

**American Littoral Society • Clean Ocean Action • Delaware Chapter of the Sierra Club •
Delaware Nature Society • Maryland Academy of Sciences at The Maryland Science Center •
Miami2Maine • The National Aquarium • Natural Resources Defense Council •
New Jersey Sierra Club • Ocean Conservancy • Riverhead Foundation for Marine Research and
Preservation • Surfrider Foundation • TerraScapes • Virginia Aquarium & Marine Science Center
• Virginia Conservation Network • Wild Oceans • Wildlife Conservation Society**

May 30, 2013

Mid-Atlantic Regional Planning Body Co-Leads:

Mr. Gerrod Smith
Chief Financial Officer
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Ms. Maureen Bornholdt
Renewable Energy Program Manager
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, D.C. 20240

Ms. Sarah Cooksey
Administrator, Delaware Coastal Programs
Delaware Department of Natural Resources
and Environmental Control
5 East Reed Street, Suite 201
Dover, Delaware 19901

Submitted electronically

Re: Public and Stakeholder Engagement in the Mid-Atlantic Regional Planning Body Process

Dear Ms. Bornholdt, Ms. Cooksey, and Mr. Smith:

On behalf of the organizations listed above and our millions of members and activists, we wish to congratulate you and the other representatives serving on the newly designated Mid-Atlantic Regional Planning Body (Mid-Atlantic RPB or RPB). We look forward to working closely with you to develop an open and transparent decision-making process.

As you well know, one of the RPB's first challenges is crafting a public and stakeholder engagement process to advise its development of the regional ocean plan. Robust public participation throughout the planning process will be critical to ensuring that the eventual ocean plan reflects the region's values and is viable over the long term. We respectfully offer our assistance to you in your efforts to connect with the broader ocean constituency and share the below recommendations for developing a transparent regional ocean planning process that encourages strong public and stakeholder involvement.

- I. Publicize Mid-Atlantic RPB materials and offer frequent public engagement opportunities.**

Our organizations urge you to move ahead expeditiously to outline the RPB's process and opportunities for public engagement. It is imperative that the Mid-Atlantic RPB offers regular updates on the body's work to those who attended last month's Mid-Atlantic Regional Ocean Planning Workshop and to the broader public community to keep them informed and involved.

We suggest the following immediate actions to make the Mid-Atlantic RPB's work transparent:

- Establish a website for the Mid-Atlantic RPB that includes at least one point of contact for questions, and commit to posting all documents, including meeting agendas and notes in a timely fashion.
- Develop a general listserv/ mailing list to communicate with interested parties and provide monthly updates on the Mid-Atlantic RPB's process. People should be able to sign up for the listserv on the RPB website.
- Publish a schedule of quarterly in-person Mid-Atlantic RPB meetings, and ensure that these meetings are open to the public and webcast. Ample notice of these and any additional RPB meetings should be made by website posting, through the listserv, and other methods of general outreach. All relevant meeting documents should be available to the public in advance.

We suggest planning for a first formal meeting of the Mid-Atlantic RPB in September, 2013 to review and discuss a draft charter detailing roles and responsibilities, overall timeline, planning scope, initial products, and draft goals for the planning process. These are some of the discussion items addressed by the Northeast Regional Planning Body's recent meeting, and their work could be used as a guide.

We also strongly recommend that the Mid-Atlantic RPB not wait until September to provide a basic update to workshop participants and other interested parties and suggest that the Co-Leads host a webinar early this summer detailing next steps and taking questions from members of the public. Announcement of the webinar could kick off the listserv and key takeaways from the webinar should be posted online and circulated via the listserv.

In addition to updating the public on the Mid-Atlantic RPB's actions, there must be regular opportunities for the public to comment meaningfully on the plan's development. The Northeast Regional Planning Body recently announced a series of upcoming public meetings to discuss and shape draft regional ocean planning goals and review existing map and data portal work; we encourage the Mid-Atlantic RPB to announce a similar outreach effort following its first meeting. We suggest holding meetings in the early evening at a range of geographic locations to ensure greatest turnout and recommend meetings in:

- Manhattan
- Brooklyn
- Riverhead
- Freeport
- Cape May
- Long Branch
- Atlantic City

- Barnegat Light/ Toms River
- Lewes
- Dover
- Philadelphia
- Baltimore
- Ocean City
- Horn Point
- Norfolk
- Melfa
- Arlington.¹

For members of the public unable to attend one of these meetings, the opportunity to provide comment via the Mid-Atlantic RPB's website should be provided. Similar public comment opportunities on RPB deliverables should be provided throughout the regional plan's development.

We should also note that our groups are united in calling for the Mid-Atlantic RPB to develop a final plan that protects, maintains, and restores the health of the region's ocean and coastal ecosystems. The overarching importance of ecosystem protection should be highlighted throughout the public and stakeholder process and reflected in the Mid-Atlantic's goals, workplan, and charter.

II. Establish a stakeholder advisory panel and a science advisory panel.

We urge you to appoint a stakeholder advisory panel to provide regular and meaningful input and advice to the Mid-Atlantic RPB. The panel would serve as a formal mechanism for the Mid-Atlantic RPB to solicit feedback on clearly articulated outcomes and asks and to respond to stakeholders' input at all stages of the planning process. Selected stakeholders should represent geographic diversity and consist of representatives from at least the following sectors: environmental NGOs, recreational user groups (*e.g.*, surfing, swimming, boating, paddling, bird watching), recreational fishing, commercial fishing, aquaculture, offshore wind energy, shipping and ports, coastal tourism, and marine trades (*e.g.*, marinas, ship building). It may be appropriate to have multiple representatives per sector and to include scientists in this panel as well as in the science advisory panel noted below. Membership in the panel should strive to allow each group represented to have adequate opportunity to share their sector's views. All representatives should aim to reach out to the broader sector they represent to incorporate the community's views and knowledge in their feedback. The public should be invited to attend all panel meetings and to comment at them. We also suggest that if an additional entity wants to be added to the stakeholder advisory panel, they be allowed to write a letter requesting consideration to the RPB.

Additionally, we recommend that the Mid-Atlantic RPB establish a science advisory panel comprised of academics and subject matter experts working throughout the region to advise it on technical matters and to provide regular and meaningful advice at all stages of the planning process. In particular, the panel

¹ Arlington has been included in this list of locations so that the many members of the DC Metro community who enjoy spending time at the Mid-Atlantic shoreline would be able to easily attend a public meeting; however, it should not be selected at the expense of another location where the intended public audience sits squarely within one of the Mid-Atlantic RPB's included states. Our groups believe that the RPB would ideally host meetings in all of these locations in order to ensure a robust public turnout from the segments of the public most likely to be impacted by the RPB's work.

should work with the National Oceanic and Atmospheric Administration and other federal agencies develop an ecological assessment of the health of the region's marine ecosystems using the best available science; the ocean plan should be based on this assessment. The public should also be invited to attend all science advisory panel meetings and to offer comment at them.

Our organizations welcome the opportunity to discuss any of these ideas in greater depth with you.

Sincerely,

Ali Chase
Policy Analyst
Natural Resources Defense Council

Amy Roe, Ph.D.
Conservation Chair
Delaware Chapter of the Sierra Club

Pam Lyons Gromen
Executive Director
Wild Oceans

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation

Anna Zivian
Senior Manager, Coastal and Marine Spatial Planning Program
Ocean Conservancy

Margo Pellegrino
Founder
Miami2Maine

Terra Pascarosia Duff
Environmental Director
TerraScapes

W. Mark Swingle
Director of Research & Conservation
Virginia Aquarium & Marine Science Center

Jacob Powell
Policy and Campaigns Manager
Virginia Conservation Network

Van R. Reiner
President and CEO
Maryland Academy of Sciences at The Maryland Science Center

Cindy Zipf Executive
Director Clean Ocean
Action

Laura Bankey
Director of Conservation
The National Aquarium

Brian Winslow Executive
Director Delaware Nature
Society

Robert A. DiGiovanni, Jr.
Executive Director / Senior Biologist
Riverhead Foundation for Marine Research and Preservation

Jeff Tittel
Director
New Jersey Sierra Club

John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society

Tim Dillingham Executive
Director American Littoral
Society

June 13, 2013

Dear Ms. Chase:

Thank you for the May 30, 2013, letter to the Mid-Atlantic Regional Planning Body Co-Leads on behalf of organizations interested in working with us as we move forward. We share your commitment to ongoing collaboration and advancement of regional ocean planning and appreciate your thoughtful and timely suggestions for stakeholder engagement. The Mid-Atlantic Regional Planning Body (MidA RPB) is considering the ideas put forth in your letter as we discuss our next steps.

Since the April Mid-Atlantic Regional Ocean Planning Workshop in Arlington, Virginia, the MidA RPB has created sub-workgroups to begin to consider fundamental operational and administrative MidA RPB procedures (e.g., drafting a charter) and to identify opportunities to engage stakeholders, in preparation for a productive first public meeting. The MidA RPB anticipates receiving initial work products from the sub-workgroups in the coming weeks, and we will subsequently reach out to stakeholders about upcoming opportunities to review and offer comments on those draft products.

We are working to establish a web presence for sharing information with the public about the MidA RPB. In the meantime, we have created an interim email address hosted by BOEM: BOEMMidAtlanticRPB@boem.gov to which comments and questions can be sent.

An important next step will be convening a webinar this summer to update the public about progress and plans going forward and provide an opportunity for public input. We are also planning for an inaugural, in-person public meeting in September. We will notify stakeholders, including those who attended the recent ocean planning workshop, about these opportunities, and provide additional detail, in the coming weeks.

It is the intention of the MidA RPB to sustain a transparent regional planning process and we welcome your recommendations and your offer of assistance to the MidA RPB in our efforts to connect with the broader ocean constituency. Please continue to contact us with any additional ideas or questions you may have. We look forward to working with your organizations to foster successful ocean planning in the Mid-Atlantic Region.

Sincerely,

Maureen A. Bornholdt
Federal Co-Lead for the Mid-Atlantic Regional Planning Body
Program Manager
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
U.S. Department of the Interior

Gwynne Schultz
State Co-Lead for the Mid-Atlantic Regional Planning Body
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources

Gerrod Smith

Tribal Co-Lead for the Mid-Atlantic Regional Planning Body

Chief Financial Officer

Shinnecock Indian Nation

**DELAWARE CHAPTER OF THE SIERRA CLUB
MARYLAND ACADEMY OF SCIENCES AT THE MARYLAND SCIENCE CENTER
THE NATIONAL AQUARIUM NATURAL
RESOURCES DEFENSE COUNCIL NEW
JERSEY SIERRA CLUB
OCEAN CONSERVANCY
SURFRIDER FOUNDATION
VIRGINIA AQUARIUM & MARINE SCIENCE CENTER FOUNDATION**

June 14, 2013

Secretary of the Interior Sally Jewell
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Submitted electronically

Dear Secretary Jewell,

On behalf of the organizations listed above and our millions of members and activists, we wish to congratulate you on your recent confirmation as the 51st Secretary of the Interior and ask for your assistance in jumpstarting an exciting opportunity that the Department of Interior (DOI) has to advance the protection and sustainable use of the Mid-Atlantic's ocean resources.

Our groups strongly support President Obama's Executive Order 13547 that establishes the first-ever National Ocean Policy and calls for the establishment of Regional Planning Bodies (RPBs) to help implement that policy at the regional level. As part of a RPB, federal agencies such as DOI work with states and federally recognized tribes with input from local governments, industries, fishermen, conservationists and others to identify which ocean areas are appropriate for different industrial uses and which ocean areas are in need of protection. Regional ocean planning can help identify and protect important ecological processes, keystone species, and valuable habitats, while providing improved certainty for ocean businesses and users. It can lead to increased protection of ocean health as our oceans experience ever more use and development. It can also ensure that all who use and love the ocean have greater say in its future.

DOI has a unique opportunity to exercise leadership in the implementation of this landmark Administration initiative by helping to lead the recently established RPB in the Mid-Atlantic region, the area extending from New York through Virginia and from shore out to 200 nautical miles. Each of the nation's nine RPBs has an assigned Federal Lead from among the National Ocean Council agencies and, in the Mid-Atlantic, the Federal RPB Co-Lead is the Bureau of Ocean Energy Management's (BOEM) Renewable Energy Program Manager, Maureen Bornholdt. Ms. Bornholdt

possesses a deep understanding of the burgeoning offshore wind industry, which, as a primary driver for this region's ocean planning, makes her uniquely qualified to serve in this role. In addition to offshore wind development, there are other activities and areas in the Mid-Atlantic under DOI's direct supervision, including offshore sand and gravel mining, endangered species protection and management of several national seashores, parks and wildlife refuges, making DOI a logical leader of the regional planning work.

Regional planning bodies like the Mid-Atlantic RPB represent an important step forward for ocean governance, but only if adequate staff time and funding are dedicated to engaging the public and stakeholders and to moving the process ahead expeditiously. *We urge DOI under your leadership to identify and provide additional staff time and resources to ensure that the Mid-Atlantic RPB moves forward in an effective and efficient manner.* In terms of staff time, we believe that at least one additional full-time person is needed with the skills and enthusiasm to support the RPB's day-to-day functioning and execute the public outreach and engagement.

Thank you for your consideration and support of this important initiative. Our organizations are excited to work with DOI and stand ready to assist you and the Mid-Atlantic RPB in this critical work. Our oceans are natural treasures that must be healthy for all Americans to use and enjoy now and into the future. We request an early opportunity to meet with you or your staff to discuss this effort in more detail.

Sincerely,

Sarah Chasis
Ocean Initiative Director
Natural Resources Defense Council

Pete Stauffer
Ocean Program Manager
Surfrider Foundation

Van R. Reiner
President and CEO
Maryland Academy of Sciences at The Maryland Science Center

W. Mark Swingle
Director of Research & Conservation
Virginia Aquarium & Marine Science Center Foundation

Laura Bankey
Director of Conservation
The National Aquarium

Emily Woglom
Director, Government Relations
Ocean Conservancy

Jeff Tittel
Director
New Jersey Sierra Club

Amy Roe,
Ph.D.
Conservati
on Chair
Delaware Chapter of the Sierra Club

cc: Eileen Sobeck, DOI Deputy Assistant Secretary for Fish and Wildlife and Parks
and Co- Chair of the National Ocean Council's Ocean Resource Management
Interagency Policy Committee

Maureen Bornholdt, BOEM Renewable Energy Program Manager and Federal Co-
Lead for the Mid-Atlantic Regional Planning Body



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

AUG 16 2013

Ms. Sarah Chasis
Senior Attorney and Director, Ocean Initiative
Natural Resources Defense Council
40 West 20th Street
New York, New York 10011

Dear Ms. Chasis:

Thank you for your June 14, 2013, letter to Secretary of the Interior Sally Jewell on behalf of you and your colleagues at organizations interested in working with the Mid-Atlantic Regional Planning Body (RPB) to advance the coordination and sustainable use of ocean resources. I have been asked to respond on Secretary Jewell's behalf. A similar response is being sent to each organization referenced in your letter.

The Department of the Interior is committed to advancing regional marine planning as part of the National Ocean Policy. We are fortunate to have Maureen Bornholdt from the Bureau of Ocean Energy Management (BOEM) serving as the Federal Co-lead for the Mid-Atlantic RPB. Ms. Bornholdt has extensive knowledge of multiple ocean uses, and understands the importance of engaging stakeholders early in the marine planning process. We are employing a team approach to supporting the Mid-Atlantic RPB efforts by drawing upon the knowledge base of a variety of scientists and subject matter experts within the Department.

Following the Mid-Atlantic Regional Ocean Planning Workshop this April, Ms. Bornholdt initiated bi-weekly teleconferences with the Mid-Atlantic RPB State and Tribal Co-Leads to chart the path forward.

In July, BOEM sent an email on behalf of the Co-Leads to update stakeholders about the Mid-Atlantic RPB. BOEM also established a webpage (<http://www.boem.gov/Environmental-Stewardship/Mid-Atlantic-Regional-Planning-Body/index.aspx>) to share information with the public.

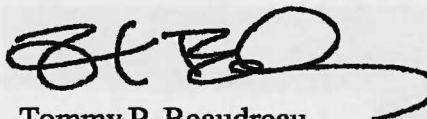
The Co-Leads have formed internal sub-workgroups to begin considering fundamental operational and administrative Mid-Atlantic RPB procedures (e.g., drafting a charter) and identifying opportunities to engage stakeholders in preparation for the Mid-Atlantic RPB's first public meeting. The Mid-Atlantic RPB will reach out to stakeholders about opportunities to review and comment on those draft products.

The Mid-Atlantic RPB held a webinar on August 1 to update stakeholders about progress and plans going forward, and to provide an opportunity for public input. The Mid-Atlantic RPB is

also planning an in-person public meeting in September. Details on these events will be posted on the web site referenced above.

The Mid-Atlantic RPB welcomes any additional ideas for our efforts to connect with the broader ocean constituency. We look forward to working with your organizations to foster successful marine planning in the Mid-Atlantic Region.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Beaudreau', with a long horizontal flourish extending to the right.

Tommy P. Beaudreau
Acting Assistant Secretary
Land and Minerals Management



TO: Maureen A. Bornholdt, Federal Co-Lead, Mid-Atlantic Regional Planning Body
Gwynne Schultz, State-Co-Lead for the Mid-Atlantic Regional Planning Body
Gerrod Smith, Tribal Co-Lead for the Mid-Atlantic Regional Planning Body

FROM: Dr. Nancy Targett, Director, Delaware Sea Grant
Dr. Peter Rowe, Research and Extension Director, New Jersey Sea Grant
Ms. Ann Faulds, Associate Director, Pennsylvania Sea Grant
Dr. Fredrika Moser, Director, Maryland Sea Grant
Dr. Troy Hartley, Director, Virginia Sea Grant
Dr. Susan White, Executive Director, North Carolina Sea Grant
Dr. William Wise, Interim Director, New York Sea Grant

cc: Dr. Billiana Cicin-Sain, Director, Gerard J. Mangone Center for Marine Policy at the University of Delaware's College of Earth, Ocean, and Environment

DATE: July 1, 2013

SUBJECT: Opportunities for collaboration between Mid-Atlantic Sea Grant Programs and Mid-Atlantic RPB

Dear Maureen, Gwynne, and Gerrod:

We hope the *Mid-Atlantic Regional Ocean Research Plan* has provided your offices with data and thoughtful analysis that contributes to your work with the newly formed Mid-Atlantic RPB. The report identifies and prioritizes ocean research needs of the Mid-Atlantic through synthesis of previous research recommendations and stakeholder prioritization. Led by the Delaware, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina Sea Grant programs, with assistance from New York Sea Grant, the effort was funded by NOAA's National Sea Grant Office. As you proceed with implementation of marine planning in the Mid-Atlantic as outlined in the National Ocean Policy, we look forward to exploring ways that the Mid-Atlantic Sea Grant Programs can collaborate with the Mid-Atlantic RPB and other regional bodies, such as the Mid-Atlantic Regional Association Coastal Ocean Observing System (MARACOOS), to advance mutual goals. We welcome an opportunity to meet and discuss potential opportunities.

As a university-based, federal-state partnership, the Sea Grant network provides unique access to the best available science, technology, and expertise to support human and environmental needs in coastal and ocean areas. In addition, the focus on integrated research, communication, education, extension, and additional outreach programs ensures that the science developed through cutting-edge research is effectively communicated to government, non-profit, and private sector end-users and informs their

Maureen A. Bornholdt
Gwynne Schultz
Gerrod Smith
Page 2
July 1, 2013

science-based planning and decisions. Sea Grant programs strive for responsiveness by utilizing stakeholder input to both our long and short term planning strategies, as well as our research and outreach funding decisions. Our emphasis on high-quality, cutting edge research allows us to be forward-thinking, in some cases identifying impending issues in natural resources management before stakeholders are impacted. In all our work, the sustainability of coastal economies and ecosystems is our target. Our extensive networks, understanding, and support for scientific ocean research uniquely position Sea Grant as a resource for scientific research, extension, and outreach for the Regional Planning Body.

The Mid-Atlantic Sea Grant Programs are supportive of the efforts of the RPB to improve planning and management of our coastal and ocean resources. We welcome the opportunity to meet with the RPB (as a group or with individual representatives) to discuss ways that we can work together to support effective ocean and coastal management in the Mid-Atlantic region.

If you have any questions or would like to arrange a meeting, please contact Jen Merrill and Nancy Targett at merrillj@udel.edu or (302)831-8087. The plan is available electronically at: <http://www.midatlanticoceanresearchplan.org/sites/www.midatlanticoceanresearchplan.org/files/u6/MidAtlanticRegionalOceanResearchPlan-Final.pdf>.

cc: **Mid-Atlantic Regional Planning Body members:**
Federal Agency Representatives

Joe Atangan, Chairman of the Joint Chiefs of Staff, U.S. Navy, Joint Staff Representative, Atlantic Regional Bodies, U.S. Fleet Forces Command

Thomas Bigford, National Oceanic and Atmospheric Administration, Chief, Habitat Protection Division, NMFS

Patrick Gilman, Department of Energy, Wind Market Acceleration Lead

Jon Hall, Department of Agriculture, NRCS, State Conservationist

Frank Mach, Department of Transportation, Director, Mid-Atlantic Gateway Office

W. David Noble, Department of Defense, U.S. Navy, Supervisory Natural Resources Specialist

Douglas Pabst, Environmental Protection Agency, Acting Chief, Region 2

John Walters, Department of Homeland Security, U.S. Coast Guard, Chief, Waterways Management Section, 5th District

State Agency Representatives

Sarah Cooksey, Delaware Department of Natural Resources and Environmental Control

Joseph Martens, Commissioner, New York Department of Environmental Conservation

Cesar Perales, New York, Secretary of State

Amy Cradic, New Jersey, Senior Policy Advisor

Robert Martin, Commissioner, New Jersey Department of Environmental Protection

Andrew Zemba, Pennsylvania Department of Environmental Protection, Director, Pennsylvania Interstate Waters Office

Maureen A. Bornholdt

Gwynne Schultz

Kelly Seffner, Pennsylvania Department of Environmental Protection, Deputy Secretary for Water

Page 3 Management

John Clark, Delaware Department of Natural Resources and Environmental Control, Environmental
Program Administrator

Catherine McCall, Maryland Department of Natural Resources, Director, Coastal and Marine
Assessment

Division

Richard Weeks, Virginia Department of Environmental Quality, Chief Deputy

Jack Travelstead, Virginia Marine Resources, Commissioner

Tribal Representatives

Clint Hill, Oneida Indian Nation, Turtle Clan Representative

Meaghan Murphy Beakman, Oneida Indian Nation, General Council

National Ocean Council Director:

Deerin Babb-Brott, National Ocean Council Office

Mid-Atlantic Regional Council on the Ocean:

Maureen A. Bornholdt, Bureau of Ocean Energy Management

Gregory Capobianco, New York Department of State

Sarah W. Cooksey, Delaware Department of Natural Resources and Environmental Control

Michelle Lennox, MARCO Program Manager

Laura McKay, Virginia Coastal Zone Management Program

Martin Rosen, New Jersey Department of Environmental Protection

National Sea Grant Office:

Leon Cammen, National Sea Grant Office

Dorn Carlson, National Sea Grant Office

July 22, 2013

Dear Dr. Targett:

Thank you for the July 8, 2013, letter to the Mid-Atlantic Regional Planning Body Co-Leads on behalf of the Mid-Atlantic Sea Grant College Program Directors. We share your commitment to collaboration and advancement of regional marine planning, and we appreciate your work to reach out to stakeholders and identify key scientific information needs.

The Mid-Atlantic Regional Planning Body (MidA RPB) will consider the ideas put forth in your research plan as we discuss our next steps. Since the five priority issue-areas outlined in the Mid-Atlantic Regional Ocean Research Plan align with the initial priority objectives currently in discussion by the MidA RPB, the analysis and data offered by the Plan would be an important resource moving forward. As you recognize, a cornerstone of marine planning is the need for the best available science to inform the process and achieve the goals and objectives identified by the regional planning body. We will need to draw on organizations like the Sea Grant institutions to provide the science and assist with interpretation. In addition, the Sea Grant network of scientists and skills with outreach to local communities will be an asset to this effort. Your support is critical to the success of marine planning in the Mid-Atlantic region.

It was good to see some of your Sea Grant colleagues at the Mid-Atlantic Regional Ocean Planning Workshop that was held in April. Since that time, the MidA RPB has created sub-workgroups to begin to consider fundamental operational and administrative MidA RPB procedures (e.g., drafting a charter and identifying data needs). We are also identifying opportunities to engage stakeholders in preparation for our first public meeting in September. We established a webpage (<http://www.boem.gov/Environmental-Stewardship/Mid-Atlantic-Regional-Planning-Body/index.aspx>) to share information with the public and we created an email address (MidAtlanticRPB@boem.gov) to which comments and questions can be sent. The MidA RPB is convening a MidA RPB webinar on August 1 to update stakeholders about progress and plans going forward, and to provide an opportunity for public input. Through the webpage and email messages, the MidA RPB will notify stakeholders and provide additional details about these opportunities.

It is the intention of the MidA RPB to sustain a transparent regional planning process and we welcome your recommendations and your offer of assistance to the MidA RPB in our efforts to connect with the broader ocean constituency. Please contact the enhanced data and information workgroup with any additional ideas or questions you may have. We remain early in our planning effort but we will respond as soon as possible. That data and information workgroup is co-championed by Marilyn Lennon with the NJ Department of Environmental Protection (Marilyn.Lennon@dep.state.nj.us; 609-292-2178) and John Walters with the U.S. Coast Guard (john.r.walters@uscg.mil; 757-398-6230). We look forward to working with the Mid-Atlantic Sea Grant College Program Directors to foster successful marine planning in our Region.

Sincerely,

Maureen A. Bornholdt
Federal Co-Lead for the Mid-Atlantic Regional Planning Body
Program Manager
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
U.S. Department of the Interior

Gwynne Schultz
State Co-Lead for the Mid-Atlantic Regional Planning Body
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources

Gerrod Smith
Tribal Co-Lead for the Mid-Atlantic Regional Planning Body
Chief Financial Officer
Shinnecock Indian Nation

cc: Marilyn Lennon
John Walters

Clean Ocean Action • Delaware Chapter of the Sierra Club • Maryland Academy of Sciences at
The Maryland Science Center • Miami2Maine • Natural Resources Defense Council •
New Jersey Sierra Club • Ocean Conservancy • Surfrider Foundation • TerraScapes •
Virginia Conservation Network • Wild Oceans • Wildlife Conservation Society

September 4, 2013

Mid-Atlantic Regional Planning Body Co-Leads:

Ms. Maureen Bornholdt
Renewable Energy Program Manager
Bureau of Ocean Energy Management
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Mr. Gerrod Smith
Chief Financial Officer
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Ms. Gwynne Schultz
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

Submitted electronically

Re: Discussion Points from the Mid-Atlantic Regional Planning Body's August 1st Webinar

Dear Ms. Bornholdt, Ms. Schultz, and Mr. Smith:

Thank you for all of the time and effort that you and the other representatives serving on the Mid-Atlantic Regional Planning Body (MidA RPB or RPB) clearly invested in hosting the informative August 1st webinar. We appreciated the planning updates; the RPB certainly has covered a great deal of ground since its formation in April.

Below, please find recommendations that we hope you will consider in advance of the upcoming RPB meeting on September 24-25. This letter supplements comments raised by many of our groups in a May 30, 2013 letter¹ and on the conference call regarding stakeholder and public outreach, planning goals and overall regional ocean plan development.

I. Establish a stakeholder advisory panel and a science advisory panel.

It is critical that the MidA RPB identify a formal mechanism to solicit regular, proactive input and recommendations, as well as feedback from and respond to stakeholders in the region. On the webinar,

¹ NRDC, et al. Letter re: Public and Stakeholder Engagement in the Mid-Atlantic Regional Planning Body Process to: Maureen Bornholdt, Sarah Cooksey, and Gerrod Smith. 30 May 2013.

several options were suggested: a stakeholder liaison committee of individuals who can reach out to and serve as a voice for their sector's interests; a blue ribbon stakeholder panel comprised of experts; sector by sector regional meetings; and an online comment tool. We respectfully recommend that the MidA RPB incorporate elements from each of these models into their final stakeholder outreach plan.

The letter many of our groups sent on May 30, 2013 outlines a possible stakeholder advisory panel most akin to the stakeholder liaison committee described on the conference call, but also identified several components that would help achieve the benefits offered by the other methods. Our organizations suggest that the stakeholder body consist of representatives from at least the following sectors: environmental NGOs, recreational user groups (*e.g.*, surfing, swimming, boating, paddling, bird watching, diving), recreational fishing, commercial fishing, aquaculture, offshore wind energy, shipping and ports, coastal tourism, and marine trades (*e.g.*, marinas, ship building). It may be appropriate to have multiple representatives per sector and to include scientists in this panel as well as in the science advisory panel noted below. Similar to the RPB's stakeholder liaison model, all chosen representatives should act as a conduit for views shared by the broader sector they represent. Ensuring that the selected stakeholders represent geographic diversity will help account for any regional differences, addressing concerns that perhaps underlie the RPB's sector by sector regional meeting proposal. Stakeholder liaisons also should be recognized leaders in their field, allowing the body to function as a quasi-blue ribbon panel. Our organizations feel strongly that the public should be invited to attend all formal stakeholder body meetings and to comment at them, and that everyone should have access to an online comment tool for all documents offered for review. We further suggest that if an additional entity wants to be added to the stakeholder advisory panel, they be allowed to write a letter requesting consideration to the RPB.

Additionally, we continue to recommend establishment of a science advisory panel comprised of academics and subject matter experts working throughout the region to advise the RPB on technical matters and to provide regular and meaningful advice at all stages of the planning process. The public should also be invited to attend all science advisory panel meetings and to offer comment at them.

Please note that a lack of identified funding should not prevent the establishment of both aforementioned stakeholder entities. We encourage you to incorporate both the stakeholder and the below public outreach processes directly into the RPB's charter, as opposed to waiting to include it in the work plan.

II. Offer frequent public engagement opportunities.

Our organizations thank you for the newly developed RPB website with contact information and the email list that will help make your work more transparent and improve contact with the broader public. We encourage you to commit to posting all documents, including meeting agendas and notes, in a timely fashion, no later than two weeks after the meeting. We also encourage the RPB to provide email updates at least once a month so that the public can see the initiative's steady progress.

As previously communicated, we urge you to publish a schedule of quarterly in-person RPB meetings and have these meetings open to the public and webcast. Similarly to how you are proceeding to announce this first September RPB meeting, we ask you to please continue providing ample notice of RPB meetings by website posting, through the listserv, and with other methods of general outreach.

We recommend that for all official public meetings – in person and webinars – a participant list that includes names and identified organizations be provided. This document should be made available at the in-person meetings upon arrival, based on RSVPs, and can be posted online after webinars. Providing this document will help ensure transparency and improve stakeholder communication.

We were impressed with how smoothly the recent webinar ran and encourage you to continue to explore this option in the future, perhaps by hosting a series of webinars of key topics the RPB would like to solicit initial feedback on. By identifying a select topic, the webinars could be held to a shorter, manageable time commitment while encouraging more of a dialogue where questions could be answered as they are raised.

We request that all relevant meeting documents be made available to the public as far in advance of the meeting as possible to allow for interested parties to come prepared to discuss the ideas the RPB puts forth for consideration. In particular, it would be helpful for many of us to review the draft RPB charter and any updated goals prior to September 24th. Additionally, we would like to stress the importance of hosting public in-person meetings throughout the region on key components of the plan, for example, on the regional ocean planning goals.²

III. Propose regional planning goals comparable to those drafted by the Northeast Regional Planning Body,³ which prioritize the importance of ocean health and encourage sustainable use.

Our organizations believe that while the regional planning work may unfold differently in regions, certain overarching goals should be shared and we are united in calling for all the RPBs to develop final plans that protect, maintain and restore the health of their regions' ocean and coastal ecosystems. As such, our groups support the Northeast Regional Planning Body's (Northeast RPB) draft healthy ocean and coastal ecosystems goal to:

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.⁴

We believe that this should be an overarching goal of the MidA RPB's plan as well. It fulfills the mission of the National Ocean Policy, from which the RPBs take direction and which calls for action to help "protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources"; "improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies"; and "bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems".⁵

² The May 30 letter that many of our groups sent suggests holding a series of public meetings to discuss the Mid-Atlantic RPB's goals and includes proposed geographic locations.

³ Available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

⁴ *Ibid.*

⁵ Executive Order 13547, available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>. See also, the *Final Recommendations of the Interagency Ocean Policy Task Force*, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf: "[regional ocean planning] provides a

We recommend that this goal underlie all of the RPB's planning efforts, as only a healthy ocean can continue to provide the food, jobs and recreation we want and need. In 2010, the Mid-Atlantic's ocean resources supported roughly 650,000 jobs, with the tourism and recreation sector representing more than 73 percent of these.⁶ In 2011, over 2.4 million recreational anglers took 16 million fishing trips in the Mid-Atlantic region.⁷ In 2011, the region's seafood industry – not accounting for imported seafood – supported nearly 37,000 jobs.⁸ This employment and enjoyment rely on clean coastal waters and beaches and healthy and abundant fish and wildlife. The Mid-Atlantic's valuable nearshore and open ocean waters are already struggling with serious problems, like pollution, destruction of productive marine habitats, climate change and ocean acidification; it is critical that we do not overwhelm the natural system's ability to properly function and provide for us. For these reasons, we ask that the overarching importance of ecosystem protection be highlighted as a defining goal and reflected in the MidA RPB's charter as part of its mission statement and in the work plan.

In order to achieve this goal, the RPB should commit to conducting – in partnership with the National Oceanic and Atmospheric Administration and other scientific partners and federal agencies – a regional assessment of the area's ecosystem, as is called for by the *Final Recommendations of the Interagency Ocean Policy Task Force*,⁹ and to using a science-based methodology to help identify and protect important ecological areas, advised by the regional assessment. To the extent of their existing authorities, federal agencies and states and tribes can take steps to safeguard the areas and ecosystem processes important for spawning, breeding, feeding and migrating ocean fish and wildlife and ensure that the various impacts of ocean uses – alone and in concert – do not threaten the natural system's health or the variety of uses (*e.g.*, surfing, boating, fishing, paddling, bird watching) that depend on these resources.

We also support utilizing the Northeast RPB's goal relating to ocean uses as an alternative to the draft goals on particular uses that were presented at the webinar. The Northeast RPB goal states:

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

public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected - now and for future generations" and "ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses." (pp. 41, 44).

⁶ National Oceanic and Atmospheric Administration. ENOW Data 2010. Available at <http://www.csc.noaa.gov/ENOWDataWizard/index.jsp?RegionList=-4&vYears=2010>. Please note that employment numbers and percentage of jobs due to tourism and recreation and living resources would be higher if the data accounted for the self-employed. Jobs numbers include part-time and seasonal employees.

⁷ National Marine Fisheries Service. 2012. *Fisheries Economics of the United States, 2011*. Available at <http://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2011/FEUS%202011-Revised.pdf>.

⁸ *Ibid.* Please note that the results from this survey cannot be directly compared to the ENOW data; the analyses use different data and models. Please note that the NMFS report includes self-employed fishermen.

⁹ See, for example, page 59: "The regional assessment would include: relevant biological, chemical, ecological, physical, cultural, and historical characteristics of the planning area; ecologically important or sensitive species/habitats/ecosystems; and areas of human activities. The assessment would also include an analysis of ecological condition or health and of cumulative risks as well as forecasts and models of cumulative impacts. The regional assessment would explain the information obtained and analyses conducted during the planning process and how they were used to help determine management decisions and plan alternatives." Available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

to shoreside infrastructure and activities. Facilitate increased understanding and coordination among stakeholders, recognizing the difficulty of resolving certain conflicts.¹⁰

This goal provides a helpful way of approaching the planning process itself, as well as the assessment of different ocean uses.

IV. Commit to developing a final draft plan by the end of 2015.

The Northeast RPB has proposed a three-year planning timeline, with a final product to be submitted to the National Ocean Council for approval in 2015;¹¹ hopefully, the MidA RPB can match this schedule so that we can begin using this much-needed plan as soon as possible. In particular, it would be important to ensure that the time and effort invested in this process is acknowledged by a supportive Administration. After 2016 it is possible that the federal agencies participating in this effort may be under a new Administration that is not as receptive to this work.

It should also be noted that while the RPB is not a regulatory body, once a regional ocean plan is approved, federal agencies are required to comply with the regional ocean plans "to the fullest extent consistent with applicable law".¹² The sooner that the plan is finalized, the sooner that federal agencies and others can begin to act.

Our organizations appreciate the opportunity to share with you these recommendations for developing a transparent regional ocean planning process that encourages strong public and stakeholder involvement and protects our valuable ocean resources. Please let us know if you would like to discuss any of these items in greater depth. We look forward to seeing you at September's MidA RPB meeting.

Sincerely,

Ali Chase
Policy Analyst
Natural Resources Defense Council

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation

Pam Lyons Gromen
Executive Director
Wild Oceans

¹⁰ Available at <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

¹¹ See, for example, page 63 of the Northeast RPB's April 11-12, 2013 meeting materials: <http://northeastoceancouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>.

¹² Executive Order 13547, available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

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September 12, 2013

Dear Ms. Chase:

Thank you for the September 4, 2013, letter to the Mid-Atlantic Regional Planning Body (MidA RPB) Co-Leads cosigned by organizations interested in working with us as we initiate a regional ocean planning process.

Your suggestions for the MidA RPB to consider regarding stakeholder engagement, public outreach, planning goals, and the regional ocean plan development are timely as we prepare for our inaugural in-person meeting on September 24 and 25 at Monmouth University in New Jersey.

Topics to be discussed by the MidA RPB during the September meeting will include: a timeline for regional ocean planning and associated products; initial draft regional ocean planning goals and the geographic focus; mechanisms for engaging stakeholders throughout the process; and next steps regarding data/information and operational considerations.

As mentioned during the August 1 webinar, members of the MidA RPB are currently working via informal, ad hoc workgroups to consider fundamental operational and administrative procedures and are developing initial draft ideas and products that will facilitate the discussions during the upcoming in-person meeting. These early ideas will be captured in meeting materials, which will be posted on the [MidA RPB website](#) by September 16, along with a meeting agenda. The MidA RPB welcomes and encourages your input about these ideas and any other aspects of regional ocean planning. We invite members of your organizations to attend and actively participate in the meeting or to provide input to the MidA RPB in writing via email at MidAtlanticRPB@boem.gov. The MidA RPB welcomes any additional ideas for our efforts to connect with the broader ocean constituency.

We share your commitment to collaboration and advancement of regional ocean planning and we will continue to consider the ideas put forth in your letter as we prepare to take our next steps. We look forward to working with your organizations to foster successful ocean planning in the Mid- Atlantic Region.

Sincerely,

Maureen A. Bornholdt

Federal Co-Lead for the Mid-Atlantic Regional Planning Body

Program Manager

Office of Renewable Energy Programs

Bureau of Ocean Energy Management U.S.

Department of the Interior

Gwynne Schultz

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**American Littoral Society • Clean Ocean Action • Maryland Academy of Sciences at The
Maryland Science Center • Miami2Maine • Natural Resources Defense Council •
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October 8, 2013

Mid-Atlantic Regional Planning Body Co-Leads:

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Submitted electronically

Re: The Mid-Atlantic Regional Planning Body's Inaugural Meeting and Draft Documents

Dear Ms. Bornholdt, Ms. Schultz, and Mr. Smith:

On behalf of the organizations listed above and our millions of members and activists, we wish to congratulate you and the other Mid-Atlantic Regional Planning Body (MidA RPB or RPB) representatives for holding your inaugural public meeting on September 24 and 25. Several of us were able to attend, and all of us are closely following this process and reviewing the RPB's draft materials.¹ We offer our recommendations below regarding the RPB's proposed vision statement, goals and objectives, charter and mechanisms for increased stakeholder engagement.² We appreciate the opportunity to engage in this regional ocean planning process from the start and hope to see it result in the

¹ September 16, 2013 meeting materials that were posted online (at <http://www.boem.gov/Environmental-Stewardship/Mid-Atlantic-Regional-Planning-Body/MidA-RPB-Materials.aspx>) and that will be addressed in this letter are: Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic, Mid-Atlantic RPB Stakeholder Engagement: Current mechanisms and options for the future, DRAFT Charter for the Mid-Atlantic Regional Planning Body, Mid-Atlantic Regional Council on the Ocean Proposed Products and Services for use by the Mid-Atlantic Regional Planning Body and Mid-Atlantic Regional Ocean Planning 5 year Timeline: DRAFT for RPB Discussion. Additionally, this letter refers to a September 25 PowerPoint which detailed possible pieces of a vision statement and revised goals, possible objectives and a timeline for the goals.

² This letter builds on the letters several of our organizations submitted to the MidA RPB on May 30 and September 4, 2013.

development of a plan that protects, maintains and restores the health of the Mid-Atlantic's valuable ocean and coastal resources and has a goal of achieving sustainable use.

I. By 2016, the MidA RPB should produce a final regional ocean plan.

Our organizations are concerned that RPB members have not embraced development of a regional ocean plan, also known as a coastal and marine spatial plan (CMS Plan), as part of their overarching mission. The body's work as envisioned by the National Ocean Policy is to extend beyond that of acting as a shared forum to bring a variety of federal, state and tribal actors together, with input from stakeholders, technical experts and the public, to coordinate and discuss future ocean development. As stated in the *Final Recommendations of the Interagency Ocean Policy Task Force* (Final Recommendations): "Regional planning bodies would function as convening and planning bodies that comprise Federal, State, and tribal representatives responsible for implementing existing authorities to create a process, *and ultimately a plan*, to better apply such existing authorities to achieve agreed upon regional goals and objectives."³ We recommend that the mission and member commitments sections of the RPB's charter⁴ indicate a desire on behalf of all parties to use the ocean planning vehicle to advance shared priorities and produce a plan.

Moreover, federal RPB members are required under Executive Order 13547 (Executive Order or Order) to "participate in the process for coastal and marine spatial planning and comply with [National Ocean] Council certified coastal and marine spatial *plans*."⁵ The draft RPB charter's member commitment statement that "The Members agree, to the extent *practicable* and consistent with their underlying authorities, to participate in the process for marine planning..."⁶ falls short of the Order's call for members of the federal family to develop and comply with plans "to the fullest extent consistent with applicable law"⁷ and, accordingly, the statement should be revised by inserting "fullest" before "extent" and removing the word "practicable." Further, we recommend that members use all National Ocean Policy documents in developing their plan – there is no need to reference only the National Ocean Council's *Marine Planning Handbook*.⁸

The charter should also note the importance of conducting the Regional Ocean Assessment which was described at the meeting.⁹ Currently, the capacity assessment and the work plan need are defined in the charter's mission, but the Regional Ocean Assessment which will drive the heart of the planning work is not listed.¹⁰ We also suggest that the charter contain an upfront commitment to use the best available data to plan with and that the body commit to developing an iterative, adaptive process to ensure that the Regional Ocean Assessment and the plan itself remain living documents.

³ Final Recommendations at 62, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf. Emphasis added.

⁴ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 2 and 6.

⁵ Executive Order 13547, *available at* <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>. Emphasis added.

⁶ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 5. Emphasis added.

⁷ Executive Order 13547, *available at* <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

⁸ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 5.

⁹ Our organizations were pleased to see discussion of the Regional Ocean Assessment at the meeting and intend to submit separate comments offering our recommendations on this work.

¹⁰ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 2.

In order to ensure that the time and effort invested in this process is undertaken during a supportive Administration, we further recommend that the MidA RPB match the three-year planning schedule set out by the Northeast Regional Planning Body (Northeast RPB), which calls for a final product to be submitted to the National Ocean Council for approval in 2015.¹¹ We recommend that the MidA RPB submit a draft plan to the National Ocean Council for review in 2015, with the goal of sign-off on the document in early 2016. The Mid-Atlantic region is a diverse region with a fair number of competing uses, but there are shared Mid-Atlantic Regional Council on the Ocean (MARCO) commitments that could be addressed – at least in part – through marine planning, for example: “Promote the identification and protection of important ocean habitats, including sensitive and unique offshore areas”; “Collaborate on a regional approach to support the sustainable development of renewable energy in offshore areas;” and “Prepare Mid-Atlantic communities for the effects of climate change on coastal and ocean resources.”¹² Selecting a subset of issues to tackle through this process and adhering to a tight schedule to advance these priorities would allow the MidA RPB members to achieve a first CMS Plan, the success of which could then be built off of for future iterations of a regional ocean plan. Having a plan in place as the next generation of wind projects is developed, as short sea shipping takes off and as decisions continue to be made regarding the location and extent of offshore sand mining makes great sense.

II. Propose a regional vision statement, planning goals and objectives and a charter which prioritize ocean health and encourage sustainable use.

Our organizations’ encouragement and support for the RPB stems from the understanding that this process will lead to improved ocean health and sustainable ocean use for this and future generations. The Executive Order calls for action to help “protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources”; “improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies”; and “bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems”.¹³ The Final Recommendations further state:

[Coastal and marine spatial planning or CMSP] is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through CMSP because they are centrally incorporated into the CMS Plan as desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. CMSP allows for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of

¹¹ See, for example, page 63 of the Northeast RPB’s April 11-12, 2013 meeting materials: <http://northeastoceanouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>.

¹² Mid-Atlantic Regional Council on the Ocean Proposed Products and Services for use by the Mid-Atlantic Regional Planning Body at 1.

¹³ Executive Order 13547, available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.”¹⁴

As such, we believe it critical that the MidA RPB’s goals clearly indicate the protection and enhancement of ocean health as a desired outcome of the plan. Our organizations have previously suggested the MidA RPB adopt the Northeast RPB’s draft healthy ocean and coastal ecosystems goal to:

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.¹⁵

While regional differences between the Northeast and the Mid-Atlantic exist, both regions understand the value that a healthy ocean system brings not only to ocean wildlife, but to all of us who depend on ocean resources to continue to provide the food, jobs and recreation we want and need.¹⁶ We appreciate that this concept is reflected in the MidA RPB’s revised draft goal of “Stewardship, protect and restore ecosystem health and functionality, account for key habitat,”¹⁷ but believe the statement must go further to express the fundamental importance of ecosystem health. Also, we would want to see as a goal protection for key habitats, not just “accounting” for key habitats.

Our organizations offer the following vision statement and goals, based on the Executive Order, the Northeast RPB’s draft goals and the September 25 PowerPoint, for consideration:

Vision Statement:

To ensure healthy,¹⁸ resilient and resistant,¹⁹ safe and productive Mid-Atlantic ocean and coastal resources so as to promote the well-being, prosperity and security of present and future generations.

Goals and Objectives:

1. Protect, maintain and restore the natural biological, chemical and physical health and integrity of the region’s ocean and coastal ecosystems.²⁰ Respect the intrinsic value of the ocean, its biodiversity,²¹ and act as its steward, recognizing humans as part of the ecosystem

¹⁴ Final Recommendations at 44, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf. Emphasis added.

¹⁵ *Available at* <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

¹⁶ Please see the September 4 letter for examples of the economic value healthy oceans provide.

¹⁷ September 25 PowerPoint at 4.

¹⁸ Some have questioned whether definitions exist for terms like “healthy ecosystem” and “biodiversity.” We have provided definitions for some key terms pulled from scientific literature and other sources and suggest that incorporating definitions within the RPB’s documents may be one way to address potential confusion. For example, we recommend the following definition for ecosystem health: *the ability of an ecosystem in ocean and coastal waters to support and maintain patterns, important processes, and productive, sustainable, and resilient communities of organisms, having a species composition, diversity, and functional organization resulting from the natural habitat of the region, such that it is capable of supporting a variety of activities and providing a complete range of ecological benefits.*

¹⁹ Resilience: *ability to recover from perturbations/stressors.* Resistance: *ability to resist perturbations/stressors.*

²⁰ Ecosystem: *a biogeographical and geophysical unit including species and habitat.*

²¹ Biodiversity: *variation of life forms within a given habitat or ecosystem.*

and healthy marine resources as providing valuable ecosystem services,²² social and cultural benefits, and support for vibrant ocean and coastal communities.

Possible objectives:

- Conduct a Regional Ocean Assessment based on the best available science and existing local and traditional knowledge²³ to identify our ocean's important features, such as the variety of seafloor habitats and the populations of native, threatened, and endangered species, and assess their current conditions.
 - As part of the Regional Ocean Assessment, develop an assessment of the region's key socio-economic attributes, including the current and emerging human uses and characteristics of the region's culture and economy.
 - Identify and protect important ecological functions,²⁴ areas and wildlife in order to ensure the system's resilience and its ability to continue to support existing and traditional human uses.
 - Develop a series of ecological indicators²⁵ and regularly assess the natural system's baseline health to better understand changing environmental conditions and the impacts from increased human activities.
 - Account for new information on environmental health and potential ocean uses as it becomes available and plan accordingly.
2. Develop a planning process which advances sustainable development²⁶ of the region's ocean and coastal resources. Respect the gains we have made in managing the region's ocean health and maximize compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Ensure meaningful and frequent opportunities for stakeholder and public engagement in management decisions that will affect their lives and livelihoods.

Possible objectives:

- Collaborate on a regional approach to support the sustainable development of offshore renewable energy and sand resources.

²² Ecosystem service: *services provided to humans by ecosystems*, such as clean water, food and recreational opportunities.

²³ Traditional and local knowledge: *empirical knowledge, including ways of perceiving and understanding the world, grounded in practical experience, often part of the cultural heritage of a region and passed down through generations.*

²⁴ Ecosystem function: *functions provided by the ecosystem, elements of the ecosystem, or ecosystem interactions*, such as nutrient cycling.

²⁵ Ecosystem indicator: *a variable that provides information that can be used as a proxy for other variables that are more difficult to assess, particularly in complex systems.*

²⁶ Sustainability: *the capacity to endure and remain diverse and productive over time, without diminished quality of life due to degradation of human or environmental health or adverse effects on social conditions.* The World Commission on Environment and Development in 1987 defined sustainability as the ability to "meet the needs of the present without compromising the ability of future generations to meet their own needs."

- Identify and advance shared visions for efficient and safe port access and for continued military testing, training and operations that respect and protect the ocean and coasts' ecological, social and cultural benefits.
- Identify performance measures, benchmarks, and indicators to be used to evaluate the plan's effectiveness.
- Evaluate the compatibility and conflicts between and among uses (existing and new) and identify ways of minimizing conflicts.

We believe this draft text builds from the conversation begun at the RPB meeting and meets the MidA RPB's stated desire that goals benefit the entire region, address the values of existing and proposed ocean uses, be achievable through the RPB process and maximize compatibility.²⁷

Understanding that the RPB intends to complete its charter prior to defining goals,²⁸ we strongly recommend that the RPB add the following sentence to its charter's mission: "The RPB commits to working together to help ensure healthy ocean and coastal resources and encourage sustainable use in order to promote the well-being, prosperity and security of present and future generations."

With regards to developing principles,²⁹ we recommend the MidA RPB adopt the national guiding principles from the Final Recommendations as their own.³⁰ In particular, we strongly support using an ecosystem-based management approach,³¹ ensuring open, transparent and frequent engagement with stakeholders and the public, adopting the precautionary approach,³² and acknowledging that the process should be adaptive and flexible to accommodate new data and uses.

²⁷ Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic at 4.

²⁸ The timeline of finalizing the charter for approval by November 1 and signature by November 15, 2013 was proposed at the meeting; it was suggested that goals would be prepared for public review in January-March 2014.

²⁹ Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic at 5.

³⁰ Final Recommendations at 48-9, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

³¹ We recommend that you use the definition for EBM supported by more than 220 scientists and policy experts in the *Scientific Consensus Statement on Marine Ecosystem-Based Management*: Ecosystem-based management is an integrated approach to management that considers the entire ecosystem, including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. Ecosystem-based management differs from current approaches that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-based management:

- emphasizes the protection of ecosystem structure, functioning, and key processes;
- is place-based in focusing on a specific ecosystem and the range of activities affecting it;
- explicitly accounts for the interconnectedness within systems, recognizing the importance of interactions between many target species or key services and other non-target species;
- acknowledges interconnectedness among systems, such as between air, land and sea; and
- integrates ecological, social, economic, and institutional perspectives, recognizing their strong interdependences.

McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenberg. 2005. *Scientific Consensus Statement on Marine Ecosystem-Based Management*, at: <http://compassonline.org/?q+EBM>.

³² Precautionary approach: a management and policy approach that ensures that the absence of information on the effect of an activity does not translate into an assumption of absence of harm. When an activity or the cumulative impact of certain activities raises threats of harm to the environment or human health, precautionary measures should be employed, even if the full cause and effect of the activity is not scientifically or fully established.

III. Release the regional vision statement, planning goals and objectives to the public this November for review, host a series of public meetings in January to solicit feedback, and vote on a final version at a February RPB meeting.

Given the work and dialogue which has already occurred regarding the RPB's vision, goals and objectives, we believe the RPB could release a new version for public comment in November of this year instead of the proposed January 2014.³³ As previously suggested, we also strongly recommend the MidA RPB host a series of public meetings to engage the public in review of these documents, similar to the work recently completed by the Northeast RPB.³⁴ We suggest posting the documents early in November to allow the public sufficient review time before holding meetings in the early evening in January at a range of geographic locations. We recommend hosting meetings in Manhattan, Brooklyn, Riverhead, Freeport, Cape May, Long Branch, Atlantic City, Barnegat Light/ Toms River, Lewes, Dover, Philadelphia, Baltimore, Ocean City, Horn Point, Norfolk, Melfa and Arlington.³⁵ For members of the public unable to attend a meeting, the opportunity to provide comment via the RPB website should be provided.

Soliciting public comment in January would allow the RPB to address the topic at a late February meeting, for final vote and sign-off. Waiting seven months until April for the next RPB meeting would slow the RPB's work considerably.³⁶ Our organizations felt that there was a great degree of substance to discuss at the September meeting, and tackling stakeholder engagement and the revised documents at a February meeting promises to be a comparable level of work; an April meeting could address the work plan, including the Regional Ocean Assessment work. We also reiterate our recommendations that the RPB set a schedule of quarterly, in-person meetings and ensure that these meetings are open to the public and webcast, commit to posting all documents – including meeting notes and participant lists – no later than two weeks after the meeting, and provide email updates at least once a month so that the public can see the initiative's steady progress and their opportunities to engage in it.³⁷

IV. The MidA RPB should advance a version of its stakeholder liaison model and establish a science advisory panel.

Identifying a formal mechanism to solicit regular, proactive input and recommendations, as well as feedback from and to respond to stakeholders in the region is *critical* to the RPB's success, and we appreciate the attention that members have dedicated to this vital component of the body's work. As noted in our May 30 and September 4 letters, our organizations suggest that any stakeholder body which is formed consist of representatives from at least the following sectors: environmental NGOs, recreational user groups (*e.g.*, surfing, swimming, boating, paddling, bird watching, diving), recreational fishing, commercial fishing, aquaculture, offshore wind energy, shipping and ports, coastal tourism, and marine

³³ September 25 PowerPoint at 6.

³⁴ Please reference the May 30 letter regarding public and stakeholder engagement.

³⁵ Arlington has been included in this list of locations so that the many members of the DC Metro community who enjoy spending time at the Mid-Atlantic shoreline would be able to easily attend a public meeting; however, it should not be selected at the expense of another location where the intended public audience sits squarely within one of the Mid-Atlantic RPB's included states. Ideally, the RPB will host meetings in all of these locations in order to ensure a robust public turnout from the segments of the public most likely to be impacted by the RPB's work.

³⁶ September 25 PowerPoint at 6.

³⁷ Please reference the May 30 letter regarding public and stakeholder engagement.

trades (*e.g.*, marinas, ship building). It may be appropriate to have multiple representatives per sector and to include scientists in this panel as well as in a science advisory panel. These members should be recognized leaders in their fields, represent geographic diversity, and act as a conduit for views shared by the broader sector they represent. As several of us stated at the meeting, environmental and recreational (including non-consumptive recreation) interests need to be represented separately on a stakeholder body; one voice should not serve both sectors. We further suggest that if an additional entity wants to be added to the stakeholder advisory panel, they be allowed to write a letter requesting consideration to the RPB.

We appreciate the other methods of stakeholder engagement that were noted, including presentations and having RPB members attend interested sectors' regularly scheduled meetings; however, these separate pieces would not substitute for a formal stakeholder body. The public should be invited to attend all formal stakeholder body meetings and to comment at them.

The Stakeholder Liaison Committee (Committee) recommended by MARCO addresses many of our concerns, however, we ask the RPB to explore the possibility that the Committee report directly to the RPB.³⁸ The Committee need not be asked to provide consensus advice, opinions or recommendations. We understand that the Federal Advisory Committee Act (FACA) process may offer benefits beyond what the Committee could, and it has been offered by some stakeholders as a possible option. We agree with both the National Ocean Council and Regional Planning Body members who have stated on the record that there is no requirement that FACA be used by the RPB for stakeholder engagement, but do not object to exploring it as a possibility. However, we recommend that this consideration move quickly, and that stakeholder engagement, including local public meetings and the formation of the Committee, move forward in the meantime.

Additionally, we recommend that the Mid-Atlantic RPB establish a science advisory panel comprised of academics and subject matter experts working throughout the region to advise it on technical matters and to provide regular and meaningful advice at all stages of the planning process. In particular, we believe the feedback from this panel will be useful for reviewing the Regional Ocean Assessment. The public should also be invited to attend all science advisory panel meetings and to offer comment at them.

Given the importance of stakeholders and the public in designing a plan to guide their ocean waters into the future, we hold that their role be called out directly in the RPB's charter, as opposed to simply the work plan, and that the RPB charter note that any additional stakeholder engagement mechanisms be added as an appendix to the document. We also suggest that the charter's bullets directing the Executive Secretariat to, for example, "Coordinate public outreach and stakeholder engagement as part of the regional planning process" and to "establish partnerships" be clarified to ensure that it is simply the execution component of this work that are administrative duties, and not the selection of the stakeholder process or partnership that is being referenced.³⁹

Our organizations thank you for the opportunity to share these recommendations with you and would be happy to discuss any of these items in greater depth. We appreciate the time you have invested in this

³⁸ Mid-Atlantic RPB Stakeholder Engagement: Current mechanisms and options for the future at 4, 6.

³⁹ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 6.

work and hope to see a strong plan emerge from this initiative to help protect our ocean and coasts for now and for the future.

Sincerely,

Ali Chase
Policy Analyst
Natural Resources Defense Council

Emily Woglom
Director, Government Relations
Ocean Conservancy

Van R. Reiner
President and CEO
Maryland Academy of Sciences at The Maryland Science Center

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation

Cindy Zipf
Executive Director
Clean Ocean Action

Tim Dillingham
Executive Director
American Littoral Society

Margo Pellegrino
Founder
Miami2Maine

Terra Pascarosia Duff
Environmental Director
TerraScapes

John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society



PUBLIC COMMENT SESSION 1 (IDEAS FOR INITIAL REGIONAL OCEAN PLANNING GOALS AND GEOGRAPHIC FOCUS)

My name is Brent Greenfield, and I am pleased to make the following comments on behalf of the National Ocean Policy Coalition regarding the ideas put forth for initial Mid-Atlantic regional ocean planning goals and geographic focus. While more extensive comments on user group engagement will be made following the stakeholder engagement discussion, the following suggestions are prefaced with this caveat.

Although appreciated, opportunities such as today's meeting and last month's webinar cannot substitute for the information and perspective that would be gained through the formal engagement of commercial and recreational interests through direct representation on the Regional Planning Body or, at minimum, a formal Stakeholder Advisory Committee.

By proceeding in the absence of such engagement, even at this early stage, the Mid-Atlantic regional ocean planning process is threatening to inadequately reflect the input and perspectives of the regions' most significant existing and future potential economic contributors and result in unintended and adverse consequences.

With that as context, the initial draft goals should be modified in at least several respects.

First, in addition to detailing the meaning of "responsible," the goal to facilitate responsible renewable energy development should be revised to state "facilitate responsible energy development." This is necessary to reflect that certain areas represented on this body support offshore conventional and other types of energy activities, as mentioned this afternoon, as well as renewable energy development. In Virginia, for example, there is bipartisan support both at the Statehouse and in Congress for both types of development. For the same reason, the sub-bullet for the first principle that references "enhancing efficiencies in renewable energy siting" should be revised to "enhancing efficiencies in energy siting."

In addition, the goal to "ensure access for existing and traditional uses" should be revised to state "ensure access for existing, traditional, and future potential uses." This modification is needed to acknowledge the importance of ensuring that the region can obtain the significant economic and societal benefits that could result from access to new as well as existing commercial and recreational activities.

Finally, especially given the continued challenging economic environment, goals to promote opportunities for job creation and economic growth while maintaining existing jobs, as well as to promote infrastructure revitalization, should be added to the list.

As to the principles, in addition to the recommendation just made, the final bullet should be revised to state that the use of the "best existing and new ocean data" will require utilization of sound science and compliance with federal data quality laws and regulations.

With regard to the process and timeline for further developing and finalizing regional goals, such timelines must be based on the availability of sound science, data, and information, and provide commercial and recreational interests with a sufficient and reasonable opportunity to actively and directly participate in providing guidance and advice. More detailed comments on the proposed 5-year timeline will be provided during the public comment session on operational considerations.

Thank you for the opportunity to comment.

PUBLIC COMMENT SESSION 2 (STAKEHOLDER ENGAGEMENT)

My name is Brent Greenfield, and I am pleased to make the following comments on behalf of the National Ocean Policy Coalition regarding Mid-Atlantic RPB stakeholder engagement.

According to the most recent federal data, the Mid-Atlantic states comprised of Delaware, New Jersey, New York, Maryland, Pennsylvania, and Virginia generated over \$3 trillion in economic output in 2012. As RPB activities could result in impacts to some of this regions' most significant economic contributors, it is vital that these and other critical interests that could generate additional economic output in the future not be shut out of the process and formal engagement opportunities.

An adequate seat at the table for user groups should mean more than just an opportunity to comment, attend a listening session, or complete a survey. Rather, the very groups who could be impacted by actions that might be taken by this body should be given a meaningful and active voice and role in this group's activities, with their input helping to guide a truly collaborative process and outcome.

Efforts to achieve a collaborative process and outcome can be enhanced and furthered if consensus means that such activities have the support and backing of the commercial and recreational interests that support or seek to support jobs and economic activity in the region. These groups represent the human elements that could be impacted, and they too should have a seat at the table with their governmental counterparts and be directly represented on this body.

In the event that the regrettable decision to exclude non-government representatives from RPB membership is left unchanged, other mechanisms for user group engagement including the establishment of a formal Federal Advisory Committee should be implemented *before the RPB conducts any further activities*.

While well-intended, efforts to create something short of a formal Federal Advisory Committee, such as the establishment of a Stakeholder Liaison Committee that would communicate with a 3rd party rather than the RPB itself, would be insufficient to ensure an outcome that adequately reflects a collaborative, consensus-based result and the critical input and perspectives of the commercial and recreational communities.

The RPB's stakeholder working group has noted that the RPB currently lacks the capacity to support a formal Federal Advisory Committee, and that the RPB "must ensure that the stakeholder engagement strategy chosen does not trigger" the Federal Advisory Committee Act. In this case, the RPB must embrace rather than avoid the applicability of the Federal Advisory Committee Act.

To be sure, the challenges of operating with limited resources are understandable. However, if circumstances are such that the RPB lacks the capacity to establish a formal Stakeholder Advisory

Committee under the Federal Advisory Committee Act, the RPB seemingly lacks the ability and should not endeavor to engage in this effort.

Thank you for the opportunity to comment.

PUBLIC COMMENT SESSION 3 (DATA AND INFORMATION)

My name is Brent Greenfield, and I am pleased to make the following comments on behalf of the National Ocean Policy Coalition regarding the Mid-Atlantic Regional Council on the Ocean's Data Portal and upcoming regional ocean assessment as capacities to support regional ocean planning.

Data and information used by this body, including any regional ocean assessments or specific components of such assessments, must be based on sound science, comply with strict integrity safeguards, laws, protocols, and requirements, include the socioeconomic component, and ensure that all of the region's potential economic uses and resources are accounted for. This must include data for those uses and resources that although not currently being utilized could be put to use in the future.

As one example, and as mentioned yesterday, there is bipartisan support in Virginia at both at the Statehouse and in Congress for conventional as well as renewable energy development off the Virginia coast. Seismic data for conventional energy resources in this area is based on data that was collected in the 1980's, and access is now being sought to obtain new seismic data using advanced technologies.

Thus, data must not be utilized to inform RPB or individual agency activities unless and until timely and relevant datasets for *all* potential commercial and recreational uses are available.

One final point is that the working group's report on MARCO products and services mentions that a regional ocean assessment "should be guided by and reflect ocean planning priorities and specific ecosystem management objectives for the region..." Such priorities and objectives should be developed based on meaningful stakeholder engagement and the input and advice that results from such engagement.

Thank you for the opportunity to comment.

PUBLIC COMMENT SESSION 4 (OPERATIONAL CONSIDERATIONS)

My name is Brent Greenfield, and I am pleased to make the following comments on behalf of the National Ocean Policy Coalition regarding operational considerations related to the regional ocean planning timeline and associated products and the model RPB Charter.

As stated yesterday, by proceeding in the absence of direct commercial and recreational representation on the RPB or at least an opportunity for formal engagement through a Stakeholder Advisory Committee, even in discussions about things like *potential* goals, timelines, and actions, the Mid-Atlantic regional ocean planning process is already threatening to inadequately reflect the input and perspectives of the regions' most significant existing and future potential economic contributors and result in unintended and adverse consequences.

Like the discussion about goals and geographic focus, stakeholder engagement, and data and information, the discussion about timelines and associated products would benefit tremendously from

this type of formal engagement, and such mechanisms should be in place before these discussions continue.

With that as context, it is also important to note that existing and future potential users of ocean and coastal resources in the Mid-Atlantic already must navigate a wide array of state and federal programs to carry out their existing or proposed activities. At the same time, they are confronting challenging economic circumstances that also demand their constant attention, time, and resources.

Timelines and decisions related to goals, objectives, and actions must account for these circumstances and be based on the availability and application of sound science, data, and information.

In addition, and as stated previously, if commercial and recreational interests are not directly represented on the RPB and circumstances are such that the RPB lacks the capacity to establish a formal Stakeholder Advisory Committee, then the RPB seemingly lacks the ability and should not endeavor to undertake the development of a formal regional ocean plan or other products whose use could result in impacts to commercial and recreational interests and the jobs and communities that they support or seek to support.

Any timeline for Mid-Atlantic regional ocean planning must take this into account, as well as ensure that the public at large and all groups have adequate time and opportunity to review and provide input on RPB materials in advance of meetings and actions.

Timelines must 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.

As to the draft model Charter, in addition to providing for direct commercial and recreational sector membership, local officials should also be provided with opportunities to serve directly on the RPB. With regard to commercial and recreational interests, at minimum, the Charter should provide for formal and direct engagement through a Federal Advisory Committee.

The Charter should also make clear that any decision not to address a particular use in the region is not an indication of opposition to such use occurring in the region, and that such a decision is not to be used or interpreted by any agency in a manner that would in any way restrict or prohibit such use from being authorized to take place in the region.

Other areas that the draft Charter need to address include the following:

- The terms and processes under which funding would be accepted by outside groups;
- How exactly marine planning would be "carried out consistent with and under the authority of existing statutes, regulations, and authorized programs," and which activities, regulations, statutes, and programs are implicated; and
- How agencies would "adhere to the plan and/or other [RPB] products"

Thank you for the opportunity to comment.

**American Littoral Society • Clean Ocean Action • Maryland Academy of Sciences at The
Maryland Science Center • Maryland Coastal Bays Program • Miami2Maine •
Natural Resources Defense Council • New Jersey Sierra Club • Ocean Conservancy •
Surfrider Foundation • TerraScapes • Wildlife Conservation Society**

List of signers updated on November 4, 2013

October 8, 2013

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Submitted electronically

Re: The Mid-Atlantic Regional Planning Body's Inaugural Meeting and Draft Documents

Dear Ms. Bornholdt, Ms. Schultz, and Mr. Smith:

On behalf of the organizations listed above and our millions of members and activists, we wish to congratulate you and the other Mid-Atlantic Regional Planning Body (MidA RPB or RPB) representatives for holding your inaugural public meeting on September 24 and 25. Several of us were able to attend, and all of us are closely following this process and reviewing the RPB's draft materials.¹ We offer our recommendations below regarding the RPB's proposed vision statement, goals and objectives, charter and mechanisms for increased stakeholder engagement.² We appreciate the

¹ September 16, 2013 meeting materials that were posted online (at <http://www.boem.gov/Environmental-Stewardship/Mid-Atlantic-Regional-Planning-Body/MidA-RPB-Materials.aspx>) and that will be addressed in this letter are: Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic, Mid-Atlantic RPB Stakeholder Engagement: Current mechanisms and options for the future, DRAFT Charter for the Mid-Atlantic Regional Planning Body, Mid-Atlantic Regional Council on the Ocean Proposed Products and Services for use by the Mid-Atlantic Regional Planning Body and Mid-Atlantic Regional Ocean Planning 5 year Timeline: DRAFT for RPB Discussion. Additionally, this letter refers to a September 25 PowerPoint which detailed possible pieces of a vision statement and revised goals, possible objectives and a timeline for the goals.

² This letter builds on the letters several of our organizations submitted to the MidA RPB on May 30 and September 4, 2013.

opportunity to engage in this regional ocean planning process from the start and hope to see it result in the development of a plan that protects, maintains and restores the health of the Mid-Atlantic's valuable ocean and coastal resources and has a goal of achieving sustainable use.

I. By 2016, the MidA RPB should produce a final regional ocean plan.

Our organizations are concerned that RPB members have not embraced development of a regional ocean plan, also known as a coastal and marine spatial plan (CMS Plan), as part of their overarching mission. The body's work as envisioned by the National Ocean Policy is to extend beyond that of acting as a shared forum to bring a variety of federal, state and tribal actors together, with input from stakeholders, technical experts and the public, to coordinate and discuss future ocean development. As stated in the *Final Recommendations of the Interagency Ocean Policy Task Force* (Final Recommendations): "Regional planning bodies would function as convening and planning bodies that comprise Federal, State, and tribal representatives responsible for implementing existing authorities to create a process, *and ultimately a plan*, to better apply such existing authorities to achieve agreed upon regional goals and objectives."³ We recommend that the mission and member commitments sections of the RPB's charter⁴ indicate a desire on behalf of all parties to use the ocean planning vehicle to advance shared priorities and produce a plan.

Moreover, federal RPB members are required under Executive Order 13547 (Executive Order or Order) to "participate in the process for coastal and marine spatial planning and comply with [National Ocean] Council certified coastal and marine spatial *plans*."⁵ The draft RPB charter's member commitment statement that "The Members agree, to the extent *practicable* and consistent with their underlying authorities, to participate in the process for marine planning..."⁶ falls short of the Order's call for members of the federal family to develop and comply with plans "to the fullest extent consistent with applicable law"⁷ and, accordingly, the statement should be revised by inserting "fullest" before "extent" and removing the word "practicable." Further, we recommend that members use all National Ocean Policy documents in developing their plan – there is no need to reference only the National Ocean Council's *Marine Planning Handbook*.⁸

The charter should also note the importance of conducting the Regional Ocean Assessment which was described at the meeting.⁹ Currently, the capacity assessment and the work plan need are defined in the charter's mission, but the Regional Ocean Assessment which will drive the heart of the planning work is not listed.¹⁰ We also suggest that the charter contain an upfront commitment to use the best available data to plan with and that the body commit to developing an iterative, adaptive process to ensure that the Regional Ocean Assessment and the plan itself remain living documents.

³ Final Recommendations at 62, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf. Emphasis added.

⁴ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 2 and 6.

⁵ Executive Order 13547, *available at* <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>. Emphasis added.

⁶ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 5. Emphasis added.

⁷ Executive Order 13547, *available at* <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

⁸ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 5.

⁹ Our organizations were pleased to see discussion of the Regional Ocean Assessment at the meeting and intend to submit separate comments offering our recommendations on this work.

¹⁰ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 2.

In order to ensure that the time and effort invested in this process is undertaken during a supportive Administration, we further recommend that the MidA RPB match the three-year planning schedule set out by the Northeast Regional Planning Body (Northeast RPB), which calls for a final product to be submitted to the National Ocean Council for approval in 2015.¹¹ We recommend that the MidA RPB submit a draft plan to the National Ocean Council for review in 2015, with the goal of sign-off on the document in early 2016. The Mid-Atlantic region is a diverse region with a fair number of competing uses, but there are shared Mid-Atlantic Regional Council on the Ocean (MARCO) commitments that could be addressed – at least in part – through marine planning, for example: “Promote the identification and protection of important ocean habitats, including sensitive and unique offshore areas”; “Collaborate on a regional approach to support the sustainable development of renewable energy in offshore areas;” and “Prepare Mid-Atlantic communities for the effects of climate change on coastal and ocean resources.”¹² Selecting a subset of issues to tackle through this process and adhering to a tight schedule to advance these priorities would allow the MidA RPB members to achieve a first CMS Plan, the success of which could then be built off of for future iterations of a regional ocean plan. Having a plan in place as the next generation of wind projects is developed, as short sea shipping takes off and as decisions continue to be made regarding the location and extent of offshore sand mining makes great sense.

II. Propose a regional vision statement, planning goals and objectives and a charter which prioritize ocean health and encourage sustainable use.

Our organizations’ encouragement and support for the RPB stems from the understanding that this process will lead to improved ocean health and sustainable ocean use for this and future generations. The Executive Order calls for action to help “protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources”; “improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies”; and “bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems”.¹³ The Final Recommendations further state:

[Coastal and marine spatial planning or CMSP] is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biological diversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through CMSP because they are centrally incorporated into the CMS Plan as desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. CMSP allows for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of

¹¹ See, for example, page 63 of the Northeast RPB’s April 11-12, 2013 meeting materials: <http://northeastoceanCouncil.org/wp-content/uploads/2013/04/Meeting-Materials-MEMBER-NE-RPB-April-11-12-Meeting-Materials.pdf>.

¹² Mid-Atlantic Regional Council on the Ocean Proposed Products and Services for use by the Mid-Atlantic Regional Planning Body at 1.

¹³ Executive Order 13547, available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

healthy ecosystem services and biological diversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.”¹⁴

As such, we believe it critical that the MidA RPB’s goals clearly indicate the protection and enhancement of ocean health as a desired outcome of the plan. Our organizations have previously suggested the MidA RPB adopt the Northeast RPB’s draft healthy ocean and coastal ecosystems goal to:

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.¹⁵

While regional differences between the Northeast and the Mid-Atlantic exist, both regions understand the value that a healthy ocean system brings not only to ocean wildlife, but to all of us who depend on ocean resources to continue to provide the food, jobs and recreation we want and need.¹⁶ We appreciate that this concept is reflected in the MidA RPB’s revised draft goal of “Stewardship, protect and restore ecosystem health and functionality, account for key habitat,”¹⁷ but believe the statement must go further to express the fundamental importance of ecosystem health. Also, we would want to see as a goal protection for key habitats, not just “accounting” for key habitats.

Our organizations offer the following vision statement and goals, based on the Executive Order, the Northeast RPB’s draft goals and the September 25 PowerPoint, for consideration:

Vision Statement:

To ensure healthy,¹⁸ resilient and resistant,¹⁹ safe and productive Mid-Atlantic ocean and coastal resources so as to promote the well-being, prosperity and security of present and future generations.

Goals and Objectives:

1. Protect, maintain and restore the natural biological, chemical and physical health and integrity of the region’s ocean and coastal ecosystems.²⁰ Respect the intrinsic value of the ocean, its biodiversity,²¹ and act as its steward, recognizing humans as part of the ecosystem

¹⁴ Final Recommendations at 44, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf. Emphasis added.

¹⁵ *Available at* <http://northeastoceancouncil.org/wp-content/uploads/2012/11/Draft-Goals-for-Public-Review.pdf>.

¹⁶ Please see the September 4 letter for examples of the economic value healthy oceans provide.

¹⁷ September 25 PowerPoint at 4.

¹⁸ Some have questioned whether definitions exist for terms like “healthy ecosystem” and “biodiversity.” We have provided definitions for some key terms pulled from scientific literature and other sources and suggest that incorporating definitions within the RPB’s documents may be one way to address potential confusion. For example, we recommend the following definition for ecosystem health: *the ability of an ecosystem in ocean and coastal waters to support and maintain patterns, important processes, and productive, sustainable, and resilient communities of organisms, having a species composition, diversity, and functional organization resulting from the natural habitat of the region, such that it is capable of supporting a variety of activities and providing a complete range of ecological benefits.*

¹⁹ Resilience: *ability to recover from perturbations/stressors.* Resistance: *ability to resist perturbations/stressors.*

²⁰ Ecosystem: *a biogeographical and geophysical unit including species and habitat.*

²¹ Biodiversity: *variation of life forms within a given habitat or ecosystem.*

and healthy marine resources as providing valuable ecosystem services,²² social and cultural benefits, and support for vibrant ocean and coastal communities.

Possible objectives:

- Conduct a Regional Ocean Assessment based on the best available science and existing local and traditional knowledge²³ to identify our ocean's important features, such as the variety of seafloor habitats and the populations of native, threatened, and endangered species, and assess their current conditions.
 - As part of the Regional Ocean Assessment, develop an assessment of the region's key socio-economic attributes, including the current and emerging human uses and characteristics of the region's culture and economy.
 - Identify and protect important ecological functions,²⁴ areas and wildlife in order to ensure the system's resilience and its ability to continue to support existing and traditional human uses.
 - Develop a series of ecological indicators²⁵ and regularly assess the natural system's baseline health to better understand changing environmental conditions and the impacts from increased human activities.
 - Account for new information on environmental health and potential ocean uses as it becomes available and plan accordingly.
2. Develop a planning process which advances sustainable development²⁶ of the region's ocean and coastal resources. Respect the gains we have made in managing the region's ocean health and maximize compatibility among past, current and future uses of ocean and coastal waters while minimizing user conflict and impacts to environmental and cultural resources. Ensure meaningful and frequent opportunities for stakeholder and public engagement in management decisions that will affect their lives and livelihoods.

Possible objectives:

- Collaborate on a regional approach to support the sustainable development of offshore renewable energy and sand resources.

²² Ecosystem service: *services provided to humans by ecosystems*, such as clean water, food and recreational opportunities.

²³ Traditional and local knowledge: *empirical knowledge, including ways of perceiving and understanding the world, grounded in practical experience, often part of the cultural heritage of a region and passed down through generations.*

²⁴ Ecosystem function: *functions provided by the ecosystem, elements of the ecosystem, or ecosystem interactions*, such as nutrient cycling.

²⁵ Ecosystem indicator: *a variable that provides information that can be used as a proxy for other variables that are more difficult to assess, particularly in complex systems.*

²⁶ Sustainability: *the capacity to endure and remain diverse and productive over time, without diminished quality of life due to degradation of human or environmental health or adverse effects on social conditions.* The World Commission on Environment and Development in 1987 defined sustainability as the ability to "meet the needs of the present without compromising the ability of future generations to meet their own needs."

- Identify and advance shared visions for efficient and safe port access and for continued military testing, training and operations that respect and protect the ocean and coasts' ecological, social and cultural benefits.
- Identify performance measures, benchmarks, and indicators to be used to evaluate the plan's effectiveness.
- Evaluate the compatibility and conflicts between and among uses (existing and new) and identify ways of minimizing conflicts.

We believe this draft text builds from the conversation begun at the RPB meeting and meets the MidA RPB's stated desire that goals benefit the entire region, address the values of existing and proposed ocean uses, be achievable through the RPB process and maximize compatibility.²⁷

Understanding that the RPB intends to complete its charter prior to defining goals,²⁸ we strongly recommend that the RPB add the following sentence to its charter's mission: "The RPB commits to working together to help ensure healthy ocean and coastal resources and encourage sustainable use in order to promote the well-being, prosperity and security of present and future generations."

With regards to developing principles,²⁹ we recommend the MidA RPB adopt the national guiding principles from the Final Recommendations as their own.³⁰ In particular, we strongly support using an ecosystem-based management approach,³¹ ensuring open, transparent and frequent engagement with stakeholders and the public, adopting the precautionary approach,³² and acknowledging that the process should be adaptive and flexible to accommodate new data and uses.

²⁷ Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic at 4.

²⁸ The timeline of finalizing the charter for approval by November 1 and signature by November 15, 2013 was proposed at the meeting; it was suggested that goals would be prepared for public review in January-March 2014.

²⁹ Draft Regional Ocean Planning Goals and Geographic Focus Ideas for the Mid-Atlantic at 5.

³⁰ Final Recommendations at 48-9, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

³¹ We recommend that you use the definition for EBM supported by more than 220 scientists and policy experts in the *Scientific Consensus Statement on Marine Ecosystem-Based Management*: Ecosystem-based management is an integrated approach to management that considers the entire ecosystem, including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. Ecosystem-based management differs from current approaches that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-based management:

- emphasizes the protection of ecosystem structure, functioning, and key processes;
- is place-based in focusing on a specific ecosystem and the range of activities affecting it;
- explicitly accounts for the interconnectedness within systems, recognizing the importance of interactions between many target species or key services and other non-target species;
- acknowledges interconnectedness among systems, such as between air, land and sea; and
- integrates ecological, social, economic, and institutional perspectives, recognizing their strong interdependences.

McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenberg. 2005. *Scientific Consensus Statement on Marine Ecosystem-Based Management*, at: <http://compassonline.org/?q+EBM>.

³² Precautionary approach: a management and policy approach that ensures that the absence of information on the effect of an activity does not translate into an assumption of absence of harm. When an activity or the cumulative impact of certain activities raises threats of harm to the environment or human health, precautionary measures should be employed, even if the full cause and effect of the activity is not scientifically or fully established.

III. Release the regional vision statement, planning goals and objectives to the public this November for review, host a series of public meetings in January to solicit feedback, and vote on a final version at a February RPB meeting.

Given the work and dialogue which has already occurred regarding the RPB's vision, goals and objectives, we believe the RPB could release a new version for public comment in November of this year instead of the proposed January 2014.³³ As previously suggested, we also strongly recommend the MidA RPB host a series of public meetings to engage the public in review of these documents, similar to the work recently completed by the Northeast RPB.³⁴ We suggest posting the documents early in November to allow the public sufficient review time before holding meetings in the early evening in January at a range of geographic locations. We recommend hosting meetings in Manhattan, Brooklyn, Riverhead, Freeport, Cape May, Long Branch, Atlantic City, Barnegat Light/ Toms River, Lewes, Dover, Philadelphia, Baltimore, Ocean City, Horn Point, Norfolk, Melfa and Arlington.³⁵ For members of the public unable to attend a meeting, the opportunity to provide comment via the RPB website should be provided.

Soliciting public comment in January would allow the RPB to address the topic at a late February meeting, for final vote and sign-off. Waiting seven months until April for the next RPB meeting would slow the RPB's work considerably.³⁶ Our organizations felt that there was a great degree of substance to discuss at the September meeting, and tackling stakeholder engagement and the revised documents at a February meeting promises to be a comparable level of work; an April meeting could address the work plan, including the Regional Ocean Assessment work. We also reiterate our recommendations that the RPB set a schedule of quarterly, in-person meetings and ensure that these meetings are open to the public and webcast, commit to posting all documents – including meeting notes and participant lists – no later than two weeks after the meeting, and provide email updates at least once a month so that the public can see the initiative's steady progress and their opportunities to engage in it.³⁷

IV. The MidA RPB should advance a version of its stakeholder liaison model and establish a science advisory panel.

Identifying a formal mechanism to solicit regular, proactive input and recommendations, as well as feedback from and to respond to stakeholders in the region is *critical* to the RPB's success, and we appreciate the attention that members have dedicated to this vital component of the body's work. As noted in our May 30 and September 4 letters, our organizations suggest that any stakeholder body which is formed consist of representatives from at least the following sectors: environmental NGOs, recreational user groups (*e.g.*, surfing, swimming, boating, paddling, bird watching, diving), recreational fishing, commercial fishing, aquaculture, offshore wind energy, shipping and ports, coastal tourism, and marine

³³ September 25 PowerPoint at 6.

³⁴ Please reference the May 30 letter regarding public and stakeholder engagement.

³⁵ Arlington has been included in this list of locations so that the many members of the DC Metro community who enjoy spending time at the Mid-Atlantic shoreline would be able to easily attend a public meeting; however, it should not be selected at the expense of another location where the intended public audience sits squarely within one of the Mid-Atlantic RPB's included states. Ideally, the RPB will host meetings in all of these locations in order to ensure a robust public turnout from the segments of the public most likely to be impacted by the RPB's work.

³⁶ September 25 PowerPoint at 6.

³⁷ Please reference the May 30 letter regarding public and stakeholder engagement.

trades (*e.g.*, marinas, ship building). It may be appropriate to have multiple representatives per sector and to include scientists in this panel as well as in a science advisory panel. These members should be recognized leaders in their fields, represent geographic diversity, and act as a conduit for views shared by the broader sector they represent. As several of us stated at the meeting, environmental and recreational (including non-consumptive recreation) interests need to be represented separately on a stakeholder body; one voice should not serve both sectors. We further suggest that if an additional entity wants to be added to the stakeholder advisory panel, they be allowed to write a letter requesting consideration to the RPB.

We appreciate the other methods of stakeholder engagement that were noted, including presentations and having RPB members attend interested sectors' regularly scheduled meetings; however, these separate pieces would not substitute for a formal stakeholder body. The public should be invited to attend all formal stakeholder body meetings and to comment at them.

The Stakeholder Liaison Committee (Committee) recommended by MARCO addresses many of our concerns, however, we ask the RPB to explore the possibility that the Committee report directly to the RPB.³⁸ The Committee need not be asked to provide consensus advice, opinions or recommendations. We understand that the Federal Advisory Committee Act (FACA) process may offer benefits beyond what the Committee could, and it has been offered by some stakeholders as a possible option. We agree with both the National Ocean Council and Regional Planning Body members who have stated on the record that there is no requirement that FACA be used by the RPB for stakeholder engagement, but do not object to exploring it as a possibility. However, we recommend that this consideration move quickly, and that stakeholder engagement, including local public meetings and the formation of the Committee, move forward in the meantime.

Additionally, we recommend that the Mid-Atlantic RPB establish a science advisory panel comprised of academics and subject matter experts working throughout the region to advise it on technical matters and to provide regular and meaningful advice at all stages of the planning process. In particular, we believe the feedback from this panel will be useful for reviewing the Regional Ocean Assessment. The public should also be invited to attend all science advisory panel meetings and to offer comment at them.

Given the importance of stakeholders and the public in designing a plan to guide their ocean waters into the future, we hold that their role be called out directly in the RPB's charter, as opposed to simply the work plan, and that the RPB charter note that any additional stakeholder engagement mechanisms be added as an appendix to the document. We also suggest that the charter's bullets directing the Executive Secretariat to, for example, "Coordinate public outreach and stakeholder engagement as part of the regional planning process" and to "establish partnerships" be clarified to ensure that it is simply the execution component of this work that are administrative duties, and not the selection of the stakeholder process or partnership that is being referenced.³⁹

Our organizations thank you for the opportunity to share these recommendations with you and would be happy to discuss any of these items in greater depth. We appreciate the time you have invested in this

³⁸ Mid-Atlantic RPB Stakeholder Engagement: Current mechanisms and options for the future at 4, 6.

³⁹ DRAFT Charter for the Mid-Atlantic Regional Planning Body at 6.

work and hope to see a strong plan emerge from this initiative to help protect our ocean and coasts for now and for the future.

Sincerely,

Ali Chase
Policy Analyst
Natural Resources Defense Council

Emily Woglom
Director, Government Relations
Ocean Conservancy

Van R. Reiner
President and CEO
Maryland Academy of Sciences at The Maryland Science Center

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation

Cindy Zipf
Executive Director
Clean Ocean Action

Tim Dillingham
Executive Director
American Littoral Society

Margo Pellegrino
Founder
Miami2Maine

Terra Pascarosia Duff
Environmental Director
TerraScapes

John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society

Dave Wilson
Executive Director
Maryland Coastal Bays Program

Jeff Tittel
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November 8, 2013

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Submitted Electronically via MidAtlanticRPB@boem.gov

RE: Mid-Atlantic Regional Planning Body Activities

Dear Ms. Bornholdt, Ms. Schultz, and Mr. Smith:

The National Ocean Policy Coalition (“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.

At its inaugural in-person meeting in September, the Mid-Atlantic Regional Planning Body (“RPB”) discussed the development of stakeholder engagement mechanisms, goals and principles, data and information sources, timelines, and an RPB Charter. As it considers next steps for these vital areas, the Coalition provides the comments below for the RPB’s consideration.

I. User Group Engagement

In 2012, the six states located in the RPB's geographic area generated over \$3 trillion in economic output. To ensure that the RPB's activities are well-informed and do not lead to unintended consequences, it is critical that the region's existing and future potential economic contributors have meaningful opportunities to directly and formally engage the RPB at every stage. Public comment periods, listening sessions, surveys, a single "ombudsman" seat on the RPB for non-government interests, and liaison committees that interact with third parties are not sufficiently meaningful to ensure a collaborative outcome aimed at securing the buy-in, support, and consensus of concerned regional economic stakeholders. Limiting user group engagement to such insufficient mechanisms increases the likelihood that any resulting RPB products may unnecessarily harm the region's economy, communities, and livelihoods.

The Coalition therefore respectfully reiterates its request that the RPB -- before it conducts further activities -- provide commercial and recreational interests with a meaningful opportunity to participate directly on the RPB or at minimum through a formal Stakeholder Advisory Committee ("SAC") established under the Federal Advisory Committee Act ("FACA"). Proceeding otherwise will further erode confidence in this process and increase the likelihood that it ultimately results in adverse impacts.

Lack of resources is not a compelling reason to avoid creation of a Federal Advisory Committee ("FAC"). As defined in 5 U.S.C. App. 2, § 3, a FAC is any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining **advice or recommendations** for the President or one or more agencies or officers of the Federal Government (but excluding any committee that is comprised wholly of officers or employees of the Federal Government). Having the Mid-Atlantic Regional Council on the Ocean serve as a conduit between a liaison committee and the RPB in an attempt to avoid FACA laws is ill-advised and will not serve to meet the needs of a diverse stakeholder group.

In the event that the RPB continues to pursue the establishment of a liaison committee, user groups and the public must first be provided with an adequate opportunity to review and comment on its proposed establishment, structure, and selection process.

II. Goals and Principles

As the Coalition stated at the RPB's September meeting, goals for the Mid-Atlantic region should promote job creation, economic growth, infrastructure revitalization, and access for both existing and future uses. All regional stakeholders, including commercial and recreational interests, must have meaningful opportunities to shape these goals.

To account for the fact that certain areas represented on the RPB support all forms of offshore energy production, energy-specific references should also not embrace one form of production over another. The exclusion thus far of references to certain types of energy exploration and production activities is troubling. In addition, the RPB must clarify the meaning of "responsible" in describing certain uses and

“values” in examining existing and proposed uses of the ocean, since any activities that follow applicable laws, regulations, and best practices can be considered responsible.

As to the initial idea for a principle to “[u]se best existing and new ocean data to [provide shared scientific foundation for ocean planning and improve decision-making,” the RPB should also make clear that any data used must be grounded in sound science and compliant with all relevant federal data quality laws, regulations, and standards.

III. Data and Information

As stated above, data and information used by the RPB must be based on sound science and compliant with all relevant federal data quality laws, regulations, and standards. In addition, any data and information that is utilized should include the socioeconomic component and must account for all of the region’s potential economic uses. Up-to-date and relevant data for all potential commercial and recreational uses, as identified by all stakeholders in the region, must be available before the RPB or individual RPB member entities engage in activities or make decisions concerning access to or use of the region’s resources. Moving forward in the absence of such data will set the stage for additional unintended conflicts and consequences.

In addition, in the event that a Mid-Atlantic regional ocean assessment is conducted, it must be guided by priorities and objectives that are developed based on meaningful stakeholder engagement and the input and advice that results from such engagement.

IV. Operational Considerations

As mentioned at the outset, mechanisms for the formal and direct engagement of commercial and recreational interests should be in place before the RPB conducts further activities, including discussions about potential goals, objectives, and timelines.

In addition, timelines and decisions related to goals, objectives, and actions must be based on the availability and application of sound science, data, and information, and ensure that all groups and the public at large have adequate time and opportunity to review and inform any such timelines and decisions before they are adopted. Also, limited agency resources must be considered, and great care must be taken to ensure that agency core missions and existing focus areas are not hindered by the pursuit of new actions under this initiative.

Decisions and timelines must also be realistic and account for the fact that existing and future potential Mid-Atlantic ocean and coastal resource users already commit significant amounts of time and resources to navigate through a wide array of governmental statute-driven processes in order to operate or obtain approval for proposed actions.

Timelines must also 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.

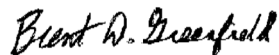
As to the RPB's Charter, it should provide for direct commercial and recreational sector and local government RPB membership. At minimum, the Charter should require the establishment of a Stakeholder Advisory Committee established under the Federal Advisory Committee Act.

In addition, the Charter should state that any decision not to address a particular use is not an indication of opposition to such use, and that such a decision is not to be interpreted or used by any entity in a manner that would in any way restrict or prohibit such use. The RPB should also clearly state that in cases where a particular use is not addressed by the RPB, agencies remain free to make decisions about such an activity without being bound by the contents of any RPB products.

Lastly, the Charter should also provide answers to unresolved issues, such as the terms and processes under which funding might be accepted by outside groups, how marine planning would be "carried out consistent with and under the authority of existing statutes, regulations, and authorized programs" that involve diverse purposes, scopes, and activities (and which activities, regulations, statutes, and programs are implicated), and specifically how agencies would be expected to "adhere to the plan and/or other [RPB] products" in subsequent agency actions. Answers to these questions are necessary for affected stakeholders to further assess the potential implications of this initiative for their activities and communities.

The Coalition is committed to staying engaged in the RPB's activities in the Mid-Atlantic and appreciates your consideration of our comments.

Sincerely,



Brent D. Greenfield
Executive Director
National Ocean Policy Coalition



MidAtlanticRPB, BOEM <boemmidatlanticrpb@boem.gov>

Re: Letter to Mid-Atlantic RPB

1 message

MidAtlanticRPB, BOEM <boemmidatlanticrpb@boem.gov>

Tue, Nov 12, 2013 at 8:43 AM

To: brent.greenfield@oceanpolicy.com

Cc: "gschultz@dnr.state.md.us" <gschultz@dnr.state.md.us>, Maureen Bornholdt <maureen.bornholdt@boem.gov>, "wabush1@aol.com" <wabush1@aol.com>

Thank you for providing these comments on behalf of the National Ocean Policy Coalition.

We are forwarding them to the members of the MidA RPB for consideration as we discuss our next steps. We will also post them to the written public comments section on the MidA RPB webpage.

Please continue to contact us with any additional ideas or questions you may have.

On Fri, Nov 8, 2013 at 4:59 PM, <brent.greenfield@oceanpolicy.com> wrote:

Attached please find a National Ocean Policy Coalition comment letter to the Mid-Atlantic Regional Planning Body.

Please contact me at (713) 337-8821 or brent.greenfield@oceanpolicy.com if you have any questions.

Sincerely,
Brent

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