

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor & Estuary Program

To: Ms. Maureen Bornholdt
Bureau of Ocean Energy Management
Office of Renewable Energy
381 Elden Street, Mail Stop 1328
Herndon, VA 20170

Cc: Management Committee and Policy Committee of the NY-NJ Harbor & Estuary Program.

From: Co-Chairs of the Citizens Advisory Committee of the New York-New Jersey Harbor & Estuary Program

Re: Draft Mid-Atlantic Regional Ocean Planning Framework

Date: April 15, 2014

Dear Ms. Bornholdt,

Thank you for the opportunity to submit our comments on the Mid-Atlantic Draft Regional Planning Framework.

The Citizens Advisory Committee (CAC) of the New York New Jersey Harbor & Estuary Program (HEP) is an advisory committee established to support and advocate for the HEP, a national estuary program. The CAC is an official committee of the Management Committee first convened by the US Environmental Protection Agency, Region II; NY State Department of Environmental Conservation; and NJ Department of Environmental Protection for the HEP and Bight Restoration Programs. The purpose of the CAC is to: 1) provide guidance and advice to the Management Committee on Program decision-making on behalf of the diverse stakeholders in the NY-NJ Harbor Estuary and NY Bight; 2) promote public awareness and understanding of the Program's issues, goals, and recommendations; 3) assist the Management Committee in developing and implementing the Comprehensive Conservation and Management Plan (CCMP) as required by Section 320 of the Water Quality Act of 1987.

We offer the following comments for your consideration.

1. Improve outreach and provide more clarity

Only one member out of our 49-member CAC took notice of this endeavor. Many of us vaguely recall receiving emails but did not pay much attention because it was difficult to understand what this is all about and there are so many other issues that require our attention, particularly when there is already another entity, Mid-Atlantic Regional Ocean Council (MARCO), with seemingly overlapping interests.

Citizens Advisory Committee Co-Chairs

Meredith Comi, NY/NJ Baykeeper ✧ meredith@nynjbaykeeper.org ✧ 732-888-9870
Rob Buchanan, Village Community Boathouse ✧ avironvoile@gmail.com ✧ 917-656-7285

An entity whose region covers six states with the largest metropolitan area in the nation undoubtedly has a difficult job of reaching out to the stakeholders. However, we have established communication networks that can be easily accessed. Had the MidA RPB partnered with the National Estuary Programs, of which there are at least five in the region and the Environmental Protection Agency is a partner, broader constituents would have been notified and engaged. Regardless of whether the bays and estuaries of the region will be officially included in the process, using existing communications networks is an efficient way of reaching the public.

While the Draft Framework proposes what appears to be worthy goals, we are not clear what exactly will result from this effort. Will there be a “master plan” for the region? If so, how will it be implemented and who will implement it? There is a mention of “products” but we are not clear what they are.

Finally, the BP disaster in the Gulf of Mexico suggests that the list “Vision, Principles, Goals, etc.” be supplemented with addition of “Risks”, with particular focus on proposed new ocean uses, e.g., the construction of LNG (liquid natural gas) facilities for fuelling the next generation of cargo superships, as well as enabling LNG export (which would also enhance risk in the upland where fracking would be thereby encouraged). With one of the goals of this effort being to “promote ocean ecosystem health and integrity through conservation, protection, enhancement, and restoration,” another agency – NOAA or EPA – may have been a more appropriate choice, if only for a better public perception and trust. Having the BOEM host the web site further adds to the perception that this is the lead agency in this effort.

2. Significantly enhance the scientific, citizens and local government involvement through the creation of Science & Technical Advisory and Citizens Advisory Committees

Two of the nine draft “operating principles” relate to sound science (Principles 4 & 5) and one to public participation (Principle 8), yet the Framework makes no mention of structures or mechanisms for effective public participation. Science & Technical Advisory and Citizens Advisory Committees are organizational structures that have traditionally provided the primary input to National Estuary Programs (NEPs) for the interested scientific, public and local government communities and have been proven to be effective in reaching a wide range of stakeholders. The MidA RPB should consider establishing such committees, either its own STAC and CAC or perhaps tapping into existing committees of the NEPs (e.g., each NEP sends representatives to the MidA RPB committees).

3. Integrate the National Estuary Programs in the MidA RPB process and expand the membership to include US Army Corps of Engineers and the US Dept of Housing & Urban Development

The first principle recognizes the importance of connectedness among the ocean, the coastal waters and the land. Collecting, vetting, and sharing ocean data should be closely connected with doing the same with data from estuaries and rivers, and again the exclusion of bays and estuaries seems counterproductive and artificial. If not officially incorporating the major bays and estuaries into the planning process, at the least MidA RPB should establish an official process for ensuring the connections to the coastal communities. We believe NEPs provide a good mechanism for accomplishing this. We encourage integration of the NEPs in the MidA RPB process, either officially through expanding the geographic scope or structurally by coordinating the STAC, CAC and Management/Policy Committees.

To further strengthen the connection to the coastal communities, we recommend adding two federal agencies to the membership: US Army Corps of Engineers, which is responsible for dredging and for post-Sandy planning and the US Department of Housing & Urban Development, which is responsible for post-Sandy recovery. These two agencies will also be beneficial in meeting the second goal: “Plan and provide for existing and emerging ocean uses in a sustainable manner that reduces conflicts, improves efficiency and regulatory predictability, and supports economic growth.”

We also recommend you carefully evaluate the role of the ports along the eastern seaboard. These ports are frequented by large ocean vessels and including maritime transport of goods should be an important component of this planning process.

4. Inclusion of maps

Maps are essential in understanding any spatial planning exercises, as shown by the Data Portal you have provided. We recommend the following additional maps for inclusion on the Data Portal, and in future presentations and documents:

- nation-wide: the system of oceanic Regional Planning Bodies;
- along the East Coast: jurisdictional boundaries of key State and Federal agencies, National Estuary Programs and Fisheries Councils;
- within the proposed MidA RPB Region: the locations of key physical features, major natural resources and major human uses, current and proposed.

We thank you again for this opportunity to comment and look forward to a meaningful partnership.

Sincerely,

The Citizens Advisory Committee, New York-New Jersey Harbor & Estuary Program.

This letter has been adopted by the HEP CAC following procedures established in its bylaws (<http://www.harborestuary.org/pdf/CAC%20Bylaws-Revision-Jun-03-11-F.pdf>). CAC members who have voted in support of this letter include:

Meredith Comi, NY/NJ Baykeeper, NJ co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Rob Buchanan, Village Community Boathouse, NY co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Shino Tanikawa, New York City Soil and Water Conservation District, NY alternate co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Nellie Tshipoura, New Jersey Audubon, NJ alternate co-chair, Citizens Advisory Committee of the NY-NJ Harbor & Estuary Program

Bronx River Alliance

Donald Chesley, maritime consultant

Michelle Doran-McBean, Elizabeth River / Arthur Kill Watershed Association

Robert Alpern, Public Member, NYS Water Resources Planning Council

Manuel L. Russ, Concerned Citizens of Bensonhurst, Inc.

In addition, this letter has been endorsed by the following non-voting CAC members and non members:

Dr. Aline Euler, Ed.D., Alley Pond Environmental Center

***NOTE*:** The New York-New Jersey Harbor & Estuary Program is a partner program and its members occasionally have conflicting positions on regulatory and management issues. One of the Program's roles is to facilitate the exchange of ideas and to work towards resolution of these issues. The opinions of individual agencies or committees do not necessarily reflect the opinion of the Program as a whole.

The Citizens Advisory Committee provides guidance and advice to the New York-New Jersey Harbor & Estuary Program Management Committee on Program decision making on behalf of the diverse stakeholders in the region. Its membership and meetings are open to all interested parties in the region that use, or have concerns about, the New York-New Jersey Harbor Estuary and New York Bight. The Citizens Advisory Committee is the only body in the New York-New Jersey Harbor & Estuary Program that can adopt official positions on issues and topics. These official Citizens Advisory Committee positions are adopted by a majority vote of Citizens Advisory Committee members. Citizens Advisory Committee positions do not necessarily reflect the opinion of the New York-New Jersey Harbor & Estuary Program or its members and partners.