

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 2:56 PM
Subject: Re: Wildlife Conservation Society Comments on Draft Mid-Atlantic Ocean Action Plan
To: Noah Chesnin <nchesnin@wcs.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 2:06 PM, Noah Chesnin <nchesnin@wcs.org> wrote:
Dear Mr. LaBelle,

On behalf of the Wildlife Conservation Society (WCS) and our 76,000 members, I write to commend the Mid-Atlantic Regional Planning Body (RPB) on developing a first-ever ocean action plan to inform and guide our region's ocean protection and sustainable development, as envisioned by the President's National Ocean Policy.

WCS encourages the RPB to consider the following recommendations as your review public comments and update the draft plan:

- Identify ecologically important places for marine wildlife by the end of 2016;
- Conserve these ecologically important places; and
- Create ocean health indicators to measure the RPB's progress towards achieving these goals.

Over the course of the 60 day public comment period, WCS staff trained over **315** high school and adult volunteers at all **five** of our parks (New York Aquarium, Bronx Zoo, Central Park Zoo, Prospect Park Zoo and Queens Zoo) to help raise awareness about the importance of marine conservation through ocean planning and encourage visitors to prepare drawings and letters as public comment. In total, **1,174** visitors prepared drawings and letters. Additionally, **1,743** visitors signed a petition in support of the three advocacy asks above. NY Aquarium high school volunteers and staff also wrote original new lyrics to old, well-known songs, but with a salty twist: they now have an ocean science and conservation advocacy message. High school volunteers at each park performed these "ocean planning aquapella" lyrics with visitors. WCS is submitting the lyrics and **13** video recordings of performances from the New York Aquarium and Bronx Zoo. Finally, **2,955** online activists signed WCS's action alert including **33** online activists that edited their own letter.

Given the overwhelming support for your work (and the large file size for the drawings, letters, petitions and video files), we have put all the public comments in a folder on dropbox:

https://www.dropbox.com/sh/izyod9bn32rkncu/AAAbSHy_Uq6F3dcRqB2Yq4sla?dl=0

We appreciate all of the time and effort you have committed to developing the region's first ocean action plan as well as the opportunity to share our visitors public comments. We look forward to continuing to work with you and update our visitors as you implement the Plan and improve management of our valuable marine life and ocean environment..

Noah

Noah S. Chesnin
New York Seascape Policy Program Manager
Wildlife Conservation Society
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From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:23 AM
Subject: Re: FSF comments re MidA ocean plan
To: "Hawkins, Anne" <AHawkins@kelleydrye.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 4:59 PM, Hawkins, Anne <AHawkins@kelleydrye.com> wrote:

Hello,

The attached file is a comment letter on behalf of the Fisheries Survival Fund regarding the draft Mid-Atlantic Regional Ocean Action Plan. Please let me know if you have any questions, and thank you for the opportunity to provide this input.

Best regards,

-Annie Hawkins

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September 2, 2016

Robert LaBelle, Mid-Atlantic RPB Federal Co-Lead
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Re: Mid-Atlantic Regional Ocean Action Plan Comments

Dear Mr. LaBelle:

On behalf of the Fisheries Survival Fund (“FSF”), we submit the following comments regarding the Draft Mid-Atlantic Regional Ocean Action Plan (“ocean plan”).¹ FSF represents the significant majority of the full-time limited access permit holders in the Atlantic scallop fishery. Our members are home-ported along the Atlantic coast from North Carolina and Virginia north through New Jersey, Connecticut, and Massachusetts.

Throughout the past several years, FSF has engaged extensively in the planning process for offshore energy and other ocean projects in the Northeast and Mid-Atlantic regions, which has given us unique insight into the deficiencies of current permitting and environmental review processes. Therefore, we have been highly supportive of the spirit of the ocean plan: improving these processes to increase stakeholder consultation, reduce conflicts, and ultimately improve planning efficiency for multiple uses of our offshore resources.

In 2010, the Obama Administration issued the National Ocean Plan by executive order, which created Regional Planning Bodies (“RPB”) and tasked those bodies with developing regional ocean plans. The purpose of the plans is to create a framework for ocean planning activities in each region, and the RPBs may only do so under existing management authorities. We commend the Mid-Atlantic RPB for the substantial amount of work its staff and members have done to prepare and present the second of these ocean plans for public comment. In particular, the Mid-Atlantic Ocean Data Portal is a valuable product that should continue to be developed and

¹ Mid-Atlantic Regional Planning Body, *Mid-Atlantic Regional Ocean Action Plan (Draft)* (July 6, 2016) [hereinafter, *Draft Ocean Plan*].

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improved. However, several aspects of the plan fall short of fulfilling its promise to reduce conflict during siting decisions, while other parts of the plan threaten to overreach the RPB's limited authority, as detailed below.

I. THE RPB MUST NOT RECOMMEND MANAGEMENT MEASURES OR IDENTIFY AREAS FOR SPECIAL MANAGEMENT

FSF and its members oppose the plan's establishment of a framework to designate "Ecologically Rich Areas" ("ERA"), and particularly: (1) its failure to define ERAs; (2) the lack of justification for designating such areas; and (3) its failure to delineate a transparent process by which they will be designated.

First and foremost, the ocean plan does not identify any justification for designating ERAs, nor the purpose for which such designations may be used. It does not even purport to define what an ERA is. The draft framework for ERA identification simply states that such areas have: (1) high productivity; (2) high biodiversity; (3) high species abundance; (4) vulnerable marine resources; and (5) rare marine resources.

In short, areas most important to fisheries are logically likely to coincide with areas of high productivity and species abundance, and fishing grounds are therefore likely to be among the core areas that the RPB identifies as ERAs. Moreover, ERAs may not even be areas at all. According to the Draft Plan, "ERAs that are not defined by persistent seafloor features are likely to move in space and time, given the dynamic nature of the marine environment, including the movement of marine life."² What, then, could possibly be the management or scientific purpose of designating such "areas?"

The RPB cannot—and should not attempt to—dictate how our fisheries are managed (or how commercial fishing must coexist with renewable energy projects). As the ocean plan plainly states, the National Ocean Policy did not give the RPB or any other agency the authority to create new laws or regulations. Existing statutes and regulations prescribe the goals, their prioritization, who must implement them, and the lawful outcomes of such implementation.

Nor should ERAs be used to trump or end-run established fishery management measures. Commercial and recreational fisheries in federal waters are managed by the National Marine Fisheries Service and regional Fishery Management Councils ("Councils") pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, first enacted in 1976. Fisheries management is among the oldest and well-developed ocean planning activities in the United States. Councils have developed complex and spatially explicit regulations in each region in order to

² *Draft Ocean Plan* at 122.

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achieve optimum yield;³ that is, to maximize economic and biological stability. Moreover, both the New England and Mid-Atlantic Fishery Management Councils are undergoing major efforts to characterize and protect fisheries habitat in their respective regions. New England recently completed an exhaustive, 13+ year effort to improve its science-based habitat protections, and is currently beginning to use the studies completed during that effort to develop even more comprehensive ecosystem-based management measures. The Mid-Atlantic Fishery Management Council, for its part, recently approved a policy to implement ecosystem approaches to fisheries management, utilizing the best and most recent scientific information available. It is also currently reviewing its essential fish habitat designation process and undertaking other habitat evaluation measures.

Designation of ERAs is therefore, at best, a redundant exercise. Far more likely is that certain interest groups will try to use ERA designations to force unilateral changes to fisheries management that are not based in the Magnuson-Stevens Act and that risk the biological and economic sustainability that Congress, the Councils, states, and fishermen have worked so carefully to achieve.

The ocean plan should work to eliminate, not promote, end-runs around established, inclusive fishery management processes. Indeed, the Obama Administration itself is acting out of keeping with the ocean plan's core engagement principles. As you may know, the Administration recently proposed several areas off the coast of New England to be designated as national monuments under the Antiquities Act.⁴ Notably, this process is occurring not only in the absence of public input or stakeholder consultation; it is occurring without any environmental impacts analysis or scientific review. FSF and other fishery groups strongly oppose any large-scale closure, enacted unilaterally and outside the stakeholder-based collaborative processes that have been statutorily prescribed and carefully cultivated in the fisheries management arena. Not only is the monuments process undemocratic but it could have substantial unintended adverse impacts across New England.

The RPB should likewise be extremely concerned about any unilaterally-enacted ocean planning activities. We believe that it should actively oppose *any* offshore activity, permit, or designation that does not follow the core principles of the ocean plan, including operation under existing authorities and improved communication.

Likewise, ongoing ERA designation activities without clear purpose or utility simply have no place within the context of effective planning. The RPB must therefore not continue with ERA

³ See 18 U.S.C. § 1851(a)(1).

⁴ 16 U.S.C. § 431–433.

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designation activities unless, at a minimum, it clearly states its purpose for doing so and actively opposes the use of the resulting ERAs for marine monuments, special use areas, or any other management outcomes that contravene the fishery management councils' public processes.

II. THE OCEAN PLAN DOES NOT RESOLVE FISHERY CONFLICTS WITH OFFSHORE ENERGY SITING

The ocean plan's overarching goals are improved decision making, increased compatibility between uses, and promotion of healthy ecosystems. We agree there is an urgent need to reduce conflict in marine activities, and particularly between fisheries and energy development projects. One need look only to highly contentious siting decisions for offshore wind facilities to see that the process is broken.

In the Mid-Atlantic, developers have submitted unsolicited bids to construct wind energy facilities in key fishing grounds on Cholera Bank that would displace commercial and recreational fishermen and harm critical biological resources. The Bureau of Ocean Energy Management's ("BOEM") current regulations allow those bids to be fast-tracked; fisheries conflicts are only truly considered in the months before turbines are placed in the water, after many years of time and money have already been invested. This has led to poor relations, project delay, litigation, and unnecessary expense for all parties involved.

To the extent that the regional ocean plan may be able to increase communication and fisheries consultation early in the siting process, FSF has been supportive and active in its development. To be certain, the plan's focus on improved coordination and communication is positive. However, in evaluating whether the plan will truly prevent or reduce these types of conflicts from happening in the future, one must ask whether a New York Bight-style siting conflict could occur if the plan is adopted as drafted. The answer is a resounding yes. The draft plan does not improve upon existing authorities in a practical sense. It fails to assure meaningful outcomes that will prevent future conflicts via the BOEM unsolicited bid process—an approach that is, by its nature, exclusive and prejudicial.

Existing Authorities

The RPB has the authority to develop regional coastal and marine spatial plans.⁵ It is "not [a] regulatory bod[y] and ha[s] no independent legal authority to regulate or otherwise direct Federal, State, tribal, or local government actions."⁶ On the other hand, several authorities exist that require BOEM to consult with, and defer to, fisheries interests during the siting and operation

⁵ Exec. Order No. 13547 (July 19, 2010).

⁶ National Ocean Council, *National Ocean Policy Implementation Plan* (Apr. 2013), at 23

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of offshore energy facilities. Pursuant to the relevant statutory authority, action agencies must protect existing fishery activities when evaluating an application for an offshore development project. The Outer Continental Shelf Lands Act (“OCSLA”), as amended by the Energy Policy Act of 2005, governs the development, production, and transportation of resources in the seabed, subsoil, and all installations attached to the seabed.⁷ It explicitly preserves “the character of the waters above the outer Continental Shelf as high seas” and demands that “the right to navigation and fishing therein shall not be affected” by leasing of OCS submerged lands.⁸

Other statutes build upon the OCSLA to develop specific measures for licensing, construction, and operation of other offshore activities. For example, the Deepwater Port Act of 1974 and its subsequent amendments impose upon the agencies the legal obligation to “prevent or minimize any adverse impact which might occur as a consequence of the development of such ports” in relation to the marine and coastal environment.⁹ Further, nothing in the act may “affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.”¹⁰ Finally, in order to issue a license for ownership, operation, and construction of a deepwater port, the Secretary of Transportation must determine “that the deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law.”¹¹

In 2011, BOEM (then “BOEMRE”) signed a Memorandum of Understanding (“MoU”) with the National Oceanic and Atmospheric Administration (“NOAA”) to formally implement coordination and collaboration on activities relating to development of energy resources on the OCS.¹² Under this agreement, BOEM must consult with NOAA early in the energy siting process in order to identify areas of particular concern to fisheries. The agencies themselves must also identify and seek out relevant private parties “to provide sufficient information to the other agency to inform their decision-making processes.”¹³

⁷ 43 U.S.C. § 1333(a)(1).

⁸ *Id.* at § 1332(2).

⁹ 33 U.S.C. § 1501(a)(2).

¹⁰ *Id.* at § 1501(b).

¹¹ *Id.* at § 1503(c)(4).

¹² *Memorandum of Understanding on Coordination and Collaboration Regarding Outer Continental Shelf Energy Development and Environmental Stewardship between the U.S. Department of the Interior and U.S. Department of Commerce* (May 19, 2011).

¹³ *Id.* at 3.

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In actual practice, however, the MoU's required information exchange rarely occurs, and when it does, it is either insufficient or too late to be of use. As a result, ocean wind energy development often steams ahead without the advantage of data on the marine environment, benthic communities, or fishing effort, locations, seasons, and restrictions that are readily available from the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, NMFS, and fishermen themselves. If the requisite information exchange did occur, ocean wind developers could avoid siting projects on lucrative fishing grounds that support important fishing operations; private parties would be saved from having to engage in duplicative processes; and actual, timely development of offshore wind farms could happen. The record shows that wind projects *do* proceed when advance planning occurs. For example, the Block Island Wind Farm—the only offshore wind facility actually under construction in the nation—was permitted relatively quickly under Rhode Island's Ocean Special Area Management Plan ("SAMP"). State officials and stakeholder representatives worked together through the SAMP to identify suitable areas and minimize conflicts in wind energy project siting *before* bids were developed, which streamlined the permitting process that followed.

In reality, due to BOEM's unsolicited bid process' ongoing lack of compliance with the above-referenced laws and guidelines, conflicts have emerged. In but one example of the many problems with the current offshore permitting and leasing process, a consortium of three downstate New York power companies was able unilaterally to nominate the above-mentioned area just offshore Long Island for a wind farm under the Bureau of Ocean Energy Management (BOEM)'s "Smart from the Start" program. Just by nominating this area, the company triggered BOEM to initiate a solicitation that led to two other wind energy companies placing bids for the unilaterally selected area. Only after these bids were submitted and processed did the agency issue a Call for Information to offer existing ocean users the chance to explain their interests in that area.

Responses to the Call revealed just about every type of ocean user conflict imaginable. For starters, NMFS/NOAA and the New England Council submitted letters urging BOEM to consider the extensive fishing activity in the proposed area. Portions of the area overlap Essential Fish Habitat, as well as important fishing grounds for a wide range of commercially prominent species. Fisheries Survival Fund, for the scallop industry, has repeatedly provided BOEM with survey and fishery data showing the substantial scallop biomass and fishing activity in the Call Area. Even the American Wind Energy Association expressed concerns over the viability of a wind farm in the call area.

Despite this information, BOEM is proceeding with a lease sale for the area in question.¹⁴ BOEM's roll-out for its Smart from the Start program in 2010 claimed the program would enable better and quicker decisions on wind energy development areas and proposals. The comment

¹⁴ See 81 Fed. Reg. 36344 (June 6, 2016).

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record in response to the Call reveals, however, that it is inefficient and ineffective for BOEM to enable private companies to lay claim to the valuable ocean areas without a well-structured process. A wide range of stakeholder groups, from the fishing industry to environmental organizations, have stressed the importance of early consultation on siting wind energy projects in response to this and other Calls for Information. We, too, have advocated repeatedly for intelligent advance planning for proposed wind energy projects.

BOEM's current regulations, moreover, allow those unilaterally-developed unsolicited bids to be fast-tracked; fisheries conflicts are only truly considered under National Environmental Policy Act ("NEPA") analysis regarding the "construction and operations" phase of a wind facility's development; that is, in the months just before turbines are to be placed in the water, after many years of time and money have been invested.

BOEM's current regulations that segment NEPA analysis violate the law. On July 5—ironically the day before the Draft Plan was released—the United States Court of Appeals for the District of Columbia Circuit struck a blow for coordination, invalidating BOEM's flawed NEPA analysis regarding the long-delayed, unsolicited, Cape Wind project. The decision was sharply critical of BOEM's practice of parsing out environmental review among its lease issuance and wind facility construction phases of a project. In response to BOEM's argument that certain geological data was at least sufficient to support its initial decision to issue a lease, even if may not support downstream construction activities, the Court wrote:

The Bureau distinguishes between the "*initial decision*" to issue a lease and the consequences of that decision... [but] NEPA does not allow agencies to slice and dice proposals in this way. Agencies must take a "hard look" at the environmental effects of a major federal action "*and consequences of that action.*"... The impact statement must therefore look beyond the decision to offer a lease and consider the predictable consequences of that decision.¹⁵

The failure to consider fisheries information in the earliest possible stages of planning decisions is inexcusable, illegal, and impractical. We have therefore repeatedly urged the RPB to develop effective protocols and agreements that ensure reasonable protections for historic fishing grounds and other existing ocean uses in accordance with the law. We must move away from a process in which stakeholders are responding piecemeal to poorly conceived plans, after substantial resources have been invested in their development.

¹⁵ *Public Employees for Envtl. Responsibility v. Hopper*, No. 14-5301 (D.C. Cir. July 5, 2016) (citing *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989)).

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RPB Recommendations

As stated above, although existing authorities require consultation and cooperation, certain agencies often fail to follow their own rules and guidelines, such as the BOEM/NOAA MoU. Unfortunately, the proposed measures in the ocean plan largely impose consultation requirements on project proponents that have a vested interest in having their projects approved where they want them. They do nothing to improve agency compliance. The plan's recommendations include, in relevant part:

[A]gencies should discuss with the project proponent the development of a systematic process to identify and engage stakeholders who may be affected by the proposed project. The lead agency for environmental review under NEPA should also address these considerations in any relevant scoping process.”¹⁶

Asking private developers to “identify and engage” or “characterize” stakeholders, while important, will not ensure the latter's concerns are addressed. What's more, this provision may alert project proponents of potential stakeholder conflicts, but will do nothing to cause BOEM itself to reconsider its most egregious practices—particularly since the unsolicited bid process does not even include scoping. The ocean plan goes on to state that:

Project proponents should identify and seek to engage stakeholders whose activities may be affected, and incorporate their relevant data and information in project materials.¹⁷

The plan illegally places the onus for reducing conflict squarely onto self-interested would-be developers, and relieves the agency of any meaningful responsibility. BOEM and other agencies simply must commit to ensuring that they, as well as project proponents, are adequately identifying and protecting existing uses as required by law.

In another statement relevant to this process, the ocean plan includes the following inapt goal:

Enhance existing public engagement strategies, especially those associated with fishing activities and resources and offshore wind plans and projects. Strategies include convening scoping meetings, open houses, environmental studies meetings, and forums; accepting public comment; online; and consulting with stakeholders

¹⁶ *Draft Ocean Plan* at 33.

¹⁷ *Id.*

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and partners in State, Tribal, and local governments, as well as Regional Fishery Management Councils.¹⁸

As currently drafted, the plan focuses on “identifying” and “engaging” existing uses, but does not ensure that agencies give meaningful consideration to conflict reduction and avoidance. We know from experience that BOEM does not; holding additional meetings does nothing to improve this problem. Nor does it create agency commitments to follow priorities that are already within existing legal and regulatory authorities.

The Need for Transparency

A major component of effective communication that is almost entirely absent from the ocean plan is the concept of transparency. While the plan references transparency in relation to RPB activities, it is silent on an equivalent need in agency decision making processes. It is absolutely critical, not to mention fundamental to successful planning, that decisions are made in an open forum, with opportunities for meaningful public engagement at the beginning stages of project consideration. Moreover, the public must be informed of how its input was considered and weighed through informal channels as well as the formal administrative record.

Conclusion

In order to improve collaboration in ocean planning, the ocean plan would need to require action agencies to follow transparent, forward-thinking practices. This necessarily entails developing appropriate sites for development through a process that includes all affected stakeholders and agencies *before* a specific project proposal is developed. As written, the draft plan does not adequately improve upon existing authorities, despite its well-intended focus on improving collaboration. Finally, the draft plan should be revised to require agencies to be fully transparent in all decisions regarding siting, construction, and operations of new projects, in addition to through the legally-mandated environmental analysis of those projects.

III. THE MID-ATLANTIC OCEAN DATA PORTAL SHOULD CONTINUE TO BE EXPANDED AND IMPROVED

FSF generally supports activities that could lead to increased assessments or enhanced understanding of the Northwest Atlantic ecosystem, so that those assessments may provide information that is currently missing from decision making. The most important aspect of any ocean planning process is that existing ocean uses are accurately described and considered before any siting proposals are analyzed. The utility of this information will depend on whether the data

¹⁸ *Id.* at 53-54.

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sets are: 1) comprehensive and robust; 2) up-to-date; and 3) actually used by agencies in ocean planning decisions.

To this end, we believe the data portal should be updated as often as possible, if not in real-time, and should be expanded to include significantly more fisheries data. The ocean plan suggests that marine life and habitat data should be updated in a five-year cycle.¹⁹ This time frame is not nearly often enough, due to rapidly changing biological and management contexts in fisheries. So, too, must the data set be expanded. Abundant information is available from stock assessments, cooperative research, the Northeast Fisheries Observer Program, and other sources that have yet to be included in the portal. FSF would be pleased to work with the Mid-Atlantic Regional Ocean Council or any other partners in improving these fisheries elements of the portal.

IV. THE OCEAN PLAN SHOULD BE PRESENTED IN A MORE ACCESSIBLE FORMAT

It is extremely difficult to print the plan and to find specific information within it as currently formatted. FSF and other commenters may have missed relevant information during this comment period due to the document's disorganized and distracting format. If the RPB intends for the plan to be used as a serious reference document, it must release a professional, text-only version. It should be comparable to other readable management documents; that is, in portrait format with an executive summary and bulleted table of contents so that information may be readily located.

* * * * *

¹⁹ *Draft Ocean Plan* at 55.

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In summary, FSF strongly supports the principles of the ocean plan and recognizes the need for effective offshore planning. If the RPB truly strives to reduce conflict in ocean planning and to improve ecosystem health, it would require agencies to engage in—not only pay lip service to—collaborative, inclusive decision making among existing users during siting deliberations for new ocean uses. It would also support the statutorily-constituted fishery management councils' approaches to sustainable fisheries management and not circumvent or complicate what is already a complex, but generally effective, process. Thank you for the opportunity to provide these comments.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'D. Frulla', with a long horizontal flourish extending to the right.

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

Counsel for Fisheries Survival Fund

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:23 AM
Subject: Re: NAMEPA Comments on Mid-Atlantic Regional Ocean Action Plan
To: Mary Hogue <m.hogue@namepa.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 9:11 PM, Mary Hogue <m.hogue@namepa.net> wrote:
Attached, please find comments from the North American Marine Environment Protection Association (NAMEPA) on the Mid-Atlantic Regional Ocean Plan.

Please contact me if you have any problems or questions.

North American Marine Environment Protection Association®



2014 Lloyd's List Awards ENVIRONMENT AWARD WINNER

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RE: Comments on Draft Mid-Atlantic Regional Ocean Action Plan

Dear Regional Planning Body Co-leads:

The North Atlantic Marine Environmental Protection Association (NAMEPA) is a marine, industry-led non-profit tasked with saving our seas by educating the public and representing the concerns of sustainably minded marine stakeholders. We work with and share interests with conservationists, aquariums and youth educators around the country, as well as with dredging companies, shipping companies, boating interest groups, the National Oceanic and Atmospheric Administration and the U.S. Coast Guard. In sharing our interests with these organizations, the goal of NAMEPA is to work with our partners and other stakeholders involved in the marine industry to spread awareness of and fight for the need to maintain the health of our oceans even in the pursuit of our respective goals. As partner organizations in the marine industry, our mutual goal to "save our seas" demonstrates to clients, competitors and contemporaries of our respective businesses that we are committed to taking proactive steps towards preserving the oceans we all depend on.

NAMEPA would like to thank the RPB for the opportunity to comment on the draft Mid-Atlantic Regional Ocean Action Plan. We believe ocean planning is the most efficient and cost-effective platform for

balancing commerce and conservation. It provides stakeholders an opportunity to identify their use of the ocean common grounds, while seeing how other uses might impact their activity. By creating collaborators early in the process instead of the usual conflicts and uncertainty that are so detrimental to business and economic development, we see this plan as a positive move towards healthy use and protection of our invaluable marine resources. Through ocean planning, potential conflicts can be identified and diffused. The recently-released draft Mid-Atlantic Regional Ocean Action Plan brings this tool to federal ocean waters for the first time, and represents an important step towards more sustainable development and conservation of the ocean. **We are pleased to express our support for the draft plan, and urge the RPB to finalize and begin implementing the plan as soon as possible.**

We would also like to offer several recommendations to strengthen the draft plan before it is finalized, and to ensure plan implementation is successful.

Recommendations for strengthening the draft plan:

- NAMEPA believes the marine life and habitat elements of the plan are key to ensuring we can maintain the health of the ocean while also supporting robust economic activity. In order to take proactive steps towards conserving our ocean resources, the maritime industry needs to accurately understand the ocean resources that may be affected. The enormous quantity of ecological data in the data portal is an excellent tool, and provides a common starting place for discussion. We are also intrigued by the proposal to identify ecologically rich areas. We believe understanding which areas are particularly important for ocean ecology could help industry more proactively work to conserve those resources. However, the current draft of the plan lacks clarity on how that process will move forward. **We urge the RPB to more clearly define a transparent process for determining ecologically rich areas. The RPB should also clearly define the criteria and intention of the proposed pilot area.** Overall, the RPB should commit to an open, transparent and scientifically-driven process that allows us to move forward together in support of the framework and identification of ecologically rich areas.
- One of the strengths of the Mid-Atlantic Regional Ocean Action Plan is its commitment to a series of best practices for decision-making. Only through early engagement of stakeholders, agencies and project proponents can we effectively identify and resolve conflicts early on. However, the ultimate effectiveness of these best practices depends on how they are implemented in practice. Industry partners are well positioned to see firsthand how the implementation of the ocean plan is working. However, there does not appear to be a feedback mechanism for stakeholders to provide input to the RPB on plan performance. **We recommend that the RPB consider incorporating a specific commitment or mechanism that allows stakeholders to request the RPB review implementation issues that may arise, whether it is challenges with implementation of specific commitments in the plan or issues that arise that the RPB did not originally consider.** This will provide an important feedback loop and support the RPB's adaptive management goals. We suggest including this as an action in the plan performance monitoring and evaluation sub-section under plan implementation.

Recommendations to ensure successful plan implementation:

- The long-term stability of the Mid-Atlantic Ocean Data Portal is of particular importance to the maritime community. It provides the common platform of data and information that allows us to make smarter, more sustainable decisions. The data it contains on maritime uses is

particularly important to the industry, and we urge the RPB to ensure the commitments in the plan to update the data – particularly the U.S. Coast Guard and Department of Transportation commitments to updating vessel traffic data – are met during implementation. We also urge the RPB to continue to adapt the maritime industry data layers as new information becomes available. Having the most accurate and up-to-date data is critical to the plan's success, so we are very concerned with ensuring the long-term stability and accuracy of the portal. **We strongly urge the RPB to identify sustainable funding sources and commit to long-term maintenance of the data portal** to ensure future success of the regional ocean plan. We also urge relevant agencies to ensure funding also supports Automatic Identification System (AIS) data for continued contribution to the data portal.

- We applaud the RPB's commitments to earlier and more effective stakeholder engagement, and urge robust outreach to the maritime community as the plan is implemented. Early engagement will help ocean managers better understand the complexities of the maritime industry and help the industry understand how they can contribute to stewarding the marine environment. The information contained in the Regional Ocean Assessment on the trends and future of the maritime industry is extremely helpful, and we urge the RPB to revisit these themes either within the Assessment or simply update information within the plan itself as future plan iterations occur. We also understand that RPB agencies need to be flexible in their specific approaches to stakeholder outreach and engagement. **We support the broad stakeholder engagement commitments in the plan; however, we urge RPB member agencies to take these stakeholder outreach commitments seriously and outline an action plan for how they will identify and engage stakeholders more effectively during the decision-making process.**
- NAMEPA is also engaged in the Northeast Ocean Plan and **our hope is that the Mid-Atlantic RPB will work with the Northeast RPB to ensure harmonization of data and information as it relates to our members.** A regional approach to planning is the appropriate scale for this work; however, our members operate at global scales so there must be some consistency between regions for our industry.

Thank you again for the opportunity to provide feedback on the draft Mid-Atlantic Regional Ocean Action Plan. The Mid-Atlantic RPB should be proud of the work it has done, and we look forward to supporting you as the plan moves into the implementation phase. Please do not hesitate to contact us if you would like to discuss our recommendations further, or if we can be of any assistance.

Sincerely,



Carleen Lyden-Kluss
Co-Founder and Executive Director

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>

Date: Tue, Sep 6, 2016 at 9:08 AM

Subject: Re: Att: Regional Planning Body | Comment letter from Dock to Dish, the Community Supported Fishery Program of Montauk

To: Dock to Dish <docketdish@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 9:06 AM, Dock to Dish <docketdish@gmail.com> wrote:

To whom it may concern:

Please find attached comment letter regarding regional ocean planning.

Best regards,
Sean

Sean Barrett
Co-founder
www.docketdish.com

September 1, 2016

Dear Regional Planning Body,

At Dock to Dish Montauk we are dedicated to supporting the last remaining small-scale independent commercial fishermen actively working in the port. To do so, we have pioneered unique community-based seafood sourcing programs which provide forward-thinking chefs and members of our cooperatives with direct dock access to fresh, wild, sustainable seafood that is accurately curated and fully traceable to the source of origin and fisher who harvested the haul. Our mission is to provide current and future generations of our cooperative members with organized and reliable access to the most sustainable wild seafood harvests, while leading the ongoing adaptation of coastal communities to climate change.

Regional ocean planning will play an integral part in the continued success and proliferation of the Dock to Dish model, but it will only succeed if commercial fishers are included in the process and have a seat at the table. We find great value in the planning work, as it works to keep commercial fishermen part of the decision-making process. We firmly believe that real collaboration is the key to the future of protecting our oceans — and the people who depend on them — for many generations to come.

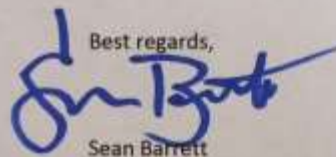
Based on our experience trying to preserve the livelihoods of the last commercial fishermen working on the waters of the Mid-Atlantic out of Montauk, and we can attest to the fact that our ocean is not the same as it was years ago. From changing ocean industries to changing ocean conditions, one thing that will stay true for many years is our desire to work and preserve the ocean and its resources. In order to maintain that tradition, we must all come together to foster a strong sense of collaboration. We support the Mid-Atlantic's effort to bring together diverse groups of ocean users and decision-makers, with a focus on early action to avoid conflict, and again submit that direct involvement of commercial fishermen is imperative to success.

We encourage the RPB to maintain its focus on collaboration, and ensure that an open and transparent process remains in place, so that those that want to be a part of future decisions for our ocean are aware of, and can participate in, those conversations. We support efforts in the plan to increase early coordination with stakeholders, especially commercial fishermen. Throughout the plan, lead agencies for various ocean uses indicate the importance of reaching out, increasing communication with, and enhancing collaboration among the commercial fishing industry, to avoid conflict and reduce impact. We applaud those stated goals of agencies, such as BOEM in the offshore renewable energy and sand management subchapters, and look forward to working with you to foster a greater sense of community as future projects are considered. Our hope is that agencies will hold firm on their goals of early stakeholder engagement, as this is an essential element of the plan.

Further, we see great value in the regional data portal, and encourage the RPB to continue contributing to, and enhancing the information available in it. Our business model allows us to track when and where fish were caught, ultimately providing our customers with a level of detail they deserve. Having information on the marine life, ecosystems, and ocean uses that occur in our region is

something we see as beneficial for all. With the data portal, commercial fishermen can continue to contribute their information to the portal and have their voices heard in decision-making, even when they might not be physically present in the room, because information on where and what they fish for is included in this information source. Resources like the Communities at Sea dataset that was developed through the planning process identifying species caught and port of call for commercial boats will help inform other ocean users of the importance certain areas of the ocean hold to the fishing community, and we are happy to see this information being developed. We encourage the RPB to commit to updating this type of fisheries data as new information becomes available. Overall, our hope is that the RPB will also work with relevant agencies to fund the data portal during plan implementation.

Thank you for this opportunity to comment on the Mid-Atlantic Ocean Action Plan. We are pleased with your efforts to draft this first-of-its-kind document for the region, and look forward to seeing the plan implemented. We encourage you to work closely with the Long Island Commercial Fishing Association to preserve and protect the future of both sustainable fisheries and sustainable fishermen in the Mid-Atlantic region.

Best regards,

Sean Barrett

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 11:35 AM
Subject: Re: Comments on the Draft Mid-Atlantic Regional Ocean Action Plan
To: Donnie Brown <dbrown@cruising.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 11:16 AM, Donnie Brown <dbrown@cruising.org> wrote:
On behalf of Cruise Lines International Association (CLIA), please find the attached comments on the Draft Mid-Atlantic Regional Ocean Action Plan:

Best Regards,

Donald Brown
DIRECTOR | TECHNICAL & REGULATORY AFFAIRS, ENVIRONMENTAL & HEALTH
Cruise Lines International Association
E dbrown@cruising.org ~ P [202.759.6760](tel:202.759.6760) ~ M [703.628.7349](tel:703.628.7349)



September 6, 2016

Robert LaBelle
RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: Draft Mid-Atlantic Ocean Action Plan

Dear Mid-Atlantic Regional Planning Body:

Thank you for the opportunity to comment on the draft Mid-Atlantic Ocean Action Plan. Cruise Lines International Association (CLIA) is the unified voice and leading authority of the global cruise community. As the largest cruise industry trade association with 15 offices globally, CLIA has representation in North and South America, Europe, Asia and Australasia. CLIA's mission is to support policies and practices that foster a safe, secure and healthy cruise ship environment for the more than 23 million passengers who cruise annually, as well as to promote the value, desirability and affordability of the cruise vacation experience. Members are comprised of the world's most prestigious ocean, river and specialty cruise lines; a highly trained and certified travel agent community; and cruise line suppliers and partners, including ports & destinations, ship development, suppliers and business services, committed to the sustained success of the cruise industry.

The cruise industry is a major economic engine in the United States: \$21 billion in direct cruise industry expenditures generated an estimated 152,272 direct jobs throughout the U.S. economy in 2014, paying \$7.02 billion in wages and salaries. A significant portion of this economic footprint can be found in the Mid-Atlantic region. Region-wide, direct expenditures of the international cruise industry in the Mid Atlantic topped \$2 billion annually in 2014: \$1.24 billion



in New York, \$412 million in New Jersey, \$27 million in Delaware, \$187 million in Maryland, and \$147 million in Virginia. For example, in New York in 2014, an estimated 853,000 passengers and crew visited the state and New York accounted for 5.9 percent of the industry's direct expenditures. This spending generated an estimated 15,890 jobs paying \$971 million in income. In New Jersey, an estimated 324,000 passengers and crew visited the state in 2014 and New Jersey accounted for 2.0 percent of the industry's direct expenditures. This spending generated an estimated 7,721 jobs paying \$451 million in income.

Accordingly, as major users of the region's ports and ocean waters, CLIA Members have a meaningful interest in the Regional Planning Body (RPB)'s efforts to improve ocean management through the creation of the draft Ocean Action Plan. CLIA supports policies and practices that foster a safe, secure, healthy and sustainable cruise ship environment, and strives to be a responsible environmental steward while simultaneously ensuring the economic sustainability of the cruise line industry. We would like to thank the RPB for its work in developing the region's first Ocean Action Plan, and express our support for this effort to facilitate thoughtful, coordinated, and sustainable planning and management for ocean uses and resources.

We would also like to briefly comment on a few aspects of the plan that are particularly relevant to CLIA Members. First, CLIA is committed to ensuring that the cruise industry continues to be at the forefront of corporate environmental sustainability, and takes very seriously its commitment to environmental stewardship. Preserving the world's oceans, the destinations where the cruise industry operates and the health and well-being of our guests and crewmembers is not only a good idea, it is an operational imperative, especially as passenger demand for cruises continues to grow. The plan contains several tools and commitments that we believe will help the industry to meet these responsibilities.

We fully support the plan's commitment to reducing marine debris in the region, and would be more than happy to collaborate with the RPB or any of its member agencies and states to discuss marine debris reduction. The cruise industry brings significant expertise to this discussion, as some CLIA Cruise Line Members' ships are already repurposing nearly 100 percent of the waste generated on board by reducing, reusing, donating, recycling and converting waste into energy.

We also find tremendous value in the Mid-Atlantic Ocean Data Portal. From an environmental stewardship perspective, having access to common data and information on ecological resources and species distribution and abundance is very valuable, so that we can continue to engage in informed discussion with decision-makers and other ocean stakeholders on how the industry can best protect those resources. From an operational perspective, ensuring that accurate maritime data is available to all decision-makers will help ensure there is a common understanding of where our industry operates and how any decisions might potentially affect our Members' navigational routes. We strongly urge the RPB to ensure that the data portal is maintained and updated, including both the maritime and ecological data, and to identify a long-term management and maintenance plan for the portal so that we can continue to rely on this valuable tool.



Furthermore, we urge the RPB to continue robust outreach to the maritime community moving forward. We appreciate the initial steps the RPB has taken to engage our industry and to better understand our needs. As the plan moves forward into implementation, and as the cruise industry continues to evolve over time, we urge the RPB to clearly identify how it will continue to engage the maritime industry overall. CLIA is happy to serve as a communications conduit to the cruise line industry specifically, and to provide any feedback or expertise that the RPB requires.

Thank you once again for the opportunity to comment on the draft Mid Atlantic Ocean Action Plan. We laud your efforts so far and look forward to continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald Brown".

Donald Brown
Director
Technical and Regulatory Affairs
Cruise Lines International Association, Inc.

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 11:36 AM
Subject: Re: Mid-Atlantic Plan - NYMSC comments
To: Larry Swanson <larry.swanson@stonybrook.edu>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 11:19 AM, Larry Swanson <larry.swanson@stonybrook.edu> wrote:
Attached are the New York Marine Sciences Consortium comments on the Mid-Atlantic Plan.

Sincerely,
Larry Swanson

R. Lawrence Swanson
Interim Dean and Associate Dean
School of Marine and Atmospheric Sciences
Director, Waste Reduction and Management Institute
Stony Brook University
Stony Brook, NY 11794-5000
larry.swanson@stonybrook.edu
phone: 631-632-8704
fax: 631-632-8064

New York Marine Sciences Consortium

Stony Brook University, Stony Brook, NY 11794-5000; (631)632-8704

September 6, 2016

[Member Institutions](#)

Adelphi University
Baruch College
Brooklyn College
City College of New York
Columbia University
Cornell University
Dowling College
Farmingdale State College
Fordham University
Hofstra University
Iona College
Kingsborough Community College
LaGuardia Community College CUNY
Long Island University
Manhattan College
Manhattanville College
Nassau Community College
New York University
Pace University
Purchase College
Queens College
Queensborough Community College
St. John's University
Stony Brook University
Suffolk Community College
SUNY College at Old Westbury
SUNY Maritime College
York College of CUNY

[Affiliate Members](#)

Alley Pond Environmental Center
Blue Ocean Institute
Coastal Research and Education Society of Long Island
Hempstead Harbor Protection Committee
New York Sea Grant
New York State Marine Educators Association

Robert P. LaBelle
Federal Co-Lead, Mid-Atlantic Regional Planning Body
BOEM
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Dr. LaBelle,

The New York Marine Sciences Consortium is an association of colleges, universities, and degree-granting institutions with expertise and interest in marine and/or coastal sciences. NYMSC is the voice of New York State's marine sciences academic community and strives to influence public policy, communicate sciences, and increase funding for the marine sciences within New York.

Our membership has had the opportunity to learn about and participate in discussions concerning the Mid-Atlantic Regional Ocean Action Plan. Many of our membership for decades have been involved in research concerning the Mid-Atlantic Bight and Long Island Sound. We are aware of the complex oceanographic processes of the Bight and have also been involved in understanding the anthropogenic impacts that have and are occurring in that important ecosystem -- ocean dumping, shore erosion, and fishing pressure.

It is apparent that the conflicts for use of the Mid-Atlantic Bight are increasing and in some cases becoming more contentious. Creation of large wind power areas may interfere with navigation, fisheries, and marine mammal migration. Dredging sand for beach nourishment may redistribute sand so that benthic habitat is destroyed. It may also increase the size of breaking waves on the beach thus increasing erosion potential by deepening the bathymetry in the near-shore areas.

We have several suggestions. We find that the plan is weak in promoting understanding of the oceanographic processes that influence the Mid-Atlantic Bight and also in encouraging translating data into information.

We suggest strengthening the environmental and management linkages between state and federal waters. How states manage coastal waters impacts federal waters and vice versa. This is an opportunity to create common goals and practices. For example, we should have some regional standards for dissolved oxygen in the New York Bight.

The Data Portal is an excellent tool for helping to implement the goals and objectives of the planning process and for facilitating cooperation with the states. However we must emphasize that data alone does not generate understanding. Thoughtful analysis of the accessible data is equally as important as the data itself if the Mid-Atlantic Bight is to be effectively managed and utilized. Maps are useful and effective tools. However, maps are taken as definitive statements of accurate and precise information as we have become accustomed to the excellent

New York Marine Sciences Consortium

Stony Brook University, Stony Brook, NY 11794-5000; (631)632-8704

charts and maps of the National Oceanic and Atmospheric Administration and the U. S. Geological Survey. The beautiful maps, particularly those delineating natural resources, created as part of the Ocean Action Plan, have not been developed in the same careful way, largely because the information portrayed is much less certain over time and space than that typically delineated by our national mapping agencies. There is little spatial auto-correlation amongst the data for sediment grain size or benthic habitat, for example. There is an implication with the maps that knowledge exists where it doesn't. This is unacceptable and will hinder the planning process. The uncertainties of these products should be pointed out on the maps themselves.

We are also concerned that eutrophication of coastal waters is not emphasized. This is one of the most significant issues confronting the oceanic environment on a global scale. We understand that in the Mid-Atlantic Bight the states are confronting the problem through nitrogen reduction efforts. However, given the past history of hypoxia in the New York Bight and the continuing problem in the Gulf of Mexico, we believe it deserves more attention -- particularly since monitoring of changing ocean acidity is given such high priority in the plan.

The NYMSC, with the above suggestions, enthusiastically embraces the Mid-Atlantic Regional Ocean Action Plan and looks forward to working with various management authorities to assist in its promotion and implementation. NYMSC has a broad spectrum of expertise that can be useful in that regard. We are eager to see the planning process turned into actions so that we may use but protect this important water body.

Sincerely,

Marie de Angelis
Chair, NYMSC
Department of Science
Maritime College
Bronx, NY 10465

Maureen Krause
Past Chair, NYMSC
Department of Biology
Hofstra University
Hempstead, NY 11549

Malcolm Bowman
Director, NYMSC
School of Marine and Atmospheric Sciences
Stony Brook University
Stony Brook, NY 11794-5000

R. Lawrence Swanson
Past Director, NYMSC
School of Marine and Atmospheric Sciences
Stony Brook University
Stony Brook, NY 11794-5000

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 12:12 PM
Subject: Re: Comments on NOP and RPBs
To: dhwallace@aol.com

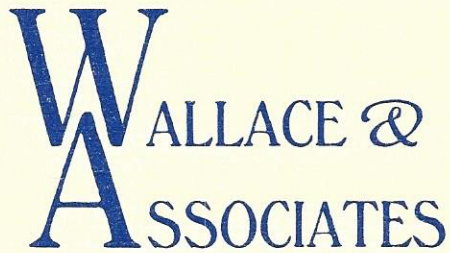
Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 11:49 AM, <dhwallace@aol.com> wrote:
Please find in a PDF file my comments on NOP and Mid Atlantic RPB.

Thank you,

David Wallace

David H. Wallace
Wallace & Associates
1142 Hudson Road
Cambridge, MD 21623 3234
P 410 376 3200



August 30, 2016

Robert P. LaBelle, MidA RPB Federal Co-Lead BOEM
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Via Email: MidAtlanticRPB@BOEM.gov

Re: Mid Atlantic Draft Ocean Plan Comments

Wallace & Associates is a consulting firm that is interested in ocean policy and regulations. The comments stated here are only those of the firm. Our comments not only deal with the Mid Atlantic Regional Planning Body (RPB) but the National Ocean Policy (NOP) and how NOP has not changed how the federal administration has continued to act independently disregarding laws by substituting one law for another.

National Ocean Policy was created by an Executive Order and has no legal authority. RPBs are not legal entities and they are comprised of many federal agencies, the states in the region and Tribes. The Mid Atlantic Regional Planning Body is the local body that address issues in this region. The mission of the MIDARPB is to provide a conduit for federal, state agencies and other stakeholders to address issues and work together for the best interest of the region and the United States.

The purpose of the Regional Planning Body (RPB) is to:

- Improve our understanding of how the ocean waters and resources of the Mid Atlantic region are being used, managed, and conserved;
- Provide a forum for identifying coordinated actions to address regionally important ocean management challenges and opportunities, and
- Engage stakeholders and regional partners to ensure that the breadth of the perspectives is accounted for in ocean planning.

Many of our comments have to do with the National Ocean Policy, the Mid Atlantic RPB, federal actions taking place in the Mid Atlantic and in New England regions as well as the Hawaiian Marine National Monument, all of which are examples of what has happened or could happen in the future.

**1142 Hudson Road
Cambridge, MD 21613 USA**

**Phone: 410-376-3200 410-749-9226
Fax: 410-376-2135 410-749-9280**

e-mail: DHWALLACE@AOL.COM

An Executive Order created the National Ocean Policy supposedly to add input from the stakeholders and provide transparency to federal ocean actions. The NOP was originally "Ocean 21" in Congress and was stalled there for years before being discarded. The administration then using an Executive Order to implement parts of the legislation that did not require congressional approval as the National Ocean Policy. Part of the NOP created the Regional Planning Body's that are designed to deal with local ocean issues. The Mid Atlantic RPB is just one of these entities.

While the purposes of the NOP and RPB are noble there are those who would disregard these principles and attempt to carry out their agendas by circumnavigating the process.

These examples are clear.

The Antiquities Act is now being used in ways never envisioned when it was enacted in 1906. It is known that the Administration is considering closing a large part of the ocean off of New England on the edge of the continental shelf under the Antiquities Act in complete disregard of the New England Fishery Management Council and fishery stakeholders. The New England Council is working on a coral amendment to protect much of the same area. It is clear that the Council would not close the area to all forms of fishing and other marine activities but the marine monument under the Antiquities Act would. This area may be closed without public stakeholder involvement at the request of a number of environmental non-government organizations (ENGO) that are not interested in obtaining public input into the process, they want large no take marine protected areas in all of the oceans and Gulf of Mexico the United States.

Since the Mid Atlantic Council has already closed a large area in deep water to protect corals and the New England Council is currently working on a coral amendment there is little justification for the proposed marine monument in the North West Atlantic Ocean. The statement from the ENGO is that a marine monument, in the northwest Atlantic will protect biodiversity. But what about the fishermen that it put out of business and the communities that depend on the fishing industry to support their families?

The administration last week using the Antiquities Act expanded the Papahānaumokuākea Marine National Monument in Hawaii from about 140 thousand square miles to more than 580 thousand square miles, making it the largest marine protected area in the world. This is a no take marine protected area and the Western Pacific Fishery Management Council along with the fishing industry opposed it as strongly as possible. The original protected area was in shallow water, the expanded part is mostly very deep water. The big fishery in Hawaii and the most valuable is the tuna industry which now has a large part of their fishing area closed for no reason.

There are only two reasons for marine protected areas. One is where there is no effective fishery management system in place, which is not the case in the United States. The other is to protect special habitats like coral beds or complex habitat which is done all over this country by the regional fishery management councils. Deep water marine monument in Hawaii does not accomplish this objective and the proposed monument in the Northwest Atlantic only needs to protect the corals in the deep water by controlling bottom contacting gear such as some forms of fishing gear or oil and gas wells which is what the council is in the process of doing. No other interference is necessary or advisable.

The question is, why have a National Ocean Policy when the administration who created it is the government entity that wants to disregard the policy? The administration is short circuiting its own policy. What is the sense in having a National Ocean Policy if the administration and the groups that have access to closed door meetings completely thumb their noses at the process? And, without National Ocean Policy there are no Regional Planning Bodies.

Other Examples;

BOEM wind energy program has not held back their desire to fill the ocean with wind arrays with little input from the stakeholders like fishermen, communities and the seafood consuming public who would be hurt by these being in the wrong places. Any entity may propose a site with no information on how it will affect current stakeholders. Only after the process is well under way will an Environmental Impact Statement be required and it may be incomplete and done as cheaply as possible.

One could assume that the administration is intent to have wind arrays approved before the RPBs requirement are in place so that they do not have to justify their intent to the RPB under any rules that they may require. Is the administration so determined to move renewable energy (wind energy) forward that they do not want to comply with the concept under the Mid Atlantic or New England RPB of engaging stakeholders?

It does appear that there will be exclusion zones around each wind generator which will effectively stop all fishing inside the array, taking valuable fishing grounds away from the fishing industry with no consideration or compensation for the fishermen or their communities. That is unfair, but no one appears to care except those who are harmed in the process. The lease holders just want to build the systems at the lowest possible cost no matter who it hurts.

Conclusions;

In general we do not object to the NOP and RPBs as long as they are not transformed into a regulatory body. It is clear that there are those that would attempt to use the NOP and RPBs to

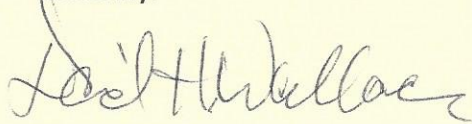
expand MPA's while justifying them as protect biodiversity where they cannot get the fishery management councils to go along with their agenda. There are laws in the United States to protect living marine resources and their habitats. Regional fishery management councils have the responsibility for the management, and if they feel that MPAs are necessary in their region they may create them. The federal government should not be undermining the laws.

RPBs do not have regulatory authority, but, suggestions are regularly made that the NOP call for Marine Spatial Planning which could propose limitations or restrictions on parts of the ocean and possibility supersede the laws that gives National Marine Fishery Service (NMFS) the authority to manage and enforce living marine resources laws. From our perspective this could be the worst possible result of the NOP and RPBs.

The regional fishery councils and NMFS have the responsibility to manage living marine resources and the habitat they depend on. It is easy to imagine that the RPB could attempt to protect a part of the ocean, because some groups view the regulatory authorities do not do enough to protect the marine environment.

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Wallace".

David H. Wallace
Wallace & Associates

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 12:14 PM
Subject: Re: Emailing - Ocean Action Plan Comment letter.pdf
To: Terry McGean <TMcgean@oceancitymd.gov>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:06 PM, Terry McGean <TMcgean@oceancitymd.gov> wrote:
Please see attached comments regarding the draft Mid-Atlantic Regional Ocean Action Plan

Terence J. McGean, PE
City Engineer
Town of Ocean City
301 Baltimore Ave
Ocean City, MD 21842
(410)289-8796
Cell (443)235-4412
Tmcgean@oceancitymd.gov



TOWN OF OCEAN CITY

The White Marlin Capital of the World

September 6, 2016

RE: Mid-Atlantic Regional Ocean Action Plan

Robert B. LaBelle, Federal Co-Lead
Mid-Atlantic Regional Planning Body
BOEM
45600 Woodland Rd
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Mr. LaBelle:

Thank you for the opportunity to review and comment on the Draft Mid-Atlantic Regional Ocean Action Plan. As the City Engineer for the Town of Ocean City, an ocean resort community, I fully realize the importance of a clean and well managed coastal/ocean environment. I believe the draft plan incorporates a number of important goals and actions that will enhance sustainability and ocean management in the mid-Atlantic. I do have one comment:

Navigation and sand management are listed as two of the 9 sustainability goals, however I do not see any representative from the Army Corps of Engineers on the Planning Body. The Corps of Engineers is the primary Federal agency responsible for navigation and flood control projects. As such they are the lead agency involved in sand management via dredging for navigation and beach replenishment/flood control. The Corps has been actively involved with sand management throughout the mid-Atlantic and created the sand management plan for the Ocean City inlet and Assateague Island. In order for this action plan to accurately represent the state of the art science behind the processes involved in coastal sand management, it is critical that the Corps of Engineers become a full and equal member of the planning body.

It is troubling that an initiative to improve interagency and jurisdictional coordination for coastal ocean planning failed to include a representative from the Army Corps of Engineers, the key agency responsible for many of the projects that would be impacted by the study. No federal study involving ocean sand management or navigation can be credible without the direct and equal input of the Army Corps of Engineers.

Sincerely,

Terence J. McGean, P.E.
City Engineer
(410) 289-8796

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

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President

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From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 1:21 PM
Subject: Re: National Aquarium Comment Letter
To: "Hoellen, Kris" <KHoellen@aqua.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:59 PM, Hoellen, Kris <KHoellen@aqua.org> wrote:
Please find attached the National Aquarium's comment letter on the Mid-Atlantic Regional Ocean Plan. Thank you –
Kris Hoellen

Kris Hoellen
Senior VP/ Chief Conservation Officer
410-576-3865 [P] | 410-986-2345 [F] (301) 653-9474

National Aquarium, Baltimore, MD
111 Market Place, Suite 800 (Office) | 501 East Pratt Street (Aquarium) | Baltimore, MD 21202



The National Aquarium inspires conservation of the world's aquatic treasures.





NATIONAL AQUARIUM.

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aqua.org

September 6, 2016

Mr. Robert P. LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, Virginia 20166

Submitted electronically via MidAtlanticRPB@boem.gov

Dear Mr. LaBelle,

The National Aquarium would like to express our appreciation to the members of the Mid-Atlantic Regional Planning Body (RPB) for the years of hard work, stakeholder engagement, and thoughtful deliberation reflected in the Draft Mid-Atlantic Regional Ocean Action Plan. Congratulations on reaching this major milestone in ocean planning!

The National Aquarium is a non-profit public institution with a mission to inspire conservation of the world's aquatic treasures. We host over 1.3 million guests annually at the Aquarium in Baltimore. We engage millions more through education programs, volunteer activities, conservation programs, and social media. For example, each year, our on-site programs and outreach activities give more than 150,000 students and teachers the tools to take personal and collective actions to conserve the ocean. Beyond the Aquarium's walls, our work includes shoreline restoration/resiliency, marine debris cleanup, marine animal rescue and research, STEM programs, and many other activities.

The Draft Plan is a valuable blueprint for continued interregional planning coordination of multiple Mid-Atlantic ocean uses. It appropriately balances the needs and contributions of many different communities and users, while integrating a series of actions in order to conserve the rich ecological diversity of the region. There are several aspects the Draft Plan that we want to highlight below.

A Thoughtful and Robust Plan to Explore and Conserve Ecologically Rich Areas

We are pleased to see a deep emphasis and detailed series of actions on promoting a healthy ocean ecosystem.¹ The continued ecological vibrancy and wellbeing of the mid-Atlantic is perhaps the greatest indicator of its continued ability to fulfill its role as an ecological lifeblood of our region. It is wholly appropriate that the Draft Plan recognizes that there is still much to learn

¹ Draft Plan Section 2.3 and Appendix 4.

about ecologically rich areas in the Mid-Atlantic and that our continued monitoring and exploration must also carefully track and gauge the impact of ocean warming, acidification, sea level rise and other threats to the ecosystem. We hope these actions are embraced and we urge the RPB to ensure a fully transparent and publically accessible process as these actions are implemented.

An Emphasis on Balancing Multiple Uses and Strong Continued RPB Member Support

The Draft Plan carefully recognizes the vast demands on the Mid-Atlantic ocean for activities such as fishing, navigation, commerce, recreation, energy, national security, and exploration. As the Draft Plan acknowledges, RPB member state governments and federal agencies must continue to participate in the ocean planning process, and be committed to making resources available essential for full and effective implementation of the Draft Plan.² We strongly urge every member of the RPB to remain committed to this process and to make the resource commitments necessary for successful implementation.

A Recognition of a Need to Link Ocean Planning and Preparing for Climate Change

The Draft Plan appropriately recognizes that there will be ocean ecosystem changes and increased risk associated with ocean warming, acidification, sea level rise, and coastal flooding.³ In implementation, the ocean planning process should seek to produce useful information, timely projections, and actionable recommendations that will help Mid-Atlantic governments, communities, and residents prepare for climate change impacts.

An Opportunity to Apply Terrestrial Conservation and Use Planning Best Practices

As the RPB works to implement this Draft Plan and to ensure continued engagement of stakeholders at many levels, we urge you to seek lessons learned from the terrestrial planning field. There are many parallel terrestrial planning models that the RPB can consider to inform efforts to develop transparent prioritization processes that effectively balance competing priorities, model the impact of usage activities on resources, and manage abundance versus diversity issues as illustrative considerations. We encourage the RPB to review and consider terrestrial planning best practices to help develop a transparent, structured decision-making process as you proceed with implementation.

In closing, we appreciate the opportunity to comment on this Draft Action Plan and look forward to the continued dialogue, engagement, and discovery that its implementation will bring. The National Aquarium stands ready to help you engage and educate the public on this important process as appropriate. Please contact me at khoellen@aquarium.org to discuss how we may assist.

Sincerely,



Kris Hoellen
Senior Vice President and Chief Conservation Officer

² Draft Plan Section 2.1, 2.2, and 4.1.

³ Draft Plan Section 2.1

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 1:23 PM
Subject: Re: Comments on Mid-Atlantic Plan
To: charles.witek@barclays.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 1:11 PM, <charles.witek@barclays.com> wrote:

This message is for information purposes only, it is not a recommendation, advice, offer or solicitation to buy or sell a product or service nor an official confirmation of any transaction. It is directed at persons who are professionals and is not intended for retail customer use. Intended for recipient only. This message is subject to the terms at: www.barclays.com/emaildisclaimer.

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1075 Tooker Avenue
West Babylon, NY 11704
September 6, 2016

Mr. Robert P. LaBelle
Federal Co-lead
Mid-Atlantic Regional Planning Body
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Mr. LaBelle:

Thank you for this opportunity to comment on the *Mid-Atlantic Regional Ocean Action Plan* (the "Plan").

My interest in the Plan arises out of my experience as a recreational fisherman, who resides on the South Shore of New York's Long Island. I regularly fish, and am very familiar with, those waters of the Mid-Atlantic Bight which fall within an arc that extends from Barnegat Inlet, New Jersey, through the mouth of Hudson Canyon and terminates at Block Island, Rhode Island. I am also a freelance outdoor writer who specializes in marine conservation issues, a former member of the Mid-Atlantic Fishery Management Council (where I was the first Chair of that council's Ecosystems Committee) and a current member of New York's Marine Resources Advisory Council, positions which provide or have provided additional insight into the marine resources of the upper Mid-Atlantic region.

I strongly support the intent of the Plan. The waters off the upper Mid-Atlantic region, and the New York Bight in particular, are experiencing increased activity from an expanding array of potential users, ranging from traditional commercial and recreational fishermen to wind power developers to those who would seek to develop potential hydrocarbon deposits at the edge of the continental shelf. The Plan provides a means to rationalize and prioritize such activity, so that the various user groups can better coexist and damage to each group's particular interests, and to the living marine resources of the Mid-Atlantic Bight, can be minimized.

I took an active role in the New York State Department of State's efforts to obtain information on how various sectors use the waters off Long Island, which was used to update New York's Coastal Zone Management Plan. Such information, used in part to identify areas that have greater biological significance than the surrounding waters, was clearly valuable, and should be replicated, at a larger scale, in the Plan.

In particular, the Plan must adequately identify Ecologically Rich Areas ("ERAs"), and protect such ERAs from degradation caused by inappropriate use. That is a matter of particular concern in the Mid-Atlantic region, where most of the bottom is largely undifferentiated sand, mud or gravel, and hard-bottom habitat is relatively rare; such hard bottom provides high-profile structure needed for a variety of animals ranging from the badly depleted southern New England stock of American lobster to the recreationally and commercially important black sea bass, and should not be degraded.

Other structural features may also have biological importance, such as the so-called "Mud Hole" east of New Jersey, which traces the channel of the Hudson River when sea levels were hundreds of feet lower than they are

today; it has proven to provide critical habitat for juvenile scup, another important recreational and commercial fish species. Inappropriate use of such areas could have a severe impact on dependent fish populations.

Thus, ERAs must be mapped and placed off-limits to any development which might cause them to become less productive; such disruptive uses are appropriately limited to wide expanses of sand/gravel bottom, where their impact would be far less.

Hard-bottom habitat is, of course, only one type of ERA that should be conserved; migration corridors and feeding areas for marine mammals, soft bottom at the edge of the continental shelf where tilefish burrow and forage-rich areas that support concentrations of pelagic birds are other examples of areas deserving of some level of protection.

Regardless of the nature of the ERA, the Plan should recognize that both oceanographic conditions and the patterns of recreational and commercial use change over time, and will impact the quality, productivity and even the location of individual ERAs. Thus, the mapping of ERAs should not be viewed as a one-time event, but rather an ongoing process that combines both the work of federal and state personnel with public input to assure that each existing or developing ERA will be identified and given proper protection.

As part of that process, the maps and other work product used to develop and maintain the Plan should be readily accessible to the public, and a methodology developed to accept and consider ongoing public comment with regard to such documents.

Because of the Plan's broad scope, which is not limited to the spatial or subject matter jurisdiction of any one agency, it has the potential to coordinate the management of both living and non-living marine resources within the Mid-Atlantic region, and foment the sort of inter-agency cooperation that does not necessarily exist today. Thus, the agencies acting pursuant to the Plan, which are not actively engaged in fisheries or protected resources management, are in a unique position to assure that the living resources of the region are not adversely impacted by sand mining, energy development or similar non-fishing activity. However, ERAs cannot and will not be adequately protected unless such ERAs are fully identified and regularly monitored.

I ask that the Plan be modified to include language which provides for such identification and monitoring.

Thank you for considering my thoughts on this matter.

Sincerely,



Charles A. Witek, III

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 1:23 PM
Subject: Re: DRAFT Mid-Atlantic Regional Ocean Action Plan
To: plgromen@wildoceans.org

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 1:19 PM, Pam Lyons Gromen <plgromen@wildoceans.org> wrote:
Dear Members of the Mid-Atlantic Regional Planning Body,

On behalf of Wild Oceans, I respectfully submit the attached comments for consideration as you finalize the Mid-Atlantic Regional Ocean Action Plan.

Best Wishes,

Pam Lyons Gromen
Executive Director
Wild Oceans

Cell: 240-405-6931
Web: www.wildoceans.org
plgromen@wildoceans.org



September 6, 2016

Mr. Robert P. LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, Virginia 20166

Submitted via email to MidAtlanticRPB@boem.gov

Dear Mr. LaBelle,

Founded in 1973 by recreational fishermen, *Wild Oceans* is the nation's oldest independent non-profit group dedicated exclusively to conserving marine fishery resources. With our membership support base of conservation-minded anglers, we work to promote ecosystem-based approaches to management, including the protection of critical habitats essential to the survival of all marine life and the future of fishing.

Wild Oceans commends the Mid-Atlantic Regional Planning Body (RPB) on the draft Mid-Atlantic Regional Ocean Action Plan (Plan) which, based on principles of ecosystem-based management and adaptive management,¹ lays out a series of actions to achieve interconnected goals for a healthy ocean ecosystem and sustainable ocean uses.² We strongly support the adoption of a regional ocean plan for the Mid-Atlantic and offer the following recommendations for the final draft.

Section 2.1 Best Practices for Enhanced Coordination

- *Recommendation: Explicitly incorporate ocean stewardship as a desired best practices outcome.*

The concept of ocean stewardship is noticeably lacking from this section, even though it should be a principal outcome of agency commitments to enhance coordination.

¹ See draft Plan, p. 10.

² See draft Plan, p. 24.

Stewardship, “the careful and responsible management of something entrusted to one's care”³ is a value that should be clearly articulated under best practices, in order to carry through the RPB’s stated vision of “a Mid-Atlantic ocean where safe and responsible use and **stewardship** support healthy, resilient, and sustainable natural and economic ocean resources that provide for the wellbeing and prosperity of present and future generations [emphasis added].”⁴

Section 2.3 Actions to Promote a Healthy Ocean Ecosystem

Wild Oceans supports the three objectives and six actions under the Healthy Ocean Ecosystem goal. We are especially pleased with the inclusion of actions to develop an ocean acidification monitoring network (Action 3) and to develop a strategy for marine debris reduction (Action 4) – two issues of growing magnitude that threaten our region’s wildlife and fisheries. Identifying and conserving ecologically rich areas (Action 1), developing ecosystem health indicators (Action 5), and incorporating Traditional Knowledge of ocean health (Action 6) will help to manage ocean resources proactively to defend against these and other threats.

Healthy Ocean Ecosystem Action 1

- *Recommendation: Identify and map ecologically rich areas (ERAs) for all five components of ecological importance, as described in the Draft Framework for Identification of Ecologically Rich Areas (Appendix 4). Display these maps on the Mid-Atlantic Ocean Data Portal by the end of 2016.*

Action 1, “to identify ecologically rich areas of the Mid-Atlantic ocean and increase understanding of those areas to foster more informed decision making” is fundamental to the Healthy Ocean Ecosystem goal. As defined by the Draft Framework, ERAs are critical to ecosystem functioning and resilience because they are areas of high productivity, high biodiversity, high species abundance, vulnerable marine resources, rare marine resources, or a combination of these attributes. Knowing the location of these areas will enable agencies, resource managers, businesses and stakeholders to avoid unintended impacts to marine life and the ecosystem as a whole. Decisions about activities off our shores are made on a regular basis, and available ERA synthesis products provide valuable information for projects and activities under consideration. We must avoid the temptation to wait for “perfect science” and begin using the best available science *now* while committing to a continuous process of improving upon and refining ERAs as part of Plan implementation.

³ "Stewardship." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 1 Sept. 2016.

⁴ See draft Plan, p. 21.

- *Recommendation: As a step under Action 1, develop a list of best management practices that agencies should adopt, under their existing authorities, to conserve and protect ERAs.*

The steps under Action 1 fall short of meeting Objective 1: “Discovering, understanding, **protecting, and restoring** the ocean ecosystems [emphasis added].” A step should be added to clarify agencies’ commitments, responsibilities and authorities for the protection and restoration of ERAs, which by definition, are essential to ecosystem health. The Final Recommendations of the Interagency Ocean Policy Task Force note:

[Coastal and Marine Spatial Planning] 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.⁵

Best practices for the conservation and protection of ERAs should emphasize support for human uses compatible with conservation goals.

Healthy Ocean Ecosystem Action 5

- *Recommendation: Modify action to include tracking and regularly reporting on indicators of the Mid-Atlantic’s ocean health.*
- *Recommendation: Set SMART objectives (specific, measurable, achievable, relevant, and time-limited)⁶ based on the indicators to not only monitor ocean health, but to inform decision making and future actions. When possible, indicators should include clearly defined targets that indicate healthy parameters.*
- *Recommendation: Display ocean health indicators in an online Dashboard on the Data Portal.*

Developing, tracking and regularly reporting on indicators of ocean health will enable resource managers to account for ecosystem changes and increasing risks (Healthy Ocean Ecosystem Objective 2), and also equips managers with knowledge to understand ocean changes and to take action to restore the ecosystem when necessary (Healthy Ocean Ecosystem Objective 1). Indicators will be of little utility unless they are designed, on the front end, to be useful in decision making. To facilitate stakeholder engagement and understanding, we believe it is important to have a single “go-to” web

⁵ White House Council on Environmental Quality, “Final Recommendations of the Interagency Ocean Policy Task Force,” 2010. https://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf

⁶ Doran, G. T. (1981). "There's a S.M.A.R.T. way to write management's goals and objectives". Management Review. AMA FORUM. 70 (11): 35–36.

location for information relating to the Ocean Action Plan, and strongly urge the RPB to make a place for the indicators on the Data Portal site.

Section 2.4 Actions to Foster Sustainable Ocean Uses

- *Recommendation: Develop a process to add relevant stakeholders to RPB working groups that will be established to advance Plan actions. Incorporate this stakeholder engagement strategy as an appendix to the Plan, with an opportunity for public review before it is finalized.*

Activities like offshore wind energy and sand mining, if not properly planned with fishery management expertise and stakeholder input, can threaten prized fishing grounds and fish habitat. Recent controversy over the wind farm lease area off of Long Island exposes problems that occur when stakeholders do not feel heard and valued in the planning process.⁷ We highlight our support for *Ocean Energy Action 6* and *Sand Management Action 5*, which outline steps for improving engagement with recreational and commercial fishermen.

Robust communication streams to fishing communities and other stakeholders are vital to effective planning that minimizes user conflict, consistent with the Plan’s sustainable use goal. The Plan emphasizes the importance of stakeholder involvement early on: “For activities in the offshore environment, it is critical to engage early and often with other ocean users.”⁸ To address this need, we believe it is imperative to Plan implementation to establish a more meaningful role for stakeholders in future RPB work plans and associated working groups tasked with implementing the interjurisdictional coordination actions. Stakeholder feedback is most valuable in the beginning stages of a project or initiative when plans are forming, and there is adequate flexibility to allow for modifications based on recommendations. Incorporating stakeholders into RPB working groups will help ensure that important stakeholder concerns and suggestions are not overlooked.

2.4.3 Commercial and Recreational Fishing

- *Recommendation: Add a step to Action 1 (Improve the sharing of information and ideas between States, Tribes, Federal agencies, and Fishery Management Councils on fisheries science and management) that reads, “Distribute MAFMC Policies on Non-Fishing Activities that Impact Fish Habitat to RPB members and include review and discussion of the policy documents on an upcoming RPB meeting agenda.”*

⁷ Schreiber, Laurie. “Fishermen Blast BOEM on Wind Area.” Fishermen’s Voice. August 2016. Volume 21, No. 8. <http://www.fishermensvoice.com/archives/201608FishermenBlastBOEMOnWindArea.html>

⁸ See draft Plan, p. 47.

We are disappointed that the Commercial and Recreational Fishing section does not reference Mid-Atlantic Fishery Management Council Policies on Non-Fishing Activities that Impact Fish Habitat.⁹ These policies, which outline the Council's positions on wind energy, offshore oil, marine transport, liquefied natural gas and coastal development, were developed and vetted through the Council's Ecosystem and Ocean Planning Committee and its advisory panel, which includes diverse representation comprised of recreational and commercial fishermen, environmental non-government organizations and scientists. In addition, state and federal agency experts in coastal zone management, offshore energy development and habitat protection participated in policy deliberations. The policy documents were approved by consent by the full Council in December 2015 in order to "more effectively comment and collaborate with partners and other agencies to address these threats." These documents should be shared with all RPB members and cited in the Plan, with a link to the documents residing on the MAFMC website.

- *Recommendation: Add a step to Action 3 (Improve collaboration for the conservation of essential fish habitat) that reads, "Establish a process to regularly review, refine, update and improve the precision of essential fish habitat (EFH) data layer maps on the Data Portal, to improve upon the effectiveness of the maps as a tool for EFH conservation."*

Because the Data Portal has become the central hub for spatial information relating to the Plan, it is imperative that the data layers provided be based on a precision scale that maximizes their utility for ocean planning purposes. The current EFH data layer, depicting co-mingled polygons for 39 species using a 10-minute square grid, results in a somewhat ubiquitous green cloud, which is not helpful for discerning habitat areas in need of more rigorous conservation strategies, or habitat types vulnerable to particular ocean uses.

With NOAA and the Mid-Atlantic Fishery Management Council (MAFMC) leading this action, experts from fishery management council and NOAA Fisheries staff should be appointed to work on this initiative, as they are most familiar with Fishery Management Plan EFH data and how it is evolving. In fact, an Essential Fish Habitat Review Fishery Management Action Team was recently formed by the MAFMC and charged with developing a report that will include updating descriptions and identifications of EFH.¹⁰

Ultimately, we suggest including the ability of Data Portal users to view EFH data by species (as opposed to the current co-mingled format) and to readily identify habitat areas that NOAA Fisheries and the regional fishery management councils have flagged as high priority (e.g., Habitat Areas of Particular Concern).

⁹ <http://www.mafmc.org/newsfeed/2016/council-announces-policies-on-non-fishing-activities-that-threaten-fish-habitat>

¹⁰ <http://www.mafmc.org/council-events/2016/efh-fmat-meeting>

We are glad to see EFH included in the ERA Framework in Appendix 4 and believe that further refinements to the data will result in more effective and focused EFH and ERA identification and conservation planning.

Section 4.2 Performance Monitoring and Evaluation (PME)

- *Recommendation: As part of the PME plan, the RPB should create a specific mechanism that allows stakeholders to petition the RPB to take up ocean management issues as they arise.*

We strongly support Action 1 (Develop Plan performance monitoring and evaluation plan) under this section and appreciate the additional detail provided in Appendix 6 (Performance Monitoring and Evaluation). We concur with the bulleted list of considerations in Appendix 6 for plan development, underscoring that “(s)takeholders should be engaged in the identification of indicators, review of indicator results, and discussion of any resulting need for Plan changes.” Stakeholders should also have a process by which they can bring emerging issues to the RPB’s attention, and it makes sense for that process be part of the PME Plan.

Once again, we congratulate the RPB for the impressive body of work that has led to the first Ocean Action Plan for the Mid-Atlantic region. *Wild Oceans* is proud to have played a role in its development, and we look forward to our continued work together on Plan implementation.

Sincerely,

A handwritten signature in blue ink that reads "Pam Lyons Gromen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Pam Lyons Gromen
Executive Director

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 1:49 PM
Subject: Re: Comments on Draft Mid-Atlantic Regional Ocean Action Plan
To: Andy Radford <Radforda@api.org>

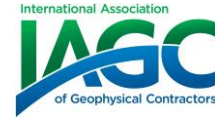
Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website [http://www.boem.gov/Ocean-Action-Plan/](http://www.boem.gov/Ocean-Action-Plan) for additional information.

On Tue, Sep 6, 2016 at 1:37 PM, Andy Radford <Radforda@api.org> wrote:

Please find the comments of the API, NOIA, and IAGC on the Draft Mid-Atlantic Regional Ocean Action Plan attached.

Andy Radford

Sr. Policy Advisor – Offshore
American Petroleum Institute
1220 L Street NW
Washington, DC 20005
O: 202-682-8584



September 6, 2016

Robert P. LaBelle
Federal Co-Lead, Mid-Atlantic Regional Planning Body
BOEM
45600 Woodland Road,
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Submitted Electronically via MidAtlanticRPB@boem.gov

RE: Comments on Draft Mid-Atlantic Regional Ocean Action Plan

The American Petroleum Institute (“API”), National Ocean Industries Association (“NOIA”), and the International Association of Geophysical Contractors (“IAGC”) (“the Associations”) offer the following comment on the draft Mid-Atlantic Ocean Action Plan (henceforth referred to as the “draft Plan”). While our industry does not currently engage in offshore exploration or development in the Mid-Atlantic Outer Continental Shelf (“OCS”) of the U.S. Exclusive Economic Zone, seismic surveys and drilling in the Mid-Atlantic have occurred in the past, enhancing understanding of the resource potential in this region. In addition, companies are actively seeking permits to perform seismic surveys in a portion of the area cover by the draft plan. API and its members remain concerned with the potential for unintended consequences to arise from the implementation of the draft Plan. Our fear is that an Ocean Action Plan will be used as a tool to limit and delay future conventional energy exploration and development opportunities in the Mid-Atlantic OCS.

API is a national trade association representing over 650 member companies involved in all aspects of the oil and natural gas industry, including offshore exploration and development in and adjacent to U.S. coastal and Outer Continental Shelf (“OCS”) ocean waters as well as delivery of resources to regions dependent on oil and gas.

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the U.S. Outer Continental Shelf (“OCS”). The NOIA membership comprises more than 325 companies engaged in a variety of business activities, including production, drilling, engineering, marine and air transport, offshore construction, equipment manufacture and supply, telecommunications, finance and insurance, and renewable energy.

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, associated services and product providers) to the oil and natural gas industry. IAGC member companies play an integral role in the successful exploration

and development of offshore hydrocarbon resources through the acquisition and processing of geophysical data.

The Associations appreciate the intent of marine planning. The oil and gas industry values certainty and predictability given the large capital investments required for offshore oil and natural gas development. Key components of the process include effective interagency collaboration, informed decision-making, and timely permit issuance. For the Mid-Atlantic region, we note that the draft plan to date largely focuses on common sense actions, like getting agencies to collect more data, consult effectively, and make information more available to interested stakeholders – all actions that could help smooth the process for prospective investment in the region. However, it is still not clear how the draft Plan will improve the current situation. The draft Plan does not help to clarify our understanding of how improvements in interagency coordination will be achieved, given the lack of specificity as to many of the proposed actions to be taken and the agencies that would be involved. API finds that interagency coordination goals could be achieved through other means outside the Regional Planning Body (“RPB”) process – such as facilitating conversations across agencies, increasing transparency of agency actions, and building bespoke coordination teams to address specific questions – and that these do not require new bureaucracies like the RPB or directives established in vague terms in the Plan. If the RPB still finds it necessary to promote interagency coordination via the Plan and its bureaucracy, the Plan should be modified to make it clear that any and all coordination and collaboration tools included in the Plan are entirely flexible and may be adopted or further refined to meet agency and stakeholder needs as all parties deem appropriate, given the unique coordination needs that may arise across ocean resource issues over time. The Plan should also make it clear that agencies will not be limited to those coordination and collaboration practices established under the Plan.

In addition, there are many elements of the draft plan that are not yet defined, and these areas remain a source of uncertainty and potential risk. Since the release of the Executive Order it has been unclear as to how agencies will implement ocean plans and what this will mean for potential offshore oil and natural gas development, particularly with respect to compliance with existing statutes and regulations. As stated in the Executive Order that established the National Ocean Policy, federal agencies are directed to implement the regional marine plans to the maximum extent, including through regulations where necessary.¹ These directives that bind federal agencies to implement the plan through agency policies, decision-making, and regulation present significant problems. First, this directive limits the options that agencies can consider as they work to apply existing Congressional authorities to ever-changing environmental and economic conditions along our nation’s coasts and oceans. Instead of using existing governance processes (e.g., regulatory processes guided by Administrative Procedure Act, interagency coordination customized to address emerging issues, etc.), agencies would have to ensure consistency with a Plan that – due to incomplete information, outdated analyses, and/or misaligned goals – may not be relevant to agency needs or that introduces bureaucratic steps that force costs and delays to mount. Second, and perhaps more troubling, is the fact that the draft Plan simply does not contain enough information for stakeholders like the Associations to understand how federal agency compliance with the plan will affect our members. As federal agencies change their policy, decision-making, and regulatory activities to be consistent with the Plan, it will certainly affect the options and activities of regulated entities. In order to allow for

¹ See Executive Order for Stewardship of the Ocean, Our Coasts, and the Great Lakes, July 19, 2010, available at <http://www.whitehouse.gov/files/documents/2010stewardship-EO.pdf>, Section 6

informed public comments – a cornerstone of government transparency and accountability – the draft Plan must more clearly specify how the document is going to be used by federal regulators when taking actions that will substantively affect regulated entities. While the draft Plan acknowledges that it does not augment or supersede existing authorities, NOAA stated just the opposite in its recently released draft Ocean Noise Strategy Roadmap: “Marine planning seeks to augment statutorily-directed consultation and environmental impact assessment processes that are standardly used to address noise impacts.”² This and other substantive impacts of the Plan must be clearly and transparently disclosed to the public.

Another primary, immediate concern revolves around the quality of new data that was presented as part of the draft and the lack of availability of the full suite of marine life mapping products referenced for use in the draft Plan, including base layer predictive model mapping products for 29 marine mammal species and species guilds, 40 avian species, and 82 fish species. The Associations are very concerned about the use and integrity of Plan-related data and information, including referenced data on the Mid-Atlantic Ocean Data Portal. The draft Plan acknowledges limitations associated with data products it references, yet the draft Plan directs agencies and others to use the data products to influence regulatory and environmental reviews of ocean resources and uses. Without a thorough review of all the data underlying these maps or a clear picture of how they will be used, our concern is that this will become the de facto “best available science” and used as a decision making tool by regulators without having been subject to peer-review, validation, and applicable data quality standards.³

If the RPB finds it necessary to direct use of the data products via the Data Portal, the Associations echo the recommendations contained in the comments of the National Ocean Policy Coalition that all Plan and Plan-referenced data that is housed on the Portal should be reviewed to ensure compliance with all relevant data quality laws, standards, and protocols. Any references to data that is determined to not be compliant or complete should be removed from the Plan. The RPB should ensure that every Portal map that is referenced in the Plan includes a direct link to the metadata and data quality reporting information. In addition, the RPB should amend the plan to make it clear that federal agencies must further validate the accuracy of any data used in decision-making, disregard data found to be incomplete or inaccurate, and access any and all other data outside the Data Portal or Plan that may be necessary or relevant for making an informed decision on ocean resource use.

While the above concerns are important specifically to the oil and gas industry and those dependent on oil and gas delivery, the Associations note a number of policy and process concerns that could affect all ocean-dependent industries, and our members strongly support the comments that have been submitted by the National Ocean Policy Coalition. The Associations urge the RPB to avoid any actions that would cast areas as “suitable” or “unsuitable” for certain


² See NOAA Draft Ocean Noise Strategy Roadmap, Page 30

³ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-iq-guidelines-fy2011.pdf>).

actions or otherwise issue directives that could ultimately block access for otherwise legal, environmentally safe, and economically valuable industry activities. This may not be the intent right now, but given official terms of the draft Plan and the work still to come it is a plausible scenario that must be avoided.

In closing, the Associations find that the risks and uncertainties established in the draft Plan could lead to confusion, delay, and cost for all regulated entities, and that these costs far outweigh the benefits of the Plan. Moreover, the benefits of interagency coordination could be achieved through other means. We respectfully request your serious consideration of these costs and benefits and modify the plan to add clarity, complete those sections of the Plan that are not yet defined, and ensure that agencies are free to choose the best way to achieve their statutory mandates – not being bound to a vague and incomplete Plan. After such revisions are made, the Plan should be re-released for public review and comment. The Associations appreciate the opportunity to comment on the draft Plan and should you have any questions, please contact Andy Radford at 202-682-8584 or radforda@api.org.

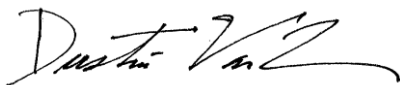
Sincerely,



Andy Radford
American Petroleum Institute



Jeff Vorberger
National Ocean Industries Association



Dustin Van Liew
International Association of Geophysical Contractors

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 3:44 PM
Subject: Re: Consumer Energy Alliance Comments on Draft Mid-Atlantic Regional Ocean Action Plan
To: Beth Everage <beverage@hbwresources.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 3:12 PM, Beth Everage <beverage@hbwresources.com> wrote:
Dear Members of the Mid-Atlantic Regional Planning Body:

Attached please find comments from Consumer Energy Alliance on the draft Mid-Atlantic Regional Ocean Action Plan.

Beth Everage
Policy Director
Consumer Energy Alliance

beverage@consumerenergyalliance.org
713-524-2388 (direct)
713-705-8635 (mobile)

September 6, 2016

Mr. Robert LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
U.S. Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM-DIR
Sterling, VA 20166

Dear Mr. LaBelle:

As the Voice of the Energy Consumer, Consumer Energy Alliance (CEA) is a nationwide association that advocates for balanced policies that support access to affordable, reliable energy. In addition to our nearly 300 company and association members that represent nearly every sector of the U.S. economy, CEA's membership includes more than 400,000 individual citizens across the country, including over 40,000 in the Mid-Atlantic U.S.

The latest U.S. Energy Information Administration data shows that overall, consumers in the Mid-Atlantic Regional Planning Body (RPB) states pay 13% more than the national average for electricity. Nationwide, EIA forecasts that total primary energy consumption will continue to grow through 2040, with renewable energy becoming an increasingly important contributor to the U.S. energy portfolio and conventional energy maintaining its dominant position.

In that context, it is all the more critical to avoid new regulatory obstacles or uncertainty that could impede efforts to affordably and reliably meet the energy needs of those who live and work in the Mid-Atlantic region and beyond, thereby making it more difficult and expensive for consumers to fill up their gas tanks, buy groceries, pay electric bills, keep their businesses running, and provide for their families.

In that regard, CEA is concerned that the draft Mid-Atlantic Regional Ocean Action Plan (Plan) could, at minimum, introduce significant regulatory uncertainty for activities taking place at all stages of the renewable and conventional energy supply chain, from development and production all the way to transportation and storage.

For example, in addition to the commitment of federal agencies to implement the Plan in their pre-planning, planning, and permitting activities, the draft Plan calls for "moving forward under existing authorities" by focusing on influencing decision-making under existing federal laws, including the Outer Continental Shelf Lands Act, Deepwater Port Act, and National Environmental Policy Act, and possibly others such as the Natural Gas Act. The draft Plan would also involve agency use of Plan-related maps that (1) ultimately include offshore "Ecologically Rich Areas" defined under non-statutory criteria, (2) do not fully account for all marine uses or natural resources in the region such as conventional energy, and (3) are subject to significant limitations as acknowledged in the draft Plan.

Regulatory uncertainty already introduced by this process is underscored by the lack of details on specifically how, when, and which agencies would implement each of the proposed actions discussed in the draft Plan. Finalizing a Plan that leaves such questions unanswered would substantially increase the risk of unforeseen and unintended consequences, including potential adverse impacts for the region's energy consumers.

Therefore, CEA urges the Mid-Atlantic RPB to further clarify its proposed actions and their potential implications for existing and future renewable and conventional energy leasing, development, transportation, and storage in the Mid-Atlantic, and to provide such clarification and information in a revised draft Plan that is subject to additional and adequate time for public review and comment.

In addition, CEA urges the RPB to revise the draft Plan to remove the proposed identification of Ecologically Rich Areas, reflect existing data related to all offshore natural resources (including conventional energy) in all Plan-related products (including the Mid-Atlantic Ocean Data Portal), and exclude from the Plan and associated products any data and information that is not compliant with all relevant data integrity laws, regulations, and standards.

On behalf of energy consumers in the Mid-Atlantic and across the country, thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Holt", written in a cursive style.

David Holt
President

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:17 PM
Subject: Re: Comment letter
To: "Paul L. Sieswerda" <Paul@gothamwhale.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 3:52 PM, Paul L. Sieswerda <Paul@gothamwhale.org> wrote:
Attached please find comment from Gotham Whale.
Thank you

Paul L. Sieswerda
President, CEO
Gotham Whale

Paul@GothamWhale.org
718-938-2067
www.gothamwhale.org

www.americanprincesscruises.com
and don't forget to:
["Like" us on Fb](#)

To the Mid-Atlantic Regional Planning Body:

My name is Paul Sieswerda, President, at Gotham Whale, an organization that employs citizen science to study, advocates for, and educate the public about whales and marine mammals off the coast of New York City. The juxtaposition of wild populations of marine mammals: seals, dolphins, and whales, with the millions of people that inhabit the City, can be the source of intriguing knowledge, incredible enjoyment, and sometimes, tragic disruption. We understand the immense pressure that humans continue to put on the ocean off of the country's most populous coast, but we also know how effective that same human presence can be in preserving and protecting these stressed waters. It is our goal to unite ocean-based economies with responsible ecological decision-making so we can continue to see whales and other amazing marine mammals right off our coasts for years to come.

As such, I am pleased to submit comments on the draft Mid-Atlantic Ocean Action Plan. Ocean planning is a commonsense solution to a complex problem. It brings everyone together and puts all the data in one place, the Mid-Atlantic Data Portal, so managers can make wise choices. I congratulate the Regional Planning Body (RPB) on your efforts thus far, and look forward to continuing to work with you to strengthen key components of the plan now, and into the future.

To begin with, I want to congratulate the RPB and your data portal team on the tremendous work you have done to produce such a useful tool for the region. As an organization that works with citizen scientists to collect data, it brings me immense pleasure to see important datasets being incorporated into the portal to help inform decision-makers before tragic accidents occur. Being able to share data to inform decisions up and down the coast is critical to our work, and through the regional planning process, we have actively engaged with scientists, stakeholders, industry members and government officials to help map out critical habitats. The data portal is a great tool for visualizing where and—thanks to the Marine Data and Analysis Team out of Duke University—when whales populate certain parts of our region. I ask the RPB to commit to maintaining this data portal, including updating it at frequent intervals, which I would like to see outlined in the plan.

Citizen Science is a growing field and is being recognized for the important contributions that can be made by expanding the data collection beyond that possible by traditional academic research. Data from platforms of opportunity such as our whale watching cruises are documented with photographic evidence and GIS recordings. They cannot be denied. These data points are especially important when they show whales in and around the shipping lanes in the port of New York. Contributions from the Citizen Science community should be accepted and considered within the data portal.

I also would urge the RPB to continue putting its efforts full bore in to the data portal, which means securing a long-term funding solution. I understand that maintaining a robust information warehouse such as this takes significant resources. The value of this portal however, deserves such investment, and ensuring the data stay fresh and updated with the newest information warrants continued funding. Further, I urge the RPB to consider outlining a clear and articulate science and research agenda for the

coming years. There are significant gaps in our knowledge of the marine ecosystem, drivers of species distribution, and information on the changing nature of our ocean. To address these issues, we must prioritize the efforts of the region, and this prioritization must be done in an open and transparent manner. Inclusion of interested parties in detailing the research agenda will ensure that all needs are met to the fullest extent possible. While citizen science will continue to inform decision-making, I again urge the region to invest more heavily in the data portal, and identify areas of greatest need, to focus your attention and increasing our understanding of critical drivers of our marine ecosystem.

Understanding the marine life in our coastal and oceanic waters is of the utmost importance, especially as more and diverse ocean uses are seeking a similar, limited space. Where the data may not be perfect, a description of the trends in marine life, especially cetaceans, is critical for decision-makers to understand the fundamental trends of the organisms that inhabit the region. While the Plan touches briefly on a narrative description of whales and other migratory mammals, it does not necessarily provide clear information on the current status and trends in the region. The Regional Ocean Assessment, coupled with the data products produced by the MDAT team get closer to this, and I would urge the RPB to continue supporting both endeavors. Currently, it is unclear in the Plan on how the RPB plans to update the Regional Ocean Assessment. I would ask the RPB to revisit this, and ensure that narrative descriptions of marine life and ocean uses are both bolstered and updated when the updates to the Plan occur.

As an organization that works closely with citizens, scientists, and decision-makers, we value open and transparent processes which give voice to all interested parties alike. Gotham Whale speaks for not only the marine life that inhabit the waters offshore New York, but also for the citizen scientists who invest time and effort to aid our data collection and improve existing knowledge of cetacean activity offshore. We have been pleased thus far with the level of engagement we have been afforded, but urge the RPB to hold strong in the commitments made in the plan. I would like to see a more clearly defined commitment by RPB agencies to engage with stakeholders early in the decision-making process, prior to any decisions being made. Further, I would like to see an outline of a plan of action for how agencies will identify potentially impacted stakeholders more effectively within the decision-making process. Finally, once the Plan has been approved and implementation begins, involving stakeholders in the review process, through performance monitoring and evaluation is critical. As deeply tied to the ocean resources as we are, we, and all ocean stakeholders, should be given the opportunity to also petition the RPB to address a specific management issues as they arise. A clear mechanism for how this may occur, and when these issues would be addressed, should also be articulated in the plan.

In regards to Action 1 of the Healthy Ocean Ecosystem subchapter, 'Identification of Ecologically Rich Areas', I first want to commend the RPB for taking on such a large effort to 'deepen our understanding of key areas of the Mid-Atlantic ocean ecosystem'. This includes working with the MDAT team to define, evaluate, and refine the marine life data synthesis approach. As part of that approach, the RPB identifies not only scientists, but traditional knowledge holders and ocean stakeholders as key voices in identifying and assessing the marine ecology of the region. At Gotham Whale, we pride ourselves in holding a great deal of knowledge, both from a scientific and traditional knowledge point of view. We have decades of

experience in the region, monitoring marine mammals, their yearly and seasonal trends, and changes in population status over time. I would urge the RPB to more clearly define and improve transparency on the ERA framework, especially as it pertains to inclusion and vetting of eventual products. Our knowledge could be of important value to this process, and we would very much like to have our voices included as the process unfolds.

Thank you.

Sincerely,

Paul L. Sieswerda

President, CEO

Gotham Whale, Inc.

10 Bay Street Landing A5G

Staten Island, NY 10301

718-938-2067

paul@gothamwhale.org

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:18 PM
Subject: Re: Comment Letter: Healthy Oceans Coalition on the Ocean Action Plan
To: Jenna Valente <j.valente@littoralsociety.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 3:49 PM, Jenna Valente <j.valente@littoralsociety.org> wrote:
Good afternoon,

Please accept and review the attached comment letter on behalf of the Healthy Oceans Coalition. Thank you and congratulations on the release of the first-ever ocean action plan for the Mid-Atlantic region. We look forward to following along as the process continues.

Sincerely,

Jenna Valente
Healthy Oceans Coalition Coordinator
American Littoral Society
62 Summer Street
Boston, MA 02110
[\(857\) 957-0943](tel:(857)957-0943)

American Littoral Society * Conservation Law Foundation
Natural Resources Defense Council * Surfrider Foundation * Wildlife Conservation Society *
WILDCOAST * Ocean Conservation Research * The Ocean Foundation * SandyHook SeaLife
Foundation * Colorado Ocean Coalition * The Saunders Hotel Group * Operation SPLASH *
Miami2Maine * Moms Clean Air Force Virginia * Center for Chesapeake Communities *
Mangrove Action Project * Gotham Whale * Citizens Campaign for the Environment * Wild
Oceans * Maryland Academy of Sciences at The Maryland Science Center * New Jersey
League of Conservation Voters * New Jersey Sierra Club * Association of New Jersey
Environmental Commissions * Insitute for Ocean Conservation Science * The Center for
Oceanic Awareness, Research, and Education * Mattawoman Watershed Society

September 6, 2016

Mr. Robert P. LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, Virginia 20166

Dear Mr. LaBelle,

On behalf of our organizations and their millions of members and activists, we congratulate you and the other Mid-Atlantic Regional Planning Body (MidA RPB) members on developing a first-ever action plan to inform and guide our region's ocean protection and sustainable development, as envisioned in the National Ocean Policy.

Our ocean is major migratory highway and home for a vast array of marine life, but it is an increasingly busy place, which can put the resources we rely on for food, jobs and recreation at risk. We appreciate that the *Mid-Atlantic Regional Ocean Action Plan* offers states, federal agencies, fisheries managers and Native American tribes a new, proactive and integrated way of governing our ocean's wealth together, with the twin goals of promoting healthy ocean ecosystems and providing for sustainable ocean use. We urge you to strengthen the final Plan to further provide for a healthy ocean today and in the future by committing to:

Identify and Conserve Ecologically Rich Areas: Ecologically Rich Areas (ERAs) are special places critical to the long-term health of our ocean wildlife and ecosystems. Knowing where these areas are will allow ocean resource managers, businesses and stakeholders to make more informed decisions about how to use and conserve our ocean. ERAs (for all five components of

ecological importance) can and must be identified, mapped and included on the Mid-Atlantic Ocean Data Portal (Portal) in 2016. This data should be updated as needed and used to generate a composite map of ERAs (synthesizing all five components) and posted on the Portal with any associated information in 2017. The Plan should also articulate agency commitments to ensure that ocean management decisions conserve the ecosystem values and functions that ERAs contain.

Clarify and Enhance Agency Commitments: The final Plan and its accompanying Federal Register Notice should commit agencies to implement the Plan's provisions to the fullest extent consistent with applicable law. The Plan should detail how agencies will improve ocean health as a best management practice.

Identify Ocean Health Indicators and Objectives: The Plan should commit agencies to track and regularly report on indicators of the Mid-Atlantic's ocean health in a central location on the Portal and to set specific, measurable objectives based on these indicators so that we can monitor our marine health and use this information to advise future actions.

Provide for Meaningful Public Engagement in Plan Implementation: Public engagement is critical to the long-term success of the Plan. The final Plan must include clear provisions for ongoing public engagement in plan implementation. A performance monitoring and evaluation plan with explicit actions and deadlines should be completed by the spring of 2017 and include measures of public engagement and satisfaction as a component of a successful ocean plan.

Sincerely,

Alison Chase
Senior Policy Analyst
Natural Resources Defense Council

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation

Priscilla Brooks
Ocean Program Director
Conservation Law Foundation

Zachary Plopper
Conservation Director
WILDCOAST

Michael Stocker
Director
Ocean Conservation Research

Richard Charter
Coastal Coordination Program
The Ocean Foundation

Sarah Winter Whelan
Ocean Policy Program Director
American Littoral Society

Dr. Merry Camhi
Director, New York Seascape
Wildlife Conservation Society

Mary Hamilton
Executive Director
SandyHook SeaLife Foundation

Vicki Goldstein
Founder and Director
Colorado Ocean Coalition

Tedd Saunders
Chief Sustainability Officer
The Saunders Hotel Group

Rob Weltner
President
Operation SPLASH

Margo Pellegrino
Founder
Miami2Maine

Terra Pascarosa
Manager of Field Operations
Moms Clean Air Force Virginia

Gary Allen
Executive Director
Center for Chesapeake Communities

Sara Lavenhar
Co-Executive Director
Mangrove Action Project

Paul Seiswerda
President, CEO
Gotham Whale

Adrienne Esposito
Executive Director
Citizens Campaign for the Environment

Pam Lyons Gromen
Executive Director
Wild Oceans

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

Ed Potosnak
Executive Director
New Jersey League of Conservation Voters

Jeff Tittle
Director
New Jersey Sierra Club

Jennifer Coffey
Executive Director
Association of New Jersey Environmental
Commissions

Christine Santora
Assistant Director for Policy and Outreach
Institute for Ocean Conservation Science

Lindsay Danielle Hirt
Marine Biologist and Naturalist
Captain John Whale Watching and Fishing
Tours

Christopher Chin
Executive Director
The Center for Oceanic Awareness,
Research, and Education

Jim Long
President
Mattawoman Watershed Society

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:18 PM
Subject: Re: Surfrider Foundation Comments on Draft Plan
To: Matt Gove <mgove@surfrider.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:03 PM, Matt Gove <mgove@surfrider.org> wrote:
Thank you for taking our comments! Please reach out if you have any questions or clarifications.

Matt

--

Matt Gove | Mid-Atlantic Policy Manager | [Surfrider Foundation](#)
952.250.4545 | mgove@surfrider.org
fb: @midatlanticsurfrider | tw: @masurfrider | ig: @surfridermidatlantic



Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation
mgove@surfrider.org

September 6, 2016

Mid-Atlantic Regional Planning Body Co-Leads:

Ms. Kelsey Leonard, Shinnecock Indian Nation, P.O. Box 5006 Southampton, NY. 11969

Gwynne Schultz, Deputy Director, Chesapeake and Coastal Service, Maryland
Department of Natural Resources, 580 Taylor Avenue - E2, Annapolis, MD. 21401

Mr. Robert LaBelle, Senior Advisor to the Director, BOEM, U.S. Department of the
Interior, 45600 Woodland Road, Mailstop: VAM-BOEM DIR, Sterling, VA. 20166

Re: Comments on the Draft Mid-Atlantic Regional Ocean Action Plan

Surfrider Foundation would like to congratulate the Mid-Atlantic Regional Planning Body (RPB) on its hard work over the last three years leading up to the release of the Draft Mid-Atlantic Regional Ocean Action Plan (Plan). It is obvious that many hours of deliberation and thought have gone into the Plan. We thank you for that work, and for hearing and discussing our concerns.

Surfrider Foundation is a nonprofit environmental organization that engages a volunteer network of thousands of ocean users to protect our ocean, waves and beaches through conservation, activism, research, and education. There are nine volunteer Surfrider chapters in the Mid-Atlantic region working to protect our incredible coastal and ocean resources. Many of our members participate in non-consumptive recreational activities such as kayaking, surfing, wildlife viewing, and beach going.

We are sending you this comment letter as a supplement to the other group comment letters we have signed onto concerning the Plan. Surfrider has additionally assisted our many coastal members and enthusiasts to send their comments to the RPB. Currently over 575 individuals have taken this action. Although many of the messages sent are identical, they should not be discounted but seen as a strong endorsement of a common perspective. They are from people that love the Mid-Atlantic coastline and care deeply about the future of our ocean.

OVERVIEW



We would like to emphasize at the very beginning of our comments the necessity of making the Plan as specific and clear as possible before it is finalized. Providing as much detail as possible will pay off in the implementation phase. Many stakeholders have only recently learned about the RPB process and are excited by the possibilities and progress in managing our ocean. Once the Plan is finalized, they will be looking for results from RPB efforts that positively impact the ocean environment and their access to decision-making about the future of the sea.

We also want to stress how important it is that agencies begin to immediately integrate the Plan's actions and the data from the Mid-Atlantic Ocean Data Portal (Portal) into their daily operations. As the RPB process has progressed, Surfrider has informed interested stakeholders that changes in ocean management resulting from the RPB process will only be seen after the Plan is approved. That time is rapidly approaching. If stakeholders believe that the RPB is not fulfilling the goals or principles in the Plan, their support and involvement will be easily lost.

ENVIRONMENTALLY RICH AREAS

Identifying the most productive areas of the ocean is one of the most important tasks for the RPB. Both *Executive Order 13547*¹ and the *Final Recommendations of the Interagency Ocean Policy Task Force*² call for the identification of these important places, or Environmentally Rich Areas (ERAs). Successfully planning for the future of our ocean is impossible unless we know how the ocean ecosystem functions. The hundreds of data layers now located on the Portal are unwieldy for planning purposes; the RPB needs to incorporate aggregate layers (of ERAs) to that existing data in order to fulfill its goal of supporting informed management decisions.

Some stakeholders have noted that because of the fluid nature of ocean ecosystems, identifying areas of high production is impossible or futile. That argument is misleading. Yes, ocean flora and fauna move around more than they do in terrestrial environments, but we know from the vast data sets available on the Portal—as well as the fact that fishermen and whale watching companies visit the same productive areas year after year—that such areas exist. Areas of high productivity will move (especially given the impacts of climate change), but we can trace their movement with future data updates.

As such, we recommend the following timeline and actions:

¹ Executive Order No. 13547, *available at*: <https://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>

² Final Recommendations of the Interagency Ocean Policy Task Force. *Available at*: https://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf



- By the end of 2016, with input from stakeholders and scientists, the RPB identifies and posts initial data synthesis layers of each ERA component on the Portal.
- By the end of 2017, the RPB completes and places on the Portal a composite map of the five ERA components.
- By the end of 2017, the RPB articulates a clear plan for periodic updates of ERAs and stakeholder use data layers, as new data become available.

NON-CONSUMPTIVE RECREATION

Non-consumptive recreation (NCR) and tourism are incredibly valuable to coastal economies, comprising the largest sector of employment in those areas.³ We applaud the RPB's willingness to address the concerns of this important sector. NCR activities not only drive coastal economies, they provide social, cultural, and quality of life benefits that are difficult to measure.

Surfrider Foundation, in collaboration with the Urban Coast Institute at Monmouth University, Point 97, and The Nature Conservancy, found that the average coastal visitor in the Mid-Atlantic spent an average of \$71 per coastal visit.⁴ There are millions of visitors to the Mid-Atlantic coastline each year. According to NOAA's *Quick Report Tool for Socioeconomic Data*, the Mid-Atlantic coastal tourism and recreation industry supports, per year, more than 540 thousand jobs and is worth \$27 billion in GDP.⁵

However, this powerful economic driver relies on a clean and healthy ocean to generate the benefits described above. If beach goers believe that the coast is dirty or unsafe for their families, they will not visit. After the Deepwater Horizon oil spill, beach communities in the Gulf of Mexico lost billions of dollars in economic activity.⁶ The economic contribution of the tourism and recreation economy, (as well as other businesses that depend upon tourism to thrive), highlights the need to keep our ocean and coastal areas healthy into the future.

The Surfrider Foundation has already begun researching some of the issues referenced under Non-Consumptive Recreation Action 1(B) (Page 68). Please consider and utilize

³ Mid-Atlantic Regional Ocean Assessment. Overview of the Mid-Atlantic Ocean Economy. *Available at:* <http://roa.midatlanticocean.org>

⁴ Surfrider Foundation. Mid-Atlantic Coastal and Ocean Recreation Study. *Available at:* http://surfridercdn.surfrider.org/images/uploads/publications/Region_Report.pdf

⁵ National Oceanic and Atmospheric Administration. ENOW Explorer. *Available at:* <https://www.coast.noaa.gov/enowexplorer>

⁶ NRDC Issue Paper. Summary of Information Concerning the Ecological and Economic Impacts of the BP Deepwater Horizon Oil Spill Disaster. June 2015.



the attached compatibility document, examining the impacts to NCR from other ocean uses. Surfrider is interested in supporting and collaborating on this effort. Looking at possible use conflicts now can help avoid ocean use problems in the future, which is a tangible outcome that will help NCR ocean users see themselves in the Plan.

We found some of the text in Non-Consumptive Recreation Action 1 (A), (B), and (D) (Page 68) confusing. We recommend these changes for clarity:

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

B: Identify and assess potential impacts and ~~use~~ conflicts to ~~high-value non-~~ **consumptive** recreational ~~use~~ **uses from other human uses, areas as well as** and potential **impacts and** conflicts between **non-consumptive** recreational ~~uses~~ activities and marine and coastal wildlife.

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

SAND MANAGEMENT

It is becoming increasingly difficult to manage ocean and coastal sand resources as our coasts experience stronger and more frequent storms at the same time that sea levels are rising. The Plan addresses impacts and issues with offshore sand *extraction* but does not discuss the same issues with the *placement* of this sand on our coastlines.

The Plan states that the RPB will address issues that connect the offshore environment with estuaries and inshore environments (Page 22). Sand is a perfect example of that connection, as the relocation of millions of acres of sand from one area to another has impacts to the environment and human uses on both ends⁷. Similarly to the ocean, beaches are public in most areas in the Mid-Atlantic, so issues of private property will not need to be addressed when discussing beach nourishment.

⁷ Beachapedia. Beach Full. Available at: http://www.beachapedia.org/Beach_Fill



The largest ocean user group is beach goers, with the beach itself constituting their main interface with the ocean ecosystem⁸. Potential negative effects from beach nourishment include: danger to swimmers from steep beach breaks; degradation of the beach ecosystem; and, loss of surf breaks. We recommend adding the Action below to account for this missing focus in the Plan, relating to the impacts of placing millions of tons of sand onto Mid-Atlantic beaches:

SAND MANAGEMENT

Action 7 – Engage non-consumptive recreational users and relevant federal, state and local authorities in planning and environmental review of proposed beach nourishment projects.

BOEM recognizes that non-consumptive recreational user (e.g., beach goers, ocean swimmers, surfers, kayakers, etc.) interests and concerns related to ocean and coastal sand management are priority issues in the Mid-Atlantic region. The placement of sand onto beaches can negatively affect: beach ecosystems, swimmer safety, and recreational activities (e.g., loss of surf breaks).

RPB lead entity: BOEM and USACE

Steps to accomplish this Action include:

- A. Communicate BOEM and USACE sand resource management strategies and proposed beach nourishment projects to potentially impacted stakeholders early to avoid conflicts with non-consumptive recreational users and negative environmental effects. (underway and ongoing.)
- B. Communicate BOEM’s annual science studies process and solicit feedback from non-consumptive recreation stakeholders on priority research gaps warranting further research. (short-term and ongoing.)
- C. Use data and information from the Portal and Plan to support enhanced engagement with non-consumptive recreational users in planning and environmental review of proposed beach nourishment projects. (short-term and ongoing)
- D. Identify potential conflicts or concerns through review of data used for scoping and environmental analyses, and work with non-consumptive recreational users to identify high use areas early on to avoid use conflicts. (short-term and ongoing)

Reflecting the acknowledgement of impacts from placing sand on our shorelines, please add a few sentences to page 62 of the Plan. Currently, only the effects of sand extraction are mentioned. Sand placement can negatively affect swimmer safety, recreational opportunities, and the beach ecosystem.

PUBLIC ENGAGEMENT AND EARLY CONSULTATION

⁸ Surfrider Foundation. Mid-Atlantic Coastal and Ocean Recreation Study. *Available at:* http://surfridercdn.surfrider.org/images/uploads/publications/Region_Report.pdf



It is important that stakeholders have a meaningful opportunity to engage in decision-making and the management of ocean resources. Local knowledge is an important source of information that can lead to more successful ocean management. Local buy-in is also critical for the legitimacy and success of agency decision-making.

We urge the RPB to articulate strong, clear best practices for stakeholder consultation and engagement that broadly apply to Plan implementation, with a particular focus on improving pre-application processes regarding newly proposed projects. Adopting this approach will result in improved stakeholder engagement early in the review process where feedback is most valuable.

Additionally, a process should be established that allows stakeholders to petition the RPB to take up specific ocean management issues as they arise. A general framework could include the following process: 1) a stakeholder submitting a formal comment to the RPB, 2) RPB Co-Leads deciding to take up the issue or dismissing, and, 3) if the issue is prioritized for discussion, a public RPB forum would be held to discuss improvements to the Plan with federal agencies, states, tribes, and stakeholders. Providing such a process would enhance Plan performance and improve its future iterations.

The Stakeholder Liaison Committee (SLC) should be improved upon, as the current format does not add significant value for SLC members or for the RPB. It seems possible that certain updates and ideas for RPB work could be discussed with SLC members verbally, in order to get feedback before draft documents are released for public review. The SLC could also be sent specific questions or polls over email to get feedback for specific topics.

MID-ATLANTIC OCEAN DATA PORTAL

The Mid-Atlantic Ocean Data Portal is incredibly valuable and needs consistent funding going forward. The Portal is a fantastic tool for anyone trying to understand the regional ocean planning process—a concrete and straightforward product compared to some of the complex policy issues in the Plan.

For the first time, businesses, government agencies, scientists, and members of the public have a wide diversity of vetted ocean data in one place, where they can reference the same data layers and discuss issues from a shared starting point.

Of course, more data layers will need to be added, which will require periodic and systematic updating. For example, the offshore diving data on the Portal is most likely inadequate. The more than 100 dive shops and various dive clubs in the Mid-Atlantic are a testament to the large diving community located here. Page 87 of the Plan lists some



missing data sets, and diving should be added to that list. Divers will be an especially important group to contact when siting offshore energy projects.

Including data from proposed ocean projects could further enhance the Portal. Surfrider recommends a simple mechanism for agencies to place shape files onto the Portal for easy examination by stakeholders. Such shared viewing of data during the review process is incredibly useful to stakeholders and agencies, alike.

A citizen science component to the Portal would also add to our understanding of ocean ecosystems, and increase buy-in from stakeholders. For example, many Surfrider chapters collect water quality and marine debris data, which could be added to the Portal. Surfrider is also partnering with a technology company to collect water quality data through surfboard fins. The RPB and Portal team could provide an online form that stakeholders could use to suggest additional data integration ideas, and point to resources not currently represented in the Portal.

The Portal should also host the indicators data discussed on page 41 of the Plan. We recommend adding economic data to these indicators, as well as stakeholder involvement data. This additional data will give the RPB deeper insights into how their work is progressing, ensure that communication with stakeholders occurs, and document that communication and involvement.

IMPLEMENTATION AND AGENCY COMMITMENTS

There a lack of specifics on how the Plan will be implemented and integrated into federal agency work beginning in 2017. It would be helpful for stakeholders to see a more detailed timeline for this work and how the various Actions will be implemented. Each federal agency should construct a simple timeline that lists the various actions, internal guidance documents, or processes that they will be working on, as well as their commitments to the Plan.

The statements in the Federal Register notice⁹ and the Plan concerning federal agency commitments to using the Plan and the Portal are confusing. Commitments are worded differently in the Federal Register, some of the Actions, and the Best Practices section. For example, the Department of Defense discusses their commitments to use the Plan and the Portal on page 45. On page 50, the Bureau of Ocean Energy Management states that they will develop guidance on integrating the Best Practices for using the Portal in management, environmental, and regulatory reviews. Other federal agencies are not

⁹ Mid-Atlantic Regional Ocean Action Plan, Notice with Request for Comments, 81 Fed. Reg. 44040 (July 6, 2016).



specifically named for such commitments. We recommend consistent citations and articulation of commitments across the board.

Another issue is that language used throughout the document concerning commitments by federal agencies has been changed from the original language in the Executive Order. There are many examples in the Plan but in the interest of space and time, we have articulated one here. We recommend changing this Best Practices language found on page 29 to conform to language in the Executive Order:

This section describes best practices that RPB member agencies ~~will~~ **shall** implement, **to the fullest extent consistent with applicable law** ~~to the extent practicable, consistent with existing authorities, agency practice, and resources to inform agency coordination and the use of data and information.~~

Additional detail on how the public will understand when the Best Practices have been implemented would add clarity. Consistent updates on how agencies are incorporating the Plan and Portal into their daily work, agency guidance, and regulations would inform the public on Plan implementation progress.

In an effort to mitigate potential conflict, the Northeast Regional Ocean Plan Best Practices were recently put to use when the Navy, in collaboration with the Rhode Island Coastal Resources Management Council, sent an early notification to potentially affected ocean users of a given spatial area, regarding a planned Naval testing event. This is a great example of RPB member agencies working together to immediately implement actions articulated in the Plan. To elicit the best public response and continued buy-in from ocean planning stakeholders, we urge you to immediately integrate the Plan's actions.

To efficiently move forward with implementation, we recommend that one federal agency lead the RPB for the foreseeable future, under the auspices of a high-ranking official. That way, the lead agency can prioritize long term funding and staffing for the RPB. We also believe that the RPB needs to meet in person more than once per year. If one of the main goals of the RPB is to increase coordination and collaboration, in person meetings are a necessity.

The RPB should also host a webinar before submitting the Plan to the National Ocean Council in the fall of 2016. The public deserves the opportunity to provide final feedback on changes made, and to ask questions about changes are made to the draft Plan.

OTHER SUGGESTIONS



Page 22 – Please change the geographic focus from “Shoreline” to “The beach” or “Toe of the primary dune”. We are focusing on the ocean and that is where the ocean begins, especially for the largest group of ocean users: beach goers. This area is clearly articulated in the NOP and we recommend you reference it consistently in the Plan.

Page 29 – Please shorten the definition of “Long Term” to four years. If the RPB is going to reevaluate in five years, and if a new administration will be elected in four years, four years is a more natural timeline.

Page 40 – Marine debris can negatively affect human health as well as the environment, through the ingestion of plastic particles by commercially sought species. Please provide additional text to reflect that reality.

Page 108—Please add these details to the “Coastal Recreation Survey (4 layers)” “Data Providers” box: **Point 97, Surfrider Foundation, Urban Coast Institute at Monmouth University, and The Nature Conservancy.**

Page 62—The paragraph about BOEM and the USACE are confusing and should be removed. The USACE is part of the RPB, represented by the Department of Defense, and should be participating in RPB discussions fitting to their mandates. Discussing coastal and ocean sand management without the USACE is comparable to discussing these issues without state government representatives.

We appreciate all of the time and effort you have committed to the Draft Mid-Atlantic Regional Ocean Action Plan. Thank you for requesting our comments and considering them. We look forward to continuing to work with you to implement the Plan and improve the management of our valuable, precious, and beautiful coastal and ocean ecosystems.

Sincerely,

Matt Gove
Mid-Atlantic Policy Manager
Surfrider Foundation
mgove@surfrider.org

Impacts & Use Conflicts to Non-Consumptive Recreation (NCR) from “Other Ocean Uses”

These documents were developed by Surfrider Foundation Environmental Intern Katie Day, August 2016, to assist the Mid Atlantic Regional Surfrider staff in addressing the Mid Atlantic Regional Planning Body's NCR Action 1B: Identify and assess potential impacts and use conflicts to high-value recreational use areas (p.68 Draft Mid-Atlantic Regional Ocean Action Plan).

- Project Deliverables
 - This document describing project design, methodology, specific impacts and sources
 - Qualitative matrix investigating impacts from other uses on NCR
 - Likelihood/severity matrix of impacts affecting NCR in the Mid Atlantic

- Project Design
 - “Other ocean uses”¹: national security, ocean energy (oil and gas development, wind energy, tidal/wave energy), commercial and recreational fishing, ocean aquaculture, maritime commerce and navigation, sand management, tribal interests and uses, critical undersea infrastructure
 - NCR activities: Matrices are separated into categories of beach going (sitting, walking, running, dog walking, kite flying...), swimmer health (direct contact with ocean water, at times submerged), wave dependent sports (surfing, bodysurfing, boogie boarding, skim board surfing), wind dependent sports (sailing, kite boarding, windsurfing), offshore snorkeling and diving (snorkeling, scuba diving, free diving), offshore wildlife viewing (bird and cetacean viewing from boats), non-wave paddling sports (kayaking, canoeing, SUP), recreational boating (motorboats including skiffs, dinghies, yachts...), and scenic enjoyment (onshore sightseeing of coastal environment, wildlife, seashells...)
 - Example impacts of an “other ocean use” (also referred to as “alternate use”) on recreation: reduced air quality, reduced water quality, change in view shed, change in surf conditions, reduced access, and increased noise pollution, among others

- Methodology
 - Review the literature to look at other regional/state NCR studies, and when necessary, infer potential NCR impacts from general literature regarding alternate use impacts on marine life, water quality, air quality, and various safety hazards. Ideally literature would be focused on studies and analysis of impacts that occur on the East Coast, but due to the fairly low amount of literature available, this analysis considered studies of alternate uses and their impacts around the world. Although specific impacts identified during this analysis may not be directly applicable to the Mid Atlantic (such as studies on impacts to species found in the Pacific), they help provide a glimpse into the type and severity of potential impacts that could occur between various uses.
 - Develop a rating system for the possibility of negative impacts due to current (or expected) use areas. It was intended to accomplish this based on spatial distribution of uses, as identified by the [MAROP data portal](#). Unfortunately the data portal fails to provide fine enough detail to accomplish this. For instance, the recreation layer only shows density of amount of uses; it doesn't clarify which recreation uses are where. It would be beneficial to have popular sailing routes identified, and specific locations of

¹ As listed in the MAROP, Chapter 2 (excluding oil and gas development)

where surfing, swimming, paddle sports, etc. occur. Instead of likelihood, this matrix provides potential severity of impacts from low (compatible uses with likely no to minimal changes in NCR experience), medium (NCR is likely still doable but the experience is significantly altered with slight increase in safety hazards), to high (NCR is likely no longer available due to access issues or severe safety hazards).

Note: listed are direct impacts, in which the alternate use causes a direct impact on the quality or access to a recreation type (a clear cause-and-effect relationship), and indirect impacts, in which the alternate use causes secondary/tertiary impacts to a recreation type. At times, indirect impacts (secondary/tertiary impacts) are more damaging and wide scale than direct impacts². For instance, an offshore wind farm causes the direct impact of a change in coastal scenic enjoyment³, but it also causes indirect impacts to swimmer health and offshore diving- increased use of marine vessels for installation and maintenance of wind farms can reduce water quality and increase turbidity⁴. The consideration of cumulative impacts is also important, such as an increase in the amount of marine vessels or transportation in an area requiring the need to expand or build new marinas, which in turn could require dredging, and/or coastal excavation, and thus the associated environmental impacts from coastal runoff, anchor use, and increased marine mammal collision risk, among others. For the purpose of this study, impacts were mainly restrained to those more closely created by the alternate use (direct and indirect impacts).

Specific Impacts and Sources:

Supporting Data for Information Represented in the Matrix of Negative Impacts (Excel Document)

Section 1: Ocean Energy

(A) Offshore Wind Farms

Current technology allows for the construction of wind farms at a depth of 30 and 50 meters, and is expected to increase to 100 meters soon⁵. The acceptance is directly related to distance from shore, meaning the farther offshore a farm is placed, the higher the community acceptance of the farm is (mainly due to reduced view of the turbines). A recent survey found that respondents would be just as likely to visit [North Carolina's] coast with or without wind turbines that are 4 miles offshore.⁶ Another survey in Scotland found similar results, in which 90% of respondents said that the presence of an offshore wind farm would have no effect on future trips to the coast (distance between the farm and shore was not explicitly stated).⁷

Beach Going

- People may prefer undeveloped beaches, so those currently remote and undeveloped may experience more loss than those already with development⁸
- Onshore receiving stations and high voltage cables could restrict beach access at certain areas
- Potential for increased water pollution from increased vessel activity⁹

Visual Impacts and Sightseeing = Main concern of the general public¹⁰

² http://siteresources.worldbank.org/INTTRANSPORT/Resources/336291-1107880869673/chap_6.pdf

³ Kuehn, S. 2005. Sociological Investigation of the Reception of Horns Rev and Nysted Offshore Wind farms in the Local Communities. Report No, 2005-044, ECON Analysis. 20 pp.

⁴ http://seagrant.gso.uri.edu/oceansamp/pdf/presentation/present_gill_europe.pdf

⁵ <https://www.ecu.edu/cs-cas/econ/upload/ecu1012.pdf>

⁶ <https://www.ecu.edu/cs-cas/econ/upload/ecu1012.pdf>

⁷ Hanley, N., Nevin, C., 1999. Appraising renewable energy developments in remote communities: the case of the North Assynt Estate, Scotland. Energy Policy 27, 527-547.

⁸ Peregrine Energy Group, Inc. 2008. Rhode Island Offshore Wind Stakeholders Final Report. Report prepared for Rhode Island Governor Carcieri and the Rhode Island Office of Energy Resources. 21 pp.

⁹ <http://www.polb.com/civica/filebank/blobload.asp?BlobID=8099>

¹⁰ <https://www.data.boem.gov/PI/PDFImages/ESPIS/5/5228.pdf>

- Daytime view shed and nighttime lighting impacts the coastal scenery, but effects depend on number, height, size, distance from shore, and weather conditions¹¹
- Likely to be increased vessel traffic and noise both during construction and decommissioning¹²
- Some view as beautiful and forward looking (half)¹³, others see as large impediments to the natural ocean views
- May provide increased coastal sightseeing by providing an onshore museum/information area on the wind farm¹⁴
- Increased turbidity during construction from sediment disturbance)¹⁵

Surfing and Bodysurfing

- Potential to decrease wave power and height¹⁶
- Potential for increased water pollution from increased vessel activity¹⁷
- Potential safety hazards with high voltage cables

Recreational Boating: Pending on distance between turbines

Small Power Boats

- Okay for small recreational boats that are able to navigate through turbines with low collision risk¹⁸
- May increase demand for boating to see turbines close up^{19 20 21}
- Potential for increased insurance premiums for boats that frequent the offshore farm, or insurance policies that restrict access to wind farms²²
- Hazards with submerged cables (potential for collision with anchor), best if buried.²³

Sail Boats

- Sailboats may suffer due to less navigable ability and higher risk of collision²⁴
- Could interfere with sailing races if farm is constructed in or close to a course

Diving and Wildlife Viewing

- Could provide new diving experiences near turbine foundations²⁵
- Temporary reduction in wildlife during construction from traffic, activity and noise (potential for long-term displacement)
- During operation, it is expected to provide improved fishery habitat (foundation act as artificial reefs)²⁶
- Potential for increased seabird killings²⁷

¹¹ Kuehn, S. 2005. Sociological Investigation of the Reception of Horns Rev and Nysted Offshore Wind farms in the Local Communities. Report No, 2005-044, ECON Analysis. 20 pp.

¹² Cape Wind Final Environmental Impact Statement (FEIS) (MMS, 2009)

¹³ <https://www.ecu.edu/cs-cas/econ/upload/ecu1012.pdf>

¹⁴ NIT. (The Institute for Tourism and Recreational Research in Northern Europe). 2000. The Effect on Tourism of On- and Offshore Wind Farms in Schleswig-Holstein.

¹⁵ http://seagrant.gso.uri.edu/oceansamp/pdf/presentation/present_gill_europe.pdf

¹⁶ Michel, J., Hw. Dunagan, C. Boring, E. Healy, W. Evans, J.M. Dean, A. McGillis, J. Hain. 2007. Worldwide Synthesis and Analysis of Existing Information Regarding Environmental Effects of Alternative Energy Uses on the Outer Continental Shelf. U.S. Department of the Interior, Minerals Management Service, Herndon, VA, OCS Study MMS 2007-038. 254 pp.

¹⁷ <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=8099>

¹⁸ Royal Yachting Association. 2004. Recreational Boating in the Offshore Wind Farm Strategic Areas. Published by The Royal Yachting Association and the Cruising Association. 42 pp.

¹⁹ Westerberg, V., J.B. Jacobsen, R. Lifran. 2010. Offshore Wind Farms in the Mediterranean Seascape – A Tourist Appeal or a Tourist Repellant? Presented at the European Association of Environmental and Resource Economists Annual Conference, Rome.

²⁰ Lilly, M., J. Firestone, and W. Kempton. 2010. The Effect of Wind Power Installations on Coastal Tourism. *Energies* 3: 1-22.

²¹ Cape Wind Times. 2011. Hyannis Ferry to Offer Wind Farm Ecotours.

²² Innogy. 2011. Titon Knoll Offshore Wind Farm Commercial Fisheries Assessment

²³ <http://www.escaeu.org/articles/submarine-power-cables/>

²⁴ Royal Yachting Association. 2004. Recreational Boating in the Offshore Wind Farm Strategic Areas. Published by The Royal Yachting Association and the Cruising Association. 42 pp.

²⁵ Westerberg, V., J.B. Jacobsen, R. Lifran. 2010. Offshore Wind Farms in the Mediterranean Seascape – A Tourist Appeal or a Tourist Repellant? Presented at the European Association of Environmental and Resource Economists Annual Conference, Rome.

²⁶ Westerberg, V., J.B. Jacobsen, R. Lifran. 2010. Offshore Wind Farms in the Mediterranean Seascape – A Tourist Appeal or a Tourist Repellant? Presented at the European Association of Environmental and Resource Economists Annual Conference, Rome.

²⁷ <http://www.birdlife.org/datazone/sowb/casestudy/289>

- Potential for increased bat killings²⁸
- Loud noises, vibrations, and electromagnetic field emissions (especially during construction) could affect marine wildlife (create hearing loss, mask navigation and communication for animals reliant on sonar, displacement from spawning/feeding grounds) including sea turtles, sharks, rays, crustaceans, fish and marine mammals- therefore affecting wildlife viewing²⁹.
 - Potential to alter migration which could be a big deal if there are not sufficient alternate routes for these animals to take³⁰
 - Operational sound from small turbines (<1.5MW) should be fine³¹
 - Operational sound from larger turbines (4-5 MW) has not yet been assessed but could be impactful
- Potential for below water collision with whales, dolphins, porpoises, and seals.
- Food chain impacts from the smothering of sedentary species during sediment disturbance after construction (driving of pilings, laying cables) (example- damage to sedentary sea grass habitat = damage to mobile sea turtles)³²

(B) Wave and Tidal Stream Energy

Offshore snorkeling and diving

- Potential for reduced access (unsupported specifically but expected)
- Increased collision risk with structures and turbines (unsupported specifically but expected)
- Reduced visibility from increased turbidity due to sediment changes³³
- Reduced wildlife from animals avoiding the sounds, vibration, and collision threat³⁴

Offshore wildlife viewing³⁵

- Increased collision risk for seabirds, especially active at night, with installation machinery (boats, helicopters)
- Increased risk to wildlife from noise and activity during construction (same as wind energy)
- Once in operation, there is still risk for seabird collision (both above and below water levels). Above water collision risk is not as high as offshore wind, below water collision risk is higher than offshore wind³⁶- Impacts depend on how deep and noticeable the submerged structures are. Highest risk are energy converters, anchor chains, and cabling
- Thoughtful siting should reduce the likelihood of habitat losses
- Pollution risks: Antifouling paints on structures could leak into the marine environment, and increase toxicity; hydraulic fluids and other oil based compounds (cause water birds to lose waterproofing properties).
- Installation of offshore energy may cause increased concentration of fishing efforts elsewhere, reducing spatial distribution of prey and increasing threats to seabed habitats
- Likely high direct mortality of fish via collisions with submerged turbines, impact on marine mammal sightseeing
- Potential impacts from electromagnetic fields of pipes

²⁸ <http://cleantechnica.com/2015/02/16/german-wind-turbines-killing-migratory-bats/>

²⁹ <https://www.nwf.org/What-We-Do/Energy-and-Climate/Renewable-Energy/Offshore-Wind/Offshore-Wind-Wildlife-Impacts.aspx>

³⁰ http://seagrant.gso.uri.edu/oceansamp/pdf/presentation/present_gill_europe.pdf

³¹ <http://us.whales.org/wdc-in-action/marine-renewable-energy-in-uk>

³² http://seagrant.gso.uri.edu/oceansamp/pdf/presentation/present_gill_europe.pdf

³³ www.vliz.be/imisdocs/publications/224420.pdf

³⁴ https://www.rspb.org.uk/Images/mccluskie_langston_wilkinson_2012_tcm9-307966.pdf

³⁵ https://www.rspb.org.uk/Images/mccluskie_langston_wilkinson_2012_tcm9-307966.pdf

Recreational boating (motor and non-motor)³⁷

- Reduced access
- Increased collision risk

Beach going

- Potential for reduced access (unsupported specifically but expected)
- Increased pipes on a portion of the beach (unsupported specifically but expected)
- Potential for increased pollution³⁸

Surfing and bodysurfing

- Pollution risks: Antifouling paints on structures could leak into the marine environment, and increase toxicity; hydraulic fluids and other oil based compounds³⁹
- If placed in or near surf breaks there could be reduced access to breaks for surfers, reduction of wave quality, and safety hazards of getting caught in a current and colliding with structures and turbines⁴⁰

Swimmer health⁴¹

- Pollution risks: Antifouling paints on structures could leak into the marine environment, and increase toxicity; hydraulic fluids and other oil based compounds
- Safety hazard if these devices become dislodged
- Safety hazard from potential collision with submerged turbines
- Increased water pollution and chum from deceased wildlife (fish and birds after colliding with turbines and structures)

Visual impacts and sightseeing

- View of large pipes and manmade structures in previously natural environment⁴²
- Potential for increased sightseeing due to new industry in the area, general public interest⁴³

(C) Oil and Gas Development

Offshore snorkeling and diving

- Oil and gas structures can create artificial reefs (rigs to reef) shown to provide important habitat to marine animals, yet their ability to provide the quality of a natural habitat is under investigation. Some fish have higher abundance near structures, yet in total, there seems to be less diversity⁴⁴
- A study found that 83,780 out of 89,464 offshore dive trips from Alabama to Texas occurred near oil/gas structures or an artificial reef made from decommissioned structures.⁴⁵
- Operation- well blowouts, pipeline breaks, leaking tanks, tanker accidents and a range of other unintentional oil and gas leaks in the marine environment from offshore oil extraction and transportation⁴⁶
- Studies found that discharge from ships and land-based sources account for 37%, accidental spills from ships 12%, natural seeps 46%, and extraction 3%. While other studies claim land-based discharges as 37%, natural seeps 7%, tanker accidents and

³⁷ <http://www.energy.ca.gov/oceanenergy/>

³⁸ <http://www.sciencedirect.com/science/article/pii/S1364032115016676>

³⁹ www.vliz.be/imisdocs/publications/224420.pdf

⁴⁰ <http://www.energy.ca.gov/oceanenergy/>

⁴¹ www.vliz.be/imisdocs/publications/224420.pdf

⁴² <http://www.energy.ca.gov/oceanenergy/>

⁴³ NIT. (The Institute for Tourism and Recreational Research in Northern Europe). 2000. The Effect on Tourism of On- and Offshore Wind Farms in Schleswig-Holstein.

⁴⁴ <http://fishbio.com/field-notes/the-fish-report/oil-rigs-critical-fish-habitat-or-environmental-liability>

⁴⁵ Hiett, R.L., Milon, J.W., 2002. Economic Impact of Recreational Fishing and Diving Associated with Offshore Oil and Gas Structures in the Gulf of Mexico. U.S. Department of the Interior Minerals Management Service Gulf of Mexico OCS Region

⁴⁶ <http://oils.gpa.unep.org/facts/sources.htm>

offshore extraction 14%, marine vessels (non-oil industry) 33%, and airborne hydrocarbons 9%⁴⁷

- Reduced water quality from these spills, as well as reduced air quality (VOC's, PAH's)⁴⁸
- Large spills can have severe impacts to marine animals, including marine mammals, seabirds, and entire ecosystems. Large spills can be beyond that ability of users to clean up⁴⁹
- Artificial channels to support and transport extracted oil from offshore to onshore processing locations have coastal wetlands, forests, marshes, mangroves, and the animals that rely on those habitats. It also puts any location a pipe crosses at risk of a spill⁵⁰, and increases sedimentation and water visibility (increased turbidity)⁵¹
- Professionals claim "its not a fear of a big spill. But everything else" the tanker traffic, the storage tanks, the increased highways, railways, the omnipresent smell of petrochemicals...it's the daily, chronic, minor spills that just pollute everything." Sally Murphy⁵²
- Exploration- seismic surveying for submerged oil and mineral reserves can permanently harm marine wildlife, especially sensitive marine mammals such as whales and dolphins, that are extremely important for local tourism and recreation (2012 DEIR estimated "millions of instances of harassment to whales and dolphins annually")⁵³
- Safety hazard from saltwater intake pipes, dizziness from released diffusers, and collision risk with various structures⁵⁴

Offshore wildlife viewing

- Potential for reduced wildlife sightings:
- Exploration- seismic surveying for submerged oil and mineral reserves can permanently harm marine wildlife, especially sensitive marine mammals such as whales and dolphins, that are extremely important for local tourism and recreation (2012 DEIR estimated "millions of instances of harassment to whales and dolphins annually")⁵⁵
- Artificial channels to support and transport extracted oil from offshore to onshore processing locations have coastal wetlands, forests, marshes, mangroves, and the animals that rely on those habitats. It also puts any location a pipe crosses at risk of a spill⁵⁶
- Large spills can have severe impacts to marine animals, including marine mammals, seabirds, otters, shellfish and entire ecosystems. Large spills can be beyond that ability of users to clean up⁵⁷ reduces the ability of ecosystems to function properly (cumulative impact of reduced shellfish example: reduced natural water filtration mechanism, overall reduced water quality, even when oil has been removed), and a single spill can kill hundreds of thousands of marine animals (1989 Exxon Valdez)⁵⁸

⁴⁷ <http://oils.gpa.unep.org/facts/sources.htm>

⁴⁸ <http://oils.gpa.unep.org/facts/sources.htm>

⁴⁹ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵⁰ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵¹ Mooney, C., 2011. Oil Spills and Offshore Drilling. ReferencePoint Press, Inc.

⁵² http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵³ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵⁴ https://www.marineops.ucsb.edu/sites/marineops.eemb.ucsb.edu/files/docs/platform_diving_recommendations.pdf

⁵⁵ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵⁶ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵⁷ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off-limits_to_oil_drilling/2849/

⁵⁸ Mooney, C., 2011. Oil Spills and Offshore Drilling. ReferencePoint Press, Inc.

- Reduced water quality and increased instances of oil slicks, exposure to toxic arsenic and bioaccumulation affects⁵⁹, change in the natural view shed (day and night)

Recreational boating (motor and non-motor)⁶⁰

- Temporary access restrictions if a spill
- Increased collision risk (especially in poor weather conditions with low visibility, large waves, high winds, interference with navigation- compasses do not function properly near rigs)
- Reduced air quality near structures from released fumes and potential flaring off structures

Beach going

- Temporary access restrictions if a spill
- Increased oil slicks on the beach, potential reduction in wildlife or increased instance of deceased wildlife⁶¹
- Reduced view quality, increased vehicle traffic, reduced air and water quality⁶²
- Potential subsequent change from quaint beach town to “bustling oil towns”⁶³

Surfing and bodysurfing

- Temporary access restrictions if a spill
- Increased oil slicks on water surface⁶⁴
- Collision hazard with various pipes, structures, and vessels associated with offshore rigs
- Health impacts from exposure to air and toxic water pollution

Swimmer health

- Oil toxins such as drilling fluids, cuttings, sand/shale from a well, have caused dermatitis in the short-term, with long-term exposure “linked to anemia, leukemia, reproductive problems, and developmental disorders” as well as airborne pollutants causing respiratory distress (released hydrocarbons)⁶⁵
- Contaminated seafood can affect people during consumption, causing vision problems and potential seizures, and exposure/consumption of lead and cadmium. Other released pollutants from oil extraction can include barium, chromium, copper, iron, mercury, and zinc.⁶⁶

Visual impacts and sightseeing

- Change in view shed from natural environment to manmade structures, increased vessels, reduced air and water quality, potential to increase smog and reduce visibility⁶⁷

Section 2: Beach nourishment/ “Sand Management”

Offshore diving

- Reduced wildlife at excavated areas⁶⁸
- Access restrictions during excavation⁶⁹
- Temporary increased turbidity during excavation⁷⁰

⁵⁹ <http://www.scientificamerican.com/article/shell-shuts-wells-near-oil-spill-off-louisiana/>

⁶⁰ https://www.marineops.ucsb.edu/sites/marineops.eemb.ucsb.edu/files/docs/platform_diving_recommendations.pdf

⁶¹ <http://www.scientificamerican.com/article/shell-shuts-wells-near-oil-spill-off-louisiana/>

⁶² <http://www.scientificamerican.com/article/shell-shuts-wells-near-oil-spill-off-louisiana/>

⁶³ <http://www.nytimes.com/2016/03/04/us/politics/divide-grows-in-southeast-over-offshore-drilling-plan.html>

⁶⁴ <http://www.scientificamerican.com/article/shell-shuts-wells-near-oil-spill-off-louisiana/>

⁶⁵ Mooney, C., 2011. Oil Spills and Offshore Drilling. ReferencePoint Press, Inc.

⁶⁶ Mooney, C., 2011. Oil Spills and Offshore Drilling. ReferencePoint Press, Inc.

⁶⁷ <http://www.nytimes.com/2016/03/04/us/politics/divide-grows-in-southeast-over-offshore-drilling-plan.html>

⁶⁸ <http://www.nap.edu/read/4984/chapter/7#115>

⁶⁹ <http://www.wickedlocal.com/x1129162493/Beach-nourishment-project-to-get-underway>

⁷⁰ <http://ie.unc.edu/files/2016/03/MCFSSBeachNourishmentCapstone.pdf>

Offshore wildlife viewing

- Altered habitat from new sand: if beach is too steep, no longer usable for turtle nesting, smothering of burrowing animals and coastal vegetation⁷¹
- Potential exposure to foreign species, toxins, or metals pending where sand came from⁷²
- Habitat disruption during sand placement⁷³
- Loud onshore construction, bright lights, could impact marine animals and mammals, therefore reducing sightings (smother/offset sea turtle hatching, interfere with grunion mating)⁷⁴
- Necessary for similar grain size to avoid coastal turbidity⁷⁵
- Help protect a buffer between the ocean and coastal wetlands⁷⁶
- Sand added to areas near a reef could cause that reef to be smothered when the sand naturally gets exported off the shore⁷⁷
- Added sand could replenish nesting sites and areas to be re-vegetated for local animals⁷⁸
- Reduction of invertebrates, a main feeding source for coastal birds, potential for cascading effects⁷⁹

Recreational boating (motor and non-motor)

- Shift in sand bars could cause safety hazard (plus reduced visibility from turbidity increases)
- Temporary access issues at take sites⁸⁰
- Safety hazard, collision risk, and access issues when a floating hydraulic pipeline is used⁸¹
- Temporary closures of harbors and marinas post nourishment (Unsupported but expected)
- Could cause marinas to get shallower, increase vessel collision with ocean floor at the marina, reduce number of accessible slips (Unsupported but expected)

Beach going

- Temporary closure⁸²
- Expand the beach providing for increased beach-going, and increased lateral access along the beach⁸³
- Could reduce the amount of wildlife/shells⁸⁴
- Increase flooding potential during high tides (reduced permeability)⁸⁵
- Create large berms and subsequent scarping⁸⁶, resulting in safety hazards
- Protects coastal structures and beach going amenities⁸⁷

Surfing and bodysurfing

⁷¹ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁷² <http://www.hindawi.com/journals/tswj/2013/472149/>

⁷³ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁷⁴ <http://bioscience.oxfordjournals.org/content/55/10/887.full>

⁷⁵ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁷⁶ http://www.asbpa.org/publications/fact_sheets/HowBeachNourishmentWorksPrimerASBPA.pdf

⁷⁷ http://www.asbpa.org/publications/fact_sheets/HowBeachNourishmentWorksPrimerASBPA.pdf

⁷⁸ http://www.asbpa.org/publications/fact_sheets/HowBeachNourishmentWorksPrimerASBPA.pdf

⁷⁹ http://ucsdnews.ucsd.edu/pressrelease/beach_replenishment_may_have_far_reaching_impacts_on_ecosystems

⁸⁰ <http://www.wickedlocal.com/x1129162493/Beach-nourishment-project-to-get-underway>

⁸¹ [https://books.google.com/books?id=zg0AQAAMAAJ&pg=PA29&lpq=PA29&dq=beach+nourishment+and+recreational+boating&source=bl&ots=KDB67C9rY9&sig=rAdoLaj1rHmlPazhnFjvHCZgMts&hl=en&sa=X&ved=0ahUKewiRsJzH-](https://books.google.com/books?id=zg0AQAAMAAJ&pg=PA29&lpq=PA29&dq=beach+nourishment+and+recreational+boating&source=bl&ots=KDB67C9rY9&sig=rAdoLaj1rHmlPazhnFjvHCZgMts&hl=en&sa=X&ved=0ahUKewiRsJzH-aXOAhU0w2MKHZQ5Am44ChDoAQhIMAk#v=onepage&q=beach%20nourishment%20and%20recreational%20boating&f=false)

[aXOAhU0w2MKHZQ5Am44ChDoAQhIMAk#v=onepage&q=beach%20nourishment%20and%20recreational%20boating&f=false](https://books.google.com/books?id=zg0AQAAMAAJ&pg=PA29&lpq=PA29&dq=beach+nourishment+and+recreational+boating&source=bl&ots=KDB67C9rY9&sig=rAdoLaj1rHmlPazhnFjvHCZgMts&hl=en&sa=X&ved=0ahUKewiRsJzH-aXOAhU0w2MKHZQ5Am44ChDoAQhIMAk#v=onepage&q=beach%20nourishment%20and%20recreational%20boating&f=false)

⁸² <http://dlnr.hawaii.gov/occl/files/2013/08/2012-Waikiki-Beach-Maintenance-Final-Report.pdf>

⁸³ <http://dlnr.hawaii.gov/occl/files/2013/08/2012-Waikiki-Beach-Maintenance-Final-Report.pdf>

⁸⁴ <http://bioscience.oxfordjournals.org/content/55/10/887.full>

⁸⁵ <http://patch.com/california/imperialbeach/seacoast-flooding-fight-continues-sandag-sand-replenishment>

⁸⁶ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁸⁷ <http://dlnr.hawaii.gov/occl/files/2013/08/2012-Waikiki-Beach-Maintenance-Final-Report.pdf>

- Shift sandbars and change the waveform (could be positive or negative)⁸⁸

Swimmer health

- Potential reduction in water quality if sand contains toxins, heavy metals, or toxic chemicals⁸⁹
- Increased pollution from shoreline vehicle traffic during installation
- If sediment results in steep berms it could increase safety hazards⁹⁰
- Increased potential of spills and introduced pollutants from marine vehicles during sand excavation⁹¹
- Increased turbidity with potential increase in shark attacks and difficulty of rescues⁹²

Visual impacts and sightseeing

- Pending on grain size of imported sand, could cause increased haze and sandstorms, or overall change in color and texture⁹³
- May better the view if people prefer beaches
- May decrease view quality if people prefer natural or jagged coastlines
- Definite temporary negative effects during the sand installation- all day all night tractors, bright lights, loud noises⁹⁴

Section 3: Commercial and Recreational Fishing

Offshore diving

- Safety hazard with derelict nets, fishing lines, pots⁹⁵
- Safety hazard with active trawlers, nets, fishing lines, chumming⁹⁶
- Visual impairment and increased turbidity from bottom trawlers⁹⁷
- Reduced wildlife sightings from by catch and increased disturbance⁹⁸
- Reduced wildlife from entanglements⁹⁹
- Increased vehicle traffic and collision risk¹⁰⁰
- Water quality issues from oil leaks, trash, sewage, antifouling substances¹⁰¹ reducing overall diving experience and presenting a safety hazard
- Dredging to allow for large ships, or keep marinas and harbors accessible can severely impact the seabed and release previously buried contaminants¹⁰²

Offshore wildlife viewing

- Reduced wildlife sightings from overfishing of baitfish, increased disturbance, and unintentional kills (by catch)¹⁰³
- Potential for increased feeding opportunities for “opportunistic scavengers” from by catch, therefore more bird sightings¹⁰⁴
- Derelict fishing gear (nets, lines, pots...) results in animal entanglements¹⁰⁵

⁸⁸ <http://dlnr.hawaii.gov/occl/files/2013/08/2012-Waikiki-Beach-Maintenance-Final-Report.pdf>

⁸⁹ <http://www.hindawi.com/journals/tswj/2013/472149/>

⁹⁰ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁹¹ https://www.nps.gov/fiis/learn/management/upload/DRAFT_EA_SmithPointCountyParkBeachNourishment_30July2008.pdf

⁹² http://www.dep.state.fl.us/coastal/programs/coral/reports/MICCI/07-Donald_McNeill.pdf

⁹³ <http://science.jrank.org/pages/780/Beach-Nourishment.html>

⁹⁴ <http://www.wickedlocal.com/x1129162493/Beach-nourishment-project-to-get-underway>

⁹⁵ <https://www.mission-blue.org/2014/10/new-habitats-and-human-impacts-discovered-in-the-deep-sea-surrounding-west-coast-marine-sanctuaries/>

⁹⁶ <http://www.wmbfnews.com/story/29538416/myrtle-beach-considers-banning-chumming-in-wake-of-shark-attacks>

⁹⁷ <http://onlinelibrary.wiley.com/doi/10.4319/lo.2001.46.5.1100/full>

⁹⁸ http://oceanservice.noaa.gov/websites/retiredsites/sotc_pdf/IEF.PDF

⁹⁹ <http://www.worldwildlife.org/threats/bycatch>

¹⁰⁰ <http://www.mdsg.umd.edu/avoiding-ship-collisions>

¹⁰¹ <https://www.gov.uk/guidance/prevent-pollution-and-reduce-harmful-emissions-at-sea>

¹⁰² <http://ucanr.edu/sites/coast/files/59476.pdf>

¹⁰³ http://oceanservice.noaa.gov/websites/retiredsites/sotc_pdf/IEF.PDF

¹⁰⁴ http://oceanservice.noaa.gov/websites/retiredsites/sotc_pdf/IEF.PDF

¹⁰⁵ <https://www.mission-blue.org/2014/10/new-habitats-and-human-impacts-discovered-in-the-deep-sea-surrounding-west-coast-marine-sanctuaries/>

- Extreme environment and habitat disturbance from bottom trawling (natural nurseries – sea grass, coral reefs, seamounts)¹⁰⁶, especially for marine animals such as oysters
- Increased turbidity from bottom trawling¹⁰⁷

Recreational boating (motor and non-motor)

- Potential for increased crowding at various offshore locations
- Increased collision risk¹⁰⁸

Beach going

- Safety hazards from chumming¹⁰⁹
- Increased trash or dead wildlife from by catch¹¹⁰
- Increased water and air pollution from vehicle use¹¹¹
- Increased seabirds due to prevalence of by catch and chum (could interfere with beachgoers and sunbathers)¹¹²

Surfing and bodysurfing

- Increased water and air pollution¹¹³
- If nearby, increased boat action may cause wakes that impact waves
- Increased safety risk from detached fishing nets or submerged lobster cages¹¹⁴
- Safety hazards from chumming¹¹⁵

Swimmer health

- Increased water and air pollution from vehicle use (VOC's, HCFC's, Sulfur, antifouling substances, cleaning products, garbage)¹¹⁶
- Increased safety risk from detached fishing nets or submerged lobster cages¹¹⁷
- Safety hazards from chumming¹¹⁸

Visual impacts and sightseeing

- Increased trash (fishing debris, escaped nets, cages)¹¹⁹
- Increased onshore dead wildlife from by catch and entanglements¹²⁰
- More large fishing boats in the view shed
- Increased oil slicks from increased marine vehicle use shipwrecks¹²¹
- Increased smog from increased marine vehicle use¹²²

Section 4: Ocean Aquaculture

*In the Mid-Atlantic, the majority of aquaculture is bivalve such as oyster and clam, and takes place in bays and estuaries.*¹²³

Offshore diving

- Access restrictions¹²⁴

¹⁰⁶ <http://www.savethehighseas.org/theproblem/>

¹⁰⁷ <http://onlinelibrary.wiley.com/doi/10.4319/lo.2001.46.5.1100/full>

¹⁰⁸ <http://www.mdsg.umd.edu/avoiding-ship-collisions>

¹⁰⁹ <http://www.wmbfnews.com/story/29538416/myrtle-beach-considers-banning-chumming-in-wake-of-shark-attacks>

¹¹⁰ <http://www.worldwildlife.org/threats/bycatch>

¹¹¹ <https://www.gov.uk/guidance/prevent-pollution-and-reduce-harmful-emissions-at-sea>

¹¹² http://oceanservice.noaa.gov/websites/retiredsites/sotc_pdf/IEF.PDF

¹¹³ <https://www.gov.uk/guidance/prevent-pollution-and-reduce-harmful-emissions-at-sea>

¹¹⁴ <http://www.state.gov/e/oes/ocns/fish/ecosystem/debris/>

¹¹⁵ <http://www.wmbfnews.com/story/29538416/myrtle-beach-considers-banning-chumming-in-wake-of-shark-attacks>

¹¹⁶ <https://www.gov.uk/guidance/prevent-pollution-and-reduce-harmful-emissions-at-sea>

¹¹⁷ <http://www.state.gov/e/oes/ocns/fish/ecosystem/debris/>

¹¹⁸ <http://www.wmbfnews.com/story/29538416/myrtle-beach-considers-banning-chumming-in-wake-of-shark-attacks>

¹¹⁹ <http://www.state.gov/e/oes/ocns/fish/ecosystem/debris/>

¹²⁰ <http://www.worldwildlife.org/threats/bycatch>

¹²¹ <http://www.wpbfc.com/news/semisubmerged-fishing-boat-stranded-after-running-aground-near-sewalls-point/36070950>

¹²² http://www.seafish.org/media/Publications/FS27_04.09_Fuel_emissions.pdf

¹²³ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/ocean-aquaculture/>

¹²⁴ <http://www.seachange.org.nz/PageFiles/387/Hamish%20Hey%20-%20Impact%20of%20aquaculture%20on%20recreational%20boating.pdf>

- Reduced water quality and visibility (algal blooms, antibiotics, disease, hydrogen sulfide, fish excrement)¹²⁵

Offshore wildlife viewing

- Potential for increased collisions with commercial and private marine vessels¹²⁶
- Potential for reduced wildlife due to increased water quality if offshore finfish aquaculture is overcrowded and without proper filtration
- Organic waste from operations can harm local wildlife¹²⁷, resulting in reduced sightings and increased wildlife mortality¹²⁸
- Destruction of coastal environments to provide room for aquaculture operations can reduce important habitat for animals that are the main food source for important offshore wildlife viewing industries (mangrove forests in the tropics removed for shrimp aquaculture)¹²⁹
- Increased spread of disease and parasites due to high concentration and close proximity, their treatment with antibiotics protects the farmed fish but the disease can spread to wild fish, causing sickness and death (sea lice from farmed salmon spreading and killing young wild salmon)¹³⁰
- Fish meal, consisting of wild fish, can cause severe overfishing of certain species, and therefore a reduction in the sightings of wildlife that feed on those fisheries¹³¹

Recreational boating (motor and non-motor)

- Access restrictions¹³²
- Potential for increased collisions¹³³

Beach going

- Safety hazards from increased nutrients and reduced water quality (increased algal growth, organic waste from concentrated fish operations)¹³⁴
- Increased exotic species released into the environment¹³⁵
- Reduced mangroves¹³⁶ result in increased sedimentation, turbidity, and reduced water quality
- Potential for increased water quality if bivalve aquaculture¹³⁷

Surfing and bodysurfing

- Increased water pollution (algal blooms, antibiotics, disease, hydrogen sulfide, fish excrement)¹³⁸
- Potential for increased water quality if a bivalve operation¹³⁹
- If nearby, aquaculture projects could impact waves (artificial reef) could be good or bad (Unsupported by expected)
- Increased presence of disease and parasites (sea lice) from concentrated operations¹⁴⁰

Swimmer health¹⁴¹

¹²⁵ <http://www.talkingfish.org/did-you-know/all-about-aquaculture-environmental-risks-and-benefits>

¹²⁶ <http://www.seachange.org.nz/PageFiles/387/Hamish%20Hey%20-%20Impact%20of%20aquaculture%20on%20recreational%20boating.pdf>

¹²⁷ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹²⁸ http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹²⁹ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³⁰ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³¹ http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹³² <http://www.seachange.org.nz/PageFiles/387/Hamish%20Hey%20-%20Impact%20of%20aquaculture%20on%20recreational%20boating.pdf>

¹³³ <http://www.seachange.org.nz/PageFiles/387/Hamish%20Hey%20-%20Impact%20of%20aquaculture%20on%20recreational%20boating.pdf>

¹³⁴ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³⁵ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³⁶ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³⁷ http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹³⁸ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹³⁹ http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹⁴⁰ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

¹⁴¹ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?-id_pg=44

- Potential increased water and air pollution (organic waste from operations, increased exposure to antibiotics, released chum and nutrients used for feeding, reduced natural filtration systems such as mangroves that were removed to make space for aquaculture)
- Potential for increased water quality if bivalves
- Safety hazard for escaped finfish or collision with bivalve reefs
- Increased presence of disease and parasites (sea lice) from concentrated operations

Visual impacts and sightseeing

- Increased algal blooms, reduced water quality, introduction of manmade structures (large nets to contain farms), increased boating use in the area for feeding and monitoring¹⁴²
- Potential for increased sightings of diseased and dead wildlife from toxic exposure and introduced diseases (Unsupported specifically but expected)

Section 5: National Security

Offshore diving

- Access restrictions¹⁴³
- Reduced wildlife from noise, vehicle activity, toxic chemical and heavy metal exposure¹⁴⁴
- Reduced water quality and safety hazards from chemical and heavy metal exposure, oil pollution, or any use of chemical and biological weapon agents¹⁴⁵
- Human generated sound propagation (like military sonar) impact fish, marine mammals, and sea turtles, among others, by interfering with their communication, feeding, and navigation,¹⁴⁶ potential to increase death rates and can reduce wildlife sightings, many kills have been documented¹⁴⁷

Offshore wildlife viewing

- Access restrictions¹⁴⁸
- Pending on operation- increased noise, vehicle activity, chemical exposure¹⁴⁹ may cause serious impacts to marine/coastal animals and reduce the amount of wildlife sightings
- Severe impacts to sea beds, reefs, and ocean floor habitat as well as increased animal disturbance in the event of dredging¹⁵⁰
- Coastal “amphibious” non-firing military training may negatively affect important coastal breeding grounds for marine birds, marine mammals, and sea turtles¹⁵¹
- Human generated sound (military sonar) impacts to fish, marine mammals, sea turtles by interfering with their communication, feeding, and navigation,¹⁵² potential to increase death rates and reduce wildlife sightings

Recreational boating (motor and non-motor)

- Access restrictions¹⁵³
- Potential collision risk pending on operations (Unsupported but expected)

¹⁴² http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹⁴³ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

¹⁴⁴ <http://www.eswr.com/docs/503/pendencroachrpt.pdf>

¹⁴⁵ DeMarco, R.A., and J.P. Quinn. The Impact of War and Military Operations other than War on the Marine Environment: Policy Making on the Frontiers of Knowledge. International Law Studies. Volume 69. Protection of the Environment During Armed Conflict.

¹⁴⁶ <http://www.nmfs.noaa.gov/pr/pdfs/acoustics/jsost2009.pdf>

¹⁴⁷ http://e360.yale.edu/feature/why_us_east_coast_should_stay_off_limits_to_oil_drilling/2849/

¹⁴⁸ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

¹⁴⁹ <http://www.eswr.com/docs/503/pendencroachrpt.pdf>

¹⁵⁰ http://www.ukmarinesac.org.uk/activities/ports/ph5_2.htm

¹⁵¹ <http://www.eswr.com/docs/503/pendencroachrpt.pdf>

¹⁵² <http://www.nmfs.noaa.gov/pr/pdfs/acoustics/jsost2009.pdf>

¹⁵³ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

Beach going

- Access restrictions¹⁵⁴
- Increased manmade structures on natural coastline¹⁵⁵
- Increased noise from nearby training facilities (mainly aircraft and live-fire training)¹⁵⁶

Surfing and bodysurfing

- Access restrictions¹⁵⁷
- Potential for increased water pollution from chemical and heavy metal exposure¹⁵⁸
- Pending on operations (if any dredging occurs or sediment manipulation) waves could get impacted (Unsupported but expected)

Swimmer health

- Potential increased water and air pollution from vehicle use, chemical and heavy metal exposure¹⁵⁹

Visual impacts and sightseeing

- Access restrictions¹⁶⁰
- Increased manmade structure on natural coastline
- Potential for increased pollution (vehicle usage, risk of oil spill, chemical or metal exposure)

Section 6: Maritime Commerce and Navigation

Offshore diving¹⁶¹

- Access restrictions (Unsupported but expected)
- Diver safety hazards: collision risk from vehicle traffic in channels¹⁶²
- Marine mammal safety hazards: collision risk from vehicle traffic, disruption of habitat from construction of harbors and canals, released sewage, anthropogenic noise¹⁶³, and new biological corridors between previously unconnected water bodies, increased risk of HAB (harmful algal blooms) and red tides (toxic phytoplankton) even with the current discharge standards
- Decreased air quality from vehicle traffic and engine emissions
- Decreased water quality from fuel spills, toxic antifouling paints (traces of tributyltin, copper)¹⁶⁴, ship demolition
- Decreased visibility from vehicle traffic, especially if dredging occurs
- Potential for increased shipwrecks, initial reduction in diving but potential for future ship diving opportunities

Offshore wildlife viewing¹⁶⁵

- Marine mammal safety hazards: collision risk from vehicle traffic (whale strikes specifically but also turtles, dolphins, birds, etc.)
- Disruption of habitat from construction of harbors and canals
- New biological corridors between previously unconnected water bodies

¹⁵⁴ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

¹⁵⁵ <http://usmclife.com/bases/>

¹⁵⁶ <http://www.sandiegouniontribune.com/news/2010/jan/27/camp-pendleton-marine-base-issues-noise-advisory/>

¹⁵⁷ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

¹⁵⁸ <http://www.eswr.com/docs/503/pendencroachrpt.pdf>

¹⁵⁹ <http://www.eswr.com/docs/503/pendencroachrpt.pdf>

¹⁶⁰ <http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/national-security-and-military-uses/>

¹⁶¹ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

¹⁶² <http://stellwagen.noaa.gov/visit/diving/conditions.html>

¹⁶³ http://channelislands.noaa.gov/research/pdfs/cinms_conditionreport09.pdf

¹⁶⁴ <http://shipsbusiness.com/anti-fouling-paints.html>

¹⁶⁵ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

- Introduction of non-native species via solid and water ballast, including HAB (harmful algal blooms) and red tides (toxic phytoplankton) even with the current discharge standards
- Potential for increased collisions with commercial and private marine vessels
- Loss of habitat from construction of coastal flatlands and creation of navigable channels by dredging estuaries, and construction of docks with wooden pilings, increased pollution from concentration of ships and increased runoff from nearby cities
- Potentially reduced sightings from noise, pollution, collision risk
- Less enjoyable experience due to traffic, smog, increased manmade structures/vehicles in the view shed
- Onshore construction or expansion of marinas or terminals could reduce important mating/nesting/resting habitat (seabirds, seals, sea lions), thus reducing the amount of wildlife visible in the area

Recreational boating (motor and non-motor)¹⁶⁶

- Safety hazard: Potential for increased collisions
- Reduced enjoyment from increased traffic, wake, water, and air pollution

Beach going¹⁶⁷

- Change in view from the beach (natural ocean to constant come and go and large ships)
- Increased debris washing on shore from shipwrecks, spills, and various materials that fall overboard
- Increased noise from ships going by
- Potential reduction in beach access/area if harbors and terminals are constructed

Surfing and bodysurfing

- Increased water pollution from ship emissions, released oil, toxic hull paints
- Offshore surfing could increase (tanker wake)¹⁶⁸
- Onshore surfing could be affected by wakes
- The construction and maintenance of harbors and marinas could result in dredging and jetty construction, may make or break waves
- Could restrict access

Swimmer health¹⁶⁹

- Increased safety hazards from water and air pollution (boat emissions (CO₂, NO_x), particulates (smog), introduction of potentially dangerous exotics (lionfish), increased oil slicks and toxic chemicals from various hull paints and materials.

Visual impacts and sightseeing¹⁷⁰

- Increased air pollution and smog (boat emissions (CO₂, NO_x, particulates)
- Increased oil slicks and toxic chemicals from various hull paints and materials
- Change in view from natural marine environment to frequent passage of large ships
- Reduced visibility or clarity of the ocean from increased turbidity and pollutants

Section 7: Tribal Interests and Uses

There are 27 current state or federally recognized Native American tribes in the Mid-Atlantic, from New York to Virginia. The majority of the known tribal cultural and archaeological values have been submerged over time, referred to as "submerged paleocultural landscapes". Major tribal activities

¹⁶⁶ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

¹⁶⁷ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

¹⁶⁸ <http://surfingintexas.com/tanker-surfing-in-galveston-bay/>

¹⁶⁹ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

¹⁷⁰ https://www.brown.edu/initiatives/journal-world-affairs/sites/brown.edu.initiatives.journal-world-affairs/files/private/articles/16.2_Carlton.pdf

include offshore canoe journeys, fishery and hatchery operations, fishing, and shell collecting. Overall tribal and NCR seem to have a symbiotic relationship. ****Minimal literature on this topic**

Offshore diving

- Access restrictions?
- Potential for opportunities to see and tour submerged paleocultural landscapes¹⁷¹
- Shellfish can increase water quality, strengthen wild marine populations, and better overall marine habitat, improving water clarity and diving experience
- Fish reared in hatcheries can be “genetically impaired” and may have low reproductive fitness, spawning fewer offspring than wild counterparts, potentially reducing the reproductive fitness of wild counterparts¹⁷²

Offshore wildlife viewing

- Hatcheries could increase the amount of wildlife in the area and feeding opportunities for wild species, therefore increasing wildlife sightings
- Fish reared in hatcheries can be “genetically impaired” and may have low reproductive fitness, spawning fewer offspring than wild counterparts, potentially reducing the reproductive fitness of wild counterparts¹⁷³
- Organic waste from hatchery and aquatic operations can harm local wildlife¹⁷⁴, resulting in reduced sightings and increased wildlife mortality¹⁷⁵

Recreational boating (motor and non-motor)

- Access restrictions?
- Non-motorized recreational boating (canoeing) is a common and culturally significant activity

Beach going

- Access restrictions (preservation of various cultural and archeological sites, private properties)?
- May increase opportunities on the beach (cultural events, information, activities)

Surfing and bodysurfing

- Access restrictions (preservation of various cultural and archeological sites, private properties)?

Swimmer health

- Hatchery operations and aquaculture could result in decreased water quality if done poorly.

Visual impacts and sightseeing

- Access restrictions (preservation of various cultural and archeological sites, private properties)?
- May increase visual and sightseeing opportunities on the coast (cultural events, information, activities, archaeological and cultural artifacts, etc.)

Section 8: Critical Undersea Infrastructure

Submarine cables (such as power and telecommunication cables) are placed on the ocean floor, and often buried between three and six feet below the seabed. Currently, 300 cables traverse the ocean floor¹⁷⁶, representing “95 percent of intercontinental communications traffic”.¹⁷⁷ Previous leasing agreements allowed for decommissioned cables to remain in the marine environment, but more states

¹⁷¹ <http://pbn.com/Next-frontier-in-tribal-research-is-underwater,90099?print=1>

¹⁷² <http://marinesciencetoday.com/2009/06/24/the-fish-hatchery-solution-leads-to-more-problems-than-solutions/>

¹⁷³ <http://oregonstate.edu/ua/ncs/archives/2009/jun/new-study-hatchery-fish-may-hurt-efforts-sustain-wild-salmon-runs/>

¹⁷⁴ http://slowfood.com/slowfish/pagine/eng/pagina.lasso?id_pg=44

¹⁷⁵ http://www.iatp.org/files/Marine_Aquaculture_in_the_United_States_Enviro.htm

¹⁷⁶ <http://csbaonline.org/2016/06/15/undersea-cables-and-the-future-of-submarine-competition/>

¹⁷⁷ <https://www.foreignaffairs.com/articles/global-commons/under-sea>

are working to require removal as part of future lease requirements. Other undersea infrastructures include scientific and oceanographic measurement and monitoring devices¹⁷⁸.

Offshore diving¹⁷⁹

- Access restrictions for anchoring offshore diving vessels
- Safety hazard from increased collision potential, especially if infrastructure becomes dislodged (unsupported but expected), and released contaminants¹⁸⁰
- Potential for increased diving opportunities via artificial reefs
- Potential for reduced diving opportunities from reduced water quality, visibility, chemicals, and safety hazards

Offshore wildlife viewing

- Potential to act as an artificial reef resulting in increased habitat and breeding grounds, resulting in more wildlife sightings¹⁸¹
- Abrasive and noisy installation, repairs, burying events (jetting) and removal could temporarily reduce the amount of wildlife in the area, permanently damage some organisms, and increase turbidity¹⁸²
- Noise from vessels or machinery during cable laying affects dolphins and porpoises¹⁸³
- Contamination from burying and laying cables can occur from exposing previously buried sewage, arsenic, cadmium, copper, lead, mercury, nickel, selenium, silver, zinc, PAH, ammunition disposal, pesticides but is likely very low concentration¹⁸⁴
- Physical disturbance (mussel beds, sea grass beds and reefs are most sensitive if affected, but care is often taken (or required) to avoid these areas¹⁸⁵
- Electromagnetic fields can potentially affect certain marine animal migrations (herring, sharks, rays, flatfish), and can impact cetaceans ability to navigate and communicate (results in stranding's)¹⁸⁶
- Repairing via route clearance, plowing, jetting, and grappling can cause some damage to the seabed, but not as bad as trawling¹⁸⁷
- Cables are relatively small in diameter and assumed to have minimal impact on the marine environment, and have been shown to provide a substrate for organisms to attach to, increasing the amount of marine life in the area that feed on these organisms¹⁸⁸
- Older studies found impacts to marine life via entanglements with old telegraph cables (whales)¹⁸⁹, but telegraph cables were only set from 1850 to 1950, and since 1959, there have been no instances of whales getting entangled in cables¹⁹⁰
- Use of high frequency low energy eco-sounding, sonar, and seismic systems for cable route surveys have been found to have minimal impact on marine mammals (unlike high-energy mid-range sonar systems that can strand whales).¹⁹¹
- Electromagnetic fields may induce sharks to attack cables

¹⁷⁸<http://roa.midatlanticocean.org/ocean-uses/status-trends-and-linkages/critical-undersea-infrastructure/>

¹⁷⁹www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸⁰www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸¹www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸²www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸³www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸⁴www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸⁵www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸⁶www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

¹⁸⁷ <https://www.foreignaffairs.com/articles/global-commons/under-sea>

¹⁸⁸ Kogan, I., Paull, C.K., Kuhn, L., Burton, E., von Thun, S., Greene, H.G. and Barry, J., 2006. ATOC/Pioneer Seamount Cable after 8 years on the seafloor; Observations, environmental impact. *Continental Shelf Research* 26: 771-787

¹⁸⁹ Heezen, B.C., 1957. Whales entangled in deep sea cables. *Deep-Sea Research* 5: 105-115

¹⁹⁰ Wood, M.P. and Carter, L., 2008. Whale entanglements with submarine telecommunication cables. *IEEE Journal of Oceanic Engineering* 33: 445-450

¹⁹¹ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

- Laying cables through salt marshes caused temporary impacts but full re-establishment of salt marsh vegetation occurred within 5 years (no mention of fauna)¹⁹²
- Sedimentation and turbidity can occur for over a year after installation if in fine sediment (mangroves)¹⁹³
- Cable installers already avoid sensitive areas such as reefs, seamounts, canyons, and hydrothermal vents do to their likelihood to damage the cables¹⁹⁴
- Since dredging, bottom trawling, and anchoring can be prohibited in areas with exposed cables, cables act as de facto marine reserves.¹⁹⁵

Recreational boating (motor and non-motor)

- Access restrictions¹⁹⁶
- Potential for increased collisions¹⁹⁷
- Cables near shore (waters shallower than 1500 m) have high risk of collision with anchors¹⁹⁸
- Increased turbidity¹⁹⁹

Beach going

- Potential safety hazards from collisions with (or pollution emissions emitted from) submerged infrastructure (unsupported but expected)
- Reduced feeling of secluded or natural beach²⁰⁰

Surfing and bodysurfing

- Potential for increased water pollution from ships and machinery used for maintenance and installation²⁰¹
- If nearby, could impact waves (unsupported but expected)
- Potential safety hazards from collisions with (or pollution emissions emitted from) submerged infrastructure, or if infrastructure becomes dislodged (unsupported but expected)

Swimmer health

- Potential for increased water pollution from ships and machinery used for maintenance and installation, stirring up previously covered contaminants, increased turbidity, and shark attraction²⁰²
- Potential safety hazards from collisions with (or pollution emissions emitted from) submerged infrastructure, or if infrastructure becomes dislodged (unsupported but expected)

Visual impacts and sightseeing

- Potential for increased turbidity, reduction in natural views, potential for reduced wildlife, increased pollution and fuel slicks²⁰³

¹⁹² Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹³ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁴ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁵ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁶ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁷ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁸ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., and Irvine N. (2009). Submarine Cables and the Oceans – Connecting the World. UNEP-WCMC. Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.

¹⁹⁹ www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

²⁰⁰ Peregrine Energy Group, Inc. 2008. Rhode Island Offshore Wind Stakeholders Final Report. Report prepared for Rhode Island Governor Carcieri and the Rhode Island Office of Energy Resources. 21 pp.

²⁰¹ www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

²⁰² www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

²⁰³ www.bfn.de/fileadmin/BfN/meeresundkuestenschutz/Dokumente/BfN_Literaturstudie_Effekte_marine_Kabel_2007-02_01.pdf

Severity of Negative Impact Rating Description:	Low = compatible uses with likely no to minimal changes in NCR experience	Medium = NCR is likely doable but experience is significantly altered with increase in safety hazards	High = NCR is likely no longer available due to access issues or severe safety hazards
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Expected Severity of Negative Impacts to Recreation Types from Alternative Ocean Uses in the Mid Atlantic

Alternate Uses	Recreational Activity								
	Beach Going	Swimmer Health	Wave Dependent Sports	Wind Dependent Sports	Offshore Snorkeling and Diving	Offshore Wildlife Viewing	Non-Wave Paddling (Kayak, Canoe, SUP)	Recreational Boating (Motor)	Coastal Scenic Enjoyment
National Security	High	High	High	High	High	High	High	High	High
Offshore Wind Energy	Low	Low	Low	Medium	Medium	Medium	Low	Medium	Medium
Offshore Oil and Gas**	Medium	High	Medium	Medium	Medium	Medium	Medium	Medium	Medium
Commercial and Recreational Fishing	Low	Medium	Medium	Medium	Medium	Medium	Medium	Low	Medium
Ocean Aquaculture	Low (if shellfish)	Low (if shellfish)	Medium	Low (if shellfish)	Low (if shellfish)	Low (if shellfish)	Low (if shellfish)	Medium	Low (if shellfish)
Maritime Commerce	Medium	High	Medium	Medium	High	Medium	Medium	Medium	Medium
Sand Management	Low	Medium	High	Low	Medium	Low	Low	Medium	Low
Tribal Interests and Uses	Low	Low	Low	Low	Low	Low	Low	Low	Low
Critical Undersea Infrastructure	Low	Medium	Low	Low	Medium	Low	Low	Medium	Medium
Wave and Tidal Stream Energy	Low	Medium	Medium	Medium	Medium	Medium	Medium	High	Medium

**Assuming no spill, if spill, it will be HIGHs across the board

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:19 PM
Subject: Re: Recommendations re: the draft Northeast Ocean Plan and the Mid-Atlantic Regional Ocean Action Plan
To: "Chase, Alison" <achase@nrdc.org>
Cc: "comment@neoceanplanning.org" <comment@neoceanplanning.org>, "KelseyLeonard@shinnecock.org" <KelseyLeonard@shinnecock.org>, "Robert.LaBelle@boem.gov" <Robert.LaBelle@boem.gov>, "Gwynne Schultz - DNR- (gwynne.schultz@maryland.gov)" <gwynne.schultz@maryland.gov>, "MidAtlanticRPB@boem.gov" <MidAtlanticRPB@boem.gov>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:00 PM, Chase, Alison <achase@nrdc.org> wrote:
Attached please find a revised version of the science community letter with today's date. No changes have been made to the letter except for the date and to update the list of signers. Please feel free to contact me with any questions.

Sincerely,

Alison Chase

From: Chase, Alison
Sent: Monday, July 25, 2016 3:28 PM
To: 'comment@neoceanplanning.org'; KelseyLeonard@shinnecock.org; Robert.LaBelle@boem.gov; Gwynne Schultz -DNR- (gwynne.schultz@maryland.gov); 'MidAtlanticRPB@boem.gov'
Cc: Chase, Alison
Subject: Recommendations re: the draft Northeast Ocean Plan and the Mid-Atlantic Regional Ocean Action Plan

Attached please find a letter from the science community expressing support for an ecosystem-based approach to regional ocean planning and for the identification and conservation of important ecological areas/ ecologically rich areas.

Please feel free to contact me with any questions on this letter at 212.727.4551.

Sincerely,
Alison Chase

ALISON CHASE
Senior Policy Analyst

**NATURAL RESOURCES
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Please save paper.
Think before printing.

September 6, 2016

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Annapolis, Maryland 21401

Submitted electronically

Dear Northeast and Mid-Atlantic Regional Planning Body Co-Leads:

Thank you and the other Northeast and Mid-Atlantic Regional Planning Body (Northeast and Mid-Atlantic RPB) representatives for your leadership in drafting the nation's first regional ocean plans to help protect ecosystem health and promote sustainable use. We value your efforts over the past several years to draft plans that outline steps state and federal agencies, fisheries managers, and tribes are willing to take to improve our often uncoordinated ocean decision-making structures. These groundbreaking plans advance ecosystem-based management (EBM), an integrated approach endorsed by the nation's leading scientists which "considers the entire ecosystem [in order to] ... maintain [it] in a healthy, productive and resilient condition so that it can provide the services humans want and need."¹ We urge you to build beyond the information sharing and use coordination aspects inherent in such a holistic concept to fully embrace EBM's key requirement to "emphasiz[e] the protection of ecosystem structure, functioning, and key processes" in the final plans.²

¹ McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenberg. 2005. *Scientific Consensus Statement on Marine Ecosystem-Based Management*, available at http://www.compassonline.org/science/EBM_CMSP/EBMconsensus.

² *Ibid.*

As a result of your collaboration with the Northeast Regional Ocean Council and Mid-Atlantic Regional Council on the Ocean to develop marine life and use data portals, the draft plans and the future of the RPBs are rooted in a commitment to use best available science. There is significant value in the species-level models that have been created to assist the planning processes and in the synthetic data products that are being developed to identify areas of ecological richness and importance. These data and associated maps, such as those that portray distribution and abundance of ecologically and biologically grouped species and the multi-taxa core abundance areas where more than 50 percent of a region's fish, birds, marine mammals, and corals can be found over the course of a year, improve our shared understanding of the natural system's connections and functioning, and will help inform cumulative impacts analyses and establish a baseline by which we can evaluate changes brought about from a rapidly changing climate.

We urge you not to stop here, however, and to commit to identify and conserve all important ecological areas (IEAs, in the Northeast)/ ecologically rich areas and region-wide ecological features (ERAs, in the Mid-Atlantic), defined as "habitat areas and species, guilds, or communities critical to ecosystem function, recovery and resilience."³ Ensuring that the work is completed to identify special ocean places would advance both plans' shared goal of a healthy ocean ecosystem and we request that you include short, definitive deadlines for completion of this synthesis work. Many of us have participated in expert forums, such as the Ecosystem-Based Management Work Group, to clarify what makes a place ecologically important, and also to identify where key decisions may be necessary to ensure the equitable maintenance of and access to ocean ecosystem services. We believe that there is sufficient information to identify a full suite of Northeast and Mid-Atlantic IEAs/ERAs using available data now.⁴ We stress the importance of and strongly recommend identification of these areas and the inclusion of associated maps and other information on the portals by the close of 2016. The draft plans acknowledge the ongoing need to administer and update the portals with new information. Because EBM must be adaptive, the promise of better data in the future should not prevent the creation and use of tools like IEAs/ERAs in the present to guide decision-making at all levels of government and for stakeholders.

Additionally, each federal and state agency should commit to using the IEA/ERAs and the core abundance areas to inform and guide their decision-making processes. Agencies should identify management measures they can take, under their existing authorities, to protect these areas from uses that are incompatible with their primary function of ensuring broader ecosystem health. There is extensive documentation of various resource/ use conflicts within existing scientific literature that can serve to inform agencies as to what stressors could be mitigated in order to ensure a healthy ecosystem.

We appreciate your efforts to enable EBM through the measures recommended above and with proposals in the draft plans to develop ecosystem health monitoring and evaluation programs. We

³ The draft *Northeast Ocean Plan* at 53, available at: <http://neooceanplanning.org/wp-content/uploads/2016/05/Draft-Northeast-Ocean-Plan-Full.pdf>.

⁴ Appendix 3 of the draft *Northeast Ocean Plan* identifies five components of ecological importance: areas of high productivity; areas of high biodiversity; areas of high species abundance; areas of vulnerable marine resources; and areas of rare marine resources. Currently, the Northeast RPB has only committed to "illustrating" one or two of the five components by the end of 2017, pending future data collection efforts and adequate funds. (See, for example, the *Northeast Ocean Plan* at 55).

encourage you to reach out to us and other scientists and subject matter experts to provide further feedback on issues requiring scientific advice and thank you for your efforts to help protect our ocean resources for this and future generations.

Sincerely,

Dr. S. Elizabeth Alter
Assistant Professor of Biology
York College, City University of New York

Dr. Michael L. Judge
Professor of Biology
Manhattan College

Dr. Ricardo Antunes
Post-Doctoral Fellow
Ocean Giants Program
Wildlife Conservation Society

Dr. Les Kaufman
Professor of Biology
Boston University Marine Program
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Old Dominion University

Dr. Arthur H. Kopelman
SUNY Distinguished Service Professor and
Professor of Science
Department of Science and Mathematics
Fashion Institute of Technology, State
University of New York
and President, Coastal Research and
Education Society of Long Island

Dr. Merry Camhi
Director, New York Seascape
Wildlife Conservation Society
New York Aquarium

Dr. David Conover
Vice President for Research and Innovation
Professor of Biology
University of Oregon

Dr. Robert Kopp
Associate Professor of Earth and Planetary
Sciences
Rutgers University

Dr. Keith Dunton
Assistant Professor
School of Science
Monmouth University

Dr. George Kraemer
Professor of Environmental Studies
Purchase College, State University of New York

Dr. Scott D. Kraus
Senior Science Advisor
Anderson-Cabot Center for Ocean Life
Chief Scientist, Marine Mammals
John H. Prescott Marine Laboratory
New England Aquarium

Dr. Maureen K. Krause
Associate Professor of Biology
Former Chair, New York Marine Science
Consortium
Hofstra University

Dr. Heather Leslie
Darling Marine Center Director and
Libra Associate Professor
University of Maine

Dr. Simon A. Levin
James S. McDonnell Distinguished University
Professor in Ecology and Evolutionary Biology
Princeton University

Dr. Susan Lieberman
Vice President, International Policy
Wildlife Conservation Society

Dr. Romuald N. Lipcius
Professor of Marine Science
Virginia Institute of Marine Science
College of William & Mary

Dr. John A. Musick
Emeritus Professor of Marine Science
Virginia Institute of Marine Science

Dr. Janet Nye
Assistant Professor
School of Marine and Atmospheric Sciences
Stony Brook University

Dr. Christine O'Connell
Associate Director
Alan Alda Center for Communicating Science
School of Journalism
Stony Brook University

Dr. Michael L. Pace
Professor
Department of Environmental Sciences
University of Virginia

Dr. Ellen K. Pikitch
Professor and Executive Director
Institute for Ocean Conservation Science
School of Marine and Atmospheric Sciences
Stony Brook University

Dr. Malin Pinsky
Assistant Professor
Department of Ecology, Evolution, and Natural
Resources
Rutgers University

Dr. John Reinfelder
Professor
Department of Environmental Sciences
Rutgers University

Dr. Aaron Rice
Science Director
Bioacoustics Research Program
Cornell Laboratory of Ornithology
Cornell University

Dr. Michael R. Roman
Director
Horn Point Laboratory
University of Maryland Center for
Environmental Science

Dr. Howard Rosenbaum
Director
Ocean Giants Program
Wildlife Conservation Society

Dr. Andrew A. Rosenberg
Director
Center for Science and Democracy
Union of Concerned Scientists

Dr. Jonathan H. Sharp
Professor Emeritus
School of Marine Science and Policy
University of Delaware

Professor Charles Yarish
Department of Ecology and Evolutionary
Biology
University of Connecticut

Dr. Dan Silver
Executive Director
Endangered Habitats League

Dr. Robert S. Steneck
Professor of Oceanography, Marine Biology
and Marine Policy School of Marine Sciences
University of Maine
Pew Fellow in Marine Conservation
Darling Marine Center

Dr. R. Lawrence Swanson
School of Marine and Atmospheric Sciences
Stony Brook University

Dr. John T. Tanacredi
Professor of Earth and Environmental Sciences
Department of Biology, Chemistry and
Environmental Studies
Director, Center for Environmental Research
and Coastal Oceans Monitoring
Molloy College

Dr. John Waldman
Queens College, City University of New York

Dr. Judith Weis
Professor Emerita
Department of Biological Sciences
Rutgers University

Dr. William M. Wise
Director
New York Sea Grant
Stony Brook University

Dr. Jon Witman
Professor of Biology
Ecology and Evolutionary Biology
Brown University

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:22 PM
Subject: Re: Comments on Ocean Action Plan - MARCO
To: Peter Grimbilas <peter@pcwfab.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:20 PM, Peter Grimbilas <peter@pcwfab.com> wrote:

Dear Mr. Robert P. LaBelle (MidA RPB Federal Co-Lead)

Attached are the New Jersey Outdoor Alliance comments prepared by Board of Director member Sergio Radossi. They reflect the current position of the Board, Trustees and members of the NJOA. With all due respect, please recognize our frustration and consider carefully.

Thank you for opportunity to comment,

Captain Peter Grimbilas

Chair

New Jersey Outdoor Alliance

O: 973-696-1200

C: 973-454-0315

peter@pcwfab.com



NEW JERSEY OUTDOOR ALLIANCE

MARCO Comments, prepared by Sergio Radossi

September 6, 2016

Having read the draft copy of the Mid-Atlantic Regional Ocean Action Plan and after attempting to read some of the referenced documents (such as the 2004, 600+pg copy titled Ocean Blue print for the 21st Century) one cannot help but feel overwhelmed. That aside, it is paramount that we are part of the process. The MARCO plan is an opportunity to insure the end user (that's us) is represented. To that end, I believe it is imperative that the project management and process methods that are used in industry be used in ocean planning. Why you ask: because the current process has been shown to be (as stated by members of the Mid-Atlantic Fisheries Management Council) glacial and ineffective. The examples are numerous and we can discuss them separately.

Industry on the other hand has a clear and often hard mandate to complete projects in a timely manner, meeting deadlines, providing continuous improvement while still making a profit.

Industry has learned the hard way that stakeholder involvement, customer feedback and updating process and controls are needed to succeed. Industry has developed tools to get this done. Government and Academia continues to reject these lessons. In the end we lose, the ocean loses.

The MARCO document is written by Government and Academia for Government and Academia. The end users (that's us) need to get in the loop.

My comments follow. They are intended to introduce a new path and start a conversation. From my experience to date on the New Jersey Marine Fisheries Council and interaction with Mid-Atlantic Fisheries Management Council it's time to try something new.

Reference: MARCO DOC., pg. 24, Section 1.4.4, Goals and Objectives

If in fact we see ourselves as stewards of our environment/resources, there should no problem here. **However**, the goals and objectives in this document are **open ended**. As such it is impossible to know if the goals are achievable. Similarly, it is impossible to measure progress towards the objective. The document in question talks about goals and objectives, but, simply put it is a vision

statement. Framework goals of a "Healthy Ocean and Sustainable Ocean Uses" are nice to talk about, but, in the end what does it accomplish?

Goals are Strategic. Example; we can set a goal to protect specific marine habitat from destruction... such as sand mining on Barnegat Ridge.

Objectives are Tactical. Tactics are the details needed achieve the objective. Example; Find another source of sand or solution which protects Barnegat Ridge.

To be successful, projects shall have the following minimum elements.

1. A Specified Need
 2. Defined Goals
 3. Achievable Objectives
 4. **Stakeholder Support**
 5. A Timeline (with milestones and a project completion date)
 6. Defined Resource Requirements
 7. Dedicated Funding
 8. Independent Party Oversight of Metrics and Reporting to Stakeholders
 9. **Accountability (to the stakeholders, not the project managers, not the bureaucracy and not the politicians)**
 10. Acceptance Criteria (Have Goals Been Met?)
 11. Lesson Learned
 12. Closure
- Follow Up... End of Life Analysis

Reference: MARCO Doc., pg. 32, Section 2.1.3 Enhance Coordination with Stakeholders.

Read this carefully. Stakeholder involvement is a term often used, but seldom implemented successfully. Typically, Stakeholder and end user can (and should) be used synonymously. Within the MARCO document, the term "end user" is not used. The term "user" is not used in conjunction with stakeholder involvement.

We should understand that in the context of the subject at hand, the stakeholders are the end user: *this includes, but is not limited to...commercial and recreational fishermen, recreational users, peripheral businesses and the people they employ and lastly and perhaps most importantly... the resource (the ocean and its inhabitants)*

We should also understand that in this context, academia, the scientist and government employees are **not** stakeholders. They are however accountable to the stakeholders listed in the paragraph above.

Examples of the bureaucratic failure to successfully implement stakeholder involvement follow:

- a) Page 17, section 1.2.3 of the document in question speaks to stakeholder and public engagement being a corner stone of the regional ocean planning process... Yet here we are at the 11th hour trying to digest and comment on a 133 document. So much for stakeholder involvement.
- b) A more mature and ongoing example of unsuccessful stakeholder involvement is the MAFMC process. This failure has yielded almost yearly increases (decreases???) of fisheries quotas, (as in summer flounder, black sea bass), unbalanced fish stocks (as in dog fish) and NOAA's approval of the destruction of historic fisheries habitat (as in the destruction of Harvey Cedars Lump and the planned destruction of Barnegat Ridge by sand mining)

The net result of these failures are loss of businesses, loss of jobs, a negative impact on tax base, harm to the ecosystem, loss of biomass and a negative impact on the quality of life.

In addition, no one seems to be accountable for failure, no one in academia, not the scientist or any government employee. Think about it.

Reference: MARCO DOC., pg. 25, Section 1.6, Moving Forward Under Existing Authorities

This is an important section as it defines "legal authorities relating to the implementation of coastal and marine spatial planning". This section provides the federal authorities directly relevant to the plan. It includes the Marine Protect, Research and Sanctuaries Act, and the **MAFMC**.

This section places great importance looking to federal authorities to "move forward".

One would think that the stakeholders are the primary authority. (See stakeholder, above)
Think about it.

Very truly yours,

Sergio Radossi
Board Member, Board of Directors
New Jersey Outdoor Alliance

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:30 PM
Subject: Re: Draft Mid-Atlantic Regional Ocean Action Plan comments
To: Alison Mitchell <alison@njconservation.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:04 PM, Alison Mitchell <alison@njconservation.org> wrote:
Please see attached for New Jersey Conservation Foundation's comments on the Draft Mid-Atlantic Regional Ocean Action Plan.
Thank you very much for the opportunity to comment.
Sincerely,

Alison Mitchell

--

Alison Mitchell
Policy Director
New Jersey Conservation Foundation
Bamboo Brook, 170 Longview Road
Far Hills, NJ 07931
(908) 234-1225

BAMBOO BROOK
170 LONGVIEW ROAD
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New Jersey Conservation
F O U N D A T I O N

September 6, 2016

Robert P. LaBelle, Mid-A RPB Federal Co-Lead
BOEM
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Re: Draft Mid-Atlantic Regional Ocean Action Plan Comments

Dear Mr. LaBelle,

Thank you for the opportunity to comment on the draft Mid Atlantic Regional Ocean Action Plan. We are pleased that the draft Plan commits to improved data gathering, research and identification of areas for further study. Creation of an Ocean Action Plan is a valuable step in more formally recognizing the importance of interagency coordination around ocean issues, and in developing a better understanding of human impacts on the marine ecosystem,

The draft Plan includes very little mention of threats to natural resources by oil and gas development. The Plan should recognize and set goals to address the enormous potential for harm to natural resources from such energy development. This includes oil and gas drilling, liquefied natural gas ports, etc. The one form of energy development the draft Plan directly addresses is wind energy. Given that nearly a half million acres of ocean off of NY and NJ has already been or is soon to be leased for wind energy, we need a better understanding of how to construct wind energy facilities that will avoid negative impacts to marine life. This can be achieved through a pilot project that employs our best current understanding of potential impacts and sophisticated sonar system technology to gather hard data on impacts to marine life, pelagic and migratory birds through long term modeling and data collection. There is relatively little understanding of the habitat needs of many of the species potentially impacted by wind energy development – a situation that must be rectified if offshore wind is to play a significant role in advancing renewable energy sources.

The draft Plan seeks to provide enhanced environmental protection for areas of the ocean deemed “Ecologically Rich Areas”. From a scientific perspective, it is risky to focus protection on certain areas because the fluid ocean environment is so interconnected. History of regional planning shows us that development pressures will rapidly degrade intervening areas and the

ecologically rich areas will therefore suffer from fragmentation effects. The goal of the plan should be to enhance protection throughout all ocean environments and develop a framework that will only allow developments that pose no long term threat to critical natural resources.

To be effective, legal and regulatory authorities must be strengthened to protect natural resources. Without stronger regulatory authority, agencies are greatly hindered in their ability to accomplish their mission to protect natural resources. In general, federal agency approvals are based on an over reliance on mitigation and monitoring, which is unfortunately seldom carried out effectively in our experience. The cumulative effects of natural resource degradations from past project failures is not typically considered going forward. The Plan provides the opportunity to address this problem.

The Plan recognizes the growing concern over the current and anticipated impacts from climate change, and acknowledges the connection between ocean impacts and impacts to the coast and inland areas. In light of ocean warming, acidification, projected species changes, rapid sea level rise, and loss and degradation of coastal habitats, the Ocean Plan should place greater emphasis on the littoral zone. Given how connected the ocean is to the in-shore environment, including bays and estuaries, consideration of the complex threats posed by climate change to the larger system should be a major focus of the Plan.

The draft Plan should include specific commitments from agencies to gather the scientific data that will form the basis for new strategies to protect the mid-Atlantic from energy infrastructure development, and other harmful industrialization, and safeguard our communities and marine life from climate change impacts. Once the data has been collected and analyzed, the plan should use this information to identify critical shortcomings in the ability of government agencies to protect the ocean's natural resources using existing regulations. This will foster needed changes at the legislative level.

Thank you again for the opportunity to comment. Please do not hesitate to contact us if you have any questions. We look forward to seeing the final version of the Plan.

Sincerely,

Alison Mitchell, Policy Director

Emile DeVito, PhD., Manager of Science and Stewardship

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:37 PM
Subject: Re: Magellan Wind Letter -- Mid-Atlantic RPB Ocean Plan
To: Jim Lanard <jlanard@magellanwind.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:32 PM, Jim Lanard <jlanard@magellanwind.com> wrote:
To whom it may concern:

Please find the attached letter regarding the above-referenced matter, submitted by Magellan Wind.

Keep up the great work!

Thank you very much for your consideration.

Sincerely,

Jim Lanard

Magellan Wind
225 Morgan Avenue
Collingswood, NJ 08108
609.313.3193
JLanard@MagellanWind.com

September 6, 2016

Robert LaBelle
RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: Comments on the draft Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body Co-leads:

My name is Jim Lanard, co-Founder and CEO of Magellan Wind LLC (Magellan). Magellan is an offshore wind development company that is working to establish the offshore wind industry here in the United States. Previously I was co-founder and President of the Offshore Wind Development Coalition (OffshoreWindDC) and, before that, Managing Director of Deepwater Wind, developer of the Block Island Wind Farm, which is scheduled to begin operation later this year as the nation's first offshore wind farm. Further, I have had the pleasure of testifying to Congress in support of the National Ocean Policy and Regional Ocean Planning, on two separate occasions. Magellan appreciates this opportunity to comment on the Draft Mid-Atlantic Ocean Action Plan (the Plan) and applaud the Regional Planning Body (RPB) on your efforts, which we see as a strong first effort to enhance collaboration of multiple ocean users while ensuring conservation of the ocean ecosystem.

Magellan would like to begin by congratulating the RPB on its efforts to draft this Plan, one of the first in the nation, which we believe will help advance the nascent offshore wind industry. Magellan's comments will focus on several key aspects of the draft Mid-Atlantic Ocean Action Plan: collaboration among ocean users and federal agencies, and the critical need for data and information sharing.

Collaboration: Multi-sector planning reduces conflicts and improves the decision-making process thereby supporting efficient and coherent outcomes

We are highly encouraged by the Plan's emphasis on coordination among federal agencies, tribes, the Mid-Atlantic Fishery Management Council, the states, and ocean users alike. Specifically, we are pleased to see a strong emphasis on enhanced coordination among federal agencies. The siloed approach to project development of the past is not a workable solution long-term, and commitments within the plan to build stronger collaboration among permitting agencies is a welcome change. One of the cardinal rules of successful project development is "no surprises." Multi-sector, multi-agency planning allows the offshore wind industry to more successfully anticipate and mitigate conflicts, thereby improving the efficiency of the planning and decision-making process. This Plan contains important commitments that should improve offshore permitting efficiency and federal agency coordination, specifically through early engagement, information sharing, and implementation of best practices that will reduce duplication and unnecessary time delays for project developers.

We applaud the RPB on its efforts to engage a broad set of stakeholders including those from a range of ocean industries from shipping, ports, offshore energy, tug and barge operators, commercial and recreational fishing, undersea cable companies, and recreational boating to name a few. Ensuring outreach and engagement with all ocean industries is critical to smarter ocean management.

In the Plan, the Bureau of Ocean Energy Management (BOEM) has made commitments to involve potentially affected stakeholders early in the decision-making process for proposed offshore energy projects. Earlier coordination with potentially affected stakeholders, like commercial and recreational fishermen, benefits each stage of offshore energy development, including identification of Wind Energy Areas and site specific determinations. Early coordination helps ensure sites can be chosen with the least impact on industry and the environment. We support the broad commitments made by BOEM and the other RPB member agencies in the Plan to engage stakeholders earlier and more effectively, and ask the agencies to ensure these commitments are met during plan implementation by working with developers and stakeholders to develop specific improvements to current outreach and engagement practices.

Further, we encourage BOEM to effectively implement its commitment in the Plan to enhance timely access to agency announcements regarding offshore energy projects. Effectively sharing information and engaging existing ocean users is critical to successful offshore wind development. We encourage BOEM to develop a notification method that ensures all interested parties are not only notified of, but understand how to be effectively engaged in agency actions related to offshore development. This will not only benefit those ocean users, but also our industry, as we seek to foster strong working relationships.

Data and Information Sharing: Enhancing our knowledge of what goes on in the ocean will ensure ocean industries can grow together, while maintaining the health of the ecosystem we operate in.

Although the ocean may seem vast, a unified effort is necessary to balance increased offshore activity, including new industries such as ours, while ensuring the sustainability of ocean resources. The development of the Mid-Atlantic Ocean Data Portal is strongly welcomed by Magellan. This data portal will benefit all ocean users and is an integral step toward more effective and thorough ocean planning.

We are particularly encouraged by the efforts of the Data Portal team to include important information on the commercial fishing industry, such as the Communities at Sea data. As a new industry expanding in to a space where there are dozens of other uses, understanding where and how those existing users occupy the space, and where they come from is critical to our outreach efforts. We urge the RPB to ensure that data sets within the portal are consistently updated, and new data sets continue to be added to fill the gaps identified in the Plan, so that the data portal remains the critical information source that it is today.

Further, we encourage the RPB to clearly outline future science and research priorities for the region. While the RPB outlines agency commitments to research and science within specific industry sub-chapters of the Plan, we encourage the RPB to clearly outline a specific set of regional science and research priorities that it will work to fund and implement in the coming years.

We also need to make sure the information in the data portal is available for the long-term. Our industry is in its infancy, meaning projects are just being developed, construction and operation are still in the future, and decommissioning is decades out. Having access to data as we are developing our site plans is equally as important throughout the life of our projects, to ensure we continue to plan for operations and engage the proper ocean users now and in the future. Thus, Magellan strongly urges the RPB and federal agencies to secure a long-term funding solution for the data portal, data enhancement, and management of existing data-sets. Without access to this information long-term, we could lose valuable information that is essential to our industry.

This plan is a strong first step towards better management of multiple-uses in the Mid-Atlantic. Again, we congratulate the RPB on its work to date. Thank you for this opportunity to comment on the plan, and we look forward to continuing our engagement moving forward.

Sincerely,

/s/

James S Lanard, CEO

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:41 PM
Subject: Re: Comments on the draft Mid-Atlantic Ocean Action Plan
To: Susan Zellers <susan@mtam.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:38 PM, Susan Zellers <susan@mtam.org> wrote:
Please find attached comments from the Marine Trades Association of Maryland on the draft Ocean Action Plan. Thank you for the opportunity.

Susan Zellers
Executive Director
Marine Trades Association of Maryland
PO Box 3148, Annapolis, MD 21403
410-269-0741 Office
410-562-2796 Mobile
susan@mtam.org



2 September 2016

Robert P. LaBelle
MidA RPB Federal Co-Lead
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

RE: Comments on the draft Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body Co-leads:

The Marine Trades Association of Maryland (MTAM) is a non-profit trade organization that has been dedicated to the promotion of our recreational marine industry and the preservation of the waterways on which our businesses depend for the past 44 years. Today we represent nearly 400 marine related businesses in the state of Maryland. We aim to merge the millions of dollars of businesses we bring to the Mid-Atlantic economy each year with the values of environmental management and stewardship so we can be sure that our industry will be as lucrative to our local communities tomorrow as it has been for the past four decades. We are always looking for healthy compromises in marine management that will preserve our ocean environment without undue regulations or limitations to our industry so that our members may enjoy continued access to the high quality ocean resources on which our industry depends.

We are pleased to provide comments on the draft ocean action plan, which we understand will directly affect many of our members. We recognize the importance of recreational boating's spatial and economic data being included in the ocean plan. Past information documenting the spatial extent of recreational boating has been limited at best so we applaud the Regional Planning Body's (RPB) efforts to better characterize when, where, and how boaters use the ocean through the Mid-Atlantic Recreational Boating Survey.

We are happy to see boating routes and maps showing relative density over time, and while these initial maps are a great first step, we urge the RPB to continue similar recreational boating studies to maintain and improve these existing datasets. For our members to fully realize the benefits of ocean planning, the plan's spatial and economic data must accurately reflect boating usage in the region and boaters must see their data and information reflected in the ocean plan. **It is very important to recreational boaters**

that the RPB continue to add and improve data layers that are relevant to the marine trades industry over time.

We were encouraged to see stakeholder engagement throughout the early stages of the planning process and we urge the RPB to continue to proactively seek out information from the boating industry. Specifically, we can provide information on the current and future needs of our industry, the potential conflicts our members are encountering on the water, and also be a resource for agencies to reach out to boaters and marine businesses that may be impacted by a particular project proposal.

We urge RPB agencies to formalize the commitments outlined in the plan including: maintaining existing data and developing additional data on recreational activities; using boater data when considering offshore projects or management activities that may affect existing activities; and, identifying boater stakeholders potentially affected by proposed activity. We hope these commitments will ensure better access for boaters, while reducing conflicts with other users. The RPB must evaluate as the plan is implemented how successful these commitments are at conserving boater access and update the plan in a timely manner to ensure future success of the ocean plan.

The Marine Trades Association of Maryland looks forward to working with the RPB and all the federal agencies to ensure the successful implementation and evolution of the Mid-Atlantic Ocean Action Plan, and thanks you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Zellers', written in a cursive style.

Susan Zellers
Executive Director, MTAM

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:47 PM
Subject: Re: Comments on the Mid-Atlantic Ocean Action Plan
To: Stephanie McClellan <stephmcc@udel.edu>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

2016-09-06 17:43 GMT-04:00 Stephanie McClellan <stephmcc@udel.edu>:



SPECIAL INITIATIVE ON OFFSHORE WIND

September 6, 2016

Robert LaBelle
RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

Re: Comments on the Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body,

The Special Initiative on Offshore Wind is an independent project at the University of Delaware's College of Earth, Ocean and Environment that supports the advancement of offshore wind as part of a comprehensive solution to the most pressing energy problems facing the United States. As an organization we strive to build awareness and consensus in order to drive the implementation of offshore wind in the pursuit of sustainable energy for the coming generation. To this end, we work up and down the eastern seaboard seeking policy solutions that sustainably integrate offshore wind into our electricity mix.

Directly off the coast from America's most populated and power hungry cities exists the most significant – yet untapped – potential for generating unlimited clean, renewable energy. Harnessing the full potential of the strong, consistent winds that blow off of our nation's coastlines could generate as much as four times the amount of electricity currently generated in America. Tapping just a fraction of this massive offshore wind resource represents a key piece of the strategy for cutting carbon pollution, protecting public health, diversifying our energy supply, and moving America towards a clean energy economy.

Along the Atlantic coast alone, offshore wind represents the most significant developable renewable energy resource for East Coast states. The East Coast potential for offshore wind power is estimated to be more than 1,300 gigawatts of electricity generation to the East Coast – enough to power 85 million American homes and

reduce carbon pollution by the equivalent of taking over 100 million cars off the road. When considering shipping lanes, bird flyways, and other sensitive ocean areas there are 330 gigawatts of “developable” resource – more than enough to supply all the electricity needs of the East Coast.

Coordinated ocean planning is vitally needed to harness the full potential of the East Coast wind resource. While wind energy produced 3.5 percent of the nation’s electricity in 2012, not a single megawatt came from an offshore turbine. However, there are currently more than a dozen offshore wind projects at various stages of development, including the Block Island Wind Farm, which is now completed construction. We recognize the need to provide easy access to the best available data and to work with other ocean users to reduce conflict if we are going to move beyond pilot projects like Block Island and build a pipeline of utility scale projects that will allow us realize the full benefits of offshore wind. Accordingly, we are pleased to express our support for the Mid-Atlantic Ocean Action Plan, and to provide the following comments that we believe will help strengthen the Plan moving forward.

A. Enhanced Agency Coordination & Early Engagement of Ocean Users in the Permitting Process

First, building awareness of and consensus for offshore wind along the East Coast is critical to future offshore wind power success. We recognize the benefit of working in a collaborative environment, early and often, with both existing ocean users and the variety of state and federal regulatory agencies in order to mitigate potential conflicts before they become a barrier to successful project development. The Mid-Atlantic Ocean Action Plan does a good job at setting expectations for coordination among agencies, tribes, Fisheries Management Councils, and ocean users. We urge the RPB to hold agencies to their commitments to coordinate among themselves on permitting, as well as to facilitate engagement with ocean users as projects are proposed. By working better together, project outcomes are more likely to be positive for all parties involved, be it the project developer, impacted ocean users, and the general public. We are happy to see a strong commitment and clear focus on enhanced coordination in this plan, and ask that the RPB hold agencies to those commitments.

We further urge the RPB and agencies to further define their commitments for enhanced stakeholder engagement. We would like to see a clear plan from agencies on how they will identify and engage stakeholders more effectively. In particular, SIOW is concerned about how the U.S. Coast Guard plans to modify their recommendations made in the flawed Port Access Route Study (PARS), released in March, 2016. We are gratified to see that – unlike in the Northeast Regional Ocean Plan – the PARS is not referenced in the Mid-Atlantic Ocean Action Plan. Moreover, we were gratified to read in an August Politico article that the U.S. Coast Guard may be altering their recommendations made in the woefully inadequate PARS. However, there needs to be clarity on the process by which they modify their recommendations and much better outreach to all stakeholders, unlike during process by which the PARS was drafted.

Second, in the Renewable Energy subchapter of the Plan, BOEM identifies a clear need to reach out to fishermen in particular, earlier in the permitting process. We see great value in this, but want more clarity from BOEM on when in the permitting process they seek to enhance public engagement and how often they will host some of the meetings they delineated, such as scoping meetings, open houses, etc.

B. Expanding our Knowledge of the Region & Updating it Consistently

Much of the Renewable Energy sub-chapter is focused on data, data management, and data enhancement. We applaud this focus. There is a critical need to expand our understanding of the environment in which we operate. The Plan calls for BOEM to partner in on-going and planned studies, to identify knowledge gaps, and increase access to research planning cycles related to ocean energy. This includes increasing awareness of

BOEM's Environmental Studies Program, maintaining up-to-date maps, data, and information of leasing areas, and developing a Mid-Atlantic regional studies list in support of new offshore wind issues, areas, and projects in the region. We stand behind the RPB's commitment to enhance knowledge and knowledge sharing.

Further, we find great utility in the Mid-Atlantic Data Portal, and see an even stronger future for it in the coming years. As a uniquely comprehensive information repository, the Portal provides valuable detail on the interactions of different industries and human uses on the water, as well as ecological conditions and trends. We encourage the RPB to continue putting as much effort as it can into this project, and to continue to expand the information contained in the data portal. Agency commitments to use the information and data in the plan as part of their permitting and review processes can only continue if the information in the Portal stays relevant. We ask that the RPB commit to updating the data portal, securing a long-term funding solution for the Portal, and working with scientists, ocean users, and the public to enhance the information contained within it, as discussed above.

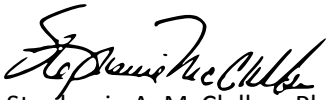
Finally, we encourage the RPB to not only consider consistently updating the data in the Portal, but also the information contained within the Regional Ocean Assessment, a stand-alone document produced alongside the planning process, yet which is not mentioned in great detail in the Plan itself, nor is it given any future as it pertains to updates or additions. The ROA is a valuable tool for project developers to reference as they are assessing the current status of the region, both economically and environmentally. Descriptive narrations of the major ocean sectors, their influence on the region, and how the environment intertwines with them is something the data in the portal cannot by itself fully depict. Thus, we would urge the RPB to commit to updating and enhancing the ROA in concurrence updates to the Plan itself.

C. Monitoring the Plan: Performance and Evaluation Criteria

A review of the performance of the plan is critical for evolution of the process, especially in the dynamic ocean environment we operate in. In the current plan, there is a performance and evaluation mechanism, but it does not include any clear means by which ocean users can provide input on plan performance, nor does it detail how users might request that the RPB to address specific management issues that have arisen. We encourage the RPB to consider including language in the plan that provides this opportunity, as it fits in nicely with the foundational concepts of this document, namely inclusion and communication.

We would like to thank the RPB for your efforts in developing this Ocean Action Plan, commitment to increasing our knowledge base of the region, and eagerness to enhance communication and transparency among ocean users and decision-makers. We see great potential for this plan and look forward to continuing to engage in the process, as well as utilizing it to inform the offshore wind industry as we expand in the future.

Sincerely,



Stephanie A. McClellan, Ph.D.
Director

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:48 PM
Subject: Re: NOPC Comments on Draft MidA Regional Ocean Action Plan
To: Brent Greenfield <brent.greenfield@oceanpolicy.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:51 PM, Brent Greenfield <brent.greenfield@oceanpolicy.com> wrote:
Attached please find comments from the National Ocean Policy Coalition on the draft Mid-Atlantic Regional Ocean Action Plan.

Sincerely,
Brent

Brent Greenfield
Executive Director
National Ocean Policy Coalition
(713) 337-8821 (o)
(866) 273-8998 (f)
www.oceanpolicy.com



September 6, 2016

Mr. Robert LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
U.S. Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM-DIR
Sterling, VA 20166

Submitted Electronically via MidAtlanticRPB@boem.gov

RE: Comments on Draft Mid-Atlantic Regional Ocean Action Plan

Dear Mr. LaBelle:

The National Ocean Policy Coalition (“Coalition”) is pleased to submit the comments herein on the draft Mid-Atlantic Regional Ocean Action Plan (“Plan”). The Coalition is an organization of diverse interests representing sectors and entities that support tens of millions of jobs, contribute trillions of dollars to the U.S. economy, and seek to ensure that actions under the National Ocean Policy are implemented in a manner that best benefits the National interest, including protection of the commercial and recreational value of the oceans, marine-related natural resources, and terrestrial lands of the United States.

EXECUTIVE SUMMARY

As described in detail below, the Coalition urges the Mid-Atlantic Regional Planning Body (“RPB”) to develop a revised draft Plan for public comment that provides critical details, elements, and products that are excluded from the current draft released for public comment on July 6, 2016. The need for doing so is underscored by the insufficiency of a 60-day comment period, the absence of critical details on how agencies specifically intend to implement and execute the Plan, the lack of access to foundational Plan-referenced marine life mapping products, uncertainty about the Plan’s geographic reach, the omission of required supporting environmental impact analysis with alternatives, the lack of clearly identified proposed Plan performance and ecosystem health monitoring and evaluation indicators and goals, and the regulatory implications associated with Plan implementation.

In addition to providing these critical details that have been omitted from the draft Plan but which are essential to facilitate informed public review and comment, the Coalition urges the RPB to make substantial revisions described throughout the comments herein to reduce the potential for adverse impacts to result from Plan implementation. After the draft Plan has been completed and revised accordingly, the RPB should ensure that the public has an opportunity to review the revised draft and provide informed comments.

For example, the RPB should remove all proposed actions seeking to compel agency use of the Plan in their regulatory and environmental reviews, management programs, and other decision-making activities, as well as all proposed actions seeking to recommend and/or direct project proponents to use the Plan and/or Mid-Atlantic Ocean Data Portal (“Portal”) during the pre-application phase or during formal or informal reviews.

In so doing, the RPB should also revise the Plan to clarify that any data or information resulting from the RPB process and Plan should be used and considered by agencies as they see fit, and that agency implementation of the Plan’s contents would be strictly voluntary and based on the agency’s careful, independent, and transparent consideration and best judgment, and consistent with existing laws and agency regulations, not pursuant to the direction of the RPB or Plan.

For all proposed Plan actions, the RPB needs to resolve ambiguities in the current draft Plan and provide a list of every authority, statutory process, and management program that would be influenced through Plan implementation (including specific descriptions on how each authority, process, and program would be influenced). This information needs to be included in the revised draft Plan for additional public review and comment.

The Coalition also has concerns about the use and integrity of Plan-related data and information, many of which are reflected in the draft Plan as described below through RPB statements about limitations and caveats. Thus, the RPB should revise the Plan consistent with the recommendations that follow to help build public confidence that Plan-related data and information will not be used in a manner that adversely impacts user groups based upon agency reliance on incomplete or inaccurate data and information sources.

In addition, the Coalition continues to stress the importance of accurately depicting the region’s marine-related resources as well as existing and potential future activities. In that regard, the Coalition urges the RPB to ensure that the draft Plan and all related products and data sources clearly and conspicuously identify and describe all resources and existing and potential future activities that are not fully or at all reflected in Plan-related maps and data, including but not limited to recreational, lobster, and other fisheries and conventional energy resources.

To reduce unnecessary regulatory burdens, limit the potential for unintended consequences, and promote science-based, fiscally prudent, and legally sound decisions, the Coalition also urges any regional planning activities to revert from the RPB to the Mid-Atlantic Regional Council on the Ocean (“MARCO”) and for any Plan to sunset after five years unless certain criteria are met, with MARCO opening membership on the Stakeholder Liaison Committee (“SLC”) to sectors and groups not currently represented, including groups that seek future involvement in regional economic and recreational activities, and conducting all future SLC meetings in an open forum that includes advance public notice.

In addition, a revised Plan should provide clear “opt-out” provisions for agencies and stakeholders who find that Plan elements do not allow for sound legal, scientific, and economic consideration of evolving regional ocean uses and priorities, as well as specify a process whereby parties who find that Plan implementation activities are inappropriate or injecting unnecessary risk to otherwise lawful activities can raise grievances and have them addressed.

Moreover, a revised Plan should remove proposed actions mandating the future identification of “ecologically rich areas” and clarify that the Plan does not mandate the implementation of ecosystem-based management (EBM) and will not seek to advance EBM faster than the state of science evolves.

The revised Plan should also disclose resources used in furtherance of RPB/Plan development activities since 2013 and describe the resources expected to be necessary to support any proposed future activities.

The Coalition also urges the RPB to revise the draft Plan to include socio-political science and research priorities to assess the legal and regulatory implications of implementing the Plan, as well as the current state of science related to ecosystem-based management and the economic and societal contributions of the region's existing and potential future human use activities. It should also incorporate human use and socioeconomic indicators into Plan performance measures and ecosystem health monitoring indicators.

INSUFFICIENT PUBLIC COMMENT PERIOD

As conveyed in its August 19, 2016 correspondence to the RPB seeking a suspension and extension of the public comment period,¹ the Coalition continues to believe that the 60-day comment period is insufficient to provide informed comments on the release of the first-of-its-kind Mid-Atlantic regional ocean plan.

In declining the Coalition's comment suspension/extension request and determining that the public "has all the information necessary to make meaningful comments and develop informed views" on the draft Plan, the RPB conveyed that the draft Plan includes the substance of federal actions, goals, and commitments "in detail," "does not augment or subtract" from agencies' existing authorities, and will merely "guide" federal decision-making that will be consistent with existing laws.

It also stated that the "remaining details of the various administrative mechanisms" that federal agencies will use to guide and inform Plan implementation would not change or add to public understanding of how agencies will use the Plan, and said that it is unnecessary and impossible to fully populate the Portal before the public comment period concludes, calling the Portal just "one aspect" of the draft Plan and stating that the draft Plan includes details on the nature of the data that will ultimately be included on the Portal.²

At the outset, for comparison's sake, the Commonwealth of Massachusetts' comment period for its ocean plan that only applied to one state featured four public hearings subject to a 30-day advance public notice, after which time an additional 60 days of public comment was provided. In addition, the State of Rhode Island provided 48 days of public comment on its plan, after having provided earlier public comment periods for individual plan chapters.³

Moreover, while it is important to understand the administrative mechanisms to be used for Plan implementation before the public comment period closes, there are other missing and critical details surrounding agency implementation and execution of the Plan.

For example, in announcing the release of the draft Plan the RPB notes that "[t]he specific *manner* and mechanism a Federal agency uses to implement the final Mid-Atlantic Ocean Action Plan will depend upon that agency's mission, authorities, and activities in the marine environment,"⁴ (emphasis added), and *after* the Plan is finalized, the RPB intends to draft work plans that "describe more specifically how and on what timeline actions in the Plan will be carried out."⁵

As discussed further below in the “Regulatory Implications” section, and underscored by the proposed future development of “detailed work plans,” there is a lack of specificity pertaining to the draft Plan’s proposed actions, highlighted in part by references to non-exhaustive lists of authorities, agencies, and actions that may apply to Plan implementation activities, as well as the absence of clearly-defined completion dates for proposed actions.⁶ Also, certain actions to be developed later are expected to have substantive impacts, including the RPB’s proposals to further develop actions concerning the identification of ecologically rich areas and use of the Plan to influence Coastal Zone Management Act processes during the Plan implementation phase. Yet, the Coalition has no ability to provide informed comments on these as-yet undeveloped and undefined parts of the draft Plan.⁷

Questions also remain regarding the Plan’s geographic reach. For example, while the draft Plan states that the “primary focus” is ocean waters extending from the Virginia/North Carolina border northward to the New York/Connecticut and New York/Rhode Island border out to 200 nautical miles, it adds without elaboration that the RPB “recognizes the importance of bays, estuaries, and coastal areas” and “will draw connections to and coordinate closely with entities responsible for the management and planning of those areas, particularly when ocean uses and natural resources have an interrelationship with coastal communities, bays, estuaries, ports, or other shoreside infrastructure.”⁸

Furthermore, the Portal is more than “only one aspect” of the draft Plan. As described below in the “Plan-Related Data and Associated Limitations” section, it is a lynchpin of the Plan, with proposed actions including agency use of the Portal in environmental and regulatory reviews and other management activities, in order to help identify potential conflicts and impacts and “help with initial considerations about whether a particular site makes sense” for proposed activities.⁹

However, as of the September 6 conclusion of the public comment period, the Portal still does not contain a multitude of marine life mapping products referenced for use in the draft Plan, including base layer predictive model mapping products for 29 marine mammal species and species guilds, 40 avian species, and 82 fish species which were developed for use “when detailed research is required for agency decision making,” associated uncertainty products for each species that reflect variance and statistical confidence of the base layer model predictions, and maps depicting species diversity.¹⁰

Informed comments cannot be provided in the absence of such data, details and information, the importance of which is underscored by the fact that the comment period involves the review of a Plan that, upon approval, would be implemented by eight federal agencies and departments and their component sub-agencies, six states, two federally-recognized tribes, and the Mid-Atlantic Fishery Management Council. Additionally, and as further addressed below in the “Regulatory Implications” and “Proposed Plan Actions” sections, a federal agency earlier this year stated that marine planning does in fact seek to augment statutorily-directed activities,¹¹ and a recent U.S. Government Accountability Office statement underscores the regulatory implications associated with “guidance.”¹²

By moving ahead without adequate opportunity to provide informed comments, there will be an exponentially higher risk of unintended consequences and adverse effects resulting from Plan implementation. In so doing, the National Ocean Council’s standards for “informed public participation” and transparency included in its guidance on marine planning,¹³ as well as RPB commitments to openness and to providing opportunities for informed stakeholder and public input, will go unmet.¹⁴

In addition, the National Ocean Policy requires the preparation and release for public comment of supporting environmental impact analysis (with alternatives) simultaneously with the release of the draft Plan.¹⁵ By not preparing and releasing the environmental impact analysis with alternatives along with the draft Plan for public review and comment, the RPB has failed to meet one of the National

Ocean Policy's essential elements of the marine planning process, and in so doing, the Plan would be ineligible for National Ocean Council certification.

Therefore, **the Coalition urges the RPB to revise the draft Plan to provide these critical details, elements, and products (as well as requested revisions discussed below), and to then release the revised draft Plan for a minimum 90 days of public comment. In the event that the RPB does not prepare a revised draft Plan for public comment, the Coalition urges the RPB to incorporate all suggested revisions contained herein.**

REGULATORY IMPLICATIONS

Pursuant to the National Ocean Policy foundational documents, RPB products including marine plans are to be implemented by federal agencies to the maximum extent, including through regulations where necessary.¹⁶

As further highlighted in the RPB's official announcement of the draft Plan's release (and reflected throughout the draft Plan as discussed below), "Federal MidA RPB members with regulatory responsibilities will incorporate the final Plan into their pre-planning, planning, and permitting to guide and inform Federal agency internal and external permitting decisions, environmental compliance, resource management plans, and other actions taken pursuant to existing statutory and regulatory authorities," and those agencies "will ensure their scientists, managers, decision-makers, and analysts use the Mid-Atlantic Regional Ocean Action Plan to guide and inform their actions to the fullest extent possible under existing statutory and regulatory authorities."¹⁷

The draft Plan recognizes the role that existing authorities and practices play in ocean resource management-related decision-making, acknowledging that "agency coordination is required or recommended in numerous forms under existing authorities and is an important element of existing practices," that various federal entities, states, and tribes have memoranda of understanding or agreement among and between themselves "that guide coordination for siting, permitting, and overseeing various ocean activities," that various laws already require "careful coordination" between federal and state entities and the public, and that a number of "key Federal laws...regulate and manage marine resources and human activities..."¹⁸

Yet, the RPB and draft Plan convey that more needs to be done to "inform and improve decision making" by proposing actions to among other things support "permitting and management decisions," "regulatory, management, and conservation activities," and "environmental and regulatory review processes," referring to the Plan as an "important step[] toward a more common sense, better informed, coordinated, systems-based approach to managing ocean resources" as part of a process "intended to provide a framework for application of existing laws and authorities."¹⁹

Unfortunately, neither the RPB nor any other governance institution conducted a comprehensive assessment of the strengths and weaknesses of existing coordination processes. Thus, it is unclear what problems the RPB is attempting to solve, and there are few ways for the public to have any confidence that the Plan is the best mechanism to address any deficiencies in coordination.

Nevertheless, among other things, the RPB proposes to use the Plan and related products to "clarify applicable authorities," "inform RPB member entities as they carry out their existing authorities," "improve the effectiveness of Federal, State, and Tribal implementation of their respective

responsibilities,” “address management issues that involve multiple authorities, agencies, programs, and affected parties,” “guide and align” federal and state authorities and decision making, “improve” government processes, and explore potential coordinated National Environmental Policy Act (“NEPA”) reviews for major proposed projects.²⁰

Elsewhere, the RPB says that the use of Plan-related products will “help with initial considerations about whether a particular site makes sense for that activity” and “allow decision makers to better time planned restrictions on, or potential disruptions to, shipping lanes when coordinating competing uses.”²¹

Notably, while the U.S. Bureau of Ocean Energy Management’s official release of the draft Plan stated that the draft Plan “does not augment or subtract from any entity’s existing statutory or other authorities,”²² the National Oceanic and Atmospheric Administration recently said just the opposite in its draft Ocean Noise Strategy Roadmap, which stated that “[m]arine planning seeks to augment statutorily-directed consultation and environmental impact assessment processes that are standardly used to address noise impacts.”²³

As the Coalition has previously stated, better coordination across governmental agencies could yield positive results. At the same time, and as the draft Plan acknowledges, a number of federal laws are in place that ensure such coordination. Utilization of the RPB, the marine planning process, and/or the Plan itself and related products to influence existing statutorily-authorized entities and the application of federal laws and authorities introduces significant risks and uncertainty for regulated entities and the jobs and communities they support. As noted above, any attempts to improve potential shortcomings in interagency collaboration and coordination must be based on a thorough and unbiased examination of existing laws and regulatory and planning processes, and any potential solutions must be designed to address the findings of such analyses and implemented in a manner that is consistent with legislative text and intent.

These concerns are heightened by the Plan’s lack of specificity as to many of the proposed actions to be taken and the agencies that would be involved. The potential for such uncertainty is highlighted in part by the draft Plan’s statement that the Plan “does not comprehensively address authorities and agencies that bear on coastal and ocean management” and that “numerous other authorities and implementing agencies may apply, depending on the type of activity.”²⁴

Similarly, the Plan includes qualifiers throughout the Plan such as “to the extent practicable” and “as appropriate,”²⁵ and for 43 proposed actions seemingly provides non-exhaustive lists of sub-actions prefaced with a notation that “steps to accomplish this action include...”²⁶

In other words, it is possible that the Plan may be used to influence other authorities and programs that are not listed or otherwise addressed in the draft Plan, and it is unclear the extent to which agencies intend to implement the actions proposed in the draft Plan, many of which are broadly and vaguely written. The public, especially regulated entities, must have clear information on if and how their uses of the ocean would be affected by the Plan. Such transparency and accountability is essential for any action linked to government agencies and how they impact lives and economies.

To address these deficiencies and concerns, **consistent with the Coalition’s previous requests, the RPB should revise the Plan to remove all actions seeking to compel agency use of the Plan in their regulatory and environmental reviews and management programs.** Instead, **any data or information resulting from the RPB process and Plan should be used and considered by agencies as they see fit, with agency implementation of any ocean plan contents strictly voluntary and based on the agency’s**

Careful, independent, and transparent consideration and best judgment, and consistent with existing applicable laws and regulations, not pursuant to the direction of the RPB or Plan.

For all Plan actions, in addition to detailing every proposed activity and potential use of the Plan, the RPB needs to resolve ambiguities associated with the draft Plan and provide a list of every authority, statutory process, and management program that would be influenced through Plan implementation (including specific descriptions on how each authority, process, and program would be influenced) and include the document in the revised draft Plan for public review and comment. The National Ocean Council's "Legal Authorities Relating to the Implementation of Coastal and Marine Spatial Planning" referenced in the draft Plan²⁷ is merely a non-exhaustive list of various statutes that includes basic information about laws that could be relevant to marine planning and is thus insufficient to meet this objective.

PLAN-RELATED DATA AND ASSOCIATED LIMITATIONS

In addition to the concerns about missing data products discussed above (see "Insufficient Public Comment Period" section), the Coalition is very concerned about the use and integrity of Plan-related data and information, including referenced data on the Portal, that RPB agencies will use to "support permitting and management decisions."²⁸

The draft Plan acknowledges "limitations," "gaps," "implicit biases," and "caveats" associated with Plan-related data products,²⁹ and notes that the Portal is "an important, but non-exclusive source of information" that does not provide "an exhaustive catalogue" of the region's spatial data or "duplicate other online mapping resources," that the Plan and Portal "are tools to assist in identifying the relevant species or locations that may require further information," and that "in almost all cases, site- and project-specific information will be required to support regulatory review and decision making."³⁰

In doing so, the draft Plan stresses that "data gaps do remain," and underscores the need for "careful consideration" when interpreting Plan-related data products.³¹ The draft Plan and related documents highlight numerous such caveats and qualifying statements for specific marine life³² and human use³³ data products.

Underscoring these concerns, all 64 human use datasets that form the foundation for the human use data synthesis products were assigned a "completeness" score, with a notation that datasets deemed "incomplete," "partially complete," or "near complete" "may not reflect true use levels." Of the 64 human use datasets, 62.5% of the datasets (40) were found to be in one of those three categories (~17% incomplete, ~27% partially complete, and ~19% near complete).³⁴

In addition, Plan-related documents explain why users of the human use data products should exercise caution when interpreting them, since nearly all of the human use data products merely indicate the presence of human use activity, not the *intensity* of human use activity.³⁵

For marine life data products, a review by a marine bird ecologist "with substantial knowledge of and firsthand experience with the study area and species" found that of the 118 avian species-season models developed, 55% were of "fair" or "poor" model quality.³⁶ In addition, 22 of the 75 datasets (~1/3) used to help model the avian base layer individual species products are not publicly available.³⁷

Despite these gaps and flaws, Plan implementation would require agencies and others to use the referenced data and mapping products to, among other things, influence environmental and regulatory reviews, with the draft Plan and related materials noting that the Portal and associated products are designed to “inform...decision making,” and can “inform impact analyses and...assess[...potential tradeoffs associated with a particular regulatory or management decision,” siting decisions, and implementation of Plan actions and Mid-Atlantic ocean management proposals and decisions.³⁸

Unresolved questions about the compliance of Plan and Portal data with relevant data quality laws, protocols, and standards³⁹ -- and the proposed use of such data and information to inform environmental and regulatory activities -- also raise troubling questions about whether projects and/or human use activities could be unnecessarily delayed, restricted, or prohibited based on the use of incomplete or inaccurate data and information. Further underscoring concerns about data integrity, a Plan-related document notes that while human use datasets developed in support of the Plan must meet certain thresholds, criteria related to areas including data and metadata standards are “more discretionary in nature,”⁴⁰ and a statement on the Portal notes that no representations are made as to data quality, accuracy, completeness, or suitability.⁴¹

Moreover, many Plan-referenced maps on the Portal do not include direct links to metadata containing data quality information, or lack certain data quality information (e.g. completeness reports) where direct links are provided.⁴² In addition, while the draft Plan notes that the marine mammal and bird products developed for the Plan are “habitat-based density estimates,”⁴³ the draft Plan and Portal do not sufficiently address their predictive nature.

Without adequate discussion of the caution that should be used in interpreting predictive modeling products in both the Plan and the Portal, including explicit recognition that marine life, habitat, and human use maps do not in and of themselves provide information sufficient to make determinations about actual environmental risks, threats, or impacts, an unacceptably high risk exists for the misapplication and/or misinterpretation of the products in agency decision-making.

In short, in the absence of specific mechanisms prescribed in the Plan to ensure otherwise, there is no assurance that agencies will not rely on or otherwise utilize Plan-related data and information in a manner that adversely impacts user groups based on reliance on incomplete or inaccurate sources. The draft Plan also contains no mechanism that would ensure agency decision-makers consult other sources rather than rely on the Plan or Plan-related data in carrying out their responsibilities, which should be explicitly stated to prevent over-reliance on these data.

To the extent that such data and related actions remain in the Plan and Plan-referenced sources, the RPB should review all Plan and Plan-referenced data that is housed on the Portal to ensure compliance with all relevant data quality laws, standards, and protocols.⁴⁴ The RPB should then revise the draft Plan to remove any references to data that is determined to not be compliant or complete. In addition, the RPB should ensure that every Portal map that is referenced in the Plan includes a direct link to the metadata and data quality reporting information.

The RPB should also revise the draft Plan to include specific mechanisms to ensure that agencies will not use the Plan and related products (including but not limited to the Portal) as an exclusive source of data and information in their decision-making activities, include mechanisms that will ensure agencies use formal Administrative Procedure Act procedures to clearly, publicly, and transparently disclose and seek comment on any use of Plan-related data in their decision-making activities, and provide assurances that all relevant agencies are aware of all data limitations and caveats.

In addition, **the RPB should ensure that a revised draft Plan and the Portal thoroughly and conspicuously address the uncertainties and limitations of the marine life and habitat and human use and other maps referenced in the Plan, including the challenges associated with their application and interpretation and all appropriate caveats for their potential use, as well as explicit recognition that marine life, habitat, and human use maps do not in and of themselves provide information sufficient to make determinations about actual environmental risks, threats, or impacts.**

Lastly, **the RPB should ensure that the Plan and all related products and data sources clearly and conspicuously address all resources and existing and potential future activities that are not fully or at all reflected in Plan-related maps and data, including but not limited to recreational, lobster, and other fisheries and conventional energy resources.**

PROPOSED PLAN ACTIONS

With an emphasis on “informing decision making,” including through best practices that provide “guidance” on the acquisition and use of information in environmental and regulatory reviews, in addition to proposing the development, maintenance, and updating of data on the Mid-Atlantic Ocean Data Portal and continuation of the RPB,⁴⁵ the draft Plan proposes a series of actions related to ocean ecosystems and national security, ocean energy, commercial and recreational fishing, ocean aquaculture, maritime commerce and navigation, sand management, non-consumptive recreation, tribal interests and uses, and critical undersea infrastructure.⁴⁶

In doing so, the draft Plan provides a brief description of a non-exhaustive compilation of nearly 20 federal laws “most relevant” to Plan implementation⁴⁷ and focuses on the use, development, and review of Plan-described and Portal-hosted data and information, coordination among agencies and with stakeholders, leveraging resources, and identifying research needs.

Significantly, proposed actions and practices designed to influence agency decision-making can have far-reaching and substantial regulatory impacts, particularly in this case where federal agencies are committing to incorporate the Plan into their pre-planning, planning, and permitting activities to “guide and inform” internal and external agency actions.⁴⁸

This dynamic is underscored by a recent U.S. Government Accountability Office statement which noted that “[o]ne of the main purposes of guidance is to explain and help regulated parties comply with agency regulations,” and that guidance documents “can have a significant effect on regulated entities and the public, both because of agencies’ reliance on large volumes of guidance documents and because the guidance can prompt changes in the behavior of regulated parties and the general public.”⁴⁹

Thus, the Coalition has significant concerns about the proposed use of Plan-referenced marine life and habitat, human use, and other data to influence decision-making under the non-exhaustive list of statutes and management activities described in the draft Plan. If the RPB is truly “not a regulatory body” and “cannot supersede existing laws and agency authorities,”⁵⁰ then decisions about whether and how to incorporate data and information into agency decision-making activities should emanate from agencies themselves through existing and statutorily-authorized processes, not through the RPB process.

Rather than require or seek to compel agencies to incorporate non-statutorily-authorized and not fully-defined Plan and related products into their decision-making and environmental or regulatory review

activities, any referenced data and information should thus only be used by agencies as they see fit, in accordance with each agency's careful, independent, transparent, and legally sound consideration and best judgment. The need for such an approach is underscored by the RPB's acknowledgements throughout the Plan of limitations and caveats associated with Plan and Portal data.

Therefore, **the draft Plan should be revised to remove all actions seeking to compel use of the Plan to guide, inform, or otherwise influence agency activity, including but not limited to environmental and regulatory reviews and management practices. Instead, the Plan should clarify that determinations on whether and how to use data from external sources, including but not limited to the Portal, will be made by individual agencies.**

To the extent that any such references remain in the Plan, the RPB should include a clear commitment stating that agencies will transparently disclose and seek comment on the use and application of any Plan-related data and information in their decision-making activities to project applicants, the public, and all relevant entities involved in the particular decision, including the public disclosure of all caveats and limitations associated with any Plan and Plan-related products being utilized, and specify that all Plan and Portal data will be annually reviewed and updated as new peer-reviewed data is available that complies with all relevant federal and state data quality laws, standards, and protocols.⁵¹

Proposed actions involving the identification of "ecologically rich areas" (ERAs) are among those of most concern to the Coalition.⁵² The draft Plan specifically proposes to, starting with a pilot area, assess areas deemed to be "ecologically rich" and develop comprehensive reports on them "to inform management authorities in decision making, particularly regarding decisions that may affect those areas."⁵³

The Coalition urges the RPB not to mandate the identification and assessment of ERAs or any other actions that would involve resources devoted to redundant efforts to identify such areas and application of information about these areas -- developed through processes and criteria that deviate from existing resource management mandates -- to regulatory and management programs that may have different purposes and goals.

Should the RPB decide to maintain such actions, and as further outlined in the "Draft Ecologically Rich Area Framework" section below, **any criteria proposed to be used to identify any ERAs, the identification of any such areas, and the selection of any pilot areas for more in-depth assessment must be developed consistent with applicable law, in a public and transparent manner, and subject to adequate public review and comment opportunities, with the Plan clearly stating the specific public review processes that would be provided.**

Defining agency coordination as "gathering, sharing, and using information associated with ocean management activities," and noting that agency coordination can take place through informal pre-application consultations and through initial or ongoing components of formal reviews,⁵⁴ in addition to the actions referenced above, the draft Plan requires that RPB agencies implement best practices pertaining to coordination between federal agencies and among federal agencies and tribes and federal agencies and states.⁵⁵

It says that the proposed best practices support a broad understanding of the early use of relevant information, clear and efficient direction for lead agencies and project applicants, an initial understanding of the proposed project and potential issues, marine life/habitat impacts, and compatibility concerns with existing human activities, informed stakeholder engagement, and coordinated federal/state/tribal review as appropriate.⁵⁶

According to the draft Plan, the proposed best practices referred to as “flexible but consistent guidance” will “inform agency coordination and the use of data and information” in decision-making.⁵⁷ Specifically, among other things, it says that agency coordination “can clarify applicable authorities and requisite information, including what data is available and what is needed” and help agencies identify potential adverse impacts to resources or human uses.⁵⁸

As the Coalition has previously communicated, better coordination across governmental agencies could yield positive results. However, any activities intended to enhance interagency coordination must address all existing and potential future uses, including but not limited to shipping, commercial and recreational fishing, boating, conventional energy, tugs and barges, and ports, and the Coalition opposes use of the Plan to impose new requirements or formal or informal obligations pertaining to regulatory review and consultation processes including under NEPA and other laws.

For example, the draft Plan proposes a series of “best practices” that, among other things, call for RPB agency use of the Portal to “inform environmental and regulatory review processes and other management activities,” lead agency and project proponent development of “project materials” from sources including the Plan and Portal during early coordination, RPB agency provision of “measures to avoid and minimize adverse impacts,” and RPB agency/project proponent actions related to the identification and engagement of potentially affected stakeholders and the incorporation of information obtained from such engagement in project materials.⁵⁹

The draft Plan also notes that for projects that may require a detailed NEPA review, lead federal agencies should work with state(s) to the extent practicable to discuss the potential for a coordinated approach to NEPA, state, and regulatory review.⁶⁰ It goes on to state that such “opportunities” could include preapplication consultations to determine what environmental studies could be required, what avoidance, minimization, and mitigation requirements may be considered, what approvals will be necessary, and how review requirements of those approvals may align.⁶¹

Yet, underscoring questions surrounding the wisdom and need to address federal-state NEPA coordination through the Mid-Atlantic RPB/ocean planning process, the draft Plan also acknowledges that existing federal laws such as NEPA provide opportunities for federal and state coordination where there is federal or state review of a proposed project, and states in the Mid-Atlantic already provide opportunities for early coordination as a general practice.⁶²

The above-described “best practices” that seek to influence implementation of various federal laws must originate with the applicable agencies themselves, pursuant to their statutory authority, not the non-statutorily authorized RPB or Plan.

Furthermore, as is the case with federal-state NEPA coordination, a multitude of existing laws enacted by Congress -- including but not limited to NEPA, the Endangered Species Act, Marine Mammal Protection Act, and Magnuson-Stevens Act -- already address and provide opportunities for agencies to ensure informed environmental and regulatory reviews and facilitate early coordination among and between agencies and stakeholders. Use of the non-statutorily authorized Plan to introduce new directives that seek to influence activities that are already addressed through existing authorities and practices will only serve to increase bureaucracy and uncertainty in a manner that could unnecessarily place the region’s economic and societal well-being at risk.

Therefore, **the RPB should revise the draft Plan’s agency coordination best practices section to remove language requiring or seeking to compel new formal or informal obligations for project proponents or agencies, and clarify that information obtained through the RPB process should be used and**

considered by agencies as they see fit, with agency implementation of any Plan content strictly voluntary and based on the agency's careful, independent, and transparent consideration and best judgment, and consistent with existing applicable laws and regulations, including those establishing public review and comment procedures.

These revisions will help ensure legal and regulatory certainty and maximum flexibility in how proponents, agencies, and others engage in coordination for specific projects. The need for the revisions is underscored by the fact that NEPA requires federal agencies to individually analyze the impacts of proposed federal actions (and alternatives) for their impacts on the human environment by taking a "hard look" at potential environmental consequences.⁶³

For example, as part of the NEPA analysis of the particular need, impacts, and alternatives associated with the proposed activity, the proposed action under consideration must be uniquely assessed to determine whether it would significantly affect the quality of the human environment, including through an analysis of "several contexts such as society as a whole..., the affected region, the affected interests, and the locality" and of multiple factors relating to the intensity of the specific action being proposed.⁶⁴

Thus, standardized approaches would not likely meet project needs or be legally defensible. Furthermore, the Council on Environmental Quality, not the RPB, is responsible for establishing NEPA guidelines. Therefore, as a matter of fairness, transparency, efficiency, and law, the RPB should not use the Plan or planning process in a manner that would lead to changes in the rules for project proponents.

Therefore, to ensure that NEPA reviews are conducted in accordance with legal requirements and appropriately evaluate potential impacts specific and relevant to the unique proposed action under review, **the draft Plan must be revised to include language acknowledging that each NEPA review is done to evaluate impacts of various alternatives associated with a specific action, and that databases associated with the Plan or Portal may or may not be relevant to assessing those impacts.**

In addition, the revised Plan should also clearly specify when and how any actions intended to apply to project proponents would be triggered, how project proponents would be notified, the specific actions contemplated, and how any resulting products would be used. The draft Plan should also be revised to clearly state that project proponents will not be penalized in any way for not engaging in Plan-related actions and that such actions merely reflect non-binding guidance.

In addition, just as when agencies utilize the best scientific information available from sources outside the RPB process, to the degree that any particular agency seeks to implement Plan data, guidance, or other content in conducting reviews under NEPA or any other law, it is vital that such implementation be transparent and well-understood by the regulated community.

Therefore, **the RPB should revise the Plan to clearly state how Plan content may or may not be used by agencies, including by clarifying when and how agencies intend to engage in early coordination, what specific project materials agencies would develop based on Plan-related data and information, how agencies would use Plan-related data and information as baseline information in NEPA and regulatory reviews, and how agencies would account for limitations and caveats associated with Plan-related data and information in pre-application and other reviews. In addition, for these and any other actions, the Plan should clarify that any agency that uses or otherwise implements Plan content in their activities will clearly communicate precisely how they are doing so and what decisions or processes will be influenced, in accordance with formal notification procedures under federal and state law, including the Administrative Procedure Act (APA).**

Lastly, the draft Plan states that the RPB is “interested in addressing potential options” related to Coastal Zone Management Act (CZMA) decision-making, noting that NOAA and the RPB states “may choose to further develop these options.”⁶⁵ The draft Plan specifically cites earlier federal notice to states and tribes for federally-led or authorized actions, as well as “improv[ing] States’ ability to execute CZMA Federal consistency in the offshore space.”⁶⁶ The Plan also states that Portal data and information “will help inform State review of Federal actions under the CZMA.”⁶⁷

Given that the Plan’s development and implementation have not been authorized or funded by Congress, the Coalition is troubled by the potential use of the Plan and planning effort to influence the CZMA review process (or any other statutory process) and urges the RPB not to do so.

As the statute intended, CZM plans are state-specific, with each such plan guided by purposes and a history unique to that particular state and which may or may not align with the interests of the RPB. Using the RPB’s ocean planning effort to influence CZMA activities could thus conflict or otherwise interfere with state CZMA work carried out under well-established law and processes.

As to the potential action to use the Plan to “improve States’ ability to execute CZMA Federal consistency in the offshore space,”⁶⁸ there are significant questions about whether state application of CZMA in a manner that could block activity in federal waters far offshore and beyond their coastal zone is consistent with statutory intent. Utilizing the RPB process to encourage or memorialize such actions on a regional scale would thus raise similar and substantial legal issues and should be avoided.

The Coalition urges the RPB to revise the draft Plan to remove all references to proposed actions designed to influence CZMA implementation. If the RPB nevertheless pursues actions to influence CZMA activities, the RPB should revise the draft Plan to:

- **Specify that any such efforts must respect and ensure consistency with state policies and programs and all applicable federal laws and accommodate variations in policy choices among states in the region**
- **Clarify that any attempts to generate administrative efficiencies by garnering state and federal support for the application of general consistency or similar provisions in lieu of formal consistency review will be based on transparent criteria that does not at the outset exclude any particular activity from consideration**
- **Specify that any such efforts will utilize data and information that complies with all relevant federal and state data and information quality laws, standards, and protocols**⁶⁹
- **Clarify that any proposed CZMA-related actions will not be implemented or otherwise acted on before having been vetted through formal public notice and comment reviews in conjunction with future public engagement efforts on potential Plan revisions**

PLAN IMPLEMENTATION

Proposed Continuation of RPB

The establishment of the RPB and its subsequent activities have created a new entity and process with which regulated industries must contend that has already created significant uncertainty. The RPB's continuation will only add to the uncertainty associated with the development and implementation of the Plan.

The draft Plan proposes the RPB's continued existence. In addition to providing oversight on activities such as stakeholder and public engagement (with outreach "as robust and frequent as is allowed by available resources"), management of working groups, identifying and leveraging resources, and the development of detailed work plans describing how actions will be implemented through time, the Plan proposes that the RPB meet at least annually to consider whether Plan goals, objectives, and commitments are being met, discuss the need for Plan updates and amendments, and provide updates to and receive input from the public.⁷⁰

Given its existence as a state-federal partnership since 2009, extensive experience as an institution with Mid-Atlantic ocean and coastal issues, and wider recognition among user group and stakeholder communities, MARCO is better equipped to address any necessary ocean and coastal issues in the region. In addition, MARCO serving as the exclusive forum to address ocean and coastal issues will ensure that there is no further duplication of efforts and will streamline engagement activities for user groups and stakeholders and the challenges they face in engaging a multitude of entities.

Furthermore, if the RPB is not a regulatory entity and does not serve regulatory purposes, but rather is merely a coordinating entity, there is no reason why MARCO cannot assume the functions of the RPB going forward.

The Coalition urges the RPB to revise the draft Plan to clarify that regional efforts for Mid-Atlantic ocean and coastal matters will return to the exclusive purview of the Mid-Atlantic Regional Council on the Ocean ("MARCO").

If the RPB nonetheless continues its existence following Plan finalization, **the Coalition urges the RPB to revise the draft Plan to clarify that a formal stakeholder advisory committee including commercial and recreational user groups will be established pursuant to the Federal Advisory Committee Act to interact with and provide advice to the RPB on Plan implementation.**

In the event that MARCO takes over the RPB's responsibilities for Plan implementation, the RPB should revise the draft Plan to clarify that MARCO will ensure a more transparent process and diverse membership of the Stakeholder Liaison Committee by opening membership to sectors and groups not currently represented, including groups that seek future involvement in regional economic and recreational activities, and conduct all future meetings in an open forum that includes advance public notice.

Plan Reviews and Updates

In addition, the draft Plan notes that the RPB will "routinely review" Plan implementation progress, assess the need for Plan updates or amendments, and make updates or amendments "as needed." Plan updates would involve public notice and require RPB consensus, while the Plan would be

comprehensively reviewed at least once every five years to determine whether amendments are needed, through a process that would include public notice and discussion.⁷¹

As to the proposed Plan review at least once every five years, it is important to (1) establish benchmarks with minimum thresholds for Plan continuation, and (2) ensure that any Plan review includes an opportunity for public discussion as to whether the Plan should end or continue.

Moving forward in the absence of clearly-defined and agreed-upon benchmarks for Plan continuation -- and assurances for extensive public engagement opportunities on whether to continue the Plan if such benchmarks are met -- will create more uncertainty for user groups and further reduce public confidence and trust in the transparency and credibility of the Mid-Atlantic ocean planning process.

The Coalition thus urges the RPB to revise the draft Plan to clarify that the Plan will “sunset” after five years unless the following criteria are met: consensus stakeholder and congressional support for Plan continuation, budget transparency regarding resources previously expended and proposed to be expended in furtherance of Plan implementation, clear and specific proposed Plan actions that include timelines, agencies involved, and details on how each action would be implemented, and consensus agency and public agreement on monitoring and evaluation indicators and goals for assessing future Plan performance and ecosystem health.

The revised Plan should further clarify that, in the event such criteria are met, a decision to continue the Plan would not be automatic, but instead subject to the outcome of extensive user group and public discussion and feedback.

Lastly, while the draft Plan notes that RPB federal, state, and tribal co-chairs would monitor, evaluate, and report on Plan implementation and promote collaboration among RPB members and seek consensus “as needed,”⁷² there is no proposed mechanism that would provide agencies and stakeholders with an opportunity to register (and have addressed) their complaints and objections as they arise with regard to Plan implementation activities.

Furthermore, in addition to making clear that federal agencies will be required to implement the Plan, the RPB has not proposed any process whereby agencies and stakeholders can “opt-out” of Plan implementation activities as circumstances may warrant. Given the likelihood that Plan implementation will lead to both foreseen and unforeseen problems that need to be resolved, **the Coalition urges the RPB to revise the Plan to provide clear “opt-out” provisions for agencies and stakeholders who find that Plan elements do not allow for sound legal, scientific, and economic consideration of evolving regional ocean uses and priorities, and to specify a process whereby parties who find that Plan implementation activities are inappropriate or injecting unnecessary risk to otherwise lawful activities can raise grievances and have them addressed.**

Resources

As to resources, the draft Plan notes that the RPB “recognizes that resources are necessary for Plan implementation and to effectively administer the RPB’s oversight role,” including through RPB entity staff time, leveraging of existing programs and partnerships, support for technical contractors as necessary, in-person meeting and public outreach costs, and in-kind support.⁷³

As to the latter, it notes that a key role for RPB co-leads will be the identification of resource requirements and encouraging “dedication of in-kind resources” from RPB entities to support Plan

implementation, while all RPB member entities are expected to provide in-kind support and other resources “to advance the actions and commitments in the plan.”⁷⁴

Furthermore, the Plan notes that the RPB federal co-lead “provides the staffing and resources necessary to administer its role, to the extent resources allow,” with state and tribal RPB co-leads “work[ing] in good faith to support the work of the RPB.”⁷⁵

The draft Plan also calls on the RPB to “identify...a sustainable funding source to ensure the longevity of the Data Portal” and “identify funding...commitments to meet ongoing [Portal] needs.”⁷⁶

The current budgetary environment and fiscal constraints facing the nation continue to create increased competition for scarce federal resources, and the development and implementation of actions proposed in the draft Plan will require significant taxpayer dollars. Given resource constraints and the potential diversion of existing resources away from statutorily-mandated activities that are essential to the ability of businesses to function and the economy and local communities to thrive, to inform public feedback, the Coalition continues to urge the RPB to clearly communicate to Congress and the public the projected costs and funding sources associated with all proposed actions.

Therefore, **the Coalition urges the RPB to revise the draft Plan to disclose the resources (in-kind and otherwise) that have been applied to RPB/Plan activities since the RPB’s establishment in 2013, as well as its estimate of the resources necessary to continue RPB and Plan-related activities going forward.** This information is critical to providing the public with an opportunity to provide informed comments on the proposed continuation of the RPB and future Plan-related actions.

Plan Performance and Ecosystem Health Monitoring and Evaluation

Any Plan put forth to achieve broad-scale changes in how agencies manage human uses of ocean resources across regional scales must have clear, measurable objectives in place at the outset that capture both ecological and economic goals. Public, transparent discussion and input are necessary throughout Plan performance monitoring, including the identification of indicators and the review and discussion of subsequent indicator results.⁷⁷

Rather than providing performance metrics in the draft Plan, the RPB proposes a series of actions related to performance monitoring and evaluation, including RPB development and implementation of a performance monitoring and evaluation plan (including but not limited to performance indicators and baseline conditions) to assess whether and how effectively Plan actions are achieving intended goals and objectives.⁷⁸ These actions, however, would be developed *after* the Plan is finalized. Similarly, the Plan proposes to identify metrics for measuring ocean ecosystem health and develop a monitoring program *after* the Plan is finalized.⁷⁹

The Coalition finds that this sequence of activities – finalizing the Plan before identifying ways to evaluate its effectiveness – is flawed. It suggests and reinforces a lack of clarity about what the Plan is supposed to achieve, and makes it difficult for the public and affected parties to hold the RPB accountable for those consequences and impacts stemming from its decisions.

The Coalition, therefore, recommends that the RPB establish a clear system, with goals, objectives, and metrics of success, that will be used to evaluate Plan performance. Within this plan performance monitoring system, outcomes on economic activities as well as ecosystem health must be explicitly evaluated. It is vital that there be proven mechanisms to gauge how the ability of commercial and

recreational interests to perform activities in the region has or has not been (or might be) impacted as a result of Plan implementation.

With regard to ecosystem health monitoring, socioeconomic indicators must be included as well, with decisions about the application of ocean health indicators made by individual agencies rather than by the RPB.

For any indicators used to evaluate ecosystem health in the region, minimum requirements must be in place that ensure compliance with relevant federal and state data and information quality laws, standards, and protocols,⁸⁰ and any data and information reflected in indicators must be based on sound science and subject to continuous opportunities to incorporate new data and information.

For both plan performance and ecosystem health monitoring, the Coalition urges the RPB to develop proposed monitoring and evaluation indicators, methods, tools, goals, and analyses for inclusion in a revised draft Plan that would allow user groups, stakeholders, and the public an opportunity to consider and comment on these critical elements *before* the Plan is finalized.

SCIENCE AND RESEARCH PRIORITIES

In an effort to identify applied Mid-Atlantic science and research needs, the draft Plan proposes the RPB's development of an integrated regional ocean science and research agenda.⁸¹ The Coalition's members understand the value of ocean science and research, as well as the utilization of scientific advancements in ocean resource conservation, management, and use decisions, and many of our members invest and partner in many regional scientific endeavors. The Coalition also notes that a number of ocean science and research coordination activities are already underway in the Mid-Atlantic region, including science plans, programs, and agendas under BOEM, NOAA, MARCO, and the Mid-Atlantic Fishery Management Council. If these efforts have been found to be insufficient by the RPB, they could be fortified or strengthened as needed, without proposing new and likely redundant coordination efforts.

If the RPB continues to advance this work on science and research needs, it should advance in a way that recognizes agency funding limitations and emphasizes science and research around the human uses and economies of the region, in addition to ecosystem sciences. Particularly in light of economic realities, congressional priorities, and current federal budget constraints, **the RPB should specify that any Plan-related development of an integrated regional science and research agenda will reflect the mission and objectives of the relevant statutory federal and state agency(ies) and be consistent with federal and state legislative intent associated with any appropriated funds that would be allocated to implementation of such an agenda.**

In addition, the Coalition also urges the RPB to revise the Plan to include a specific socio-political science and research priority to conduct an assessment that analyzes the full range of regulatory implications and legal issues associated with all aspects of Plan implementation, including but not limited to the identification and potential application of ecologically rich areas in decision-making activities, a peer-reviewed analysis on the current state of science for implementing ecosystem-based management, and an assessment of cumulative economic impacts of multiple kinds and layers of regulation facing regional ocean industries, all of which the Plan should specify will be available for public review and comment. The revised Plan should clarify that the assessment will include analyses

of trade-offs and opportunity costs for those activities that may be blocked, restricted, or otherwise impacted by Plan implementation.

Furthermore, **the RPB should revise the Plan to also include a socio-economic science and research priority to conduct a gap analysis of human activities and natural resources not fully or at all addressed in the Plan and related products. This should include an analysis of their existing and potential future economic and societal contributions, including development of a report on how the Mid-Atlantic’s marine resources and existing and potential future uses could contribute to meeting the economic, employment, and societal needs (including food and energy) of the region and the nation.**

For all proposed science and research priorities, the Plan should commit to specifying how proposed actions would be funded. Furthermore, **the Plan should clarify that the development of the Coalition’s proposed analyses would be subject to stakeholder engagement, including formal public notice and comment opportunities, grounded in real-world data, and accurately assess mitigation measures and the impact of new technology on environmental footprints.**

DRAFT ECOLOGICALLY RICH AREA (ERA) FRAMEWORK

The RPB seeks comment on a draft ERA Framework; the identification of ERA components and accompanying definitions for areas of high productivity, high biodiversity, high species abundance, vulnerable marine resources, and rare marine resources; tables categorizing existing marine life and habitat data that could be used to characterize and map ERA components; and long-term ERA science and data needs.⁸² In doing so, the draft Plan does not include a proposed definition for ERAs themselves.

The draft Plan notes the RPB’s agreement that “a process of further defining ERAs should be clarified and include ample opportunities for input from a variety of stakeholder communities and scientific experts,” and that “carrying out the process in a collaborative manner will take time.”⁸³

In that regard, the draft Plan further states that the proposed ERA framework “represents a starting point for RPB discussion and further consideration” by stakeholders and scientific experts and should be viewed as a “first step in a deliberative, transparent, and inclusive effort to define ERAs.”⁸⁴ It also adds that the draft ERA framework is based on the same international standards as the draft Northeast “Important Ecological Area” Framework.⁸⁵

Finally, the draft Plan states that additional data synthesis work that will inform this process is expected through Spring 2017, while some data relevant to ERA identification may be available by early 2017 and others “likely will take several years to produce,” and that some datasets characterizing ecological features may require determinations and scientific reviews of a certain population threshold, areal extent, or time of year in order to help identify ERAs.⁸⁶

The Coalition continues to oppose Plan actions that would require the RPB and RPB member entities to identify ecologically rich areas and subsequently apply such information to regulatory and management programs, and it urges the RPB to revise the draft Plan to remove related proposed actions. In addition to impacting commercial and recreational interests, identifying and applying such information as proposed by the draft Plan in the absence of legislatively-established criteria and

guidance threatens to introduce significant legal uncertainty and potential statutory conflicts and increase the risk that such products could be misused or misinterpreted.

To the extent that the RPB nonetheless includes moving forward with the identification of ERA's in the Plan, the Coalition agrees that significant additional work would be required in consultation with those whose activities would be impacted by an ERA designation, and the Plan should accordingly be revised to state that sufficient opportunities would be provided for user group engagement prior to the development of ERA pilot selection criteria and the identification, assessment, and/or finalization of any ERAs and ERA criteria, and that an ERA definition would be developed and legal and economic analysis performed and released for formal public review and comment prior to any such development, identification, or assessment. In addition, the draft Plan should be revised to reflect that public review to date has included disagreement with moving forward on the identification of ERAs, as expressed in RPB public meetings.

ECOSYSTEM-BASED MANAGEMENT

The draft Plan notes that principles for “moving the [Mid-Atlantic regional ocean planning] process forward” include “ecosystem-based management, which integrates ecological, social, economic, commercial, health, and security goals, recognizing that humans are key components of ecosystems and that healthy ecosystems are essential to human welfare.”⁸⁷

Many of the Coalition’s members are heavily investing in ecosystem science, understanding that there is value in collecting data and analyzing the dynamics between species, habitats, human uses, and societal benefits. As the Coalition has previously commented, however, at the present state of knowledge, practical experience with the design and implementation of monitoring programs intended to enable EBM remains limited, especially given the different kinds of ecological and socioeconomic data that would be necessary on broad spatial and temporal scales.

In addition to the requisite scientific data and experience, other details and clarity are needed on any proposed EBM implementation. Ecosystem-based *management* is not just a scientific exercise. Rather, it is being called for as a way to manage human uses and would therefore have significant impacts on regulated activities and dependent economies. Areas to clarify include legal authority and justification for implementation, processes to identify stakeholder-driven goals (e.g., transparent decisions on what resources in an ecosystem would be enhanced and at what trade-off for other ecosystem resources), ecological and economic impact analyses, and how scientific information would be evaluated and incorporated. If the RPB continues to include or otherwise incorporate EBM-related directives to agencies in its Plan, it should recognize these inherent complications in management decisions.

Therefore, it is vital that the RPB revise the draft Plan to clarify that the Plan will not include actions to mandate the use of EBM faster than the state of the science evolves. To the degree that the RPB and Plan seek to implement EBM, the RPB should revise the draft Plan to clarify that any implementation of EBM-related components would be preceded by transparent and public review and comment processes regarding the identification of goals for EBM and related efforts associated with data collection, quality control, analysis, and interpretation, as well as analyses of the costs and benefits and legal implications of EBM implementation.

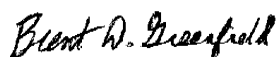
CONCLUSION

The draft Plan notes that the ocean “shapes the economy and culture of the region,” with the Mid-Atlantic’s ocean environment “provid[ing] economic and social benefits to communities, the region, and the Nation...”⁸⁸ As currently drafted and without an opportunity to provide informed comments, the Coalition is deeply concerned that this Plan could place those existing and future benefits at risk.

The Coalition respectfully urges the RPB to revise the draft Plan consistent with the comments herein, and to re-release the revised draft for an additional minimum 90 days of public comment. Doing so will help ensure a more well-informed outcome that better protects the region’s economic and societal health.

In closing, thank you for your careful consideration of the Coalition’s comments as the RPB considers revisions to the draft Plan.

Sincerely,



Brent Greenfield
Executive Director
National Ocean Policy Coalition

¹ See August 19, 2016 Letter from the National Ocean Policy Coalition to the Mid-Atlantic Regional Planning Body Federal, State, and Tribal Co-Leads.

² See August 29, 2016 Letter from the Mid-Atlantic Regional Planning Body Federal, State, and Tribal Co-Leads to the National Ocean Policy Coalition.

³ See Massachusetts Oceans Act of 2008, available at <https://malegislature.gov/Laws/SessionLaws/Acts/2008/Chapter114> and Rhode Island Ocean SAMP Draft Document Archive, available at http://www.crmc.ri.gov/samp_ocean_archive.html.

⁴ See 81 FR 44040, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15588.pdf>.

⁵ See Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 2, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>. See also Draft Mid-Atlantic Regional Ocean Action Plan, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, Pages 93 (“Specifically, the RPB is responsible for ensuring that...Detailed work plans for Plan implementation are developed...”) and 95 (“During Plan implementation, RPB co-lead responsibilities include “Oversee development and maintenance of RPB work plans that describe how actions will be implemented through time, including lead entities that will shepherd the process forward.”).

⁶ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. Pages 121 (“The Plan does not comprehensively address authorities and agencies that bear on coastal and ocean management; numerous other authorities and implementing agencies may apply, depending on the type of activity. Data and information in the Plan and the Data Portal can inform implementation of authorities not discussed herein, including, for example, the Natural Gas Act...and the Clean Air Act.”), and 38-75 and 88-91 generally (“Steps to accomplish this action include...”). While the draft Plan identifies “lead entities” for 43 proposed actions, some of the most important list lead RPB federal agencies as “to be determined” (e.g. Healthy Ocean Ecosystem Actions 1 and 5.). See Draft Plan at 38 and 41. Proposed “Best practices” do not identify any lead entities. See Draft Plan at 30-34. Even in cases where lead entities are identified, the draft Plan underscores the expected involvement of multiple RPB agencies in Plan implementation in part by noting that “RPB member entities not specifically identified in this Plan as having leadership responsibilities nonetheless have obligations to participate in the collaborative process going forward.” See Draft Plan at 96. Lack of clarity about the role of state and tribal entities in particular with regard to Plan implementation is further underscored by a notation that proposed best practices “are voluntary for States and Tribes.” See Draft Plan at 27. In addition, for 43 proposed actions, the RPB merely assigns timeline implementation categories of “short-term” (within 2 years), “long-term” (within 5 years), “ongoing,” and “underway.” See Draft Plan at 29.

⁷ See Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>, and Draft Mid-Atlantic Regional Ocean Action Plan, Page 75, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 22, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁹ See e.g. Draft Mid-Atlantic Regional Ocean Action Plan, Page 30, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>.

¹⁰ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Pages 81-85, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Mid-Atlantic Marine-Life Data Analysis Team Final Report (Final Report), available at http://midatlanticocean.org/wp-content/uploads/2016/06/MDAT.MARCO_FinalReport.pdf. As the Draft Plan notes, “[c]areful consideration must be given to interpretation of all base layer products.” (Draft Plan at 82). The Final Report further states that the uncertainty products “allow the user to understand the model accuracy...” (Final Report at 33).

¹¹ See NOAA Draft Ocean Noise Strategy Roadmap, Page 30, available at http://cetsound.noaa.gov/Assets/cetsound/documents/Roadmap/ONS_Draft_Roadmap_Complete_June1.pdf (“Marine planning seeks to augment statutorily-directed consultation and environmental impact assessment processes that are standardly used to address noise impacts.”).

¹² See Government Accountability Office Testimony Before the U.S. Senate Homeland Security and Governmental Affairs Committee’s Subcommittee on Regulatory Affairs and Federal Management, Sept. 23, 2015, available at <http://www.gao.gov/assets/680/672687.pdf>. (“One of the main purposes of guidance is to explain and help regulated parties comply with agency regulations,” and “[G]uidance documents can have a significant effect on regulated entities and the public, both because of agencies’ reliance on large volumes of guidance documents and because the guidance can prompt changes in the behavior of regulated parties and the general public.”).

¹³ See National Ocean Council Marine Planning Handbook (2013), Page 5, available at https://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf.

¹⁴ See e.g. Draft Mid-Atlantic Regional Ocean Action Plan at Pages 17 (“Development and use of data products and information that is scientifically based and informed by stakeholders is an important foundation for regional ocean planning,” and “Stakeholder and public engagement has been a cornerstone of the regional ocean planning process and will continue to be a critical component of Plan implementation, and future updates and revisions.”), and 23 (“RPB products and information about processes will be made available to all interested parties in clear and accessible formats;” and “The RPB will seek meaningful stakeholder and public input in the regional planning process...”), available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

¹⁵ See Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf, Pages 55 (“Essential Elements of the CMSP Process” include “Prepare and Release for Public Comment a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation”), 57-58 (“**Prepare and Release for Public Comment a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation:** Once a draft CMS plan and supporting environmental impact analyses, including alternatives, are completed, the regional planning body would release it for appropriate public review and comment.”), and 63 (“The NOC’s review would ensure that the CMS Plans include all the essential elements described in this framework.”); and National Ocean Council Guidance for Marine Plans, available at https://www.whitehouse.gov/sites/default/files/microsites/ostp/guidance_for_marine_plans_final_151001.pdf, Pages 3-4 (“The NOC will review and concur, as outlined below, that the final marine plan is consistent with the substantive and procedural standards and framework described in the Executive Order, Final Recommendations, and Handbook...The NOC Office will submit the final marine plan to the NOC Marine Planning Implementation Subgroup, which will review for consistency and make a recommendation to the NOC Steering Committee within 30 days of receipt. The review will consist of the following... (c) Other criteria: (i) Consistency with other authorities and guidance documents (Executive Order, Final Recommendations, Handbook, and Implementation Plan)...”).

¹⁶ See Executive Order for Stewardship of the Ocean, Our Coasts, and the Great Lakes, July 19, 2010, available at <http://www.whitehouse.gov/files/documents/2010stewardship-EO.pdf>, Section 6 (“All executive departments, agencies, and offices that are members of the [National Ocean] Council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law...[p]articipate in the process for coastal and marine spatial planning and comply with Council certified coastal and marine spatial plans, as described in the Final Recommendations and subsequent guidance from the Council.”); Final Recommendations of the Interagency Ocean Policy Task Force, July 19, 2010, available at http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf, Pages 47, (“Where pre-existing legal constraints, either procedural or substantive, are identified for any Federal agency, the NOC would work with the agency to evaluate necessary and appropriate legislative solutions or changes to regulations to address the constraints. In the interim, agencies would comply with existing legal requirements but should endeavor, to the maximum extent possible, to integrate their actions with those of other partners to a CMS Plan.”); 61-62 (“...State and Federal regulatory authorities would adhere to, for example, the processes for improved and more efficient permitting, environmental reviews, and other decision-making identified in the CMS [Coastal and Marine Spatial] Plan to the extent these actions do not conflict with existing legal obligations. State and Federal authorities with programs relevant to the CMS Plan would in a timely manner review and modify programs, as appropriate, to ensure their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS Plan to the extent possible. State and Federal agencies would also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law. This may be implemented in a variety of ways. For example, agencies could enter into memoranda of understanding (MOUs) to coordinate or unify permit reviews and decision-making processes. Where existing regulatory or statutory requirements impose constraints on the ability of an agency to fully implement the CMS Plan, the agency would seek, as appropriate, regulatory or legislative changes to fully implement the CMS Plan.”); 62 (“...CMS Plans...are intended to guide agency decision-making and agencies would adhere to the final CMS Plans to the extent possible, consistent with existing authorities...Once a CMS Plan is approved, Federal, State, and tribal authorities would implement them through their respective legal authorities.”); and 65-66 (“Agencies would incorporate components of the CMS Plan into their respective regulations to the extent possible. Adherence with CMSP would be achieved through Federal and State agencies and tribal authorities incorporating CMS Plans into their pre-planning, planning, and permitting processes, to the extent consistent with existing laws and regulations. The CMS Plan signatories would periodically review these processes, and where legal constraints are identified, would seek to remedy these constraints, including by working with the NOC to evaluate whether a legislative solution or changes to regulations are necessary and appropriate.”); National Ocean Policy Implementation Plan, April 2013, available at http://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf, Page 21 (Marine planning will support regional actions and decision-making...); and Marine Planning Handbook, July 2013, available at

http://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf, Page 17 (“By their concurrence, Federal agencies agree that they will use the marine plan to inform and guide their actions in the region consistent with their existing missions and authorities.”).

¹⁷ See 81 FR 44040 and 44042, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15588.pdf>.

¹⁸ See e.g. Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Pages 29, 60, and 114-120, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. See also Draft Plan at 46 (“DOD has policies and processes that currently exist to manage military training and testing space, identify potential impacts to military testing and training, and facilitate coordination with other Federal and State agency directives and programs.”), and 48 (“BOEM has established Intergovernmental Renewable Energy Task Forces with all of the coastal Mid-Atlantic states and federally recognized tribes...The Task Forces provide a forum to share data and information used by BOEM in the decision making process.”).

¹⁹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 8, 127, 30, 11, and 15, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 4, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>.

²⁰ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 30, 12, 28, 15, and 33, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>. See also Draft Plan at 94 (“...future agency actions will be informed by data and information provided in the Plan and the Data Portal...”), 25 (Plan “focuses on informing decision making under existing authorities...”), 27 (proposed draft Plan best practices and actions “span across levels of government, authorities, jurisdictions, and sectors...”), 10 (“The impetus behind regional ocean planning in the Mid-Atlantic was to...facilitate the transition to a more systems-based approach to ocean management.”), 25 (“Regional ocean planning aims to achieve better coordination and collaboration among the numerous governmental agencies with existing management authorities over our nation’s ocean and coastal resources.”), 77 (“RPB members intend to use the tools described in this chapter to inform their activities...”), and 28 (“...Federal, State, and Tribal governments to work together...to address regional ocean management opportunities and challenges...”).

²¹ See Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>, and Draft Mid-Atlantic Regional Ocean Action Plan, Page 59, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

²² See 81 FR 44040 and 44041, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15588.pdf>.

²³ See NOAA Draft Ocean Noise Strategy Roadmap, Page 30, available at http://cetsound.noaa.gov/Assets/cetsound/documents/Roadmap/ONS_Draft_Roadmap_Complete_June1.pdf.

²⁴ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Page 121, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. See also Draft Plan at 121 (“Data and information in the Plan and the Data Portal can inform implementation of authorities not discussed herein, including, for example, the Natural Gas Act...and the Clean Air Act.”).

²⁵ See e.g. Draft Mid-Atlantic Regional Ocean Action Plan, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, Pages 12 (“Federal agencies will, to the extent practicable, use the Mid-Atlantic Ocean Data Portal (Data Portal) and related information to help inform decision making under existing authorities.”), 27 (“Federal agencies will, to the extent appropriate and practicable, implement best practices subject to each agency’s implementation of its statutory and regulatory mandates.”), 29 (“...best practices that RPB member agencies will implement, to the extent practicable, consistent with existing authorities, agency practice, and resources to inform agency coordination and the use of data and information.”), 32 (“RPB members should engage in early coordination as a general practice, and should do so consistent with these best practices, as appropriate.”), 32-33 (“As appropriate, RPB agencies should discuss with project proponent the development of a systematic process to identify and engage potentially affected stakeholders (lead NEPA review agency should address in any relevant scoping process.”), 33 (“For projects that may require an EA or an EIS under NEPA, lead Federal agencies should, to the extent practicable, discuss with the State(s) with jurisdiction over the proposed project the potential for a coordinated approach to NEPA and State review.”), 46 (“DOD will, to the extent practicable, update the national security data on the Data Portal periodically as needed...”), and 101 (“Federal agencies will implement best practices, to the extent practicable, subject to each agency’s implementation of its statutory and regulatory mandates.”).

²⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 38-75 and 88-91, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

²⁷ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 25 and 101, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

²⁸ See Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 4, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>. See also 81 FR 44040 and 44042, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15588.pdf>.

²⁹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 39, 82, 83, 85 and 87, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

³⁰ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Pages 30, 50, and 79, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. See also Draft Plan at 30 (Portal “not intended nor expected to be an exclusive or sole source of information,” and regulatory agencies “will make their decisions on the need for further information based on the details of individual proposed activities.”), and Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/> (RPB commitment to use Portal “as a non-exclusive source of information...”).

³¹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 81, 82, 83, and 87, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

³² See Draft Mid-Atlantic Regional Ocean Action Plan, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, Pages 77 (“...additional science, research, and traditional and local knowledge...is needed to more effectively address regional ocean management priorities.” and “...additional baseline data and information [is] needed to better characterize the region’s marine environment and socioeconomic conditions...”), 81 (“...the RPB is aware that there are further data development needs for the Data Portal. For marine life, these include benthic macroinvertebrates like scallops, surf clams, ocean quahogs, and lobster, as well as large pelagic species like tunas, billfish, and sharks. Movement and migration data are also not yet incorporated into the Data Portal.”), 83 (“...core area maps...may not detect important but ephemeral migratory pathways for organisms such as birds, bats, marine mammals, and fishes. The RPB recognizes this as an area for further work in the future.”), and 85 (“...it is important to keep in mind important caveats when interpreting the current first iteration of these

new products. Caveats for use of [Marine-Life Data Analysis Team] aggregate products for species groups or taxa: The species within these groups represent only those modeled or mapped by MDAT; The groups are not exhaustive, and there are many potential additional groups; Group level products (abundance, richness, diversity, and 50% core area richness) were created from the annual prediction models, and should be interpreted accordingly; Groups may be dominated by one (or few) species of very high abundance, which are often not species of particular concern”), and Mid-Atlantic Marine-Life Data Analysis Team Final Report (Final Report), available at http://midatlanticocean.org/wp-content/uploads/2016/06/MDAT.MARCO_FinalReport.pdf, Pages 15 (avian model predictions “in areas with little survey effort should be interpreted cautiously,” and avian model “predictions offshore are supported by fewer data.”), 21 (“...all abundance and biomass estimates are relative estimates (not absolute estimates) with unknown selectivity across species and locations...all abundance and biomass estimates should be viewed within the context of each survey, and not compared across surveys;” avian model surveys outside of 95% contours “should be interpreted cautiously as there were few survey data to support them;” and fish products “do not take into account alternative sources of information such as long-line surveys, plankton surveys, or fisheries-dependent data.”), 25 (“Several [marine mammal] species had too few sightings to fit individual detection functions to them...In these cases, sightings were pooled with sightings from other species believed to exhibit similar detectability (“proxy species”).”), 33 (“Fish group species richness, group diversity, and core area biomass richness products...are not representative of the true fish species richness or diversity in that location...These data are a fishery descriptor, not an ecosystem descriptor and are not meant to be used to determine absolute fish biomass hotspots.”), and 70 (“Some [avian] model predictions exhibit a distortion that is evident as a dominant east-west trend in predicted relative occurrence and abundance (i.e., vertical banding in the maps). This is due to an error in the computer code where one of the spatial coordinate predictors was scaled incorrectly when making spatial predictions, which sometimes distorted spatial patterns. It is difficult to quantify the amount of distortion in the predictions for any given model, but maps that exhibit a vertical banding pattern should be interpreted with caution;” “This distortion is due to a bug in the computer code...”) and avian model “...survey data did not cover everywhere within the study area... so some model predictions are essentially interpolations/extrapolations from data in other parts of the study area. The accuracy of those predictions is not necessarily reflect by the model performance metrics.”).

³³ See Draft Mid-Atlantic Regional Ocean Action Plan, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>, Pages 81 (“For human uses, gaps include recreational fishing data and sand resource data.”), 85 (“Caveats to consider when interpreting [Human Use Data Synthesis Products]: Limitations of individual human use data sets (e.g., completeness, positional accuracy, temporal resolution, etc.) are maintained in the synthesis products; Lack of information in a location could be due either to absence of that activity or missing data; Key gaps include State-permitted fisheries, recreational boating, non-Federal sand and gravel borrow sites, cultural and Tribal uses, unexploded ordnance data, and shipwrecks”), 87 (“Key data gaps (i.e., missing or incomplete data for the entire Mid-Atlantic region) that were identified by the HUDS analysis include State-permitted fisheries, recreational boating and fishing, non-Federal sand and gravel borrow sites, coastal activities such as inshore aquaculture, cultural and Tribal uses, and high confidence data for unexploded ordinances and shipwrecks. Tribal uses were not addressed...”), 88 ([Human Use Data Synthesis] products “reveal data collection biases and gaps that are important to recognize for ocean planning”), 108 (“This is not a complete collection of unexploded ordnances on the seafloor, nor are the locations to be considered exact.”), 111 (“This [shipwreck density] dataset does not represent a complete record of potential archaeological sites within a particular geographic area and is not intended for decision-making or planning purposes”); and Mid-Atlantic Regional Human Use Data Synthesis Project, available at http://midatlanticocean.org/wp-content/uploads/2016/04/MARCO_HUDS_FinalReport.pdf, Pages 28 (available recreational fishing data “were likely to be insufficient in representing all important areas for recreational fishing”), 30 (maritime data “do not capture small vessel traffic...”), 30 (“Data related to sand and gravel resources and use were limited in availability”), 31 and 32 (“Comprehensive recreational use data was difficult to obtain,” and users of recreational boater survey information “are cautioned from considering these data as representative of recreational boating activity in the region generally because of the low response rate of the survey”), 33 (“...there is little information to support consideration of emerging and future uses...”), 34 (“...there are concerns about the accuracy of the location of UXO [unexploded ordinance] data...”), 35 (Navy Operational Areas datasets “lack detailed attribute information related to the particular uses and areas most important to military use,” and shipwreck data products derived from NOAA Automated Wreck and Obstruction Information System and Electronic Navigational Chart shipwreck data, which has “specific limitations including varying accuracy of identified locations”), 35-36 (“...there are specific gaps and opportunities to improve the richness of the information available.”), 36 (“Even within data included in the analysis there were gaps.”), 37 (“...there is little opportunity to consider seasonality in the planning process using the existing data.”), 53 (“caution should be exercised in drawing inferences from the small sample sizes” involved with recreation-related participatory surveys), 67 (“Each individual human use dataset had its own set of gaps, biases, and concerns relating to completeness, positional accuracy, temporal resolution, etc.”) and aggregating uses into grid cells “does not necessarily mean that these uses overlap spatially...Similarly, uses might overlap in space or be present in the same grid cell, but never ‘touch’ in reality.”), 69 (“...some uses and user groups are duplicated when combining both [Vessel Monitoring Service and Community at Sea data] layers into the Fishing theme...”), and 73 (“With additional funding...areas of known data gaps...could be accounted for, or represented...areas that may be currently misrepresented as having ‘no activity’...would be depicted,” and “key, missing information that could improve” the human use analysis includes “spatially-explicit data which reflect the market value of ocean uses”).

³⁴ See Mid-Atlantic Regional Human Use Data Synthesis Project, Pages 17-18, available at http://midatlanticocean.org/wp-content/uploads/2016/04/MARCO_HUDS_FinalReport.pdf.

³⁵ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Page 87 (“One limitation of the data presence maps is that they eliminate any available information in the input data on the amount of use.”), available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Mid-Atlantic Regional Human Use Data Synthesis Project (HUDS Report), available at http://midatlanticocean.org/wp-content/uploads/2016/04/MARCO_HUDS_FinalReport.pdf, Pages 38 (“Although the number of use layers in a given cell is potentially related to use intensity, there are important limitations to this assumption...”), 47 (“One limitation of the data presence metric is that it eliminates information on the amount of use; either a cell has data or it does not. This does not account for variation in the distribution of data within and across cells.”), 68 (“Although the number of data layers present in a given cell is potentially related to human use intensity (i.e., the more data in an area, the more use), the user should interpret this metric with caution...”) and “...for the Data Presence HUDS grids, uses were not assessed or weighted with respect to the impact they produce on the environment, nor were differing uses scaled to a common unit of magnitude. The maps are best thought of as static snapshots of data availability.”), and 72 (“Data presence mapping project is “a step toward a quantitative, as opposed to anecdotal, understanding of human use in the Mid-A, but far from complete”). While the Draft Plan states that human use data products “allow users to spatially identify the intensity of human uses across the different activity types,” they are only available for two of the twelve human use data themes (maritime and fishing). See Draft Plan at 86 and HUDS Report at 52.

³⁶ See Mid-Atlantic Marine-Life Data Analysis Team Final Report (Final Report), Pages 70 and 73-78, available at http://midatlanticocean.org/wp-content/uploads/2016/06/MDAT.MARCO_FinalReport.pdf.

³⁷ See Mid-Atlantic Regional Human Use Data Synthesis Project, Pages 68 and 84-114, available at http://midatlanticocean.org/wp-content/uploads/2016/04/MARCO_HUDS_FinalReport.pdf. In addition, while avian species products developed for the Plan reflects *relative* abundance (not predicted absolute abundance), the Portal maps merely refer to “abundance.” See Mid-Atlantic Marine-Life Data Analysis Team Final Report, Page 41, available at http://midatlanticocean.org/wp-content/uploads/2016/06/MDAT.MARCO_FinalReport.pdf (“**It is important to note these [avian species] products represent and reflect relative abundance, not predicted absolute abundance.** This type of group product informs where areas of higher abundances of groups of species may be found relative to other areas.”), and Mid-Atlantic Ocean Data Portal, Draft Bird Maps, available at <http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>.

³⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 30, 50, 57, 79, and 88, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Mid-Atlantic Marine-Life Data Analysis Team Final Report, Page 40, available at http://midatlanticocean.org/wp-content/uploads/2016/06/MDAT.MARCO_FinalReport.pdf.

³⁹ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-ig-guidelines-fy2011.pdf>).

⁴⁰ See Mid-Atlantic Regional Human Use Data Synthesis Project, Page 23, available at http://midatlanticocean.org/wp-content/uploads/2016/04/MARCO_HUDS_FinalReport.pdf.

⁴¹ See Mid-Atlantic Regional Council on the Ocean Human Use Data Synthesis – Data Presence Summary, available at http://portal.midatlanticocean.org/static/data_manager/metadata/html/HUDS_Summary_Data_Presence.html (“Content on the Mid-Atlantic Ocean Data Portal is intended to be a general information resource and is provided solely on an “as is” and “as available” basis. It is not to be construed as legal advice. For legal compliance purposes, please consult the appropriate statutes and regulations. The application and effect of laws can vary widely based on the specific facts involved. In production of this website, every effort has been made to offer the most current and accurate information possible. However, inadvertent errors may occur. In particular, MARCO disclaims any responsibility for typographical errors and accuracy of the information that may be contained on the Mid-Atlantic Ocean Data Portal. The information included on the Mid-Atlantic Ocean Data Portal has been compiled from a variety of sources, and is subject to change without notice. Users are encouraged to confirm the information contained herein. MARCO makes no representations whatsoever regarding the availability, quality, accuracy, content, completeness, or suitability for the user’s needs of such information.”).

⁴² See Mid-Atlantic Ocean Data Portal, Draft Marine Mammals, Fish, and Bird Products, available at <http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>, and Atlantic Shipwreck Database Metadata, available at http://portal.midatlanticocean.org/static/data_manager/metadata/html/ASD_OCS_Block_Density.html#2.

⁴³ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 81, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁴⁴ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-ig-guidelines-fy2011.pdf>).

⁴⁵ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 35 and 88-89, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁴⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, Pages 25 and 27-75. See also *id.* at 15 (“Marine planning is intended to guide and align Federal and State agency legal authority and decision making.”).

⁴⁷ See <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, Pages 114-120.

⁴⁸ See 81 FR 44042, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15588.pdf>.

⁴⁹ See Government Accountability Office Testimony Before the U.S. Senate Homeland Security and Governmental Affairs Committee’s Subcommittee on Regulatory Affairs and Federal Management, Sept. 23, 2015, available at <http://www.gao.gov/assets/680/672687.pdf>.

⁵⁰ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 15, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁵¹ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-ig-guidelines-fy2011.pdf>).

⁵² See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 38-39, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

- ⁵³ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 38, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁵⁴ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 30 and 101, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁵⁵ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Pages 29-34, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. See also Draft Plan at 27 (“Federal agencies will, to the extent appropriate and practicable, implement best practices subject to each agency’s implementation of its statutory and regulatory mandates.”).
- ⁵⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 29, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁵⁷ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 29, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁵⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 30, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁵⁹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 30 and 32-33, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶⁰ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 33 and 34, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶¹ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 34, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶² See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 33 and 34, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶³ See National Environmental Policy Act of 1969, as amended, available at <https://www.fws.gov/r9esnepa/RelatedLegislativeAuthorities/nepa1969.PDF>, and 40 CFR Parts 1500-1508, Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, available at https://ceq.doe.gov/ceq_regulations/Council_on_Environmental_Quality_Regulations.pdf, and *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 838 (D.C. Cir. 1972).
- ⁶⁴ See 40 CFR Parts 1500-1508, Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, available at https://ceq.doe.gov/ceq_regulations/Council_on_Environmental_Quality_Regulations.pdf.
- ⁶⁵ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 75, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 75, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶⁷ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 120, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 75, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁶⁹ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-ig-guidelines-fy2011.pdf>).
- ⁷⁰ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 35 and 93-97, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷¹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 97-98, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷² See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 94 and 95, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷³ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 98, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷⁴ See Draft Mid-Atlantic Regional Ocean Action Plan (Draft Plan), Pages 96 and 98-99, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>. See also Draft Plan at 97 (“In many cases, regional partners will also be essential to the implementation of Plan actions by providing resources, staffing assistance, and other capacity,” and “...partnerships and leveraging existing communication channels will be important to maximizing opportunities for meaningful engagement”).
- ⁷⁵ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 102, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>, and Frequently Asked Questions about the Draft Mid-Atlantic Regional Ocean Action Plan, Page 3, available at <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>.
- ⁷⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 88 and 89, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷⁷ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 130, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 99 and 129-130, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁷⁹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 41-42, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.
- ⁸⁰ See e.g. Information Quality Act of 2000 (P.L. 106-554), Paperwork Reduction Act of 1995 (P.L. 104-13), Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Feb. 22, 2002, 67 FR 8452-8460), Office of Management and Budget Circular No. A-16 Revised (accessible at https://www.whitehouse.gov/omb/circulars_a016_rev#1), NOAA Information Quality Guidelines (accessible at http://www.cio.noaa.gov/services_programs/IQ_Guidelines_103014.html), U.S. Interior Department Information Quality Guidelines (accessible at https://www.doi.gov/sites/doi.gov/files/migrated/ocio/information_management/upload/515Guides.pdf), U.S. Defense Department Information Quality Guidelines (accessible at <http://www.defense.gov/Resources/DoD-Information-Quality-Guidelines>), and U.S. Homeland Security Department Information Quality Guidelines (accessible at <https://www.dhs.gov/sites/default/files/publications/dhs-ig-guidelines-fy2011.pdf>).
- ⁸¹ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 90-91, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸² See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 122-126, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸³ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 122, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸⁴ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 122, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸⁵ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 122, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸⁶ See Draft Mid-Atlantic Regional Ocean Action Plan, Pages 122, 123, and 125, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸⁷ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 10, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

⁸⁸ See Draft Mid-Atlantic Regional Ocean Action Plan, Page 7, available at <http://www.boem.gov/Draft-MidA-Regional-Ocean-Action-Plan/>.

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:48 PM
Subject: Re: Recreational Fishing and Boating Comment
To: Mike Leonard <mleonard@asafishing.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:11 PM, Mike Leonard <mleonard@asafishing.org> wrote:
Mr. LaBelle – on behalf of the nation’s leading recreational fishing and boating organizations, please find the attached letter on the Draft Mid-Atlantic Regional Ocean Plan. Thank you.

Sincerely,
Mike Leonard

Mike Leonard
Ocean Resource Policy Director
American Sportfishing Association
1001 N. Fairfax St., Suite 501
Alexandria, VA 22314
703.519.9691 x230
Fax: 703.519.1872
mleonard@asafishing.org
www.asafishing.org | www.KeepAmericaFishing.org



September 6, 2016

Robert P. LaBelle, Federal Co-Lead
Mid-Atlantic Regional Planning Body, BOEM
45600 Woodland Road
Sterling, VA 20166

Dear Mr. LaBelle:

Thank you for the opportunity to comment on the Draft Mid-Atlantic Regional Ocean Action Plan. As leading national organizations representing the recreational fishing and boating community, we are keenly interested in the work of the Mid-Atlantic Regional Planning Body given the potential implications on marine resource management and public access.

According to NOAA Fisheries, the 2.2 million saltwater recreational fishermen in the Mid-Atlantic have a \$4.4 billion economic impact and support over 44,000 jobs. Recreational fishing and boating are tremendously important to the Mid-Atlantic's economy and culture.

From the initial roll out of the National Ocean Policy, our community has expressed concerns with the potential impacts it might have on recreational fishing opportunities. Through existing state and federal laws, the U.S. has demonstrated itself to be a world leader in fisheries management. While challenges still persist in some fisheries, the positive trend of rebuilding fisheries and ending overfishing shows that the existing U.S. fisheries management system is fully capable of ensuring fisheries sustainability.

We therefore have held concerns that the National Ocean Policy might infringe on fisheries management, either directly or indirectly, especially by promoting concepts that might close important areas to fishing through means other than the existing fisheries management system. We appreciate that the plan includes

recognition of these existing fisheries management authorities and of the Mid-Atlantic Regional Planning Body's non-regulatory nature.

There are several aspects of Draft Mid-Atlantic Regional Ocean Action that could be beneficial to marine resource management. We are pleased to see a focus on improving agency coordination and sharing of data in ways that should facilitate smarter planning. In particular, we support efforts to improve consideration of the recreational fishing community's interests in various agency actions, such as potential offshore energy development and sand resource management projects.

However, one aspect of the plan that is highly concerning to us is "identifying ecologically rich areas (ERAs)." We fear that without establishing clear goals and purpose for this action, once areas are identified, federal agencies will be compelled to "do something" from a regulatory standpoint. Specifically, we are concerned that the identification of ERAs could ultimately lead to the creation of fishing closures in these areas, regardless of whether such a closure is warranted from a fisheries management standpoint. Unfortunately, there are numerous examples from across the country where closures to important marine areas have been proposed despite a lack of fisheries management basis and site specific comprehensive data. We fear that ERAs could help facilitate additional unjustified closures.

Given that the plan fails to identify any need or justification for ERAs, much less any potential associated regulatory actions, we are alarmed by the commitment to move forward with identifying a pilot ERA. This action carries with it the potential for significant regulatory implications and associated impacts on stakeholders and the economy. The "putting the cart before the horse" nature of this action creates significant uncertainty and suspicion of what the motivations are behind ERAs and perpetuates the fear that many stakeholder groups hold that the National Ocean Policy will create undue restrictions on various marine resource activities. We strongly suggest eliminating the commitment to identify a pilot ERA and instead recommend providing an analysis of the purpose and the potential positive and negative impacts of the ERA concept generally.

A more appropriate approach can be found in the Northeast Regional Planning Body's Draft Northeast Regional Ocean Plan. That plan outlines a stepwise approach to explore "important ecological areas (IEA)" through the continued development of the IEA Framework. We suggest the Mid-Atlantic Regional Planning Body adopt a similar approach to ensure the ERA concept is further developed thoughtfully, with broad stakeholder support and clear objectives in mind, well before specific areas are potentially identified.

We recognize and appreciate the considerable effort that went into developing the Draft Mid-Atlantic Regional Ocean Action. There is merit in the areas of the plan that set forward processes for improving coordination among agencies and stakeholders in a way that can improve management of coastal and ocean resources. We encourage you to continue focusing your attention on these areas in a collaborative and thoughtful manner as the plan moves forward.

Sincerely,

Mike Nussman, President and CEO
American Sportfishing Association

Jeff Angers, President
Center for Coastal Conservation

Patrick Murray, President
Coastal Conservation Association

Jeff Crane, President
Congressional Sportsmen's
Foundation

Guy Harvey, Chairman
Guy Harvey Ocean Foundation

Rob Kramer, President
International Game Fish Association

Thom Dammrich, President
National Marine Manufacturers Association

Ellen Peel, President
The Billfish Foundation

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:49 PM
Subject: Re: Comment Letter of Support for Regional Ocean Planning
To: "Rich, Paul" <p.rich@uswindinc.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:10 PM, Rich, Paul <p.rich@uswindinc.com> wrote:
Please Comment Letter of Support from USWind, Inc for Regional Ocean Planning

Sincerely,

Paul Rich

Paul M. Rich
Director, Project Development
US Wind, Inc.
1 North Charles St, Suite 2310
Baltimore, MD 21201
Desk: 410-727-4020 ext. 13
Cell: 443-467-2685
uswindmaryland.com



September 6, 2016

Subj: Draft Ocean Action Plan, Mid-Atlantic Region

To the Regional Planning Body,

As an offshore wind developer in the Mid-Atlantic region we thank you for this opportunity to comment on the draft Ocean Action Plan. US Wind Inc. was founded in 2011, and as a fully owned subsidiary of global leaders in renewable energy and infrastructure construction projects, we bring with us a wealth of experience in offshore development. In 2014, we bid on and were awarded two leases off of Ocean City, Maryland by the Bureau of Ocean Energy Management (BOEM). Combined, these leases cover more than 85,000 acres and will provide enough renewable wind energy to generate more than 750MW of offshore wind electricity, powering more than 500,000 Maryland homes. The project will leverage our extensive international experience to create local, sustainable economic growth in Maryland and is expected to meet 100 percent of Maryland's offshore wind renewable energy goals. In 2015, US Wind also bid on and was awarded a lease for 183,353 acres roughly 7 miles offshore New Jersey. When constructed, the project will generate upwards of 1,500 MW of renewable energy – enough to power 640,000 homes.

As one of the newest ocean industries here in the United States, we understand the challenges of successfully integrating offshore wind into a complex offshore environment. Regional ocean planning is a tool that we believe will facilitate the development of offshore wind by reducing conflict of ocean users and minimizing uncertainty of project development. We are committed to siting wind farms responsibly. We need the best available data to understand environmental conditions in our lease areas, and we want to understand who is already using those areas and to solicit their engagement as we plan our projects. Ocean planning helps provide both these things, and for that, we thank the Regional Planning Body (RPB) for your work on this plan thus far.

1. Importance of Maintaining Coordination of Government Agencies and Ocean Users

We are pleased to see that stakeholder engagement and coordination among federal, state, and tribal governments as well as the Fisheries Management Council is a cornerstone of this plan. The Plan includes commitments from agencies to enhance interjurisdictional and interagency coordination. We urge the RPB to ensure that agencies work to fully implement these commitments. Permitting a project like an offshore wind farm is complicated and time consuming. Ensuring agencies follow through on those commitments, especially for large projects such as ours will prove critical to success of this Plan.



2. Need to Maintain Access to Data and Information Sharing

As an emerging industry, access to information on the ecosystem in which we operate is critical to better informing our project siting decisions.

While the existing information is valuable, we also know that there are significant pieces of both the ocean environment and human uses that we do not yet have reliable data on. Prioritizing and filling these data gaps should be an important priority for the RPB moving forward. This would enhance our knowledge of the ocean ecosystem. We encourage the RPB to work with stakeholders to identify research areas of high priority, and to find mechanisms to fill those gaps.

3. Clarify Intentions of Ecologically Rich Areas

As a renewable energy developer, considerations for the environment are at the forefront of our decision-making process. We are intrigued by the opportunity of identifying areas that are important for their ecological importance, but would like to see further clarification on what that means for this region. The framework identifies criteria for consideration but does not detail how information will be processed, how areas will ultimately be identified, nor does the framework provide a timeline for identifying these areas and how the RPB proposes to update the information that identifies these areas in the future. We would ask that the RPB provide greater detail on the framework. In addition, greater detail on the 'pilot project' would be appreciated, as we are unsure what this could mean, and how it might impact our industry.

Ultimately, we support the Mid-Atlantic Ocean Action Plan and stakeholder coordination. We are pleased with the first draft of this Plan, and look forward to continuing to work with the Regional Planning Body on future iterations of it. Thank you for this opportunity to submit our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Rich", with a large, sweeping flourish underneath.

Paul M. Rich
Director, Project Development
US Wind, Inc.

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:50 PM
Subject: Re: Comments on Draft Ocean Plan
To: Meghan Lapp <Meghan@seafreezeld.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:18 PM, Meghan Lapp <Meghan@seafreezeld.com> wrote:

Please find our comments attached.

Very Best,
Meghan

Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.
Tel: (401) 295-2585, Ext. 15
Cell: (401) 218-8658
Meghan@seafreezeld.com

September 6, 2016

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Mr. Robert LaBelle
Federal Co-Lead, Mid Atlantic Regional Planning Body
U.S. Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop:VAM-BOEM-DIR
Sterling, VA 20166

Re: Comments on the Draft Mid Atlantic Regional Ocean Action Plan

Dear Mr. LaBelle and RPB Members,

As a Rhode Island-based commercial fishing business with no representation in the Mid-Atlantic region, or on the RPB, but who have extensive fishing activity in the Mid Atlantic Region, we have concerns with how the Draft Plan has the potential to affect our access to the species we harvest in accordance with federal law and regulations. As such, we would like to see specific language stating that federal fisheries will be managed by the Magnuson Stevens Act only, and that RPB products such as the Plan, or subsequent actions such as the identification of Ecologically Rich Areas (ERAs), cannot and will not direct the focus or actions of the Fishery Management Councils nor the NMFS reviews of Council actions. We would also request that language be added to the Plan that the Plan itself is non-binding on agencies or the MAFMC in any way.

The Draft Plan states on page 13 that “the RPB is not a regulatory authority and has no independent legal authority to regulate or otherwise direct State, Tribal entities, local governments, or the MAFMC. The goal of the regional planning process is to guide and align Federal and State activities, consistent with their existing authorities.” However, page 55 of the document, under the Commercial and Recreational Fishing section, Action 1 is to “Improve the sharing of information *and ideas* between States, Tribes, Federal agencies, and Fishery Management Councils on fisheries science *and management*”; step C to accomplish this action is to “Explore with the MAFMC the possibility of RPB members participating as technical advisors to the Council’s Ecosystem and Ocean Planning Committee *for the purpose of identifying and monitoring fishing and non-fishing impacts on the environment...*” This indicates that the RPB is in fact interested in direct management of fishing activity through the MAFMC and its Committees. As this will result in regulatory structure for our fishing vessels, we do not support this aspect of the Plan.

Distinctly related to such an initiative are the Plan’s “Actions to Promote a Healthy Ocean Ecosystem”. Page 36 of the Draft Plan reiterates that one of the RPB’s two primary goals is: “Promote ocean ecosystem health, functionality, and integrity through *conservation, protection...*”, and Objective 1 under the Healthy Ocean Ecosystem Actions is “*...protecting...the ocean ecosystem*” (page 37). Although the Plan is silent on what regulatory actions taken by RPB member agencies such conservation and protection would entail, the fact that the Plan anticipates working with the MAFMC on identifying and monitoring fishing impacts on the environment indicates that fishing activity could be curtailed if the RPB/Plan deem a certain area/entity in need of “protection” or “conservation” from “fishing impacts

on the environment”, and that this protection could be facilitated by having RPB membership on the MAFMC Ecosystems and Ocean Planning Committee.

This is also why we do not support the Action 1 on page 38 to “Identify ecologically rich areas of the Mid Atlantic Ocean and increase understanding of those areas to foster more informed decision making”. We request that identification of ERAs be removed from the RPB Plan. The Plan talks of identifying, assessing, and selecting these areas in the future, but does not indicate any purpose for so doing. As such, we cannot offer any informed comments on particular results of ERAs identification, or how that would relate to our fishing activity. However, Appendix 4, page 122, notes that “human uses must be taken into account when ERAs are evaluated and their vulnerability is assessed.” As fishing is a human use, and it is apparent that vulnerability to human use is a key facet of evaluating ERAs, the Plan indicates that future RPB actions regarding ERAs may impact fishing activity.

This is unacceptable for three reasons. The first is that federal fishery management is exclusively delegated to the Regional Fishery Management Councils by the Magnuson Stevens Act. The second is that although the Draft Plan states that the RPB has no regulatory authority, that actions taken by RPB members occur only under existing regulatory and statutory authority, and that the RPB has no authority to direct RPB entities (pages 25 and 15), ERAs are not derived from any federal law or regulation. They are purely a creation of the RPB. Although ERAs incorporate aspects of Essential Fish Habitat per the Magnuson Stevens Act, and National Marine Sanctuary criteria (in addition to other criteria, page 126), it is unclear why the RPB has decided to create an entity that goes beyond what already exists in current law and regulation. Any future initiatives resulting from the identification of ERAs will be essentially a new management regime. This is unnecessary and an overstepping of the RPB’s authority.

The third is the fact that the only conceptual reason for identifying and creating ERAs is ocean “protection” (see footnote 3, page 126, Appendix 4). The Mid Atlantic RPB relied on the Northeast Regional Planning Body framework for developing ERAs. The NE RPB framework incorporates work from Oceana, which also specifically targets restriction of fishing activity. Below is an excerpt from our comments on the Draft Northeast Regional Ocean Plan on the subject, which hold true for the Mid Atlantic Draft Plan as well:

“Additionally, the RPB’s EBM Work Group has utilized work from Oceana in its definition and consideration of EIAs. Oceana’s Discussion Paper “Important Ecological Areas in the Ocean: A Comprehensive Ecosystem Protection Approach to the Spatial Management of Marine Resources” not only defines EIAs almost identically as the RPB, and “requires consideration of data from....fisheries catch, fisheries observers” (page 10), but also seeks official recognition of EIAs by relevant management bodies (such as the RPB agencies/NEFMC) in order to “Secure a Network of Protective Management Measures as Appropriate” (page 9). It explicitly states that the “primary purpose of EIA identification is to guide the development of protective management measures”, in particular, “time/area closures, marine reserves or other forms of marine protected areas (page 11), and singles out “trawling” and “fishing disturbance” as the only defined activity allegedly damaging to the seafloor (page 11). The paper identifies aggregations of “forage species”, “squid” and “herring” and “trawl hangs”, suggesting potential management considerations of “harvest of species” and “bottom contact activities” (i.e., trawling)(page 19). Therefore, an entire set of information that is being utilized by the RPB is directly aimed at fisheries restrictions and closures. This should be the purview of Fisheries Management Councils only, in consultation with fisheries stakeholders, and not the RPB or groups such as Oceana.”

We do not support any RPB product that would result in fishery restrictions or regulations. As the Draft Plan does not specifically state that ERAs will *not* result in such restrictions or regulations, and

it appears that this will indeed be the outcome of ERA identification and definition, we request that this entire section be removed from the Draft Plan.

One area where the Draft Plan is supposed to facilitate greater collaboration is that of offshore wind energy (page 47). It is disappointing that the Plan is silent on the issue of BOEM's unsolicited bid process, which allows offshore wind sites to be identified and the leasing process to begin without involvement of any stakeholders. Action 2 of the Plan's Sand Management objective supports a basis to eliminate improper sites from consideration of sand mining prior to any activity on that site (page 64), and it would have been appropriate to also suggest a similar elimination of sites for offshore wind development based on current uses such as use by a fishery. As BOEM is the lead agency for both the offshore wind and sand mining topics, this would seem to be consistent decision making policy. Additionally, BOEM is mandated by the Outer Continental Shelf Lands Act, as amended by the Energy Policy Act, to protect correlative rights on the outer continental shelf, including use by a fishery, and therefore the legislative basis exists for such consideration.

The quality of data under consideration for decision making by the Plan is also questionable. Page 11 of the Draft Plan highlights the New York Offshore Atlantic Ocean Study as a "strong foundation for regional ocean planning in the Mid Atlantic", yet the study was grossly inaccurate in assessing the very project it was created to address, i.e. the NY wind energy area. The study missed the most important data regarding the primary fishery/species occurring in the area, the squid fishery. Below are our comments to BOEM in their "Offshore Wind Request for Feedback" regarding that very study:

"The ecological information on which BOEM and state agencies are relying to make siting decisions is also inaccurate. For example, for assessing the ecological productivity of the NY Call Area, the NY Department of State completed a study in July 2013 which utilizes squid abundance data from the Northeast Fishery Science Center's trawl survey.¹ This survey cannot accurately sample the area for squid because its cruises are limited to early spring and mid fall,² not when the squid seasonally appear in the area, which is typically in the months of June, July and August.³ Therefore the squid are missed by the survey. Furthermore, due to the random selection of survey stations, samples within the Call Area are either sparse or nonexistent.⁴ The area is not surveyed by the NEAMAP survey, which means that the NEFSC survey is the lone contributor to survey information. Prior to siting of the Call Area, intensive year round sampling for an extended period of time should have been conducted to determine the area's productivity for squid and other species. This should be a mandatory procedure prior to any siting or construction activity of a wind energy area or environmental analysis of that area."

We do not support continuation of the RPB to oversee Plan implementation, involving administration of the Plan, regular convening of the RPB, a process for Plan updates and amendments, interregional coordination, stakeholder engagement, performance monitoring and evaluation (pages 35, 93-97). The Draft Plan itself has created more regulatory uncertainty for our vessels and business to contend with, and future specifics arising from this Plan would be important for us to follow. However, we are already following the actions of the New England Fishery Management Council, Mid Atlantic Fishery Management Council, Atlantic States Marine Fisheries Commission, including Planning and Development Team meetings, Fishery Management Action Team meetings, Advisory Panel meetings, Committee meetings, Council meetings, Board meetings, Commission meetings, Technical Committee

¹ New York Department of State, "Offshore Atlantic Ocean Study", July 2013, p. 78. Funding and technical support provided by BOEM. Available at:

http://docs.dos.ny.gov/communitieswaterfronts/ocean_docs/NYSDOS_Offshore_Atlantic_Ocean_Study.pdf.

² NEFSC Cruise Results. Available at: http://www.nefsc.noaa.gov/femad/ecosurvey/mainpage/fbts_cr.html.

³ DOC/NOAA Fisheries/GARFO Analysis and Program Support, 2000-2014 Longfin (Loligo) Squid Landings Harvested in Statistical Area 612 from Vessel Trip Report Database.

⁴ NEFSC Cruise Results. Available at: http://www.nefsc.noaa.gov/femad/ecosurvey/mainpage/fbts_cr.html.

meetings, and Working Group meetings for each individual species and fishery management plan, State fishery meetings, NOAA actions, BOEM actions, and other actions that affect our business. Adding additional initiatives requiring involvement and input will only serve to spread our resources too thin for effective engagement. As it now stands, we have not been able to attend most RPB meetings due to the fact that they conflicted with other fisheries related meetings. Fishery related issues should continue to be dealt with by the Regional Fishery Management Councils, ASMFC, and federal and state fisheries agencies only, to ensure effective participation of fishery stakeholders in the fishery management process.

Thank you for the opportunity to comment.

Sincerely,
Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:51 PM
Subject: Re: Submission: American Littoral Society Comments on Draft Ocean Action Plan
To: Sarah Winter <Sarah@littoralsociety.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:21 PM, Sarah Winter <Sarah@littoralsociety.org> wrote:
Dear Mr. LaBelle,

On behalf of the American Littoral Society's thousands of members and supporters, we would like to congratulate you on the Mid-Atlantic Regional Planning Body's work to bring the first ever draft *Mid-Atlantic Regional Ocean Action Plan* to life. As stakeholders to the process, we are pleased to provide our comments on the draft Ocean Action Plan.

Best Regards,
Sarah Winter Whelan

Sarah Winter Whelan
Ocean Policy Program Director
American Littoral Society



September 6, 2016

Submitted electronically

Subject: Recommendations for the Mid-Atlantic draft Ocean Action Plan

Dear Mr. LaBelle,

On behalf of the American Littoral Society's thousands of members and supporters, we would like to congratulate you on the Mid-Atlantic Regional Planning Body's work to bring the first ever draft *Mid-Atlantic Regional Ocean Action Plan* (draft OAP or Plan) to life. The Mid-Atlantic Regional Planning Body (RPB) has made great progress since coming together in 2013 and creating a vision for a future Mid-Atlantic ocean that supports "healthy, resilient, and sustainable natural and economic ocean resources that provide for the wellbeing and prosperity of present and future generations."¹ The draft OAP is the RPB's attempt to translate this vision and dual goals to promote a healthy ocean ecosystem and provide for sustainable ocean uses into action.² As stakeholders to the process, we are pleased to provide our comments on the draft Ocean Action Plan.

We are particularly impressed by the RPB's efforts, with support from the Mid-Atlantic Regional Council on the Ocean (MARCO) to develop the collaborative, science-based Mid-Atlantic Ocean Data Portal (Portal) and its marine planner. The Society also applauds the Marine Life Data Analysis Team's (MDAT) impressive work. The combination of the Portal and the MDAT's work serves as the backbone of the region's efforts to develop ocean planning as a successful management tool and the RPB must commit to continue and expand both efforts going forward. In addition, we are pleased with the RPB's clear identification of data development needs and the decision to continue the RPB as an entity moving forward.

While we applaud these aspects of the RPB's work, the RPB *must* push itself further in several respects related to identifying and establishing protective policies for the region's Ecologically Rich Areas (ERAs), creating a robust stakeholder engagement framework for Plan implementation, and ensuring bays and estuaries are considered in the final Plan. Doing so will

¹ Mid-Atlantic Regional Planning Body, *Mid-Atlantic Regional Ocean Action Plan* (Plan) at 21 available at <http://www.boem.gov/Ocean-Action-Plan/>

² *Id.* at 24. The Framework goals in full are: one, a Healthy Ocean Ecosystem to "promote ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration"; and two, Sustainable Ocean Uses to "plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness and regulatory predictability, and supports economic growth."

ensure the outcomes of this regional Ocean Action Plan truly take a bold step toward healthy ocean ecosystems and sustainable ocean uses. To do this, the final Plan must contain stronger, clearly articulated commitments that assure the public and stakeholders that this Plan will modify agency behaviors, and by doing so, lead to more informed decision-making.

To begin with, the RPB has given examples at several meetings of efforts throughout the process that show RPB members are committed to ocean planning for the Mid-Atlantic region now and into the future. That commitment does not translate as clearly into the draft Plan, however. Therefore, the final Plan should contain examples of how this process has already influenced decision-making, how it has increased interagency communication and communication with stakeholders, and examples of how it has added transparency in decision-making. Stakeholders need to see that this effort will actually change the status quo. The RPB must do a better job of providing details beyond vague language to coordinate better to show that commitment. The following are our concerns and suggestions for strengthening several parts of the Draft Plan to correct this deficiency.³

I. The Final Ocean Action Plan must contain firm, time dependent commitments to identify the region’s ecologically rich areas and establish agency commitments to protect these areas.

Nothing is more central to the mission of the Society than the protection of our ocean and coasts. We know that managing the complex interactions between our ocean ecosystems and human uses can be difficult, but if we cannot take a step toward identifying important places, how can we truly know whether certain human uses are a sustainable part of our Mid-Atlantic ocean?

The *Interagency Ocean Policy Task Force’s Final Recommendations* (Final Recommendations), as adopted in Executive Order 13547, includes a Framework for Coastal and Marine Spatial Planning (CMSP), also known as ocean planning, which is meant 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.”⁴

The *Final Recommendations* envision that, by allowing multiple agencies to look comprehensively at demands for ocean space and important ecological areas, ocean planning can lead to the “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.”⁵

³ We incorporate by reference the comments (Joint Letter) submitted to the RPB on Friday, September 2, 2016 by the American Littoral Society, Citizens Campaign for the Environment, Maryland Academy of Sciences at the Maryland Science Center, Moms Clean Air Force Virginia, Natural Resources Defense Council, Surfrider Foundation and Wildlife Conservation Society detailing our asks on several issues in the draft Plan.

⁴ *Interagency Ocean Policy Task Force Final Recommendations* (Final Recommendations) at 44, available at https://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf

⁵ Final Recommendations at 44.

As detailed in the Joint Letter we incorporate here by reference,⁶ the final Plan must strengthen Section 2.3, Healthy Ocean Ecosystem Action 1 to “identify ecologically rich areas of the Mid-Atlantic ocean and increase understanding of those areas to foster more informed decision making.”⁷ The RPB must ensure the Plan will map areas critical to ecological functioning and establish measures to ensure their protection. Further, the RPB should identify and post initial data synthesis layers for each of the *Framework* components on the Portal by the end of 2016. This Action must ensure there are updates of data layers and that the RPB provides a composite map of ecologically rich areas synthesizing all five components as well as post associated maps and other information on the Portal by the end of 2017 and periodically as new information becomes available.

Once the ERAs are mapped and on the Portal, the RPB should develop an RPB policy, as a best practice, that these areas should be protected as areas important for improving ecosystem function and maintaining biodiversity so as to meet the RPB’s Healthy Ocean Ecosystem goal. The RPB can then develop IJC actions that will protect these areas through the agencies’ existing authorities.

In addition, the RPB must also (1) specify an outline of the process going forward, including any new work planned by the Duke and MDAT team that includes developing a timeline within the “short term” 2-year period, and (2) ensure the formal development of a multi-sector science advisory panel to review the ERA process as it moves forward and serve as expert advisors on additional sources of data, analytical tools, etc. relating to the ERA process. Looking outside of the RPB entities to regional academics adds not only additional capacity, but also a localized knowledge of differing disciplines that will add incredible value to the RPB’s work. The addition of a multi-sector advisory panel will also serve the future of ERA planning efforts in relation to climate change.

II. The Regional Planning Body must develop and implement clear, specific, and real opportunities for stakeholder engagement in Plan implementation.

Stakeholder engagement and public participation are crucial to successful ocean planning. The *Final Recommendations of the Interagency Ocean Policy Task Force* emphasizes the “importance of frequent and robust stakeholder, scientific and public engagement throughout the planning process.”⁸ The *Final National Ocean Policy Implementation Plan* notes “[r]obust stakeholder engagement and public participation are essential to ensure that actions are based on a full understanding of the range of interests and interactions that occur in each region.”⁹ The National Ocean Council’s *Marine Planning Handbook* confirms “engagement and substantive participation of stakeholders and the public” is a “cornerstone of marine planning[.]”¹⁰

⁶ See Joint Letter, Section I on ecologically rich areas, Section II on agency commitments to improve ocean health Plan at 38.

⁸ Final Recommendations at 7-8, available at https://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf

⁹ National Ocean Council, *National Ocean Policy Implementation Plan* (April 2013) at 23, available at https://www.whitehouse.gov/sites/default/files/national_ocean_policy_implementation_plan.pdf

¹⁰ National Ocean Council, *Marine Planning Handbook* (July 2013) at 5, available at https://www.whitehouse.gov/sites/default/files/final_marine_planning_handbook.pdf

In addition, the RPB itself has stated that “[s]takeholder and public engagement has been a cornerstone of the regional ocean planning process and will continue to be a critical component of Plan implementation, and future updates and revisions.”¹¹ The draft Plan identifies that a benefit of Mid-Atlantic regional ocean planning is “[s]takeholders proactively engaged earlier in decision making”¹² and helps “enhance Mid-Atlantic stakeholder engagement in ocean management to bolster information sharing, diversify perspectives, and increase buy-in.”¹³

To realize these benefits of stakeholder engagement, the draft Plan must strengthen the role stakeholders will play in Plan implementation by creating a consistent framework for engagement. Current stakeholder engagement as envisioned in the draft Plan is vague and treats stakeholders disparately across IJC actions and the Plan’s ‘best practices’.

As part of this effort to strengthen stakeholder engagement, the final Plan should include examples for any IJC action step implicating stakeholder engagement that is 'short term' and 'ongoing' to show how an action plans to improve engagement opportunities. For example, Sand Management Action 1 is to “[p]romote strategic stakeholder engagement and regional partnering initiatives.”¹⁴ The first step to accomplish this action is to:

“Promote strategic stakeholder engagement with Federal, State, Tribal, and local partners to improve coastal planning and information sharing, implement effective and sustainable resource management strategies for OCS sand, and facilitate efficient processes to best serve the public’s short and long-term coastal resilience needs. (short-term and ongoing)”¹⁵

However, it is unclear, without further text or examples, what the RPB actually means by ‘strategic stakeholder engagement’.

As an example to highlight this issue, sand management for coastal planning and storm mitigation is a contentious issue in New Jersey, raising concerns from many stakeholder and public groups. Over the past few years, unease among citizens and ocean users has risen since the U.S. Army Corps of Engineers (Corps) identified a well-known offshore area, Manasquan Ridge, as a potential (but not immediate) borrow site, with support from the State of New Jersey. The Ridge is home to sand eels that then attract summer flounder that then attract fishermen. Not surprisingly, Manasquan Ridge has been identified as a prime fishing area, as defined by New Jersey’s coastal zone management program and approved by NOAA, thus (theoretically) making the Ridge much harder to become part of a dredging project like this. Yet the Corps was unaware or ignored this designation until it had already undergone an initial environmental analysis.

While this example really highlights the general need for effective ocean planning, it also implicates robust stakeholder engagement. If a consistent and robust engagement framework existed, members of the recreational fishing or conservation communities likely would have brought this conflict to light earlier. All three agencies implicated in this issue are either RPB member entities or committed to implementation of the Plan.

¹¹ Plan at 17.

¹² *Id.* at 8.

¹³ *Id.* at 10.

¹⁴ *Id.* at 62.

¹⁵ *Id.*

Clearly, stakeholders concerned with how federal and state agencies will work together to untangle or prevent conflicts like this, i.e. recreational fishing and conservation communities, might better understand if the final Plan included examples of how the RPB's 'ongoing' efforts are improving engagement on such a contentious issue. Therefore, the final Plan must commit to developing a clear and specific approach to stakeholder engagement, with commitments to adopt by agencies, to properly strengthen stakeholder involvement.

In addition, the RPB should use the Mid-Atlantic Ocean Data Portal as a central hub for public notices on projects and decision-making related to ocean planning. The RPB should work with MARCO to create a new tab on the Portal that pools notices from agencies and Tribes with links to the agency or Federal Register notice pages. This can be done by adding a marine planner that would allow for a place to display spatial data for proposed projects/decisions so that information can be overlaid with other portal layers (like the Human Use Data Synthesis information and Marine Life Data Analysis Team data) for more transparency in the decision-making process.

Finally, it is concerning to read in the Plan that “[o]utreach will be as robust and frequent as is allowed by available resources, and the RPB recognizes that partnerships and leveraging existing communication channels will be important to maximizing opportunities for meaningful engagement.” We recognize resources for RPB entities is tight. The struggle to find continuous funding for engagement efforts is a reality, but so is the need for ensuring robust stakeholder engagement. Without robust engagement the RPB will end up implementing a Plan not worth the paper it is written on. We strongly suggest the RPB rethink its commitment to stakeholder engagement as a vital component to ocean planning as opposed to something that will be as robust as there is money for.

III. The Mid-Atlantic Regional Planning Body must strengthen and clarify the commitments to the Interjurisdictional Coordination Actions.

The final Ocean Action Plan must contain stronger commitments to its IJC actions with clearer indications of how Tribes, federal agencies and states will move beyond the current status quo. Currently, the Plan's 'best practices' do not include specific language on how the Plan will change the status quo of agency decision-making. We note that during the listening sessions in July 2016, RPB members and the public discussed the difference between 'best practices' and 'agency procedures' where RPB members made it clear that the Plan does not identify agency procedures. However, we believe it is entirely possible for the federal agencies to commit to reviewing their agency procedures to determine how they may need revisions to fully implement the final Plan or how they will operationalize the Plan, and urge the final Plan to include such language.

In addition, the RPB has often posited that details of implementation will be worked out in the workplan/workgroup process. This process remains so vague in the Plan so as to make it unclear to stakeholders how the RPB plans to go about implementing Plan actions. Along with the stakeholder engagement framework suggested above, the Final Plan must contain a clear timeline for the development of RPB workgroups and work plans for implementation of the final OAP within the six months of certification to clarify how the RPB will get from the aspirations of the Plan's actions to the reality of change within agency decision-making.

In addition, the draft Plan suffers from a lack of federal agency commitment. First, two out of the five Healthy Ocean Ecosystem actions do not have full support of the RPB's federal entities. It is completely unacceptable that the RPB released a draft Plan that indicates the federal government is not as invested as the states and Tribes. The two actions in question, Action 1 to "[i]dentify ecologically rich areas of the Mid-Atlantic ocean and increase understanding of those areas to foster more informed decision making" and Action 5 to "[d]evelop indicators of the health of the Mid-Atlantic regional ocean ecosystem" fall clearly under the purview of the National Oceanic and Atmospheric Administration (NOAA). As the nation's primary federal natural resource agency for the ocean and coasts, it is embarrassing that NOAA could not step up in the draft Plan and it must take the necessary steps to rectify this deficiency in the final Plan.

Second, there are sections in the Plan that name the entire RPB as the responsible entity. While we understand what the RPB is trying to do here, to lead by all is to not lead at all. If identifying "lead entities" for implementation is a priority for the RPB, then each action must have a set of entities charged with the point position. As the Plan itself details, "Plan implementation means following through on actions and other commitments of the Plan. Doing so effectively requires clear roles and responsibilities...."¹⁶ Without a lead federal entity, these actions do not have the requisite clear role and responsibilities the Plan itself calls for and, in effect, holds no one accountable to make progress and implement the Plan.

Therefore, the final Plan should identify at least one state, federal and/or tribal entity, or some combination of two, for each and every IJC action.

IV. The Regional Planning Body Should Consider Tangible Connections to Bays and Estuaries of the Mid-Atlantic region in its Implementation of the Final Ocean Action Plan

The RPB's Framework states that the RPB will draw connections "particularly in such cases where ocean uses and natural resources have an interrelationship with coastal communities, bays, estuaries, and ports or other shore side infrastructure."¹⁷ Yet the draft Plan is light on references to the region's bays and estuaries, outside of the Data Portal. The Plan mentions estuaries and bays only a handful of times and on a whole fails to describe how the RPB, in either its IJC actions or best practices will connect the management of the region's bays, estuaries, and coastal areas to the actions of the RPB. Some IJC actions implicitly relate to bays and estuaries, but the RPB must be clear and call them out for stakeholders to understand so that stakeholders working in issues surrounding bays and estuaries can see where their engagement is necessary.

It is critical that the final Plan include consideration of bays and estuaries to fully meet the RPB's stated goal of promoting healthy ocean ecosystem. Bays and estuaries are the ocean's 'canary in the coal mines' where climate change is concerned. We suggest that the RPB start by

It is clear that there are actions found within the Plan that implicate the management authorities

¹⁶ Plan at 93.

¹⁷ Mid-Atlantic Regional Planning Body, *Mid-Atlantic Regional Ocean Planning Framework* (May 2014) at 4, available at <http://www.boem.gov/Mid-Atlantic-Regional-Ocean-Planning-Framework/>

of the region's bays and estuaries. One example where the RPB does integrate cross-geographic thinking is in its Healthy Ocean Ecosystem Action 4 to develop a regionally appropriate strategy for marine debris reduction. There, the Plan calls for the RPB's work to "link to efforts underway by estuary programs."¹⁸ However this is the exception and is limiting in the context of estuary programs. Within the Mid-Atlantic region much information could be gained by integrating scientific studies such as the Barnegat Bay Partnership's *State of the Bay Report*.¹⁹ The RPB should also utilize the work of its own member, the U.S. Environmental Protection Agency (EPA). The resources the EPA can bring to bear on its estuary programs alone will help the RPB move its effort to connect the final Plan back to the shoreline.

Therefore, in finalizing the Plan, the RPB must consider where coordination is likely and explicitly integrate it into the applicable best practices and IJC actions. In addition to resources like the *State of the Bay Report* and the numerous EPA resources, we believe Section 2.4.6 detailing the IJC actions relating to sand management in the Mid-Atlantic region is a good place to begin when identifying actual Plan actions with an onshore component that will implicate the region's management of bays and estuaries.

The objective of Section 2.4.6 on sand management is to:

"[f]acilitate enhanced coordination among coastal jurisdictions, Federal and State regulatory agencies, and Tribal entities on the use of sand and gravel resources in the Mid-Atlantic in the context of coastal adaptation and resilience planning and implementation."²⁰

This objective describes how the RPB will work with agencies across the board, including those with jurisdiction over the bays, estuaries and coastal region. Given the use of offshore sand resources for coastal restoration and the expected increase in demand for beach nourishment, the RPB will need to understand how estuarine dependent species utilize offshore habitats. In fact, to fully meet the goal of promoting a healthy ocean ecosystem, the RPB must also recognize and prioritize the protection of ERAs, particularly those related to those estuarine dependent species, which provide critical habitat, so that these areas are not opened to sand mining.

A good starting point for the RPB is to look at Actions 2 and 3, which call on the RPB to:

"Develop a comprehensive inventory of sand resources to support planned and future restoration and resilience projects, provide availability for emergency use, and manage competing use challenges[]"²¹

in Action 2 and in Action 3 "conduct studies to support sustainable management of offshore sand resources."²² Between these two actions, the RPB is already tasked with providing us with:

"(1) a regional baseline for benthic habitat assessment and monitoring; (2) a basis to

¹⁸ Plan at 41.

¹⁹ Barnegat Bay Partnership, *State of the Bay Report* (2016), available at http://bbp.ocean.edu/PDFFiles/SOTB%202016/BBP_State%20of%20the%20Bay%20book%202016_forWeb.pdf

²⁰ *Id.* at 61.

²¹ *Id.* at 62.

²² *Id.* at 63.

eliminate *environmentally sensitive* or resource poor sites from consideration, *including sites where sediment dredging could upset food resources of protected species*; (3) information regarding previously unknown potential cultural resources requiring further study; and (4) regional bathymetry for physical oceanographic modeling and impact assessment.”²³

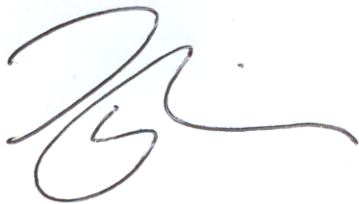
Therefore, the next logical steps are to (1) ensure that the inventory and studies include identification of those areas offshore critical for estuarine dependent species, which must be done by connecting the management of these habitats to the ocean planning process; and then (2) identify those offshore areas from step (1) as ERAs that must be protected from sand mining.

Conclusion

As you are well aware, the Mid-Atlantic region faces a host of pressing issues and demands for the use of ocean resources: large scale alternative energy leasing and development, seismic testing in support of oil and gas development and extensive extraction of sand resources to support hazard mitigation projects in coastal areas. This reality makes a strong, smart final Mid-Atlantic Regional Ocean Action Plan incredibly important. We reiterate again that the information provided by the scientific analysis currently available to the RPB should be made available for current decision-making around these issues.

In sum, the RPB has advanced the way ocean and coastal decision-makers think about collaboration and coordinating their efforts to make smarter decisions for our region’s ecosystems, ocean and coastal economy, and stakeholders. In finalizing the Plan, the RPB and its member entities must back up its promises and ensure this Plan is a strong, forward-thinking effort to ensure healthy ocean ecosystems while providing sustainable ocean uses. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'TD', with a long horizontal flourish extending to the right.

Tim Dillingham
Executive Director

²³ *Id.* at 64 (emphasis added).

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:52 PM
Subject: Re: TNC comments on draft Mid-Atlantic Regional Ocean Action Plan
To: Nikki Rovner <nrovner@tnc.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:32 PM, Nikki Rovner <nrovner@tnc.org> wrote:
Dear Mr. LaBelle,

Please find attached our comments on the draft Mid-Atlantic Regional Ocean Action Plan. Thanks for all your hard work on this; we appreciate the opportunity to provide comments.

Sincerely,
Nikki Rovner

We envision a world where the diversity of life thrives, and people act to conserve nature for its own sake and its ability to fulfill our needs and enrich our lives. (From *Conservation by Design – 20th Anniversary Edition*)

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Submitted via email to MidAtlanticRPB@boem.gov

Dear Mid-Atlantic Regional Planning Body Co-Leads:

Congratulations on completing the draft Mid-Atlantic Regional Ocean Action Plan (Plan). This was an enormous task and your leadership has been essential to guiding the Plan to this critical juncture. The Conservancy appreciates the openness of the RPB's process and the many opportunities provided to the public to work with the RPB in developing the Plan and the accompanying Mid-Atlantic Regional Data Portal (Data Portal). The high level of public participation by diverse ocean stakeholders across the region has resulted in a stronger Plan and bodes well for the continued public involvement that will be needed for effective implementation.

We support the eleven framing principles and, consistent with our mission, we appreciate their references to conservation of the intrinsic value of ocean biodiversity, ecosystem-based approaches that include humans, sustaining ocean based industries, inclusive and transparent processes informed by best available science, improving governance efficiency and adaptive management.

Further, the Conservancy strongly supports the RPB's two ocean planning goals:

Promote ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration.

Plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness, increases regulatory predictability, and supports economic growth.

In order for the RPB to achieve these goals, we encourage the RPB members to begin implementing the commitments and guidance described in the Plan as soon as it is certified by the National Ocean Council (NOC). We are committed to supporting your implementation efforts and look forward to more work together in the coming months and years. Before then, and as the RPB finalizes the Plan for submission to the NOC, the Conservancy offers the following comments and suggestions for refinements to the Plan, organized by section number. We appreciate your consideration of these ideas and are available to talk in greater detail about how they may be incorporated.

Section 2.1 Best Practices for Enhanced Coordination

We support the inclusion of best practices that all agencies are expected to use, ensuring that the Plan is utilized on a continual basis and represents a change to “business as usual”. We offer that many of the agency-specific actions that currently appear in the draft plan could be implemented by all agencies. Therefore, we urge the RPB to review each interjurisdictional coordination action in the draft plan and consider whether that action is more appropriately applied to all agencies as a best practice.

This opportunity to improve Plan consistency and overall effectiveness is particularly evident with respect to how agencies are committing to use the Data Portal. While section 2.1 indicates “All RPB member entities should use the Data Portal as an important, but non-exclusive, source of information to help identify potential conflicts, impacts, and potentially affected stakeholders”, the subsequent nine sections under “Actions to Foster Sustainable Ocean Uses” (Section 2.4) each present diverse good approaches that would more appropriately apply to *all* agencies and sustainable use sections. For example:

- National Security- Use the Plan and Data Portal to guide and inform Department of Defense programs, initiatives, and planning documents. *This overarching statement, including specific reference to development of planning documents, is broadly relevant but is not repeated for the other eight sections, which may unintentionally imply a different approach for National Security.*
- Energy- Develop internal Bureau of Ocean Energy Management guidance on integrating the Plan-developed best practices for using the Data Portal in management, environmental, and regulatory reviews. *We recommend that this be revised and added to Section 2.1.1. The plan already calls on agencies to use the Data Portal in their decision-making processes and we suggest that internal agency guidance is the best way to ensure that all agency personnel are aware of the need to incorporate this into their work flows.*
- Aquaculture: Refer potential applicants for aquaculture permits to the Data Portal as a source of information about factors affecting siting decisions. *This is a key concept that could be highlighted more broadly—ensuring that all permit applicants know that the Data Portal is a resource that is available to them, and that agencies will also be using it to inform review of their applications.*
- Maritime Commerce and Navigation: Develop a data management process that provides timely, useful, and relevant vessel traffic data products for the Mid-Atlantic. *It is critical for all federal agencies to detail how they will ensure that the Portal data layers for which they are responsible will be updated on a regular basis.*

Section 2.2 Continuation of RPB

We agree that continuation of the RPB, with regular meetings each year, is essential to sustain the momentum built by the planning process and to ensure a return on the investment that has been made in agency collaboration. The collaborative process of Plan development has already in itself yielded significant benefits in terms of increased coordination, increased agency and public ocean literacy, and a rapid leap forward in developing the data and information needed for plan implementation. The RPB has moved the region onto a path towards increased efficiency, transparency, public engagement and coordinated decision-making with better outcomes for people and nature. This work must continue into 2017 and beyond to take advantage of the substantial investments in Plan development.

Section 2.3 Actions to Promote a Healthy Ocean Ecosystem

Promoting a healthy ocean ecosystem is central to the mission of The Nature Conservancy, and we support all of the Actions proposed in this section, including identification of Ecologically Rich Areas (ERAs). We note with concern that no federal lead for Healthy Ocean Ecosystem Action 1 has been identified and suggest that this gap would best be filled by NOAA's National Ocean Service (NOS). The NOS mission includes "science-based solutions through collaborative partnerships," and its staff includes many talented scientists with relevant experience, and place-based conservation is one of its three priorities.

We recommend that the Northeast and Mid-Atlantic regions use consistent terminology for ERAs. It is confusing to stakeholders and awkward for agency staff to have two different names for the same set of areas being identified in the Northeast and Mid-Atlantic regions. The "Important Ecological Areas" are being developed for the Northeast Region using the same framework, almost entirely the same data, for potential utility and future use by the same federal agencies as for the ERAs in the Mid-Atlantic.

We see substantial value in development of ERAs and we believe the draft ERA framework is well designed, reflecting the common sense of decades of marine conservation and science around the world. If some areas of the ocean are unambiguously "rich", with much higher than average productivity, abundance and diversity, or they are particularly sensitive or contain rare species, then ocean managers and stakeholders need to know where these places are and manage them appropriately.

The RPB's new wealth of detailed data products for many ecosystem features will support myriad decision-making processes, but can also be overwhelming and difficult to navigate. ERAs will help flag some of the areas that may deserve extra attention and guide decision makers in exploration of the detailed data needed to effectively support decision-making processes.

We encourage the RPB to support completion of draft ERA data products illustrating each of the framework's five components in 2016, with final products to be completed in 2017 via transparent RPB-led processes that continue to engage the region's scientists and stakeholders. It will be important to communicate to all stakeholders that "final" data products will need to be

regularly updated given ocean dynamics and the availability of new survey information and spatial data.

The Conservancy also appreciates the proposed commitment to identify regional indicators of ocean health. We have substantial experience with indicator development and will continue to support this task. We have learned that identifying indicators is relatively easy in comparison to actually implementing a robust and ongoing monitoring program. While the steps for this Action do include this ongoing work, we caution the RPB that it is also necessary to identify sufficient capacity to ensure follow-through.

Section 2.4 Actions to Foster Sustainable Ocean Uses

Throughout this section, it is important to clarify which actions have already begun, which are new and which represent continuation of the status quo. That is not to say that work which has already begun as a result of an agency engaging in the Regional Ocean Action Planning process should not be acknowledged in the plan. Rather, it is important for the public to know how the plan will result in agencies conducting business in a way that is different than it would have been in the absence of the plan. We offer the following comments regarding three of the nine topics with Actions detailed in Section 2.4.

Ocean Energy

As indicated above, we appreciate the commitment to develop internal agency guidance regarding use of the Data Portal and we suggest that similar guidance be developed by all RPB entities as appropriate. We believe that this section in particular could be strengthened by additional detail with regard to how identification and development of ocean energy areas will change as a result of this Plan. For example, historically wind energy areas have been identified and evaluated by BOEM primarily on a state-by-state basis via the state Intergovernmental Renewable Energy Task Forces. This Plan and its supporting data now enhance BOEM's ability to conduct strategic planning to consider wind energy development impacts (economic and ecological) and benefits from a regional ecosystem-level perspective, and this opportunity should be highlighted in the Actions and accompanying agency guidance.

Commercial and Recreational Fishing

The three Actions proposed in this section are good first steps but seem overly tentative in using language such as "explore the possibility of" and "work toward creation of" to describe various steps. We suggest Action 1 be revised and expanded to describe more tangible actions and outcomes as opposed to simply improving information sharing and exchanging ideas. For example, the Mid-Atlantic Fisheries Management Council (MAFMC) has recently developed very specific policies regarding non-fishing impacts to important fish producing habitats and the RPB could be working closely with MAMFC staff and Council members to elevate and address Council concerns regarding these impacts.

Similarly, the MAFMC recently initiated a process to identify and map Essential Fish Habitat (EFH) for all of the species it manages. Some of the data developed to support this Plan will be relevant and useful for EFH identification and some of the new products being developed by MAFMC will address Plan data gaps. Accordingly, opportunities for data development

collaboration and efficiency should be specifically highlighted in Action 3. Finally, the Data Portal could be a very useful resource for informing fishery management plan development and potentially for enhancing public review of proposed actions for all of the region's fisheries management entities, including the Atlantic States Marine Fisheries Commission and state fish and wildlife agencies. Additional steps under Action 3 could include Data Portal training opportunities for fisheries management staff and opportunities to use their feedback to improve the Data Portal's utility for supporting their day to day work and advancing their initiatives.

Sand Management

The comments above regarding Ocean Energy also apply here—we would like to see more emphasis on strategic planning for identification and potential use of offshore sand resources from an ecosystem based, regional perspective. However, the Actions listed here do point in that direction, and we appreciate and will continue to support BOEM's commitment to significantly improving the information base for sand management through Action 2. This set of actions may comprise the greatest near term opportunity to “walk the talk” and demonstrate success in application of the regional ocean planning principles contained in the Plan and the use of the Data Portal.

Section 3.1 Mid-Atlantic Ocean Data Portal

Many of this Plan's most tangible actions and potential benefits involve decision-making informed and improved through the use of the Data Portal; it is therefore essential that the Portal continue to be regularly updated, refreshed and expanded as new data are available. We assert that it is critical that public funding be identified and secured for the Portal to continue beyond 2017.

It is also very important that the Mid-Atlantic Data Portal continue to build on coordination efforts with the Northeast Ocean Data Portal. This is important for several reasons including proper attention to living marine resources that migrate through both regions, substantial data development efficiencies, and the need for coherence and consistency for agencies and entities whose missions and responsibilities span both regions.

Finally, we recommend that the final version of the Plan include a list of data deemed essential for Plan implementation, including any data that has not yet been obtained or created. This list should be accompanied by and linked to specific and detailed agency commitments to supply or help create those data as needed to ensure the Data Portal stays current and useful in future years.

Section 4.1 Administration

We support the RPB's ongoing roles and responsibilities for plan implementation as laid out in the plan. We also suggest that the RPB should establish a mechanism for stakeholders to provide input and submit requests for consideration of specific issues that the RPB is uniquely positioned to address. These may be issues relating to particularly complex permitting issues, or new issues that the RPB may not have considered in the original Plan. A simple mechanism for stakeholders to submit questions and comments to the RPB and a commitment on the part of the RPB to

respond in a timely way will help establish the RPB as a go-to source for information and problem solving relating to ocean resources.

Section 4.2 Performance Monitoring and Evaluation

We support the inclusion of this section because despite best intentions, implementing all of the Plan's actions to change the course of status quo ocean management will not be easy and performance indicators can help to focus attention on the places where change is happening most slowly. While it may not be realistic or logical to causally link performance indicators to the ocean health indicators, it should be noted that there is a conceptual connection, ultimately Plan implementation is in service of improving ocean health and sustaining ocean dependent human uses. Over time, if specific ocean health indicators are clearly trending up or down, review of the relevant performance monitoring indicators should be triggered.

Conclusion

The Nature Conservancy recognizes and applauds the RPB for taking a major step forward in the development of this Plan. We are deeply invested in the success of the Regional Ocean Action Planning effort and are looking forward to participating in implementation activities that will benefit people and nature.

We recognize that it is no small thing to bring together all of the relevant ocean management agencies and begin to manage the ocean as one dynamic place as opposed to a bundle of separate human uses. This transformative shift is exciting and we believe that, if the plan is effectively implemented and funded, it will chart a new course towards 21st century ocean management.

We offer thanks to all the RPB members and their staff for many hours of hard work, please do not hesitate to call on us for support as you complete and implement the Plan.

Sincerely,



Lise Hanners
Acting Director, Mid-Atlantic Division
The Nature Conservancy

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 6:04 PM
Subject: Re: Comment Letter Attached...
To: "Capt. John McMurray" <john@onemorecastcharters.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:58 PM, Capt. John McMurray <john@onemorecastcharters.net> wrote:



"One More Cast" Charters

2887 Alfred Ct.
Oceanside, NY

September 6, 2016

Mr. Robert P. LaBelle
Federal Co-Lead
Mid-Atlantic Regional Planning Body
Bureau of Ocean Energy Management
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, Virginia 20166

Dear Mr. LaBelle,

As a charter boat captain and a small business owner dependent on healthy and abundant marine resources, I'd like to extend my thanks to you and the entire Mid-Atlantic Regional Planning Body for bringing to bear the first ever Mid Atlantic regional plan, which will to inform and guide the region's ocean use and sustainable development.

The draft Mid-Atlantic plan outlines a series of actions on how federal and state agencies, tribes, and the Mid-Atlantic Fishery Management Council can better collaborate to "ensure healthy, productive, and resilient marine ecosystems and sustainable ocean uses in the Mid-Atlantic, including state and federal waters off Virginia, Maryland, Delaware, Pennsylvania, New Jersey and New York."

The two goals of this plan are: "Healthy Ocean Ecosystems: Promote ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration." and "Sustainable Ocean Uses: Plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness, increases regulatory predictability, and supports economic growth." The plan also seeks to strengthen public participation in offshore decisions.

As fishermen, particularly those of us who spend a good amount of the season offshore, we are acutely aware that things are likely going to change, and why this plan is so important. Rarely does a week or two go by where I don't get some sort of notice about seismic testing, natural gas islands, wind power, sand mining, dredging, beach replenishment, etc. Managers and stakeholders need to have a good understanding of where it's appropriate to allow such development and where it isn't.

Thus, there are a few things that we feel really need to be included/specified in the plan.

For one, we'd like to see Ecologically Rich Areas (ERAs) clearly identified and protected. Such biodiverse areas are critical to long-term health of marine ecosystems, and the businesses like mine that depend on



"One More Cast" Charters

2887 Alfred Ct.
Oceanside, NY

them. Knowing where these areas are will allow managers to make more informed decisions about how to use and conserve certain areas.

ERAs (for all five components of ecological importance) should be identified, mapped and included in the Mid-Atlantic Ocean Data Portal (Portal) in 2016. This data should be updated as needed and used to generate a composite map of ERAs (synthesizing all five components) and posted on the Portal with any associated information in 2017.

The plan should also be clear about agency commitments to ensure that management decisions conserve the ecosystem values and functions that ERAs contain.

The final plan and its accompanying Federal Register Notice should commit agencies to implement the plan's provisions to the fullest extent consistent with applicable law. The Plan should detail how agencies will improve ocean health as a best management practice.

The regional plan should further identify "Ocean Health Indicators" and Objectives, committing agencies to track and regularly report on indicators of the Mid-Atlantic's ocean condition in a central location on the Portal. It should also set specific, measurable objectives based on these indicators so that they can monitor the ocean and use such information to advise future actions.

Lastly, the plan should provide for meaningful, transparent, public engagement in Plan Implementation. Public participation is critical to the long-term success of the plan. A performance monitoring and evaluation plan with explicit actions and deadlines, including opportunities for public engagement should be completed as a component of the plan.

Thank you for the opportunity to comment.

Sincerely,

John McMurray

Capt. John McMurray
President, One More Cast Charters

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 7:39 PM
Subject: Re: AWO Mid-Atlantic Ocean Plan Comment Letter
To: Brian Vahey <BVahey@americanwaterways.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 6:41 PM, Brian Vahey <BVahey@americanwaterways.com> wrote:
To Whom it May Concern:

Attached please find AWO's comment letter on the Mid-Atlantic Ocean Plan, also submitted online at [regulations.gov](http://www.regulations.gov).

Brian

Brian Vahey
Senior Manager – Atlantic Region
The American Waterways Operators
801 North Quincy Street, Suite 200
Arlington, VA 22203
www.americanwaterways.com
(703) 841-9300, Extension 251 (Office)
(703) 581-3119 (Cell)



801 North Quincy Street
Suite 200
Arlington, VA 22203

PHONE: 703.841.9300, ext. 251
EMAIL: bvahey@americanwaterways.com

Brian Vahey
Senior Manager – Atlantic Region

September 6, 2016

Mr. Robert P. LaBelle
MidA RPB Federal Co-Lead
U.S. Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, VA 20166

Re: Request for Comment on the
Draft Mid-Atlantic Ocean
Plan (BOEM_FRDOC_0001)

Dear Mr. LaBelle:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat and barge industry. Our industry is the largest segment of the nation's 40,000-vessel Jones Act fleet and moves more than 800 million tons of cargo each year safely and efficiently. This includes more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant bulk commodities transported along the Atlantic Coast. On behalf of AWO's 350 member companies, we appreciate the opportunity to comment on the Mid-Atlantic Regional Planning Body's (MidA RPB) Draft Mid-Atlantic Ocean Plan.

AWO members lead the maritime industry in safety, security, and environmental stewardship. We are committed to working with government partners to advance these shared objectives. AWO's Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership, highlights AWO member commitment to safety and environmental protection. AWO is committed to the goal of zero harm from our industry's operations – to human life, to the environment, and to property.

The oceans are an invaluable source of food and livelihood for many Americans, and how the water is managed impacts human health, the environment, and homeland security. An endeavor that seeks to manage the world's largest resource, therefore, must be undertaken carefully and with significant stakeholder input. Through the MidA RPB's outreach to the maritime community, AWO has become involved with numerous stakeholders invested in America's waterways, including the Mid-Atlantic Regional Council on the Ocean (MARCO), in order to advance MidA RPB's and MARCO's understanding of the tug and barge industry,

to advance the industry's understanding of regional ocean planning, and to obtain an understanding of future trends that will impact shipping along the Atlantic Coast.

AWO urges the MidA RPB to include the 9-mile safe navigation corridor recommended in the Atlantic Coast Port Access Route Study (ACPARS) in MARCO's Mid-Atlantic Ocean Data Portal to ensure vessels can safely navigate along the Atlantic Coast. The ACPARS final report was published in March, and its goal is to ensure safety, environmental protection, and economic viability for the Atlantic Ocean and for maritime stakeholders.

The corridor will help the Administration make sound decisions that impact coastal navigation. AWO has repeatedly urged the Bureau of Ocean Energy Management (BOEM) to wait for the final ACPARS recommendations before siting potential Wind Energy Areas (WEAs). Despite the need to make informed and long-term decisions, the agency has continued to publish leasing opportunities without proper consideration for the Coast Guard- and industry-recommended safe navigation corridor, marine planning guidelines, and other important safety recommendations included in ACPARS. By incorporating the safe navigation corridor into the Mid-Atlantic Ocean Data Portal, the MidA RPB and MARCO will encourage BOEM to use this crucial information.

Although the MidA RPB's draft ocean plan does not appear to reference ACPARS, AWO was encouraged to see the study recognized in the Northeast Regional Planning Body's Draft Ocean Plan published earlier this year. In that plan, the NE RPB noted that the ACPARS final report offers additional safety guidance that can be used to help the government and other stakeholders make decisions impacting waterways navigation, including the placement of offshore structures. AWO firmly believes that inclusion of the safe navigation corridor into the data portal will facilitate this vision. The safe navigation corridor and marine planning guidelines are the result of hundreds of hours of consultation with seasoned captains and state-of-the-art quantitative analysis by Coast Guard and industry experts. Data can only effectively drive policy decisions when it is accurate and comprehensive, and the corridor was developed with the best data available on towing vessel navigation along the Atlantic Coast.

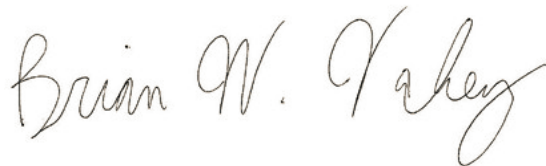
AWO members will be greatly impacted by the National Ocean Plan and it is imperative that AWO and the maritime industry writ-large continue to be involved in the development of the plan. In addition to ACPARS, AWO has also been working closely with the Coast Guard on its Seacoast Waterway Analysis Management System (WAMS) initiative. Seacoast WAMS will have a direct impact on the maintenance and availability of physical aids to navigation, a very important feature of navigation along the Atlantic Coast. Any policies stemming from the National Ocean Plan that would propose to eliminate important physical aids to navigation would be of serious concern to AWO members, and we would urge the MidA RPB to work in close consultation with the Coast Guard's WAMS initiative and with industry stakeholders to avoid that problem.

We additionally urge all of the Regional Planning Bodies to continue to coordinate their work closely to ensure the policies they create are clear and consistent with other regions. Both ACPARS and Seacoast WAMS have been developed with this central goal in mind. The

smooth and safe movement of interstate commerce relies on the ability of vessels to transit easily from state-to-state. A lack of uniform laws and policies creates ambiguity and uncertainty, and puts mariners in the difficult or impossible situation of trying to comply with a patchwork of state or local laws and regulations as they transit from one state to another.

AWO strongly recommends the inclusion of the safe navigation corridor and the Seacoast WAMS into MARCO's data portal in order to further enhance navigational safety on the Atlantic Coast. Thank you for the opportunity to comment. AWO would be pleased to answer any questions or provide further information as the agency sees fit.

Sincerely,

A handwritten signature in cursive script that reads "Brian W. Vahey". The signature is written in black ink and is positioned below the "Sincerely," text.

Brian W. Vahey

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>

Date: Tue, Sep 6, 2016 at 7:40 PM

Subject: Re: Mid Atlantic Sea Grant Programs public comment response to Mid Atlantic RPB Ocean Action Plan

To: Peter Rowe <prowe@njseagrant.org>

Cc: BOEM MidAtlanticRPB <MidAtlanticRPB@boem.gov>, "Falk, James M." <jfalk@udel.edu>, Fredrika Moser <moser@mdsg.umd.edu>, Troy Hartley <thartley@vims.edu>, Thomas Murray <tjm@vims.edu>, "Andy M. Lazur" <lazur@umd.edu>, Ann Faulds <amf12@psu.edu>, Claire Antonucci <cantonucci@njseagrant.org>, Robert Light <rw12@psu.edu>, Susan White <snwhite3@ncsu.edu>, "Katherine E. Bunting-Howarth" <keb264@cornell.edu>, Samuel J Lake <sjlake@vims.edu>, Jack Thigpen <jack_thigpen@ncsu.edu>, "Merrill, Jennifer Zelenke" <merrillj@udel.edu>, "William.Wise@stonybrook.edu" <william.wise@stonybrook.edu>, Sarah Whitney <swhitney@psu.edu>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan> for additional information.

On Tue, Sep 6, 2016 at 7:25 PM, Peter Rowe <prowe@njseagrant.org> wrote:

Dear Mid-Atlantic Regional Planning Body,

Please see attached a joint public comment letter from the Mid-Atlantic Sea Grant Programs regarding the Draft Mid-Atlantic Regional Ocean Action Plan.

Best regards,

Peter M Rowe, PhD
Associate Director for Sea Grant Administration
Director of Research and Extension
New Jersey Sea Grant Consortium
22 Magruder Road
Fort Hancock, NJ 07732

732-872-1300 x 31

www.njseagrant.org

6 September, 2016

Dear Mid-Atlantic Regional Planning Body,

The Mid-Atlantic Sea Grant Programs (NY, PA, NJ, MD, DE, VA, and NC) (MASGP) are responding jointly to the DOI BOEM request, on behalf of the Mid-Atlantic Regional Planning Body (MARPB), for public comments to the Mid-Atlantic Regional Planning Body's Draft Mid-Atlantic Regional Ocean Action Plan (OAP). MASGP appreciate the extensive effort the MARPB has put forward in producing this document and we are pleased to be able to contribute comments to the draft document. MASGP has contributed to the formation of MARPB at initial meetings and has contributed individually at various stages of formation, including participation at meetings for input into the OAP.

Improve Depth in Plan's Themes

The MASGP would like to acknowledge the potential importance of the plan and that we support the effort made to develop it. However the plan's ocean use assessments do not describe the full set of activities/programs that are underway in the region. We thought that the topical areas covered in the draft plan were important, but found that although the OAP is a process-focused document, the lack of specificity in the topical areas made it unclear what would be addressed under the different areas. We suggest the report be strengthened by categorizing issues of concern under specific topical areas (i.e. a table listing topical areas and potential issues of concern). In addition, it is unclear how MARPB will achieve recommended actions without far more extensive partnerships with existing authorities, programs and capacity. MASGP realizes that the MARPB had to make hard choices in defining the geographical region for the plan (ocean waters to coast, largely ignoring estuaries) but lack of specifics on how the connection to inshore and estuarine planning efforts (e.g., EPA NEP or NOAA NERR) or other adjacent ocean regions (Northeast or Southeast RBPs) will occur undermines the likelihood of a highly connected ocean system.

Data Portal

MASGP notes the strong emphasis on the MARCO data portal and its asserted importance in furthering the purposes of the plan; but, this raises the issue of why this portal over many existing data sources, such as the MARACOOS portal, or NOAA COOPs, or others? Further, it is unclear the extent to which data layers of the MARCO portal have been sufficiently QA/QC'ed to make the portal useful to multiple audiences. The report would be strengthened by more clarity on the intended users for the portal.

Existing Regional Research Prioritization Efforts

The OAP text often does not reflect the considerable work that has already been done by others, whether on planning, management issues, or research needs in the mid-Atlantic area, including that accomplished by Sea Grant. As noted earlier, the MASGP had participated in formational MARPB meetings and made available documents for the MARBP to consider. This includes the Mid-Atlantic Sea Grant Mid-Atlantic Ocean Research

Plan (www.midatlanticoceanresearchplan.org) that MASGP shared with you. Further, the National Sea Grant College Program foundation legislation should be included in the table listing important pieces of legislation affecting the mid-Atlantic region.

Moving Forward: Sea Grant Continues to Offer Assistance

Sea Grant is not mentioned in the present draft OAP despite the fact that the National Sea Grant Program is an important contributor to our nation's healthy, sustainable, and resilient coasts and oceans. The Sea Grant program is celebrating its 50th year in 2016 (www.seagrants.noaa.gov/50thAnniversary.aspx) and estimates its economic impact at 475% of the most recent federal investment of \$62.7M. This national network includes more than 3,000 scientists, engineers, educators, students and outreach experts. In addition, 350 Sea Grant extension agents live and work in coastal communities to provide local and subject matter expertise.

As an important regional player, the MASGP contribute over \$10M of NOAA investments annually to the region, matched and leveraged with state and university resources for program impacts over \$15M. We fund a biennial regional research project. Our outreach programs collaborate regularly on literacy, fisheries and aquaculture, coastal community development, coastal resilience and climate adaptation, ecosystem restoration, and legal and policy analysis. It is in this capacity and these focal areas that MASGP feel they can contribute to the OAP beyond the commitments already made by NOAA.

As per our 1 July 2013 letter (attached) to the MARPB, we remain interested in working with the MARPB and would welcome an opportunity to have a meaningful discussion on how this might be accomplished. The MASGP reiterate our continued commitment to working with the MARPB and other partners to move the purposes of the OAP forward, building on our respective strengths, experience and capabilities. Thank you for your attention to our comments and do not hesitate to contact us if you have any questions. Our programs wish you much success in finalizing the Ocean Action Plan.

On behalf of the Mid-Atlantic Sea Grant Programs,

Sincerely,



Peter M. Rowe, Ph.D.
Associate Director
New Jersey Sea Grant Consortium

William Wise
Director
New York Sea Grant

Ann Faulds
Associate Director
Pennsylvania Sea Grant

James Falk
Acting Director
Delaware Sea Grant

Fredrika Moser
Director
Maryland Sea Grant

Troy Hartley
Director
Virginia Sea Grant

Susan White
Director
North Carolina Sea Grant



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. Biliانا 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
Gerrod Smith
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July 1, 2013

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

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 7:41 PM
Subject: Re: Mid Atlantic OAP comments
To: "Zachary Lees (Clean Ocean Action)" <ZLees@cleanoceanaction.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 7:28 PM, Zachary Lees (Clean Ocean Action) <ZLees@cleanoceanaction.org> wrote:
To Whom it May Concern:

please accept the attached document as Clean Ocean Action's comments on the Mid-Atlantic Ocean Action Plan.

Please provide acknowledgment of receipt and acceptance.
Thank you for your time,

Zach Lees
Clean Ocean Action

Participating Organizations

Alliance for a Living Ocean
American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Atlantic Highlands Arts Council
Bayshore Regional Watershed Council
Bayshore Saltwater Flyrodders
Belford Seafood Co-op
Belmar Fishing Club
Beneath The Sea
Bergen Save the Watershed Action Network
Berkeley Shores Homeowners Civic Association
Cape May Environmental Commission
Central Jersey Anglers
Citizens Conservation Council of Ocean County
Clean Air Campaign, NY
Clean Water Action
Coalition Against Toxics
Coalition for Peace & Justice/Unplug Salem
Coastal Jersey Parrot Head Club
Communication Workers of America, Local 1075
Concerned Businesses of COA
Concerned Citizens of Bensonhurst
Concerned Citizens of COA
Concerned Citizens of Montauk
Eastern Monmouth Chamber of Commerce
Environment NJ
Fishermen's Conservation Association, NJ Chapter
Fishermen's Conservation Association, NY Chapter
Fishermen's Dock Cooperative, Pt. Pleasant
Food and Water Watch, NJ
Friends of Island Beach State Park
Friends of Liberty State Park, NJ
Friends of the Boardwalk, NY
Garden Club of Allenhurst
Garden Club of Bay Head and Mantoloking/Seaweeders
Garden Club of Brielle/Bayberry
Garden Club of Englewood
Garden Club of Fair Haven
Garden Club of Long Beach Island
Garden Club of RFD Middletown
Garden Club of Morristown
Garden Club of Navesink
Garden Club of New Jersey
Garden Club of New Vernon
Garden Club of Oceanport
Garden Club of Princeton
Garden Club of Ridgewood
Garden Club of Rumson
Garden Club of Sea Girt/Holly
Garden Club of Short Hills
Garden Club of Shrewsbury
Garden Club of Spring Lake
Garden Club of Terra Nova
Garden Club of Washington Valley
Great Egg Harbor Watershed Association
Green Party of Monmouth County
Green Party of New Jersey
Highlands Business Partnership
Hudson River Fishermen's Association
Jersey Shore Captains Association
Jersey Shore Parrot Head Club
Jersey Shore Partnership
Junior League of Monmouth County
Keyport Environmental Commission
Kiwanis Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Mantoloking Environmental Commission
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
National Coalition for Marine Conservation
Natural Resources Protective Association, NY
NJ Beach Buggy Association
NJ Environmental Lobby
NJ Friends of Clearwater
NJ Marine Education Association
Nottingham Hunting & Fishing Club, NJ
NYC Sea Gypsies
NY Marine Education Association
NY/NJ Baykeeper
Ocean Wreck Divers, NJ
PaddleOut.org
Picatinny Saltwater Sportsmen Club
Raritan Riverkeeper
Religious on Water
Rotary Club of Point Pleasant
Rotary District #7540—Interact
Saltwater Anglers of Bergen County
Sandy Hook Bay Anglers
Save Barnegat Bay
Save the Bay, NJ
SEAS Monmouth
Shark Research Institute
Shark River Cleanup Coalition
Shark River Surf Anglers
Sierra Club, NJ Shore Chapter
Sisters of Charity, Maris Stella
South Monmouth Board of Realtors
Staten Island Tuna Club
Strathmere Fishing & Environmental Club
Sunrise Rod & Gun Club
Surfers' Environmental Alliance
Surfrider Foundation, Jersey Shore Chapter
Surfrider Foundation, South Jersey Chapter
TACK I, MA
Unitarian Universalist Congregation/Monm. Cnty.
United Boatmen of NY/NJ
Viking Village
WATERSPIRIT
Women's Club of Brick Township
Women's Club of Keyport



Ocean
Advocacy

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RE: Draft Mid-Atlantic Ocean Action Plan Comments

Clean Ocean Action (COA) is a broad-based coalition of 117 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups, and also represents concerned citizens and businesses. Our goal is to improve the degraded water quality of the marine waters off the New Jersey/New York coast.

For over 33 years, COA has actively engaged in ocean management to ensure a vibrant, biologically diverse, healthy and robust ecosystem. From successfully closing eight ocean dumpsites, to forestalling offshore drilling and LNG terminals, our coalition and the citizens we represent and mobilize have worked hard to ensure a thriving, clean ocean economy.

COA has participated in the regional planning process for the Mid-Atlantic since its inception, and as an organization built on a coalition model representing the diverse interests of ocean users from Cape May to Montauk, is well positioned to review the draft Mid Atlantic Ocean Action Plan, and offer comments on the first ever draft Ocean Action Plan (OAP) for the Mid-Atlantic Region.

I. Summary of COA recommendations

The Mid-Atlantic OAP and regional planning process contains many positive steps which should be lauded, including commitments to research, data gathering and synthesis, and better coordination and cooperation between agencies. However, COA has identified many areas where the OAP can be improved upon including:

- The public must be explicitly included in any OAP facilitated pre-permitting meetings or information sharing sessions between agencies and project proponents. These additions would be incorporated in the Interjurisdictional Coordination (IJC) actions section of Chapter 2.
- A renewed emphasis and commitment to public involvement and input is necessary for implementation, development, and review of IJC actions and data products. The OAP must include specific outreach efforts and time schedules related to stakeholder and public involvement in the development, implementation, and review of the OAP.
- Specific implementation actions must be identified and incorporated into the OAP. These implementation details are critical in understanding how and when IJC and coordination actions, data products and portal usage, and ERA identification and reporting will be used moving forward. Implementation details would include specific regulations, guidance, and decision making framework areas that will be amended, enhanced, or edited to incorporate OAP actions or tools.
- Concrete timeframes for development of many actions and data products must be identified in the OAP. These include much needed timeframes for Marine Debris Reduction, Ocean Acidification Monitoring, Ocean Indicator development, development of agency guidance incorporating data portal and products usage, numerous research goals, Industry, Stakeholder, Public, and tribal engagement actions and milestones, and short and long-term monitoring actions
- OAP actions and data products must be specifically utilized in review and improvement of both already leased and future leasing of wind energy areas and other project permitting decisions.
- The OAP must rename the “ocean energy” section to “renewable energy”, to reflect that it exclusively focuses on renewable energy sources and disappointingly does not prohibit oil and gas, and other fossil fuel exploration and development in the Mid-Atlantic Region.
- The designation of Ecologically Rich areas (ERAs) sets forth the possibility of creating “winners and losers” in the ocean, which has negative implications for the ecosystem, especially in light of the significant data gaps and lack of true baseline data. The OAP must focus on a holistic and region wide approach to conservation and ocean health rather than the identification and conservation of small areas. Furthermore, critical details must be provided for this action so that the public can properly review these concepts. Details absent from the OAP include the legal mechanisms underlying ERA

identification and conservation, public input models for incorporating stakeholder knowledge and criticisms, and a schedule for identification and review of ERAs.

- Land based, near shore, and estuarine activities, ecosystem services, and regulatory frameworks must be incorporated into mapping and data products, and coordination actions.
- Climate change mitigation and adaptation actions must be more explicitly emphasized in the OAP. This would include the consolidation of a standalone “climate change section” of the OAP, as well as the incorporation of the Council on Environmental Quality’s recently finalized guidance for federal agencies Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in project permitting.

Furthermore, the OAP must be edited to reflect what types of activities, industries, and projects are considered “sustainable” and “compatible” with the current ocean uses in the Mid-Atlantic, and the multibillion dollar clean ocean economy supporting this region:

- The Aquaculture actions must be clarified to state that open water finfish aquaculture is not “sustainable” and inconsistent with the uses of this region.
- Oil and gas exploration and development is not sustainable or compatible with current ocean uses in the region.
- Strip mining of sand and mineral resources is incompatible with this region’s ocean uses as it is not sustainable.
- Permitting decisions made during OAP development have moved forward largescale projects in our region. The RPB must commit to halting new permitting decisions before plan finalization and the completion of critical research, data gathering and synthesis. Furthermore, the OAP must specifically identify how agencies can review prior decisions and implement data products and IJC coordination moving forward for these projects.

II. The Need for Effective Marine Spatial Planning and Ecosystem Based Management

The ocean is one large fluid, interconnected system, and this unique condition makes it a much more challenging ecosystem to manage than land. For example, a spill, dead-zone, or physical constraint can have ecosystem wide effects and spread from one planning area to another. Although most scientists and managers agree that an ecosystem-based strategy is a more appropriate and sustainable approach to ocean and coastal management, putting Ecosystem Based Management (EBM) concepts into practice has proven much more difficult, in part because definitions and goals vary.

Marine Spatial Planning (MSP) has emerged as an important tool for implementing an EBM approach, as it provides “*a mechanism for a strategic and integrated plan-based approach for marine management that makes it possible to look at the ‘bigger picture’ and to manage current and potential conflicting uses, the cumulative effects of human activities, and marine*

*protection.*¹” Comprehensive spatial planning of our oceans and coasts presents a potential method to restore and maintain marine and coastal ecosystems in a healthy, productive and resilient condition. EBM and MSP concepts have the potential to ensure proper siting of appropriate clean ocean-dependent uses in a way that reduces or eliminates user conflicts and accounts for protection of vital aquatic resources.

COA’s 30 years of coalition building and success in fighting the harmful industrialization of the New York Bight has clearly illustrated both the commitment of this region to supporting and protecting a sustainable clean ocean economy, as well as the constant threat of incompatible uses in our region. The list is long, and continues to grow by the year: ocean dumpsites, mineral and sand strip mining, LNG terminals, oil and gas exploration and development, and more. **These projects are not simply incompatible within a certain location of the Mid-Atlantic; these activities are incompatible within the entire region.**

The efforts of the RPB, when taken together, represent a step forward in government coordination, research, data gathering and synthesis, identifying use conflicts, and an acknowledgement that a healthy and intact ocean ecosystem is critical for the support of all ocean uses.

III. Goals of the OAP

COA is concerned that much of the focus on EBM lies on maximizing “human wants and needs”, and that ecosystem health is only necessary and supported in planning decisions insofar as it benefits human economic gain.

While EBM has been used colloquially as shorthand to note a more holistic resource management perspective,² the scientific consensus statement on EBM states:

“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

¹ F. Douvere, (2008) The Role of Marine Spatial Planning in Implementing Ecosystem-based, Sea Use Management Marine Policy, 32(5): 762-771

² “Myths That Continue to Impede a Progress in Ecosystem Based Fisheries Management”, Wesley S. Patrick and Jason S. Link Fisheries Vol. 40 , Iss. 4, 2015

- Integrates ecological, social, economic, and institutional perspectives, recognizing their strong interdependences.”³

The Mid-Atlantic OAP states “**ecosystem-based management** . . . integrates ecological, social, economic, commercial, health, and security goals, recognizing that humans are key components of ecosystems and that healthy ecosystems are essential to human welfare, and 2) adaptive management, which calls for routine reassessment of management actions to allow for better informed and improved future decisions.”⁴

COA supports the EBM goals of ecosystem health, holistic management, and interconnectedness among systems, however, the human-centric perspective dominates the EBM perspective.

The RPB has incorporated EBM and MSP concepts through the creation of two primary goals for the OAP:

- **Healthy Ocean Ecosystem:** Promote ocean ecosystem health, functionality and integrity through conservation, protection, enhancement, and restoration.
- **Sustainable Ocean Uses:** Plan and provide for existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness and regulatory predictability, and supports economic growth.

The choice of word use between the two main goals of the plan is concerning as well. The environmentally focused goal is to: “**promote** ocean ecosystem health, functionality, and integrity through conservation, protection, enhancement, and restoration.” The goal for the economic development of ocean resources is to: “**plan and provide for**” existing and emerging ocean uses in a sustainable manner that minimizes conflicts, improves effectiveness and regulatory predictability, and supports economic growth.” **In Clean Ocean Action’s view, the “promotion” of ecosystem health is given less emphasis and support than the goal of “planning and providing” for commercial development of ocean resources.**

Ecosystem Health must be ascribed value and supported independent of human use.

IV. Protecting the Marine Ecosystem and the Clean Ocean Economy

While one of the primary goals of the OAP is the “**Sustainable Ocean Uses**” goal, the OAP does not define what it considers a sustainable or compatible use in our region. Strikingly absent from the Mid-Atlantic OAP is explicit language to ensure that MSP is not used as cover for the approval of otherwise unwanted and unwise industrial intrusion into the coastal and marine environment. Healthy oceans are essential to the Mid-Atlantic Region’s survival, providing the food, jobs, biodiversity, transportation, climate, and recreation that we rely on. Oceans create the very air we breathe. The OAP has not gone far enough in explicitly stating that some activities, such as oil and gas development, are simply incompatible with the current ocean uses in our region, and with the goal of a “healthy ocean ecosystem”. Without this acknowledgement, EBM

³ <https://sites.nicholas.duke.edu/cmspat/scientific-consensus-statement-on-marine-ecosystem-based-management/>
Released on March 21, 2005 Scientific Consensus Statement on Marine Ecosystem-Based Management

⁴ OAP, Page 10

and MSP tools can be manipulated and used to site damaging projects and activities in our region. Expanding fossil fuel related activities and ocean industrialization should not be allowed under the Mid-Atlantic OAP. Unfortunately, the OAP is silent on this matter, and supports by omission these types of projects.

Currently, the OAP contains no commitment:

- To ban oil and gas development in our region, including seismic surveying for oil and gas.
- To prohibit fossil fuel industrial complexes, such as liquefied natural gas ports,
- To prohibit the permanent extraction of sand and other minerals for commercial use.
- To prohibit new sources of pollution such as large scale finfish aquaculture pens, ocean dumpsites for contaminated material, or offshore shipping infrastructure.
- To prioritize halting and reducing climate change impacts as the main driver of agency decision making.

Since 1984, citizens of the region have fiercely defended the waters off the NY and NJ coasts, ending ocean dumping and fending off *all* harmful industrial uses. In response, the marine ecosystem is thriving, as are the economies that depend on a clean and healthy ocean generating over \$34 billion in New Jersey alone. The OAP for the Mid-Atlantic must make clear that fossil fuel infrastructure, ocean dumping, and open water finfish aquaculture are neither sustainable nor compatible with the Mid-Atlantic's clean ocean economy.

As an initial step, the OAP should support the NJ/NY Clean Ocean Zone initiative that will serve as a model that can be followed in other ocean areas to reduce pollution and protect this valuable ocean region. Importantly, the Clean Ocean Zone will prohibit **any** harmful industry in our waters, such as dumping, oil and gas development and infrastructure, strip mining for sand, and the creation of new ocean outfalls. In short, the COZ would lock in the success that we have achieved over the last 30 years, and protect *all* areas of the NY/NJ Bight from fossil fuel development and new sources of pollution. This is the standard by which an effective Ocean Action Plan for our region must be judged.

V. Clean Ocean Action Supports Communication and Coordination, Commitments to Using Best Available Science, and Commitments to Research and Data Gathering

The OAP represents an important conversation between federal and state agencies and establishes a dialogue that could continue to foster better communication and understanding of issues. This is an important step in sharing information across agencies, better coordinating permitting, research, and ocean uses. COA generally supports these principles.

For too long, agency decision making has occurred in a feudal context; each fiefdom worked independently from one another, where ocean users continually faced conflicts and resource management issues that hindered environmental protection, economic development, and

effective resource management. Understanding where human use activities are occurring in the context of the greater marine ecosystem is important both for avoiding environmental impacts, but also for maximizing the productivity of our oceans from an energy development, trade and commerce, and fisheries standpoint. The Mid-Atlantic RPB should be commended for starting the process of research, data gathering and synthesis, and monitoring that will be necessary to properly implement an ecosystem management based approach to ocean uses.

Specifically, COA is supportive of early agency notice and the adoption of Best Management Practices for agency coordination, and the establishment of collaborative relationships between agencies found in Chapter 2 (IJC actions). COA also supports the expansion of research and data products and use of the MARCO data portal found in chapter 3 to aid agency and project proponent decision-making as well as give the public access to these data products. Furthermore, the commitment to identifying data gaps, priority research areas, efforts to make best available science accessible to agencies, the public and project proponents. Characterizing our ocean through the creation of indicators for ocean health and monitoring migration and species shift, and critical and region wide areas of focus and should be given high priority, as climate change and ecosystem impacts and development pressures are increasing at a rapid pace.

These concepts represent real improvement in agency actions that impact the Mid-Atlantic. **Yet with these commitments to the use of science, research, and coordination in agency actions, it is critical that:**

- 1) Specific implementation commitments and regulatory actions are identified by agencies which would ensure that these IJC actions are being followed.
- 2) A precautionary approach must be applied to both permitting decisions in our ocean and the adoption of data tools in the decision-making process.⁵
- 3) Critical federal and state agency permitting decisions must be coordinated to ensure that baseline studies, ecological monitoring, and development of data tools catches up to the permitting of large-scale projects.
- 4) Early consultation with stakeholders on proposed offshore projects must clearly and explicitly extend to the public. Improved communication and stakeholder outreach concerning these projects must be transparent and open to the public. **The Mid-A OAP must clearly lay out how these IJC actions, BMPs for coordination, and other coordination actions will be adapted to allow the public and environmental advocates the same opportunity to become aware of and provide input on projects before the permitting stage.** This early notice should be incorporated into the MARCO portal, and specific notifications must be sent out to members of the public and organizations in the region.

VI. “Semantics”: Terminology, Definitions, and Word Choice

Throughout the OAP, there is a clear need for refinement of word choice and supplementary

⁵ <http://ecologic.eu/572> “The precautionary principle is a risk management tool for policy makers which has been broadly implemented in international environmental law in a variety of different sectors and formulations. It is best described in Principle 15 of the Rio Declaration which states that "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation".

definitions in order to truly understand goals and commitments. Some examples include what constitutes “sustainable ocean uses”, “compatibility” of ocean uses, definition of and conservation goals for Ecologically Rich Area (ERAs)⁶, definitions for data products including “species richness”, “productivity”, “vulnerability”, specifics of agency “coordination”, among many other examples.

COA recommends a definition section be developed and added to the OAP in order to provide much needed detail to the plan and actions.

VII. Implementation of the OAP

Executive Order 13547 directs Federal agencies to participate in the regional planning process and to carry out their existing authorities in a manner that is consistent with the Plan, to the extent consistent with applicable law.⁷ As the OAP makes clear, “Federal agencies have a significant role in collaborative actions described in the Plan” while “States, Tribes, and MAFMC” are voluntarily participating in the planning process.⁸ Because of these differing legal obligations, it is critical that both Federal Agencies and State, Tribal, and Fishery representatives identify specific implementation actions now, in the draft plan, rather than waiting until after plan finalization. Implementation of the OAP is where “the rubber meets the road” in terms of changes in agency action and public review of projects in the Mid-Atlantic.

A key weakness of the Mid-Atlantic OAP is the absence of specific implementation actions for IJC actions and data products, as well as schedules for data gathering milestones. Furthermore, several actions outlined in the draft Plan do not have a lead federal agency or tasks the entire RPB with overseeing implementation.⁹

While Federal agencies are bound by executive order to participate in the planning process and conform their activities to be consistent with the OAP¹⁰, a full evaluation of the plan itself, as well as compliance of RPB members is impossible without specifics on how RPB members, federal and state agencies will use IJC actions, the data portal, and other OAP resources to further the goals of the National Ocean Policy.

More directly, the milestones listed and action items to be taken all too frequently are passive – they push agencies toward coming up with conclusions or plans, but do not necessarily mandate that any agency programs, policies, or regulations be changed or amended based on those conclusions. Without triggers that mandate specific performance or changes to the framework within which agencies operate, these implementation goals are hollow.

Furthermore, the plan states “Member entities are expected to represent the interests of, and bring the expertise and capacity of, their full home institutions (e.g., their full Federal

⁶ *see* Appendix 4 Draft Framework for Identification of Ecologically Rich Areas.

⁷ Executive Order 13547

⁸ OAP page 94.

⁹ *See* ERA identification action “RPB Lead Entities: Virginia and Federal Agency to be determined”, Action 5 Development of Ocean Health Indicators, etc.

¹⁰ *See* Executive Order <https://www.whitehouse.gov/files/documents/2010stewardship-eo.pdf>

department, their State, their Tribal nation, and MAFMC, respectively).” This statement reflects the apparent disconnect between members of the planning process and critical agencies that are not directly involved with the RPB. Specifically, the US Army Corps of Engineers plays a critical role in sand management, dredging and fill operations, management of the Historic Area Remediation Site, and other responsibilities in the Mid-Atlantic. However, the Department of Defense representative on the Mid-Atlantic RPB is the US Navy. Therefore it is critical that the implementation section of the OAP spell out specifically how USACE will be involved in development and implementation activities, and how coordination between US Navy and USACE will occur moving forward. Similarly, BOEM, as Department of Interior representative must specify commitments to involving US Fish and Wildlife Service and US Geological Service in the implementation of the OAP.

Based upon the above comments, COA recommends that the RPB:

1) Clearly identify where agency guidance will be amended or agency operating procedure will incorporate OAP actions such as the use of the data portal, and incorporation of IJC actions. Examples where these specifics are critical for the success of the action include 2.1 Best Practices for Enhances Coordination, 2.4 Actions to Foster Sustainable Ocean Uses, 2.5 Enhancing Coastal Zone Management, 3.2 Actions Related to the Mid-Atlantic Data Portal and Science and Research, and, 4.1 Plan Implementation.

2) Add much needed detail, time frames and schedules, and specific actions to section “4.2 PERFORMANCE MONITORING AND EVALUATION Action 1 – Develop Plan performance monitoring and evaluation plan. This section must clearly provide a framework evaluation of progress and compliance.

3) Identify regulation specific areas where OAP actions can be incorporated. Examples include how IJC actions and Data Products will be used in the NEPA process generally, in the consultation process as carried out by NOAA, MAFMC, or NMFS for Essential Fish Habitat, Endangered Species Act, and Marine Mammal Protection requirements¹¹, and in State determinations for Federal Consistency¹², Clean Water Act certifications¹³, and other areas. A successful planning process must **identify existing authority for each action and goal in order to make clear the regulatory context that the plan will rely on for implementation.** The OAP must provide a clear framework for this critical work.

4) Finally, it is critical that resources are identified now, in order to ensure implementation, continued research and data gathering and synthesis, and maintenance of data tools. The OAP states “Where additional resources may be required to address specific actions, RPB members may draw on networks of partners, existing initiatives, and public-private partnership models that engage relevant sectors and interests. Leveraging of existing and partner resources will be a primary focus of RPB efforts. If necessary, the RPB may update implementation commitments to reflect available resources and capacity.”¹⁴ While it is understandably difficult to identify funding

¹¹ Essential Fish Habitat requirements found at Section 305(b)(2) of the MSFCMA, 16 U.S.C. § 1855(b)(2), ESA Section 7(a)(2) Responsibilities Under the implementing regulations (50 CFR 402), Federal agencies must review their actions and determine whether the action may affect federally listed and proposed species or proposed or designated critical habitat. To accomplish this, Federal agencies must request from the Service a list of species and critical habitat that may be in the project area or they can request our concurrence with their species list. The Service must respond to either request within 30 days.

¹² <https://coast.noaa.gov/czm/consistency/>

¹³ <https://www.epa.gov/cwa-404/clean-water-act-section-401-certification>

¹⁴ Draft OAP Frequently Asked Questions, <http://www.boem.gov/FAQs-about-the-MidA-RPB-Draft-Plan/>

when prioritization of resources can affect the fiscal budget, each Federal agency must make firm commitments and identify budget needs as early in this process as possible.

VIII. Stakeholder and Public Involvement

Since the inception of this planning effort, COA has repeatedly emphasized the importance of public input and involvement, in order to ensure robust support and buy in from the region, stakeholder generated perspective experience, and information is incorporated into the data portal and plan, and to ensure that the public has the opportunity to review information and provide critical feedback.

In the earliest stages of the planning body, Clean Ocean Action passionately argued that citizens, fishermen, boaters, tourism leaders, and those that depend on the sea should sit *directly* at the table. Unfortunately, direct participation by ocean users in the RPB was nixed, in favor of limited membership populated by a small number of state and federal appointees, and representatives from Native American Tribes and the Mid-Atlantic Fisheries Management Council. The planning body has used listening sessions, websites and webinars, public comment sessions, and stakeholder workshops. Many of these opportunities resemble the traditional top down federal “public input” model – where comments and concerns are heard by the agencies, but there is generally no change in policies, programs, or regulations.

Public comment periods and meeting question/answer sessions have, historically across the federal government, been ineffective in eliciting responses or policy changes by the agency or council being spoken to. The Mid-Atlantic RPB’s own “listening sessions” and webinars were a failed opportunity for the RPB to answer questions on a host of issues important to the interested public because the RPB opted for a “listening” premise instead of a “discussion” premise.

Furthermore, the OAP does not contain specifics as to the composition of and frequency of meetings with Stakeholder Liaison Committees, and other public involvement forums. This information is critical in identifying gaps in data gathering, and how public involvement could be made more robust.

The Draft Plan’s encouragement of agency data portals, the development of the ocean information hub, and the transparency about what each agency will be studying and analyzing is, indeed, robust disclosure of agency actions, but there must be a simultaneous openness to hearing what the public is saying and room for agencies to change course given the right public input, both for plan development, and for agency decision-making.

From our perspective, public involvement was focused more on checking of boxes, and providing the bare minimum of opportunity for public input than it was for collaboration and solicitation of input from the public. Webinars and meetings were held during business hours which made participation by most an impossibility. While the time line and language of public outreach used in the OAP appears robust; COA believes that public input and participation efforts were left wanting and one sided in nature.

The OAP states “Stakeholders, scientific and technical experts, Traditional Knowledge holders, and the general public will continue to play an important role informing the planning process

going forward. This includes Plan implementation and any updates or amendments. ***Outreach will be as robust and frequent as is allowed by available resources, and the RPB recognizes that partnerships and leveraging existing communication channels will be important to maximizing opportunities for meaningful engagement.*** Most Plan actions, and the process of developing Plan updates and/or amendments, will engage stakeholders and the public in the development and/or review of draft materials and provide opportunities to comment. (Emphasis added).¹⁵ The level of vagueness and lack of specificity contained in this statement is troubling.

As the region's ocean users are the ones most affected by offshore development, COA recommends that the OAP:

- 1) Provide for meaningful public involvement that goes beyond webinars and listening sessions. Stakeholders should be directly represented on the Regional Planning Body, especially for critically important decisions such as plan amendments, and identification of ERAs.
- 2) Outline a schedule for meaningful public participation during the plan implementation phase of this process, and beyond.
- 3) Outline a plan of action for how agencies will identify affected stakeholders earlier and more effectively within the decision-making process. This process should also link up with implementation of IJC actions and the broader implementation section discussed above.

IX. Federally Permitted Projects Have Been Moved Forward During OAP Development

Federal and State Management decisions continue to be made without fully accounting for complexity, cumulative impact of human uses, and sensitivity of the marine environment. COA has been disappointed with federal permitting activities and federally overseen projects continuing to move forward during the RPB plan development process. Permitting decisions made prior to plan finalization and implementation are made without the benefit of new data products and research, coordination, and EBM perspective.

Federal agencies continued to move forward with large impactful projects during OAP development. These activities range from oil and gas exploration and development in the Mid and South Atlantic, the siting of Wind Energy Areas in nearly 500,000 acres of ocean off the coast of NY and NJ, multi-million dollar beach nourishment projects spanning hundreds of miles of coastline, surveying of sand resources for eventual harvesting, the siting of an LNG terminal at the entrance of NY Harbor and within a Wind Energy Area, and many other activities. Fortunately, President Obama withdrew the Atlantic Ocean from the OCS lease sale for oil and gas development for the next 5 years. However the seismic surveying for these resources is continuing to be pursued.

Pre-construction monitoring and research, pilot projects, and data standardization should have been developed and utilized prior to permitting commercial use for the ocean, whether offshore wind, oil and gas development, or other projects. Yet, even while this draft OAP is being

¹⁵ OAP Page 96, 4.1.1.1 RPB LEADERSHIP, WORKING GROUPS, AND PARTNERSHIPS

reviewed by the public, federal agencies continue to make decisions that affect the oceans and coasts without a complete picture of what the science says. For the Mid-Atlantic RPB to fulfill its mission to have science and data inform decision making, there should be absolute mandates not to act without knowing, not to approve without studying, and not to leap before looking.

The OAP must include:

- 1) Specifics for how data products and new science will be used to review already permitted projects.
- 2) A commitment to start implementation of IJC actions and use of data products in agency decision making as soon as possible, and to identify and carry out priority research needs as soon as possible
- 3) A Commitment to undertake pre-permitting studies and pre construction monitoring prior to development.

X. ERAs and Gaps in Data

COA understands that there are special places in the ocean where a confluence of bathymetry, currents, and, animal behaviors makes the area especially rich with marine life. We support the research, data gathering and analysis necessary to understand our ocean ecosystem, and the continued incorporation of outside data sets into the development of data products. However, using this data to identify areas of the ocean deemed “Ecologically Rich Areas” (ERAs) is problematic for many reasons.

First, the term could potentially create “winners and losers” in an interconnected and fluid ocean environment. COA believes that actions in one part of the ocean will impact others, and that, while it is important to gather information, commit to monitoring, research, and data synthesis goals, there are potential unintended consequences associated with focusing conservation efforts on small areas of the ocean while the rest is left unprotected and vulnerable.

Second, COA is also concerned that gaps in data, use of statistical modeling and other “workarounds”, and failure to incorporate some existing data sets has the potential to paint an incomplete and vastly simplified picture of a complex and interconnected ecosystem. These data gaps include species absence, many data sets not being utilized, and little to no water column level data – the vast majority of data sets depends upon surface level (satellite or observer derived data) and bottom trawl data. **There is also no true baseline data for the Mid-Atlantic. Today, our ocean ecosystem is a diminished version of what once was. Data gathering and synthesis products do not currently reflect this fact.**

Furthermore, data sets that do not span the entire region have been neglected. This includes state wide identification of special areas, such as New Jersey’s identification of “Prime Fishing Areas”¹⁶, many statewide marine debris data sets such as the nearly two decades of data

¹⁶ <http://www.state.nj.us/dep/gis/digidownload/images/statewide/sportfishing.gif> ““Due to the nature of fishing grounds, the polygons depicted in this dataset do not constitute an exact boundary of a fishing ground. Due to the highly variable nature of the ocean environment, the features that contribute to the success as a fishing ground may

generated by COA's "Beach Sweeps" program, and many other incredibly valuable data sets. The data team must find a way of incorporating these data sets into their analysis.

Third, while some areas that may be considered "Ecologically Rich" are based on fixed locations due to bathymetry, many of these areas are highly variable in nature, and will shift spatially and temporally. Boundaries drawn on a map will change. It is unclear how far into the future the Mid-A RPB will ensure that these areas are accurately located or how much research will be necessary to ascertain these shifts. In fact, it may be nearly impossible to identify many ERAs as they may shift temporally, seasonally, or otherwise change too frequently to identify.

Fourth, true EBM requires that the full ecosystem, from land based sources of pollution, predation, nutrients, and freshwater inputs, to critical bay and wetland spawning areas, be incorporated into this modeling and data gathering system. Currently, and into the foreseeable future, the OAP and the data team are limited in their scope (no land based or near shore areas have been incorporated into this modeling) and ability to accurately model such a complex and interconnected system. As the Interagency Ocean Policy Task Force stated in 2010, "successful implementation of CMSP would ultimately depend upon a better integration of coastal planning that considers influences from, and activities within, coastal watersheds and other contributing land areas."¹⁷

As made clear earlier in these comments, the OAP makes no commitments to prevent harmful development and industry such as oil and gas exploration and development and mineral strip mining from occurring in a region clearly dependent on a clean ocean economy. Therefore, with no clear commitment from the RPB to prevent incompatible uses of the Mid-Atlantic, the identification of ERAs may be a token showing of environmental protection while other, equally critical and important areas of the ocean are identified as less valuable and more susceptible for development. In a perverse twist, the identification of ERAs could in fact facilitate the exploitation of many other areas of the Mid-Atlantic. This is unacceptable.

Because identification of ERAs is a critical component of the "Healthy Ocean Ecosystem goal" and has the potential to critically impact ocean users, the final OAP must:

- 1) Clearly identify how input from stakeholders and scientific experts will be gathered and utilized,
- 2) Clearly define the parameters of what constitutes an ERA,
- 3) Identify a timeframe for identification of ERAs and completion of a pilot ERA report,
- 4) Identify how ERAs will interact with existing regulatory authority such as Essential Fish Habitat, State designated Prime Fishing Areas, Critical Habitat under the Endangered Species Act, etc.
- 5) Articulate a strong and clear understanding that the data and research gathered today do not reflect "baseline conditions". This region has been modified and harmed, and remains

shift spatially and temporally. The boundaries may be expanded as necessary to include areas with a demonstrable history of supporting a significant local intensity of recreational or commercial fishing activity."

¹⁷ Final Recommendations Of The Interagency Ocean Policy Task Force July 19, 2010

impaired by human activities.

Finally, COA advocates for an Ecologically Rich approach for the entirety of the Mid-Atlantic.

XI. Near Shore, Estuarine, and Land Based Activities

As stated above, COA is concerned that the OAP does not incorporate near shore, estuarine, and land based activities, habitat, and ecosystem services in the data gathering, coordination, and implementation actions. Without their inclusion, the OAP cannot provide an accurate and effective EBM and MSP platform.

This decision impacts the accuracy of data products, and ability for the OAP to meet many of the goals and actions contained therein, including the identification of ERAs (appendix 4 of the OAP), the development of a Marine Debris Reduction Plan (Healthy Ocean Ecosystem Action 4), facilitate the development of environmentally friendly shellfish aquaculture, ability to enhance sand resource management (section 2.4.6), and enhance coordination between land based activities and ocean based activities that may be impacted as a result of these activities.

In the Mid-Atlantic, pollution from coastal development, poorly planned urban and suburban water and land use systems, and industrial facilities along coastlines (e.g., power plants, sewage plants) are significant drivers of ocean health, and, therefore, the health of ocean- and coastal-dependent businesses, communities, and people; these areas should not be excluded from consideration.

Furthermore, NOAA, EPA, and States must identify how nutrient loading and nonpoint source pollution discharges are impacting ocean ecosystem health. These regulatory programs include NOAA's section 319 Nonpoint pollution program, Federal Clean Water Act requirements, and State overseen Coastal Management Programs.

The RPB must work to incorporate near shore and estuarine ecosystem inputs as well as relevant regulatory components found in these areas including near shore Essential Fish Habitat designations, Wild and Scenic designations, Critical Habitat designations.

XII. Aquaculture

COA is concerned about the scope of the proposed aquaculture initiative that is contained in the OAP section 2.4.4. Aquaculture facilities have the potential to significantly affect coastal ecosystems through an increase in marine pollution, damage to habitat, and reductions in biodiversity – depending on the type, scope and location of the operation. The potential water pollution from fish waste, unchecked release of antibiotics, hormones, and biocides, and contamination of benthic habitats beneath and around these facilities are concerns. These pollution threats are greatest for operations located in open water (including fresh, brackish, and saltwater facilities) and those that use open circulatory systems (discharging water directly into

the environment). This section should focus on beneficial aquaculture projects, especially shellfish initiatives that can have lasting, positive effects on water quality, and avoid potentially harmful aquaculture facilities. Open water finfish aquaculture is not a compatible use with the clean ocean economy of the Mid-Atlantic Region. The OAP must reflect this.

XIII. Ocean Energy

The OAP makes clear that it only considers the development of wind energy.¹⁸ However the Regional Ocean Assessment mentions oil and gas as a potential change to ocean uses, stating “Potential exploration for oil and gas deposits in portions of the Mid-Atlantic”.

The minimal reference to or application of the OAP to oil and gas development is a huge disappointment and astounding oversight considering that the Mid-Atlantic region was set to be leased off by BOEM for oil and gas exploration and development less than 3 months ago! However the seismic surveying for oil and gas exploration continues to be pursued by BOEM. While the Atlantic has been spared from oil and gas leasing in the 2017-2022 lease plan, the possibility remains that the Mid-Atlantic will be put back on the auction block for oil and gas development in the 2022-2027 lease plan. This is unacceptable.

Section 2.4.2 “Ocean Energy” is one of many “sustainable uses” as outlined by the OAP. **The OAP must reflect that oil and gas development is unsustainable and incompatible with the clean ocean economy of the Mid-Atlantic Region.** The recent unified opposition to oil and gas development in the Mid-Atlantic region clearly illustrates the will of the public to protect our clean ocean economy and the disconnect between federal permitting and the public’s will. **Alternatively, this section must be renamed “renewable energy” as it fails to address oil and gas development in the region.** The term “ocean energy” is misleading and confusing as the content does not match the title.

Furthermore, the OAP fails to address the threat of large-scale seismic exploration such as those expeditions proposed for the South and Mid-Atlantic. These seismic surveys are not consistent with the current ocean uses of the Mid-Atlantic, as it will result in noise pollution over extensive areas of the ocean and will harm marine life. Noise pollution from exploratory surveys can have devastating and far reaching environmental impacts and must not be allowed in areas that are not currently drilled, such as the Atlantic Ocean. Air gun blasts can damage fish hearing organs.¹⁹ Commercial fishing catch rates have been observed to decrease by 40-80 % over thousands of square kilometers around a single airgun array.²⁰ Noise travels farther and about five times faster in seawater than air. Air gun noise from seismic surveys has been recorded over

¹⁸ 2.4.2 Ocean Energy “Therefore, while the Framework includes ocean energy in a general sense, the RPB has chosen to focus actions under this objective on offshore wind energy at this time.”

¹⁹ McCauley, R.D., J. Fewtrell, & A.N. Popper, 2003. High Intensity Anthropogenic Sound Damages Fish Ears, *J. ACOUST. SOC. AM.* 113:1:638-642

²⁰ Engås, A., *et al.*, 1996. Effects of seismic shooting on local abundance and catch rates of cod (*Gadus morhua*) and haddock (*Melanogrammus aeglefinus*). *Canadian Journal of Fisheries and Aquatic Sciences* 53: 2238-2249; **see also** Skalski, *et al.*, 1992. Effects of sounds from a geophysical survey device on catch-per-unit-effort in a hook-and-line fishery for rockfish (*Sebastes ssp.*). *Canadian Journal of Fisheries and Aquatic Sciences* 49: 1357-1365.

3,000 km from its origin.²¹ This is more than double the distance of the area envisioned for seismic drilling in the U.S.'s Atlantic Ocean. Repetitive airgun blasts become a continuous noise blocking communication of species such as endangered whales that use low frequency sound to function.²² The industrial noise rising in many coastal regions, which has “*increased 100-fold at some locations over the last 50 years*”, has been compared by scientists to a continuous fog that is shrinking the sensory range of marine animals.²³ Furthermore, NOAA has recently released a Ocean Noise Strategy Roadmap that must be incorporated into the OAP as soon as it is finalized.²⁴ This is an agency-wide Ocean Noise Strategy, which seeks to ensure that NOAA is more comprehensively addressing noise impacts to aquatic species and their habitat over the next 10 years.

Furthermore, BOEM has already moved forward with identifying and leasing nearly half a million acres off the coasts of New York and New Jersey for wind energy development. While the plan may help to facilitate the appropriate siting of wind energy off the coasts of Delaware, Maryland, and Virginia, it appears most of the New York and New Jersey continental shelf has already been picked over with limited input from the new research and data products or communication and coordination practices found in the plan.

The collection of pre-siting, and pre permitting ecosystem data and identification of areas of economic and environmental importance is critical for siting of offshore renewable projects and for evaluating damages that might occur from offshore activities. In order to understand the ecosystem's baseline level of functionality and condition, the health of the ecosystem must be determined; phytoplankton and zooplankton population dynamics must be understood; and preferred migratory, feeding, breeding, and nursery habitats for birds, bats, marine mammals, sea turtles, fish, and invertebrates, as well as sensitive benthic habitats must be identified. The siting and operation of these renewable energy projects cannot be adequately planned for without knowing the ocean's condition before placement of these facilities. Environmental data collection and standardization initiatives, which are currently projects-in-progress, would give states and the federal government the tools to determine the scale, scope, and extent of the data needed to predict, evaluate, and minimize ecological risks and hazards.

COA recommends that the OAP:

- 1) Explicitly remove oil and gas exploration and development from “ocean energy”, and clearly state that oil and gas development is neither a “sustainable ocean use” nor compatible with clean ocean economy of this region.
- 2) incorporate the many state and federal level siting and wildlife impact studies done on Wind Energy siting,²⁵

²¹ Nieu Kirk, S. et al. 2004. Low frequency whale and seismic airgun sounds recorded in the mid-Atlantic Ocean. *Journal of Acoustical Soc. of America*. 115:4:1832-1843.

²² Weilgart, L. ed. (2010), *supra* note 2.

²³ Bode, M., et al. 2009. Statement to President Barack Obama of Participants of the Workshop on Assessing the Cumulative Impacts of Underwater Noise with Other Anthropogenic Stressors on Marine Mammals. 2pp. http://www.oceanos-stiftung.org/download/CI_en.pdf (Accessed May 10, 2010.)

²⁴ <http://cetsound.noaa.gov/road-map>

²⁵ *see*, NJ Large Scale Wind Turbine Siting Report, available at <http://www.state.nj.us/dep/cmp/windreport090908f.pdf>, *see also* USFW Wind Siting Report, available at <https://www.fws.gov/habitatconservation/windpower/afwa%20wind%20power%20final%20report.pdf>, *see also*

- 3) Explicitly require pilot renewable and wind energy projects and the completion of pre-siting studies prior to choosing of location and construction impacts, and
- 4) Develop post construction monitoring methods to ensure that mitigation and siting are appropriate and gauge the cumulative impacts of these projects.

Furthermore, while the leasing of wind energy areas off of New York and New Jersey has already occurred, the OAP can still play a role in “micro-siting” within these areas, as well as the proper siting of energy projects in many other areas of the Mid-Atlantic.

XIV. Sand Management

Section 2.4.6 SAND MANAGEMENT will have critical importance in the Mid-Atlantic, as State and Federal entities continue to struggle to balance the needs of beach nourishment and coastal resiliency projects with protection of critical habitat, prime fishing areas, and ecosystem health.

Objective 6 states that “BOEM will work to accomplish the above objective recognizing that the success of each action item cannot be fully realized absent USACE collaboration and partnership.” As described earlier in these comments, it is critical that the final OAP include specifics for how agencies such as USACE will be involved in the planning process, and implement plan actions.

COA supports Action 3 – “Conduct studies to support sustainable management of offshore sand Resources” provided those studies include public input and an examination of areas of accrual in shorelines, channels, and other locations that may provide a less impactful alternative.

COA must emphasize that pre harvesting studies, and identification of sensitive and environmentally critical sand lumps, is essential in making smart decisions on sand harvesting. As stated elsewhere in these comments, current permitting decisions, made without the benefit of OAP tools and perspective are impacting these resources now. **The RPB must commit to halting permitting decisions, including identification and surveying of these sand resources, until the OAP is finalized and implemented.**

Furthermore, Action 5 – Engage fishing communities in planning and environmental review of proposed activities, **must be implemented immediately, with specific implementation actions identified in the final OAP.**

With many beach nourishment projects being permitted for continued maintenance and replenishment for 50 years or more, it is essential that planning and research are completed prior to the approval of these projects.

XV. 3.1.3 Human Use Data Synthesis Products

COA supports the creation of Human Use Data Synthesis Products (HUDS). However, critical

information must be included in the plan itself, including the number and attendance lists of those Stakeholder Liaison Committees used to create these products if applicable, the identification of gaps in outreach and inputs, and a plan on how outreach and participation will be solicited moving forward.

XVI. Non Consumptive Use

Section 2.4.7 NON-CONSUMPTIVE RECREATION underscores just how essential tourism, beach going, and other “non-consumptive” users are to the mid-Atlantic region. Beach users generate billions of dollars in our region, and are directly impacted by agency decisions made throughout the region. Recreational water quality is critical to the clean ocean economy. States and EPA must incorporate test results and monitoring into the data portal, and review agency decisions for impacts to recreational users.

The final OAP must:

- 1) Explicitly state that recreational use of our ocean areas and beaches is INCOMPATIBLE with fossil fuel exploration and drilling, and
- 2) Incorporate EPA and State programs related to water quality monitoring for Harmful Algal Blooms, Debris Wash-ups, and Recreational Water Quality,
- 3) Allow recreational users to provide direct input into the data portal in order to quantify use intensity.

XVII. Climate Change

COA commends the inclusion of **Healthy Ocean Ecosystem Action 2** “Map shifts in ocean species and habitats” and the “Development of an approach to the production, peer review, metadata, and publication of maps that illustrate regional climate change-related biological and ecological changes”.²⁶ COA also supports **Healthy Ocean Ecosystem Action 3** – Development of a Mid-Atlantic Ocean Acidification Monitoring Network. Moreover, **Action 5** – development of regional ocean health indicators will also facilitate and understanding of how the marine ecosystem is changing in a warming future.

However, on a broader scale, COA is disheartened that the words “climate change” are included in the OAP a total of 5 times, and that the OAP does not go far enough in spurring actions to address the threats and impacts of climate change beyond research and monitoring, especially as this is a 5 year plan.

While research and monitoring are always necessary, especially to ascertain system wide impacts and trends, the OAP must go farther than research alone. The concentration of Carbon Dioxide in the atmosphere has surpassed 400 parts per million.²⁷ The consequences of this milestone are playing out before our eyes, in intensity of storms, rate of sea level rise, ecosystem stress and

²⁶ Draft OAP, Page 39.

²⁷ See CO2 Now website, available at <http://co2now.org/>

species extinction.²⁸

COA recommends that the final OAP include a consolidated section specifically dedicated to climate change research, resilience, adaptation, and planning. This section should include the many research and monitoring actions described in the OAP, as well as the development of adaptation and mitigation actions, and the incorporation of the Council on Environmental Quality’s recently finalized guidance for Federal Agencies titled “Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in Project Permitting.”²⁹ Federal and State Agencies must make permitting decisions and take regulatory action to slow and mitigate the effects of a warming climate. The OAP must do more to encourage this evolution.

XVIII. Data Portal

COA supports the creation, maintenance, and implementation of the MARCO data portal and related data products as described in section 3.2 “Actions Related to the Mid-Atlantic Ocean Data Portal and Science and Research.” Continued incorporation of new science, research and data layers, and a firm commitment to maintenance and updates is critical to ensuring this resource will be accurate and effective. Furthermore, specific implementation in regulatory usage and agency decision framework must be included in the final OAP in order to maximize the benefits of these tools.

Specifically, COA supports the inclusion of sediment resources in the data portal. This layer should be updated as frequently as possible and include known beach nourishment projects underway or proposed in the area, and clearly locate sand resource areas that are also designated as prime fishing areas by the state, EFH areas, or ESA critical habitat areas. Furthermore, notice must be included on the Data Portal of any regulatory actions, which would impact these resources.

COA also applauds the creation of Marine Mammal layers sorted by sensitivity to differing sound frequencies. This is critically important information that should be utilized by BOEM when considering seismic surveying permits, as well as incorporated into NOAA’s Ocean Noise Roadmap strategy.³⁰ COA recommends that ocean noise layers be further developed as more information on the effects of sound impacts on the marine environment become better known.

COA also supports the inclusion of NOAA’s EFH mapper³¹ layers into the Data Portal, as well

²⁸ see “Global Warming and the Antarctic Ice Sheet”, NY Times, *available at* <http://www.nytimes.com/2016/03/31/science/global-warming-antarctica-ice-sheet-sea-level-rise.html>, *see also* EPA climate change impacts information, *available at* <https://www3.epa.gov/climatechange/impacts/ecosystems.html>, *see also* Extinction Rates and Climate Change, *available at* <http://science.sciencemag.org/content/348/6234/571.full>,

²⁹CEQ Guidance “Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in Project Permitting”, *available at*

https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf

³⁰ NOAA Ocean Noise Strategy Roadmap, *available at* <http://cetsound.noaa.gov/ons>

³¹ *see* NOAA EFH Mapper at <https://coast.noaa.gov/digitalcoast/tools/efhmapper.html>

as fisheries data such as VST and trawl amounts. These data layers allow agencies and the public to view these activities with newfound clarity and insight.

COA also recommends the inclusion of Telemetry Data including acoustic and satellite tagging of animals. Furthermore we recommend that the RPB support the expansion of these tracking programs as they provide real time data and critical insight into actual species movement.

COA understands that there are inherent gaps in the data products ranging from gaps in research, to limitations in observer derived data, lack of water column data, and the inability to utilize non region wide data sets. These limitations must be clearly described both in the data portal itself, but should also be identified by agencies when utilizing these products. As the data portal states, “Understanding these decisions and thresholds is crucial to proper interpretation of these map products.”³² Specific actions by agencies must be identified that will facilitate the understanding of the decisions, thresholds, and context that must go along with interpreting these maps. Finally, these data products must note how human activities in the region have changed our “baseline”, and that current research and data does not reflect an intact ecosystem, but an already impacted one.

COA is continuing to review these products however new additions continue to be released and there are numerous data sets still being developed. As these tools continue to be refined, tweaked, and developed, so too should the implementation and use of these tools.

XIX. Conclusion

The Mid-Atlantic OAP represents a first step in incorporating much needed transparency, EBM, and MSP principles into agency actions. COA looks forward to working with the RPB in crafting a plan that represents the ocean users and clean ocean economy of our region.

Sincerely,

Cindy Zipf,
Executive Director,
Clean Ocean Action

³² see MARCO Data Portal, available at <http://portal.midatlanticocean.org/ocean-stories/every-map-tells-a-story/>

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:05 PM
Subject: Re: Comments to the Draft Mid-Atlantic Ocean Action Plan
To: Amy Trice <atrice@oceanconservancy.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 7:58 PM, Amy Trice <atrice@oceanconservancy.org> wrote:
Mid-Atlantic Regional Planning Body Co-leads,

Congratulations on releasing the Mid-Atlantic's first regional ocean plan. Please find the attached comments from Ocean Conservancy on the draft Mid-Atlantic Regional Ocean Action Plan.

Thank you for your time and the opportunity to comment. Please contact me with any questions.

Sincerely, Amy Trice

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September 6, 2016

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RE: Comments on the Draft Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body Co-leads:

Ocean Conservancy has supported and engaged in the ocean planning process since the beginning. We are excited to see the progress the Mid-Atlantic Regional Planning Body (RPB) has made over this time and fully support the draft Mid-Atlantic Ocean Action Plan. We urge the RPB to continue to refine its work during plan implementation and look forward to working with the RPB during this time and on future iterations of the plan.

Ocean users expect the plan to result in improved decisions through the use of best available data and early stakeholder involvement to proactively identify and address conflicts early in decision-making processes. The basic outcomes we expect from the plan are:

1. Best available data is used to inform and improve decision-making.
2. Stakeholders are proactively involved in decision-making from the earliest stages, so that projects can be designed to address conflicts as opposed to reactively requiring modification.
3. A venue is maintained where federal agencies, states, tribes, the Mid-Atlantic Fishery

Management Council, and stakeholders can work together to address ocean management issues and recommend better processes to enhance decision-making.

We urge the RPB to ensure these basic outcomes are retained in the final version and future iterations of the plan. While we congratulate the RPB on its progress, there are several areas where the plan can be strengthened to ensure long-term success, which we outline below.

I. Firm and clear commitments from RPB member agencies to involve stakeholders early

Agency commitments to involve stakeholders early in decision-making processes are a key benefit of the Ocean Action Plan. Coordination commitments to facilitate better management among federal agencies, states, tribes, the Mid-Atlantic Fishery Management Council (Council), and ocean users is also one of the plan's greatest strengths. While the plan outlines details for how agencies, states, tribes, and the Council will coordinate, it is often unclear how agencies will improve their engagement of potentially affected stakeholders. Additional details are needed to ensure the overarching goal for agencies to improve interactions with stakeholders early, before conflicts occur is met.

We fully support the best practices outlined under federal agency coordination (2.1.2) and coordination with stakeholders (2.1.3) described under the "Best Practices for Enhanced Coordination" (*Chapter Two*). Having a mechanism in place that establishes early outreach and coordination with potentially affected stakeholders early in the project development process is of the utmost importance to Ocean Conservancy. We know that RPB member agencies will need to be flexible in their approach to individual outreach to stakeholders, particularly with respect to a given proposed project; however, we urge the RPB to take these engagement commitments seriously. We further urge the RPB member agencies to honor their best practices for coordination with stakeholders and work together whether serving as a lead, participating, or cooperating agency during a project proposal. We strongly encourage the RPB to outline a specific plan of action for how agencies will identify and engage stakeholders earlier and more effectively within the decision-making process. While there are specific commitments from some agencies throughout the plan, a clear plan of action from all RPB member agencies would be beneficial. In addition, the RPB should outline how stakeholders will be able to engage with or participate in RPB workgroups that are being created to move various pieces of the Ocean Action Plan forward. We encourage the RPB to work quickly during plan implementation to develop this stakeholder engagement action plan and for it to be referenced, where appropriate, in the appendices of the plan.

II. Continued leadership and agency specific commitments

U.S. Coast Guard

We thank the U.S. Coast Guard (USCG) for the detailed actions it outlines in the Maritime Commerce and Navigation section of the plan, particularly the recognition that the plan and data portal are important to its statutory missions, providing tools to help find solutions for the increasing conflicts on the ocean. We also support the USCG and U.S. Department of Transportation actions to use and review the portal to "monitor marine commerce trends and traffic patterns to identify and address emerging commerce and navigation needs" (*Maritime Commerce and Navigation Action One*).¹ Given the USCG statutory missions and its critical role in the rapidly changing maritime domain, our hope is that the USCG will take a leadership role in regional ocean planning moving forward. We urge the USCG to hold firm on its actions to improve data on

¹ Draft Mid-Atlantic Ocean Action Plan. Page 59.

maritime commerce and to work to ensure Automatic Identification System (AIS) data is maintained and updated.

National Oceanic and Atmospheric Administration

We appreciate the data provided by the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service Office of Law Enforcement on VMS-derived map products. This data is valuable to the ocean planning process and we thank NOAA for its agency commitments to data and coordination. However, NOAA should also commit to developing additional data characterizing commercial and recreational fisheries, specifically as it relates to sourcing, developing, and integrating better data on pelagic fish and invertebrate species, especially for those species found in the water column and not effectively captured with benthic trawl surveys (*identified as a data gap in Chapter Three and Chapter Five of the Northeast Ocean Plan, and should be extended to the Mid-Atlantic Ocean Action Plan and included in development of a regional research and science agenda*). NOAA, in partnership with the RPB member agencies and stakeholders, must also work to develop additional data for the party and charter boat sector.

Additionally, we urge NOAA to lead or support all actions to identify potentially affected commercial and recreational fishing stakeholders early in the decision-making process (*Ocean Energy Action 6 and Sand Management Action Five*), as well as lead the *Healthy Ocean Ecosystem Actions*. Given NOAA's missions and role in ocean management, it is a natural fit to be a lead for these actions and we urge NOAA to commit to this role.

Bureau of Ocean Energy Management

We thank the Bureau of Ocean Energy Management (BOEM) for its leadership in the Mid-Atlantic ocean planning process, serving as the Federal Co-lead. We fully support the commitments from BOEM to engage potentially affected stakeholders early in the decision-making process. BOEM makes general commitments to improve stakeholder engagement in *Ocean Energy Action Six* and *Sand Management Action Five*, as well as the general commitments outlined in the best practices for stakeholder coordination in *Chapter Two*. We urge BOEM to hold firm on these commitments to ensure affected stakeholders are involved early, before offshore permitting of energy or sand removal occurs. As noted earlier, however, additional details are needed to implement these commitments and we urge BOEM to develop a more detailed plan of action. For example, many ocean users whose livelihoods are affected by BOEM decisions operate at regional scales. Commercial fisheries and conservation interests are not bound by a given state boundary and by nature work across the region. BOEM's stakeholder engagement should be responsive to this regional perspective and not confined simply to state-by-state outreach. The regional ocean data portals coupled with regional stakeholder engagement through the plan, therefore, provide an opportunity to improve BOEM's decision-making processes, potentially improving permitting time, reducing conflicts, and saving both BOEM and offshore renewable energy developers' time and money. BOEM should work with partner agencies and stakeholders to identify practical steps to improve the engagement process as part of the plan of action called for above in Section I.

With respect to the unsolicited lease request process for offshore renewable energy, specifically, BOEM should ensure the same principles of and commitments to early stakeholder engagement and data utilization outlined in the plan are upheld. Potential project developers should utilize the data portal when identifying desired lease areas, and engage potentially affected stakeholders well prior to the bid process proceeding. BOEM should not consider a lease request that has not upheld the commitments of data utilization and early stakeholder engagement outlined in the Ocean Action Plan. We encourage BOEM to address the unsolicited lease sale process directly in the *Offshore Energy Actions* within *Chapter Two*.

III. Commitments to consistently use, update, and improve data within the Mid-Atlantic Ocean Data Portal

All RPB member agencies must be clear in their commitments use the data portal to inform agency decision-making processes. The ocean plan must clearly outline a fundamental overarching principle that all RPB member agencies are committing to using the data portal to inform agency decisions and proactively identify affected stakeholders.

The Mid-Atlantic Ocean Data Portal is a critical component and essential tool to ensure the successful use and long-term implementation of this plan. We urge the RPB to make commitments to regularly update, maintain, and further develop the data portal and its associated data products. This includes a range of data updates such as AIS, fisheries data, and data gaps identified for habitat and marine life. We support the full utilization of the data portal as a tool to make more informed decisions and hope the RPB will use the data gaps identified in the plan as a starting place to guide portal improvements. While identifying data gaps throughout the plan is useful, we encourage the RPB to outline these gaps in one location for ease of reference and to further guide data portal improvements through the development a regional research and science agenda (discussed in more detail in Section VI).

As part of the mechanism to ensure use of the data portal by agencies, stakeholders, and project applicants, the RPB should provide notifications to interested parties when updates are made to the plan, Mid-Atlantic Ocean Data Portal, or new project proposals. For example, a mechanism that alerts portal users that new data layers have been added would greatly benefit industries that utilize and reference the data layers when making development decisions. In turn, this mechanism could be used to inform stakeholders during plan implementation to ensure ocean users are kept current on portal and plan updates.

IV. Funding commitments to ensure the long-term success of the Mid-Atlantic Ocean Data Portal

We strongly urge the RPB member agencies to secure the necessary resources and make long-term commitments to ensure the data portal is robust and reliable for agencies making management decisions and for ocean users referencing to better understand potential conflicts. The variety and extensive amount of data and information in one central location allowing quick reference for resource managers is a fundamental improvement in ocean management. The ability for managers to understand what data is available to them and, of equal importance, for agencies to have an enhanced understanding of which ocean users to contact for more localized, fine scale data greatly enhances the decision-making process as agencies carry out their statutory obligations. For all the benefits of the ocean plan and portal to be realized, the data portal must be fully funded. We appreciate the RPB's commitment to completing a data portal maintenance and operations plan (*Data Portal Action 1*), and urge the RPB to complete this plan when the Ocean Action Plan is finalized so that it can be used to advise agencies' future appropriations requests.

In addition, while RPB member agencies mention funding in the steps of *Data Portal Action One*, we strongly urge the RPB to be clear within the *Data Portal Actions* of *Chapter Three* on its commitment to secure funding with text such as:

"RPB member agencies believe that the Mid-Atlantic Ocean Data Portal is fundamental to the successful implementation of the regional ocean plan and will contribute to the agencies' ability to satisfy their missions and statutory mandates. Accordingly, the RPB member agencies commit to working together to

provide the financial, staff and/or other resources necessary to ensure the ongoing maintenance and update of the Mid-Atlantic Ocean Data Portal.”

V. Provide clarity on the framework for Ecologically Rich Areas

We applaud the overarching goals and commitments in the plan to improve ocean ecosystem health. The plan contains a variety of tools that can help RPB member agencies conserve ocean ecosystems while also supporting a sustainable ocean economy. The plan and portal provide a range of benefits that support the overall goal of a healthy ocean ecosystem including, but not limited to:

- a. identifying stakeholders early in the decision-making process to reduce conflicts;
- b. outlining maritime traffic trends and safety risks to help reduce the risk of collisions and oil spills;
- c. providing extensive data sets ranging from seasonal trends of marine species to important whale migration routes, ensuring managers have the best available data to make informed permitting decisions;
- d. identifying known data gaps to bring agencies closer to an ecosystem perspective of management;
- e. fostering transparent agency decisions with improved engagement from stakeholders to ensure better outcomes for the ocean;
- f. supporting an adaptive management approach that allows for the flexibility to make decisions as new data becomes available on the economy, society, and environment; and,
- g. increasing coordination among agencies responsible for managing our ocean.

We believe Ecologically Rich Areas (ERA) can also be a helpful tool to ensure success in achieving the plan’s overarching conservation goal; however, increased clarity is needed to bolster this element of the plan.

Based on Ocean Conservancy’s work to engage and facilitate a broad range of stakeholders in the ocean planning process, we believe the ERA framework will be an important tool to inform discussions on ecosystem health, but it also is a concept that stakeholders need clarity on. Stakeholders need to better understand the proposed process and timeline, and to feel secure that they will have the time and space to be involved in the discussion and decisions surrounding the identification and management implications of ERAs. Specifically, there are numerous data sets and approaches in other contexts that seek to define areas important ecologically, including work conducted by the Mid-Atlantic Fishery Management Council surrounding essential fish habitat. From our conversations, it seems much of the confusion around ERAs is how the framework and identification of these areas will add to or differ from ongoing work. We urge the RPB to clarify. Overall, articulating a transparent process for how ERAs and the associated pilot project will be identified and used by the agencies is of the utmost importance.

The RPB must also clearly articulate in the plan that developing a framework and associated data products on ERAs does not create marine monuments, marine protected areas, or no-go zones for recreational and commercial fisheries. ERAs do not automatically generate areas where all activities are discouraged. It is our belief that multiple uses can occur within ERAs as long as these uses are compatible with ecosystem function. We urge the RPB to clearly articulate this in the plan to enhance understanding.

We see the value in the ERA framework approach but would like the RPB to articulate a clearly defined, transparent process that gives all stakeholders a comfort level with which we can move forward together in support of the framework and identification of ERAs. Specifically, there are three pieces of the ERA framework that the RPB should clarify in order to drive broad acceptance:

1. Clearly describe how the scientific mapping and analyses will be done. A timeline should be established and details on a process for how and when stakeholders will be engaged should be outlined. Specifics on the public and scientific review process should also be detailed.
2. After initial data synthesis layers representing all five ERA components are created, establishing clarity on how agencies will use these maps in decision-making is essential.
3. Articulate a clear process for how area(s) will be selected as part of the pilot project and clearly describe implications for management.

This process should be open, transparent, and science-based with clearly defined timelines. The RPB should work to develop initial data synthesis layers representing all five ERA components by the end of 2016 for review by a range of scientists and stakeholders to provide a basis for further discussion necessary to move the ERA framework forward. This timeline is also echoed by others working in the Mid-Atlantic who submitted comments to the RPB. Additionally, the RPB should work to provide details on how the scientific community, stakeholders, and the public will be involved in reviewing ERAs and potential pilot locations as they are identified. As new research and data are obtained, a clear understanding of when updates to ERAs will occur should also be outlined.

VI. Develop a regional research and science agenda to prioritize filling data gaps

As an advocacy organization whose work includes ensuring funding is directed toward research and science priorities for the ocean, our hope was that a regional research and science agenda could be identified as part of the ocean plan, like that outlined in the Northeast Ocean Plan. We urge the RPB and its member agencies to outline a regional research and science agenda and to use this agenda to prioritize filling data gaps to ensure successful updates to the data portal and to strengthen future iterations of the plan. We encourage the RPB to not only develop a research and science agenda but also to create work plans to ensure data gaps are proactively filled. These work plans should be included in the ocean plan appendices, and agencies should make commitments in the plan to ensure the work plans are carried out and priority data gaps filled. Additionally, we encourage the RPB to coordinate with stakeholders to elicit assistance with filling data gaps, thereby creating an additional feedback loop of stakeholder engagement.

One of the strengths of the data portal is that it incorporates a variety of data sources in one central location; we encourage the RPB to develop a mechanism where additional peer-reviewed research, such as data from universities, can be incorporated into the data portal after the proper scientific review process.

Further, we would like to call out several data gaps that are important for the future progress of the plan and data portal and should be priorities in a regional research and science agenda:

Climate change

We encourage the RPB to prioritize research towards understanding the impact of climate change on the ocean. The RPB should work to engage scientists, ocean users, and local communities focused on understanding the Mid-Atlantic region's vulnerability in a shifting climate. Additionally, local knowledge from those users on the water who are experiencing the first-hand effects of climate change could provide an important perspective on shifting baseline conditions. We encourage the RPB to convene scientists, stakeholders, and local communities to discuss new data on the impacts of climate change in the Mid-Atlantic, thereby encouraging more informed decisions about ocean management with shifting climate conditions. This research will also support priority actions by the RPB to enhance understanding of the effects of ocean acidification, improve ecosystem health, and account for ocean ecosystem changes and risks (all outlined under *Healthy Ocean Ecosystem Actions*).

Commercial and recreational fishing data

As mentioned above, filling data gaps associated with commercial and recreational fishing should be a priority. Our hope is that this will be included as part of a regional research and science agenda. In order for RPB member agencies to make more informed decisions on how potential projects may affect fisheries, more comprehensive data must be sourced and included in the data portal. We encourage the RPB to work with the Council, stakeholders, and scientists to help fill these data gaps, specifically data surrounding pelagic fish and invertebrate species as well as recreational fishery data.

Marine life and habitat data

We appreciate the extensive work done on marine life and habitat characteristic data included in the data portal. We encourage the RPB to prioritize further research and data updates that will help RPB member agencies achieve a more holistic understanding of ocean ecosystems. Specifically, data associated with ecosystem structure and function is of the utmost importance and should be outlined in a research and science agenda.

VII. Build on research developed on the West Coast and utilize partnerships to develop an ocean acidification monitoring network

We are excited to see the RPB commit to taking steps to address ocean acidification (*Healthy Ocean Ecosystem Action Three*); however, from the action and steps outlined, more work is needed during plan implementation to ensure the ocean acidification network is a success. We support the action addressing ocean acidification as it is currently written; however, we encourage the RPB to use Ocean Conservancy's range of experts on the topic of climate change and ocean acidification to identify further details and research needs. We encourage you to use our comments below to inform a more detailed work plan on ocean acidification and to reference in the plan appendices, where appropriate.

Ocean Conservancy's Ocean Acidification (OA) Program closely tracks actions happening nationwide to address OA. There are several developments in the U.S. that can inform the development of a Mid-Atlantic OA Monitoring Network as called for in *Healthy Ocean Ecosystem Action Three*.

States on the West Coast have been grappling with OA for nearly a decade. In turn, states have developed a collaborative model that leverages many different state, federal, academic, and industry resources into a rapidly growing OA monitoring network² accompanied by coordinated research activities.³ West Coast actions provide an example that is being modified and applied in the Mid-Atlantic.

Key questions driving the creation of this network and West Coast research⁴ have included:

1. Where will OA affect our coasts in the near term?
2. Which species, ecosystems, and/or industries are most sensitive to OA?
3. Can OA "events" be forecast?
4. Can coastal users safeguard sensitive resources from OA?
5. Which processes contributing to OA along coasts can be controlled locally?

² http://www.noaanews.noaa.gov/stories2014/20141119_iooswebportal.html

³ <https://environment.uw.edu/research/major-initiatives/ocean-acidification/research-education-outreach/>

⁴ <http://www.tos.org/oceanography/article/ocean-acidification-science-needs-for-natural-resource-managers-of-the-nort>

6. What are baseline water chemistry conditions in the area, and how does OA affect them?
7. What is the long-term prognosis for OA in this area?

Other local questions can be developed as knowledge accumulates about the progress and effects of OA in a particular region. Research products tailor-made for the region also then follow.⁵ We were happy to see steps within *Action Three* outlined that seek to convene a range of experts as well as steps to identify and prioritize questions for the Mid-Atlantic OA monitoring network.

Close partnerships on the West Coast among federal, industry, academic, state, and tribal scientists have been critical to plan, deploy, and maintain the OA sensors in the existing network and to interpret the enormous resulting data stream. The Northwest Association of Networked Ocean Observatories (NANOOS), a regional branch of the U.S. Integrated Ocean Observing System (IOOS), acted as a key convener to match problem-solvers across stakeholder groups in the Pacific Northwest.⁶ Funding for this effort was leveraged from many sources, including various branches of IOOS, NOAA programs and laboratories, and regional partners.⁷ The Mid-Atlantic Regional Association Coastal Ocean Observing System (MARACOOS), analogous to NANOOS, is beginning to serve the same function in the Mid-Atlantic. While NANOOS was helping create a monitoring network with Washington and Oregon shellfish growers, the California Current Acidification Network (C-CAN) helped bring together researchers, resource managers, coastal businesspeople, and policy experts to develop a shared vision of network needs and guiding principles.⁸ A similar network exists in the Northeast (NECAN)⁹ and one is in development for the Mid-Atlantic (*NOAA OA Program Office, personal communication to S. Cooley, September 2016*). The RPB should build upon these ongoing efforts and work to collaborate on a successful OA monitoring network during ocean plan implementation.

Several states have already taken action on OA in the Northeast and Mid-Atlantic,¹⁰ but a coordinated monitoring network will provide these efforts with more policy-relevant information and allow them to proceed further. Maine and Maryland have convened multi-stakeholder commissions to assess the state of OA science and knowledge relevant to their interests, and Massachusetts and Rhode Island are considering this as well. New York recently passed a bill, awaiting the Governor's signature, to establish a commission exploring local impacts of OA on state marine resources. New Jersey and Delaware have completed internal studies compiling the state of the science. In each case, understanding of current conditions and the major influences on OA in each state's water is poor due to lack of regional monitoring. Ocean Conservancy's own analysis (*see footnote 11*) found that when different types of stakeholders (fishermen and scientists, for example) work together, sustained progress is more likely than if just one group is involved. We encourage the RPB to follow through on its commitment in *Healthy Ocean Ecosystem Action Three (Step C)* to "convene a broad range of scientists, stakeholders, Traditional Knowledge holders, and the public" to advance ocean acidification monitoring in the Mid-Atlantic and we would be happy to assist with any expertise or outreach. The success of the West Coast observing network is partly attributable to the multi-sectoral support for the efforts and the spirit of open collaboration embraced by the participants. Given the RPB's unique collaborative environment with states, federal agencies, and tribes as well as ocean users, it is well positioned to greatly advance the Mid-Atlantic OA Network.

⁵ <http://news-oceanacidification-icc.org/2016/02/05/predicting-ocean-chemistry-using-microsoft-azure-text-video/>

⁶ www.pmel.noaa.gov/pubs/PDF/newt4035/newt4035.pdf

⁷ www.ipacoa.org/

⁸ www.tos.org/oceanography/article/core-principles-of-the-california-current-acidification-network-linking-che

⁹ www.neracoos.org/necan

¹⁰ journal.frontiersin.org/article/10.3389/fmars.2015.00128/abstract

VIII. Utilize long-term data sets and partnerships to advance marine debris actions

While we are excited to see the RPB commit to addressing marine debris (*Healthy Ocean Ecosystem Action Four*), we encourage the RPB to proceed with more detailed work plans during plan implementation. Additionally, we encourage the RPB to partner where appropriate and to use existing data and resources to advance the marine debris action. Ocean Conservancy has worked extensively on this issue and has over 30 years of data to support your efforts. We urge the RPB to utilize these resources when developing its marine debris strategies.

Given our long-term involvement in marine debris reduction, there are a number of tools available that could greatly enhance the marine debris action. The Trash Free Seas Program, for example, has been a facet of Ocean Conservancy, in one form or other, since the inception of the organization in 1972. The cornerstone of the program is the International Coastal Cleanup (ICC) that is the largest, global volunteer effort for ocean health. The 2015 ICC marked the 30th Anniversary of the event with thousands of cleanups taking place in nearly every U.S. state and close to 100 countries. Ocean Conservancy provides supportive resources including volunteer ocean trash data cards,¹¹ which allows volunteers to become citizen scientists, collecting data on the types and amount of debris that plagues our coast or waterway.

Moreover, this year our data collection has moved into the digital realm with a mobile debris data collection app called Clean Swell that is available now in the AppStore for iPhone and iPad users and on GooglePlay for Android users. This app simplifies the data collection process, while keeping the experience easy and fun for users and the data compilation and analysis process efficient for cleanup organizers. The data will augment our 30 year ICC dataset and encourage year-round cleanup efforts. Ocean Conservancy's current database is available for reference and use by the RPB online.¹²

The RPB may also refer to actions Ocean Conservancy has taken to involve a range of sectors to address marine debris. For example, Ocean Conservancy is constantly evolving as we learn more about the nature and impacts of marine debris and ocean plastics through new scientific findings. We work to bring stakeholders from a number of different sectors – academia, industry, and science – to find innovative solutions to our marine debris problem through our Trash Free Seas Alliance®.¹³ We know that ocean trash is a complex and truly global problem and hence, will require a number of different approaches and solutions if we are to realize trash free seas. Cleaning up what's out there (through efforts like the ICC) and working with all stakeholders to prevent more trash from reaching the ocean (through the Alliance) are a major part of our program work. We also create a number of public outreach and educational materials that we share with educators, boaters, and all of our cleanup partners around the world, all of which are available to the RPB. Our most recent resource is our education program for youth called Talking Trash & Taking Action.¹⁴

Lastly, being based in Washington D.C., the Trash Free Seas Program is quite active in the Mid-Atlantic region. Each year, we host a large D.C. ICC event inviting partners, other NGOs, student groups, and more to participate in a cleanup. We also work closely with Keep America Beautiful and have held joint cleanups in the Chesapeake Bay region. We have strong partners in the Mid-Atlantic that draw thousands of

¹¹ www.oceanconservancy.org/our-work/international-coastal-cleanup/data-form.pdf

¹² www.coastalcleanupdata.org

¹³ www.oceanconservancy.org/our-work/trash-free-seas-alliance/

¹⁴ <http://www.oceanconservancy.org/our-work/marine-debris/talking-trash-educational.html>

volunteers to cleanups each year. During the 2015 ICC alone, over 34,040 volunteers participated in the Mid-Atlantic States and removed 1,553,928 pounds of debris from coasts and inland waterways. When further developing the marine debris action during plan implementation, we encourage the RPB to review existing datasets from our ICC work and utilize the partnerships already in place throughout the region.

IX. Create a mechanism for stakeholder input and requests to consider issues as part of plan performance monitoring and evaluation

We agree with the RPB on the importance of monitoring and evaluation. We support the need to ensure the plan is meeting the overall goals and the expected overarching outcomes we outline in the introduction above. We urge the RPB to develop specific indicators for plan performance and measurable outcomes that help identify progress made towards both a sustainable, healthy ecosystem and improved stakeholder engagement. Overall, an effective monitoring and evaluation strategy is key to successful implementation and improvement of future plan iterations.

Given the unique cross-sectoral forum the RPB provides, a specific mechanism should be established that allows stakeholders to petition the RPB to take up specific ocean management issues as they arise. The RPB provides a unique forum that allows relevant governmental and non-governmental stakeholders who utilize or manage the ocean to come together to address difficult issues. While the plan makes some initial commitments to improve the decision-making process, these approaches will likely need revision over time as the RPB and ocean users learn lessons through implementation. For example, if a permit for a particular ocean use occurs and the ocean plan is not working to fully address the management concerns, users could petition the RPB to hold a discussion forum to explore ways to improve the process. Additionally, management issues, new ocean uses, or conservation challenges may potentially arise that the RPB has yet to address, and having a specific avenue to formally request the RPB take up such issues would enhance plan performance over time and work to improve future iterations of the ocean plan. We urge the RPB to include a mechanism as part of its plan performance and monitoring in *Chapter Four*.

X. Ocean plan implementation and future plan iterations

Compatibility assessment

Understanding how existing and emerging ocean uses can co-occur while minimizing conflict is an overarching theme of the ocean plan. While we understand the complexities regarding conducting a compatibility assessment in this iteration of the ocean plan, we encourage the RPB to develop an initial discussion and framework surrounding a robust compatibility assessment. We recognize that a regional assessment is a significant undertaking, but our hope is that the RPB will commit to developing the necessary steps to move this overarching goal forward.

Continuation of the RPB

Our hope is that the RPB will continue to be a venue for discussion of ocean management issues among federal agencies, states, tribes, the Council, and ocean users. We, therefore, fully support the continuation of the RPB (2.2). This new approach to coordination and management will ensure reductions in conflicts, a vibrant economy continues, and a healthy ocean ecosystem is maintained.

Updates to plan information

Qualitative data found in the Regional Ocean Assessment coupled with spatial, quantitative data in the portal are both important information sources as agencies are making management decisions. With respect to the narrative, qualitative data found in the Regional Ocean Assessment, the format for discussing trends and updating information is less important, in our opinion, than the commitment from the RPB to revisit and update relevant information as appropriate. It is currently unclear, however, how qualitative data will be updated. We urge the RPB to revisit the information on future trends and needs of industry, conservation, and recreation when updates to the ocean plan occur and include them in the plan or Regional Ocean Assessment, where appropriate.

Stakeholder engagement

As outlined above, stakeholder engagement is an essential component of this planning process. We urge the RPB to continue its commitment to stakeholder engagement during plan implementation and future iterations of the plan.

Thank you for the opportunity to provide input to the Mid-Atlantic Ocean Action Plan and your continued leadership and engagement in regional ocean planning. We congratulate you on releasing the Mid-Atlantic's first regional ocean plan and we look forward to working with you during plan implementation and on future iterations of the ocean plan.

Sincerely,

Anne Merwin
Director, Ocean Planning
Ocean Conservancy

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:38 PM
Subject: Fwd: Letter
To: liz@bizmdosw.org

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **Bullin, Leann** <leann.bullin@boem.gov>
Date: Tue, Sep 6, 2016 at 2:43 PM
Subject: Fwd: Letter
To: BOEM MidAtlanticRPB <MidAtlanticRPB@boem.gov>

----- Forwarded message -----

From: **Robert LaBelle** <robert.labelle@boem.gov>
Date: Tue, Sep 6, 2016 at 2:39 PM
Subject: Fwd: Letter
To: liz@bizmdosw.org
Cc: Leann Bullin <Leann.Bullin@boem.gov>

Dear Ms Burdock,

Thank you for your comments on the MidA Ocean Plan. I am forwarding them to be posted on the RPB website.

Regards,

Bob LaBelle
BOEM

Begin forwarded message:

From: Liz Burdock <liz@bizmdosw.org>
To: "Robert.labelle@boem.gov" <Robert.labelle@boem.gov>
Subject: Letter

Please see the attached letter.

Liz Burdock
Executive Director
The Business Network For Offshore Wind
1701 North Gay Street, Baltimore MD 21213
202-403-7507 (cell)
www.bizmdosw.org
The Offshore Wind Industry Starts Here



September 6, 2016

Robert LaBelle
RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
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Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: Draft Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body Co-leads:

The Offshore Wind Business Network is a non-profit, non-governmental organization that supports using offshore wind as a renewable energy source to facilitate an increase in employment opportunities and help strengthen the economy. The Network fosters partnerships between businesses, small and large, with the goal of establishing an offshore wind energy industry in the United States, which will result in a unique network of collaborators. We are known as the only offshore wind group that brings together such a diverse collection of businesses and experts for the purpose of sharing new, innovative knowledge and creating a network of opportunities. We have held conferences and forums that have attracted over 300 businesses interested in the future outcomes of this industry. Collaboration with these businesses has resulted in emerging offshore wind projects in 12 states, including St. Thomas in the US Virgin Islands. At the Network we value education, a healthy economy, and especially organization, as it is the key to successful communication amongst businesses and partners.

As the Executive Director of the Network, I understand the importance of coordination when working with businesses throughout the energy supply chain, as well as with officials on the state and federal levels. I commend the Regional Planning Body (RPB) on the draft Mid-Atlantic Ocean Action Plan, which fosters interagency coordination via the use of public engagement, sound science, comprehensive ecosystem-based management, transparent decision making, and adaptive management approaches. This type of approach is essential to developing a project pipeline for offshore wind power in the Mid-Atlantic. I thank you for the opportunity to submit comments on this draft plan.

Offshore wind is one of the newest industries to enter in to the ocean space. As a rapidly growing industry, the approach of marine spatial planning fundamentally makes sense. Coordinating uses among

1701 NORTH GAY STREET BALTIMORE MD 21213
866-366-1198 www.offshorewindus.org



multiple sectors while supporting both renewable energy development and protection of ocean resources is common ground all users share. As a broad network of diverse businesses, we believe collaboration is critical to success. Our network finds true value in working together to advance our common interests, pursuing collaboration across different ocean users to advance common goals. That is why **I am happy to see collaboration as a cornerstone of the Ocean Action Plan**, highlighted through clear objectives to enhance stakeholder engagement in ocean management. From government agencies agreeing to work more efficiently together to the engagement of broad ocean use sectors when decisions need to be made, we believe that when you foster strong working partnerships, through both formal and informal relationships, you can create outstanding results.

The interjurisdictional actions contained within the plan are a strong start towards achieving the goal of more coordinated and efficient decision-making. As agencies begin implementing this Plan, **I would urge them to effectively implement their commitments to collaborate among themselves, state and tribal governments, fishery management councils, and stakeholders impacted by decision-making.** Not only will better collaboration between agencies pay off through enhanced permitting and review processes for our membership, but information sharing and early engagement of affected parties will help reduce conflict and foster a more reliable pipeline of offshore wind projects. We saw this play out in the context of Deepwater Wind's Block Island project, where the Rhode Island Special Area Management Plan brought key players together early in the process, ultimately resulting in reduced permitting times and multi-party support for the project. Our hope is that the Mid-Atlantic Ocean Action Plan can support similar outcomes across the region.

In particular, the Bureau of Ocean Energy Management (BOEM) makes commitments to enhance existing public engagement early in the decision-making process, and specifically mentions the fishing community. I strongly encourage this. Early engagement with existing ocean industries throughout the life of an offshore wind project, including pre-planning and site assessment will foster a sense of trust and understanding between interested parties. Early coordination and effective communication of science strategies related to specific industries such as fishing will ensure that sites are chosen that have the least impact on other industries and the environment. Offshore wind businesses are eager to secure early stakeholder engagement and buy-in, based on the success this approach produced in Rhode Island. Accordingly, I recommend that **BOEM outline a work plan that more clearly defines actions or approaches to improve early stakeholder engagement for the wind siting and development process.**

Within the Ocean Energy section of the plan, BOEM as a lead agency commits to **partner in on-going and planned studies, to identify knowledge gaps, and increase access to research planning cycles related to ocean energy. I strongly support this.** In order to move through the permitting and construction processes, sound scientific understanding of the ecosystem and the life that calls it home is necessary. **I urge the BOEM to adhere to these commitments and ensure resources are allocated in a strategic manner that will more coherently support the needs of wind development projects across the region, as opposed to on a project-by-project basis.** BOEM should work with its RPB partner agencies, as well as the recently-formed National Academies committee, to ensure their studies and research cycle goals are clearly defined, and effectively communicated with other ocean industries. This can be done through a detailed work-plan that will outline the agency's research goals, how they relate to the needs identified in the Mid-Atlantic Ocean Action Plan, and how the agency will work to meet those goals and fill data gaps. In turn, as those data gaps are filled, the Mid-Atlantic Ocean Data Portal should be updated accordingly.



In addition to strengthening our understanding of the ocean conditions in which our members operate in, having ready access to existing data across multiple sectors is groundbreaking. **The Mid-Atlantic Ocean Data Portal is a uniquely valuable tool for our members to use when planning their projects.** Information developed through the Data Portal Team, including the Communities at Sea data, is also helpful for outreach to ocean users sharing similar space. As stated above, collaboration among members and among ocean users is critical for the offshore renewable energy industries success, and the planning process and related data portal have enhanced our capabilities beyond compare. **I urge the RPB to work towards a long-term solution for maintaining and updating the data in the portal,** including working with federal agencies who have committed to science and research actions, such as BOEM. Longevity of the data portal and access to information on other ocean uses is critical to our industry as we work to establish a pipeline of offshore wind projects in the United States.

As a new industry, the offshore wind community is pleased to have been an integral part of the regional planning process. We commend your efforts to enhance collaboration among ocean users and increase our foundational knowledge of the ecosystem we operate in. On behalf of the Business Network for Offshore Wind, I thank the RPB for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Burdock". The signature is fluid and cursive.

Liz Burdock
Executive Director
Business Network for Offshore Wind

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Wed, Sep 7, 2016 at 7:22 AM
Subject: Re: Comments on Mid-Atlantic Regional Ocean Action Plan - TE SubCom
To: "Rapp, Ronald" <rrapp@subcom.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 9:05 PM, Rapp, Ronald <rrapp@subcom.com> wrote:
Dear Regional Planning Body Co-leads,

TE SubCom congratulates the Mid-Atlantic Regional Planning Body (RPB) on the draft plan and appreciates this opportunity to submit the attached comments. We thank you for the work of the RPB and look forward to working with you all on future plan and data portal updates. Please contact me with any questions.

Sincerely,
Ronald J. Rapp, Ph.D.
Director, Industry & Marine Liaison
TE SubCom
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office: +1 732-578-7370
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Sept 6, 2016

Robert LaBelle
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Kelsey Leonard
RPB Tribal Co-Lead
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Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: Comments on Mid-Atlantic Regional Ocean Action Plan

Dear Regional Planning Body Co-leads:

TE SubCom congratulates the Mid-Atlantic Regional Planning Body (RPB) on the draft plan and appreciates this opportunity to submit comments. TE SubCom is the leading supplier of undersea telecommunication cable systems globally. At TE SubCom we are dedicated to the satisfaction of our customers in providing the most reliable telecommunications systems possible. Given the growing demand for high speed communication and internet it is essential that submarine cable companies be part of the ocean planning discussion. We applaud the RPB on its engagement with the industry thus far and hope our comments will improve the final version of the Mid-Atlantic Ocean Action Plan.

Personally, I have worked in the marine field for over 40 years with various companies and currently hold the position of Director, Industry and Marine Liaison at Tyco Electronics Subsea Communication (TE SubCom). As director I oversee the route planning, manufacturing, installation, and maintenance of undersea telecommunications cables for our customers around the world. Over the years, we have observed the number of ocean users increasing and the potential conflicts that may occur with other users when installing or maintaining subsea cables. We understand, therefore, the importance of collaborating with existing and emerging industries to plan our ocean uses in a responsible and productive manner.

Descriptions of future trends of the submarine cable industry are helpful for agencies making management and permitting decisions. The Mid-Atlantic Regional Ocean Action Plan uses the Regional Ocean Assessment to discuss these trends as compared to the Northeast Ocean Plan that discusses trends specifically within the ocean plan document. Whatever format is chosen moving forward, we encourage the RPB to commit to updating information and trends of the submarine cable industry and clearly outline how these updates will occur.



For the Mid-Atlantic Ocean Data Portal to continue to be an essential reference for decision makers when deciding where potential development should occur, maps of submarine cables must continue to be updated as new information is obtained. We strongly urge the RPB member agencies to work to ensure funding is directed to data portal maintenance and updates.

We ask that RPB member agencies hold firm on their commitments for early consultation with undersea infrastructure interests before permitting proceeds and encourage the RPB to use data and information in the data portal to inform regulatory reviews of potential projects. The strength of the ocean plan is the commitment to more efficiently coordinate among federal, state, tribal, the Mid-Atlantic Fishery Management Council, and industry. We encourage the RPB to take their stakeholder engagement commitments seriously and develop a plan for how agencies will identify stakeholders more effectively before permitting decisions are made. Decisions on placement of new ocean infrastructure and lease blocks must take into account not only existing cable routes, but consider future routes and future landings on the US coastline so access is not precluded by other leases and infrastructure. The plan should outline the process for accommodating future cable routes.

Review of permit applications can be made more efficient by reusing studies from similar previously applications and use of impact assessment data held by the RPBs when granting permits for new cable routes and installations.

Lastly, my industry works to ensure we are environmental stewards and we see the value in decision makers having access to datasets on ecological habitats and marine life. However, we encourage the RPB to outline a transparent process for defining ecologically rich areas. There are many approaches and datasets that describe areas important ecologically; we ask the RPB to outline how its ecologically rich area framework will add to or differ from current ongoing work.

We thank you for the work of the RPB on the draft plan and look forward to working with you all on future plan and data portal updates. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Rapp'. The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized.

Ronald J. Rapp

Director, Industry and Marine Liaison
TE SubCom

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Wed, Sep 7, 2016 at 7:22 AM
Subject: Re: AWEA Comments on the Draft Mid-Atlantic Regional Ocean Action Plan
To: Julia Dreyer <JDreyer@awea.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 9:49 PM, Julia Dreyer <JDreyer@awea.org> wrote:
Hello,

Please find attached AWEA's comments on the Draft Mid-Atlantic Regional Ocean Action Plan.

Regards,

Julia Dreyer

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Julia Dreyer
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September 6, 2016

Robert P. LaBelle
Federal Co-Lead, Mid-Atlantic Regional Planning Body
BOEM
45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Re: AWEA Comments on the Draft Mid-Atlantic Regional Ocean Action Plan

Submitted via email: MidAtlanticRPB@boem.gov

The American Wind Energy Association (“AWEA”)¹ submits comments in response to the notice of and request for comment on the draft Mid-Atlantic Ocean Action Plan (“Plan”), published by the National Oceanic and Atmospheric Administration (“NOAA”) in the *Federal Register* on July 6, 2016.² The Plan is a matter of vital importance to our members because a well-crafted Plan that fosters interagency coordination through the use of public engagement, sound science, comprehensive ecosystem-based management, transparent decision making, and adaptive approaches is essential to ensure that the vast offshore wind power potential³ off the Mid-Atlantic is effectively utilized.

The Plan will also help ensure the protection, maintenance, and restoration of the health of ocean and coastal ecosystems and resources, while supporting sustainable uses and access. Specifically, we believe that the Plan will help encourage and facilitate

¹ AWEA is a national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA’s members include wind energy facility developers, owners and operators, construction contractors, turbine manufacturers, component suppliers, financiers, researchers, utilities, marketers, customers, and their advocates. Offshore wind is an important part of AWEA’s efforts to advance the growth of wind energy in the U.S.

² 81 Fed. Reg. 44040 (July 6, 2016).

³ The U.S. has vast offshore wind energy resources with a power potential of more than 4,000,000 MW that could contribute up to four times the generating capacity of the current U.S. electrical system and, in turn, unlocking that potential to accomplish greenhouse gas reduction goals.



the responsible development of offshore wind energy, which will, in turn, enable the United States to mitigate the effects of global climate change⁴ by displacing greenhouse gases with clean, renewable energy. Indeed, as the Plan recognizes, offshore wind energy in the region represents a significant renewable energy opportunity in the near term.⁵ However, there are currently no full-scale offshore wind facilities deployed in the Mid-Atlantic. Accordingly, the Plan should be implemented in a way that encourages the deployment of offshore wind energy through straightforward, transparent, and collaborative tools and procedures. With that end in mind, our comments reflect the following key concerns and recommendations:

- Offshore wind development is highly beneficial to the Mid-Atlantic region and constitutes an important aspect of climate change policy,
- AWEA generally supports the RPB's efforts in the Draft Mid-Atlantic Regional Ocean Plan to inform regulatory and management decisions and enhance agency coordination,
- The plan should not impact the rights of existing offshore wind projects, and
- The designation of ecologically rich areas should not automatically create zones where no offshore wind development is permitted.

I. BACKGROUND

Interagency and intergovernmental coordination concerning renewable energy development is crucial to ensure that the significant benefits of deploying offshore wind energy in the Mid-Atlantic are realized, including job creation, economic development, and displacement of emissions from other sources of electricity. In recognition of these benefits, the Obama Administration has been committed to promoting the development of offshore wind energy in the United States, which it recognizes “will play an integral role in our future energy portfolio.”⁶ The Department of Energy’s *Wind Vision Report* anticipates that offshore wind will be an important

⁴ As the Plan recognizes, “ocean conditions are changing with climate change, including increased ocean acidification, sea-level rise and warming water temperatures. Planning ahead for these changes will help the region face them proactively and effectively.” Plan at 29.

⁵ Plan at 47.

⁶ See e.g., White House, Fact Sheet: White House Summit on Offshore Wind (Sep. 28, 2015), <https://www.whitehouse.gov/the-press-office/2015/09/28/fact-sheet-white-house-summit-offshore-wind>.



growth area for the United States reaching as many as 22 GW of offshore wind power by 2030 and 86 GW of offshore wind power by 2050.⁷

Thirteen offshore wind projects (representing 5,939 MW) are in various stages of development in the United States.⁸ Although there are no full scale offshore wind projects deployed yet in the Mid-Atlantic, siting and planning activities have begun because offshore wind is a significant and abundant energy resource poised for considerable development in the region.⁹ In the Mid-Atlantic, the Bureau of Ocean Energy Management (“BOEM”) has designated wind energy areas (“WEAs”) off the coasts of New York, New Jersey, Maryland, and Virginia and a lease for offshore wind development has been granted to NRG Bluewater off the coast of Delaware. The offshore wind leasing process has already begun in many of these areas, including programmatic agreements for offshore wind activities in New Jersey and New York and for leasing and site assessment activities offshore Delaware and within the WEAs offshore Maryland, New Jersey, and Virginia. In addition, there have been findings requisite for approval of plans in Maryland and Virginia.¹⁰

Although the Mid-Atlantic is an integral region for offshore wind development as it possesses vast offshore wind power potential, the cumbersome planning and siting processes have created unnecessary delays and obstacles to offshore development, leaving this resource potential untapped to date. The procedural delays and ineffective coordination between the main agencies with regulatory authority relevant to offshore wind projects have caused excessive delays, severely limiting offshore wind deployment in the region. In order to have a robust offshore wind industry, the timeline to complete the permitting and regulatory processes must be significantly reduced.

⁷ U.S. Department of Energy, *Wind Vision: A New Era for Wind Power in the United States*, xxvii (Mar. 2015)(Wind Vision Report).

⁸ Smith, A., et al., 2014-15 Offshore Wind Technologies Market Report, p. 7 (National Renewable Energy Laboratory Sep. 2015).

⁹ Plan at 47.

¹⁰ See e.g., BOEM, *Finding of No Historic Properties Affected for the Approval of a Site Assessment Plan Offshore Virginia*, available at <http://www.boem.gov/Documentation-in-Support-of-a-Finding-of-No-Historic-Properties-Affected-Commercial-SAP/>.



AWEA offers the following comments for consideration to ensure that these objectives are met in a way that promotes healthy ocean and coastal ecosystems while not impeding offshore wind development.

II. COMMENTS

A. Offshore Wind Development is Highly Beneficial to the Mid-Atlantic Region and Constitutes an Important Aspect of Climate Change Policy

The development of offshore wind improves energy reliability by diversifying the grid, strengthens national security by decentralizing our power generation and lessening our reliance on imported fossil fuels, and stimulates economic growth and job creation. Consistent with one of the two overarching goals of the RPB, to protect and conserve the ocean and coastal resources,¹¹ offshore wind energy can help to protect the environment, including through the reduction of greenhouse gas emissions and by providing other ecosystem benefits (*i.e.*, creating artificial reefs).

Offshore wind energy development can also serve state, regional, and national goals and interests. For instance, New York has an ambitious renewable energy goal with a commitment to generate 50% of the state’s electric power from renewable sources by 2030. Offshore wind development can help New York achieve this goal; an offshore wind project near New York allows for delivery of electricity “directly to coastal cities, where prices are the highest (thereby lowering the cost of any necessary subsidy), demand is greatest, and generation and transmission siting are the most challenging.”¹² Other states within the region also have renewable energy goals, including several state renewable portfolio standards for which offshore wind could help the state comply. Such projects will also be critical in helping the U.S. meet its national environmental obligations such as the Clean Power Plan and its international commitments on emissions reduction (*e.g.*, the Paris agreement). In addition, offshore

¹¹ Plan at 37.

¹² Fulfilling the Promise of U.S. Offshore Wind: Targeted State Investment Policies to Put an Abundant Renewable Resource within Reach; *available at* <https://www.nrdc.org/sites/default/files/offshore-windinvestment.pdf>.



wind projects can create manufacturing, engineering, construction, and technology development jobs.

Utilizing the vast offshore wind potential off the Mid-Atlantic coast will help states, the region, and the nation comply with these efforts and meet these climate change goals. The RPB should further highlight some of these benefits, particularly the environmental and ecological advantages of offshore wind development, in the Ocean Energy section of the final Plan.

B. AWEA Generally Supports the RPB’s Efforts in the Draft Mid-Atlantic Regional Ocean Plan to Inform Regulatory and Management Decisions and Enhance Agency Coordination

The Plan includes a list of actions that the RPB and its individual entities intend to undertake to meet the Plan’s goals and objectives as well as best practices that describe how the Federal agencies will, to the extent practicable, use the Mid-Atlantic Ocean Data Portal (“Portal”) and related information to help inform agency decision making.¹³ Of key importance is Action 2, develop internal BOEM guidance on integrating the Plan-developed best practices for using the Data Portal in management, environmental, and regulatory reviews. In order to encourage the development of offshore wind projects, it is crucial that the final Plan include actions that effectively strengthen intergovernmental coordination, planning, and policy implementation while also enhancing public participation.

A key purpose of the Plan is the process of collaboratively developing and implementing tools, information, and processes that enhance the capacity of Federal, State, and Tribal entities and the Mid-Atlantic Fishery Management Council (“MAFMC”) to carry out their missions, work together more effectively, and serve the needs of stakeholders in the region. AWEA supports this goal as interagency coordination is essential to realize the level of offshore wind development in the Mid-Atlantic envisioned by states and the federal government. AWEA generally supports

¹³ See Plan at 101.



the best practices and collaborative actions.

Although we generally support the RPB's proposed actions on energy, we caution that, as proposed, some of the actions might not achieve these goals. Accordingly, AWEA offers the following comments that should be addressed in the final plan:

- *Section 2.1*

AWEA supports the best practices described in Section 2.1 that inform coordination and the use of data and information under existing authorities. We further support the intent of these practices to improve the use of data and information, participation in agency coordination, coordination with stakeholders, Federal-State coordination, and Federal-Tribal coordination. AWEA understands that these best practices are voluntary for states and tribes and appreciates that all RPB entities are strongly encouraged to use them. In addition, we support that Federal agencies will, to the extent appropriate and practicable, implement best practices. More specifically, AWEA offers the following comments on some of the subsections within action 2.1.

AWEA supports 2.2.1: enhance the use of data and information in agency coordination, but cautions that the data must be accurate and not automatically applied to decision making the data do not inform. We appreciate the Plan's intent to enhance the data portal as it helps to avoid the creation of a process that is actually more complicated and creates procedures that impose additional limitations on offshore wind development. According to the Plan, RPB members should use the Portal to inform the environmental and regulatory review processes under applicable statutes and regulations. However, we are concerned that, as drafted, the Portal could lead to the use of general data in decision-making when there are more accurate project- or site-specific data available. For instance, the Portal should not lead to the substitution of general data for more granular, specific data that more accurately reflects specific area conditions. At the same time, agencies should not require significant additional site-specific data if the available data are sufficient to undertake robust impact assessments.



AWEA supports the identification of relevant stakeholders early in the process to the extent it creates a more efficient, streamlined planning process. However, we caution that the Portal is limited to the data it receives. To the extent data in the Portal are limited or inaccurate, we caution that this could lead to obstacles to offshore wind development when the specific interactions may not actually occur or may not pose a potential risk.

In addition, AWEA supports Section 2.1.2: enhance participation in agency coordination. The Plan lists best practices that can enhance existing coordination mechanisms by ensuring that entities with responsibilities and/or interests under existing authorities have the opportunity to participate in agency coordination.¹⁴ AWEA agrees that the implementation of best practices should be considered for all kinds of projects and activities, and supports the specific intent for these best practices to apply to NEPA processes, including environmental assessments (“EAs”) and Environmental Impact Statements (“EISs”), both of which are required of offshore wind projects in BOEM-designated WEAs, as discussed below. In addition, AWEA supports the emphasis on early engagement in coordination.

Similarly, AWEA supports 2.1.3: enhance coordination with stakeholders. We agree that agencies should informally discuss with the project proponent any known stakeholders that may be affected by the proposed project. A more straightforward, systematic process for stakeholders is likely to decrease unnecessary regulatory delays as it could prevent the situation where the same issues are discussed in comments over a period of years, creating unnecessary delay and overlap. A systematic approach whereby stakeholders have deadlines for notifications and periods of commenting on offshore wind activities would serve to expedite the regulatory process. Such discussions can further serve to expedite the permitting and regulatory process for offshore wind development if stakeholder engagement occurs at the earliest possible stage. To that end, both agency coordination and coordination with stakeholders should take place at the earliest possible time.

¹⁴ See Plan at 32.



AWEA accordingly recommends that stakeholder engagement (and agency coordination) occur much earlier in the development process. As it stands, scoping with stakeholders occurs as part of the NEPA process and after a developer has completed surveys. Consequently, the developer has expended considerable resources by this stage. Scoping at this stage when resources have already been expended creates the potential that developers have to go back to gather additional survey data, which would be unnecessary and impose additional costs. The current process creates uncertainty, unnecessary delays, and excessive costs. Accordingly, the stakeholder scoping process should occur earlier in the development process and before the NEPA process.

An early, clear, and efficient direction for both a lead agency and project applicant is necessary for the offshore wind industry as excessive delays and numerous regulatory hurdles have delayed the industry's success. Enhanced coordination between agencies and stakeholders can help to achieve this goal.

- *Section 2.4.2*

Section 2.4.2, ocean energy, outlines several RPB agency commitments with respect to offshore wind activities. AWEA supports the first action, to identify key intersections of relevant Federal programs and authorities that affect wind energy development. However, as this appears to already have occurred, the final Plan should clarify what additional actions this section contemplates or if it is a commitment to continue to identify these intersections on an ongoing basis.

AWEA also supports Action 2, to develop internal BOEM guidance on integrating the Plan-developed best practices for using the Data Portal in management, environmental, and regulatory reviews. As part of this commitment, BOEM, as well as other agencies, should also commit to make reasonable efforts to use the tools provided through these best practices, Portal, and Plan to develop and adhere to a permitting schedule conducive to expedient project review.

Additionally, the RPB should clarify in the final Plan the close relationship between ocean energy and critical undersea infrastructure (2.4.9). At a minimum, the RPB should reference the interplay between the two in their respective sections and



indicate which best practices and commitments are applicable to the other activity when tied together. In other words, the RPB should clarify the additional commitments and/or best practices that are applicable to critical undersea infrastructure that is constructed as part of an offshore wind energy facility, and vice versa.

C. The Plan Should Not Impact the Rights of Existing Offshore Wind Projects

Although the Plan does not impose any new regulatory requirements, the Plan and Portal do inform and will potentially influence the RPB-agencies' decision making processes. To the extent the draft Plan impacts agency activities with respect to existing projects, the final Plan should clarify that projects that were sited based on prior information and procedures should not have new requirements imposed absent extraordinary circumstances that require such additional measures, like concerns over safety. Moreover, the final Plan should clarify that these data, intergovernmental coordination procedures, and stakeholder engagement practices should not unnecessarily block or delay projects that are already moving forward as a result of federal and state approvals and competitive processes that engage in project-by-project analyses, including federal leasing activities and state activities like those described in Chapter 1.¹⁵

D. The Designation of Ecologically Rich Areas Should Not Automatically Create Zones Where No Offshore Wind Development is Permitted

AWEA appreciates the RPB's efforts to implement an ecologically rich area ("ERA") framework to protect vulnerable marine life and habitat. Action 1 is a commitment to identify ERAs of the Mid-Atlantic Ocean and increase the understanding of those areas to foster more informed decision making.¹⁶ Specifically,

¹⁵ See Plan at 11 (describing state-led research and planning efforts, including New Jersey's Ocean/Wind Power Ecological Baseline Studies and Maryland's planning efforts for offshore wind energy development).

¹⁶ Plan at 38.



the RPB will use marine resources data and information synthesis products, in coordination with the expertise of scientists and other ocean stakeholders, to identify and assess the marine ecology, human uses, and current management practices associated with areas of the Mid-Atlantic. AWEA appreciates the RPB’s stepwise approach it intends to follow to develop and implement the ERAs, including the first step to develop a framework for ERAs that contains terms, references, and general components of ERAs, which the Plan suggests will be developed in coordination with stakeholders and the public. AWEA further recommends that the RPB agencies make a commitment, to the extent practicable, to develop this framework through the public notice and comment process due to the potentially significant consequences on regulated entities and members of the public.

The Plan also incorporates as Appendix 4 a draft framework for identification of ERAs, which “represents a starting point for RPB discussion and further consideration by stakeholders and scientific experts in the region [and] should be seen as a first step in a deliberative, transparent, and inclusive effort to define ERAs in the Mid-Atlantic.”¹⁷ As proposed, the framework will designate areas as areas of: (1) high productivity; (2) high biodiversity; (3) high species abundance including areas of spawning, breeding, feeding, and migratory routes; (4) vulnerable marine resources; or (5) rare marine resources. The Plan further identifies longer term science and data needs to advance the identification of ERAs.

The Plan should clarify that none of these categorizations would automatically impose a blanket restriction on the development of offshore wind projects, without site- or project-specific considerations of the actual environmental impacts. In other words, the RPB should clarify that, even after the new science and data needs are satisfied, offshore wind activities in particular will not be automatically excluded from development solely on the basis of an ERA categorization in the area. Instead, the ERA framework should be considered in light of the specific impacts found in environmental reviews. If the case-by-case analysis demonstrates that an offshore

¹⁷ Plan at 122.



wind facility can sufficiently mitigate any impacts to vulnerable marine resources, a potential ERA designation should not limit development.

Project-specific analyses provide a better opportunity to fully analyze a potential project’s ecological impacts in the area that can more accurately ensure protection of the ocean’s resources. For instance, projects proposed for development within BOEM-identified WEAs undergo multiple NEPA reviews. BOEM has already identified and designated several WEAs for the purpose of supporting lease issuance and site assessment activities, which were each subject to a NEPA review. Additionally, each potential offshore wind facility in a WEA for which BOEM grants a lease is itself subject to two separate NEPA reviews. The first review is an environmental assessment (“EA”) that is conducted with respect to a site assessment plan (“SAP”), which the lessee must submit to BOEM no later than 12 months after receipt of the lease.¹⁸ The lessee must also submit a construction and operations plan (“COP”) to BOEM at least 6 months prior to the completion of the site assessment term, which requires an environmental impact statement (“EIS”). These reviews are critical elements of the siting process because they are site- and project-specific and therefore provide the best basis for evaluating a particular project’s impacts on the overall marine environment, including potential ERAs and whether the project can offset any potential impacts.

Moreover, AWEA encourages the RPB to consider adopting the term Important Ecological Area, consistent with the Northeast RPB’s Draft Northeast Ocean Plan. The Plan provides that the RPB will use data and information synthesis products “in coordination with a similar effort in the Northeast” to identify and assess the marine ecology, human uses, and current management practices in the Mid-Atlantic. However, it does not further explain the relationship between IEAs in the Northeast and ERAs in the Mid-Atlantic. Furthermore, it is unclear whether those areas may overlap and how any potential interaction would be handled. The RPB

¹⁸ 30 C.F.R. § 585.

should accordingly attempt to clarify the differences between the two similar but distinct frameworks. At a minimum, the Mid-Atlantic RPB should clarify the differences in categorization and application between the two terms.

Accordingly, ERAs should not automatically preclude wind energy development as long as potential impacts can be mitigated. It is vital that potential impacts on any ERA will be analyzed through a robust environmental assessment process at which time any appropriate mitigation measures will be implemented.

E. Additional Comments on the Draft Plan

- *Draft agency policies*

AWEA supports that the Plan does not mention draft agency policies like the United States Coast Guard Atlantic Coast Port Access Route Study (“ACPARS”) because policies like ACPARS are not final agency policies that have been adopted. RPB agencies should therefore not utilize in their decision making any proposed guidance in ACPARS, including potential automatic setbacks. AWEA supports and appreciates the RPB’s exclusion of draft policies like ACPARS from the Plan.

- *Department of Defense*

The Plan intends to account for national security interests while also facilitating collaboration around ocean energy issues, among balancing other reasonable ocean uses. Offshore wind energy is important for our national security, energy security, and economic security. However, the Plan falls short of reaching its objective of accounting for national security interests through enhanced coordination, increased transparency, and sharing of information across RPB member entities. Without a better system for engaging with the Department of Defense (“DOD”) on potential areas suitable for offshore wind energy development, including improved transparency with respect to DOD analyses on impacts and the potential suitability of portions of exclusion zones for offshore wind energy development, offshore wind projects will continue to be hindered. Decades of experience in developing onshore wind farms in the United States and offshore wind farms around the world have demonstrated that wind turbines and military training (or other reasonable uses) can coexist. In fact, in



most cases, offshore wind energy development can be compatible with DOD areas used for training and testing (range complexes) off the Mid-Atlantic coast. To the extent there is a conflict between offshore wind energy and a national security use, the circumstances should be evaluated on a case-by-case basis instead of establishing an automatic exclusion zone. At a minimum, the RPB should encourage DOD and BOEM to communicate these issues on a case-by-case basis.

III. CONCLUSION

AWEA appreciates the opportunity to provide these comments on the RPB's draft Plan and respectfully requests that they are addressed in the final Plan. Please do not hesitate to contact us if you should have any further questions.

Sincerely,

Nancy
Sopko
Manager
Advocacy & Federal
Legislative Affairs

Gene Grace
Senior
Counsel

Julia Dreyer
Junior
Counsel

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From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:22 AM
Subject: Re: Public Comment
To: "captommyd ." <capttomd@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 3:34 PM, captommyd . <capttomd@gmail.com> wrote:
Please accept my attached public comment on the Mid-Atlantic Regional Ocean Action Plan.

Thomas Dameron
Fleet Manager
Surfside Foods, LLC
(609) 876 - 0189

September 5, 2016

Robert LaBelle
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RE: Comments on the Draft Mid-Atlantic Ocean Action Plan

Dear Regional Planning Body:

Thank you for the opportunity to comment on the draft Mid-Atlantic Ocean Action Plan. As longtime commercial fisherman and fleet manager, and an industry advisor to the U.S. Coast Guard and Mid-Atlantic Fishery Management Council, I have been interested in the regional planning effort for quite some time. I commend the Regional Planning Body on the release of the draft Plan, which I believe is a useful step towards more coordinated information sharing and collaboration among those of us who use the ocean and managers.

Commercial fishing is both a cultural institution and a major economic driver in my home base of New Jersey. But there are many new uses coming to the region—wind farms, seismic testing, and sand mining for example—that present challenges and concerns for the fishing industry. Ocean planning offers us a way to ensure we are part of the conversation and decision-making process when issues like these arise. I believe this kind of mutual collaboration is key to sustainably managing our ocean resources and ensuring the commercial fishing community can continue to fish successfully in the region. To further strengthen the ocean planning process in the Mid-Atlantic, I would like to make the following recommendations:

Continue to improve data on commercial fishing

I appreciate the Plan's commitment from NOAA and the Mid-Atlantic Fishery Management Council to continue to actively engage stakeholders in fisheries science and management, and to seek ways to make fishermen's knowledge available for planning. Including data on commercial fishing activities in the data portal is a helpful first step, and I was glad to see the datasets on VMS and VTR as well as surfclam and ocean quahog management areas are available on the portal. The "Communities At Sea" dataset, which allows managers and developers the ability to see the type of fishing boat and its home port, also strikes me as a useful tool. However, there remain gaps in the fisheries data that is included on the portal. For example, we need better data on pelagic fish and invertebrate species especially for those species not effectively captured with benthic trawl surveys. If agencies are making decisions about approving new uses in the ocean, be it sand mining or seismic testing, it's important that they understand as accurately as possible where and how we operate, and also where the fish and shellfish habitats are. This means

expanding and increasing the accuracy of data on fishing in the portal. I urge the RPB to prioritize improving fishing data, and to work directly with both the Mid-Atlantic Fishery Management Council and commercial fishermen in order to do so.

Provide for the long-term maintenance of the data portal

The Mid-Atlantic Ocean Data Portal is, in my opinion, a key element and benefit of the Ocean Action Plan. It's the first time I as a private citizen have had access to the same data that all the federal and state agencies are using. Beginning any decision-making process with the same set of information is a smart way to help foster better decisions. Given the portal's importance for agencies when trying to understand where appropriate development should occur that doesn't interfere with the commercial fishing industry, we need to be able to rely on the accuracy and usefulness of the portal well into the future. Agencies must commit to updating and maintaining data, and to provide long-term funding for the portal. This commitment will help persuade commercial fishermen that they are not wasting time providing data and information; it should also work to support ongoing engagement and participation from the fishing community.

Improve practices for early engagement with commercial fishermen

Commercial fishermen are faced with a constantly-growing set of challenges and risks that threaten their livelihoods. We simply do not have the time to follow all the projects that could affect our ability to fish offshore; this is why proactive, early outreach to fishermen before permit applications are finalized is so important. I appreciate the commitments made by the RPB to engage stakeholders early in the decision-making process; however, I would like to see more detail on how that will actually occur. What are the agencies proposing to do differently or better than they do now? I encourage the RPB to begin to more fully outline the details of their stakeholder engagement commitments and to uphold these during plan implementation. I would be happy to work with any of the RPB member agencies to discuss ways to more effectively engage the commercial fishing community.

I thank the RPB for their good work so far on the Regional Ocean Action Plan, and I look forward to working with you to strengthen and implement the Plan moving forward. Please contact me with any questions or to support fishing engagement efforts.

Regards,

Thomas Dameron
Fleet Manager
Surfside Foods, LLC
(609) 876 - 0189

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:12 AM
Subject: Re: Emailing: Mid-Atlantic Regional Ocean Action Plan
To: Guy Jacob <guyjacob@optonline.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sat, Sep 3, 2016 at 8:25 AM, Guy Jacob <guyjacob@optonline.net> wrote:

Your message is ready to be sent with the following file or link
attachments: Mid-Atlantic Regional Ocean Action Plan

RE: Mid-Atlantic Regional Ocean Action Plan

Robert P. LaBelle, Federal Co-Lead
Mid-Atlantic Regional Planning Body, BOEM
45600 Woodland Road, Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Mr. LaBelle:

Attached, please find my comments.

Thank you,

Guy Jacob, Conservation Chair
NHOC



Nassau Hiking & Outdoor Club, Inc.

AFFILIATED WITH N. Y. - N. J. TRAIL CONFERENCE

www.nassauhiking.org

PO 037207
Elmont, NY 11003

RE: Mid-Atlantic Regional Ocean Action Plan

Robert P. LaBelle, Federal Co-Lead
Mid-Atlantic Regional Planning Body, BOEM
45600 Woodland Road, Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Mr. LaBelle:

The Nassau Hiking & Outdoor Club's interests in the Mid-Atlantic Regional Ocean Action Plan lie in advancing our understanding of, as well as that of members of the general public, the ongoing efforts and information gathering work that is being coordinated by the Regional Planning Body. We also appreciate the opportunity to comment on your proposed actions. We commend and thank you for the work that you have initiated and completed thus far. Your collaborative effort exemplifies government working at its best at all levels.

That this plan is the first of its kind in our region is compelling. While this fact limits your ability to learn from past resources, it speaks to the critical importance of your labor. As climate change shifts ocean species and habitats and threatens the health of marine ecosystems, as emerging marine commerce and navigation increase traffic in our waterways, the time is now to gather baseline data and utilize the power of informed judgements to plan conservation strategies.

Transparency is critical and timely. While Executive Order 13547 guides your planning today, a new administration in January 2017 could certainly spur shifting priorities. If the public is not well informed about your work under the current administration, it will be difficult for citizens to hold a future administration accountable. With this in mind, we urge you to hold another round of public information sessions subsequent to submitting your final plan to the National Ocean Council in the fall of 2016 and prior to the end of 2016. Please continue to work closely with conservation and maritime organizations to help you spread the word and thereby enhance public knowledge of your undertakings. Post the dates as early as possible so that public agencies and nonpublic entities can encourage public attendance at your meetings.

We hope that future RPB public listening sessions will help educate the public about how to best use the Mid-Atlantic Ocean Data Portal as a resource for up-to-date information. The use of PowerPoint presentations and live video use of this website at your public meetings would educate the general public as well as educational institutions about the Data Portal and its value for sharing maritime information. State agencies, conservation and other maritime organizations could also be invited to RPB public meetings to make presentations of their own relative to their work within specific areas of the Mid-Atlantic region.

At the Central Park Zoo on August 31, the Wildlife Conservation Society hosted a panel discussion entitled *Navigating New York's Busy Ocean: Whales, Ships, and the New Era of Ocean Planning*. We learned about the general work of the RPB as well as the ongoing efforts of the NYSDEC, NAMEPA and the WCS to gather information about the New York Bight. These kinds of meetings should be held throughout the Mid-Atlantic Region as they can also encourage public input and understanding of your efforts. Please consider highlighting the public outreach efforts of the WCS as a model for how conservation and maritime organizations as well as state agencies can collaborate to educate the public in other cities.

We are pleased to know that your plan's proposed Sand Management actions (Section 6) emphasized that dredging sediment offshore for beach nourishment projects could impact benthic habitats. While you discussed various strategies for minimizing this impact, there was no mention about the value of strategic public purchases of private coastal properties. Nor was there any mention of encouraging the strategic retreat inland, i.e., relocating buildings inland. Dredging offshore sediment and placing the material within degraded systems is often the preferred long-term strategy identified by many Mid-Atlantic coastal communities to reduce storm damage to coastal infrastructure because of the influence of wealthy coastal homeowners who rely on a publicly-funded insurance program to repeatedly rebuild their private homes that will inevitably meet the ocean's fury once again on some distant date. Subsidized National Flood Insurance from FEMA means taxpayers are footing part of the bill for people who choose to live in flood zones. Homeowners associations exert political pressure, and the same illogical thinking cements the status quo.

Beaches are dynamic systems, and it makes sense in certain high-risk areas to encourage public purchases of private land in lieu of rebuilding homes that are destined to be pummeled again in some future storm. In the spirit of collaboration that your action plan promotes, these public purchases could be paid for by coordinating funding so that various levels of government as well as private entities contribute together toward the purchase of such coastal properties.

FEMA is more than \$24 billion in debt. Some of this debt and the negative environmental consequences that dredging engenders can be averted. Common sense measures that draw from the ideas of the Federal Upton-Jones program instituted in the 1990s are sorely needed. Despite political pressure to the contrary, sounding the alarm bell about counterproductive public policy is a moral obligation. We encourage you to add "Public Purchase/ Strategic Retreat" to your six actions listed under Sand Management.

Hot spots are zones that are both rich in endemic species and environmentally threatened. Similar to hot spots, your final plan must seek to identify areas of high

biologically diversity that are critical to preserve. These ecologically important areas, or hot spots if you will, serve as springboards for the long term health of any marine region. The final plan must also specify a specific set of criteria that will be used to determine whether or not the plan is achieving its objectives. Such criteria will also serve as a basis for future communication with the public.

The more goal-oriented your final plan is, the more meaningful it will be. The more the public knows about the value of the Mid-Atlantic Regional Ocean Action Plan, the more likely your plan priorities and recommendations will be implemented. Thank you for your consideration of my comments on behalf of NHOC. We look forward to hearing from you soon.

Sincerely,

Guy Jacob, Conservation Chair
Nassau Hiking & Outdoor Club, Inc.

Email: conservation@nassauhike.org

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:24 AM
Subject: Re: Draft Mid-Atlantic Ocean Plan Public Comment Period
To: DAVID SIKORSKI <davidsikorski@mac.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 10:46 PM, DAVID SIKORSKI <davidsikorski@mac.com> wrote:
9/5/2016

Robert LaBelle
RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: Draft Mid-Atlantic Ocean Plan Public Comment Period

Dear Regional Planning Body Co-leads:

I am a recreational fisherman born and bred in Maryland who has fished the Mid-Atlantic waters my entire life. I have followed the Mid-Atlantic planning process so far and my hope, overall, is that recreational fishing will continue to be included in the conversation regarding management of our ocean.

Besides the pleasure and cultural connection recreational fishing brings, it's also an economic driver for coastal communities. There is value in the ocean planning work as it seeks to keep recreational fishing interests part of the conversation and decision-making process. I believe collaboration is key to managing our ocean ecosystems and preserving the ability for us to continue fishing. I encourage the Regional Planning Body (RPB) to continue this collaboration both with each other and ocean users as it implements the Mid-Atlantic Ocean Action Plan and revises future Action Plans.

Specifically, I have three comments relevant to the recreational fishing community:

1. Clearly identify the need to fill recreational fishing data gaps by developing a regional research and science agenda

Spatial data on recreational fishing is generally lacking as fishermen are often concerned about giving away specific fishing spots; however, by aggregating data at regional scales and creating recreational fishing hotspots, rather than specific GIS point locations, this allows our fishing spots to remain ours while still including us in offshore permitting decisions. While the recreational data on the Portal is a good first step, the RPB should prioritize improving this data by working directly with recreational fishermen and relevant associations. The RPB should work to clearly define a regional research and science agenda, like that produced for the Northeast Ocean Plan, and make enhancing recreational fishing data one of its top research priorities.

2. Fund the Mid-Atlantic Data Portal to ensure long-term success of the ocean plan

If recreational fishermen work to provide data and information about where and when they fish, they need assurance that the Data Portal will be maintained and updated. One of the key values of the ocean plan is that it allows data and information about ocean uses to be readily available for agencies making decisions on potential permits offshore and, most importantly, to have those uses that were traditionally not considered, like recreational fishing, be given a voice in permitting decisions. Given the Data Portal's importance for agencies when trying to understand where appropriate development

should occur, I encourage the RPB to work to ensure it is fully funded. This funding commitment will help persuade recreational fishermen that they are not wasting time providing data and information; it should also work to bolster additional data contributions from the recreational fishing community.

3. Enhance outreach to recreational fishermen to improve stakeholder engagement

I want to make sure that areas where we fish are around for my lifetime. These areas should not be taken away from us because we failed to communicate properly with those who make decisions on ocean management. Recreational fishermen never have time to constantly monitor projects that could affect their ability to fish offshore; this is why early outreach and engagement before permit applications are finalized is so critical. I appreciate the commitments made by the RPB to engage stakeholders early in the decision-making process; however, more detail should be provided on how that will actually occur. Clarity and transparency in the ocean planning process is best served through engagement with stakeholders, and with respect to the recreational fishermen, will lead to better data and information provided to the RPB. I encourage the RPB to fully commit to their actions surrounding stakeholder engagement and uphold these during plan implementation.

Recreational fishermen have engaged in the plans all along and to continue engagement there should be a way that allows us to provide input during plan implementation. This feedback could take on many forms but should allow us a way to request the RPB to address certain ocean management issues.

I applaud the work of the RPB so far and I look forward to working with you as you seek to enhance recreational fishing data. Please contact me with any questions for concerns.

Regards,

David Sikorski
Ellicott City, MD
davidsikorski@mac.com
443-621-9186

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 11:37 AM
Subject: Re: Comments on Mid-Atlantic Regional Ocean Action Plan
To: "Charles M.Caruso" <charles.m.caruso@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 11:27 AM, Charles M.Caruso <charles.m.caruso@gmail.com> wrote:
These comments are directed to the actions items in the Plan regarding Offshore Sand Management, Objective 6.

The Pinelands Preservation Alliance and NJ Sea Grant Consortium, non-governmental environmental organizations in New Jersey, have expertise regarding the best dune and beach ecosystem maintenance practices resulting from scientific research projects they are conducting on this topic (see attached). Both of these non-governmental organizations should be added as stakeholders to any working groups formed for Sand Management Actions 1, 2, and 4.

We propose that the Sand Management Working Groups (SMWG) formed to implement the Plan adopt steps that promote a healthy dune and beach ecosystem in addition to the current actions in the Plan to promote a healthy ocean ecosystem. In order to enhance the ability of dune and beach ecosystems to provide both storm protection and habitat for species conservation, greater protection of beach habitats along with a better understanding and awareness by local officials and the public are needed across the coastal environment, especially in areas where human populations and recreational uses are concentrated. This is especially true for beach nourishment projects along the New Jersey coast currently under construction and those addition projects that will start construction soon. Once these projects are completed by the US Army Corp of Engineers, maintenance of the new dune and beach becomes the responsibility of local government officials. Unfortunately, many of these local officials are not aware of the latest scientific information on the best ways to maintain the newly constructed dunes and beaches. By properly maintaining the newly constructed dunes and beaches more sand will remain in place and demand for sand resources from coastal borrow sites in the future will be reduced.

Specifically, we propose that the SMWG:

- (1) become the repository of the latest scientific information on dune and beach maintenance, including information on planting, fencing and motorized vehicle use;
- (2) adopt and promote best practices on dune and beach maintenance;
- (3) insure that newly constructed dunes are planted with appropriate vegetation to stabilize the dunes as quickly as possible after construction;
- (4) increase funding for beach maintenance planning and the education of local government officials who have responsibility for beach maintenance;
- (5) develop a web-based course on dune and beach ecology based on the *New Jersey Sea Grant Consortium Dune Manual* (<http://njseagrant.org/dunemanual/>) and promote the disseminate of this Manual;
- (6) invite representatives of the Pinelands Preservation Alliance and NJ Sea Grant Consortium to be full members of the Working Group.

Thank you for the opportunity to comment of the Mid-Atlantic Regional Ocean Action Plan.

Sincerely,
Charles M. Caruso

*Trustee, Pinelands Preservation Alliance
Advisory Committee, Barnegat Bay Partnership*

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:41 PM
Subject: Re: One Last Comment?
To: Monty Hawkins <capt.montyhawkins@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 4:38 PM, Monty Hawkins <capt.montyhawkins@gmail.com> wrote:

Greetings at MARCO et al,

I appreciate the work these various agencies have been doing, and I surely see fabulous potential in USING the data portal - but, so far; pain..

The Mid-Atlantic ocean is green growing greener.

Heard of the deep blue sea? Yeah, that's not us anymore.

But in the BOEM MD wind energy report I did learn that the value of cobble bottom as fish habitat is "conjectural." Our very best, most vital fish habitat from 12 to 60 fathoms is, well, a maybe-kinda-sometimes habitat. Awesome marine biology there. All synonyms for "mislead" apply, but do not reflect the grand scale of calling cobble bottom 'conjectural' fish habitat.

Then, when nearly 500 square miles of loosely patched ocean bottom was lost to sub-bottom profiler sounder impacts, dot.guv said: 'Nonsense! Fish can't even hear the equipment!'

I'd bet everything I own that I can make sea bass and flounder stop feeding with a sub-bottom profiler within 2 miles.

Earnings lost.

Clients dissatisfied.

And STILL no 'reef habitat' in dot.guv's MAB-world when we have nearshore CORALS in profusion.

If these are the findings of those sent to help - our ship is lost.

Boy is it ever.

I see failure in very single aspect of marine governance.

I also see hope - dimly.

Be mighty damn nice if you wanted fisheries & marine water quality restoration as bad as you wanted wind power.

In fact, economic might of most fisheries long past, it may be that a funding-source tied to wind is the only realistic way to fund repair.

Took a long time to lessen the ocean's economic potential to today's levels. No one expected ocean planning to create miracles ..but worse? Going backward?

I did not anticipate that.

Yet here we are.

dot-guv Noise - not repair.

We need repair.

A real, factual, historical-production based repair.

It's 100% doable.

Regards,

Monty Hawkins

Capt. Monty Hawkins

capt.montyhawkins@gmail.com

Partyboat Morning Star

<http://morningstarfishing.com>

Ocean City, MD

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 5:51 PM
Subject: Re: Draft Mid-Atlantic Regional Ocean Planning Framework comments
To: Jeff Deem <deemjeff@erols.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 5:22 PM, Jeff Deem <deemjeff@erols.com> wrote:
I would like to submit three additional comments if I may:

First, one of the components of the plan that contributes to its ease and efficiency for everyone involved is the data portal. In order for its information to be relied upon in the decision making process, the data it provides needs to be accurate and up to date. The MidA RPB should develop the necessary means for updating information as frequently as possible. For example, this may be through procedures to update recreational fishing data either directly or through the MAFMC, by updating cable locations through representatives of the cable industries, by logging sand and mineral removals through industry or government agencies and by documenting other changes as they occur through whatever means necessary to provide the latest data.

Second, a formal source of funding needs to be secured for the data portal. With all of the changes coming to the mid-Atlantic in particular, a formal planning process is critical to providing the public and competing industries with opportunities to comment on ocean uses. The data portal is a key part of that planning process. It can not be left to chance.

Finally, I would like to see at least an outline of a plan for science and research goals. Something similar to the agenda found in the Northeast Plan would be a good start. If all of the parties involved in the RPB knew what the goals were and worked together we could pull from the experiences of the best talents in each group and avoid considerable duplication.

Thank you for your time.

Jeff Deem
MidA RPB
Recreational Fishing Representative.

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:07 AM
Subject: Re: Mid-Atlantic Regional Ocean Actin Plan -Comments
To: Jack Fullmer <Jf2983182@msn.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 7:26 AM, Jack Fullmer <Jf2983182@msn.com> wrote:
Attached please find comments from the NJ Council of Diving Clubs per the draft Mid-Atlantic Regional Ocean Action Plan.
Jack Fullmer



NEW JERSEY COUNCIL OF DIVING CLUBS

P. O. Box 841
Eatontown, NJ 07724-0841
<http://www.scubanj.org>



DRAFT MID-ATLANTIC REGIONAL OCEAN ACTION PLAN

August 29, 2016

Robert P. Labelle, Federal Co-Lead
Mid-Atlantic Regional Planning Body
BOEM, 45600 Woodland Road
Mailstop: VAM-BOEM DIR
Sterling, VA 20166

Dear Mr. Labelle:

The New Jersey Council of Diving Clubs (NJCDC) is an organization of 14 sport diving clubs in New Jersey and other nearby states. There are presently about 29 dive shops and 12 commercial dive boats as well as a number of private dive boats out of various inlets on the NJ coast that service sport divers and the sport diver fishery. The NJCDC would like to submit the following comments on the Draft Mid-Atlantic Regional Ocean Action Plan with emphasis on a sport diver perspective.

The NJCDC agrees with many of the conservation points made in the draft plan, including

- Keeping the ocean clean
- Mapping shifts in ocean species and habitats.
- Developing indicators of the health of the regional ocean ecosystems.
- Monitoring ocean acidification.
- Developing a regionally appropriate strategy for marine debris reduction, etc.
- Creation and enhancement of the Data Portal so that stakeholders are given better access to ocean information and science.
- A healthy ocean eco-system and sustainable ocean uses provided it is not solely dictated by Federal Agencies and involves full stakeholder participation.

The plan should involve small steps over a period of time, and not try to conquer the ocean in one grand plan.

Regarding actions to foster sustainable ocean use, the NJCDC has issues and concerns regarding Offshore Sand Management. The NJCDC has observed the destruction of fishery habitat in both state and federal waters due to sand replenishment activities. Jetties, groins, near shore wrecks and other hard habitat have been buried by sand replenishment projects, and certain species of fish such as Tautog and Striped Bass depend on these structures for habitat and food. In 1997, the NJCDC reported to the New York District Army Corps of Engineers about the impact on a shipwreck that was hit by a hopper dredge in a borrow area in federal waters, and about diving that borrow area and observing 5-foot-deep continuous furrows on the bottom and no observable marine life in the borrow area. Borrow areas in NJ state waters have recently eliminated important fishing lumps and harmed recreational and commercial fishing. The adverse environmental impacts of sand replenish should be carefully considered before approving any such project.

The statement that recreational diving is listed as a non-consumptive use of the ocean on page 5 is only partially true. Activities such as underwater exploration and u/w photography are non-consumptive. Other activities such as spearfishing, and hand harvest of lobsters and shellfish fall more into the category of recreational fishing, and are definitely a major part of sport diving.

(2)

Regarding ocean energy and windmill farms, the NJCDC has no objection to windmill farms provided full access is allowed for fishing and diving within the area of the windmill farm, and provided careful siting is done to avoid important fishing areas such as wrecks, artificial reefs, and fishing lumps that may also be essential fisheries habitat.

Regarding best practices and ocean planning, the NJCDC does not object to the use of ocean planning and the 4 best practices mentioned provided all stakeholders are involved and traditional uses of the ocean are preserved, such as recreational and commercial fishing. Best practices and ocean planning should not become tools for radical environmentalists who are pushing their own agenda, and who often don't even get their feet wet.

The NJCDC has concerns about the Administration's designation of large areas of ocean as National Monuments (marine preserves) that restrict commercial and recreational fishing without going through a process to involve fishermen, regional fishery councils, and all stakeholders and give them a say in any decisions. This contradicts the policy of stakeholder involvement in the plan implementation of the Mid Atlantic Regional Action Plan and the National Ocean Policy that called for inclusive engagement of partners, the public, and stakeholders, including those most impacted. If the Antiquities Act needs to be changed to bring more stakeholder involvement and public input, then let the law be changed. The NJCDC also has concerns about taking any action that would involve federal waters in the Mid-Atlantic based solely on an executive order without involving our legal congressional legislative representatives. As mentioned in the introduction to the Ocean Action Plan, Executive Order 13547 does not have regulatory authority.

Respectfully

Jack Fullmer
Legislative Committee

Jack Fullmer
443 Chesterfield-Arneytown Rd
Allentown, NJ 08501
jf2983182@msn.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:20 AM
Subject: Re: MidAtlantic Ocean Plan
To: Joann R <joannspa@yahoo.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:20 PM, Joann R <joannspa@yahoo.com> wrote:
I support a healthy Atlantic Ocean for generations to come.

The Mid Atlantic Ocean Plan is an innovative, common sense approach to managing the many uses of the Atlantic Ocean from New York to Virginia. The draft Mid-Atlantic Ocean Action Plan will help ensure that we can all safely enjoy our beautiful Atlantic Ocean by balancing multiple priorities such as habitat protection, recreation, fishing, establishment of wind energy turbines, shipping, construction of cable and IT lines, and more.

Strong, science-based ocean planning that represents diverse interests is crucial for the Mid-Atlantic region's economy and environment and your comments are needed to help shape the future of our ocean.

Sincerely,

Joann Ramos
64 Fiume St
Iselin, NJ 08830

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 4:17 PM
Subject: Re: comment on NOP
To: bob@ecsga.org

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 3:29 PM, Robert Rheault <bob@ecsga.org> wrote:

RPB Federal Co-Lead
Senior Advisor to the Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
45600 Woodland Road
Sterling, Virginia 20166

Kelsey Leonard
RPB Tribal Co-Lead
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969

Gwynne Schultz
RPB State Co-Lead
Senior Coastal and Ocean Policy Advisor
Maryland Department of Natural Resources
580 Taylor Avenue, E2
Annapolis, Maryland 21401

RE: East Coast Shellfish Growers Association Comments on Draft Ocean Action Plan

Dear Regional Planning Body Co-leads:

The East Coast Shellfish Growers Association (ECSGA) represents over 1,500 shellfish farmers from Maine to Florida. These proud stewards of the marine environment collectively harvest of \$150 million in sustainably farmed shellfish while providing thousands of jobs in rural coastal towns. Our members represent an important industry and a proud tradition in communities up and down the coast. They meet a growing demand for shellfish from consumers who want the locally sourced and delicious seafood that we provide.

But our businesses face challenges. We face a complex regulatory systems both nearshore and offshore. There are dozens of federal laws that impact development of resources offshore and in state waters, and many agencies involved, both federal and state. We also face increasing competition for space as coastal development, shipping, offshore energy and other activities continue to grow in the region. While this is good news for the economy, it could be bad news for us if the needs of shellfish growers are not considered as development proceeds.

With that in mind, I thank the Regional Planning Body (RPB) for this opportunity to submit comments. The plan as a whole is a strong first step towards a multi-use management plan for the offshore environment; however, the sparse attention to the aquaculture industry in the region leaves room for improvement. Specifically, the ECSGA would like to see the RPB commit to the following:

1. Ensure agencies uphold their commitments to interjurisdictional coordination actions;
2. Advance outreach to the aquaculture industry.
3. Enhance information on the aquaculture industry;
4. Secure a long-term solution for funding the data portal and updating the Regional Ocean Assessment.

First, I am pleased to see agency coordination as a cornerstone of the Plan. I hope to see the planning process cultivate improvements in the process for planning and siting aquaculture so that our industry can grow and thrive in the region. As highlighted the beginning of Chapter Two, Interjurisdictional Coordination is critical to enhance agencies abilities to carry out their missions, work together, and serve the needs of stakeholders in the region. The Plan identifies the National Oceanic and Atmospheric Association (NOAA) as the lead agency for aquaculture, and I urge the RPB to hold NOAA to a high standard for the IJC commitments they have made. As noted above, our industry faces many challenges, many of which are related to the complex regulatory environment. I hope that through implementation of this plan the burden on our industry

can be reduced through these actions.

While the RPB rightfully points out that the aquaculture industry is not currently operating offshore, that does not preclude it from future projects in the federal space. Presumably, federal agencies will eventually develop a process for granting permits for aquaculture in federal waters, and once that occurs there will undoubtedly be applications for fish and shellfish culture in the offshore waters. As such, it is critically important that our industry be given equal consideration in the plan.

We regret that there is no clear research and science agenda in this Plan. While the RPB has identified the need for an Ocean Acidification (OA) Monitoring Network for the region, this may be putting the "cart before the horse." While the projected changes to ocean carbonate chemistry from mounting CO₂ levels are well understood, we are still unclear what to expect at the organismal level from the projected changes. It is increasingly critical that we understand how these changes will impact organisms in the next 50-100 years so we can start to define adaptation and mitigation measures. Likewise, prioritizing the economic impacts of OA is something that will have to await a better understanding of the physiological impacts to organisms.

The RPB aims to compile monitoring efforts and convene scientists to understand what changes to ocean chemistry might mean for our industry and others, but I hope that this goes beyond the science, and also focuses on how we can ensure sustainable development of our industry into the future. I urge the region to push forward on this Network, and look forward to having our shellfish growers and scientists participate.

The maps and data associated with the plan and the discussion of the aquaculture industry in Regional Ocean Assessment (ROA) provide a brief look at the trends and benefits of the industry and the regulatory environment and challenges we face. This baseline knowledge of where and how we operate is important in order for decision-makers understand the scope and value of our businesses, and how their decisions might affect our industry. Shellfish aquaculture permitting and management is fundamentally a state role, but this information will be helpful to state agencies as well.

We also appreciate the plan's commitment to keeping the maps and information updated, accurate, and fresh. This commitment to the use of the data portal and plan to support decision-making and permitting for both aquaculture projects and other projects that would affect our industry is a major benefit of the draft ocean plan. However, we are concerned that there does not appear to be a long-term plan for maintaining, updating and funding the data portal, nor a plan to ensure these commitments can be met in the future. Nor is there evidence of a commitment to updating the Regional Ocean Assessment's narrative description of our industry. Since our industry is growing at an incredible rate, it will be critical to ensure that accurate and timely information is readily available on all trends for permitting and decision-making processes. We also want to ensure that ecosystem services and habitat benefits associated with shellfish aquaculture are documented as thoroughly as possible moving forward. Accordingly, we would like to see the RPB identify a long-term management commitment to ensure the information in the data portal and Plan will continue to be a resource both industry and government can rely on, as well as commitments to update the ROA in the future.

Finally, shellfish growers care deeply about larger trends and issues in the ocean, from changes in water quality to developments in other industries. We know we share the ocean with others and want to be included in conversations about the future of the ocean. The RPB provides a forum for different ocean users to get information and provide feedback on potential and current ocean activities. We appreciate the inclusion of the aquaculture industry in this effort.

Thank you for the opportunity to comment. If there is anything else our members can do to advance ocean planning in the Mid-Atlantic, please let us know.

Sincerely,
Bob Rheault, PhD.
Executive Director
East Coast Shellfish Growers Association

--
--

Bob Rheault,
ECSGA Executive Director
(401) 783-3360
bob@ecsga.org

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:06 AM
Subject: Re: Ocean Action Plan
To: Cfsheppard@aol.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:01 AM, <Cfsheppard@aol.com> wrote:
Including the users of the ocean in the planning for the ocean seems like a very reasonable plan. I endorse it.
Carl Sheppard
214 3d Street
Beach Haven, NJ 08008

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:22 AM
Subject: Re: July 6, 2016 Action Plan
To: drtarditi@verizon.net

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 2:30 PM, <drtarditi@verizon.net> wrote:

I recently learned of a massive bed of sea scallops was discovered off our NJ / DE shoreline.

I would hope that the harvesting of them is systematic and that it is done so that the ocean floor is not scorched and that those doing the harvesting are also helping to plant the seeds for a constant replenishment plan. This is so important for our future sea food for both we humans and the creatures of the sea who have scallops as part of their diet.

Thank you!

David R Tarditi
64 Linden Avenue
Haddonfield, NJ 08033

From: MidAtlanticRPB, BOEM <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:26 AM
Subject: Fwd: MidAtlantic Regional PLanning Body
To: John Prince <jhprince@verizon.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: Bullin, Leann <leann.bullin@boem.gov>
Date: Tue, Sep 6, 2016 at 7:19 AM
Subject: Fwd: MidAtlantic Regional PLanning Body
To: BOEM MidAtlanticRPB <MidAtlanticRPB@boem.gov>

----- Forwarded message -----

From: Robert LaBelle <robert.labelle@boem.gov>
Date: Mon, Sep 5, 2016 at 2:31 PM
Subject: Fwd: MidAtlantic Regional PLanning Body
To: Leann Bullin <Leann.Bullin@boem.gov>

Bob

Begin forwarded message:

From: john prince <jhprince@verizon.net>
Date: September 5, 2016 at 10:09:53 AM EDT
To: Robert LaBelle <robert.labelle@boem.gov>
Subject: Re: MidAtlantic Regional PLanning Body

And here is a light, but very accurate map depicting the reality of regions of the natural world in the Southeast. Our "Lower South" region shown is perfect for understanding our native ranges and sustainability work.



Thanks

John Prince
www.prince-landscapes.com
www.facebook.com/PrinceLandscapes/

757-332-1562

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 12:19 PM
Subject: Re: draft Ocean Action Plan comments
To: richking@delaware-surf-fishing.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:10 PM, <richking@delaware-surf-fishing.com> wrote:
Hello,

My name is Rich King, I am a recreational fisherman born in Northern Delaware. I grew up fishing the Delaware Bay, and am now and living in Long Neck, Delaware. I have been fishing the shores of Delaware and New Jersey all of my life; so long that I don't even remember catching my first fish. For many years, surf fishing was a pastime of mine, but in recent years my website, Delaware Surf Fishing, has become the go-to information source for recreational anglers of all levels. What began as a fishing report for my friends has expanded with my readership, which now includes surrounding waterways and offshore fishing. With over 460,000 unique readers, my website reaches a wide variety of anglers, and I cover the issues that we all care about: where the fish are, what impacts their locations, and how we as stewards can make sure that our fishing spots are maintained and protected for years to come. I have attended meetings hosted by the RPB and MARCO over the years, and actively encourage my fellow recreational fishermen to participate in the process. It is thus my pleasure to provide some insight from the recreational angler sector on this draft Ocean Action Plan.

In February, 2016, I wrote to my readers, urging them to provide input to the Data Portal. My argument was simple: recreational anglers need to help fill in data gaps for the portal to show how active our fishing areas are. Should we fail to do this, our fishing spots will likely become prime target areas for offshore development, such as wind farms. While I'm not opposed to wind farms, I want to make sure that areas where we fish, areas we have fished for years, are not gone in a flash because we failed to communicate properly with those people that make decisions about these things. I value the effort the Data Portal team has made to ensure the anonymity of our information; marking hot spots rather than specific GPS coordinates enables our fishing grounds to remain *ours* and avoid conflict with future infrastructure projects. The importance of stakeholder engagement, involving recreational anglers, and transparency in processes for incorporating data in to the Portal and use of local knowledge is critical. I want the RPB and associated agencies to enhance their outreach efforts to the recreational community and clearly define ways they will do this. Fishermen are quirky enough as it is until you ask them where they fish.

I also want to make sure that this data portal is refreshed regularly and maintained in perpetuity. I have taken the time to identify areas where I fish, organizations like Surfrider have helped facilitate inclusion of this data for the recreational community, and as more people see the value in this process, they too will likely share their fishing spots to ensure adequate protection from incoming project developers. I want the RPB to guarantee this portal will be maintained, that recreational fishing data will be improved, and to ensure that funding sources are available to continue this effort. As a small business owner, I know that everything takes a little capital, and I want the RPB to commit to doing their due diligence in securing the capital necessary for the longevity of this process.

Further, I am pleased to see the framework for Ecologically Rich Areas (ERA) included in this plan. I have submitted comments on ERAs in the past, and want to re-iterate my support for them. As a recreational fisherman, I understand the importance of certain locations, whether due to their habitat, structure, or marine life. I support an established process to identify areas of ecological significance and urge the RPB to continue working towards a final framework. As you do, please consider including ocean users like myself and the angler community, who hold knowledge of spaces that some datasets might not reflect, or might not even be included in existing data and clearly define the process through which this will occur. I encourage the federal and state agencies serving on the Mid-Atlantic Regional Planning Body (RPB) to act within their existing authorities to conserve these places, which are so critical to the future of our fisheries.

In the January 2016 meeting I attended, the Mid-Atlantic Regional Ocean Assessment was released. This assessment gives a quick snapshot of the importance of various ocean industries and the ecology and biology of the region. From a recreational angler's point of view, it is valuable to have metrics such as the average number of anglers, average economic impact, and primary species of interest included as part of this process. Where our data might be lacking in the data portal, economic information is beneficial for consideration when new projects are being developed. I encourage the RPB to make a commitment to update this assessment, as the numbers currently included are specific in time, and will change in the future. More people get into fishing each year and spend more money.

Finally, once the Plan goes to the implementation phase, it will be important for stakeholders like me to have a way to review the plans performance and petition the RPB to address specific management issues. We've had opportunities to include our input in the Plan on the front-end, and continuing this opportunity through the implementation of the Plan would be highly encouraged. it will take time to get anglers to tell you specific locations to keep them open. I will do what I can to remind them of that fact.

Thank you again for the opportunity to comment, and I look forward to continuing this conversation in to the future.

Rich King
302 296 7812
www.delaware-surf-fishing.com

Free lance outdoors writer for ...
Delaware State News
Cape Gazette Beach Paper
Sussex County Post

Daily Radio Fishing Reports ... 92.7 WGMD

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 2:22 PM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: john Toth <tothjohn@verizon.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 2:12 PM, john Toth <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

The Ocean policy document is complex, but I will address a few issues:

The Final Plan must be arrived through the input of all of its stakeholders, especially those who use it on a continual basis such as recreational and commercial fishermen. Accordingly, the Plan needs to identify ways to connect with the user groups to receive their input as the Plan is in progress of development.

As the development of the Plan moves forward, stakeholders need to have the capability of monitoring and evaluating the Plan and have the capability of commenting and adding recommendations for improving it.

Because of its destructive effect on areas that house numerous marine life, sand mining needs to be placed in a priority status in this Plan.

Similarly, the removal of ocean trash is one of the biggest, if not the biggest threat to the health of our oceans. The Plan needs to develop strategies to address this growing problem. Trash floating in the ocean estimated to be the size of the United States is crying for a solution and needs to be placed as a high priority in this Plan.

Given the major impact that this Plan will have on our oceans, will this Plan require Congressional approval? Who will have oversight on this Plan's effectiveness and accountability of its financial resources - Congress?

Sincerely,

john Toth
24 Kings Mill Rd
Monroe Twp, NJ 08831-8902
tothjohn@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:00 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Joseph Kubacki <joeku1960@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 12:37 PM, Joseph Kubacki <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

The Mid-Atlantic's ocean and bays are beautiful places for families to visit, swim, and fish. Our region's ocean is also an economic powerhouse, contributing more than \$48 billion to the region's gross domestic product (GDP) and nearly 700,000 jobs. And offshore waters serve as migratory corridors and a home for ocean life, including endangered North Atlantic right whales, sea turtles, and many fish species.

As our ocean faces growing challenges of pollution, loss of habitat, and competing industrial uses, it's critical the Mid-Atlantic Regional Ocean Action Plan ensure a healthy ocean today and in the future. I applaud the RPB on its work to complete this first-ever draft Ocean Action Plan. I hope you will incorporate these recommendations below that will make this Plan stronger and more reflective of me, as an ocean user and coastal citizen.

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- Develop a robust and effective process for engaging stakeholders in Plan implementation. Right now the draft Plan's public involvement strategies are vague and variable. Stakeholders, project proponents and agencies will all benefit through a consistent, uniform engagement strategy.
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- Strengthen Federal agency commitments to the Plan's tools for coordinating agency decisions. It is unacceptable that even a few actions outlined in the draft Plan do not have a lead federal agency or tasks the entire RPB with overseeing implementation.

With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Joseph Kubacki
90 Franklin St
Verona, NJ 07044-1923
joeku1960@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:01 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: JAMES DESTEPHANO <timber1040@verizon.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 12:37 PM, JAMES DESTEPHANO <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

JAMES DESTEPHANO
173 La Rue Rd
Newfoundland, NJ 07435-1609
timber1040@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:01 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: WILLIAM BROWNE <cb7558@aol.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 11:41 AM, WILLIAM BROWNE <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

The Mid-Atlantic's ocean and bays are beautiful places for families to visit, swim, and fish. Our region's ocean is also an economic powerhouse, contributing more than \$48 billion to the region's gross domestic product (GDP) and nearly 700,000 jobs. And offshore waters serve as migratory corridors and a home for ocean life, including endangered North Atlantic right whales, sea turtles, and many fish species.

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

WILLIAM BROWNE
907 Neville St
Toms River, NJ 08753-3811
cb7558@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:01 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: pbfj55@yahoo.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Sun, Sep 4, 2016 at 10:42 AM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

Please use all of the data now available to you and delineate where the most productive areas of the ocean are located. Without that information how will we know where to place future projects like offshore wind farms?

The ocean planning process represents a rare opportunity to look into the future and decide what we want our ocean to look like. Please create a final ocean plan for the Mid-Atlantic that gets us to your vision of a healthy, clean, thriving ocean.

Thank you

Sincerely,

Peter Bauer
18 Brotherton Ave
Rumson, NJ 07760
pbfj55@yahoo.com
7328954403

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:02 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Dick Omrod <omrod105@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 10:37 AM, Dick Omrod <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Dick Omrod
105 N. Commonwealth Ave.
Strathmere, NJ 08248
omrod105@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:02 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: "Dominich Nanni , " <nannid@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 10:37 AM, Dominich Nanni , <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

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Sincerely,

Dominich Nanni ,
15 Corsalo Rd
Lambertville, NJ 08530-2802
nannid@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:02 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Ronald Palmieri <toolfish21@verizon.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 10:07 AM, Ronald Palmieri <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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Sincerely,

Ronald Palmieri
1 Amherst Ct
Bordentown, NJ 08505-3101
toolfish21@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:02 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Paul Harris <firstfishingpox@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 9:37 AM, Paul Harris <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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Sincerely,

Paul Harris
18 Chain Blvd
Bayville, NJ 08721-1928
firstfishingpox@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:03 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Bill Broomall <bill.broomall@verizon.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:37 AM, Bill Broomall <feedback@lcv.org> wrote:

Sep 4, 2016

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Sincerely,

Bill Broomall
304 Summit St
Norwood, NJ 07648-1621
bill.broomall@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:03 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Douglas Hargrave <n2o2doc@aol.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:37 AM, Douglas Hargrave <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Douglas Hargrave
879 Buckwood Ln
Vineland, NJ 08361-6592
n2o2doc@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:05 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: russell dodge <profdodge@aol.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:07 AM, russell dodge <feedback@lcv.org> wrote:

Sep 4, 2016

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Sincerely,

russell dodge
28a W Grant St
Woodstown, NJ 08098-1270
profdodge@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:05 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Donald Michelson <donmic54@optonline.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 8:07 AM, Donald Michelson <feedback@lcv.org> wrote:

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Sincerely,

Donald Michelson
16 Condict Rd
Landing, NJ 07850-1600
donmic54@optonline.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:07 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Walter Wiatr <glshop20@yahoo.com>

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On Sun, Sep 4, 2016 at 7:07 AM, Walter Wiatr <feedback@lcv.org> wrote:

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Sincerely,

Walter Wiatr
720 S Riverside Dr
Neptune, NJ 07753-5641
glshop20@yahoo.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:08 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Robert Schaeffer <rlschaeff@gmail.com>

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On Sun, Sep 4, 2016 at 5:37 AM, Robert Schaeffer <feedback@lcv.org> wrote:

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Sincerely,

Robert Schaeffer
142 Red Twig Trl
Bloomingdale, NJ 07403-1206
rlschaeff@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:08 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Carl Melillo <clwm327@gmail.com>

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On Sun, Sep 4, 2016 at 4:37 AM, Carl Melillo <feedback@lcv.org> wrote:

Sep 4, 2016

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Sincerely,

Carl Melillo
180 Hobart St
Ridgefield Park, NJ 07660-1831
clwm327@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:08 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Stephen Hernandez <stevehdz@carilon.net>

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On Sat, Sep 3, 2016 at 11:36 PM, Stephen Hernandez <feedback@lcv.org> wrote:

Sep 3, 2016

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Sincerely,

Stephen Hernandez
381 Washington St
Perth Amboy, NJ 08861-3112
stevehdz@carilon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:08 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: walter la fay <wlafay@comcast.net>

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On Sat, Sep 3, 2016 at 10:36 PM, walter la fay <feedback@lcv.org> wrote:

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Sincerely,

walter la fay
194 Binnacle Rd
Brick, NJ 08723-6704
wlafay@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:08 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: "John Smith Jr." <weldman27@aol.com>

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Sincerely,

John Smith Jr.
41 Pollman Ave
Hamilton, NJ 08619-4307
weldman27@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:09 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: RICHARD BARNETT <woodright1@aol.com>

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On Sat, Sep 3, 2016 at 10:06 PM, RICHARD BARNETT <feedback@lcv.org> wrote:

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Sincerely,

RICHARD BARNETT
1900 Bartle Ln
Martinsville, NJ 08836-2117
woodright1@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:09 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Ted Duffy <tedduffy357@yahoo.com>

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On Sat, Sep 3, 2016 at 9:36 PM, Ted Duffy <feedback@lcv.org> wrote:

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Sincerely,

Ted Duffy
357 Upland Way
Drexel Hill, PA 19026-1023
tedduffy357@yahoo.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:09 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Andrew Yadlosky <gumpy204@yahoo.com>

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Sincerely,

Andrew Yadlosky
74 W Somerset St
Raritan, NJ 08869-2015
gumpy204@yahoo.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:09 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Patrick Monaco <pmonaco2@verizon.net>

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Patrick Monaco
66 Kennedy Rd
Andover, NJ 07821-2313
pmonaco2@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:10 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Michael Coslop <mcoslop@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sat, Sep 3, 2016 at 9:06 PM, Michael Coslop <feedback@lcv.org> wrote:

Sep 3, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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Sincerely,

Michael Coslop
5201Lake Rd
Newfield, NJ 08344
mcoslop@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:10 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Paul Busch <bushpa@comcast.net>

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Sincerely,

Paul Busch
58 Marion St
Carteret, NJ 07008-1937
bushpa@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:10 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Joe Murray <mail@josephmurray.net>

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Sincerely,

Joe Murray
203 Irene Ct
Colonia, NJ 07067-1716
mail@josephmurray.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:10 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Raymond Miller <raymlr3@gmail.com>

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Sincerely,

Raymond Miller
567 Monmouth Ave
Spring Lake, NJ 07762-3228
raymlr3@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:10 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Lou Raymond <lpr36@comcast.net>

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Sincerely,

Lou Raymond
18 Farmview Ln
Columbus, NJ 08022-1011
lpr36@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:11 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Alfred Canino <accanino@optonline.net>

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Sincerely,

Alfred Canino
230 Roosevelt Ave
Hasbrouck Heights, NJ 07604-1612
accanino@optonline.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:11 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Louis Perry <lou.perry@gmail.com>

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Sincerely,

Louis Perry
195 9th St
Salem, NJ 08079-2101
lou.perry@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:11 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: FRANK DARA <fdar9@aol.com>

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On Sat, Sep 3, 2016 at 7:36 PM, FRANK DARA <feedback@lcv.org> wrote:

Sep 3, 2016

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Sincerely,

FRANK DARA
65 Tristan Rd
Clifton, NJ 07013-1440
fdar9@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:11 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: BILL SHILLINGFORD <bucktail8@aol.com>

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Sincerely,

BILL SHILLINGFORD
20 Pine Wood Ct
Cape May Court House, NJ 08210-1476
bucktail8@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:12 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: emily_harrison@hotmail.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Sat, Sep 3, 2016 at 11:43 AM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

Please use all of the data now available to you and delineate where the most productive areas of the ocean are located. Without that information how will we know where to place future projects like offshore wind farms?

The ocean planning process represents a rare opportunity to look into the future and decide what we want our ocean to look like. Please create a final ocean plan for the Mid-Atlantic that gets us to your vision of a healthy, clean, thriving ocean.

Thank you

Sincerely,

Emily Harrison
453 Graham Ave #3L
New York, NY 11222
emily_harrison@hotmail.com
9174820894

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:16 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: john aurnhammer <jaxcycles@aol.com>

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On Sun, Sep 4, 2016 at 12:37 PM, john aurnhammer <feedback@lcv.org> wrote:

Sep 4, 2016

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Sincerely,

john aurnhammer
marine life is our life also
Toms River, NJ 08757
jaxcycles@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:18 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Eileen MacHaffie <oheck1@verizon.net>

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On Sun, Sep 4, 2016 at 5:07 PM, Eileen MacHaffie <feedback@lcv.org> wrote:

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Sincerely,

Eileen MacHaffie
105 Heck Ave
Ocean Grove, NJ 07756-1212
oheck1@verizon.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:18 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Brian Cowden <bcowden@troutscapes.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 5:07 PM, Brian Cowden <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

The Mid-Atlantic's ocean and bays are beautiful places for families to visit, swim, and fish. Our region's ocean is also an economic powerhouse, contributing more than \$48 billion to the region's gross domestic product (GDP) and nearly 700,000 jobs. And offshore waters serve as migratory corridors and a home for ocean life, including endangered North Atlantic right whales, sea turtles, and many fish species.

As our ocean faces growing challenges of pollution, loss of habitat, and competing industrial uses, it's critical the Mid-Atlantic Regional Ocean Action Plan ensure a healthy ocean today and in the future. I applaud the RPB on its work to complete this first-ever draft Ocean Action Plan. I hope you will incorporate these recommendations below that will make this Plan stronger and more reflective of me, as an ocean user and coastal citizen.

The Final Ocean Action Plan must:

- Develop a robust and effective process for engaging stakeholders in Plan implementation. Right now the draft Plan's public involvement strategies are vague and variable. Stakeholders, project proponents and agencies will all benefit through a consistent, uniform engagement strategy.
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- Strengthen Federal agency commitments to the Plan's tools for coordinating agency decisions. It is unacceptable that even a few actions outlined in the draft Plan do not have a lead federal agency or tasks the entire RPB with overseeing implementation.

With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Brian Cowden
11 Kevin Dr
Flanders, NJ 07836-9761
bcowden@troutscapes.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:18 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: "Dr. Arthur H. Kopelman" <president@cresli.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Sun, Sep 4, 2016 at 5:28 PM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

Please use all of the data now available to you and delineate where the most productive areas of the ocean are located. Without that information how will we know where to place future projects like offshore wind farms?

The ocean planning process represents a rare opportunity to look into the future and decide what we want our ocean to look like. Please create a final ocean plan for the Mid-Atlantic that gets us to your vision of a healthy, clean, thriving ocean.

Thank you

Sincerely,

Arthur Kopelman
PO Box 54
West Sayville, NY 11796
president@cresli.org
6313196003

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:18 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Ken McDermott <kmcdcr465@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 5:37 PM, Ken McDermott <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Ken McDermott
905 Bennett
Cape May Court House
New Jersey
08210

Sincerely,

Ken McDermott
905 Bennett Rd
Cape May Court House, NJ 08210-2407
kmcdcr465@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:19 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: kristangi@yahoo.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Sun, Sep 4, 2016 at 6:17 PM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

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Thank you

Sincerely,

Kristin Angiulo
PO Box 2648
Montauk, NY 11954
kristangi@yahoo.com
5166394879

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:19 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: kristangi@yahoo.com

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From: **KnowWho Services** <noreply@knowwho.services>
Date: Sun, Sep 4, 2016 at 6:17 PM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

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Sincerely,

Kristin Angiulo
PO Box 2648
Montauk, NY 11954
kristangi@yahoo.com
5166394879

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:19 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Ronald Wiggins <ron.wiggins@comcast.net>

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On Sun, Sep 4, 2016 at 7:12 PM, Ronald Wiggins <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Ronald Wiggins
33 Foal Trl
Sewell, NJ 08080-3155
ron.wiggins@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:20 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Jean Stokes <njjean_2000@yahoo.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Sun, Sep 4, 2016 at 7:38 PM, Jean Stokes <feedback@lcv.org> wrote:

Sep 4, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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Sincerely,

Jean Stokes
512 Sturbridge Ct
Flemington, NJ 08822-2021
njjean_2000@yahoo.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:20 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: emil brandt <emilmeg@aol.com>

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On Sun, Sep 4, 2016 at 10:08 PM, emil brandt <feedback@lcv.org> wrote:

Sep 4, 2016

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Sincerely,

emil brandt
22 Greenwood Dr
Turnersville, NJ 08012-2160
emilmeg@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:21 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Phil Pelligra <pelligra42@hotmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 7:39 AM, Phil Pelligra <feedback@lcv.org> wrote:

Sep 5, 2016

Mid-Atlantic Regional Planning Body

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Sincerely,

Phil Pelligra
16 Blazingstar Way
Hackettstown, NJ 07840-3136
pelligra42@hotmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:21 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: mikecote13@aol.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Mon, Sep 5, 2016 at 9:14 AM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

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Thank you

Sincerely,

Michael Cote
4348 248th Street
Little Neck, NY 11363
mikecote13@aol.com
7187445340

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:21 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Richard Grant <rdgnj@aol.com>

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On Mon, Sep 5, 2016 at 9:39 AM, Richard Grant <feedback@lcv.org> wrote:

Sep 5, 2016

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Sincerely,

Richard Grant
290 Anderson St Apt 3j
Hackensack, NJ 07601-3654
rdgnj@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:21 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Ken Warchal <kmwarchal@aol.com>

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On Mon, Sep 5, 2016 at 10:43 AM, Ken Warchal <feedback@lcv.org> wrote:

Sep 5, 2016

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Dear Regional Planning Body,

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Sincerely,

Ken Warchal
17 Bay Point Harbour
Point Pleasant Boro, NJ 08742-5502
kmwarchal@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:21 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: earth2claire@gmail.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Mon, Sep 5, 2016 at 12:19 PM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

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Thank you

Sincerely,

Claire Ucovich
1449 17th Avenue
San Francisco, CA 94122
earth2claire@gmail.com
4158231560

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:22 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Martin Schlager <schlager01@aol.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 2:39 PM, Martin Schlager <feedback@lcv.org> wrote:

Sep 5, 2016

Mid-Atlantic Regional Planning Body

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Sincerely,

Martin Schlager
23 Drayton Rd
Manchester, NJ 08759-6053
schlager01@aol.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 8:24 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Chet Zegler <cjegler1@live.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Mon, Sep 5, 2016 at 10:40 PM, Chet Zegler <feedback@lcv.org> wrote:

Sep 5, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

The Mid-Atlantic's ocean and bays are beautiful places for families to visit, swim, and fish. Our region's ocean is also an economic powerhouse, contributing more than \$48 billion to the region's gross domestic product (GDP) and nearly 700,000 jobs. And offshore waters serve as migratory corridors and a home for ocean life, including endangered North Atlantic right whales, sea turtles, and many fish species.

As our ocean faces growing challenges of pollution, loss of habitat, and competing industrial uses, it's critical the Mid-Atlantic Regional Ocean Action Plan ensure a healthy ocean today and in the future. I applaud the RPB on its work to complete this first-ever draft Ocean Action Plan. I hope you will incorporate these recommendations below that will make this Plan stronger and more reflective of me, as an ocean user and coastal citizen.

The Final Ocean Action Plan must:

- Develop a robust and effective process for engaging stakeholders in Plan implementation. Right now the draft Plan's public involvement strategies are vague and variable. Stakeholders, project proponents and agencies will all benefit through a consistent, uniform engagement strategy.
- Set a short, definitive deadline - ideally by the end of this year - to identify and post on the Mid-Atlantic Ocean Data Portal areas offshore that are important for the health of marine life (ecologically rich areas or ERAs). The Plan should also articulate agency commitments to ensure that ocean management decisions conserve the ecosystem values and functions that ERAs contain.
- Strengthen Federal agency commitments to the Plan's tools for coordinating agency decisions. It is unacceptable that even a few actions outlined in the draft Plan do not have a lead federal agency or tasks the entire RPB with overseeing implementation.

With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Chet Zegler
28 Charles St
Jersey City, NJ 07307-2829
cjegler1@live.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 9:45 AM
Subject: Fwd: Please Include ERAs in the Final Ocean Action Plan
To: dmcaïn611@gmail.com

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

----- Forwarded message -----

From: **KnowWho Services** <noreply@knowwho.services>
Date: Tue, Sep 6, 2016 at 9:35 AM
Subject: Please Include ERAs in the Final Ocean Action Plan
To: midatlanticrpb@boem.gov

Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

Please use all of the data now available to you and delineate where the most productive areas of the ocean are located. Without that information how will we know where to place future projects like offshore wind farms?

The ocean planning process represents a rare opportunity to look into the future and decide what we want our ocean to look like. Please create a final ocean plan for the Mid-Atlantic that gets us to your vision of a healthy, clean, thriving ocean.

Thank you

Sincerely,

Daniel Cain
135 E. Pennsylvania Ave
Beach Haven Terrace, NJ 08008
dmcaïn611@gmail.com
2154938864

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 9:13 AM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Robert Loughlin <rloughlin11@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post them on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 9:11 AM, Robert Loughlin <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Robert Loughlin
85 Greenbrook Dr
Columbus, NJ 08022-2324
rloughlin11@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 12:41 PM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Lou Matlack <lmatlack@igc.org>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:15 PM, Lou Matlack <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

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Sincerely,

Lou Matlack
35 Mendham Rd
Bernardsville, NJ 07924-1603
lmatlack@igc.org

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 12:41 PM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Les Alpaugh <lesalpaugh@comcast.net>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:15 PM, Les Alpaugh <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

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Sincerely,

Les Alpaugh
PO Box 33
108 Worman Rd. -
Stockton, NJ 08559-0033
lesalpaugh@comcast.net

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 2:07 PM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Greg Brown <gabrown@ees-nj.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 12:11 PM, Greg Brown <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Greg Brown
1206 Minnehaha Trl
Manasquan, NJ 08736-2023
gabrown@ees-nj.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Tue, Sep 6, 2016 at 3:50 PM
Subject: Re: My comments on the Mid-Atlantic Ocean Action Plan
To: Jennifer Ellefson <rjellefson@gmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 3:12 PM, Jennifer Ellefson <feedback@lcv.org> wrote:

Sep 6, 2016

Mid-Atlantic Regional Planning Body

Dear Regional Planning Body,

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With these additions to the Plan, I know our region will take a big step forward toward a healthier Atlantic Ocean.

Sincerely,

Jennifer Ellefson
2890 Ivy Brook Ln
Buford, GA 30519-7912
rjellefson@gmail.com

From: **MidAtlanticRPB, BOEM** <boemmidatlanticrpb@boem.gov>
Date: Wed, Sep 7, 2016 at 7:24 AM
Subject: Re: Please Include ERAs in the Final Ocean Action Plan
To: Kimberly Wiley <kwiley16@hotmail.com>

Thank you for submitting comments on the Draft Mid-Atlantic Regional Ocean Action Plan; we will post this on our website. The MidA RPB will consider all public comments in revising the Draft Plan, and will submit a final Plan to the National Ocean Council for its concurrence this fall. Please check our website <http://www.boem.gov/Ocean-Action-Plan/> for additional information.

On Tue, Sep 6, 2016 at 11:36 PM, KnowWho Services <noreply@knowwho.services> wrote:
Dear Robert LaBelle,

Mid-Atlantic Regional Planning Body Members--

Congratulations on completing a draft of the first comprehensive plan for our oceans in the Mid-Atlantic! We applaud your hard work and commitment to listening to stakeholders like myself in shaping this plan over the last three years.

But it is precisely all of that hard work that is at risk if the final plan is not specific enough or doesn't significantly change how our oceans are managed to keep them healthy and functioning into the future.

Please use all of the data now available to you and delineate where the most productive areas of the ocean are located. Without that information how will we know where to place future projects like offshore wind farms?

The ocean planning process represents a rare opportunity to look into the future and decide what we want our ocean to look like. Please create a final ocean plan for the Mid-Atlantic that gets us to your vision of a healthy, clean, thriving ocean.

Thank you

Sincerely,

Kimberly Wiley
72 Chimney Hill Rd
Rochester, NY 14612
kwiley16@hotmail.com
5852274544

Dear Whom It May Concern,

As a college student who cares deeply about environmental protection, I believe that a strong Mid-Atlantic Regional Ocean Action Plan that protects my generation's right to a healthy ocean is essential. I respectfully urge you to ensure the final plan contains:

- a deadline in the very near future to identify ocean areas that are important for marine life, as well as a commitment to protect these areas as 'ecologically rich areas' (ERAs) on the Data Portal and articulate your ocean management plan's function. Please post these ERAs on the Mid-Atlantic Ocean Pristine Data Portal and articulate your ocean management plan's function. Please post these ERAs on the Mid-Atlantic Ocean Pristine Data Portal and articulate your ocean management plan's function.

- a detailed, robust and effective process for engaging stakeholders in Plan implementation. Currently, the draft Plan's public involvement strategies are too vague, and an improved, consistent involvement strategy will benefit all involved stakeholders, project proponents and agencies.

- stronger Federal agency commitments to ensure the Plan coordinates future agency decisions. All actions in the draft plan need the oversight of a lead Federal agency, not only of the Mid-Atlantic Regional Planning Body (RPB).

I applaud the RPB on its work to complete this first-ever draft Ocean Action Plan. As our ocean faces growing challenges of pollution, habitat loss and competing industrial interests, we must take significant strides towards protecting and improving its quality long-term. I want future generations to live in a world where the Atlantic Ocean is still a beautiful place to be, a popular destination to relax and enjoy nature, a haven for diverse and incredible marine life. I hope sincerely that the Ocean Action Plan will ensure this.

Thank you for your consideration,
Rebecca Canright

Rebecca Cannight
11589 Martins Rd
Rockport, WA
98283

Mr. Robert F. Labelle, Federal Co-Lead
Bureau of Ocean Energy Management
45600 Woodland Rd
Mailstop: VAM-BOEM DIR
Sterling, VA
20166

06 SEP 2016

SEATTLE WA 98101



20166-921600

