (1) subject to an opportunity for extensive public review and comment; (2) informed by active and comprehensive engagement with all existing and future potential user groups, and (3) followed by continuous opportunities to update such products and the prompt incorporation of any updated data.

Objective 4: Improve respect for the customs and traditions of indigenous peoples in decision-making processes

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Identify areas and species important for sustenance activities.
- Develop means of incorporating information developed under the above action into decision-making.¹⁶

The Northeast RPB Charter notes that it “is not a regulatory body” and “has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities.”¹⁷ Proposing to develop a mechanism for the incorporation of areas and species deemed “important for sustenance activities” into existing decision-making raises significant concerns that the Northeast RPB could take actions that exceed its non-regulatory function, and create new regulatory uncertainties for existing and potential future user groups who are governed by long-established ocean and coastal management statutory authorities.

The development of any mechanisms to incorporate areas and species deemed important for sustenance into decision-making must therefore be undertaken by those entities that are statutorily authorized to do so rather than the Northeast RPB, and any identification of such areas must be subject to public review and comment.

Objective 5: Periodically assess process toward achieving this goal and Objectives 1-4

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of effective decision-making and the goal's underlying objectives.

The Northeast RPB specifically proposes to:

¹⁶ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹⁷ See Northeast Regional Planning Charter, Page 1, available at http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf.

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.¹⁸

Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

GOAL: HEALTHY OCEAN AND COASTAL ECOSYSTEMS

Commercial and recreational interests have a direct stake in healthy ocean and coastal ecosystems and support sound, informed, and science-based policies that support them. As the Coalition previously stated, a number of federal laws are already in place that directly and indirectly address the protection of ocean and coastal ecosystems, and healthy ocean and coastal ecosystems should be supported through existing entities, mechanisms, and processes.

Objective 1: Characterize the region's ecosystem and economy

Characterize the region's species, habitats, cultural resources, and existing human activities and economy is a component of understanding the "health" of New England's ocean and coastal ecosystems. Environmental conditions in parts of the region appear to be changing and, where possible, such phenomena should be described and ways to portray the dynamic nature of the system explored. Some issues require additional scientific focus, data development, or longer-term consideration.¹⁹

The revised draft proposes to characterize the region's species, habitats, cultural resources, existing human activities, and economy, noting that some issues demand more scientific focus, data development, and longer-term consideration.²⁰

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Work with the scientific community and other interested parties to integrate natural resource data and model-derived products to characterize marine life and habitats. This includes producing maps for bird, sea turtle, shellfish, marine mammal, fish, and bottom (benthic) habitats. Consider the potential for developing products related to other issues such as historic and future trends, ocean acidification, biodiversity, productivity, species biology (including migration), and the physical/oceanographic environment. Assess the potential for climate change impacts to alter existing conditions. In these considerations, consider scientific understanding and data availability. Convene scientists and other stakeholders to discuss preliminary assessments and potential next steps.
- Identify areas and resources that are of tribal importance.

¹⁸ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

¹⁹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²⁰ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

- Assess and summarize efforts in the region that have attempted to identify areas of ecological “importance” or measure the “health” of the marine system. The first step in this action will be to define these terms to provide further specificity and direction.
- Work with the shipping, commercial fishing, boating, recreational fishing, energy, aquaculture, and recreation communities to develop information describing those human activities. Engage those stakeholders in specific project design, data development where appropriate, implementation, and review of draft products prior to finalizing.
- Develop an assessment of the regional maritime economy, beginning with compilation of existing analysis/data to determine ability to produce comprehensive economic assessment.
- Incorporating information from the above actions, develop and periodically update a regional baseline assessment of the coastal and ocean ecosystem and data compilation related to the coastal and marine economy.
- Review ongoing and past studies looking at the vulnerability of marine life/habitats to human activities. As part of this summary, assess the current state of the science regarding cumulative impact assessment.
- Incorporate results of above actions into maps and other products that the RPB would seek to incorporate into existing decision-making processes under Goal 1.
- For the above actions: (1) identify priority gaps for the regional ocean science plan described in Objective 3, identifying whether there are priority gaps that could meet other purposes beyond those of regional ocean planning; and (2) pursue incorporating the results of the above actions into existing decision-making processes under Objective 3 of Goal 1.²¹

According to the revised draft, outcomes would include a regional characterization of human activities, cultural resources, natural resources, and the ocean and coastal economy, scientific and stakeholder community engagement, and the incorporation of products into decision-making “as appropriate and only if specific caveats associated with each product are clearly articulated.”²²

If a regional economic and environmental assessment is not developed through a transparent public process, held to the highest data quality standards, and updated and adapted to suit evolving information and public policy needs, it could ultimately introduce new uncertainties for commercial and recreational interests that lead to unnecessary regulatory hurdles or obstacles to access. For example, agency use of data and maps that are incomplete, untimely, or not applied as intended could lead to adverse regulatory impacts.

For the reasons provided above in the Goal 1, Objective 3 discussion, and to limit the potential of harmful impacts, the Northeast RPB should therefore not adopt its proposal to pursue the incorporation of the results of the proposed actions in furtherance of a regional economic and environmental assessment into existing agency decision-making processes.

Consistent with its proposal to compile existing data and analysis to determine its capacity to produce a comprehensive economic assessment before one is developed, the Northeast RPB should similarly

²¹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²² See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

assemble relevant existing scientific data and analysis to ascertain its ability to conduct the proposed environmental characterization before one is commenced. In addition, as with the Northeast RPB's proposal (Goal 3, Objective 1) to assess the future viability of human activity maps -- including the identification of the need, timing, and other considerations for updates to such maps -- the future viability of environmental maps and the identification of considerations for potential updates to them should also be assessed.

The economic component of the proposed assessment should include a complete analysis of all existing and future potential uses, as identified by commercial and recreational stakeholders, and the economic and societal benefits that they could provide for the region.

In addition, the Northeast RPB should maintain new language which recognizes that “[s]ome issues require additional scientific focus, data development, or longer-term consideration,” that scientific understanding and data availability should be considered in the potential development of certain products, and that caveats associated with products developed under this objective must be “clearly articulated.”²³

As stated above and for any assessment, the Northeast RPB should provide clear guidance and protocols that apply to the data that is collected and used (including minimum requirements with relevant federal and state data quality laws, standards, and protocols). The development of any assessment, including any identification of areas of ecological importance and areas and resources of tribal importance, must also be: (1) subject to an opportunity for extensive public review and comment; (2) informed by active and comprehensive engagement with all existing and future potential user groups; and (3) followed by continuous opportunities to update any assessment and the prompt incorporation of any updated data.

Objective 2: Identify and support existing non-regulatory opportunities to work toward conserving, restoring, and maintaining healthy ecosystems

*Existing non-regulatory programs at the federal and state level are widespread and address many coastal and ocean health issues. Examples include habitat restoration activities, certain water quality improvement programs, enhancements to existing infrastructure, assessment of invasive species, etc.*²⁴

In seeking to identify and support existing non-regulatory opportunities to conserve, restore, and maintain healthy ecosystems, the revised draft references existing federal and state-level non-regulatory programs related to habitat restoration, water quality improvement, existing infrastructure enhancements, and invasive species.²⁵

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Identify existing as well as potential programs that are or would be directly related to conservation, restoration, and maintaining healthy ocean and coastal ecosystems at a federal

²³ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Pages 4 and 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²⁴ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²⁵ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

and state level. Identify opportunities for better coordinating and supporting those programs to address priority regional ocean planning needs.²⁶

Utilizing existing non-regulatory mechanisms to support the conservation, restoration, and maintenance of healthy ecosystems would be consistent with the Northeast RPB's non-regulatory status and help ensure that the regulatory landscape for the region's ocean and coastal user community is not further clouded.

In seeking to support any such programs, however, the Northeast RPB must be cognizant of limited agency staff and financial resources and ensure that such resources are not diverted away from statutorily-authorized purposes, and any Northeast RPB proposals to identify and support non-regulatory programs should include projected costs and funding sources and be subject to a sufficient opportunity for public review and comment.

Objective 3: Produce a regional ocean science plan that prioritizes ocean science and data needs for the region for the next five years

There will be gaps in data and information that will directly affect attempts to fully achieve goals set out by the RPB. The regional ocean science plan will help fill those gaps, but importantly will also recognize that these science needs will be directly framed by the regional ocean planning effort recognizing the continuing role and capacity of existing efforts to address certain topics.²⁷

In calling for the development of a regional ocean science plan, the revised draft notes that data and information gaps “will directly affect attempts to fully achieve goals set out by the RPB,” adding that the science plan will help fill the gaps while also “recogniz[ing] that these science needs will be directly framed by the regional ocean planning effort...”

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Engage agencies, the scientific community, and other stakeholders to prioritize scientific/data needs. Coordinate with existing efforts that are underway or related, and recognize continuing need for basic data development to fill gaps (and budget challenges that may enhance gaps in the future). For priority topics, describe priority outcomes and identify potential ways of addressing those issues (including consideration of leveraging/partnering with existing efforts).²⁸

Recognizing the existence of gaps is critical to ensuring that decisions are not made based on insufficient data and information. At the same time, efforts to develop a regional ocean science plan could divert scarce agency resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal activities in the Northeast.

²⁶ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²⁷ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

²⁸ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Given resource constraints and the importance of ensuring that any regional ocean science plan addresses the issues of most importance to the region, a draft proposal for any such plan, including projected costs, funding sources, and goals and objectives, should be made available for public review and comment.

As the revised draft acknowledges, “[t]here will be gaps in data and information that will directly affect attempts to fully achieve goals set out by the RPB.”²⁹ In order to ensure the identification and implementation of well-informed and coordinated activities, the development and finalization of the regional ocean science plan should precede actions taken in furtherance of Northeast RPB goals and objectives that involve the use of scientific data or information.

Objective 4: Periodically assess process toward achieving this goal and Objectives 1-3

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of healthy ocean and coastal ecosystems and the goal’s underlying objectives.

The Northeast RPB specifically proposes to:

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.³⁰

Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

GOAL: COMPATIBILITY AMONG PAST, CURRENT, AND FUTURE OCEAN USES

A number of entities, mechanisms, and processes created by federal and state statutes to address ocean and coastal resource management are in effect. Northeast RPB efforts that seek to promote compatibility among uses must do so in a non-regulatory manner that is consistent with the mandates of existing statutes and related regulations.

Objective 1: Increase understanding of past, current, and future ocean uses

*Addressing project-specific compatibility issues generally is the domain of specific project-review processes and thus is appropriately addressed during permitting. Regional ocean planning can add value by enhancing understanding of trends in human activities, to the extent foreseeable, and by ensuring that specific projects underway consider regional considerations resulting from engagement of stakeholders in the Northeast.*³¹

²⁹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³⁰ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 5, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³¹ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

In attempting to increase understanding of past, current, and future ocean uses, the revised draft proposes to “enhanc[e] understanding of trends in human activities, to the extent foreseeable” and “ensur[e] that specific projects underway consider regional considerations resulting from engagement of stakeholders in the Northeast.”³²

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Examine technological, management, economic, environmental, or other factors to enhance understanding of reasonably foreseeable changes in human uses. Engage industry representatives and experts in maritime commerce, recreation, commercial fishing, marine energy development, and offshore aquaculture to help determine future possible scenarios or trends if possible. Gauge the potential for relatively new offshore uses such as offshore aquaculture and sand and gravel for beach nourishment.
- Use the results from the above action to assess the future viability of human activity maps. Identify the need, timing, and other considerations for periodic updates to such maps.³³

If used to address economic activity without injecting additional uncertainty, risk, and delays, the assessment of trends in offshore economic activities could be beneficial. Therefore, the Northeast RPB should remove the “if possible” caveat currently included in the proposal to engage industry representatives and other experts to ascertain future possible scenarios or trends.

In addition, closely engaging commercial and recreational sectors is necessary to develop an informed understanding of current and future potential trends in offshore economic activity. Any such assessments should include all ocean and coastal resources and existing and future potential uses, and be subject to public review and comment and properly scoped and defined to meet regional goals and priorities developed through broad stakeholder consensus.

In the event that potential future changes to human activity maps are identified, such identified potential changes should be released for public review and comment before they are incorporated into any maps, with the Northeast RPB specifying how the potential changes to human activity maps could be implemented and what impact the incorporation of those changes into human activity maps could have on existing and future ocean and coastal users.

Objective 2: Ensure regional issues are incorporated in ongoing efforts assessing new/existing human activities

*Several ongoing projects are looking at potential interactions between various human activities through assessing existing information and data. Many of these projects relate to ongoing offshore wind energy development and aspects of these projects may benefit from a regional perspective, recognizing that it will be important to understand their scope, timing, and intended purpose to help identify opportunities to contribute to such work.*³⁴

³² See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³³ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³⁴ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

In seeking to ensure the incorporation of regional issues in ongoing efforts to assess new and existing human activities, the revised draft notes that several projects examining potential interactions between human activities through existing information and data assessments are ongoing. It further notes that many of the projects relate to offshore wind development, and that aspects of the projects “may benefit from a regional perspective.”³⁵

In furtherance of this objective, the Northeast RPB specifically proposes to:

- Summarize the status of projects such as the Atlantic Coast Port Access Route Study, Bureau of Ocean Energy Management-led Northeast Sand Management Working Group, regional efforts to assess commercial and recreational fishing and offshore wind energy development, and the identification of potential paleocultural resources offshore Rhode Island, and others.
- Using the above assessment, identify considerations for these existing efforts and work with sponsoring agencies/entities to do so. Identify need to facilitate discussions between diverse users and agencies and undertake such discussions where appropriate.
- Convene regional stakeholders and experts to discuss issues related to electricity transmission from grid-scale wind energy projects. The purpose of this action will be to enhance understanding of issues related to siting and/or connections to existing transmission network.³⁶

According to the revised draft, outcomes would include the incorporation of regional perspectives in ongoing projects, information describing potential future uses of the ocean, the viability of existing human activity maps and the need for updates, and public dialogue on regional issues related to offshore wind siting.³⁷

The provision of informed comments on this proposal is constrained absent a clearer explanation of how it would be carried out. For example, the Northeast RPB proposes to ensure the incorporation of “regional issues” in ongoing efforts in part by summarizing the status of (1) two particular projects; (2) regional commercial/recreational fishing and offshore wind regional assessments; (3) the identification of possible paleocultural resources offshore Rhode Island; and (4) “and others.” In addition, it proposes to use the assessment to identify “considerations” for these existing efforts.

To provide an opportunity for informed comments, the Northeast RPB should remove references to “regional issues,” “and others,” and “considerations” and clearly specify: (1) the specific regional issues to be addressed; (2) the criteria for determining which projects/activities will be addressed; and (3) how the information included in such an assessment would specifically be used and acted upon.

Any assessment summarizing the status of ongoing projects, and all data underlying such assessments, should first be made available for public review and comment. In doing so, the Northeast RPB should clearly explain how the information included in the assessment might be used. In addition, the

³⁵ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³⁶ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

³⁷ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 6, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

Northeast RPB should publicly announce any “considerations” for existing efforts that are identified, any related work that it engages in with sponsoring agencies/entities, and any sectors/entities that are identified as candidates for user group-agency discussions. Any such discussions should be announced by public notice and open to the public.

Objective 3: Periodically assess process toward achieving this goal and Objectives 1-2

The revised draft proposes that the Northeast RPB develop and implement mechanisms to track progress toward the achievement of compatibility among past, current, and future ocean uses and the goal’s underlying objectives.

The Northeast RPB specifically proposes to:

- Develop and implement tracking mechanisms to identify if objectives toward this goal are being met. Include periodic/routine input from the regulated community and the public. This Action is intended to identify longer-term (beyond two years) needs and to implement necessary steps to meet those needs.³⁸

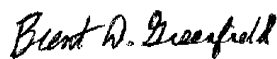
Any periodic assessments should be subject to formal public comment periods, and the Northeast RPB should specify how frequently such periodic assessments would take place.

CONCLUSION

The Coalition appreciates the opportunity to provide comments on the revised draft goals, objectives, actions, and outcomes. At the same time, the Coalition strongly maintains that mechanisms that provide a formal means for commercial and recreational interests to adequately interact with and advise the Northeast RPB on its activities (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) should be in place before the Northeast RPB moves any further ahead.

The Coalition looks forward to continued engagement with the Northeast RPB to help ensure that this process does not adversely impact the region’s existing and future potential commercial and recreational interests, and the jobs and communities that they seek to support.

Sincerely,



Brent Greenfield
Executive Director
National Ocean Policy Coalition

³⁸ See Northeast Regional Planning Body Revised Goals, Objectives, Actions, and Outcomes, Page 7, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/11/NortheastRPBgoals-objectives-actions.pdf>.

APPENDIX



June 28, 2013

Submitted Electronically

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

RE: Comments on the Draft Ocean Planning Goals

Dear Ms. Nicholson:

The National Ocean Policy Coalition (“Coalition”) is pleased to submit comments on the Northeast Regional Planning Body’s (“Northeast RPB”) draft regional ocean planning goals, potential actions, and outcomes. The Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the National Ocean Policy are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

Introduction

Ocean and coastal policies play a critical role in our national, regional, and local economies, national security, culture, health, and well-being. The Coalition supports ocean and coastal policies that serve as mechanisms for job creation, infrastructure revitalization, and economic growth, conserve the natural resources and marine habitat of our ocean and coastal regions, and rely on full utilization of existing programs and well-established authorities that are already in place.

As currently written, the draft Northeast Regional Ocean Planning goal document includes items that could adversely impact existing and future commercial and recreational activities in the Northeast. The Coalition’s comments below address those of the most significance. With this in mind, the Coalition strongly encourages the Northeast RPB to consider the following in all activities it undertakes:

- As a newly-established, non-regulatory body, the Northeast RPB must conduct its affairs in a manner that reflects its non-regulatory function. Decision-making that falls under an existing statutory or regulatory authority of a federal, state, or local agency or planning body should not be preempted by the outcome of the work of this RPB. Such action would blur or dilute existing authorities and mandates. The Northeast RPB should strive to serve as a forum to improve the quality and accessibility of information, thus better informing and expediting effective decision-making under existing statutes and the regulatory regimes they established.

- The Coalition does not support the furtherance of any Northeast RPB efforts that extend beyond this non-regulatory scope—including the development of a new regional ocean plan or planning framework—as ocean planning denotes making decisions on resource values and use. However, to the extent that the RPB develops information to inform regulatory processes, the Northeast RPB must ensure that all its activities are well-informed by a multi-stakeholder process, thoughtfully developed to avoid biased outcomes, and grounded in sound science and quality data. The RPB must conduct its activities in a manner that is consistent with existing legal authorities, and establish clear protocols and standards so as to not be subject to arbitrary processes and decisions which would further complicate regulatory processes or inject regulatory uncertainty. Such outcomes would potentially restrict or preclude commercial and recreational use of ocean, coastal, and other “connected” areas without due process afforded in law.
- To be successful, the Northeast RPB must establish a formal role for commercial and recreational user groups to interact with and provide advice to the RPB (including but not limited to the creation of a formal advisory committee under the Federal Advisory Committee Act) before moving forward. The activities of the RPB should be held to the same stakeholder processes and standards as those accorded to normal ocean use planning processes under regulatory authorities. A clear, transparent, and inclusive process would significantly decrease the likelihood of poorly-informed actions that unnecessarily constrain commercial and recreational activity in the Northeast.

Timeline

Efforts to increase regulatory efficiencies and develop a greater understanding of ocean and coastal resources and existing and potential future uses can be of great benefit. However, the Coalition is concerned that the Northeast RPB is moving forward in a manner that lessens the likelihood for a thoughtful and well-informed outcome. According to the planning timeline that was recently approved, Northeast RPB products and outcomes are to be submitted to the National Ocean Council by 2015.³⁹ To that end, in seeking public comments on the draft goals, the Northeast RPB also asks for feedback on priority outcomes and actions over the next two years.

Rather than establishing pre-determined deadlines for the completion of unknown RPB activities, timelines should be developed based on the time that is needed to identify, consider, and implement goals and any related actions that are ultimately agreed upon following significant user group and public engagement efforts. Practical and achievable timelines cannot be ascertained before such engagement has taken place and such goals and related actions have been identified.

Newly-established non-regulatory entities such as the Northeast RPB must ensure that their activities are well-informed, thoughtfully developed, grounded in sound science and quality data, conducted in a manner that is consistent with existing legal authorities, and not used to arbitrarily and further complicate regulatory processes or inject regulatory uncertainty that would restrict or preclude commercial and recreational use of ocean, coastal, and other “connected” areas.

The Coalition’s comments below address those concerns of the most significance.

³⁹ See Northeast Regional Ocean Planning Timeline: 2012-2015, available at <http://www.northeastoceanCouncil.org/comment-on-the-draft-ocean-planning-goals/>.

Draft Goal One: Effective Decision-Making

“Improve management effectiveness, intergovernmental decision making, engagement, collaboration, and integration of best available knowledge. Reflect ever changing social, environmental, and technological conditions.”⁴⁰

Effective decision-making is a laudable goal. Better coordination across governmental agencies, user group engagement, collaboration, and a science-based approach could yield positive benefits, particularly for sectors in the Northeast such as the fishing industry that are already facing federal regulations that are said to be flawed and adding to continued economic headwinds and uncertainty.⁴¹ However, Northeast RPB efforts intended to improve the effectiveness of ocean and coastal decision-making could foster regulatory inefficiencies rather than reduce them. Current federal law provides clear jurisdictional leads for leasing, permitting, and licensing of offshore activities. Environmental impact assessment and mitigation is also clearly provided for in the National Environmental Policy Act, the Marine Mammal Protection Act, and the Endangered Species Act. The Northeast RPB should serve as a forum to expedite decision-making under these statutes and the regulatory regimes they established and not dilute or blur existing authorities and mandates.

Similarly, the number of various governmental entities with vastly divergent jurisdictions and responsibilities that currently serve on the Northeast RPB underscores the need for this body to avoid the introduction of new regulatory hurdles, ambiguities, or uncertainties that would frustrate or delay government decision-making within or between Northeast RPB agencies and unnecessarily restrict existing and potential future commercial and recreational activities in the Northeast.⁴²

Draft Goal One Potential Action: “Incorporate regional data and maps into regulatory processes”⁴³

Data and maps that are collected, developed, and used properly can be of great utility to government, scientists, ocean and coastal user groups, and the public. However, the draft potential action to apply regional data and maps in the regulatory context raises concerns. While the Northeast RPB notes in its Charter that it “is not a regulatory body” and “has no independent legal authority to regulate or otherwise direct federal, state, or tribal entities,”⁴⁴ the incorporation of regional data and maps into regulatory processes could result in impacts similar to the issuance of new regulations. The integration of regional data and maps into the regulatory process is aspirational at this point. If not conducted with great caution and sound scientific methodology, it could lead to unrelated data being combined in a manner that wrongly implies correlation and could promote unjustified precautionary principle protections.

⁴⁰ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁴¹ See Office of the Attorney General of Massachusetts Press Release, “AG Coakley Sues NOAA To Block New Regulations That Threaten Fishing Industry,” May 30, 2013, available at <http://www.mass.gov/ago/news-and-updates/press-releases/2013/2013-05-30-noaa-lawsuit.html>; and Gloucester Times, “Lawmakers Tie NOAA Funds To Catch Hikes,” December 15, 2010, available at <http://www.gloucestertimes.com/fishing/x1666505078/Lawmakers-tie-NOAA-funds-to-catch-hikes>.

⁴² In addition to state and tribal representatives representing Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, Northeast RPB members include federal officials from agencies as varied as the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Interior, and Transportation to the Environmental Protection Agency and Federal Energy Regulatory Commission. See Northeast Regional Planning Body Membership Roster, available at <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Membership-Roster-NE-RPB1.pdf>.

⁴³ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁴⁴ See Northeast Regional Planning Charter, Page 1, available at http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf

Moreover, data and maps cannot be universally applied to any regulatory process regardless of context. Rather, data and maps must be custom-designed based on the particular need. Generated for one particular purpose, data and maps could be misused and misapplied in other contexts as a basis for enacting new time and space restrictions for existing uses, and static data and maps could preclude new information on and investments in potential future uses that might otherwise be allowed to occur, causing economic and societal harm for the Northeast region.

Concerns about the impacts of the incorporation of regional data and maps into regulatory processes are compounded by the absence of clear guidance and protocols for the collection and use of such data and maps, as well as the draft goal's call for integrating "best available knowledge" as opposed to relying on sound science. Recent trends in "sue and settle" litigation in areas such as Endangered Species Act listings demonstrate that "best available knowledge" can be used as a proxy to block multiple uses of public lands without an adequate scientific basis.

There are many important and existing efforts in state and federal government agencies to improve data collection and database creation. Such efforts should continue. However, it should also be recognized that, absent express legislative authorization and appropriation, there will not be sufficient resources or methodologies to incorporate regional data and maps into regulatory processes by arbitrary deadlines. Furthermore, efforts to accelerate this activity in the current economy could siphon scarce resources and personnel away from existing governmental activities that are necessary to support existing and potential future ocean and coastal commercial and recreational activities in the Northeast.

*Draft Goal One Potential Action: "Conduct regional cumulative impacts analysis utilizing improved environmental and ocean use information and data"*⁴⁵

This potential action is also problematic. Among other things, it is unclear how such analysis would be conducted and funded, what it would be intended to measure, and how the analysis would be used and applied. In addition, it appears to closely correspond with the "Regional Assessment" required to be included in a Coastal and Marine Spatial Plan as set forth in the National Ocean Policy.⁴⁶

Therefore, without further clarity on these points, the draft potential action is too vague to provide informed comment on. To the extent that the Northeast RPB nonetheless conducts such an analysis, it must be done in a way that is grounded in real-world data and accurately assesses mitigation measures and the impact of new technology on environmental footprints.

*Draft Goal One Potential Action: "Inform and engage the public for better decision making"*⁴⁷

This potential action implies that existing mechanisms are insufficient to inform and engage the public on ocean and coastal management issues in the region. Federal laws such as the National Environmental Policy Act, Coastal Zone Management Act, and Administrative Procedure Act already require opportunities for public participation in decision-making pertaining to ocean and coastal

⁴⁵ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁴⁶ See Page 59, Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010 ("The regional assessment...would also include an analysis...of cumulative risks as well as forecasts and models of cumulative impacts.").

⁴⁷ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

activities. To the degree that public engagement on ocean and coastal management can be improved, long-established mechanisms and entities are the appropriate vehicles for doing so.

Given that the Northeast RPB has been established and is contemplating actions, however, the Northeast RPB itself must conduct robust, transparent, and continuous public engagement activities to provide opportunities for citizens and those with interests in the Northeast to weigh in. This is an unfortunate circumstance, as utilizing a new entity to inform and engage the public and others could introduce additional confusion and contribute to regulatory fatigue.

Draft Goal One Potential Action: “Coordinate and leverage science, traditional knowledge, and data development to address regional priorities”⁴⁸

The utility and success of an effort to use sound science, traditional knowledge, and quality data to address regional priorities depends in part on whether such an initiative truly addresses regional priorities. Regional priorities should be developed and furthered on a collaborative basis with the backing of those who live and work in the Northeast, including the commercial and recreational interests that support jobs and economic activity in the region.

Such an effort must also be informed by sound science and quality data that complies with strict integrity safeguards, protocols, and requirements, as well as socioeconomic data that accounts for the benefits associated with both existing and future potential commercial and recreational uses.

Finally, it is unclear how the Northeast RPB would “address” such regional priorities. The Northeast RPB Charter notes that its products “could include a formal regional ocean plan or a set of deliverables such as improved data, maps and spatial planning tools, or regulatory efficiencies.”⁴⁹ In addition to the comments above regarding data and maps, the Coalition urges the Northeast RPB to address regional or other priorities through actions that do not involve the development of a formal regional ocean plan.

In addition to potential impacts on human uses, the development of a regional ocean plan could generate significant questions and confusion about its alignment with existing and functioning regulatory structures—including but not limited to those under the Magnuson-Stevens Fishery Conservation and Management Act and National Environmental Policy Act—that already manage use of the coastal and marine environment. If plans would require new interagency actions, reviews, or consultations, it could also lead to real and consequential delays in agency actions for carrying out their responsibilities. In turn, economic activity (and related jobs and revenues) associated with commercial and recreational use of the region’s ocean and coasts could suffer.

Furthermore, as the National Ocean Council has previously noted, development of a coastal and marine spatial plan would require “significant initial investment of both human and financial resources.”⁵⁰ At the Northeast RPB’s April 2013 meeting, funding constraints were cited as an obstacle to creating a formal Stakeholder Advisory Committee. If funding and other circumstances are such that the RPB lacks

⁴⁸ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁴⁹ See Northeast Regional Planning Charter, Page 1, available at http://northeastoceancouncil.org/wp-content/uploads/2012/11/Charter-without-signatories_FINAL.pdf

⁵⁰ See Final Recommendations of the Interagency Ocean Policy Task Force, Page 43, released July 19, 2010, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

the capacity to establish a formal Stakeholder Advisory Committee, then it seemingly lacks the ability and should not endeavor to undertake the development of a formal regional ocean plan.

The Northeast RPB should conduct its affairs in a manner that reflects its non-regulatory function. Doing so will allow existing agencies and processes through which ocean and coastal management responsibilities have been assigned by statute and regulation to address effective decision-making, reduce new potential barriers to permitting and project reviews, and ensure that new actions are not taken that could unnecessarily reduce or remove the benefits associated with commercial and recreational activities.

For example, a Northeast RPB priority action in furtherance of effective decision-making should be to address existing inefficiencies by identifying and cataloging flaws in the current system in terms of regulatory agencies and their ability to work with one another. Information on such inefficiencies would be obtained through robust public and user group engagement, including through public comment periods and close collaboration with existing and future potential ocean and coastal resource users, and shared with those agencies and officials who have the statutory responsibilities for managing ocean and coastal resources.

In addition, the Northeast RPB should create formal mechanisms for formal user group input in the process, including through the creation of a Stakeholder Advisory Committee.

The ultimate outcome should include streamlined permitting and project review, based on comprehensive analyses of agency barriers that currently prevent such streamlining, and not empower new entities with regulatory responsibilities.

Draft Goal Two: Healthy Ocean and Coastal Ecosystems

“Develop a planning framework to protect, restore, and maintain healthy ocean and coastal ecosystems that provide social, cultural, spiritual, and economic benefits. Account for changing environmental conditions and new information as it becomes available. Respect the intrinsic value of the ocean, its biodiversity, and act as its steward/caretaker, recognizing humans as part of the ecosystem.”⁵¹

Commercial and recreational interests have a direct stake in healthy ocean and coastal ecosystems and support sound, informed, and science-based policies that support them. Indeed, a number of federal laws are already in effect that directly and indirectly address the protection of ocean and coastal ecosystems.

Such laws include the Coastal Zone Management Act, Clean Water Act, Clean Air Act, National Environmental Policy Act, Magnuson-Stevens Fishery Conservation and Management Act, Oil Pollution Act, Endangered Species Act, Marine Mammal Protection Act, Outer Continental Shelf Lands Act, Coral Reef Conservation Act, National Marine Sanctuaries Act, Antiquities Act, and National Historic Preservation Act, among others.

Application of a new “planning framework” to “protect, restore, and maintain” the region’s ocean and coastal ecosystems by the Northeast RPB would be inconsistent with the entity’s acknowledged non-regulatory status and further cloud the regulatory landscape for the Northeast’s existing and future

⁵¹ See Draft Goals for Northeast Regional Ocean Planning, Page 2, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

ocean and coastal user community. In addition, the contours of and need for the planning framework have not been defined, and since a new planning framework could consist of new processes, structures, and responsibilities among various agencies, without further clarification it is also unclear how it would be established consistent with existing authorities.

Concerns about the regulatory impacts of instituting the “planning framework” are underscored by potential actions to “[i]dentify opportunities within existing regulations and authorities for restoration and protection” and “[w]orking within existing regulations and authorities, use publically-accessible maps and trends to define and characterize important, significant, or valuable areas.”⁵² In addition, the Northeast RPB notes that a potential outcome of this goal is the incorporation of maps of species, habitats, and areas of regional importance “in existing decision making processes.”⁵³ Therefore, new regulatory impacts from instituting the planning framework seem likely to occur.

As another potential outcome, the Northeast RPB refers to “[g]reater recognition and understanding of the connection between riverine quality and healthy ocean and coastal ecosystems.”⁵⁴ The Coalition encourages the Northeast RPB to leave management of inland resources to existing state and federal bodies and processes. To the extent that the Northeast RPB nevertheless seeks to address upland activities, it is imperative that those who live, work, and employ individuals in such areas be informed and engaged at the earliest possible moment regarding the Northeast RPB’s existence and intention to explore potential supposed links between their areas and ocean and coastal waters.

If the Northeast RPB moves ahead with the development of a planning framework, it must account for changing economic as well as environmental conditions if the region’s ocean and coastal ecosystems are to provide “social, cultural, spiritual, and economic benefits.”

In sum, it is unclear how a new planning framework would support healthy ocean and coastal ecosystems in a different and better way than existing mechanisms, how it would be developed in tandem with existing laws, regulations, and processes, and how it would not hinder existing and future commercial and recreational users of Northeast ocean and coastal areas. Therefore, the Coalition urges the Northeast RPB to allow existing entities, mechanisms, and processes to support healthy ocean and coastal ecosystems.

Draft Goal Three: Compatibility Among Past, Current and Future Ocean Uses

“Develop a planning framework to encourage compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Recognize local priorities and the connection of ocean uses and the ecosystem to shoreside infrastructure and activities. Facilitate increased understanding and coordination among stakeholders, recognizing the difficulty of resolving certain conflicts.”⁵⁵

For the reasons stated above, the Coalition opposes development of a “planning framework” to address “compatibility among past, present, and future uses of ocean and coastal waters while minimizing user

⁵² See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁵³ See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁵⁴ See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁵⁵ See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

conflict and impacts to environmental and cultural resources.” A number of entities, mechanisms, and processes created by state and federal statutes to address ocean and coastal resource management are already in effect. Establishment of an additional “planning framework” must not become a mechanism that circumvents or obviates the deliberative statutory constructs that currently exist. Furthermore, a new planning framework could have adverse effects on existing and potential future ocean and coastal commercial and recreational uses in the Northeast without providing added value for environmental or cultural resources.

As with Draft Goal Two, the potential for such a planning framework to result in adverse and perhaps unintended consequences for commercial and recreational ocean and coastal uses in the region is highlighted by several potential actions that are included in the draft goal document.

For example, the Northeast RPB states that potential actions to “[i]dentify and where possible map existing uses...and related infrastructure,” “[i]dentify and map cultural and historic sites,” and “[e]nhance the viability of and compatibility among new and existing ocean uses” could help further outcomes including “minimiz[ing] conflicts and informing siting of new uses” and “information for preserving important cultural and historic sites and traditions.”⁵⁶ It is unclear how such actions and outcomes would not result in new commercial and recreational access limitations or conditions.

As another potential outcome, the Northeast RPB refers to “[g]reater recognition and understanding of the connection between inland resource use and associated impacts on ocean resources.”⁵⁷ To the degree that the Northeast RPB intends to address inland activities, those who live or operate in the region’s inland areas should be informed of such intentions and provided with adequate engagement opportunities.

To be sure, certain potential actions under this draft goal may yield positive results. For example, assessing trends in maritime commerce, commercial fishing, and ocean-based renewable energy, as well as assessing the potential for offshore aquaculture, current and foreseeable uses of seafloor material, and existing shore-side infrastructure and related improvement needs could be beneficial. Any such assessments should be expanded to include all ocean and coastal resources and potential future uses, and they should be properly scoped and defined to meet regional goals and priorities developed through broad stakeholder consensus.

If not used as a building-block to construct a new regulatory layer, these assessments could improve the region’s ocean and coastal economy and environment by helping to further potential outcomes such as a more complete and thorough “[a]ssessment of the regional coastal and ocean economy,” “[c]onsideration of regional infrastructure needs,” and “[i]dentification of priority needs for shoreside infrastructure upgrades.”⁵⁸

However, if the information is used in a way that has the ultimate effect of introducing new uncertainties for existing and potential future commercial and recreational interests in the Northeast by

⁵⁶ See Draft Goals for Northeast Regional Ocean Planning, Pages 3 and 4, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁵⁷ See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁵⁸ See Draft Goals for Northeast Regional Ocean Planning, Page 3, available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

introducing new and unnecessary regulatory hurdles or obstacles to access, the outcome for the region could be far different.

As with Draft Goal Two, the Coalition urges the Northeast RPB to allow existing entities, mechanisms, and processes to govern the multiple ocean and coastal uses that exist rather than develop a new “planning framework.”

In the event that the RPB pursues development of a planning framework, it is essential that the whole host of all existing and potential future commercial and recreational uses is fully accounted for, addressing the needs of, among others, the commercial fishing industry, needs for current and future maritime transportation routes, the concentration of and potential for recreational fishing and boating, the opportunity and need for offshore renewable energy, the possibility of the existence of offshore conventional energy and strategic mineral resources, the need for future energy infrastructure such as pipelines, transmission corridors, power plants, and refineries, and the needs of the aquaculture industry.

Furthermore, any Northeast RPB effort to develop and implement an ecosystem-based plan or planning framework will require adjustments to its anticipated schedule for completion. While the RPB activity timeline notes that by 2015 it will have achieved implementation with ecosystem-based management,⁵⁹ this timeline must be altered if the RPB’s actions are to be grounded in sound science and data.

At the present state of knowledge, practical experience with the design and implementation of monitoring programs that enable ecosystem-based management is limited, especially on the broad spatial and temporal scales that are required to support informed ocean and coastal planning decisions.

Therefore, significant thought and time must be invested in developing data collection, monitoring, and analysis methodologies that can deliver reliable and sound information. In addition, effective data gathering and monitoring require that the goals of any ecosystem-based management effort first be collectively defined through public processes. Until stakeholders understand what the planning framework or plan will look like and what associated efforts for ecosystem-based management are supposed to achieve, it will be difficult to determine how to efficiently and effectively approach and fund critical data collection and management efforts.

To that end, a concrete proposal specific to the Northeast must be developed which outlines the envisioned goals of ecosystem-based management and efforts associated with data collection, quality control, analysis, and interpretation. Furthermore, since “scientific” information could be used in attempts to influence public perception, the plan must also provide mechanisms to ensure the scientifically sound use of the obtained information.

At a minimum, the proposal should include the following:

- A statement outlining the goals and objectives envisioned for ecosystem-based management, as determined by the stakeholder community through public processes;
- Data collection and measurement programs outlining which parameters (variables) should be monitored, for what purpose, how, where, and how often;

⁵⁹ See Northeast Regional Ocean Planning Timeline: 2012-2015, available at <http://www.northeastoceanCouncil.org/comment-on-the-draft-ocean-planning-goals/>.

- Protocols for data quality control to ensure measurements are technically defensible and bound by acceptable uncertainty limits before they are released for analysis, model input, and interpretation; and
- Protocols outlining the anticipated use of the information to ensure the application of scientifically proven analysis methods and the dissemination of peer-reviewed, statistically sound information

An initial proposal that addresses these points should be finalized before a detailed assessment is made of the resources needed for its implementation, including, for example, sampling equipment, laboratories, and marine vessel requirements.

In addition, the Northeast RPB must ensure that all impacted stakeholders, including the Northeast commercial and recreational user community, buy in to the initiative and are involved and committed at *every* stage of the process: the identification of goals, the development and design of effective monitoring programs, the implementation of such programs on cross-sectoral scales, the continuous analysis of data outflow, and the alignment of adaptive management techniques with the observations.

In addition, defining and realizing realistic and achievable monitoring efforts, and identifying actual versus perceived problems, will require that qualified local scientists and scientific experts from industry stakeholders are brought in to work together with Northeast RPB representatives.

Therefore, a regional ocean planning framework, plan, or other actions dependent on ecosystem-based management must not be implemented before the pertinent data is appropriately collected, analyzed, and made publicly available. Such activities will take time, and their completion would be constrained by the imposition of arbitrary deadlines.

Lastly, any observing, mapping, and other data collection activities carried out must recognize limits in the ability of maps and forecasting/modeling tools to account for variations in conditions across geographic areas and reflect differences in operations among specific activities and users. Such activities should also have the ability to adapt to new information about ecosystems, alternative uses of ecosystem resources and services, and economic activities that drive quality of life in the region.

CONCLUSION

While the Coalition appreciates the opportunity to provide comments on the draft goals for Northeast regional ocean planning, additional information is needed to allow all those with interests in the region to provide the Northeast RPB with informed comments.

In addition, structural mechanisms that provide a formal means for commercial and recreational interests and local officials to adequately interact with and advise the Northeast RPB on its potential future activities should be in place before the Northeast RPB moves any further ahead.

Especially during these difficult economic times, it is essential that the output of the Northeast RPB reflects the needs and desires of those who live and employ citizens of this region, be developed in a thoughtful, transparent, and deliberate manner that is based on realities on the ground rather than artificial timelines, and not lead to the creation of new and unnecessary obstacles to access for existing and future commercial and recreational activities that provide economic and societal benefits for the region. The Coalition looks forward to working with the Northeast RPB to help ensure such an outcome.

Sincerely,

A handwritten signature in black ink that reads "Brent D. Greenfield". The signature is written in a cursive style with a prominent initial "B".

Brent Greenfield
Executive Director
National Ocean Policy Coalition