

Northeast Regional Planning Body: Compilation of Public Comments Received – fall and winter 2012

Background

The inaugural meeting of the Northeast Regional Planning Body (NE RPB) took place on November 19-20, 2012 in Portland, Maine. The meeting was attended by state, federal, tribal, and Fishery Management Council NE RPB appointed Members or their alternates, as well as agency staff. A summary of the meeting can be found on the NE RPB website www.northeastoceancouncil.org/regional-planning-body/.

Objectives of the meeting were to:

- Develop common understanding about NE RPB assignment and characteristics, basic operational considerations, and initial products.
- Provide context regarding current activities in the Northeast that lay a foundation for regional ocean planning.
- Engage stakeholders and the public about regional ocean planning for the Northeast.
- Discuss initial focus for the regional ocean planning effort in the Northeast and identify next steps for the NE RPB.

The RPB welcomed public comment for an hour on the second day of the meeting. During this session, seventeen members of the public provided comments for consideration. These comments are transcribed on the subsequent pages in the order they were received. The public was also invited to submit comments electronically. Following the meeting, five comments were submitted by email and are included in a separate section of this document. As specific regional ocean planning products are developed, the NE RPB will create other ways for the public to provide review and input, including an online comment mechanism.

Public Comment Received at the RPB Meeting on November 20, 2012

Richard Nelson - Lobster fisherman from Friendship, Maine

Email: fypescadero@yahoo.com

I come to you pre-engaged, already outreached to and wondering where do I fit in now? It's a question I've asked before with other similar efforts I've been engaged in. Sometimes funding for these engagement initiatives runs out and there is a lull. I found one thing to do now - I joined NEOAN (New England Ocean Action Network). I am going to read a statement from them: NEOAN is a diverse network of organizations, which includes fisherman, fishing interests, recreational groups, businesses, conservation groups, and industry - working together to promote new approaches to ocean management in our region based on collaboration, cooperation, and sound science. NEON supports the full implementation of the National Ocean Policy and the development of a regional ocean plan in New England. This policy rightly acknowledges the need for ocean planning process through transparency that encourages broad public participation. We believe that a comprehensive regional use plan has potential to minimize user conflicts in an increasingly crowded ocean, protect economic value of New England's fisheries and other current uses, anticipate and address impacts of climate change, and restore the health of our coastal and marine ecosystems. In the spirit of cooperation, we encourage you to seek NEOAN as a partner and ally. We look forward to working with the RPB to help shape a regional ocean plan for our ocean, coasts, economy and communities. A more personal comment goes to reaching the goals and vision of what's ahead - this is extremely important. How is that societal desire measured? And how can we distinguish desires from one area to another - from Friendship, Maine, which has very diverse desires from areas like Boston and the South Shore of Massachusetts - how can we measure the differences in these desires and distinguish one area from another?

Mike Leonard - Ocean Resource Policy Director, American Sportfishing Association

Email: mleonard@asafishing.org

Fishery managers have been using the concept of spatial management for some time. The New England Fisheries Management Council has used restrictions or designations for fishing activities in different areas (gear and season restrictions), and this is done in the best interest of anglers, the industry, and the resource itself. These areas are monitored and reevaluated and this has resulted in good buy-in from the sport fishing community at large. Our group has also been subject to other types of spatial management processes - most notably and recently the California Marine Life Protection Act process, whereby large areas of the state were restricted for reasons other than fisheries management and anglers

are suffering as a result. It's with that in mind, we approach the National Ocean Policy with some deal of skepticism because of its heavy emphasis on concepts like habitat protection, precautionary principles, ecosystems based management, etc. All concepts that sound innocuous, but in the past have been used to restrict fishing access beyond what's warranted. But as we've seen in this meeting, we have reasons for optimism as this process has evolved. We are happy about involvement of state fishery agencies and regional fisheries management councils. First, fisheries management needs to stay in the hands of fishery management agencies – we hope that will be the case as this moves forward. Second, consensus-based decision making is critically important to make sure that voices most effective are not going to be drowned out because they are in the minority of the RPB. Third, there should be no predetermined outcomes and the regions should be able to determine how they want the process to unfold. The Massachusetts Ocean Plan is one process where we have seen benefits as the recreational fishing community. For example, a study shows that proper siting of offshore energy development resulted in millions of dollars of benefits due to preserved fishing habitat. We stand ready to ensure that this process goes that direction and not the direction that we feared it might when this process started.

Robbin Peach - Executive Director, UMass Collaborative Institute for Oceans, Climate, and Security

Email: Robbin.peach@umb.edu

Spatial plan should look through the lens of a changing climate. Take advantage of the many non-profits and academics that are doing future scenario planning and predictive modeling to analyze how the ocean is going to change over the coming decades and how that is going to affect the marine spatial plan – ocean acidification, changing fish populations and their migration, changes in sea level rise and infrastructure. Whatever plan gets created has to be very adaptable with the acknowledgment that things are going to change - buffers need to be created, etc. I recommend reaching out to those already involved in predicting how changing climate is going to affect our oceans.

Noah Chesnin - Special Projects Coordinator, Natural Resources Defense Council

Email: nchesnin@nrdc.org

This work is important and we stand ready to support the RPB. We want to offer critical issues we see for your work. 1) As you get off the ground, we think it's very important to set clear planning objectives. It's critical to reference the language from the National Ocean Policy to protect, maintain, and restore ecological health and processes, and to protect

native species and habitat, and set these as primary goals for your work. 2) Base decisions on both natural and social science expertise and traditional knowledge. We urge the RPB to setup advisory and technical committees with scientists as well as experts from the tribal communities. 3) Promote robust participation of the general public and stakeholders and users having a formal channel - like the technical committee mentioned - into the planning process. Also look at the Mid-Atlantic and ensure that the Northeast issues are dovetailed with what is being done in the Mid Atlantic.

Nick Battista – Marine Programs Directory, Island Institute

Email: nbattista@islandinstitute.org

The Institute works with islands in Maine – these communities are highly dependent on ocean uses - they rely heavily on fisheries and require ferries for transportation. We also have population surges in summer tourism. The Institute has done mapping projects with fishermen as part of the NROC commercial fishing project. We would like to share perspectives and various things we've learned from these processes: 1) The first relates to the importance of outreach and stakeholder engagement. Both Kathleen and Meredith as RPB members had excellent thoughts, so please listen to them. 2) Coordinate meetings with NROC. It's hard for stakeholders and the island communities to come to a lot of meetings. 3) Be clear about when input can be received and what the decision points are where the RPB is looking for input. 4) Support the creation of an advisory or technical committee or other structures. Working waterfronts really rely on healthy oceans and good water quality – a long term relationship with ecosystem health is critical. If the only thing that comes out of this process is increased coordination among federal and state agencies and a better understanding of stakeholder input into the process, that would be wonderful. Please keep the small, rural, coastal communities in mind. They may rely on a particular area of the ocean that doesn't pop up as a hot spot in a regional mapping process, but without it, those communities can't survive. Be aware of the context of existing spatial fishery management and encourage a long-term look for the future.

Wendy Lull - President, Seacoast Science Center

Email: w.lull@seacentr.org

The Seacoast Science Center deals with outreach and engagement in a different way, and I want to offer perspectives to the RPB as a possible partner. We often have to answer questions from people who come to the Science Center and ask if the Gulf of Maine is doing OK. Sometimes being able to assure them that smart people are working hard to figure out a complex problem goes a long way to help ease their concern and let them know what

entry points are to make the process better. I've also come to planning meetings for the Gulf of Maine work for a number of decades and this is the first time the tribes are at the table and being able to tell visitors that will make a great deal of difference to them. On a more practical basis, the Science Center is a founding member of the New England Ocean Science Education Collaborative – it's 40 institutions from Maine to Rhode Island and we are all dedicated to working together to advance ocean science literacy. If you want to have a way to reach the people as defined by tourists who come to museums and places on the coast, we would be happy to help you with things like iPad based surveys.

Chris McGuire – Marine Program Director, The Nature Conservancy in Massachusetts

Email: cmcguire@tnc.org

The Conservancy's mission is to conserve the land and water on which all life depends. We approach this by creating science-based, pragmatic and non-confrontational solutions. We applaud each of you for dedicating your time to embark on this journey into the unknown of regional ocean planning. You are not going there alone. Conservation groups and academic communities are eager to support your efforts with their deep expertise and create space for dialog. TNC also regularly uses assessments, data, maps, and other tools to work with partners to develop plans to meet the needs of both people and nature. We are members of the NE Ocean Data Portal Steering Committee. Many of the benthic habitat, natural resource, and human use data layers are part of that data portal and are available for all of you to use. TNC looks forward to a continued engagement and dialog in this open and inclusive process both as a stakeholder and trusted resource as this process moves forward.

Priscilla Brooks – Director of Ocean Conservation, Conservation Law Foundation

Email: pbrooks@clf.org

This is the beginning of the development of the first comprehensive regional ocean management plan – we are very excited about that. Ocean management planning is a priority for CLF and it has been since our days working on the Massachusetts Ocean Management Task Force in 2000. We have been very involved in the development of the Massachusetts Oceans Act, MA Ocean Plan, and the Rhode Island SAMP. Our interest is in capitalizing on all the ocean has to offer in terms of food production, transportation, recreation, and energy in ways that also protects and sustains our ocean ecosystem and protect important ecological areas. You have identified stakeholder engagement as a critical element of this process and you must get this right. It's going to make all the difference in the plan and it's going to make all the difference in the implementation of the

plan. In our experience, one of the ways to create meaningful stakeholder engagement is to develop stakeholder working groups. We recommend developing advisory groups as a way to give stakeholders a formal and visible role in the planning process. You might consider focused working groups in the areas of energy, historic and cultural resources, tribal communities, fisheries, marine transportation, recreational uses, habitat, and resource conservation, among others. This is critically important for engagement and giving people responsibility in the process and also a way to identify people in the community and give people an ongoing way to get feedback during the process.

Drew Minkiewicz - Attorney, Kelly Drye and Warren

Email: Aminkiewicz@kelleydrye.com

I represent the scallop fishery under the auspices of the fisheries survival fund, which represents the bulk of the limited access scallop fleet - working primarily out of the port in New Bedford. I also work with short sea shipping clients who call on NE ports. My clients are concerned about this process and don't know which way this will head and how they can most effectively be engaged. Scallop fishermen can afford to hire me to be here and be engaged in the process, but most fisheries are not that fortunate. The question is how to go forward - there is a lot of talk about engaging stakeholders - you have to engage people up front and not rush forward with solutions. The problem is that this process being created by an Executive Order is already on a back foot in this way. You were created by a top down approach without people asking for it. So you have to go the extra mile to engage people early on. Being created by an Executive Order, you have no regulatory authority. You have to realize what you are and what you aren't. The fact is that you aren't going to regulate anything - you don't have that authority. We don't lack regulation in this country. Pretty much everything we do in the ocean is regulated by someone - the issue is that the regulations are often pointing in different directions or are conflicted. There isn't nearly enough emphasis today on how to resolve these conflicts - that's the value added to what you are doing. Right now, I represent scallop fisherman and the Smart from the Start Program for wind energy development is taking off. While it's better than how it was done before, we get announcements about a wind energy area and we have to figure out what that means for us. We have to call up BOEM and they give us GIS files but I have to send these to other scientists to get an idea of what's going on. I've talked to people at MARCO about how we can put all this information together to help resolve conflicts - that's your value added. Also, having people stand like this in front of a microphone is not conducive to public comment. People should be able to sit down and be comfortable and not have to line up. This is not the message you want to send for people giving public comment.

Ellen Goethl - representing small boat family fishing communities, Hampton NH

Email: egoethel@comcast.net

I have three positive things to offer and then some thoughts. First, I was very concerned when you spoke about de-prioritizing water quality. I and the fishermen feel that this should be your first priority. Secondly, you were speaking of using outside sources of science; white papers have their place but please make sure that sources are peer reviewed science. One last point I had is that I'm listening to vocabulary you are using that means different things in different places. You need to get a glossary together and make sure that it means the same thing to everybody. This process terrifies me as a member of the fishing community. I see this as one more way to marginalize the small boat fleet and the fishing communities that I am part of. This adds one more layer of bureaucracy that I have to deal with every day – fisherman have to go to meetings of the Atlantic States Fisheries Commission, the New England Fisheries Management Council, State's Department of Fisheries, NROC, and now you. That's five layers of meetings and then there are the subcommittees. They see this is one more way of restricting their flexibility and increase their safety issues in their daily lives. The decisions you make will have an impact on your agencies, which impact their lives and my life on a daily basis. I don't have trust in this process – I need for you to show us the trust and we will be behind you.

Michael Tlusty – Director of Research, New England Aquarium

Email: mtlusty@neaq.org

The aquarium appreciates the effort the RPB is making to take a science-based approach to ocean planning. As a science-based institution active in ocean education, research, and conservation, we encourage the RPB to develop a balanced multi-stakeholder, expert, technical group as your work begins to drill down into specific planning activities. While it was acknowledged yesterday that stakeholders is a broad and difficult to define category, we believe that there is an abundance of highly invested groups that sit outside this board that have specific knowledge, dedicated expertise, and the ability to create value to the regional ocean planning process. The incorporation of these expert advisory groups into the RPB will make this a much more scientifically robust and inclusive process. It's through the incorporation of these external groups who have significant knowledge that quicker progress will be made towards your regional planning goals. This morning, the question of how to start was raised and one of the key factors was developing priority mapping needs, engagement, and data integration. I would point out that through all the academic and NGO community work in the Northeast, much of this work has already been done. At the Aquarium, we've been involved in a number of relevant activities, many of them focused on mitigating the conflicts between human activities, whales, and large pelagic animals that

are so important to the Gulf of Maine ecosystem. Because of our extensive data holdings, we've been able to conduct activities such as looking at the co-occurrence of shipping, large pelagic animal distribution and fishing in the Gulf of Maine to analyze the economic tradeoffs and spatial opportunities for offshore aquaculture. This was part of the NOAA Open Ocean Aquaculture project. We've done that process once for aquaculture and we can now look at this co-occurrence mapping for many of the other activities, such as wind and energy. We've looked at the interaction between lobster fishing gear in the Gulf of Maine and right whale abundance. We're engaging with wind farms on how we can work together to do the site assessments necessary as we're starting to put more industries into the Gulf of Maine. We're not working alone – many of the NGOs and academics are already working together. Basically for moving ahead, it's not an effort that needs to go out and collect new data – it's a matter of finding the data sources that are already out there and tapping into existing sources.

Brent Greenfield – Executive Director, National Ocean Policy Coalition

Email: brent.greenfield@oceanpolicy.com

The Coalition's membership is comprised of commercial and recreational interests, including Northeast based groups that seek balanced ocean policies grounded in active management of user groups, transparency, and sound science. My comments today are made on behalf of our membership as well as other interested groups who cannot be here. Users of ocean and coastal resources, including here in the Northeast are facing a wide array of state and federal initiatives that address their activities to varying degrees. At the same time they are confronting challenging economic circumstances that also demand their constant attention, time, and resources. Therefore, if such groups are going to have an opportunity to participate and have an adequate seat at the table, it is essential that this be kept in mind as meetings, action items, and timelines are contemplated. In scheduling meetings, and developing action items and timelines, it is critical that any of these activities be made widely known and any related materials be made widely and timely available for public review. In addition, an adequate seat at the table for user groups should include more than just an opportunity to comment. The very groups that could be impacted by potential actions under discussion should be given a meaningful and active voice and role in the process, with their input helping to guide a truly collaborative process and outcome. To the extent to which actions are taken, engaging in efforts achieving a collaborative process through consensus can be enhanced and furthered if consensus means activities have the support and backing of the commercial and recreational interests that support jobs and economic activity in the region. These groups represent the human elements that could be impacted. They too should have an opportunity to be at the table along with their federal, state, and tribal, and local counterparts. Timelines and actions for

reaching policy goals, milestones, and objectives should be set forth based on the availability of sound science, data, and information. Timelines and actions that could limit the use of ocean and coastal resources should not be made in the absence of such data and information. Finally, as the presentations over the past couple of days have shown, ocean and coastal related planning activities in the Northeast have been underway for some years. Some of the most recent efforts follow the passage of state laws. It is vital that any new efforts that address management of ocean and coastal resources proceed in a manner that supports rather than detracts from these existing activities.

Ru Morrison – Executive Director, Northeast Regional Association of Coast and Oceans Observing Systems NERACOOS

Email: Ru.Morrison@neracoos.org

NERACOOS is a policy neutral provider of ocean information. We have participated as part of the Northeast Ocean Data Portal Working Group and look forward to continuing to doing that and I'd like to say congratulations on getting this group together.

Ben Martens – Executive Director, Maine Coast Fishermens Association

Email: ben@mainecoastfishermen.org

Our group works with 35 commercial small boat fishermen throughout Maine. I'm here today on their behalf because they are all out fishing. They have a stake here – there is a lot of concern from these fishermen about where this process is going and there is a lot of uncertainty about the process and what it means for them as fisherman. These are people who have been fishing 20 – 40 years, who are third and fourth generation fisherman, and who have been using this marine environment. They are coming to this process uncertain of where they fit in and also where the RPB fits in. We are part of NEOAN trying to do outreach because our fisherman are trying to figure out how to work within this system so that they're heard. Part of the problem is that we don't understand what this ocean planning means. Is it going to be adding more boxes into the ocean that already have a lot of boxes on it? Is it going to be helping to reduce some of these boxes? Is it going to be just trying to put more wind energy into the ocean? We do see a lot of potential for harm to the local fishing fleet. But we also see potential for help. We have a fleet that's reducing in size every year. In 1996 we had over 250 vessels that landed groundfish in the state of Maine. Last year we had 47. So when you are looking at these maps and talking about what it looks like in the state of Maine or the Gulf of Maine, there are a lot fewer vessels out there than we'd like to have out there. And we're working to try bringing back some of these vessels over a period of time. We're trying to determine how to work with the RPB to

utilize this process to ensure that there are protections moving forward – from the siting of wind energy and any other industrial uses out on the water. And the more you can engage with our fishing community so they feel they are a part of this process as opposed to sitting on the outside and being engaged at the last minute - as they felt happened in Massachusetts and some of the other state processes. I'm encouraged by what I've heard and I'm hoping to have a lot more interaction with you all moving forward.

John Williamson - Sea Keeper and consultant for marine fisheries

Email: john@seakeeper.org

I'm out talking to fisherman a lot about this process that has begun today. A lot of concerns have been raised about where this process is going, as others have pointed out - not sure what the end result will be. I tell people that this is a planning body, not a decision making body. The intent here is not to do fishery management, but rather create a document that will help guide conflicts over the long run between fishing industries and emerging industries on the water. That's the traditional role of planning. But inevitably, if you're going to have a successful guidance document there will be a number of subtle policy calls to be made, and I hope you're thinking about these early and often. Part of transparency is making sure that we all understand that those policy calls are being made because they will be made by this body and they won't be made in the public process. An example of that is what Doug Grout described this morning. We have a very sophisticated effort going on now in the management of fisheries that has to deal with identifying habitats, the ecological structures that support an ongoing, renewable resource that covers most of the EEZ on the eastern seaboard. This process is well developed and sophisticated. How you use and engage that process, what data you choose to focus on, who does the analysis, how it becomes incorporated in your decision making...all these things need to be out front. They need to be thought about and articulated up front so that Ben Martens and other fishermen he's bringing to the table or Drew Minkiewicz and the people he represents – they all understand how decisions are being made. In the end, remember that fisheries are the one existing and emerging industry that depends on the ecological and environmental quality for its long-term existence.

Stephanie Moura – Executive Director, SeaPlan

Email: smoura@seaplan.org

I invite us all to remember the joys of ocean planning. Which are that you are all not just engaged to manage a process but you're being engaged to accomplish something. In New England, if the hat you wear makes you most concerned about re-invigorating the

aquaculture industry, addressing the groundfish disaster declaration, or trying to find solutions for the use conflicts between offshore renewable energy and commercial fish, whales, and birds. Whatever your key driving issue is that concerns you, you're here to help find the answer to that. In order to help find the answer through science-based, stakeholder-informed ocean planning you're going to have to sit through some process but it looks like you've got a great crew. And I congratulate you on getting together and almost being through with your first meeting.

Dr. Sandra Whitehouse – Senior Policy Advisor, The Ocean Conservancy

Email: sandrawhitehouse@mac.com

We are working primarily on getting resources to make sure that this process continues. I have had the privilege of working with many of you and look forward to working with many of you in the future. While we've heard some frustrations today about whether water quality is going to be addressed, uncertainties about how NROC and the RPB are going to merge and be one, and how the stakeholder engagement process is going to unfold. I do think these are legitimate concerns but I'd like you to take a step back and consider the long path it's taken to get here. I've been at this for a while. I'd like to scroll back to President Clinton who created the U. S. Ocean Commission and President Bush who released the results of that Commission in 2004, the work of Obama's Ocean Policy Task Force and the release of the Executive Order in 2010 and really the primary recommendations were to manage on an ecosystem basis (i.e. the regions) and coordinate the tribal, local, state, and federal resource management entities. I think it's really exciting that this is happening in New England. I'm from Rhode Island so I'm proud that my region is the first to move forward. Seeing that it's a process that's starting to manage for healthy ocean and healthy ocean economy is really important. I would ask you to heed what Kathleen Leyden said about staying engaged with the process and don't disappear and also encourage you to be deliberate, set concise goals, and stay focused. Finally I'd like to thank you – all of you who are at the table and in the room – for your dedication to this process. New England I believe will be a success and will be a model for what happens in other regions all around the country.

Public Comment Received by Email

November 19, 2012

Thomas Hatfield

Email: tahatfield@gmail.com

Dear RPB Members:

The issues the Council is confronted with are enmeshed in a bewildering constellation of laws, regulations, and policies. Specifically, in a recent Marine Policy paper, it was observed that in this country there are 24 agencies administering over 147 ocean based rules. As pointed out in Appendix 6 of the 2004 U.S. Commission on Ocean Policy's document *An Ocean Blueprint for the 21st Century*, conflict between these rules exist. For example, a definition of "territorial water" (defined as 0-3 miles) in the Clean Water Act does not take into account a 1988 law change extending territorial water to 12 miles. The problem, however, is bigger than the number of fragmented, unaligned, and conflicted rules, because if it was just a matter of too many rules, cooked up by too many seemingly good intentioned politicians, having taken into account too many well funded communications... it might just be an issue of where to store the bound volumes of rules.

Unfortunately, this is not the real problem. The problem is that we have an ocean that is being simultaneously used as a garbage dump, a supermarket, a transportation channel, and a long list of other labels associated with human use. These uses are having impacts on the ocean, and these impacts involve such things as declines in biological diversity, water quality, and the economic health of coastal communities. In response to these real problems more rules are created or modified, and governmental groups like this one are formed in order to address the issues. As a society we are good at making rules and forming these groups, because we have been doing it for some time. In fact, we have followed these Taylorist and Weberian formulas of segmented and top down management plans since their emergence in the early 20th century. As such, we have applied an industrialized approach to our interactions the ocean environment and have managed those interactions in some bizarre failed form of Max Weber's bureaucracy, a form where efficiency is found in name only and agency executive staffing is accomplished all too often along political linkages rather than from reservoirs of interdisciplinary merit. It should be noted that the invention of Taylor's scientific management and Weber's governmental bureaucracy are just that, inventions. Inventions that certainly served their purpose in context with the turn of the last century when biological ecology was focused on taxonomic differences and not trophic integration. Like many other inventions from the late 1800 and early 1900's such as the typewriter & fountain pen, these

management devices do not have the capacity to deal with the work needed in today's complex interrelated issues.

To illustrate this, let us briefly look at fisheries management. It is a well established fact that populations of commercially relevant fish species have drastically varied over time, and that industrialized fishing can significantly contribute to those population fluctuations. As such, regulating the actual activities of industrial fishers directly influences fish populations. It is, however, not the only human activity that influences fish populations, as other factors including but not limited to chemical pollution, critical habitat modification and destruction to coastal estuaries and seafloor structures also cause major impacts. In addition, changes in water quality can cause variation with respect to other organisms that impact fish populations, with an example being bacterial and viral populations that can have an impact on fish egg and ichthyoplankton viability. It is also understood that variation within populations of fish occurs on the behavioral level such that population segments of fish may have locational affinities that put them at significant risk due to fishing and/or environmental changes. Furthermore, as populations of fish stocks vary, other stocks of fish are affected because of changes to the predator/prey ratios, redirected or otherwise modified fishing efforts by humans and other forces. In short, there are numerous interrelated drivers and feedback forces associated with fish population variance, and clearly humans are part of the overall fisheries ecosystem that affects this variance.

At present, in this region, the New England Fishery Management Council is tasked with fish stock management. The Council is a creation of the Magnuson Stevens Act, an act that according to Senator Magnuson in a 1976 law review article he authored was essentially designed to protect fish stocks from foreign fishing fleets. Of course more recently in light of fish stock collapses in both the United States and internationally, management now focuses on assessing how much can be harvested by humans over a sustained period of time, a question that is reviewed and commented on in the form of Fishery Management Plans by regional councils like the New England Council. Structurally, these councils include members from several states who have been nominated by state governors and appointed by the Secretary of Commerce. The Council carries out its business with various committees, panels and teams that report back to the Council. These subcomponents of the top down hierarchy have various overlapping members and specifically defined roles that are dominated by vertical reporting rather than horizontal collaboration with other components let alone with knowledge repositories outside the structure. Without a doubt, Henry Ford sitting in his office in 1911 would well understand this division of labor and central management structure.

Best available scientific information is the basis of review and management of fish stocks in the United States. However, this best available science is hamstrung in that it must fit within the confines of past practice and disciplinary fiefdoms. For example, the Science and Statistics Committee (SSC) of the New England Fishery Management Council gave its last presentation on Eco-System Based management in April 2011. In that presentation, the SSC stated that current management was inconsistent across species managed and did not directly take into account the ecosystems the species interacted with. Last week, this Eco-System Based management approach was proposed by the Executive Committee to the New England Council to be a “below the line” priority for the Council. Sadly, even if actually made a top priority by the Council, the extent of the contemplated ecosystem approach appears to primarily revolve around a fish versus fisher stakeholder framework that occasionally happens to take into account elements of the marine environment, but does not capture feedback forces associated with social economic effects related to the seafood industry (inclusive of end consumer), nor does it take into account the intangible ecologic value of the ocean, nor that time separated moment when the next generations will be interacting with the ocean. If there is a way to summarize the state of fisheries management in New England, and practically everywhere else in the world, it would be by paraphrasing a question put to the House of Lords by Lord Perry in 1995 which essentially asked: Why, given all the management we have been doing over these many years, have we not fixed the problems in the fisheries?

I would hazard the answer to why fisheries management as we know it is non-functional, and that is that we have been hard at work in a manner that has not incorporated and synthesized the distributed knowledge that exists in the many disciplines, professions, and vocations; we have mechanically used archaic top-down management hierarchies all too often staffed with individuals who have a political association rather than a burning spirit to ask fundamental questions about how to carry out their duties, and whether the information they have been presented provides them with a sufficient basis on which to make decisions; and finally we are seeing the effects of scientific seduction these decision makers succumb to when wonderfully colorful graphics, complex charts filled with scientific jargon, and models that include partial differential equations as a way to incorporate the spacial dimensions of the question are presented to them by real in the flesh scientists, thus leading the decision maker to sometimes sacrifice common sense on the incomplete scientific altar. Make no mistake, we desperately need science for its ability to deeply analyze ocean issues, but we also have to recognize that science is compartmentalized, not only in terms of territorial divides across disciplines and sub-disciplines, but also in the scientific journals, which contain the aggregated work of scientists and scholars, and are locked up behind copyrighted fortresses with names like Springer, Lexis-Nexus, and Elsevier which charge large access fees to often times public funded work product. We also need to recognize that science

is an approach that involves people. People who can make mistakes, especially when dealing with data rich and complex natural phenomena. Keep in mind such incidents as NASA discovering the ozone hole years after they collected data because scientists had assumed their Nimbus satellite would never measure such low numbers and created programs that ignored the data; or the case of scientists working on a mouse control program who made scientifically rational and well reasoned decisions about how to increase the effectiveness of an engineered viral agent, mouse pox, and ended up with an unexpected and highly lethal pathogen. We need to demand interdisciplinary approaches and scientists who are willing to suspend reductionism at times in order to see how the systems they study are part of bigger patterns. I wish I was providing some fresh insight here, but one paper I found from 1932 by the then Director of Fisheries Investigations for the English Ministry of Agriculture and Fisheries brings up these same issues of specialization and compartmentalized work product. It might therefore be time to listen and act by demanding open access to work product and by becoming citizen scientists who critically and methodically ask questions about what is being presented as best available science.

This first Northeast Regional Planning Body meeting is a crossroads moment. A point in time where business can be carried out like every other governmental council has been, where committees and working groups are formed, lots of meetings take place, paper is handed out and public comments are solicited. While it sounds important and looks impressive, it is not a system suited to the problem of how human society must interact with the oceanic environment. In lieu of the standard approach, I would suggest the following:

- Understand that the rat's nest of laws, regulations, and policies is entirely reflective of the state of how we as a society are interacting with the ocean since laws merely memorialize in a formal way relationships by and among individuals. This is a legal reform issue that needs to be carried out from the bottom-up and with safeguards against undue influence by interests currently benefiting from the rat nest configuration...those would be the rats.
- Become a facilitator and conduit for connecting knowledge reservoirs together; if you keep getting the same answers you have either actually found the truth, or you have just been talking to the same people. Strive to actively expand the universe of inputs, the information that truly matters may not just walk in the door, you might have to seek it out.
- Demand plain language and full explanations. All human knowledge can be explained simply, while it may take extra time to have someone unpack the plain meaning of some technical sounding word or phrase, this is what is necessary to make well grounded decisions.

- Realize that scientific models and estimates are only guesses as to what may happen in the future. They are based on past observations and assumed relationships between those past observations, nothing more. Also realize that all that was thought to be “true” by science today, may be considered to be incomplete or wrong tomorrow. Think about the turkeys that will appear on tables this Thursday...they likely had to drastically rethink their assumptions as to why humans had been providing all that food and water, in spite of the fact that the humans had been providing all that food and water. Essentially, you should not blindly think a prediction is right;ask for the assumptions that underlie the prediction and then see if it actually makes sense in view of the whole system. It is also critical to understand that the science is absolutely needed to help inform policy decisions, but cannot be asked for absolute answers and assurances, science does not work that way. While something akin to functional fixedness is associated with scientific theories people have spent years working with, persistence and patience must never be confused with sticking with an objectivity broken rationale.
- Remember that real world systems do not self organize around boundaries created by mankind. This observation is succinctly captured in physicist Richard Feynman’s statement that if “we, for some convenience, divide this universe, into parts—physics, biology, geology, astronomy, psychology and so on, nature does not know it!” We are fairly certain fish have no idea where the Canadian border is, but they also don't know the difference between state, territorial, or waters in the contiguous or exclusive economic zones...make sure you make decisions that are reflective of how nature operates.
- Ask challenging questions. For example, should the United States becomes a signatory of the United Nations Convention on the Law of the Sea (UNCLOS), and how would changing from considering the UNCLOS to be customary law to that of treaty law change ocean policy objectives and procedures? Is the Submerged Land Act an obstacle to holistically creating ocean policy, and would nationalizing ocean/inland marine waters as a truly national resource be a better avenue if the concept of subsidiarity was properly implemented to allow tribal, regional, state, local, private organization, and individual participation?
- Take a serious look at the communication, outreach and education infrastructure has built up to this point. For example, the Northeast Ocean Data website (<http://northeastoceandata.org>) is a fantastic concept. However, take a look at the “Policies and Standards” page, and you will find many broken or outdated links. The Northeast Ocean Data Viewer (<http://www.northeastoceanviewer.org>) allows visualization of numerous spacial and temporal aspects related to ocean use; a truly innovative and commendable project! However, there are some interesting

and potentially troubling issues lurking underneath the surface. For example, each of the datasets that the viewer pulls data from have various terms of use associated with them. An illustrative example would be the dataset associated with commercial fishing that was compiled by The Nature Conservancy from NOAA National Marine Fisheries Service data. Has the Council asked whether the terms of use provisions created by The Nature Conservancy are fully consistent with the intent of the Northeast Ocean Data Viewer? Has the NROC (or The Nature Conservancy) given thought to the terms of use for the ArcGIS software owned by the California based ESRI organization? Was any thought given to incorporating, for example, Creative Commons licensing into agreements governing data and software having third party rights associated with them? It is noted that many governmental entities already use this type of a rights based framework in addressing how intellectual property rights are efficiently handled (see [http://wiki.creativecommons.org/Government use of Creative Commons](http://wiki.creativecommons.org/Government_use_of_Creative_Commons)).

- Finally, realize that ocean issues are being lost in a background of reality shows, contentious politics, and a lack of public education in the area. As a society we need a greater awareness of these important ocean issues. We need individuals, organizations, and agencies to foster an environment that strives to understand the ocean, and we each have to do as much as we can.

Ultimately, the issue of appropriately addressing the review, modification/creation, and implementation of ocean policy is immense and cannot be done without finding new ways of working together. The command and control hierarchal model simply will not work, much the same as it has failed in addressing networked behavior associated with the Internet. It is very likely that an adaptable distributed system of policy making and management is needed which recognizes that great complexity can quickly arise from simple local interactions. Regardless, an intuition freed from an entirely reductionist and sectoral view of how society interacts with the ocean is, in my opinion, the best hope for success.

Sincerely,
Thomas Hatfield

November 20, 2012

Michael Tlusty - Director of Research at the New England Aquarium

Email: mtlusty@neaq.org

We at the New England Aquarium appreciate the effort of the NE RPB to take a science based approach to regional, ocean planning. As a science based institution active in ocean education, research and conservation, we encourage the RPB to develop balanced, multi-stakeholder “expert technical groups” as this work begins to drill down on specific regional planning activities. While it was acknowledged yesterday that “stakeholders” is a broad and difficult to define category, we believe that there are a number of highly vested groups outside of those eligible for the RPB that have specific knowledge, dedicated expertise, and the ability to create value through the regional ocean planning process. The incorporation of these expert advisory groups into the activities of the RPB will serve to make this a more scientifically robust and inclusive process.

It is through the incorporation of these external groups with significant knowledge that quicker progress will be made towards regional ocean planning. This morning, the question of how do we start was raised, with one of the key factors being developing priority mapping needs, engagement, and data integration. However, we would point out that through the academic and NGO community in the Northeast, much engagement and mapping and creation of the data is already underway.

At the New England Aquarium, we have been involved in a number of relevant activities, many of them focused on mitigating conflicts between human activities, whales and the large pelagic animals that are so important to the Gulf of Maine Ecosystem. Because of extensive data holdings, we have been able to conduct activities including:

Conduct a spatial analysis of Gulf of Maine activities including shipping, fishing, and whalewatching and assess their co-occurrence to analyze economic tradeoffs and spatial opportunities for offshore aquaculture (Wikgren, Tlusty). This was funded through the NOAA aquaculture program, but the information is available to use for decision making for other industries. We are currently planning or working on aerial surveys to assess marine mammals, sea turtles, seabirds, and fishing gear in the coastal waters of Maine, Mass and RI for wind farm siting.

With the Maine Lobstermen’s association, we developed a model to mitigate risk to whales from lobster fishing (Wikgren, Kraus, MLA, and WHOI Scientist Kite Powell) (2009-2012). We are engaged with Wind Farm companies to develop a plan to mitigate effects of seismic and pile-driving activities on right whales (2011 and 2012) (with NRDC) (Kraus). We also

are assessing the closed areas around LNG ports to determine if they are acting as marine protected areas, and to see if there is additional value to ocean industries.

We academics and NGOs do not work in a vacuum and we have been joining forces in our efforts to balance environmental and economic issues. I point to the work we do with WHOI to develop a Decision-Support Tool for the Economic Analysis of Trade-Offs in Coastal and Marine Spatial Planning (CMSP) for the US Northeast Region (Wikgren with P. Hoagland at WHOI) (Current). This project is presented as evidence that long term data sets, an intimate understanding of the Gulf of Maine ecosystem, and appropriate scientific analysis, can help inform the discussion around effective ocean management.

Many of the activities identified early today as being necessary for planning and ocean management are in fact already occurring. So ongoing efforts should not be so much as collect new data, as it is a case of to find and aggregate the data that already exist. In summary, in New England, you have a large number of ocean advocates that are working on planning and are “wicked smart”. It is through these vested stakeholders that the appropriate scientific analysis can help you progress toward your goals.

Thank you,
Michael Tlusty

November 24, 2012

Ellen Goethl - representing small boat family fishing communities, Hampton NH

Email: egoethel@comcast.net

I gave public comment at the NE Region Ocean Planning Body on Tuesday November 20, 2012 in Portland, ME. I did not speak as a member of any organization rather as a member of a fishing family. The following is a more detailed written explanation of my oral comments. Please add them to the public record of the meeting.

In the future when you take public comment it would be appropriate to treat the public as guests and provide seating for them. A five minute time limit for public input would be more in line with other public/government venues. The public should be made as comfortable as possible so that individuals who are not familiar with speaking in public will not be intimidated by the process. These are the things that I keep in mind each time I am setting up a public meeting.

1. I was worried about the discussion about deprioritizing water quality issues around the table. The fishing communities depend on the water quality, without it there will be nothing in our oceans to fish for. This is the only issue discussed that I can honestly say the entire fishing fleet could support.
2. There were also discussions about using outside sources of science. I would like to emphasize that all science used needs to be peer reviewed. While white papers have their uses, using white papers as building blocks for more papers leads to gray literature without the backing of sound peer reviewed science.
3. I was also struck during your meeting that different speakers were using very different terminology to describe various ideas. I would ask that you put together a glossary that can be agreed upon by all present so that there is no misinterpretation of ideology and goals.
4. Lastly, this whole process terrifies me as a member of the New England fishing community. I see this body as just one more way to marginalize the small boat fleet and the fishing communities of which I am a member.

This body adds one more layer of bureaucracy to the fishermen's lives. You do not see any fishermen in the audience because they physically can't attend any more meetings and still make a living to feed their families. They have to keep on top of regulations and recommendations coming from the Atlantic States Marine Fisheries Commission, the New England Fishery Management Council, the Mid Atlantic Marine Fishery Council, their State Fishery Departments, the National Marine Fishery Service, National Ocean Service, the Coast Guard, NROC and now you. They see this as just one more way to restrict their flexibility potentially decreasing their ability to make safe choices.

Please keep in mind that the decisions and recommendations that you make here will affect our daily lives.

To be frank I just don't have any trust in this process and neither do the other fishermen and their families.

Respectfully submitted,
Ellen D Goethel
Fishing Vessel *Ellen Diane*
23 Ridgeview Terrace
Hampton, NH

November 26, 2012

Pat Hughes - Marine Policy Director, Provincetown Center for Coastal Studies

Email: phughes@coastalstudies.org

As an observer, I thought the meeting went very well given the size and diversity of the group and the number of agenda items that were covered.

I think the points made by many of the tribal nation representatives regarding the interconnections among the watershed, river and ocean waters and resources are very important and ones that decision makers deal with at each level of government. Since most of the RPB representatives regularly work across these jurisdictions and, in some instances, with one another I am hopeful that the RPB will emphasize these interconnections within the framework of the National Ocean Policy.

Thanks very much,
Pat Hughes

December 3, 2012

Stephanie Moura - Executive Director, SeaPlan

Email: smoura@seaplan.org

Dear Members of the Northeast Regional Planning Body,

I am Stephanie Moura, Director of SeaPlan, an independent nonprofit ocean science and policy group providing practical solutions to balance development and conservation. In the interest of brevity at your inaugural meeting in Portland last month, I gave a brief oral comment and am following up in writing to elaborate for the meeting record. I would like to offer RPB members two thoughts as you embark upon planning for our coastal and ocean future in the Northeast.

First, I encourage the RPB to focus not only on overseeing the *process* of regional ocean planning, but to embrace and champion its *goals and outcomes*. The Northeast can continue playing a leadership role in the nation by demonstrating that science-based, stakeholder-informed ocean planning is not an end in itself, but a means to find solutions to the region's pressing marine issues. Important challenges in our area include bringing utility scale offshore wind power to the grid while avoiding, minimizing and mitigating key use-resource conflicts with traditional Tribal interests, commercial and recreational fishing

and marine mammals and birds; developing effective responses to meet the ecological and socioeconomic challenges illustrated by NOAA's recent disaster declaration for the New England groundfish fishery; and resolving barriers to establishing a potentially highly productive aquaculture sector. These are real and significant economic, sociocultural and ecological challenges that cross-sector dialogue and best available science can help solve if we keep our focus on achieving goals.

Second, I want to underscore the critical importance of effective public-private partnerships for the success of regional ocean planning. This great opportunity in the Northeast will falter if the process is perceived as top-down and insular. Both the RPB, in its oversight and governance roles, and NROC, in its operational and management roles, must leverage existing, and encourage new, partnerships with and among non-governmental organizations to create authentic transparency, involve affected stakeholders meaningfully, develop and implement strategic communications programs, accomplish the formidable scope of scientific analyses, and attract and secure essential funding. We have excellent examples of successful public-private partnerships at the state level, including the University of Rhode Island Coastal Resource Center's role supporting development and implementation of the RI Ocean Special Area Management Plan and SeaPlan's role supporting the Commonwealth in development and implementation of the Massachusetts Ocean Management Plan. Let's learn from these models. Regional ocean planning under the National Ocean Policy is, by definition, a government-led undertaking, but it cannot succeed without genuine collaboration and coordination with the region's stellar cast of non-governmental organizations, associations and institutes that continue to bring crucial perspectives, functions, and resources to the table.

Aware of the past and conscious of the present, I wish you a successful journey leading the Northeast into the future of regional ocean planning for the benefit of all who depend on and cherish our coasts and oceans.

Best Regards,
Stephanie Moura