

Northeast RPB Public Listening Sessions on the Draft Northeast Regional Ocean Plan

June 6th–June 30th, 2016

Prepared by the:



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Background

The Northeast Regional Planning Body (RPB) hosted nine public listening sessions from June 6th to June 30th, 2016, discussing the draft Northeast Regional Ocean Plan at locations along the New England coast. The purpose of the listening sessions was to provide members of the public an opportunity to learn about and provide comments on the draft Ocean Plan.

The listening sessions took place at the following dates and locations:

- June 6 in Rockland, ME
- June 8 in Old Lyme, CT
- June 13 in Gloucester, MA
- June 14 in Boston, MA
- June 15 in New Bedford, MA
- June 20 in Ellsworth, ME
- June 27 in Portsmouth, NH
- June 29 in Narragansett, RI
- June 30 in Portland, ME

Each listening session followed a similar format:

- First, a state representative or representatives from the RPB welcomed participants, and a facilitator reviewed the agenda and led a round of introductions.
- Next, a member of the RPB provided an overview of the draft Ocean Plan, and addressed clarifying questions.
- Members of the public then asked questions and offered comments on the draft Plan and members of the RPB responded, in an informal dialogue.
- Lastly, members of the RPB offered some final reflections and drew the session to a close.

In response to feedback from participants, the structure of the sessions changed slightly following the initial meeting in Rockland, on June 6th, in order to make the discussion sessions more informal and open.¹ Staff from the Consensus Building Institute (CBI) facilitated the listening sessions, took notes, and drafted this summary. A sample agenda is included below as an Appendix.

Themes

While each session featured its own unique mix of participants and perspectives, there were also a number of cross-cutting themes that emerged in multiple meetings. Five themes rose to the top:

¹ In the Rockland session, there were separate poster review, question and answer and public comment sessions, and there were time limits on the length of time participants were permitted to speak. These formalities/restrictions were eliminated in the subsequent meetings.

- *The ocean planning effort has engaged a variety of stakeholders and generated useful data:* Participants shared positive comments about the planning effort and the Plan overall. They expressed appreciation towards the RPB for engaging with diverse groups of stakeholders, and noted the wealth of helpful new information on ocean ecology and uses produced through the planning effort. They expressed hope that the stakeholder engagement and data-gathering efforts associated with the Plan would continue, and improve, moving forward.
- *Agency implementation will be key:* Participants commented that the impact of the Plan largely depends on whether and how it is implemented by federal agencies. They expressed concern that Plan implementation could be insufficient — in particular given the upcoming change in administration at the federal level — unless agencies make firm commitments to implement and internalize the new ways of doing business suggested in the Plan.
- *It is critical that the data be kept up-to-date:* Participants acknowledged the critical importance of the Plan and the Data Portal. Effective Plan implementation will require agencies to keep the data in the Plan up-to-date. To be useful, the data must be accurate and updated regularly. This will require agencies to commit to producing data layers and managing the Portal over the long term.
- *Continue to seek ways to ensure participation of all stakeholders:* Participants noted concerns over the involvement of particular stakeholder groups, like fishermen and working waterfront communities, in the Plan’s development and implementation. Some suggested that these groups need to be more engaged in agency decision-making. They suggested that the Plan encourage better agency acknowledgment of their needs and perspectives, and incorporate data that reflects their experiences on the water.
- *Confusion and concern regarding connections to government regulation:* Some participants expressed concern that the Plan would be used to support increased government regulation or “zoning” of the ocean, and that clarity on how the plan would be used by agencies would be helpful in implementation.
- *Efforts must be made to work with other regions and with states:* Participants highlighted the importance of connecting the Plan to other regional ocean planning efforts, such as the ongoing effort in the mid-Atlantic region, and state efforts such as the Massachusetts Ocean Plan and the Rhode Island Ocean Special Area Management Plan (SAMP). Participants suggested that it would be key to ensure congruity between these multiple efforts, and important that they build on and feed into each other rather than operating at cross-purposes.

Overview of the Draft Northeast Ocean Plan

Each listening session began with a slide presentation providing an overview of the draft Northeast Ocean Plan. Betsy Nicholson, RPB Federal Co-Lead and representative from NOAA, made the presentation at each of the sessions (except in Ellsworth, ME, where Mel Cote from EPA presented). A copy of the slides is available online at <http://neooceanplanning.org/events/draft-plan-comment-meetings/>. The presentation touched on the following issues:

- We need an ocean plan to protect existing uses, accommodate new uses, address and respond to changing ecosystems, and improve coordination across government.
- The draft Plan provides improved data on what is happening on and in the water, commits federal agencies to use its information under existing authorities, helps us flag potential conflicts and compatibilities among uses and resources, helps us identify and employ best practices on government coordination, and helps us identify a research and science agenda for the future.
- The ocean planning process began with an Executive Order in 2010, directing nine regions to create RPBs comprised of states, tribes, federal agencies, and fisheries management councils.
- The Northeast RPB identified three planning goals: healthy ocean and coastal ecosystems, effective decision-making, and compatibility among, past, current, and future uses.
- The Plan includes an ocean data portal, which is a shared, publicly-available knowledge base vetted by both scientists and stakeholders.
- The Plan includes new maps on a variety of ocean resources and activities, including marine life and habitat, marine transportation, commercial and recreational fishing, and energy and infrastructure.
- The RPB engaged thousands of stakeholders from various sectors over the past four years.
- Chapter 3 of the Plan outlines the commitments by federal agencies to use the Plan in their day-to-day work under existing authorities.
- Chapter 4 addresses Plan implementation, including how agencies will work better together, follow through with the Plan, and monitor progress of the plan and ecosystem health.
- The final chapter of the Plan identifies science and research priorities, with a goal of attracting financial and staff resources to the region to advance those priorities.

Public Comments

As noted above, the public comment sessions touched on a variety of issues, with a number of common themes across the meetings. Individual comments made in specific meetings and some key differences among the meetings are highlighted below.

Rockland, ME

The Rockland meeting featured particularly strong comments regarding the concerns of fishermen and coastal communities. Comments included the following:

- The draft Plan is a very solid document that is the product of years of hard work among RPB members, staff, and others. While the draft Plan is not perfect, it reflects much of the input provided by members of the public into the process and it serves as a good starting point for further discussion between Maine's waterfront communities and the federal government in years to come.
- The draft Plan does not provide enough specific, concrete detail about how it will be implemented and what this means for ocean users, other stakeholders, and projects.
- Stakeholders — in particular fishermen and their representatives — want to be more directly involved as decision-makers in the implementation phase of the Plan, including

through the review of specific projects. There should be more clarity about exactly how, and which, stakeholders and their representatives will be engaged in review of specific projects.

- The Plan does not give sufficient respect to the cultural and economic importance of working waterfront communities. While these communities are mentioned in the Plan, Native American tribes and shipwrecks are better represented when considering “culture.” Moving forward, the RPB should involve more people who are out on the water in its work groups, and do more to promote the interests of fishermen and the merchant marine.
- Environmental protection of the ocean, its habitats, and its species should be of paramount importance.
- "Best practices" are time-bound and evolving in nature. The Plan should think about how they will be updated over time.
- There should be additional follow up regarding marine industries that lays out a clear path for energy developers, including what they can expect and what they need to do differently.

The more formal Rockland listening session format, per participant comment, prompted RPB members, staff, and consultants to revise the structure of the listening sessions. This led to a decision to shorten the amount of time dedicated to reviewing posters on the ocean Plan, and allow more informal dialogue between meeting participants and RPB members.

Old Lyme, CT

A number of comments in the Old Lyme session focused on ensuring congruity between the Northeast Ocean Plan and other planning and regulatory efforts at the state and federal level. Participants noted the following:

- The ocean planning effort is a very positive development because it integrates diverse data sources and for the first time makes them easily accessible, usable, and freely available to agencies and the public.
- Clarification is needed on how the Northeast Ocean Plan relates to the state level plans (*e.g.*, the Connecticut Blue Plan, the Massachusetts Ocean Plan, and the Rhode Island SAMP). The data from these plans should be integrated.
- Concerns were expressed about the current approach to fisheries management, such as setting quotas and closed areas in the context of changing fish populations. The data collected by the Plan should be used to help improve fishery management, including allowing more dynamic and realistic quotas, and overcoming the artificial boundary between the Northeast and Mid-Atlantic fishery management through Long Island Sound. The Plan should focus on collecting and disseminating data suitable for this purpose.
- There has been a rumor among fishermen that the Plan intends to ban all commercial fishing in Long Island Sound by 2019.
- The boundary dividing the Northeast ocean planning region from the Mid-Atlantic region does not make sense. Long Island Sound is an integrated whole. Similarly, fish and marine mammals do not stay in the same location from year to year. Just because whales are in one location this year does not mean they will be in the same place next year. The Plan should recognize that management or regulatory actions, based on current data, need to incorporate the fact that animals move from one year to the next.

- The data and actions of the Plan should converge with the outcomes and actions from other regions in order to improve decision-making and ocean well-being across the country.
- It is important to update the data portal and keep the data current. It is not clear how that will be assured, especially in the context of a changing political environment.
- There is a need to clarify the process for stakeholder engagement around the Plan, its implementation, and its evaluation going forward.
- There should be an education and outreach effort designed and implemented around the Plan. Many people do not understand how the ocean works and simply think, for example, that all fishing should be banned. Materials could be created for schools to use the Plan to educate students.
- The Plan is very long and difficult for members of the public to understand. It would be helpful if the RPB would create short, clear, one- or two-pagers explaining the implications of the Plan for specific audiences (*e.g.*, for fishermen, offshore energy industry, and recreation). Leaders and stakeholders in those areas could use these materials to educate their colleagues and constituents.

Gloucester, MA

The Gloucester meeting featured some positive statements on the Plan overall along with concerns from members of the fishing community, and an emphasis on the importance of the ocean for serving key community values as opposed to resource extraction. Comments included the following:

- The public should have an opportunity to comment on how each agency explains and commits to codifying or implementing the Plan.
- The Northeast Ocean Plan is an important milestone. It is an amazing accomplishment and we are grateful for all the work that went into it.
- Fishermen have not benefitted from or been listened to during public meetings on other topics in the past. It does not seem like the Plan will change that, because it is bureaucratic and because it conceives of the ocean and the people who work on the ocean as things to be exploited. The Plan should address compatibility issues and prevent projects from moving forward that are not compatible.
- The Plan is not as threatening as feared. It includes positive value statements on the importance of a healthy ocean, culture, food, and non-monetary values. It is good that the healthy ocean and coastal ecosystems goal has been put forward as the number one goal. It is also good that the Plan avoids a tradeoff analysis focused on profit maximization and resource extraction.
- There are concerns about a possible connection between national monument designations and the identification of important ecological areas in the Plan. Advocates for a national monument are using the Plan maps, and many members of the RPB's technical committee are advocates for national monuments.
- It is concerning that the Plan discusses potential amendments without clarifying what those amendments might look like. It would be helpful to explain that there may be amendments related to updating data or improving the guidelines on stakeholder engagement, but there will not be major changes.

- Given emerging technologies and new initiatives, the RPB should consider how citizen science could play a helpful role in the Plan, along with nontraditional ways of collecting scientific information about ocean health.
- The Ocean Plan does not “plan” anything. It does not discuss how to resolve conflicts or incompatibilities, or provide criteria for resolving them. This needs to be clarified to certain stakeholder groups.
- The Plan should include language on conflict resolution, and honoring the opinions of both sides when there are conflicting uses.
- The Plan should make sure that the values it articulates and the guidelines on stakeholder engagement are internalized into agency decision-making processes. For example, there should be guidance that applications that better address ocean health or move towards improved sustainability will get favorable treatment in the permitting process.
- The products and data portal will have a short shelf-life unless there is real commitment to update, improve, and continually not only use, but also maintain and sustain them.
- “Updating” the Plan should involve more than correcting typos. The Plan should specify what “updating” means.
- It is important that the Plan be transparent about the assumptions behind each map.

Boston, MA

The Boston meeting included participants mostly from agencies and non-profit organizations. Comments focused on ensuring cross-regional and cross-agency coordination and buy-in.

Participants noted the following:

- There should be an opportunity for stakeholders to see how their comments were integrated into the Plan prior to the RPB submitting it for approval.
- We are very interested in moving the important ecological areas concept forward, and want to see the concept advanced over the summer and into the fall.
- It is important that agencies stay committed to the Plan moving forward. There should be careful thinking about the motivations, incentives, and certainties that will ensure federal agencies update the data and information and use that information over time, and that the necessary funding is in place to continue the effort.
- There are lots of commitments and actions scattered throughout the Plan. It would be helpful to create some kind of summary matrix and work plan detailing responsible parties and required resources.
- It is important that this effort be coordinated with the Mid-Atlantic Ocean Action Plan to avoid unnecessary complications.

New Bedford, MA

The New Bedford meeting featured a mix of representatives from agencies, nonprofits, and the energy and fishing industries. Participants offered these comments:

- Because the Plan is not encoded in law, and because not every region is doing this, it could change or lose its funding when there is a new administration.
- There is a concern that the concept of important ecological areas will be used to support new national monuments designations, especially because the same office both approves

the Plan and decides the monuments issue. This could damage the credibility of the Plan with certain industries.

- There should be “teeth” in the Plan to make sure regulatory bodies use the new data being collected, in conjunction with existing data.
- This meeting should have included a stakeholder representative from the recreational boating industry, in particular a representative of stakeholders with boats on marinas. It is a large and important industry.
- Fishermen in New Bedford are distrustful towards the federal government’s data when the data don’t reflect what they see on the water. It would be encouraging if this Plan directs agencies to integrate and consider additional datasets that fishermen trust more. The Plan should articulate how it will help the best available science from new datasets be considered and influence fisheries management. Fishermen would be excited to hear that.
- The Plan will make decision-making a lot faster and easier by providing vetted information we have confidence in
- The existence of the Plan should not drive agencies to start raising the bar and require more information than they are mandated to collect.
- There is an opportunity for information brought forward by developers to make its way into the Plan, although there is an issue of quality control.
- The term “Plan” connotes zoning and government regulation, and creates a fear that the Plan will direct specific uses into specific areas. Another term might do a better job reflecting that this is really about supporting an improved process to arrive at optimal solutions.

Ellsworth, ME

The Ellsworth meeting included a number of specific comments directed to improving the Plan and its usefulness and accessibility for stakeholder groups. Participants noted the following:

- The Plan’s inclusion of temporary uses, like dredging and hydrographic surveys, is important. These uses can also have large impacts on fisheries.
- Since the Plan will be updated every five years, the data portal should inform users of what work is planned (such as seafloor mapping by federal agencies), to help coordination among agencies and prevent redundant activity.
- The RPB’s plan to better publicize and aggregate major permit applications for projects, like offshore infrastructure and research cruises, earlier in the process could be coupled with the Coast Guard’s Local Notice to Mariners as another way of informing the public of such activities.
- The RPB should focus on effective stakeholder engagement rather than just engagement. Stakeholders need to feel like they have a more effective path for engaging with federal agencies around a range of issues.
- The definition of “expert” needs to expand to include fishers, NGOs, and the interested public to engage more parties and satisfy public interests.
- This Plan did a good job of soliciting information from local stakeholders and users, like whale watching guides. The whale watching community meeting helped underscore the

data gaps related to marine mammals along the coast of Maine, especially during the winter season.

- The Plan seems to have limited information about past uses of the ocean and communities' traditional uses. It should include the historical dimension to develop baselines to inform future uses for issues like herring abundance.
- The Plan would benefit from an additional focus on the future, *e.g.* what will happen as the climate changes and human activities continue to adapt.
- The Plan should include directive language towards agencies, instructing them to direct funding towards the Plan's science priorities.
- Chapter 3 directs readers to the data portal to find information on data gaps, but it is not easy to identify data gaps within the portal. There should be a way beyond examining the metadata to identify gaps, such as specific data layers.
- The portal should include maps with human use data layers focused on highlighting important, at-risk uses relied on by vulnerable communities.
- There should be more clarity on what "core abundance" means, what exactly is an IEA, and who decides what these are. The data portal should have a glossary to explain this information to lay audiences.
- There seem to be large changes occurring in the ecosystem. It is important to look at aggregated data to study whether these changes are more than anecdotal and are becoming more extreme and variable.
- The RPB should consider allowing users of the data portal to input their own data or information from other sources after a vetting process.

Portsmouth, NH

The Portsmouth meeting included a number of participants from state and federal government and nonprofits, along with some from industry. They contributed the following comments:

- There is a lack of clarity regarding how important ecological areas will be established and subsequently managed and incorporated into federal agency-decision making processes. This creates anxiety for those (*e.g.*, fishermen) who fear they will be used to limit activities in specific areas, and frustration for those (*e.g.*, environmental NGOs) who seek greater protection of important and vulnerable environmental and habitat resources.
- The Plan should more clearly define how the public and stakeholder groups like the fishing and shipping industries will be engaged in implementing the Plan. Meaningful participation should result in revisions to the Plan based on public and stakeholder feedback. This will enable the knowledge and insight gained by those who work on the water to be incorporated into decision-making processes.
- There are concerns over how membership in RPB subcommittees is established, and the uneven involvement of certain interests. The voices of scientists and academics promoting environmental protection have been privileged over industries like fishing.
- Federal agencies should not use the Plan and data portal to provide recommendations that go beyond or duplicate the intention of the Magnuson-Stevens Fisheries Conservation and Management Act or other existing regulations.
- It is not clear what it will mean for Federal agencies to "adopt" and operationalize the Plan.

- Both the Atlantic States Marine Fisheries Commission and non-federally recognized Native American tribal organizations, under the auspices of Federally Recognized Tribal Nations, should be recognized and incorporated into the draft Plan and ongoing engagement.
- There is a great deal of variability and uncertainty in how stressors change the ocean ecosystem. Funding for monitoring and evaluation alone will not enable effective management; extensive research and modeling will also be required to reduce uncertainty and implement management changes in a timely fashion.

Narragansett, RI

The Narragansett meeting touched on a wide variety of issues, including the designation of ecologically important areas, the importance of certain industries and their needs, advice on the data portal, and reflections on stakeholder engagement. Participants noted the following:

- There is confusion and concern on the meaning of “important ecological areas.” The New England Fishery Management Council is concerned about how IEAs will interact with previously established regulatory areas (*e.g.*, related to the recent habitat amendment) and would like more clarification.
- Identifying IEAs could help inform management decisions and support compatibility among users.
- Commercial fishing needs to be recognized as a vital link in the country’s food security chain. It is more than an isolated industry. We need to monitor the amount of food the industry is producing, so that negative changes can be quickly spotted and rectified. There is concern that the Plan could negatively affect the region’s commercial fishing.
- Wind energy and aquaculture are compatible uses in theory but not in practice. The Plan should be used to help resolve conflicts between existing users of the ocean and new users.
- We need assurance that the Plan will have long-term agency support, and that the data will be kept updated, especially under a new administration.
- There should be efforts to limit misinterpretation of data in the portal and update it frequently. Climate change will lead to rapid changes in the ecosystem that need to be monitored. It would help if the maps had finer granularity.
- The data portal should include snapshots of what areas looked like before and after projects. This would help developers of future projects understand the impacts of past projects.
- The involved agencies should publish any changes in their procedures resulting from the Plan.
- The line of communication between the New England RPB and the Mid-Atlantic RPB developed during the planning process should be maintained after the Plan’s release. The Plan should encourage greater cross-regional engagement for federal agencies in general.
- Stakeholder engagement needs to be more than checking a box. The agencies should also explain how and why they’re changing their engagement protocols.
- It is simple to work with the Army Corps in New England, but it will be more difficult to work with them in other districts.

- This planning process will succeed if an environment of trust is created. Wind development is going ahead successfully in Rhode Island now because the developer established a foundation of trust.
- While this Plan will hopefully facilitate “ocean greatness,” it could create unnecessary bureaucracy.
- Fundamental policy issues, like food security, that are not addressed in the Plan should be dealt with later.

Portland, ME

The final listening session in Portland included comments focused on improving and sustaining the data portal, agency coordination, and public engagement. Comments included the following:

- The Plan should outline components to help federal agencies work more efficiently, so that when groups apply for permits the process is more transparent and expedient.
- If the data in the portal is legally reliable, it could allow companies to not have to collect additional data.
- A new administration could close the portal, as it requires funding for maintenance. Public stakeholders often do not have a voice in these decisions and often do not even know of them in advance.
- Many groups could benefit from the information in the data portal, including universities and K-12 schools, if the information is actively shared. Students from College of the Atlantic used maps from the data portal to start dialogues with fisherman.
- The data portal should reflect differences arising from data collected automatically via sensors and data collected manually.
- Once the new agency best practices are released, stakeholders should and will complain if agencies are not following them.
- The involved agencies should clarify to stakeholders what best practices they have adjusted or created as a result of the Plan’s best practices.
- It is a positive that the Plan addresses the importance of federal agencies listening to stakeholder groups, but the Plan does not provide enough new material on stakeholder engagement. It is concerning that the region continues to rely on old methods of engagement. The Plan should focus on establishing specific engagement strategies for regulatory processes going forward to improve management on the water.
- It is important to hold discussions with stakeholders early in permitting processes, and the portions of the Plan dealing with this issue should be expanded.
- Targeted and creative outreach to whole communities and specific groups is key. It is important for the federal government to go beyond mandatory outreach.
- The New England Fisheries Management Council does not represent all fishermen or lobstermen in Maine, so including them in this process does not mean the voices of all regional fishermen were heard. Many lobstermen were not engaged in the formation of the Plan. It is important to clarify that Maine’s fishing communities can be engaged in the Plan from now on, even if they did not previously engage.

- The Plan should ensure that new stakeholders and uses, such as aquaculture, are not excluded. New users often do not have the opportunity to voice their interests and identify areas of potential future use.
- The Plan defines the goal of ecosystem-based management as “providing services humans want and need.” This goal should be revised to define EBM as maintaining the ecosystem in an ongoing, sustainable way. New England wants a healthy system that is not for human use alone.
- The restoration section is too limited in scope and ignores the issue of plastic pollution.
- The Plan should include photos and images that are relevant to tribes. A map of archaeological sites could also be included.

Reflections

To close the meetings, RPB members expressed gratitude to participants for their attendance and participation, reviewed the timeline for the Plan moving forward, and reminded participants that they could submit additional comments by mail or electronically.

Appendix: Sample Agenda



DATE: Wednesday, June 29, 2016

LOCATION: Coastal Institute
Auditorium
URI Narragansett Bay
218 South Ferry Road
Narragansett, RI

TIME: 6:00 – 8:30 PM

AGENDA

Northeast Regional Planning Body
Public Listening Sessions on Draft Northeast Regional Ocean Plan

- 5:30–6:00 PM Registration and Optional Poster/Portal Session
- 6:00–6:05 PM State Welcome, Grover Fugate, RPB State Co-Lead and Executive Director of the Rhode Island Coastal Resources Management Council, and Janet Coit, Director of the Rhode Island Department of Environmental Management
- 6:05–6:35 PM Overview of the Plan, Betsy Nicholson, NOAA
- 6:35–6:50 PM Clarifying Question and Answer Period
- 6:50–8:30 PM Facilitated Discussion and Feedback
(This is an opportunity for attendees to share public comments.)
- 8:30 PM Adjourn

MEETING OBJECTIVES

Along nine locations on the New England coast, provide members of the public an opportunity to learn about and provide comments on the draft Northeast Regional Ocean Plan.