

Response to Public Comments on the Draft Mid-Atlantic Regional Ocean Action Plan

November 2016

This document summarizes major themes of public comments submitted to the Mid-Atlantic Regional Planning Body (RPB) during the July 6, 2016 to September 6, 2016 public comment period on the draft Mid-Atlantic Regional Ocean Action Plan (Plan). It also provides responses to the public from the RPB on these major themes of input.

Introduction

During the 60 day comment period, the RPB received 34,600 public comments (including individual letters and emails, letters submitted by multiple signatories, and form-letter submissions). In addition, the RPB partnered with the Mid-Atlantic Regional Council on the Ocean (MARCO) in convening a series of public listening open houses around the region during July 2016, in which over 160 people participated and submitted verbal comments. All of these comments were reviewed and considered. The RPB has synthesized the comments into major themes below. RPB responses to these comment themes include clarifications and explanations of instances where the plan was modified in response to the comments. The document is organized according to sections of the Plan. Most, but not all, sub-sections of the plan were addressed in public comments.

Overarching comments about the Plan

Comment theme: The RPB received many complimentary comments about the Plan, including support for:

- Enhanced information sharing and transparency that is fostered through the Plan, in particular through the Mid-Atlantic Ocean Data Portal (Data Portal) and actions in Chapters 2 and 3.
- Enhanced coordination and collaboration across governmental entities and with stakeholders, in particular through the best practices in section 2.1 and actions in Chapters 2 and 3.
- The high quality of the Plan, particularly in light of a relatively short timeframe to develop it and with little precedent to follow.
- The progress to advance ecosystem-based management in the region that is embodied in the Plan.
- Strong stakeholder engagement during Plan development.
- The two overarching goals of the planning process to promote healthy ocean ecosystems and provide for sustainable ocean uses.

Response to comments: The RPB appreciates the many positive comments received, and notes the importance of stakeholder input in helping to craft a Plan for the region that improves decision making about our shared ocean resources.

Comment theme: Requests for greater detail about the actions in the Plan, including further detail about specific implementation steps that may be taken, specific information that may be used in implementation, how and when stakeholders may engage in those steps, and other details.

Response to comments: The RPB acknowledges and appreciates this desire for more detailed information. The RPB chose to develop a Plan that provides a high-level commitment to take actions within a framework grounded in two broad goals: promoting a healthy ocean ecosystem and fostering sustainable ocean uses. The final Plan provides sufficient flexibility for the RPB member entities to determine through time the most appropriate ways to carry out their commitments. This includes tailoring the pace and details of specific steps to available time and resources, and adapting the implementation of actions to changing ocean conditions and other circumstances. The RPB will communicate further implementation detail to the public through a more detailed implementation-focused work plan that can be adjusted and updated through time as needed. The public will be engaged in the development and review of the first work plan and its future iterations.

Comment theme: Requests for further clarity, and in some cases concern, about authorities of the RPB and potential impacts of the Plan on existing decision making processes.

Response to comments: The RPB is not a regulatory body and has no independent legal authority to regulate or direct Federal, State, Tribal, or Fishery Management Council entities, nor does the Plan augment or subtract from any agency's existing statutory or regulatory authorities. The Plan is intended to strengthen interagency coordination, enhance public participation, and improve planning and policy implementation.

Comment theme: One commenter questioned the suitability of a 60 day comment period for achieving the National Ocean Policy's goals for informed public participation.

Response to comment: In response to public requests, the comment period for the draft Plan was extended from 45 to 60 days. During this public comment period, the RPB convened a public webinar, and then the RPB and MARCO collaborated to convene a series of public meetings throughout the Mid-Atlantic region, and disseminated information about the availability of the draft Plan for comment through numerous channels. As a result of these efforts, the RPB received thousands of written public comments on the draft Plan. The vast majority of these included substantive recommendations that the RPB has carefully considered in making revisions to the draft. Furthermore, the process of developing Plan content, data, and tools, included over 100 public engagement, comment, information sharing, and data development and vetting

opportunities, which were convened either by the RPB itself or partner organizations in support of the regional ocean planning process. These included meetings, workshops, webinars, sector-specific meetings, etc. For these reasons, the RPB believes that it has met the National Ocean Policy's goals for informed public participation.

Chapter One: Ocean Planning in the Mid-Atlantic

1.3 Regional ocean assessment

Comment theme: Statements about the importance of the Regional Ocean Assessment (ROA) as a complementary tool to the Data Portal, and requests that the ROA and the information it conveys be updated regularly.

Response to comments: To address this, the RPB added the following sentence to page 22 of the final Plan. The new text is in bold:

“Here too, status, trends, and linkages are highlighted to describe ocean uses related to the planning process, as well as recent and anticipated changes in those uses. **The ROA will need to be updated periodically to ensure such information is kept up to date.**”

1.4.2 Geographic focus

Comment theme: Concerns about the geographic focus of the planning effort. These included concerns about a lack of clarity regarding the end point of RPB interest inland from the shore, a request to account for bays and estuaries more explicitly in the Plan, and questions about the relationship with the South Atlantic region.

Response to comments: The work of the RPB extends from the shoreline seaward to 200 nautical miles, and does not include the waters of bays and estuaries nor their adjacent shorelands. While the RPB acknowledges many strong ecosystem and socio-economic connections between the estuaries, bays, and the open ocean, the RPB has decided to focus on enhancing coordination as it relates to the ocean specifically, because there are many existing organizations dedicated to inter-jurisdictional collaboration around estuarine and coastal management. In the future, the RPB could consider a broader geographic focus in future plans that draws close connections to the estuaries and bays of the region. Regarding the South Atlantic, if the South Atlantic region decides to form a Regional Planning Body in the future, the Mid-Atlantic RPB would commit to coordinating with them, as it does with the Northeast RPB.

Chapter Two: Actions to Promote Interjurisdictional Coordination in Support of Regional Ocean Planning Goals

Comment theme: Lack of clarity about the authority of the RPB to compel or not compel agency action as a result of the Plan. Some commenters suggested that the RPB should direct agencies to take one or more specific actions, while other commenters questioned the authority of the RPB to implement the Plan.

Response to comments: The RPB does not have the authority to compel agency action. The actions in the Plan are an expression of commitment by the RPB member entities to work together under their existing authorities on certain priority topics and use the Plan and information from the RPB process, including the Data Portal, in regulatory and environmental reviews and programs under existing authorities as they deem appropriate. This is clarified throughout the Plan, including on page 30: “The actions do not change existing authorities or create new mandates at the Federal, State, and Tribal levels. Rather, they aim to improve the effectiveness of Federal, State, and Tribal implementation of their respective responsibilities in the ocean waters off of the Mid-Atlantic region.” In addition, the RPB has added the following new text in bold to provide further clarification:

- A new paragraph to page 27:
“This document does not create any right or benefit, substantive or procedural, enforceable by law or equity against any signatory or any of its officers, employees, or other representatives or any person. The statutes and regulations referenced herein contain legally binding requirements, and this document does not substitute for those statutes and regulations, nor is this document itself a regulation. In the event of a conflict between this document and requirements under statute or regulation, the latter controls. All commitments made by agencies herein are subject to the availability of appropriated funds and agency budget priorities. Nothing in this document in and of itself obligates the agencies to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations. This document does not create any exemption from policies governing competition for assistance agreements. Any transaction involving reimbursement or contribution of funds between the parties to this document will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.”
- To page 30: “This chapter reflects the commitment of Federal, State, and Tribal governments to work together in specific ways, informed by stakeholder input and perspectives, to address regional ocean management opportunities and challenges described by the goals and objectives in the Framework. **RPB member entities will use the information generated by this Plan as they deem appropriate under existing authorities and practices.”**

Comment theme: Concern about a small number of specific actions in the draft Plan that did not have clearly identified lead entities in the text itself.

Response to comments: In the draft Plan, actions that did not identify at the time a complete set of lead entities were Healthy Ocean Ecosystems Actions 1 and 5. Given the strongly collaborative nature of those specific actions, and to allow for the possibility of the RPB identifying rotating or shared leadership on those actions through time, the RPB has decided to identify these as “Full RPB” in the final Plan. As with Undersea Infrastructure Actions 1 and 2, Data Portal Actions 1, 2 and 3, and Science and Research Action 1, which also refer to leads as “Full RPB,” there will need to be one entity or a set of entities that play a lead facilitation role for a broader group of participants in the collaborative implementation of those actions. As referenced above, additional details will be provided in implementation-focused work plans through time; these work plans offer opportunities to further describe to the public which entities will play the lead facilitation role on these actions for specific time periods during implementation.

2.1 Best Practices for Enhanced Coordination

Comment theme: Broad support for the best practices and great interest in the RPB member entities institutionalizing and committing to implement these best practices as part of their regular business of managing ocean resources in the Mid-Atlantic.

Response to comments: Through this Plan, the RPB is committing to institutionalizing the best practices in the way agencies do business. The proposed best practices take into consideration what could be achievable and valuable within the bounds of existing authorities. Some member entities may, in the course of Plan implementation, develop and make public internal operating procedures or instructions on how they will implement the best practices.

Comment theme: Requests that the Plan clarify the specifics of agency coordination (when, why, and how), and that flexibility be maintained for coordination to be carried out at the discretion of the agencies themselves. Comments requested that it be clarified that agencies are not limited to coordination activities outlined in this Plan. Comments also requested further detail on how early coordination with stakeholders will happen in practice, particularly as related to siting of offshore wind facilities and offshore sand management.

Response to comments: The RPB agrees that coordination efforts carried out as a result of this Plan should be flexible to meet the needs of Federal agencies, other RPB member entities, project applicants, stakeholders, and the general public. For this reason, the best practices have been crafted generally with the understanding that agencies may follow-up with specific internal operating procedures or implementing instructions as they deem appropriate, and that these instructions may evolve over time as circumstances dictate. In addition, the RPB strongly agrees with commenters that the Plan should not in any way be perceived to preclude a range of additional voluntary coordination

activities that enhance coordination across Federal agencies, among RPB member entities, and with stakeholders. To clarify these points, the following additions were made to page 32. New text is in bold.

- “Best practices described below will be implemented, **where practicable and appropriate**, by participating entities consistent with existing authorities. The best practices are organized to describe: use of data and information, participation in agency coordination, coordination with stakeholders, Federal-State coordination, and Federal-Tribal coordination. **As part of Plan implementation, RPB member entities may develop internal guidance or other documentation about how these best practices will be used to enhance management, environmental, and regulatory reviews. These best practices are intended to enhance existing coordination processes. They should in no way be interpreted to preclude additional current or future coordination processes, developed inside or outside the context of regional ocean planning, that are deemed appropriate by Federal agencies, other RPB member entities, project applicants, stakeholders, and the general public.”**

Comment theme: Identification of specific actions in sections 2.3 and 2.4 that some commenters believe should be elevated to section 2.1 as overarching best practices. Related to this, some commenters stated that it is unclear that the Data Portal is also a source of information for stakeholders, including project applicants.

Response to comments: The RPB crafted Chapter Two so that the best practices in section 2.1 would be sufficiently general to allow RPB member entities the flexibility to further consider and develop internal mechanisms and instructions for implementing them as appropriate in the context of their particular authorities and practices. In the case of some actions in sections 2.3 and 2.4, some RPB member entities wish to further reinforce their commitments to certain best practices, provide additional detail about specific steps they plan to take, or describe internal instructions they will employ to advance the best practices. Some examples of this include National Security Action 1, Ocean Energy Action 2, and Ocean Aquaculture Action 1, among others. With that context, upon further consideration of the public comment, the RPB has made the following text addition to pages 32-34 in section 2.1, with new text in bold.

- “All RPB member entities should use the Data Portal as an important, but non-exclusive, source of information to help identify potential conflicts, impacts, and potentially affected stakeholders. **RPB member entities may choose to develop internal guidance or other documentation to increase awareness of and compliance with best practices related to data (and otherwise), for example, in Action 2 of Section 2.4.2. In addition, all interested parties, including project applicants, have the ability to use the Data Portal as an information source, with the understanding that ocean resource managers will also be referring to this common data set as one non-exclusive source of information. Accordingly,**

the Data Portal serves as a common data vocabulary or starting point for conversations between ocean resource managers and the applicants and stakeholders with whom they interact.”

Comment theme: Requests for the application of specific data standards to data posted on the Data Portal and notation in the Plan of the limitations of some data for making site-specific decisions.

Response to comments: While the best practices in the Plan do not compel agencies to use particular data in particular ways, they do work to support the use of new data products in agency business, where appropriate. In section 2.1.1, the Plan clearly states that “data and information from the Data Portal are not intended nor expected to be an exclusive or sole source of information; regulatory agencies will make their decisions on the need for further information based on the details of individual proposed activities. In many cases, site- and project-specific information will be required to support regulatory review and decision making.” Nonetheless, the quality of those data are important and the RPB and Data Portal team strive to provide the highest quality available data that is relevant for support of regional ocean planning objectives. Federal sources of data on the Data Portal meet established data standards and the Data Portal provides links to relevant metadata with additional detail. For a description of spatial data quality criteria please see: <http://portal.midatlanticocean.org/data-needs-and-priorities/>.

Comment theme: Requests that the best practices more explicitly call for protection of ecosystem health and existing uses of the ocean.

Response to comments: It is important to remember that the RPB, as a body, does not have the authority to carry out environmental assessments or mitigations. However, the RPB can and does offer agreed-upon best practices that embody the overarching goals and principles of Mid-Atlantic regional ocean planning. In that context, in response to these public comments, the RPB has made the following edit on pages 34-35. The new text is in bold.

- “Over the course of agency coordination, participating agencies and Tribes should:
 - Provide measures to avoid and/or minimize adverse impacts to resources and **existing ocean** uses in accordance with existing authorities.”

Comment theme: Clarification was requested about the need for National Environmental Policy Act (NEPA) documentation related to the Plan, and the appropriateness of data on the Data Portal for assessing impacts during the NEPA process.

Response to comment: The RPB considers the regional ocean planning process and this Plan to be an intergovernmental planning effort that does not require NEPA documentation. NEPA compliance by the Federal RPB member agencies may be required when those agencies take steps to implement certain actions in the Plan or use data from the Data Portal to inform agency actions or decisions. In response, the

following endnote was added on page 34 and detailed on page 103. The new endnote is in bold.

- “Implementation of best practices should be considered for all kinds of projects and activities, consistent with existing authorities, and is intended specifically for larger projects that require, for example, a detailed Environmental Assessment (EA) or an Environmental Impact Statement (EIS) under NEPA, or an individual permit from USACE. [30]
 - **[30] NEPA reviews are conducted to evaluate impacts of various alternatives associated with specific Federal actions. Best practices outlined in this Plan, and associated data products, may or may not be relevant to assessing those impacts.”**

2.2 Continuation of the Regional Planning Body

Comment theme: The RPB received comments both strongly in favor of its continuation and a small number of requests to disband and transition regional ocean planning to MARCO, which is composed of five Mid-Atlantic States. Additional requests were made to increase the role of stakeholders as part of the RPB process, including through the creation of a formal stakeholder advisory committee pursuant to the Federal Advisory Committee Act with the purpose of interacting with and providing advice to the RPB on Plan implementation.

Response to comments: The RPB sees great value in the collaborative forum it has created, and believes it is important for the RPB to continue in order to oversee Plan implementation and make future updates and amendments to the Plan to account for changing circumstances. MARCO alone, which is comprised only of State representatives, would be insufficient to provide the full complement of Federal agencies, Tribes, and Fishery Management Council with roles in managing the ocean that a robust ocean planning forum and the current RPB now provides. The RPB acknowledges the request to create a formal advisory committee and continues to be interested in exploring this option further. In the meantime, the RPB will seek alternative mechanisms to provide stakeholders meaningful opportunities for engagement during Plan implementation.

2.3 Actions to Promote a Healthy Ocean Ecosystem

Healthy Ocean Ecosystem Action 1

Comment theme: The vast majority of commenters weighed in on Healthy Ocean Ecosystem Action 1. Most of these comments were supportive of the action. Many of the supportive comments expressed support for accelerating the timeline for identification of ecologically rich areas (ERAs) and identifying specific management measures to protect those areas. A large number of commenters also expressed concern about this action, specifically questioning the value of it, concern about unintended consequences, potential restrictions for users of such

areas, and quality of the underlying data and methodologies. Some requested that the action be removed from the Plan entirely. Nearly all who commented on this action requested further detail about the steps to carry it out, robust stakeholder and scientific engagement in the process going forward, transparency of decisions and vetting by outside experts throughout the process, and frequent updating of the data and information underpinning any maps generated through this action. There were also a number of requests to closely coordinate with existing efforts, in particular effort by the Mid-Atlantic Fishery Management Council (MAFMC or Council) to identify essential fish habitat (EFH).

Response to comments: The RPB appreciates the large number of comments on this action, and has carefully considered and instituted refinements to the action in response. It is important to clarify at the outset that the RPB will identify ERAs and their constituent components through data products shared publicly through the Data Portal and factual reports about those areas with the intention of informing management decisions under existing authorities. The RPB *does not* have the independent authority to modify regulations or legislation, nor to identify discrete areas of the ocean for specific management objectives.

The RPB also agrees that development of the Marine-life Data and Analysis Team (MDAT) marine life synthesis products is innovative work that must proceed with careful scientific review in a stepwise manner and with transparent consideration of data and methodological limitations. The RPB also agrees with the vast majority of commenters that this work should proceed with robust stakeholder and scientific engagement. Therefore, the RPB believes that this action will take time to implement appropriately, but intends to harness momentum and steadily advance the action.

The RPB also acknowledges requests for further detail, which will be developed through an implementation-focused work plan in 2017, consistent with other actions in the Plan. Stakeholders will be provided opportunities to help shape that work plan, including helping the RPB identify specific ways they can engage in implementation of the action. Implementation of the action will be closely coordinated with the work of the MAFMC.

Finally, the RPB has made a number of refinements to the action description in response to requests for further clarification of the purpose and steps of the action, and directs the public's attention to pages 40 -41 in Section 2.3.

Healthy Ocean Ecosystem Action 2

Comment theme: Support for the action, with a number of comments suggesting that fishermen should be engaged in implementation of the action, including data acquisition and interpretation.

Response to comments: The RPB recognizes fishermen as a valuable source of expertise and potential resource for data acquisition and interpretation. In particular, fishermen's

firsthand knowledge of how the ecosystem is changing will be valuable to this action. The RPB commits to working with the MAFMC and others to find appropriate ways to engage fishing community expertise during implementation of this action. Note that steps C and D of the action on pages 41-42 explicitly call for such engagement.

Healthy Ocean Ecosystem Action 3

Comment theme: Several commenters expressed support for the action, with some stating the need to understand organism-level impacts of ocean acidification, which will be important for developing effective mitigation and adaptation measures. Several commenters noted the value of engaging shellfish growers, scientists, and others in this effort. Another commenter recommended drawing lessons learned from efforts on the U.S. West Coast.

Response to comments: The RPB appreciates the recommendation about organism-level understanding of impacts and will consider this as part of its work to develop Science and Research priorities in section 3.2.2 during Plan implementation. Shellfish growers, other stakeholders, and scientists will be engaged in development of this action, as noted in Step C on pages 42-43. As noted in the action description, the RPB will draw from the experience of other parts of the United States and elsewhere in further developing and implementing this action.

Healthy Ocean Ecosystem Action 4

Comment theme: Several commenters expressed support for the action. Some commenters identified a need to also address chemical pollutants such as methylmercury, polychlorinated biphenyls (PCBs), and pharmaceuticals. Some stated that eutrophication (in the form of hypoxia and harmful algal blooms) should also be addressed. Suggestions were made that this action include source reduction strategies. A comment was also made about plastics pollution specifically, noting that marine debris can negatively affect human health through ingestion of plastic particles by commercially sought species.

Response to comments: While there are certainly other water pollutants and ocean impacts that are not addressed in this Plan, the RPB observed at the outset of its planning process that there are many existing entities that collaborate on land-based pollution issues, including non-point and point sources. Consequently, addressing these issues is not in the scope of the RPB's current efforts. It should be noted that the RPB's intention to address marine debris source reduction is captured in the action language on page 43. In response to the comment about plastics harming human health, the RPB has made the following edit on page 43. New text is in bold.

- “Marine debris is a problem that threatens the health of Mid-Atlantic ocean ecosystems **and human health through the bioaccumulation of plastics in the marine food web, and in particular the ingestion of plastic particles by**

commercially sought species. Its resolution requires collaboration across levels of government and with the public and partners.”

Healthy Ocean Ecosystem Action 5

Comment theme: Strong support for this action, with some comments requesting that objectives for monitoring ocean health be established prior to identifying indicators to help determine whether the Plan is achieving the RPB’s goal for a healthy ocean ecosystem. Some also requested strengthening the action to include regular tracking and assessment of trends in ocean health through time.

Response to comments: While the RPB generally agrees that it is valuable to develop indicators that provide clear measures towards specific objectives, the RPB draws a distinction in the Plan between Plan performance monitoring (see Plan section 4.2) and monitoring of ocean health through this action. The RPB looks forward to exploring the establishment of closer linkages between these two concepts in future iterations of the planning process. In response to requests to monitor the indicators and assess progress through time, the RPB has made the following edits in bold on page 44:

- “Develop, **monitor, and assess** indicators of the health of the Mid-Atlantic regional ocean ecosystem.”

Comment theme: Some commenters stated that it is important to engage stakeholders in this action, particularly the fishing industry.

Response to comments: The RPB acknowledges the importance of stakeholder contributions to this action and suggests the following edits. The RPB also, upon further assessment of the action and public comments, wishes to clarify that identification of priority data collection and monitoring needs is also important. New text is in bold.

- On page 44: “Ocean health indicators will focus on the Mid-Atlantic region and, to the extent feasible, be derived from existing data collection and monitoring efforts (~~as opposed to requiring new data collection or monitoring efforts~~). **Where practicable, priority data collection and monitoring needs will be identified. Scientists, fishermen, other stakeholders, and Traditional Knowledge holders will be engaged at key points in this action, including during design and evaluation of indicators to ensure that appropriate indicators are selected for the Mid-Atlantic.**”
- On page 44: “Facilitate the evaluation and updating of ocean health data and indicators, **including review by scientists, fishermen, Traditional Knowledge holders, and other interested parties,** at appropriate intervals.”

Comment theme: Several comments requested that the indicators be posted on the Data Portal.

Response to comments: While the RPB cannot commit to housing the indicators on the Data Portal at this time, this idea is being considered in collaboration with MARCO. The RPB has made the following edit in response to comments, to ensure easy access to the indicators. New text is in bold.

- Page 44, Step D was revised to read: “~~Display ocean health indicators at a web location to be determined.~~ **Make ocean health indicators easily accessible.**”

Comment theme: Requests that economic data and stakeholder involvement data be added as indicators.

Response to comments: The RPB is considering this idea for a next iteration of the planning process. For this first iteration Plan, the RPB will focus the action on the oceanographic dimensions of ecosystem health.

2.4 Actions to Foster Sustainable Ocean Uses

2.4.1 National Security

Comment theme: Concern was expressed about the effects of noise generated by Department of Defense (DOD) naval operations on cetaceans. The effects of munitions deposits on ocean resources were also noted as a concern.

Response to comments: The RPB and DOD acknowledge these concerns and note that the regional ocean planning process has resulted in closer collaboration and information sharing across numerous sectors that may affect marine life. New data products have also been developed and posted on the Data Portal to inform this issue, including the development of data products related to marine mammal species and their sensitivities to various stressors. The RPB encourages the public to visit the [Data Portal](#) to view these new data products.

2.4.2 Ocean Energy

Comment theme: The RPB received many comments about the siting of offshore wind energy, including both support for and concerns about interaction of wind turbines with, for example, endangered species (particularly avian species) and other ocean resources and uses, including fishing and diving.

Response to comments: Regarding impacts on wildlife, the Bureau of Ocean Energy Management (BOEM) is working through its Environmental Studies Program to identify avian species potentially vulnerable to offshore wind energy development and to better understand these species' use of the outer continental shelf. The plethora of avian distribution maps that are now available on the Mid-Atlantic and Northeast Ocean Data

Portals are the products of several completed and ongoing BOEM-funded studies and other studies. The information from these studies and others is considered during the siting process to help avoid the potential for major impacts to vulnerable avian species and to develop mitigation measures to minimize impacts to other birds in leased areas or areas planned for leasing.

Regarding vessel activity, BOEM and the United States Coast Guard (USCG) do not have the authority to restrict vessel traffic or fishing activities in and around offshore wind facilities, once constructed. Ultimately, fishing within a constructed wind facility will be the decision of the vessel operator, based upon a variety of factors, including any arrangements, agreements, or mitigation measures adopted by the developer, or modification of fishing practices by vessel operators to reduce the risk of fishing within or nearby the facility. For example, the Block Island Wind Farm has posted signs on the turbine foundations prohibiting anchoring, mooring, and trespassing, but not in relation to any specified distance from the foundation. Another example is the BOEM/Virginia-funded project to map important fishing sites and develop best practices for fishing in and around Virginia's Wind Energy Area. BOEM will continue to work with stakeholders throughout the offshore wind energy development process.

Comment theme: Concerns were expressed about BOEM's unsolicited bid proposal process, with a request that the process ensure the same principles of and commitments to early stakeholder engagement and data utilization outlined in the Plan are upheld, including use of the Data Portal.

Response to comments: Prior to issuing a lease, regardless of whether it is on a competitive or non-competitive basis, BOEM evaluates multi-use conflicts in the area considered for leasing. BOEM has eliminated areas from leasing consideration early in the planning process when sufficient information is available to do so. However, in many cases data is limited in the early stages of planning and leasing, particularly with respect to wind facility design and layout; in such cases, BOEM may defer a decision on where structures may be sited until a project is proposed and a more informed decision can be made.

BOEM's Area Identification process identifies offshore locations that appear to be suitable for wind energy leasing and development and will be carried forward for analysis. Ultimately, the Area Identification decision balances multiple competing uses and environmental concerns against a proposed area's potential for commercial wind development. As the process moves forward, BOEM will continue to analyze these issues and work with stakeholders before a decision is made to proceed with leasing, the actual area to be offered for lease, or to authorize development of a wind power facility. BOEM has a responsibility to conduct full environmental and engineering reviews before approving the construction of an offshore wind project. If necessary, BOEM can impose restrictions on development of an area, including prescribing specific mitigation

measures for construction and operations activities, or not allow development to occur if the circumstances warrant.

In addition, BOEM guidance encourages project developers to use the Data Portal early in their process. Further, as outlined in Plan section 2.1.3, project proponents should seek to identify, engage, and incorporate information from stakeholders before filing a permit application or otherwise formally initiating the environmental review and permitting process, to ensure that stakeholder information helps inform both the project application and subsequent public, stakeholder, and agency review.

Comment theme: Several comments called for more specificity in the actions for this section, particularly with regard to how development of ocean energy will change.

Response to comments: The Plan itself will not change existing regulatory processes. However, as stated in the Department of Energy (DOE)/Department of Interior (DOI) [National Offshore Wind Strategy](#) (Strategy), released in September 2016, BOEM will re-evaluate its current approach to establishing its intergovernmental renewable energy state task forces to ensure effective coordination with all interested and potentially affected States throughout BOEM's planning, leasing, and Plan review processes. The Strategy states that after completing its evaluation, BOEM will provide a document on its website that describes the outcome of this evaluation and its path forward. The Strategy also states that BOEM may continue to carry out the current process of setting up task forces on a State-by-State basis, or may implement a different methodology that the agency believes will be more effective. Either way, BOEM will ensure that all potentially affected States are consulted about offshore wind activities off their coasts in a manner consistent with BOEM's planning and leasing processes.

As also stated in the Strategy, DOI will convene stakeholders on a regular basis to discuss regulatory and strategic issues to ensure clear communication among industry, other stakeholders, and regulators.

Comment theme: A request was made for clarity on the relationship between ocean energy and undersea infrastructure.

Response to comments: BOEM participates in an interagency work group, led by the Federal Communications Commission (FCC), to ensure that Federal agencies with jurisdiction over ocean resources are aware of activities with respect to approval, installation, and operation of ocean bottom infrastructure. In addition, BOEM, through its guidelines for the construction and operations of offshore renewable energy projects, recommends that industry actively coordinate its activities with other ocean users as they move forward with project development.

Ocean Energy Action 1

Comment theme: Support for this action and request for clarification on what this action will accomplish.

Response to comments: According to the Strategy, BOEM aims to enhance its regulatory program to ensure that oversight processes are well-informed and adaptable, avoid unnecessary burdens, and provide transparency and certainty for the regulated community and stakeholders. The Strategy goes on to state that BOEM will evaluate options to standardize and synchronize review processes across agencies, and will research successful examples implemented by other Federal agencies, and its European counterparts. BOEM is leading the Offshore Wind Permitting Subgroup under the White House Interagency Working Group on Offshore Wind to identify ways to streamline and improve interagency coordination associated with the Site Assessment Plan (SAP) review process. Lessons learned may be incorporated into the review processes for other plans. The RPB has added the following new text in bold.

- Page 52: “It will ensure that activities are mutually reinforcing, while providing easily accessible information for stakeholders, governmental decision makers, and the public. **As detailed throughout the DOE/DOI National Offshore Wind Strategy, released in September 2016, BOEM aims to enhance its regulatory program to ensure that oversight processes are well-informed and adaptable, avoid unnecessary burdens, and provide transparency and certainty for the regulated community and stakeholders.**”

Ocean Energy Action 3

Comment theme: Strong support was expressed for this action. Some commenters offered specific ideas about topics for research, including research on new technologies for both pre- and post-construction monitoring at offshore wind developments, and the need to further study impacts on wildlife as well as mitigate those impacts.

Response to comments: The construction and operation of the first offshore wind facility off of Rhode Island provides an opportunity for more detailed and empirical assessments of the environmental effects of offshore wind turbines. BOEM commissioned the Real-time Opportunity for Development Environmental Observations (RODEO) study in 2015 to acquire real-time observations of the construction and initial operation of wind facilities to evaluate the environmental effects of future facilities. The study offers the opportunity to address many of the environmental questions that are of concern to the public, as well as other Federal, State, and local agencies. RODEO will measure and analyze air emissions, sound produced by construction and operations activities, seafloor disturbance associated with cabling and vessel anchoring, and visual impacts from construction and early operation. In addition, DOE and DOI have also acquired significant knowledge concerning the potential impacts of offshore wind

development on biological resources and human communities over the past five years. As stated in the Strategy, research over the next five years regarding the first generation of offshore wind projects can validate that understanding and help focus regulatory efforts on environmental and human-use impacts.

As also stated in the Strategy, BOEM began publishing guidance for industry in 2013 related to the collection of preconstruction or baseline data. BOEM will update guidance by incorporating lessons learned, new technology, and recent research/studies, and will solicit industry input to determine specific topics of interest for new guidance documents (e.g., lighting requirements and assessing visual impact concerns). According to the Strategy, providing guidance on post-construction monitoring will facilitate coordination between the offshore wind industry and related stakeholders. Communicating the data collection requirements of the Federal resource and regulatory agencies involved will also provide greater transparency and consistency in BOEM's plan-approval processes. The Strategy states that guideline development will focus on resources and activities that enable consistency across projects, as opposed to project- or site-specific requirements that will need to be determined through project-specific consultations.

In addition, as stated in the Strategy, DOE, in collaboration with a wide range of partners, including DOI, funded the first-of-its-kind Mid-Atlantic Ecological Baseline Study between 2011 and 2015 that provides comprehensive baseline ecological data and associated predictive models and maps to regulators, developers, and other stakeholders to inform the siting and permitting of offshore wind energy. According to the Strategy, this effort provides an extensive data set on species of concern to the wind energy community, covering over 13,000 km² of ocean space including the Delaware, Maryland, and Virginia Wind Energy Areas (WEAs), while validating novel high-definition survey technologies. The Strategy states that the results of this study will help inform activities by developers working in the study area, and will serve as a starting point for broad-scale and site-specific environmental risk analyses and evaluating potential measures to avoid and minimize risks to wildlife from human activity in the offshore environment. In addition, DOI/BOEM will be updating marine wildlife and habitat baseline data to support regional marine planning, the NEPA process, and predictive modeling.

Ocean Energy Action 4

Comment theme: Support for this action and suggestion that BOEM develop a notification method that ensures all interested parties are notified of agency announcements and how they can be engaged.

Response to comment: As stated in the Strategy, stakeholder feedback has suggested that BOEM's plan-review process needs to be more transparent, predictable, and expeditious to reduce scheduling uncertainty and financial risk. A factor contributing to

regulatory complexity is that many agencies have roles in the offshore wind project authorization process, which creates challenges to aligning numerous entities at different levels of government.

As described in the Strategy, Title 41 of the Fixing America's Surface Transportation Act (P.L. 114-94) (FAST-41), requires the facilitating or lead agency of a major infrastructure project to establish and publicly track a concise Coordinated Project Plan for coordinating participation in, and completion of, any required Federal authorizations and environmental reviews, including a permitting timetable that outlines the dates by which all reviews and authorizations must be made. According to the Strategy, BOEM will track Construction Operation Plan reviews through FAST- 41. BOEM will also consider additional steps to create a predictable plan-review process.

Ocean Energy Action 6

Comment theme: Several commenters emphasized the importance of public engagement throughout Plan implementation, with an emphasis on enhancing participation in wind energy-related decisions by commercial and recreational fishing interests in particular, as addressed through this action. Some comments suggested ways to improve public engagement in wind energy decisions, while others emphasized the importance of transparency, and timing to allow full participation of stakeholders. Commenters also requested more detailed action plans relating to when public input would be sought and assurances that comments received would be meaningfully considered by the action agency.

Response to comments: The RPB agrees that public engagement is vital throughout implementation by the action agencies. This is why public engagement is emphasized throughout the Plan, including Section 2.1 and Section 2.4. Several actions in Section 2.4, including Ocean Energy Action 6 and Commercial and Recreational Fishing Action 2, specifically state that Federal action agencies will engage the fishing industries regarding fisheries science and management and ocean energy management. The implementation of these actions is left to the individual Federal action agencies through their existing authorities. Specifically, Ocean Energy Action 6 lists several steps BOEM will take to better engage with commercial and recreational fishermen.

Federal agencies are committed to public engagement throughout implementation of the Plan. The RPB believes that the goals of an open, transparent, efficient, and practical public engagement process will be met. Although specific timelines regarding public meetings for proposed offshore wind projects are not known for the purposes of inclusion in the Plan, at a minimum they would be scheduled around wind energy project milestones such as the assessment of a given construction and operations plan. The RPB will continue to assess its efforts through development of a performance monitoring and evaluation plan as described in Section 4.2 of the Plan.

2.4.3 Commercial and Recreational Fishing

Comment theme: Support was expressed for this section of the Plan and for an ecosystem approach to fisheries management more broadly. However, several concerns were raised about the effect of the Plan on fisheries management systems. In particular concerns were raised that the Plan could be used to close areas important to fishing outside of the existing fisheries management system.

Response to Comments: The Plan is not intended to usurp or replace traditional governance of fisheries management. There is already a well-established process for fishery management through the Regional Fishery Management Councils. The MAFMC is a full member of the RPB. The MAFMC and RPB have been working together to ensure the Plan provides value-added information and enhanced coordination that is consistent with the Council's existing processes. Future rule-making under existing authorities related to subject matter addressed by the Plan would use the Plan as an additional source of information, among others. To further clarify this point, the following bold addition to the text has been made.

- Pages 56-57: "From three to 200 nautical miles offshore, fishing is regulated by NMFS, based on recommendations from the MAFMC. The Council's purview extends from New York to Cape Hatteras, North Carolina, but manages its resource throughout their range. **Resources that extend beyond the range may still be managed by the MAFMC, usually in cooperation with adjoining councils. Actions identified in this Plan do not supplant the authority or decisions of these bodies, nor does the Plan create any additional management authorities. The intent of the RPB is to act as a forum for Federal agencies, States, and Tribes to discuss the implications of management decisions taken under existing authorities, so that the full impact of those decisions is clearer.**"

Comment theme: Some concern was expressed that actions in this section seem tentative.

Response to comments: The actions represent what RPB members deem as possible for this first iteration of the Plan. In the future, additional actions could be added that are more specific.

Fishing Action 1

Comment theme: Several comments suggested this action needs more specificity, in particular the addition of a step to distribute MAFMC materials to the RPB. A concern was also expressed that Step C of Action 1 indicates that the RPB is interested in the direct management of fishing activity.

Response to comments: The purpose of Step C of Action 1 is to increase the flow of information between the MAFMC and the RPB. It does not imply that the RPB intends to

become involved in the direct management of fishing. Quite the opposite is the case – Step C is intended to ensure that the RPB and the Council can share information and perspectives while still maintaining the Council’s lead on fishery management decisions.

There are likely to be a number of specific steps that will arise from increased sharing of information between the two organizations. For example, the RPB is aware of the work of the MAFMC’s Ecosystem and Ocean Planning Committee and has circulated the MAFMC document entitled “Policies on Non-Fishing Activities and Projects that Impact Fish Habitat” to the RPB. Follow-up actions such as this do not need to be specifically detailed in the Plan.

Fishing Action 2

Comment theme: Several comments requested additional commitment to engaging with recreational fishermen.

Response to comments: The Plan does commit to improving engagement with recreational anglers. At the Federal level, this will primarily take place through NOAA’s implementation of its February 2015 National Saltwater Recreational Fisheries Policy and its associated implementation plan. An aspect of this implementation plan is convening leaders of recreational fishing groups for training in fisheries management, which is included as Action 2A of Section 2.4.3 of the Plan. This is intended to increase recreational anglers’ understanding of and ability to influence the fishery management process.

Fishing Action 3

Comment theme: Comments include requests for additional specificity on this action, particularly regarding housing EFH data on the Portal. A request was made to allow Data Portal users to view EFH data by species and identify habitat areas of particular concern (HAPC).

Response to comments: The Data Portal was designed to provide users with readily accessible information regarding all EFH types present anywhere in the region. The Data Portal team appreciates the suggestion to add HAPC data and will institute it. However, the suggestion to show separate maps for all EFH types was considered in the past and it was decided that NOAA’s EFH Habitat mapper tool is a better platform for this. Accordingly the Data Portal is focused on creating complementary summary information.

Comment theme: Another comment suggested that Action 3 include Data Portal training opportunities for fisheries management staff and opportunities to use their feedback to improve the Data Portal’s utility for supporting their day-to-day work and advancing their initiatives.

Response to comments: The RPB sees value in training fisheries managers in the use of the Data Portal and has added the following bold text in a new sub-action step B on page 58.

- **“B. Train fisheries management staff in use of the Data Portal and utilize their feedback to improve the Data Portal’s utility for supporting their day to day work and advancing their initiatives. (short-term and ongoing)”**

2.4.4 Ocean Aquaculture

Comment theme: Some comments expressed a need for advancing outreach to the aquaculture industry and the need to enhance information on the industry. One specific suggestion included highlighting the value of inshore shellfish aquaculture.

Response to comments: Aquaculture is a natural topic for the RPB to discuss, since management of aquaculture requires collaboration across several Federal agencies and affected States. However, since there is little interest in aquaculture in Federal waters at this time, the RPB has not focused on designing specific mechanisms to collaborate on this topic in this first iteration Plan. The RPB will nonetheless monitor the development of offshore aquaculture through Action 2, and will work to ensure interjurisdictional collaboration in the event that better communication between RPB member entities around this topic becomes necessary.

While comments discussed the value of the inshore aquaculture industry, the RPB has specifically chosen to focus on ocean waters of the Mid-Atlantic and therefore this Plan does not focus on this inshore industry. The aquaculture section focuses on improving general collaboration, which can help address any future issues that may arise. Following the suggestion to increase outreach to the industry, the following edit in bold text was made to Action 2.

- Page 59: “NOAA’s regional aquaculture coordinator will coordinate with State aquaculture programs, **the aquaculture industry**, Tribes, and Federal partners to identify and develop improved communication channels.”

Comment theme: Some comments expressed concern about negative environmental impacts of finfish aquaculture.

Response to comments: Concerns about the environmental impacts of offshore finfish aquaculture would be addressed through the regulatory process if and when such projects do go forward.

2.4.5 Maritime Commerce and Navigation

Comment theme: Several comments were strongly supportive of the maritime commerce and navigation-related actions in the Plan, including some that stressed the importance of maintaining trade routes and navigation safety. Many comments requested continued robust

outreach to the maritime community as the RPB moves forward. Some specific concerns were raised for consideration, including the co-location of shipping channels and marine mammal migratory corridors, toxic chemicals being released from antifouling paints and coatings, and the issue of ballast water as a carrier for invasive species. Additionally, comments encouraged incorporation of port access route study products into the Data Portal to facilitate safe, effective, and smart decision making when addressing compatible uses of the ocean.

Response to comments: The RPB is committed to continuing to engage stakeholders during Plan implementation, including the maritime community during implementation of maritime commerce and navigation actions. The RPB acknowledges the specific concerns that have been raised in the comments, noting that the Data Portal contributes significantly to information sharing and transparency surrounding the co-location of shipping channels and marine life. The RPB is not currently engaged with the issues of antifouling paints and coatings or ballast water, but appreciates these being raised for consideration in future iterations of the planning process.

In addition, to further clarify Action 1, the following edits and addition in bold were made on page 61.

- “This will allow decision makers to better time planned restrictions on, or potential disruptions to, shipping lanes when coordinating ~~competing~~ ocean **use compatibility, as well as inform and validate strategic analyses such as port access route studies.**”

Comment theme: Many comments stressed the importance of maintaining and prioritizing Automatic Identification System (AIS) data sets. Several comments also suggested that it would be valuable to have AIS data posted real-time, rather than the current time lag of several years, especially given the recent increase in the use of AIS by recreational vessels.

Response to comments: The RPB agrees with commenters that AIS data sets are highly valuable and should be maintained and posted on the Data Portal in a timely fashion. The RPB also believes that the Data Portal is appropriately focused on serving as a tool for longer-term planning and coordination. For more information about the role of the Data Portal, see below. Ocean users and other interested parties can access real-time tracking information through other information sources.

2.4.6 Sand Management

Comment theme: Concerns were raised about the impacts of sand mining and beach nourishment on the environment, with requests for this section to acknowledge that and take steps to mitigate impacts where possible. There were specific suggestions that studies of sand sites transparently weigh the utility and risks of one site over another.

Response to comments: As stated in the Strategy (see reference in Ocean Energy section above), updated marine wildlife and habitat baseline data will be collected through BOEM's Environmental Studies Program to support regional studies, NEPA processes, and predictive modeling. More comprehensive regional baseline data will be collected to better inform stakeholder knowledge as well as planning and development decisions.

Comment theme: Requests were made for clarity on how the Army Corps of Engineers (USACE) is engaged in this section.

Response to comments: The DOD represents USACE on the RPB, and the USACE has been involved since the RPB's establishment. The USACE will continue to support offshore sand actions as appropriate to its mission areas and resourcing. The USACE is involved as it regulates dredging in all navigable waters, including coastal State waters. Furthermore, as the Plan states in Section 4.1.1.1, RPB member entities not specifically identified in the Plan as having leadership responsibilities nonetheless have obligations to participate in the collaborative process going forward during implementation, and are expected to participate to advance the actions and commitments in the Plan as appropriate to their missions.

Comment theme: Requests were made to include language in the Plan on the impacts of placing sand on shorelines.

Response to comments: An addition in bold text below was made to suggest that the Data Portal can serve as a resource regarding potential impacts of sand placement.

- Page 64: "Also, extracting underwater sand resources can affect the benthic marine organisms through habitat change, changes in species interactions, and mortality of living marine resources from mining operations. **In addition, beach nourishment can also impact non-consumptive recreation and the beach ecosystem.** The Federal OCS off the Mid-Atlantic region is characterized by a series of sand ridge and trough complexes, and other geomorphic features which may contain significant sand resources to support short- and longer-term needs."

Comment theme: A request was made for greater emphasis on strategic planning for the identification and use of sand resources from a regional perspective. There were also requests for additional detail on stakeholder engagement activities under the sand management actions.

Response to comments: The RPB will develop a performance monitoring and evaluation plan as described in Section 4.2 of the Plan, and action leads will continue to engage stakeholders during Plan implementation. BOEM will establish a Mid-Atlantic Regional Sand Management Working Group to discuss offshore Federal sand, data, and future environmental study needs; regional environmental issues related to offshore dredging; and local government and near-shore issues.

2.4.7 Non-Consumptive Recreation

Comment Theme: Comments were supportive of this action and requested that the RPB go further to protect priority recreation areas.

Response to Comments: Although the RPB does not have the independent authority to protect areas to achieve certain objectives, the additional coordination and collaboration that this action brings to non-consumptive recreational uses represents a substantial step forward in consideration of these uses and the areas that support them. An analysis will be done on agency authorities in regard to non-consumptive recreation. Edits were made on pages 70-71 to further clarify this action in steps A, B, and D. New text is in bold.

“A. Define, in collaboration with stakeholders, what it would mean for ~~uses~~ **ocean and coastal uses** and areas to be considered ~~high-value~~ **important** for non-consumptive recreation. A variety of factors may be considered (e.g., intensity of use, contributions to local economies, maintaining dark skies and natural sounds). Complete identification and mapping of such ~~uses and~~ areas **and put them on the Data Portal**. (short-term and ongoing)

B. Identify and assess potential impacts and use conflicts to ~~high-value~~ **important non-consumptive** recreational ~~use areas~~ **uses from other human uses, as well as** ~~and~~ potential **impacts and** conflicts between **non-consumptive** recreational ~~uses~~ **activities** and marine and coastal ~~wildlife~~ **resources**. (short-term and ongoing)

D. Identify, ~~and~~ catalogue, **and highlight potential improvements to** current Federal, State, and Tribal authorities, standards, and processes for maintaining ~~safe~~ **non-consumptive** recreational uses, ~~as well as potential improvements to~~ **practices and processes**. (short-term)”

Comment Theme: Comments also suggested that even though this action deals with activities that are non-consumptive, they can nonetheless have negative impacts on the environment. Specific actions such as speed limit reductions for boaters in sheltered areas and increased signage and trash receptacles on beaches were offered for RPB consideration.

Response to Comments: Although the RPB does not have the independent authority to require the suggested actions, research will be done to collect and disseminate non-consumptive recreational use best management practices that protect sensitive resource areas.

2.4.8 Tribal Interests and Uses

Comment Theme: A comment was made asking the RPB to limit consideration of Tribes for the purposes of this Plan to federally recognized Tribes in the region.

Response to comments: While membership on the RPB consists of federally recognized Tribes, the Plan itself applies to and is in service to all citizens of the Mid-Atlantic. References to Tribes throughout the Plan very intentionally refer to a broader group including Indigenous peoples throughout the region. This is exemplified in specific efforts made to engage Indigenous peoples in the planning process. See page 130 for a report of those Tribal engagement activities.

Chapter Three: Science, Data, and Tools to Support Decision Making

3.1 Mid-Atlantic Ocean Data Portal

Comment theme: Many comments offered praise and support of the Data Portal. There was recognition that for many data sets, the Portal represents the first time these data are being made accessible to the public and stakeholders in a comprehensible and easy-to-navigate mapping service. Among the advancements are accessibility and transparency of commercial fishing data and steps toward a better understanding of recreational fishing data.

Response to comments: The RPB appreciates support and recognition of the value of the Data Portal and believes that maintaining the Portal is a top priority. In addition, the RPB will pursue additional updates or modifications to the Data Portal as allowed by available resources.

Comment theme: Several comments requested that the Portal serve as a central location for providing public notice of offshore development projects and other relevant upcoming decisions about use of the ocean in the Mid-Atlantic region, with some requesting the hosting of shapefiles for projects in review.

Response to comments: In Ocean Energy Action 4, BOEM commits to use the Data Portal to enhance access to data, environmental reports, and proposed offshore wind development activities. In addition, the Navy is working to provide information that facilitates more effective communication and awareness by committing to post contact information on the Data Portal in National Security Action 2. Should other agencies want to pursue using the Data Portal to post data and information related to their proposed activities, the Data Portal team is open to supporting this work, provided resources are available and clear criteria define the types of notices to be posted. Similarly, the Data Portal's data import feature allows registered users to add data sets of interest and agencies could take advantage of this feature to enhance their public review processes by making project area boundary files available for overlays with Data Portal data.

Comment theme: Several comments identified current gaps or areas for improvement in the Data Portal, including additional data on the marine ecosystem, recreational fishing, and conventional energy.

Response to comments: The Data Portal team strives to provide the highest quality available data that is relevant for support of regional ocean planning objectives. Portal map layers showing marine life distribution and abundance, habitats, infrastructure, boundaries, and diverse human activities are frequently added or revised, as resources permit. The RPB, the Data Portal Team, and numerous stakeholders continue to discuss and prioritize data gaps, and the public comments received are helping to inform that discussion. Major data development projects on the horizon include the need to better illustrate ecological areas such as marine mammal migration paths, ecological interactions and oceanographic dynamics, and to more comprehensively chart recreational fishing and other human uses. While work to address some of these gaps is ongoing, the Data Portal's existing data layers provide considerable value for informing ocean planning, permitting, and management processes, and these layers can be combined with nearly any user-selected spatial data via the import feature. The Data Portal team is open to ideas about improvements to the Data Portal, and is available to assist agencies and stakeholders with the data import feature, and will continue to add new layers to the Portal catalog as they become available and approved.

It should also be noted that many of the layers on the Data Portal were developed with substantial public input. The Data Portal's map layers have been created, vetted, and improved through (among other activities) participatory GIS (PGIS) sessions to gather information on recreational uses, public workshops/webinars that were held during the development of the MDAT products, and review of draft commercial fishing data products. Information hosted within the Data Portal is intended to represent our best understanding of a given topic for regional-scale planning purposes while also communicating gaps and uncertainty. The Data Portal team welcomes ideas on improvements. Ongoing public engagement will continue to be critical for improving the Data Portal's data, features, and utility for supporting Plan implementation.

Comment theme: Several comments expressed the importance of ensuring that uncertainty of data products hosted on the Data Portal be communicated clearly. In particular, the Data Portal should thoroughly and conspicuously address the uncertainties and limitations of the data, including the challenges associated with their application and interpretation and appropriate caveats for their potential utility. Further comments suggested the need for all data to meet certain standards and protocols.

Response to comments: The Data Portal team is actively engaged in discussing specific critiques and considering how improvements can be made, such as clearer labeling of uncertainty on specific products or improvements in metadata. However, nothing in the Plan compels agencies to use specific data or information from the RPB process in their regulatory and environmental reviews and programs. It is up to the discretion of each agency as to what informs its decision making. The Data Portal provides one common resource that all agencies and ocean stakeholders can draw upon. The Plan does clearly

identify priority data gaps in section 3.1.1. Beyond this, the following edit in bold text has been made to clarify that data limitations should be recognized and considered.

- Page 83: “Stakeholders and managers in the region should be aware that the Data Portal is a continuously improving platform **mapping service designed and maintained to collect and disseminate data products related to ocean planning. Users of the Data Portal should consider data gaps, uncertainties, and limitations of data sets while using the service.** In addition, the RPB and Portal Team welcome feedback about ~~new~~ and **improving** data sets **and mapping service functions.**”

3.1.2 Marine Life Distribution and Abundance Products

Comment theme: Some comments called for further discussion of caveats for the MDAT and Human Use Data Synthesis (HUDS) products in the Plan.

Response to comments: The RPB notes that these data are still under development and open for further comment, and believes that appropriate limitations and caveats on their usage are sufficiently laid out on page 87 of the Plan.

Comment theme: A comment was made that the predictive nature of the MDAT models was not sufficiently expressed in the draft Plan.

Response to comments: The following clarifying addition in bold text has been made.

- Page 84: “Careful consideration must be given to interpretation of all base layer products. **Model outputs for avian and marine mammal species were developed by integrating observations from diverse survey platforms with a suite of potential environmental covariates (including physical and biological covariates such as depth, sea surface temperature, and many others). Model accuracy is affected by many variables including survey intensity and animal detectability factors. Several products showing model uncertainty are provided for each avian and marine mammal species prediction. Fish data products are biomass measures interpolated from fall fishery independent trawl survey data, and as such do not necessarily cover all species of interest to regional planners or accurately represent all times of year. Users are encouraged to review section 2 of the [Mid-Atlantic Marine-life Data Analysis Team Technical Report](#) (see Appendix 5) which describes the methods and review processes for these base layer products, with caveats and considerations which vary for individual taxa and products.**”

3.2.1 Actions Related to the Data Portal

Comment theme: Strong support for the continuation of the Data Portal was a major theme of the comments that the RPB received (in particular for Actions 1 and 2). In addition, many called for more specific commitments to maintaining and updating the Data Portal.

Response to comments: The RPB is adding the following language in bold text to clarify RPB member commitments.

- Page 90: “The RPB has identified several actions that support ongoing development of the Data Portal and address emerging science and research needs. These actions will help the region ensure the Data Portal continues to support collaboration and implementation of the Plan. **RPB member entities believe that the Data Portal is an important component to ensure the successful implementation of the Plan and will contribute to the entities’ abilities to satisfy their missions and statutory mandates. Accordingly, the RPB member entities commit to working together to ensure updates of the agency data in the Data Portal.** In addition, new ideas and data needs can be addressed as they arise.”

Comment theme: A few comments called for the Data Portal to incorporate specific types of information, such as peer-reviewed research or citizen science. Other comments called for commitments to updating the Data Portal at regular intervals.

Response to comments: The RPB acknowledges the value of these types of information and sees them as an avenue for further exploration, and the Data Portal team is currently engaged with several partners concerning new citizen science data sources. The current process for adding new information is via the Ocean Mapping Data Team (OMDT), an established workgroup comprised of the MARCO Data Portal Team and RPB members and their staff. The OMDT regularly considers new data development opportunities and priorities, as described in Chapter Three.

Comment theme: Comments noted the importance of continuing coordination with the Northeast Ocean Data Portal.

Response to comments: The Data Portal team collaborates closely with Northeast Portal colleagues to develop data products that seamlessly span both regions. These data products include AIS data maps showing marine transportation, Vessel Monitoring data products showing commercial fishing activity, and diverse data on migratory marine wildlife. These coordinated efforts will continue to help leverage data development efforts and provide appropriate consistency across the regions.

Comment theme: Comments requested many additional types of data that should be maintained or added in the future. These include adding, maintaining and/or updating

maritime data, data on marine species, recreational fishing and boating data, and commercial fisheries data.

Response to comments: As noted above, the Data Portal team is committed to updating the Data Portal as capacity allows. Many commenters offered to serve as a resource, which the Data Portal team appreciates. The Data Portal team will take steps to expand interactions with industry and stakeholders, including commenters offering to assist, as time and resources allow. New data development projects scheduled for completion during 2016 and 2017 include:

- Additional data on offshore sand resources
- Expanded access to full catalog of MDAT marine wildlife data products
- Expanded access to full catalog of Communities at Sea commercial fishing data
- New and updated AIS data illustrating maritime transportation
- Improved characterization of recreational fishing distribution and intensity (pending adequate resources)
- New oceanographic data products including currents and temperature anomalies
- Updated artificial reef data

3.2.2 Actions Related to Science and Research

Comment theme: Many comments expressed support for identifying priority applied science and research needs for the region. Some encouraged the RPB to provide additional clarity on the details of this action, including a more specific timeline for engagement with scientists, clarity on resources, and stakeholder engagement, and commitments to ground the effort in data. Several comments offered specific science and research topics as potential science and research priorities. These included conducting additional recreational boating studies, filling commercial and recreational fishing data gaps, understanding and addressing climate change impacts, increasing our knowledge of the marine ecosystem structure and function including drivers of species distribution, addressing socio-political issues, and maintaining a socio-economic focus on human activities and natural resources that are not yet fully addressed in the Plan and related products. Finally, a comment was made urging the RPB to clarify that the development of science and research priorities would reflect the missions of Federal and State agencies and be consistent with appropriated funds.

Response to comments: As the RPB prepares to implement this action, additional clarity on process steps and opportunities for public and expert engagement will be provided. With regard to specific science and research priorities, the RPB will take these comments into consideration and engage stakeholders in the development of potential priorities. Finally, all actions in the Plan support the existing missions of agencies engaged in regional ocean planning and implementation of all aspects of this Plan, including this particular action, and should be carried out in a manner consistent with existing authorities.

Chapter Four: Plan Implementation

Comment theme: Several comments included requests for more clarity on RPB member entities' commitments to implementation, particularly with respect to Federal agencies.

Response to comments: To clarify commitments to the Plan, the Federal Register Notice states that Federal RPB member entities will: (1) identify, develop, and make publicly available implementing instructions, such as internal agency guidance, directives, or similar organizational or administrative documents, that describe the way the agency will use the Plan to inform and guide its actions and decisions in or affecting the Mid-Atlantic regional ocean planning area; (2) ensure that the agency, through such internal administrative instructions, will consider the data products available from the Data Portal in its decision making and as it carries out its actions in or affecting the Mid-Atlantic regional ocean planning area; and (3) explain its use of the Plan and Data Portal in its decisions, activities, or planning processes that involve or affect the Mid-Atlantic regional ocean planning area.

The specific manner and mechanism each Federal agency will use to implement the Plan will depend upon that agency's mission, authorities, and activities. RPB members will use the Plan as appropriate to inform and guide their planning activities and decision-making actions, including permitting, authorizing, and leasing decisions that involve or affect the Mid-Atlantic regional ocean planning area.

In addition, a clarifying edit in bold text below was made to page 98.

- “RPB member entities not specifically identified in this Plan as having leadership responsibilities nonetheless have obligations to participate in the collaborative process going forward **during implementation, and are expected to participate to advance the actions and commitments in the Plan as appropriate to their missions.**”

Comment theme: The RPB received many comments supporting strong stakeholder engagement during Plan implementation, including in working groups. Commenters also requested more details about when and how stakeholders will be engaged going forward. The RPB also received a suggestion to establish a mechanism for stakeholders to submit requests for consideration of specific issues that the RPB could address.

Response to comments: The RPB will develop additional clarity on specific timelines and processes for stakeholder engagement through an implementation-focused work plan in 2017. In order to clarify the important role that stakeholders will have in implementation efforts, including efforts of some RPB working groups, the following edit in bold text has been made to page 98.

- “Working groups may seek input from external scientific and technical experts, individuals with Traditional Knowledge, and members of the public. **This input can inform implementation of RPB actions.** External participants serve as technical advisors and do not participate in the decision making process.”

Suggestions for plan updates or amendments, or for new or additional topics to be taken up by the RPB, can be submitted to the RPB at any time.

Comment theme: Several comments reinforced the value of interregional coordination and consistency. The maritime industry in particular noted that its operations are global in scale and so harmonization of policies, data, and practices across regions is important. Some comments stressed the importance of coordination between the Mid-Atlantic and Northeast regions regarding data on living marine resources that migrate through both regions, data development efficiencies, and the need for coherence and consistency for agencies whose missions and responsibilities span both regions.

Response to comments: The RPB has been and will continue to coordinate with the Northeast Regional Planning Body on matters that span both regions, especially regarding data and information.

4.2 Performance Monitoring and Evaluation

Comment theme: Many comments were supportive of the need for Plan performance monitoring and evaluation. Several suggestions were offered, including the identification of specific criteria to determine whether the Plan is achieving its objectives, increased transparency, and the use of clear metrics of success to evaluate Plan performance, including impacts on economic activities and ecosystem health. Several comments also called for completion of a performance monitoring and evaluation plan by spring of 2017, and suggested that the Plan identify dates for accomplishment of action steps that are more detailed than what is offered in the Plan.

Response to comments: The RPB will further develop its performance monitoring and evaluation approach during Plan implementation, and will take these suggestions into consideration when developing the performance monitoring and evaluation plan.

Comment theme: A number of comments called for clearer identification of public engagement as a component of performance monitoring and evaluation, and requested creation of a mechanism for public feedback as part of the performance monitoring and evaluation process.

Response to comments: Stakeholder engagement will be vital to successful implementation of the Plan. During development of the performance monitoring and evaluation plan, the RPB will consider development of indicators specific to stakeholder and public engagement. The RPB will also consider creation of a mechanism for public feedback to inform the performance monitoring and evaluation process.

New ideas

In addition to specific comments on the draft Plan, many comments offered new ideas or issues the RPB could address. These will be considered by the RPB going forward. There may be opportunities to address some of these in the course of implementation of the Plan, and some may be ripe for addressing in future iterations of the Plan and therefore could be considered as part of Plan amendments and updates in the future.

New ideas included:

- Further consideration of the complex threats posed by climate change to the larger system, including efforts to enhance climate change research, resilience, adaptation, and planning.
- Addressing Sea Level Rise.
- Including citizen science contributions.
- Addressing anthropogenic sources of ocean noise, including navy sonar and ship noise.
- Using restoration activities, such as planting shellfish beds and eelgrass, to address runoff nutrient inputs from impervious surfaces.
- Promoting understanding of oceanographic processes.
- Strengthening the environmental and management linkages between State and Federal waters.
- Including bays and estuaries, national estuary program areas, and wild and scenic rivers.
- Focusing on pollution reduction, including identifying how nutrient loading and nonpoint source pollution discharges are impacting ocean ecosystem health.
- Pursuing a compatibility assessment.