



## New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

DRAFT

January 19, 2010

Nancy Sutley, Chair, Interagency Ocean Policy Task Force

Dear Ms. Sutley:

The New England Fishery Management Council appreciates the opportunity to comment on the Interim Framework for Effective Coastal and Marine Spatial Planning released last month. Marine Spatial Planning is an extremely complex but important step forward in ocean management, and we appreciate the Interagency Ocean Policy Task Force's efforts to move our nation forward in this regard.

The New England Fishery Management Council (NEFMC) is one of eight regional councils established by the Magnuson Fishery Conservation and Management Act of 1976. NEFMC manages fishery resources within the federal 200-mile limit off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. Our membership consists of the regional administrator of the National Marine Fisheries Service, resource management officials from each of the five states, and state and at-large appointed representatives from the commercial and recreational fishing industry and environmental community. Non-voting members represent the Atlantic States Marine Fisheries Commission, US Coast Guard, US Fish and Wildlife Service, and the US Department of State. The Council has developed management plans for the Northeast multispecies groundfish, Atlantic sea scallop, monkfish, herring, dogfish, red crab, and skate fisheries, as well as a plan for Atlantic salmon.

In addition to species plans, there are plans specific to bycatch reporting and Essential Fish Habitat (EFH) requirements. NEFMC recognizes the challenges inherent in the development of integrated and comprehensive policies and management plans, but also the potential benefits of such actions. An omnibus EFH amendment currently in development will integrate and optimize habitat protection measures across all plans. In addition, NEFMC has recently strengthened its commitment to integrating our individual plans via an interspecies oversight committee, and will soon be developing a more comprehensive ecosystem-based management plan for the region's fisheries.

NEFMC has created many spatial fishery management areas, some of which are in effect on a year-round basis and some of which are seasonal. In addition, the Council has designated EFH for all of our managed species. Collectively, these EFH designations span nearly the entire Northeast US EEZ, extending inshore into shallower estuarine and riverine waters for some species. Through the EFH provisions in the Magnuson-Stevens Act, the Council has the authority to consult on projects that may impact EFH for Council-managed species.

We are pleased to see that ecosystem-based management and cumulative effects considerations are a part of the proposed framework. We are hopeful that the implementation of MSP initiatives may provide opportunities to collect additional data about the oceans and ocean uses. In this regard, we believe that existing and future Council analyses may be helpful as the National Ocean Council considers how to balance multiple uses of the ocean. In particular, our habitat plan development team has created a modeling tool (the Swept Area Seabed Impact model) that integrates spatially-referenced information about seabed substrate distributions and energy/disturbance regimes with fishing effort data quantified as the area of seabed swept by various types of fishing gears. These area swept estimates are indexed according to estimates of seabed habitat vulnerability. Fishery uses of the marine environment are widespread, spatially heterogeneous, and complex, and the information on fishing distributions is split amongst various databases. Given these complexities, NEFMC, in conjunction with our colleagues at NOAA, would be happy to provide any assistance possible as the NOC reviews fishing distributions in the Northeast region for incorporation into a marine spatial plan.

Despite the positive aspects noted above, we have the following concerns about the framework. We are concerned that existing fishery management council process and the councils' mandated consultation role are not mentioned. We recognize that this may be due to the general nature of the plan at the current time, but wanted to ensure that the Council is recognized as planning evolves. We have extensive experience developing plans on a regional scale with stakeholder involvement, and hope that our expertise may be of use to the NOC. On a related note, the lack of specificity in the plan makes it somewhat difficult to comment. Again, we expect that this is due to the preliminary nature of the proposal, and we plan to provide supplementary comments as additional details are made available.

It appears that the National Ocean Council will have substantial discretion to affect uses of the marine environment, for which there are many competing user groups. We believe that an appeals/arbitration process should be added to the plan at the outset so that stakeholders have an avenue for disputing decisions.

In addition, we are concerned that existing legislation is unlikely to be an adequate authority for comprehensive marine spatial planning. This possible limitation is acknowledged in the plan. Perhaps because of this, the framework does not propose any holistic funding process, and we are concerned that in order to meet MSP requirements, agencies would take funding away from previous agency priorities.

Please contact me with any questions you may have about these comments.

Sincerely,

John Pappalardo  
Chair, New England Fishery Management Council