

Rhode Island CRMC Ocean Special Area Management Plan – Full SAMP Document Comments & Responses

#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1505	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	On behalf of the thousands of Rhode Island residents who are members of our organizations, we are writing to you today to formally request that the Coastal Resources Management Council ("the Council") take the steps necessary to 1) provide the public with complete and current versions of the Rhode Island Ocean Special Area Management Plan (Ocean SAMP) chapters, and 2) insure that the Ocean SAMP review and approval process meets the requirements of the Administrative Procedures Act (APA). In addition, we are writing to highlight for the Council and the Ocean SAMP development team important provisions for inclusion in the Ocean SAMP.	1) Chapters on the Ocean SAMP web site are and have always been the most up to date versions chapters. Up to date chapters mean they have been formally approved by CRMC or they are the versions that are out for public comment. F20 These versions are not made public until after the CRMC has formally accepted these changes. 2) The Ocean SAMP process is and has always complied with all provisions of the "Administrative Procedures Act".
1506	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	The Council has embarked on an exceedingly important endeavor that will define the health and wellbeing of Rhode Island citizens and it ocean resources for decades to come. Over the past decade, an unprecedented number of proposed activities for the ocean have presented a new challenge: how to balance commercial use, personal recreation and the protection and preservation of ocean life. Proposals for liquefied natural gas terminals, sand and gravel mining, gas pipelines, telecommunications cables, deepwater aquaculture, desalinization, renewable energy facilities and dredged material disposal have raised concerns about how to capitalize on the opportunities that the ocean holds for clean energy and food production, recreation, and transportation while protecting the ocean ecosystem which is so fundamental to providing these services. Ecosystem-based marine spatial planning can bring clarity, guidance and structure to decisions that affect our ocean's many differing and competing interests. Rhode Island is now poised to lead the nation in the management of its ocean waters through the development of an ecosystem-based comprehensive ocean management plan that is based on science and informed by resource managers, policy makers, diverse stakeholders and the public. We commend the Council and URI's Coastal Institute for the impressive work they have done thus far and for engaging the public every step of the way.	No comment necessary

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1507	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	However, we believe that the Council will be unable to meet its ambitious timeline for adoption of the Ocean SAMP without establishing and adhering to a clear set of procedures for public review and Council approval. As became evident at the public hearing held on June 22, 2010, the Council has been unable to meet the requirements of the APA. The authors of various chapters are adding material to chapters after the close of the comment period. The ecology chapter was presented for a vote with an entirely new policy section that no member of the public had reviewed. An outdated version of Chapter 10 had been posted to the CRMC website. As of June 30, 2010 there was still an outdated draft of the Renewable Energy chapter posted for public comment. For efficiency, compliance and reducing the risk of confusion or missed opportunities, the public must be provided with accurate information.	1) Clear procedures have been set up and stated on the Ocean SAMP and CRMC web sites. In addition, these procedures and time lines have been discussed at every single stakeholder meeting. Ocean SAMP team has been readily available to answer any questions and clarify any confusion on any issues related to the Ocean SAMP. 2) The Council has complied with appropriate sections of the APA. 3) All suggested changes by authors have been approved by CRMC before they are formally incorporated into the chapters. 4) The Ecology Chapter went out for an additional 30 day public comment period with the new policy section. In addition, the entire Ocean SAMP Document, including all chapters, went out for a 48 day public comment period. These additional public comment periods exceed the APA requirements.
1508	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	In addition, the Council's unconventional process of considering chapters on a piecemeal basis has been problematic from the beginning. For these reasons, we recommend that the Council eliminate formal rule-making on a chapter-by-chapter basis but instead host public comments and public hearings, with current, up-to-date editions of the chapter easily available for stakeholders. The Council should not be voting to approve chapters that may be changed significantly at some point before the final SAMP is completed, and stakeholders should not be asked to provide formal APA comments on chapters that are not yet complete. When the complete document is ready to be taken up for formal rule-making, we urge you to make the formal review and comment period for the complete document as long as possible, given the scope and size of the document. At a minimum, 30 days is required, but we request a 60 day comment period. The Council should also make provisions to respond to and incorporate comments before it votes. As stakeholders, we believe that this would be preferable to the disjointed and separate release of lengthy yet incomplete chapters at this point in the development of the Ocean SAMP.	The review of each additional chapter as well as the public presentations and discussions made during the stakeholder meetings has assisted the Ocean SAMP team to ensure that each chapter contains all the necessary information in order to contribute to the greater purpose of the Ocean SAMP document. CRMC is holding 3 public hearing and providing a 48 day public comment period focused on the entire Ocean SAMP. This action was in response to requests made by the public.

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1509	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	Need to include: Identification and Protection of Important Ecological Areas. If the Ocean SAMP is to serve as a comprehensive marine spatial plan, the Ocean SAMP should identify and protect important ecological areas from damaging human activities, including, but not limited to, construction of renewable energy facilities, sand and gravel mining, the laying of pipelines, and certain forms of fishing with bottom tending mobile gear. These areas should be defined as geographically delineated areas that by themselves or in a network have distinguishing ecological or oceanographic characteristics, are important for maintaining habitat heterogeneity or the viability of a species, or contribute disproportionately to an ecosystem's health, including its biodiversity, function, structure, or resilience. For example, important ecological areas could include areas of perennial or seasonal high productivity or diversity; areas that are important for feeding, migration, or the life history stages of species; or areas of biogenic habitat, structure forming habitat, or habitat for (or high densities of) endangered or threatened species. The Nature Conservancy's pending Northwest Atlantic Eco-regional Assessment is one good source of information with respect to these important areas. We urge you to include this Assessment in the Ocean SAMP and use it and other relevant information to identify areas that merit protection. Once these areas are identified, there should also be clear regulatory standards established that ensure the restoration and protection of these important ecological areas. This information should be presented in the ecology chapter.	The Ocean SAMP identifies Areas of Particular Concern and Preservation areas to provide appropriate protection to RI's offshore resources. This information is included in the Ecology, Renewable Energy and other Offshore Renewable Energy, and Ocean SAMP policies Chapters.
1510	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	Need to include: Public Trust Doctrine. The Ocean SAMP should refer to and discuss public trust doctrine as it applies to Council's duty to carefully articulate public interests in marine spatial planning and energy siting and to act as trustee for interests of RI citizens as required by RI Constitution Art. I §17.	The public trust doctrine was included in the the Existing Statutes, Policies and Regulations Chapter.

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1511	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	Need to include: A Clear and Fair Process for the Siting of Renewable Energy Facilities. The Ocean SAMP team has done a good job thus far of presenting the serious threat of climate change to Rhode Island's coastal zone. Clearly renewable energy will and must play a key part in reducing our dependence on fossil fuels, which are largely responsible for global warming. To that end, the Ocean SAMP must establish a clear and fair process for the siting of renewable energy facilities that clearly identifies siting and permitting protocols, public review, and the role of adjacent municipalities in the permitting of these facilities. The Ocean SAMP should anticipate that there will be other developers in addition to Deepwater Wind, including possible municipalities that will want to develop the renewable energy resources within the SAMP planning area, and thus, the Ocean SAMP should not be written in such a way that precludes additional renewable energy development, where and if it can be developed in an ecologically sustainable manner. In addition, the Ocean SAMP should also explore the potential for other forms of renewable energy development in the ocean including tidal and wave energy.	The Renewable Energy and other Offshore Development and Ocean SAMP Policies Chapters present a clear and fair process for the siting of all offshore development, including but not limited to renewable energy facilities. The process for siting and permitting of applications and projects is being developed and will be given a full public airing.
1512	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	Need to include: Clear Protocols for Ongoing Monitoring and Adaptive Management. We recognize that the science is incomplete on Rhode Island's ocean ecosystems. For this reason, we urge the Council to require preconstruction baseline studies of the ecology of any project area. Furthermore, each project must be required to monitor during construction and operation and report findings on a regular basis, and adapt their operations as necessary to address unintended harmful environmental or other impacts. We suggest that a science and ecology committee be created to aid the Council and prospective developers in creating the best possible monitoring plans and in implementing adaptive management procedures.	The Ocean SAMP document does require monitoring. In addition, adaptive management is the approach that will be used to implement the Ocean SAMP. Monitoring requirements will be set by the resources agencies participating in the Joint Agency Work Group.

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1513	Overall	7/6/2010	Lawrence J.F. Taft	Audubon Society of Rhode Island	0	Need to include: Timely Updates of the Ocean SAMP and the Inclusion of New Data in Decision Making. Because of the ambitious timeline for the completion of the Ocean SAMP, we are concerned that there are many important studies commissioned by the Ocean SAMP on the study area that will not be completed in time to incorporate the information into the final document. For this reason, we request that the Council outline a clear process for integrating new information that will become available in the future with respect to the study area, including public review of that information, formal adoption, and a decision making processes. In addition, we recommend that the SAMP include a Science Plan which identifies key areas of future scientific investigation necessary to further the scientific understanding of the planning area, human uses of the planning area and impacts of those uses on the ocean ecosystem. This ongoing research can fill in critical data gaps and inform subsequent revisions to the Ocean SAMP.	The Ocean SAMP policies Chapter states that public engagement and forums will continue to ensure the public is aware and involved in the implementation of the Ocean SAMP. It has been stated formally in the document and in public events that the CRMC is using an adaptive management approach and this document will be updated and changed on a frequent basis. Any change or amendment to the SAMP will be made in accordance with the Administrative Procedures Act.
2360	Overall	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	0	We're very pleased to see the ecology-based management, but there's some concern about how it's defined here, as in a healthy, productive, resilient condition, it provides services that humans want and need. We think that there's the need to change that so that it reflects the ecosystem integrity of itself, or at least to recognize that there are other users besides human users.	Audubon Society of RI submitted the same comments on 9/14 in writing; see responses to 9/14 written comments.
2361	Overall	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Also, in response to some of the discussion earlier about the dynamic quality of this document, the need to have continuous funding, so we're suggesting that in the goals area there would be a statement of that fact, that one of the goals would be to assure funding for the continuation of this project.	Audubon Society of RI submitted the same comments on 9/14 in writing; see responses to 9/14 written comments.

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2202	Overall	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Audubon Society of Rhode Island understands the need to move to generation of energy that has the least environmental impacts and reduces emissions of gases that contribute to climate change. We have been involved in the review of materials for the Ocean SAMP with an interest in providing the greatest protect to birds that use or migrate through off-shore waters, marine mammals and turtles using the off-shore waters seasonally, and bats migrating in the airspace above these waters. We understand that these are multiple use waters and that policies to reduce impacts may require conservation and more efficient use of services, goods, and resources. Knowledge of location, duration, quantity, and quality of resources is key to policy decisions, as is an equitable process for allocation those resources in a complex web of use and reward. We appreciate the work of CRMC staff, GSO staff and researchers who have brought a comprehensive collection of data about the off=shore water resources of Rhode Island. We appreciate the stakeholder process and the opportunity to comment on chapters as well as the entire document. We have previously commented on other chapters, our comments today will focus on chapter 11.	No response needed.
104	Overall	11/20/2009	Michael Hickey	Citizen	0	I am a resident of Block Island (my family traces its roots to the original settlers) and am becoming very concerned and distressed that the SAMP process is a very flawed. I would refer you to comments made by Deepwater Wind in the Providence Business News this week (attached) as well as a recent letter sent to the RI PUC by the Governor of Rhode Island urging DWW and National Grid to reach an agreement on price (can be accessed on the Governors web site). It's becoming very evident to me (and others on Block Island) that the Block Island site has been pre-selected by all parties of influence and seriously calls into question the integrity of the SAMP. Conservation Law Foundation has raised the same issues recently.	The Ocean SAMP policies and information is based on the best available science. The public process has been transparent and equal. No sites have been pre-selected.

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1235	Overall	6/1/2010	Donald Pryor	Citizen	0	This is described as a “rulemaking process”. The 30 day public comment period is to comply with the Administrative Procedures Act (RIGL 42-35). However, there is nothing in these draft chapters that meets the definition of a rule as stated in the Act: RIGL 42-35-1(h) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include (1) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, or (2) declaratory rulings issued pursuant to § 42-35-8, (3) intra-agency memoranda, or (4) an order;” Given that this material does not meet the definition of a rule, the public hearing scheduled for June 22 and any adoption consideration by CRMC should be postponed. If substantive policies are proposed related to these draft chapters, the public comment period clock should be reset when those proposals are presented. No information is provided on the web site concerning initial reviews of these chapters per the eight-step process defined by CRMC. The members of the relevant Technical Advisory Committees should be provided. Comments and responses from informal reviews, if any, should also be provided as they have been for previous chapters.	CRMC is meeting all required rule and regulations concerning rulemaking.
1432	Overall	6/28/2010	Caroline Karp	Citizen	0	First, I think that you, the CRMC staff and the CRC have done a superb job of assembling and publishing existing information about the SAMP area. Although I have concerns about the process (below), I think you have done the State a great service in terms of pulling this information together into highly readable and effectively documented chapters written by leading members of the community.	No comment necessary
1436	Overall	6/28/2010	Caroline Karp	Citizen	0	The process and deadlines that CRMC is pursuing for adopting the Ocean SAMP seem problematic. As of today (Jun 25, 2010) at ~11am, the most recent "public review draft" versions of the Ecology; Existing Statutes and Regulations; and Renewable Energy chapters available on the Sea Grant and CRMC websites were dated April 20; April 14; and May 19, 2010, respectively. It is very clear from the June 22nd CRMC public hearing that these are NOT the most recent versions of these chapters. This clearly frustrates the ability of the public to provide meaningful comment on specific ideas or text at CRMC hearings. In addition both websites indicate that the public comment period is closed for Chapter 10. /Existing Statutes, Regulations, and Policies/, which is contrary to the decision reached at the Council meeting on June 22^nd .*	Chapter versions posted on the Web site are and have always been the most up to date public versions. Ocean SAMP team has provided the Full Council Red lined versions of these chapters identifying suggested changes. These redline versions are posted once suggestions are approved by CRMC. Therefore, the chapters versions you mention were the latest public versions.

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1437	Overall	6/28/2010	Caroline Karp	Citizen	0	All or none of the chapters should include a "Draft Policies and Standards" section for public review. Each chapter should probably also include a section titled, "Emerging Issues" or "Recommendations for further study" drafted by the lead scientists/authors as a way to indicate major areas and sources of uncertainty about key findings and "Policies". [At present, the public review draft of Chapter 2 Ecology of the SAMP Region does NOT include any text in the "Policies and Standards" section and Chapter 3 Global Climate Change does NOT include any guidance as to "Emerging issues or recommendations for future study".]	Most chapters, including the Ecology Chapter, have a policies and standards section. In addition, chapter 11 includes all new Ocean SAMP policies and standards. Chapter 9 "Other future uses" presents future potential issues. CRMC recognizes the need for further research. Development and implementation of an Ocean SAMP research agenda, including for Global Climate Change, has been identified as something that will take place once the Ocean SAMP document is approved. In addition, the appendices also provide information on future research needs. CRMC recognizes the need to be responsive to global climate change and will be developing an Ocean SAMP research agenda to encourage future research on this matter.
1797	Overall	9/9/2010	Donald Pryor	Citizen	0	The SAMP would be of greatest value if an effort could be mustered to comb through the document to (1) reduce redundancy, (2) eliminate contradictions, and (3) remove unnecessary material.	The SAMP team has made every effort to achieve these three objectives. See specific responses to specific comments below.
2369	Overall	9/14/2010	Caroline Karp	Citizen	0	Also, in the stuff that was produced tonight, I don't see any changes with respect to the technology, the technological issues that I raised last time with respect to the submarine cabling issues, for example, and that's relevant in terms of one item I did see in these corrections, which say, certain people will be notified if there is going to be offshore activities. That list does not include any reference, any kind of sonic testing of bedrock or anything of the sort. I think, again, maybe it will be in the next section, but I think there needs to be more effort paid to the engineering aspect of this right up front, or at least anticipating that there might be open engineering questions to be addressed.	These same comments were submitted by Ms. Karp on 7/8 in writing; see responses to 7/8 comments. See also responses to Ms. Karp's comments at the 8/24 public hearing.

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1490	Overall	7/6/2010	Tricia Jedele	Conservation Law Foundation	0	Conservation Law Foundation (CLF) will not be filing comments today on the Commercial and Recreational Fisheries and Renewable Energy chapters of the Ocean Special Area Management Plan (SAMP). It is our understanding, based on conversations with members of the Ocean SAMP planning team, that there may be new drafts of these chapters put forth for public review and/or extended deadlines for public comment on these chapters. Moreover, we are uncertain as to whether the chapters posted on the RI Ocean SAMP website are the most current versions of the chapters and therefore appropriate for public review. We also understand that the Ocean SAMP subcommittee of the Coastal Resources Management Council met last night to discuss potential changes to the public review process. Because of the significant uncertainty about the public review process, we will submit our comments on the appropriate versions of the Fisheries and Renewable Energy chapters on or before July 15th, assuming that there will be significantly more clarity on the process put forth in the coming days. Attached are comments which we filed during the public comment period on the earlier drafts of these chapters.	Chapters on the Ocean SAMP web site are and have always been the most up to date versions chapters. Up to date chapters mean they have been formally approved by CRMC or they are the versions that are out for public comment.
2342	Overall	8/24/2010	Tricia Jedele	Conservation Law Foundation	0	We've asked countless times what the demonstration project was needed for, we've asked countless times what the goal of the SAMP is, and when we ask those questions, we get varied responses, but never have we heard the answers that I've heard tonight, and I have to just say on the record that we find that troubling, that the answer I hear tonight is that we need the Rhode Island project in order to get Federal consistency, that if Rhode Island isn't bearing a renewable energy project in State water, the Federal Government will not honor consistency of our policies in Federal water, and the reason we're mapping the Federal waters appears to me to be solely for what it was that we feared at the outset, which is to be way ahead of the data we need when a permit request comes in.	Rhode Island does not need a renewable energy project in state waters in order to get federal consistency in federal waters. Rather, CRMC needs to develop renewable energy-related policies for state waters so that they can be extended out into federal waters through the federal consistency review process. Data collected through the Ocean SAMP process have been used to inform the Ocean SAMP planning process and Ocean SAMP policies and standards (such as the designation of Areas of Particular Concern), and may also be used to help CRMC evaluate future permit requests.

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1770	Overall	9/9/2010	Tricia Jedele	Conservation Law Foundation	0	On behalf of the Conservation Law Foundation (“CLF”) please accept these comments on the draft Ocean SAMP (“the SAMP”) for filing as part of the public record. CLF is pleased to have this final opportunity to provide written comments on the SAMP document in its entirety. CLF is a non-profit, public interest advocacy organization that works to solve the most significant environmental problems that threaten New England. CLF’s advocates use law, science and the market to conserve natural resources, protect public health and promote vital communities in our region. CLF’s Ocean Conservation Program has a long history of working to promote sustainable fisheries, habitat protection and comprehensive, ecosystem-based ocean management, and our Clean Energy and Climate Change Program has long been working to develop sources of clean renewable energy and reduce the greenhouse gas emissions that cause global warming.	No response needed.
1771	Overall	9/9/2010	Tricia Jedele	Conservation Law Foundation	0	We commend the Coastal Resources Management Council (“CRMC”), the University of Rhode Island Coastal Resources Center, and other members of the Ocean SAMP planning team for their work in compiling a tremendous amount of information and synthesizing it to describe the physical, biological, oceanographic and human use characteristics of the Ocean SAMP planning area. This centrally located, and we hope publicly accessible, compilation of data and scientific analysis of Rhode Island’s ocean resources and ocean uses, in and of itself, will greatly enhance management of the Ocean State’s ocean resources. CLF is also appreciative of the substantial effort put forth by the CRMC and the SAMP planning team to solicit formal and informal public input on the SAMP every step of the way. CLF recognizes the importance of this document for the preservation of our ocean resources and for its value in establishing a critical path forward for the much needed offshore renewable energy development that will help end our reliance on fossil fuels and mitigate the effects of global climate change.	No response needed.

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1772	Overall	9/9/2010	Tricia Jedele	Conservation Law Foundation	0	As detailed below, however, CLF remains concerned about a number of issues with the current version of the SAMP. We are principally concerned that it is the rush to develop ocean wind energy that is guiding the framework for this ocean management plan, and, consequently, that this primary focus on the quick development of offshore wind is subverting effective and comprehensive ocean management and new opportunities for resource protection. Second, we do not believe that the SAMP is protective enough of Rhode Island's precious natural resources. The SAMP fails to systematically identify important ecological areas that are deserving of our strongest protection. Furthermore, the proposed regulatory standards implementing the SAMP are vague and ambiguous and lend themselves to arbitrary and inconsistent decision making on a proposal-by-proposal basis, which will then breed uncertainty in the permitting process – in direct contrast to what should be one of the key benefits of proactive marine spatial planning. Finally, we do not agree with the treatment of fisheries as an activity to protect rather than an activity to manage in the SAMP area and find that the SAMP still fails to address the serious ecological impacts that certain kinds of mobile fishing gear have on the biological and physical characteristics of the ocean ecosystem. We hope and expect that the CRMC will address our concerns in the Final Ocean SAMP.	The Ocean SAMP team has sought to be comprehensive in developing a plan that both protects resources and guides the siting of future uses; see specific responses to specific comments below. With regard to the protection of ecologically important areas, the Ocean SAMP identifies Areas of Particular Concern and Areas Designated for Preservation. Both designations ensure protection of ecologically important areas from renewable energy and other offshore development. We have revised these two regulatory standards per CLF's comments to clarify the rationale for their selection and to strengthen the protections associated with them; see detailed comments and responses below. With regard to regulatory standards, Ocean SAMP regulatory standards for Areas of Particular Concern and Areas Designated for Preservation have been clarified and strengthened per CLF's detailed comments; see detailed comments and responses below. Finally, with regard to fisheries, as has been stated in response to past comments from the CLF, the CRMC does not have regulatory jurisdiction over commercial and recreational fisheries in either state or federal waters. The state and federal agencies which have the regulatory authority to manage fisheries are clearly identified in the chapter.
2211	Overall	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	0	Thank you for the opportunity to review and comment on the Rhode Island Ocean Special Area Management Plan (SAMP). The National Marine Fisheries Service (NMFS) supports the concept of coastal and marine spatial planning to utilize scientific and technical information in order to more effectively implement ecosystem-based management for the sustainable use of the oceans. NMFS has been an active stakeholder in the Ocean SAMP, providing technical assistance throughout the process. We appreciate the opportunity to provide feedback and see many of our comments and concerns reflected in the Ocean SAMP document. In addition to comments sent on July 9,2010 for the draft Fisheries (Chapter 5) and Renewable Energy (Chapter 8) chapters, NMFS offers the following comments on the Ocean SAMP for your consideration.	No response needed.

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2212	Overall	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	0	The RI Ocean SAMP identifies an area suitable for potential renewable energy development within state waters along the south side of Block Island. Based upon information presented in the RI Ocean SAMP, this area appears to be a reasonable location for further investigation. Site specific data should be used to develop alternatives for analysis within the National Environmental Policy Act (NEPA) and Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permitting process. Since this area does contain resources of concern to NMFS, including fishery resources and complex/hard bottom habitat, any project specific proposals and subsequent NEPA analysis and Corps permitting process should focus on the avoidance and minimization of impacts to these resources.	No response needed. The NEPA review and federal agency permitting process are not within CRMC's jurisdiction.
2262	Overall	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	0	NMFS commends the State for this innovative plan and active stakeholder process. The Ocean SAMP is a well organized document with an extensive compilation of existing and new data. As you are aware, NMFS provided information utilized in the Ocean SAMP relative to trust resources and fishing activity, and will also benefit as a user of the information through its role as a consulting agency during the federal review process. NMFS appreciates the opportunity to work with CRMC and Rhode Island Sea Grant throughout the Ocean SAMP process. Should you have any further questions regarding these comments please contact Sue Tuxbury at 978-281-9176.	No response needed.
2263	Overall	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	0	References: Federal Register. 2008. Pages 60173-60191 in 50 CFR Part 224, Vol. 73, No. 198. Department of Commerce National Oceanic and Atmospheric Administration. Endangered Fish and Wildlife; Final Rule to Implement Speed Restrictions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales. October 10, 2008. Federal Register. 2010. Pages 39656-39662 in Vol. 75, No. 132. Department of Commerce National Oceanic and Atmospheric Administration. Listing Endangered and Threatened Wildlife and Plants; 90-Day Finding on Petitions to List the Porbeagle Shark under the Endangered Species Act. July 12, 2010. Frumhoff PC, McCarthy JJ, Melillo, SC, Moser SC, Wuebbles DJ. 2007. Confronting climate change in the U.S. Northeast: science, impacts, and solutions. Synthesis report of the Northeast Climate Impacts Assessment (NECIA). Cambridge (MA): Union of Concerned Scientists (UCS). 146 p. Perry AL, Low PJ, Ellis JR, Reynolds JD. 2005. Climate change and distribution shifts in marine fisheries. Science 308: 1	Where specific recommended changes have been made, references have been updated accordingly.

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327	Overall	3/24/2010	Allison Castellan	NOAA	0	Use of "Use" versus "Utilize": My general rule is always use "use" (and all its forms) and never use "utilize" (and all of its forms). The word "use" can be used for just about every instance of the word "utilize," but "utilize" cannot be used for all instances of "use." Also, "utilize" is an overly used and unnecessarily used word to make a statement sound more formal or the speaker/writer more intelligent. As my law school legal writing teacher said, "don't use a more complex multi-syllable word when a simpler word will do...and never, ever let me see you use the word 'utilize.'" For some reasons, scientists, social scientists, academicians and sports coaches and announcers most often over-use utilize and almost always relapse. There should be a 12-step recovery program for "utilizers." USE — To employ for some purpose; put into service; make use of to avail oneself of; apply to one's own purposes. UTILIZE — To put to use, especially to find a profitable or practical use for. One critic of using utilize has characterized the utilize definition above to mean that "utilize" has a meaning of its own, different from "use." You would never know it though, with the near-universal tendency of formal writing to describe every use as a "utilization." Strictly speaking, something is utilized when it starts off being useless, but someone cleverly makes it useful. By that definition, you cannot "utilize" a hammer to pound a nail. It is already expressly useful for that purpose. When someone wrote, "funds will be utilized to employ two new account managers," the result was a double folly. Not only does money not need to be "utilized" (it is already just about universally useful), but also money cannot "employ" anyone. The writer meant to say that the funds would be used to pay for two new staff people. Therefore, while there is use of the word "utilize" separate from "use," I still say never use utilize for the reasons stated above (and I have convinced some NOAA and academic scientists and social scientists to not use utilize).	Point taken, agreed.
1295	Overall	6/3/2010	Ron	Rhode Island Tea Party Patriots	0	I am hoping to hear from you soon as to URI's position on the man made Climate Change in light of the information we have submitted and the law relevant thereto. We would like all the names of anyone responsible for that position, so we can personally contact them and make sure they realize the criminal and civil liabilities for not making sure what they are presenting is accurate. Thank you for taking the time to hear us out, and we are looking forward to meeting with you on this issue in the future. I am attaching our presentation to the Senate. Please read the end of this and it is our hope and prayer that you and URI will join the side of truth and make RI a leader again not just a third rate follower it has become.	The RI Attorney General has been informed of this request. Please contact the Attorney General's office.

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1801	Overall	9/9/2010	Ames Colt	RIDEM	0	The proposed Fisheries Advisory Board overlaps substantially with the responsibilities of the Marine Fisheries Council. Apparently, DEM's Division of Marine Fisheries was not consulted regarding their views about the proposed creation of such an advisory board. I recommend that the MFC work with you and the Council to develop a process and/or workgroup by which the MFC would handle the responsibilities of the proposed FAB.	In response to this comment and subsequent discussions between CRMC legal counsel and RIDEM, we have added language to the description of the Fishermen's Advisory Board to clarify that it does not supplant the authority of the RI Marine Fisheries Council.
1809	Overall	9/9/2010	Terry Walsh	RIDEM	0	For all references to RI Department of Environmental Management (RIDEM) permits, it is acknowledged that the project or a part of the project must be proposed within state waters for the comment to be applicable.	No response required.
1810	Overall	9/9/2010	Terry Walsh	RIDEM	0	It would be helpful to define state waters (3 mile limit) along with the description of the federal waters.	The state waters limit is defined multiple times throughout the document. We have added one additional definition in Chapter 1, Introduction, section 140.
1811	Overall	9/9/2010	Terry Walsh	RIDEM	0	This version of the Rhode Island Ocean Special Area Management Plan (OSAMP) lacks sufficient and necessary detail relating to permitting implementation and coordination with other state and federal agencies. In the spirit of transparency and for this to be a more useful plan and guidance framework for applicants to get through multiple permitting processes, a chapter should be developed that outlines how "facilitation," (as referenced in the Executive Summary (item 3)), as well as coordination and permitting implementation are envisioned to proceed. Further, this version of the OSAMP should better highlight the fact that other state and federal agencies will most likely require different types of information that is not required for the CRMC's review (And it not contained in this current version of the OSAMP).	The Ocean SAMP is a CRMC document and is not intended to summarize or explain other state and federal agencies' regulatory requirements or permitting processes. The NEPA review process already provides mechanisms through which agencies will work together and applicants will proceed through multiple permitting requirements. We have added a line to Chapter 8, section 860.2.5, Application Requirements, to clarify that other federal and state agencies may require additional types of data and information as part of their permitting processes. This same change is made in the corresponding section of Chapter 11, Policies of the Ocean SAMP.
1812	Overall	9/9/2010	Terry Walsh	RIDEM	0	The term "existing uses" is used in several places of the plan. The context within which "existing uses" is used in the plan should be defined. The State Water Quality Regulations define existing uses and the Department is charged with ensuring that existing uses are maintained and protected through the Water Quality Certification (WQC) review. WQC includes review for compliance with the Rhode Island's Anti degradation standard. Item 3 should be amended to include a note pertaining to the fact that additional information may be required by RIDEM for review for compliance with the state water quality regulations.	No change made. The term "existing uses" refers to existing uses of an area. We have added a general statement in Chapters 8 and 11 to indicate that other agencies may require additional types of data and information as part of their permitting processes.
1813	Overall	9/9/2010	Terry Walsh	RIDEM	0	Identify the RIDEM and other key state and federal agencies that would be part of the Joint Agency Work Group. Please provide detail on how the work group is envisioned to function.	No change made. The composition of the Joint Agency Working Group is not specified because it will change based on the project and the state and federal agencies which have regulatory jurisdiction over the given project.

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1865	Overall	9/9/2010	Nicole Trivisono	RIDEM	0	Within each chapter there are references listed in the text that do not appear on the works cited, and vice versa.	These are fixed where noted.
1866	Overall	9/9/2010	Nicole Trivisono	RIDEM	0	Through the long review process Chapter numbers and chapter names have been changed several times. Throughout the document the readers are referred to other chapters, and these references do not necessarily reflect the most recent changes made to chapter numbers and/or names.	Chapter numbers and names have been updated throughout the document.
2201	Overall	9/14/2010	Gary Mataronas	Sakonnet Point Fishermen's Association	0	It's my understanding that we, the fishermen, want this board to sit down with Deepwater people on certain aspects of the installation of the towers to minimize impacts on both sides. We also will be onsite almost everyday and will be able to communicate with Deepwater directly with any problems that may arise. As anyone knows there is always something lost when communications go through a third party! I don't believe that RIMFC will have the fishermen's best interest at heart, nor will they be able to witness any problems onsite that may arise. They certainly won't be able to respond in a timely fashion.	The Fisheries Advisory Board (FAB), as set out in section 560.2, will consist of nine members representing Rhode Island and Massachusetts fisheries that are located within the Ocean SAMP area. We have also clarified that the FAB is not meant to supplant the jurisdiction of the RI Marine Fisheries Commission.
1296	Overall	5/28/2010	Jonathan Stone	Save The Bay	0	With regard to the three chapters being heard on June 22nd, we request an extension until the June 22nd public hearing date to submit additional written comments for the Ecology, Climate Change and Existing Policies chapters of the Ocean SAMP. Save The Bay submitted written comments during the initial stakeholders review for two of those chapters. While we recognize the pressure on CRMC to expedite this study, but we have concerns about these chapters. The policy section on the Ecology Chapter is still "under development" and the Existing Policies Chapter provides just that, existing policy without information about the policies which will govern siting as an outcome of the SAMP process. This basic information is needed to meaningfully evaluate the potential environmental and use impacts of offshore wind development in the study area.	CRMC will accept all comments. Comments received after June 22nd will be reviewed and commented upon during the public comment period that ends on August 13th.
1384	Overall	5/28/2010	Jonathan Stone	Save The Bay	0	In addition, it would be immensely valuable to provide revised comprehensive summary maps of the project area including the siting considerations for offshore wind development. This would help to focus the public comment and enhance stakeholders' understanding of the practical considerations in siting and moving forward to develop regulations and a solid, legal permitting process.	Chapter 8, renewable energy and other offshore development now provides this information.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2189	Overall	9/9/2010	Wendy Waller	Save The Bay	0	<p>The Ocean Special Area Management Plan (SAMP) represents an historic opportunity to establish sound, responsible policy to guide future development and resource protection in Rhode Island's near-coastal waters. Save the Bay believes that Rhode Island is a leader in marine spatial planning. We recognize and appreciate the importance of marine spatial planning for marine conservation and protection of critical habitats. While these issues extend beyond the scope of the SAMP study, the documents can provide a useful baseline and inventory for habitats and living marine resources that may warrant special protection from development and other direct impacts, and should assist in promoting environmentally sound and sustainable development of offshore resources. Save the Bay views the Ocean Special Area Management Plan (SAMP) as a strong document that will be greatly strengthened by the improvements outlined in our comments. Save The Bay has been engaged in the SAMP process from its inception. As it nears completion, we recognize that there remain significant challenges to the establishment of effective, transparent, and public policies and regulations to guide development within publicly-held state waters. Some of our recommendations address those challenges. Other recommendations focus on the need to clarify the SAMP's relationship to state and federal laws, policies and regulations, its extension to federal waters, its bearing on fisheries management, and fish and avian habitat protection. WE stand committed to working through these issues carefully over the coming months. Save The Bay recognizes that much of the SAMP process has been conducted in the context of the State of Rhode Island's drive to establish renewable energy production. Renewable energy development, along with aggressive conservation programs, are essential if we are to reduce our dependence on fossil fuels, reduce pollution from fossil fuels and mitigate global climate change. It is our position that offshore wind energy development, properly sited and permitted, is desirable. Save The Bay views the SAMP as an important stand-alone document and process, irrespective of any specific development proposal. As stated in one of our recommendations, we encourage CRMC to adopt the Encyclopedia of Earth definition of ecosystem-based management as the foundation for SAMP development and implementation: "an integrated, science-based approach to the management of natural resources that aims to sustain the health, resilience and diversity of ecosystems while allowing for sustainable use by humans of the goods and services they provide." Our detailed comments on the SAMP chapters are attached. We thank you and the Coastal Resources Management Council for the opportunity to participate in the process, look forward to working with the CRMC and other stakeholders on SAMP implementation.</p>	No response needed.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2190	Overall	9/9/2010	Wendy Waller	Save The Bay	0	Clarify that the SAMP does not supplant existing federal and state permitting requirements. It is important that the Council, the public, development applicant and regulatory agencies themselves have a clear understanding of the SAMPs role and limits. Save The Bay understands the SAMPs enforceable policies and regulations are applicable and jurisdictionally enforceable within state waters, but we suggest that the SAMP explicitly state that it does not supplant existing federal and state permitting requirements. We also suggest including a specific process on integration of fisheries review by MFC and DEM a part of any approval or pre-requisite.	We have added language to Chapter 8, Renewable Energy, Section 860.2 and Chapter 11, Policies of the Ocean SAMP, Section 1160, to clarify BOEMRE's authority in federal waters with regard to offshore renewable energy development. We have also added language to Chapter 8 Section 860.2.5 and Chapter 11 Section 1160.5 to indicate that other federal and state agencies may require other types of data or information as part of their review processes. We have also added language to the Fishermen's Advisory Board (FAB) policy (which is included in Chapter 5, Fisheries, Section 560.2 and repeated in Chapter 8 and Chapter 11) to clarify that the FAB's authority does not supplant the authority of the RI Marine Fisheries Council. Finally we have added a flow chart to Chapter 11 to provide a simplified overview of the permitting process in state waters; this flow chart clearly illustrates CRMC's authority as well as the federal review process.
2192	Overall	9/9/2010	Wendy Waller	Save The Bay	0	Clarify that the study area boundary does not and should not limit the zone for federal consistency: Save The Bay understands that the Ocean SAMP provides a policy and regulatory framework governing activities in the Rhode Island coastal zone, which includes state waters out to 3 nautical miles. We recognized that the public will have opportunities to comment on applications for particular projects during the individual permitting process. We also recognize that the ocean SAMP forms the basis for any expansion of the State's federal consistency into and beyond the Ocean SAMP study area. While the SAMP study area provides an initial starting point, Save The Bay calls for clarification that the study area boundary does not and should not limit the zone for federal consistency.	We have added language to Chapter 11, Policies of the Ocean SAMP, section 1110.1, to clarify this point as follows: "An approved Ocean SAMP by NOAA's Office of Ocean and Coastal Resource Management will confer federal consistency authority to the Council for a boundary extension in federal waters within the Ocean SAMP area. However, it should be noted that the Ocean SAMP boundary does not limit the zone for federal consistency, and the CRMC may still exercise its federal consistency authority over future activities which may be proposed in federal waters beyond the Ocean SAMP area."
2195	Overall	9/9/2010	Wendy Waller	Save The Bay	0	Establish a science and ecology stakeholders group: the incorporation of a science and ecology stakeholder group will aid the Council and prospective developers in creating the best possible monitoring plans and in implementing adaptive management procedures on an ongoing and formal basis. Save The Bay continues to support this addition along with The Nature Conservancy, Conservation Law Foundation and Audubon Society of Rhode Island	In response to these comments and subsequent meetings with STB, TNC, CLF, and ASRI, we have created a Habitat Advisory Board (HAB) that will address these functions. The HAB is detailed in Chapter 2, Ecology, Section 270.2, and repeated in Chapter 8, Renewable Energy and Chapter 11, Policies of the Ocean SAMP.

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2196	Overall	9/9/2010	Wendy Waller	Save The Bay	0	Ensure public access to all SAMP data: While it may be assumed that the public has access to the SAMP data, the SAMP should state unequivocally that the existing and future data is part of a public document and easily accessible to all citizens, groups, businesses, and institutions	We have added language to Chapter 1, Introduction, Section 110 as follows: "Through the Ocean SAMP process, much research has been conducted in the Ocean SAMP area by University of Rhode Island scientists and partners, resulting in a great deal of new data and information. The results of these research projects are summarized and/or referenced, as appropriate, in the Ocean SAMP document, and are detailed in a series of technical reports included in the Ocean SAMP Appendices. Datasets associated with these studies are being compiled at the Pell Library at the University of Rhode Island Graduate School of Oceanography, and will be available for public use through the library."
2357	Overall	9/14/2010	Jonathan Stone	Save The Bay	0	Make it explicit that the study area boundary does not and should not limit the zoning for Federal consistency. This is important because it's clear from the Nature Conservancy's work, which is extensive and extremely valuable, that there are important areas in Federal waters that may be appropriate for Rhode Island to assert consistency over, that extend beyond the SAMP area, so making that, don't get beyond the by SAMP boundary, the study area boundary, I think that would be a constructive change.	Save the Bay submitted the same comments on 9/9 in writing; see responses to 9/9 comments.
2358	Overall	9/14/2010	Jonathan Stone	Save The Bay	0	There are a couple of other items related to the science research agenda, the publication of data, how the new data is incorporated in the SAMP, just clarifying how that process would work going forward, because we all understand this is a living, breathing process, it doesn't end at any point in time, and that the incorporation and public availability of the new data is going to be important.	Save the Bay submitted the same comments on 9/9 in writing; see responses to 9/9 comments.
2359	Overall	9/14/2010	Jonathan Stone	Save The Bay	0	On one final note, I guess, in terms of transparency, it gets to Director Sullivan's comments. There are numerous examples here where a definition or a glossary or a flow chart of process would be helpful to the general public. If there is a definition that is referred to, let's make it explicit, where does that definition reside? Is it at the Department of Environmental Management? Is it with some of their State agency or Federal agency that the SAMP document can refer to? A permitting flow chart would be very helpful for the general public. What are the steps that a developer must go through? Where are the public opportunities for comment? Where are the opportunities for written comment and so forth?	Save the Bay submitted the same comments on 9/9 in writing; see responses to 9/9 comments.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2183	Overall	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	0	Thank you for the opportunity to review the Draft Rhode Island Ocean Special Area Management Plan (SAMP). The Introduction to the SAMP describes its origin as an intended vehicle for development of a multi-state management plan for southern New England and New York. Although that specific goal remains a work in progress, the SAMP provides a comprehensive assessment of the range of activities that may take place in Rhode Island waters, and their potential impacts on Rhode Island coastal and marine resources and uses, within a regional context as appropriate. The document clearly reflects significant effort by all those involved in its production, and demonstrates Rhode Island's leadership in energizing the arena of coastal and marine spatial planning. The SAMP advances the cause of regional ocean plans, and speaks to the importance of regional coordination and participation in organizations such as the Northeast Regional Ocean Council (NROC).	No response required.
2184	Overall	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	0	This Office supports the development of the SAMP and the furtherance of its goals. However, based on our review, there is one issue of regional significance that we believe requires further evaluation, that being the potential effects on commercial fishing. It is acknowledged in Paragraph 550.7.7.3 that party and charter boats from Connecticut (as well as Massachusetts and New York) regularly use the SAMP area. However, Connecticut-based commercial fishing activities also take place offshore of Rhode Island, and development activities in the SAMP area could affect that industry and, thereby, have reasonably foreseeable effects on Connecticut's coastal zone. For this reason, we request that this issue be addressed in the final document. The following are specific examples of discussions whose accuracy we believe would be enhanced by inclusion of such information:	The following paragraph was added to the Introduction: "6. While the emphasis of this chapter is on the commercial and recreational fisheries of the state of Rhode Island and their importance to the state, it is acknowledged that fish and fishing activities are not limited to state boundaries. Fishermen from other states, including Massachusetts, Connecticut, and New York, routinely transit through or fish within the Ocean SAMP boundary area. The fish species found in the Ocean SAMP area and the fishing activity that occurs here are undoubtedly of economic and cultural importance to these other states as well, and any impacts to fisheries resources and activities within the Ocean SAMP area could affect fishermen in other states. While the remainder of this chapter is primarily focused on the importance of fisheries to the state of Rhode Island, it is acknowledged that fishermen from outside of the state rely on these resources as well."
1840	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	Please accept the written comments of The Nature Conservancy on the full Ocean Special Area Management Plan (OSAMP). Overall, we commend you and the entire staff at the Rhode Island Coastal Resources Management Council (CRMC), Rhode Island SeaGrant, and your team of researchers at the University of Rhode Island and elsewhere. We appreciate your efforts at implementing ecosystem-based management in ocean waters. You and the entire team deserve credit for developing a plan that will substantively protect "an ecologically unique region" (as you refer to the OSAMP study area in Section 100) through adaptive management policies as codified in Chapter 11, The Policies of the Ocean SAMP.	No response required.

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1841	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	As you know, Kevin Ruddock, Geographic Information Systems Analyst, of the Conservancy’s staff, is completing Technical Appendix 22, the Northwest Atlantic Marine Ecoregional Assessment: Implications for the Rhode Island Ocean SAMP region, which we believe will be an important reference for CRMC assent applicants for offshore renewable energy development. This report will be completed in the next several weeks, in time for the final OSAMP to be approved. Until the Ruddock report is complete, we wish to also go on record with the preliminary results of the Conservancy’s assessment of the biodiversity significance of the OSAMP area in these written comments. We believe the Conservancy’s science-based research will provide spatial data to help CRMC define ecologically sensitive areas that will help inform assessments and implementation of policy to avoid, minimize and mitigate impacts from offshore development. We also believe our research will help identify areas in which further research should be considered, both short- and long-term.	Ruddock’s draft report is currently included as Appendix 24 to the Ocean SAMP document and is available as such online. To date, the Ocean SAMP team has not received a final version of this report. Findings of this final report, along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1842	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	In the sea as on land, The Nature Conservancy has unique expertise identifying important areas for the conservation of biodiversity through participatory, data-driven ecoregional assessments. These assessments provide a suite of priority conservation areas, defined and mapped. The Conservancy refers to the suite of priority areas for conservation as our conservation “portfolio.” The portfolio is the basis of our conservation strategies, developed on a site-by-site or regional basis through a rigorous conservation action planning methodology. The Conservancy has a long track-record of successful conservation actions at our portfolio sites, protecting and restoring conservation a diverse suite of conservation targets.	Final results of the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA), along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1843	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	Building on our experience completing ecoregional assessments for the northeastern United States’ terrestrial and freshwater systems, the Conservancy recently completed the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA) (Anderson et al. 2010; Greene et al. 2010). This three-year project analyzed the marine environment from the Bay of Fundy to Cape Hatteras, from the coast to the edge of the abyssal plain. This assessment identified priority areas that arose directly from integration of data on species, habitats and processes in the region as opposed to designing a decision support system for evaluation of alternative scenarios. This assessment is not intended as a “blueprint” for marine protected areas, but is a database designed to facilitate further exploration within specifically identified priority conservation areas according to their current management status and inherent sensitivity and resilience to specific human uses. However, major estuaries and bays (such as Narragansett Bay) were not fully considered in the assessment due to data limitations, but we recognize that these areas are very important and we are working on new techniques to assess those areas.	Final results of the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA), along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1844	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	Phase I of NAM ERA was completed in early 2010 (Greene et al. 2010) and provides a comprehensive regional scale database of information on coastal and marine ecosystems, habitats and species to help inform and guide diverse conservation strategies (e.g. implementation of coastal and marine spatial planning). Phase I of the assessment involved compiling data to understand and characterize the species, habitats, and processes that define the region. Ten supporting subject areas were developed as part of the process: Coastal and estuarine features (i.e. seagrass, saltmarsh) Benthic or seafloor habitats Ocean processes Near shore shellfish Diadromous fishes Seabirds and shore birds Demersal fishes Pelagic fishes (large and small) Marine mammals Sea turtles Each subject area was managed by a technical team that included Conservancy scientists and a number of outside experts including federal and state agencies, academic institutions, and other non-profit conservation organizations. The team was responsible for determining the target species and habitats, choosing appropriate data, and reviewing analysis and text. Roughly 200 outside experts participated in two technical review sessions held in Rhode Island and Delaware in 2009. Phase I then developed several classifications for further analysis. For example, we developed a benthic habitat classification based on geophysical, oceanographic, and biological features that categorized the study area into Ecological Marine Units. The coast was assigned Coastal Shoreline Units, classified by type (river-dominated, lagoons, embayments, or fjords). Phase I also assigned benthic and pelagic species data into ten-minute squares (TMS), a roughly 100 square-mile area that allowed for analysis of persistence, species richness, and/or abundance of various features across multiple data sets. Data, maps, and analysis from Phase I are available at http://nature.org/easternusmarine .	Final results of the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA), along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1845	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	Phase II of the assessment was completed in August 2010 (Anderson et al. 2010). The primary objective of the second phase was to identify a set of areas that merit the highest conservation and management attention to meet broad goals for conserving the coastal and offshore marine ecosystem of the Northwest Atlantic. Priority conservation areas were identified through integration and analysis of the recommended datasets compiled by each of the habitat and species technical teams during the first phase of this assessment. The priority conservation areas that comprise the portfolio were selected using criteria to explicitly define ecologically critical locations for our conservation targets, as both ecologically coherent sub-groups (such as toothed whales or demersal fish) and integrated across all groups. We believe this approach also implicitly defined areas that are critical for maintaining key ecological processes and representative biodiversity. It is important to remember however, that identifying and conserving portfolio sites alone is not in itself sufficient for achieving goals for a healthy marine system.	Final results of the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA), along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1846	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	NAM ERA identified four attributes for selection of priority conservation areas. Although the best available data were not always sufficient to directly map each feature with confidence, analysis revealed, at least indirectly, important areas containing many of the following four attributes: Important areas for the conservation of target species Known locations of rare and/or particularly sensitive habitat types Representative biological habitats and ecological features with demonstrated significant function in supporting target species and biodiversity in general Oceanographic features and processes that influence the distribution, abundance and behavior of conservation target species.As in Phase I, data were aggregated into three themes: coastal, seafloor, and migratory. Again, Coastal Shoreline Units and ten-minute squares were used to geographically bin information. Attributes (above) were analyzed for each geographic unit (i.e. CSU and TMS), especially identifying areas that were “way above average” for attribute features (e.g. two standard deviations above the mean) across the region.The coastal portfolio was developed after analyzing seagrass, tidal marsh, estuary associated fish, diadromous fish, sea turtle nesting areas, coastal and marine birds, overall CSU condition, and rare features. The seafloor portfolio was created by analyzing demersal fish (i.e. gadids, pleuronectids, elasmobranchs, offshore wintering species, mid-Atlantic estuarine species, and other species of interest such as wolffish) persistence and abundance, fish community diversity (154 to 250 species depending on the subregion), cold water corals, hard bottom habitat, seagrass habitat, and benthic habitats. The migratory portfolio was comprised of five target species groups of baleen whales and northern porpoises/dolphins, toothed whales and dolphins, sea turtles, large pelagic fish (fourteen species including tunas, marlins, swordfish, and nine sharks such as great hammerhead), and small pelagic fish (eight species including herrings, squids, and mackerel).	Final results of the Northwest Atlantic Marine Ecoregional Assessment (NAM ERA), along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1847	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	The Rhode Island Ocean OSAMP study area includes several sites within the Conservancy's Northwest Atlantic seafloor and migratory species portfolio that merit special consideration as areas for conservation and appropriate management by CRMC and federal agencies. The area from the moraine (i.e. from Montauk, Block Island, Coxes Ledge, and the East Grounds) and south for roughly thirty miles (i.e. to the southern OSAMP study area and beyond) is one of the most productive groundfish and migratory species concentration areas in the entire region. This area extends more broadly on an east-west axis to south of Great South Bay (NY) and southwest of Nantucket (MA). This site is the largest contiguous area for seafloor biodiversity within Southern New England (defined as the marine area between Great South Channel and Hudson Canyon). The depressions and gentle flats in this area contain high densities of multiple (i.e. four or more) types of demersal fish communities, and target species have persisted over several decades. Persistent demersal species include: black sea bass, little skate, longhorn sculpin, monkfish, northern sea robin, pollock, ocean pout, red hake, scup, silver hake, spiny dogfish, summer flounder, weakfish, winter flounder, and yellowtail flounder. Large pelagic species such as tuna, juvenile sharks aggregate in very high numbers in this same area in warm months. Not surprisingly, very large schools of small pelagic fish such as herrings, longfin squid and butterfish aggregate here, attracting the large pelagic species. Toothed whales, such as sperm whales and bottlenose dolphin co-occur with these fish in very high concentrations along the south central boundary of the OSAMP study area. OSAMP research of commercial landings as detailed in the Final Draft OSAMP document reflects this assessment of pelagic abundance.	Final results explaining the NAM ERA's application to the Ocean SAMP area, along with clearly labeled maps with clearly-delineated points or polygons showing the exact locations of the above-mentioned features, are forthcoming. These results, along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1848	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	This same area south of the moraine, as well as the area southeast of The Race, points just north of Block Island, and the mouth of Buzzards Bay in Rhode Island Sound contain regionally important areas of hard (or live) bottom habitat. These four combined areas are among the largest clusters of hard bottom areas within Southern New England, along with the Great South Channel (MA). The TMS southeast of Block Island has some of the most diverse assemblages of all species, seafloor and migratory, within the OSAMP study area, although it is just outside of state waters. Demersal fish community diversity, hard-bottom habitat, high density of persistent demersal fish species and multiple migratory species including sea turtles, small and large pelagic fish are all found there, making it one of the most diverse areas within Southern New England.	Final results explaining the NAM ERA's application to the Ocean SAMP area, along with clearly labeled maps with clearly-delineated points or polygons showing the exact locations of the above-mentioned features, are forthcoming. These results, along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1849	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	One area that the OSAMP highlights as important and a focus for conservation is the moraine itself. The NAM ERA indicates that the glacial moraine, including Coxes Ledge is an important area for seafloor biodiversity and supports the OSAMP's conclusions about the value of this feature. We do note, however, that the NMFS trawl data, which forms an important part of the assessment's analysis, does not generally include the moraine area and that perhaps the NAM ERA undervalues the moraine to some extent. However, one of the findings of the NAM ERA is that species persistence, richness and abundance are consistently found in areas with complex bottom structure, including topographic features and grain size. This finding argues for the importance of the moraine for marine biodiversity.	The Ocean SAMP has designated glacial moraines within the Ocean SAMP area as Areas of Particular Concern because of their biodiversity.
2327	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	Cold-water corals are found around the Elizabeth Islands and Martha's Vineyard, in an unusual clustering close to the coast. Most other occurrences are in canyons along the shelf-slope break. These unique features, while not in the study area, could occur along the eastern boundary of the OSAMP area and deserve additional research and inventory. It may be that the area from the moraine south to the OSAMP study area and beyond, is particularly productive due to oceanographic processes, such as the mixing of estuarine waters from Long Island Sound, Narragansett Bay, and Buzzards Bay. It is also conceivable that the topographic ecotone along the border of the low sandy flats and the rocky moraine is a driver of this diversity. OSAMP studies on sea surface temperature gradients indicate that the area south and southwest of Block Island generates a temperature "front" which may be a key ecological attribute of the biodiversity of the area. Or perhaps the topographic features that run as small channels around Block Island (as prehistoric river beds) are migratory corridors that attract and funnel species through specific areas. The Conservancy recommends additional research to test these hypotheses.	Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2328	Overall	9/9/2010	Janet Coit	The Nature Conservancy	0	These comments on the NAM ERA's findings within the OSAMP study area do not consider any human uses, extant or planned. Further research by Conservancy scientists and experts will develop human use information for further evaluation. We encourage CRMC to use NAM ERA to promote sound ecosystem-based management of these globally important marine and coastal waters. In light of the findings we have presented, and in consideration of other information that we are aware of due to our many years of research and on-the-ground conservation work in localities such as Block Island, and in consideration of information we will present in more detail in the Ruddock report, The Nature Conservancy makes the following suggested changes to the OSAMP, as made available to the public in the draft dated July 23, 2010.	Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP. As noted above, final results explaining the NAM ERA's application to the Ocean SAMP area are forthcoming. These results, along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP. Please see below for specific responses to specific suggested changes.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
207	Public Review Process	9/19/2009	Eugenia Marks	Audubon Society of Rhode Island	0	<p>Response to change part of Public Review Process</p> <p>1. Step 1: That the CRMC and URI Ocean SAMP management team explicitly state which studies are pertinent, referenced, and completed and which outstanding as the chapter is agreed for public review Comments in the 9/3/09 hearing indicated that some studies may not be fully vetted as the chapter is put forward.</p> <p>2. Step 2: Who will determine which of the advices of the Technical Advisory Committee are integrated into the draft? I suggest it be by the consensus of the Advisory Committee to propose inclusions. Alternative to consensus would be vote with majority rule.</p> <p>3. Step 3: What is the process for integrating stakeholder or public comments into draft? I suggest approval of the Technical Advisory Committee. These steps should be accomplished before posting the chapter to website for public reading with a note that formal public comment will be received when all nine chapters are completed. People can be directed to comment through stakeholders.</p> <p>4. Step 4: The Ocean SAMP subcommittee should receive comments on the individual chapters from the team after stakeholder and TAC review. The draft chapter should be approved for inclusion in the final draft document to be sent to the full Coastal Resources Management Council upon completely of all 9 chapters for final rulemaking.</p> <p>5. Step 5: Full CRMC Council votes to commence rulemaking on entire Ocean SAMP.</p> <p>6. Step 6: Comment period should be at least 30 days. I believe a 90-day comment period would be appropriate for such a comprehensive document.</p> <p>7. The other steps would proceed using the full document rather than chapters.</p>	<p>1. Ocean SAMP Technical Reports for all research will be included in the full Ocean SAMP document which will be read out by CRMC full council on July 13th (expected).</p> <p>2. Ocean SAMP team will provide a response as to how the comments were incorporated into the document.</p> <p>3. We will communicate to CRMC subcommittee that there is a request from Audubon for comment period to be 90 days for full council.</p>
217	Public Review Process	10/5/2009	Donald Pryor	Citizen	0	<p>Ocean SAMP process should aim to: 1. allow for public access to all relevant information as quickly as possible and 2. focus the public review process on overall conclusions and consequent proposals for new or changed policies, procedures and regulations.</p> <p>The public review process should ensure that results of ocean SAMP research projects are available to the public as quickly as possible. Datta collected, immediately after prompt quality assurance procedures are completed, should be mae available rather than held pending publication of research papers. This should help ensure that the foundations of the ocean SAMP are clearly solid.</p> <p>The new policies, procedures and regulations chapter should be subject to formal rulemaking procedures including public comment. Other chapters should include recommendations and suggestions for rulemaking but formal review and adoption of them, months ahead of release of the overall proposed rules, would complicate and confuse the overall SAMP.</p>	<p>1) CRMC is committed to provide the public with public access to all relevant information as quickly as possible. This was achieved during the development of the Ocean SAMP document and will continue. 2) CRMC will engage the public in the review of new policies and proceedures as required in the formal rulemaking process.</p>

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
218	Public Review Process	10/5/2009	Donald Pryor	Citizen	0	The SAMP introduction should include a proposed framework for decision-making. Guiding principles should be proposed to balance conservation and development, to protect current uses and allow new ones, and to define the scope of the SAMP and its relationship to other rules and regulations. This chapter could help to ensure that public thinking converges with the work of those drafting the ocean SAMP. Workshops on that chapter should help facilitate such convergence. Open procedures for technical review committees should also help.	The Introduction chapter does present information, including the guiding principles, that balances conservation and development and ensures the process is transparent and the public has opportunity to engage in this process. Stakeholder meetings have taken place almost monthly to encourage this engagement. To clarify the permitting and decision making process, the staff will draft a flowchart detailing this process that will be presented to the Council for approval.
2345	Public Review Process	08/24/2010	Caroline Karp	Citizen	0	"So, here my comment to the Council is as follows. Grover, I agree with your comments. I think this industry is particularly impacted by these plans in the SAMP area, however, just by describing this you create an informal way for one industry to influence this process coming up, and basically say the public can interact through formal processes and potentially an adversarial process, public comment periods, and I think that sets up a problem that the Council ought to deal with. So, an informal process for one group of stakeholders and basically saying everybody else concerned about the future of this SAMP area can come in through a formal comment process. I think, procedurally, I think it is an issue for the Council to consider." "	This comment is with regard to the Fishermen's Advisory Board; Ms. Karp filed similar comments on 7/2, which have been addressed through the establishment of the Habitat Advisory Board; see responses to 7/2 comments. It should also be noted that all stakeholders will have the opportunity to comment on all proposed projects as they will come before the Full Council and are subject to the Administrative Procedures Act.
222	Public Review Process	10/2/2009	Tricia Jedele	Conservation Law Foundation	0	All of the chapters should be fully integrated into a draft SAMP document before formal rulemaking begins.	The complete Ocean SAMP document will follow the provisions of the Administrative Procedure Act and the CRMC rules and regulations.
223	Public Review Process	10/2/2009	Tricia Jedele	Conservation Law Foundation	0	Individual data sets and analyses should not be finalized through formal rulemaking as separate chapters but rather, should be commented on in the context of a formal rulemaking only after CRMC has established permitting standards and criteria and demonstrated how the draft data will be integrated into the draft SAMP.	CLF is welcome to provide comments on individual chapters or wait until the end and respond to the complete document.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
224	Public Review Process	10/2/2009	Tricia Jedele	Conservation Law Foundation	0	<p>No guiding principles for the development of the SAMP or basis goals and objectives of the SAMP has been articulated as of yet. Understanding the goals and objectives for which we are developing an ocean SAMP is not only critical to the function of properly evaluating the SAMP document and to the appropriate balancing of competing interests and values, but also guides the response to comments required of the CRMC in formal rulemaking.</p> <p>If the objectives stated by th eJDA and the RFP are the only guiding principles for the ocean SAMP then some effort should be made to articulate what criteria the "Balanced approach to considering the development and protection of area-based resources" will entail before ocmments on the ocean SAMP are solicited. More importantly, if the objectives stated by the JDA and the RFP are to remain the only guiding principles for the development of the SAMP, the the reviewing public should understand that the ocean SAMP is not intended to be a comprehensive ecosystem-based management plant for our coastal waters and adjacent federal waters before commenting.Unless the reviewing public understand the larger context in which the data will be reviewed and the set of criteria against which the data will be examined it is not possible to strike the appropriate balance or to evaluate the repsonse to comments.If competing uses and needs with respect to the same marine resources are to be effectively coordinated and sustainably met, this mus tbe a stated objective from the outset.</p>	Goals and principles are presented in the Introduction chapter and were uniquely developed for the Ocean SAMP. The JDA goals are not the Ocean SAMP goals. All technical reports will be available mid-July.
225	Public Review Process	10/2/2009	Tricia Jedele	Conservation Law Foundation	0	<p>Use the following guiding principles for the development of the ocean SAMP:</p> <ol style="list-style-type: none"> 1. balance and protect the natural, social, cultural, historic, and economic interests of the marine ecosystem through ecosystem-based integrated management. Difficulty in assignment specific monetary value to ecosystem services and related non-use values shall not be cause to arbitrarily diminish their weight in balancing against more easily quantifiable factors. 2. Restore and protect coastal and marine biodiversity and ecosystem health while recognizing the interdependence of ecosystems on the land, in the water, and in the air and wether in state or federal waters. 3. Support sustainable use of marine resources including renewable energy. 4. Addresses climate change and sea level rise, and expected increases in storm events, severity, and the ability to safely maintain infrastructure when zoning for offshore renewable energy or other sustainable uses. 5. Incorporate new knowledge as teh basis for management that adapts over time to address changing social, technological, and environmental conditions and evolving scientific understanding of ocean ecosystems. 	The Introduction chapter presents the agreed upon goals and principles and objectives. They reflect the CRMC's mandate.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
219	Public Review Process	11/5/2009	Tricia Jedele	Conservation Law Foundation	0	The rulemaking plan adopted by the subcommittee is “process heavy” at the draft chapter stage of review, but does not provide nearly enough time to review the complete Draft SAMP document once it has been fully integrated. It is also clear that a 30-day public review period will not be adequate to review the entire, completed SAMP document at the end.	CRMC has provided a 48 day public comment period for review of the full document.
220	Public Review Process	11/5/2009	Tricia Jedele	Conservation Law Foundation	0	Because each draft chapter also makes policy recommendations, it is essential that CLF be allowed to revisit the policy recommendations in each chapter once we are able to see the SAMP document in its entirety.	CRMC feels 30 days are an adequate amount of time for public review and comment.
221	Public Review Process	11/5/2009	Tricia Jedele	Conservation Law Foundation	0	<p>step 1: CRMC/URI ocean SAMP management team agrees that draft chapter is ready to begin public review process</p> <p>step 2: Technical Advisory Committee reviews chapters and comments are integrated into draft.</p> <p>step 3: Draft chapter posted to website for informal stakeholder public comment. Comment periods may range from 15-30 days depending on the length and complexity of the draft chapter released. Comments are appropriately responded to and integrated into chapter.</p> <p>step 4: Draft chapter is presented at ocean SAMP stakeholder meeting where additional stakeholder comments are received and questions are answered.</p> <p>step 5: Completed draft SAMP document is posted to website for informal stakeholder public comment. Comment period will be no less than 30 days. Comments are appropriately responded to and integrated into chapter.</p> <p>step 6: Complete draft SAMP is presented at ocean SAMP stakeholder meeting where additional stakeholder comments are received and questions are answered.</p> <p>step 7: Complete draft SAMP document is submitted to the ocean SAMP subcommittee for document review and to gain approval to advance complete draft SAMP document to the full CRMC Council. Comments at this step are allowed only at the discretion of the subcommittee chair.</p> <p>Step 8: Full CRMC votes to commence rulemaking on complete draft SAMP.</p> <p>Step 9: 45-60 day public comment period begins on complete draft SAMP and CRMC holds public workshop within the public comment period timeframe.</p> <p>Step 10: CRMC and ocean SAMP team reviews all comments and provides a onside response to comments.</p> <p>Step 11: Full CRMC holds public hearing on complete draft SAMP.</p> <p>Step 12: Full CRMC votes on the complete draft SAMP and issues a written finding adopting the SAMP. Files with RI Secretary of State and NOAA.</p>	The public process has been set and is being implemented.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1577	Public Review Process	7/15/2010	Tricia Jedele	Conservation Law Foundation	0	On July 12, 2010, the SAMP website published a new calendar and chapter status update. The SAMP team also published revised Fisheries (chapter 5) and Renewable Energy (chapter 8) chapters for a new 30-day public comment period. CLF is truly appreciative of the CRMC's consideration of the concerns raised at the June 22, 2010 hearing concerning the need for an extended comment period for these two chapters in particular. Allowing for an extended comment period for these chapters will ensure that the SAMP team receives valuable and substantive comments that will only improve the final product. This being said, CLF remains concerned that the time allowed for processing comments received is very short, and that the remainder of the process still lacks complete clarity. With respect to our timing concerns, the current schedule, for example, only allows for 7 business days between the end of the comment period on August 12, 2010 for the Fisheries and Renewable Energy chapters and the public hearing scheduled for August 24, 2010. It is unclear whether this schedule will afford the SAMP team with a reasonable period of time to review and process comments it receives and it is certain that neither CLF, nor any other party that provides comments, will have the benefit of knowing how our respective comments are being addressed before the public hearing on August 24. Before the full council votes to approve any chapter, CLF would like to understand the basis for the approval and having the knowledge of how our comments are being addressed is quintessential to that understanding.	All responses to public comments for Ecology, Fisheries Resources and Uses, Renewable Energy and Other Offshore Development, Marine Transportation, Recreation and Tourism, Other Future Uses, Cultural and Historic Resources are presently on line for the public to review. 3 public hearings over a 3 month period are planned to hear public comments concerning the full Ocean SAMP document.
1578	Public Review Process	7/15/2010	Tricia Jedele	Conservation Law Foundation	0	The schedule established for the public comment and hearing on the Executive Summary, the Introduction chapter, and the Policies of the Ocean SAMP chapter is a bit more troubling. If these chapters are published on July 21, 2010 as indicated in the calendar, the close of the comment period would be on August 19, 2010- a mere 3 business days before the public hearing scheduled for August 24, 2010. CLF very much wants to continue to comment on and develop the Ocean SAMP as a stakeholder, but we are naturally also concerned that the comments we provide are thoughtfully considered and where appropriate incorporated into the SAMP. The established schedule raises serious questions about how, if at all, our comments will be treated. CLF requests that the CRMC clarify the rulemaking process. For example, will CLF and other stakeholders receive responses to our comments on the chapters mentioned herein prior to the scheduled public hearings? If not, will the CRMC vote on chapters prior to its review of the comments received and its satisfaction that the comments have been appropriately considered and addressed? What is the schedule for the review of the entire SAMP document once the CRMC votes on the individual chapters? It would be of great assistance to the CLF to have additional clarity about the process as it moves ahead.	The public comment period for the Executive Summary, Introduction and Policies of the Ocean SAMP are 48 days long. The Ocean SAMP team will attempt to provide the public with responses to comments prior to public hearings, however they are not required to do so.

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1579	Public Review Process	7/15/2010	Tricia Jedele	Conservation Law Foundation	0	Finally, CLF notes that at the June 22, 2010 public hearing, the CRMC decided that “out of an abundance of caution” it would repost the correct version of Chapter 10- Existing Policies chapter. While a public hearing has been scheduled on this chapter for July 20, 2010, the correct version of the chapter has never been posted for public comment and the CLF has not received any responses to the comments we have filed with respect to this chapter. The public cannot be expected to provide meaningful public comment on a version of Chapter 10 (draft date 6/15/10) that is out of date at the time of the public hearing.	No response.
216	Public Review Process	10/2/2009	Kathleen Wainwright	The Nature Conservancy	0	OSAMP process does not appear to have any guiding language that promotes ecosystem integrity, nor do the Solicitation Information or the Joint Development Agreement, which provides the founding legal basis for the OSAMP. Add ecosystem protection and enhancement to the objectives state in the Joint Development: streamlining the process, balancing development with protection, completing studies and fostering a well-informed constituency. By re-issuing in a formal statement what the objectives of the OSAMP are, and expanding them to include ecosystem protection, CRMC will be building a plan that the nation can look to as a model and also adequately protects critical marine resources. Integrate across sectors and assess cumulative impacts by allowing for public comment on the complete draft of all OSAMP chapters before it is advanced to the full CRMC Council. Allowing the public to consider the entire suite of factors and conclusions will promote better stakeholder engagement across all sectors and help avoid use conflicts. Allow for a review and comment of the draft OSAMP plan before it is considered by the CRMC council for adoption. By building in one last round of review and comment that allows the public to see how the data and conclusions are integrated into the plan, the OSAMP will have much broader buy-in and will be more credibly received by the stakeholders when it is eventually adopted by the CRMC council.	The Introduction and New Policies chapter does have this language. The Ocean SAMP process is separate from the Joint Development Agreement. The JDA does not provide founding legal basis for the Ocean SAMP. Preservation and restoration of ecological systems is the guiding principle for CRMC and Ocean SAMP document.
1798	Introduction	9/9/2010	Donald Pryor	Citizen	100	The SAMP should avoid proclaiming that it “successfully fulfills the original stated objectives as summarized below in Section 150” (as stated on page 3 of Introduction). In fact, adaptive management would suggest that there be some independent evaluation of performance relative to the goals and objectives (which are probably those stated in Section 130 – there appears to be no Section 150).	No change made. This statement is intended to clarify that the Ocean SAMP fulfills the objectives of the original 2008 proposal to the Rhode Island Economic Development Corporation. Section 150 is clearly labeled on page 11 of this chapter.
1773	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	100	Introduction Section 100 – CLF suggests reordering paragraphs 1-3 so that the dominant paragraph opening the Intro section is not focused on fisheries and other recreational activities, but on the ecology of the region, which drives the production of fish and other ecosystem services. For this reason, CLF suggests that para. 3 be switched with para. 1.	We have reordered the paragraphs in Chapter 1, Section 100. The former numbered paragraph 3 is now the first paragraph of the section and the originally numbered paragraph 1 is now the third paragraph of the section.

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1867	Introduction	9/9/2010	Nicole Trivisono	RIDEM	100	p.2, 1.), ““Recreational fisheries, support...”, should read “Recreational fisheries support...”	Revised as suggested
1799	Introduction	9/9/2010	Donald Pryor	Citizen	110	Clarity of process: a. make explicit that EIS would be required for projects Throughout the SAMP process there have been statements about whether or not an EIS would be required. The current document is silent on this. It should state the expectation that an EIS will be required by USACOE if in state waters or by MMS/BOEM (or FERC if hydrokinetic) if in federal waters.	We have included a simplified flow chart in Chapter 11, The Policies of the Ocean SAMP, to clarify this.
2315	Introduction	9/9/2010	Donald Pryor	Citizen	110	b. clarify that SAMP covers only ocean energy for now Aquaculture as well as dredging and dredge material disposal are specifically excluded in Section 110. However, Section 1160.1 seems contradictory by including aquaculture projects under Overall Regulatory Standards. Not enough thinking has been put into uses such as offshore aquaculture (recent mussel successes included) to address them in this version of the SAMP. Section 1160.1 also includes “mining and extraction of minerals, including sand and gravel” but Section 1160.3.2 prohibits such uses.	We have added language to Chapter 8, Renewable Energy, sections 860.2.1 and 860.2.3 to clarify that aquaculture is subject to the regulations of RICRMP Section 300.11, dredging is subject to the regulations of RICRMP section 300.9, and dredged material disposal will be further limited in Areas of Particular Concern within the Ocean SAMP area. This same language is repeated in Chapter 11, Policies of the Ocean SAMP, sections 1160.1 and 1160.3. With regard to mining and sand and gravel extraction, the policies section must first clarify (in section 1160.1) that these activities are regulated through the document in order to prohibit these activities (in section 1160.3.2). As the Ocean SAMP is an adaptive management document, these and all other policies and standards may be modified, refined, or updated in the future, per the procedures outlined in Chapter 11, Policies of the Ocean SAMP.
2316	Introduction	9/9/2010	Donald Pryor	Citizen	110	In addition, the SAMP should be explicit that it does not address nor is it relevant to overall fishery management plans. (Section 1150.4.1 notes that “The Council recognizes the jurisdiction of these organizations in fishery management” but goes on to ambiguously state that it “will work with these entities to protect fisheries resources.”)	No change made. The fact that the Ocean SAMP is not a fisheries management document, and that fisheries are managed by multiple other agencies, is already made explicit in Chapter 5, Commercial and Recreational Fisheries, section 500.2, as well as in section 560.1.2, and is repeated in Chapter 11, Policies of the Ocean SAMP, section 1150.4.1.
2317	Introduction	9/9/2010	Donald Pryor	Citizen	110	c. make explicit that the state intends to grant (rather than lease) use of public waters Comments submitted on October 30, 2009 on Section 140.5(a) (page 7 of draft) raised this question, specifically; “Please clarify what is meant by “obtain a lease of the states submerged lands”. What authorities and regulations apply? Are these established (and, if so, can citations to applicable laws and regulations be provided) or is it envisioned that the SAMP will encompass review, analysis and recommendations for such laws and regulations?”	No change made. As is stated in multiple sections of Chapter 8, Renewable Energy and Other Offshore Development (i.e. 860.2.7 #1), all of which are repeated in Chapter 11, Policies of the Ocean SAMP (i.e. section 1160.7 #1), the Council will issue both a permit and lease for submerged lands. See R.I.G.L. 46-23, the RICRMP, and all other applicable SAMPS with regard to the applicable authorities and regulations.

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2318	Introduction	9/9/2010	Donald Pryor	Citizen	110	Focusing on energy facilities, what fees might be involved, how long would leases extend, what would be maintenance and removal requirements, etc.? Pechulis and Proctor (2009) (Pechulis, Kevin P. and Goodwin Proctor (2009) Legal Analysis Regarding Private Conservation Options on Rhode Island Tidal Lands, report for Nature Conservancy, RI Chapter under grant from RI SeaGrant) focused primarily on aquaculture leases but point out several issues that might arise in energy facility leases. Pidot (2009) (Pidot, Jeff (2009) An Independent Study of Submerged Lands Leasing and Regulatory Issues Affecting Wind Power Development in Maines Coastal Waters, report for Maine State Planning Office) reported that “Rhode Island has determined that offshore wind power is so essential to its energy needs that little consideration is given to lease compensation beyond reimbursement of the state’s out-of-pocket expenses.” In a footnote to that statement, Pidot noted “These reimbursable expenses might be larger than one might expect. While reporting little interest in lease revenue as such, Rhode Island intends to recover from its selected developer the costs of public planning and site selection work, amounting to an expected \$6 million.” Lease procedures and requirements need to clearly stated. The response to that comment was that “Section 140 will be revised in Spring 2010, pending additional legal research. This comment will be considered at that time.” It appears that no such consideration was made and the issue remains unresolved (Section 1160.1.5 seems to come closest to dealing with this issue.)	No change made. See aforementioned comment regarding leasing authority. CRMC is not responsible for documents regarding leasing authority or compensation written by and for other states.
2319	Introduction	9/9/2010	Donald Pryor	Citizen	110	d. clarify public availability of data and any grounds for withholding Section 1160.5.3.i requires applicants to “reference information and data discussed in the Ocean SAMP (including appendices and technical reports)” but little of new data collected appears to be publicly available. Inquiries have elicited inconsistent answers about data availability. The SAMP should clarify what data collected under the SAMP process or by applicants is to be available, to who, how and what authorities govern these decisions.	We have added language to Chapter 1, Introduction, Section 110 as follows: “Through the Ocean SAMP process, much research has been conducted in the Ocean SAMP area by University of Rhode Island scientists and partners, resulting in a great deal of new data and information. The results of these research projects are summarized and/or referenced, as appropriate, in the Ocean SAMP document, and are detailed in a series of technical reports included in the Ocean SAMP Appendices. Datasets associated with these studies are being compiled at the Pell Library at the University of Rhode Island Graduate School of Oceanography, and will be available for public use through the library.”

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2320	Introduction	9/9/2010	Donald Pryor	Citizen	110	e. encourage role of stakeholders group (incl NGOs) to promote transparency Section 1140 of the SAMP describes a Joint Agency Working Group, a Fishermen’s Advisory Board and a Science Advisory Panel for Climate Change. It is unclear whether any of these would be governed by the Administrative Procedures Act (naming two of them “advisory” suggests that they would not be). However, public interest would be best served if their recommendations and deliberations were open. NGOs are perhaps the major stakeholders left out of these groups – inclusion of them in something like the joint working group would be highly desirable.	We have established a Habitat Advisory Board (HAB) which will provide a similar advisory function to the Fishermen’s Advisory Board (FAB) but will include scientists and representatives of environmental NGOs. Neither the FAB nor the HAB are governed by the Administrative Procedures Act, as they are advisory in nature and have no decision-making authority. As is noted in Chapter 11, stakeholders will also participate in biannual public forums and contribute to the development of the Science Research Agenda.
2321	Introduction	9/9/2010	Donald Pryor	Citizen	110	f. provide for public review (or at least disclosure) of required site assessment plans, and construction and operations plans.	No change made. Site Assessment Plans and Construction and Operations Plan both require the approval of the Full Council, which would involve public review. See also the permitting flow chart added to Chapter 11, Policies of the Ocean SAMP.
1774	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	110	Introduction Section 110, Para. 5, p. 4 – Ecosystem-based management (EBM) is defined in the SAMP as “maintaining or restoring an ecosystem to a healthy, productive, and resilient condition that provides the services that humans want and need.” This is a frequently cited definition of ecosystem-based management and its emphasis on maintaining or restoring the ecosystem compliments the CRMC’s stated primary guiding principle – “to ensure the preservation and restoration of ecological systems” (Ocean SAMP, Executive Summary, p.1., para. 1). Unfortunately, however, the SAMP fails to use the considerable science and data it has gathered over the last two years to create a protective and ecologically-based management tool. Instead, the SAMP reads as more of a descriptive inventory of resources available for humans wants and needs. A proper ecosystem-based management plan should include at a minimum: an emphasis on the health of the whole ecosystem ahead of the concerns of special interests and protection of traditional uses such as fishing; an accounting of the ways in which human activities in the SAMP area affect the physical and biological resources found there and how the various human activities are or are not compatible with the natural resources and with each other; consideration of the way in which resources or activities in the SAMP area can influence or be influenced by activities on land (like non-point source and point source pollution, impervious surfaces, use of fertilizers and location of waste water treatment facilities located in the relevant watersheds), in the air (like air pollution), or in different parts of the ocean (like fishing or oil spills); a careful integration and balancing of the concerns of the environment, the Rhode Island community, the economy and relevant agencies and institutions. See also CLF’s August 6, 2010 Comments on Chapter 2, Ecology.	The Ocean SAMP team has made every effort to create an ecosystem-based management plan. The Ocean SAMP has been developed with a recognition of the ecosystem and the specific purpose of the ADPs and APCs is to protect and preserve vital elements of the ecosystem. As stated in the Ocean SAMP objectives in Chapter 1, the Ocean SAMP seeks to foster a properly functioning ecosystem; promote and enhance existing uses; and encourage marine-based economic development that is consistent with the state’s overall economic, social, and environmental goals. As the Ocean SAMP is an adaptive management document, it will be updated and revised over time, as described in Chapter 11, Policies of the Ocean SAMP, to build upon and improve this initial plan.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1814	Introduction	9/9/2010	Terry Walsh	RIDEM	110	Clarification should be provided on the reference to the “State’s Water classification program.” The CRMP references waters as “Types” and the RIDEM utilizes a water quality standards classification system. Both systems are relevant to permitting decisions and should be so referenced. Suggest using “water type designations” for CRMC and “water quality classification system” for RIDEM.	Revised as suggested with “water type designations”. The DEM “water quality classification system” is not referenced in the document.
1775	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	120	Introduction Section 120 – Para. 2, p. 5 – CLF has serious concerns regarding how the CRMC will enforce its stated “avoidance” policy without a clear and enforceable siting and performance standards. How will the CRMC determine if avoidance is not possible? CLF raises this same concern in each of the policies and standards sections throughout the SAMP document. See, e.g., CLF’s August 6, 2010 Comments on Chapter 2, Ecology, p. 4. Once this concern is addressed in the Policies of the Ocean SAMP chapter, CLF suggests including a cross-reference here to the relevant and guiding language in Chapter 11.	Per CLF comments, we have revised the “Areas of Particular Concern” and “Areas Designated for Preservation” regulatory standards such that they are no longer based on a policy of avoidance. These standards have been changed in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP. The reference to these standards has been deleted from Introduction Section 120 #2.
2336	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	120	Introduction Section 120 – Para. 3, p. 5 – The SAMP should explain why certain areas of the SAMP area have been found to merit greater protection than other areas, and according to what set of evaluative criteria have these distinctions been drawn? CLF raised this point in the most recent set of comments filed on the Ecology chapter, and will address it again further on in this set of comments.	Per CLF comments, we have added language to the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify the rationale for their selection as well as the reasons Areas Designated for Preservation require elevated protection. These changes have been reflected in the actual regulatory standards as included in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP. We have not changed this paragraph in the introduction as this was only meant to be an abbreviated summary of this standard.
1776	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	130	Introduction Section 130 – Para. 5e, p.7 – The SAMP generally outlines an adaptive process that will incorporate monitoring and evaluation that will allow for the continual improvement of management practices in “an environment exposed to constant change.” This paragraph continues with the following statement: “The SAMP process is flexible enough to react to such changes and allow plans to be revised in due course.” The earliest we see a discussion of this process is in the Policies of the Ocean SAMP chapter, Section 1130, paragraphs 1-6. CLF suggests that the Intro Section reference the appropriate section of Chapter 11 when making this statement.	We have added a cross-reference to the relevant section.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1815	Introduction	9/9/2010	Terry Walsh	RIDEM	130	Define existing uses as used in this context. The RIDEM WQC Program defines existing uses in its Regulations. It would be helpful to clarify if the RIDEM's definition of existing uses is being used in this section. If so, it would be useful to explain the regulatory context of existing uses as defined by RIDEM. If a different definition of existing uses is being used here, that definition should be explained. Further, "enhancing" existing uses is quite subjective. Existing uses, as defined by RIDEM are not subject to "enhancement." Restoration, however, is encouraged.	No change made. The term "existing uses" refers to existing uses of an area.
1868	Introduction	9/9/2010	Nicole Trivisono	RIDEM	130	p.6, 4a.), The SAMP should articulate what baseline condition it aspires to achieve or maintain. Shifting baselines can be a problem in fisheries whereby institutional knowledge and observations are lost with each generation so that the stock abundance bar is continuously lowered in accordance with contemporary data (Pauly 1995). An example can be seen in the historical cod abundance summarized in Kurlansky (1997) that dwarfs the modern stock assessments for the Gulf of Maine and Georges Bank cod stocks (NEFSC 2008). (This is also applicable for Chapter 5)	Added footnote to section 130 item #5d to read: "Baseline data collected and summarized as part of the Ocean SAMP are not intended to represent an idealized state or targeted abundance levels or conditions. Rather, these data are intended to provide insight into current conditions in order to inform decision-making."
1850	Introduction	9/9/2010	Janet Coit	The Nature Conservancy	130	Again, we commend the CRMC for leading with ecosystem-based management as the foundation for conserving the marine resources of the OSAMP study area. As CRMC states in Section 130, the goals of the OSAMP include, to "Foster a properly functioning ecosystem that is both ecologically sound and economically beneficial." We also commend CRMC for considering climate change impacts as a central feature of the OSAMP.	No response necessary.
1851	Introduction	9/9/2010	Janet Coit	The Nature Conservancy	140	The Conservancy recognizes that there were programmatic reasons for defining the OSAMP study area as you have (Section 140), especially regarding some technical and engineering limitations of offshore renewable energy development. But considering the CRMC's goal of protecting a "properly functioning ecosystem," we encourage you to consider revising the boundary in subsequent revisions of the OSAMP. The boundaries of the Conservancy's portfolio, for example, extend from within to outside of the OSAMP study area. There are clearly some biophysical processes at work along the southern boundary of the OSAMP, as mentioned above, that deserve study and conservation by CRMC and its federal agency partners.	The Ocean SAMP boundary may be considered in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1777	Introduction	9/9/2010	Tricia Jedele	Conservation Law Foundation	150	Introduction Section 150 – Origins of the SAMP, p. 10, para. 3 – While CLF agrees that the Governor announced a plan to achieve 15% of the state's electrical power needs by 2020 (not 2019), and that the Office of Energy Resources determined the best way to achieve that mandate was through offshore wind development, CLF suggests, to avoid confusion, that the SAMP should also recognize that in June 2004, the Rhode Island General Assembly passed the Renewable Energy Standard, mandating that the state meet 16% of its electrical power needs with renewable energy by 2019. See R.I.G.L. 39-26-4(a)(1)-(4).	Revised as suggested.
1816	Introduction	9/9/2010	Terry Walsh	RIDEM	150	Clarify exactly what types of projects are reviewed under Federal Consistency. Modify to read "Federal consistency requires federal agencies that are proposing projects to alter....Clarify what other situations (for example the project involves federal funding) allow a project to be reviewed under federal consistency rather than State Assent. This would better explain what Federal Consistency is.	No change made. See 15 CFR § 930 et. Seq. for further details on federal consistency including the kinds of projects or federal actions reviewed under this provision of the CZMA.
1817	Introduction	9/9/2010	Terry Walsh	RIDEM	160	The Existing Regulatory Framework for Offshore Development:For accuracy and completeness, the RIDEM should be included as a key state agency that also has jurisdiction for offshore development within Rhode Island state waters that fall under the applicable provisions of the State Water Quality Regulations.	No change made. The Ocean SAMP is a CRMC document and is not intended to summarize or explain other state and federal agencies' regulatory requirements or permitting processes.
1869	Introduction	9/9/2010	Nicole Trivisono	RIDEM	160	p.14, 1b.), "...and resources users...", should read "...and resource users..." "...assisted CRMC in refining and enhance the...", "should read "...assisted CRMC in refining and enhancing the..."	Revised as suggested

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1753	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Audubon Society of Rhode Island supports an orderly and thorough review of the impacts of off-shore development to the complex ecosystem in marine waters as well as to the above-water ecosystem, including humans, that rely on the marine ecosystem for natural, recreational, aesthetic, spiritual, and commercial value. Audubon Society representative has participated throughout the SAMP process, and although these comments have been presented previously, we submit them for the record this evening. The development of the Ocean Special Areas Management Plan was initiated by the proposal for off-shore wind generation, but it serves a larger purpose of accounting the multiple uses of Rhode Island's state waters as well as the contiguous federal waters, a border that neither the natural resources nor the users benefit from the delineation, a managerial and political line. Thus it is good that this document addresses issues larger than the 3-mile limit. The size and technical issues are huge, but the document's information is clearly presented. Issues are dynamic as climate, populations, and demands of both wildlife and humans change. This document will provide a base from which to assess, debate, and decide on projects within the Ocean SAMP boundary as well as indicators for assessment of projects in adjacent waters. The material of the Ecology Chapter appears comprehensive and well integrated. Thank researchers for basic data and staff and you for syntheses and for providing it for review. Following are comments from Audubon Society of RI on the Ecology Chapter of SAMP that have been previously submitted.	No response required.
1754	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	210	Regarding benthic habitat as discussed in 210 (5): what impact does dumping dredge spoils have? I don't see this impact mentioned. I did see the analysis of impact of trawling. Is trawling the same as drag-netting?	There is a discussion of dredge materials in Sec. 240.2. Discussion of trawling is in the Fisheries chapter; the term "drag-netting" is not used in the Ecology chapter.
1755	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	220	Section 220.1 (1) Can the characterization of wind as diurnal be refined by speed ranges? Also can the sentence be rewritten without "during summer" in parenthesis? What is the character of winter wind regarding diurnal-nocturnal? What about winds of storms in any season regarding their nocturnal-diurnal duration? I think it would be more useful to break out the characterization by month or aggregates of months rather than 2 seasons. Now that I see chart below, perhaps referring to this figure in the text would help. For the chart, the average is over what period of time? While I understand that data may be scarce, since wind is a critical resource, greater detail should be provided.	1. Diurnal denotes periodicity, and speed varies greatly dependent upon a variety of climatologic factors. 2. Sentence was rewritten. 3. Wind pattern is not diurnal or nocturnal in winter. 4. Figure is referenced in the text. Data are from a 10 year record in recent times, though the exact time frame is not provided in the source document.
1756	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	230	Are there data for extremely high winds or waves generated by storms within the SAMP?	Section 220.2 provides a summary. Original NOAA sources would provide data for extreme wind events, and sporadically for waves, and original data used in the TDI analysis (results are reported in Chapter 8, Renewable Energy) may also provide insight into this.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1757	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	220	Section 220.3: For those of us over age 25, the statement "no hurricane strikes since the turn of the century" borders on amusing. I think the statement could be reworded on the order of "Despite the decade from 2000 – 2010 being labeled..., there has not been a direct hit of a hurricane to RI during that time."	This sentence was rewritten, reference to turn of the century removed.
1758	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	230	Section 230. (3) (p.24): I am glad to see a reference to the complexity of ecological analysis and a model that has attempted to forecast some of the physical oceanographic characteristics. I hope that as I read the chapter, I will see some discussion of the biological connections to the physical oceanography so that the reader will have an appreciation for food- and breeding-driven behaviors that may depend on currents, temperatures, and other parameters of physical oceanography. [I see a section under circulation (230.3) that alludes to these relationships.]	Requires no direct response. The author has attempted, where possible, to forge such links as suggested.
1759	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	230	Tides: Are there velocities or pressures associated with tides, especially as water moves around land bodies such as islands that would be useful to know for structure embedded in the substrate? There are some migrations of marine organisms that are based on moon stage that also causes tides. I think this is worth a sentence or two in that feeding behavior for pelagic birds, fish, and marine mammals may be related to these spring and fall migrations.	Any such analysis of current effect on structure (e.g., concrete pilings) are not ecological consideration and therefore not addressed. The author found no specific reference to moon phase impact on migration or feeding in the literature accessed, and it is therefore not mentioned. Potential effects of offshore renewable energy structures are discussed in Chapter 8, Renewable Energy and Other Offshore Development.
1761	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Some mention of the electrical conductivity of salt water? Electro-magnetic conductivity?	The potential effects of electromagnetic fields that may be generated by submarine transmission cables are discussed in Chapter 8, Renewable Energy and Other Offshore Development.
1762	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	230	Pg. 45 at 3: Battelle reported no acute response in amphipods. Do we have an data on concentrations of contaminants that would cause chronic or sub lethal impacts such as declining or depressed population?	None noted as reported in Sec. 240.2.
1763	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	240_250	Pg. 50-51: I cannot reconcile the text that says "chlorophyll a concentrations (the green pigment contained in the primary producers) in the Ocean SAMP area show fairly consistent peaks during late summer and early fall, and a distinct and significant fall bloom" and Figure 2.29. The royal blue (0.3ug/l—low concentration) occur in summer through September, and orders of magnitude greater concentrations in October - January. I do not understand the use of the word "peaks."	The mistake in the text was corrected to read "consistent peaks in late fall and early spring."

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1764	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Will there be a process for adding new research over the years in the form of electronic links – or at least a list of researchers who are active in the mouth of the Bay, Block Island and Rhode Island Sounds? This question is applicable to the whole Ocean SAMP document. What is the procedure for periodic updates of the various SAMPs?	The Ocean SAMP includes an adaptive management approach which will include a major review and revision every five years from adoption. For further information see Chapter 11, The Policies of the Ocean SAMP.
1765	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Is there any research on microhabitat of metal structures in the water absorbing enough radiant energy to affect the population organisms living on the metal? I would guess that any harmful algal bloom would need warm water, and with the constant change of water in the vast ocean, I would not think that metal superstructure in the water would affect ambient water conditions, but could affect a very small area on the metal itself. Or conversely, freezing from ocean action and air temperature in severe winter conditions could create a different microhabitat extreme. I think this is too minor to consider. Just musing.	See Chapter 8, Renewable Energy and Other Offshore Development, for information on the potential effects of offshore renewable energy structures on marine life and habitats.
1766	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	250	250.2.1 Invertebrates (1). Invertebrates in benthos also provide food for birds, but in fairly shallow waters. Common loons that winter in these waters forage for crabs as deep as 5.5 meters; Harlequin ducks are shallow divers foraging for invertebrates; Common Eider also feed on invertebrates up to a depth of 10 meters; and Scoters may dive up to 20 meters (White-winged), 9 meters (Surf), and “a few meters” (Black).	Avian feeding is addressed in Sec. 250.6. In Sec. 250.2.1., #1 the author inserted the following text "...and for birds in shallow waters." See additional information on the potential effects of offshore development on avian species in Chapter 8, Renewable Energy and Other Offshore Development.
1767	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	250	250.3 Fishes (1) Pelagic birds such as Petrels, Shearwaters, and Northern Gannets feed on small schooling fish such as herring, anchovies, and mackerel.	Fish as a food source for birds is mentioned in Sec. 250.3., #3.
1768	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	250	Table 2.10 (pg. 83): are the blanks missing data? Data could be supplied by other sources, for example Peter Paton. Or do the blanks represent year-round use? Does not seem likely given the rarity of some of the species with blank. I see the graph below. What data set do these two figures represent? How many observations?	The Table has been corrected by Peter Paton and has no blank data. The source publication should be referenced for specifics on the research methodology (e.g., # observations, etc.)
1769	Ecology of the SAMP Region	08/24/2010	Eugenia Marks	Audubon Society of Rhode Island	0	Audubon continues to have concerns that food web connections between the resources in the Ocean SAMP area have not been made. Foraging habitat displacement is a major issue in the development of a wind farm. European data are inconclusive other than to note that displacement occurs. Research specific to the food web relationships among the various levels in the food webs within the SAMP is not complete. We urge the continuing relationship between academic researchers and the Council for the purpose of better understanding the resources of the SAMP area so as to conserve those resources as increasing human population and demands for food, energy, transportation, and national security, as well as climate change stress the region.	The author strived to make such connections where possible based on the published literature. Some description is provided in the Renewable Energy chapter. The remaining comment is beyond the scope of this chapter.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1778	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	As we have commented several times on various drafts of the Ecology Chapter and because at this time we are not certain of how comments previously filed are being incorporated into the final document, CLF is incorporating by reference herein, the comments we filed on August 6, 2010 with respect to Chapter 2 – Ecology. The Ecology Chapter presents an impressive array of data and information on the ecological characteristics of the SAMP planning area and provides a foundation for vastly more informed decision making regarding state ocean waters. This information store should be updated regularly as new information becomes available.	Ecology chapter comments dated August 1, 2010, sent on August 7 th to the Ocean SAMP website to Grover Fugate’s attention, were responded to; responses can be viewed on the Ocean SAMP website. Proposed changes in response to these comments were included in the August 24, 2010 memo to the Council, which was subsequently incorporated into the September 14, 2010 memo to the Council.
1779	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	Identifying and protecting important ecological areas, including special, sensitive or unique estuarine and marine life and habitats should be a foundational element of any comprehensive ocean management plan – including the Ocean SAMP. Unfortunately, the Ocean SAMP does not provide such a protective foundation. While the SAMP identifies glacial moraines as Areas of Particular Concern and sea duck foraging habitat as Areas Designated for Preservation, there is no apparent methodology or criteria established for determining such designations, nor is it clear why one resource would garner a higher level of protection than another.	Per CLF comments, we have added language to the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify the rationale for their selection as well as the reasons Areas Designated for Preservation require elevated protection. These changes have been reflected in the actual regulatory standards as included in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1780	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	<p>The Nature Conservancy's Marine Ecoregional Assessment underscores the significant ecological value of some specific areas that are including in whole or in part in the SAMP planning areas. According to the TNC Assessment, "The Rhode Island Ocean SAMP study area includes several sites within the Conservancy's Northwest Atlantic seafloor and migratory species portfolio that merit consideration as areas for conservation and appropriate management by CRMC and federal agencies. The area from the moraine (i.e., from Montauk, Block Island, Cox's Ledge, and the East Grounds) and south for roughly thirty miles (i.e., to the southern SAMP study area and beyond) is one of the most productive groundfish and migratory species concentration areas in the entire region. This area extends more broadly on an east-west axis to south of Great South Bay (NY) and southwest of Nantucket (MA). As one large area, this site is the largest contiguous area for seafloor biodiversity within Southern New England (defined as the marine area between Great South Channel and Hudson Canyon). The depressions and gentle flats in this area contain high densities of multiple (i.e., 4 or more) types of demersal fish communities, and have persisted over several decades. Persistent demersal species include: black sea bass, little skate, longhorn sculpin, monkfish, northern sea robin, pollock, ocean pout, red hake, scup, silver hake, spiny dogfish, summer flounder, weakfish, winter flounder, and yellowtail flounder. Large pelagic species such as tuna, juvenile sharks aggregate in very high numbers in this same area in warm months. Not surprisingly, very large schools of small pelagic fish such as herrings, longfin squid and butterfish aggregate here, attracting large pelagic species. Toothed whales, such as sperm whales and bottlenose dolphin co-occur with these fish in very high concentrations along the south central boundary of the SAMP study area. This same area south of the moraine, as well as the area southeast of The Race, points just north of Block Island, and the mouth of Buzzards Bay in Rhode Island Sound contain regionally important areas of hard (or live) bottom habitat. These four combined areas are among the largest clusters of hard bottom areas within Southern New England, along with the Great South Channel (MA). The ten-minute square southeast of Block Island has some of the most diverse assemblages of all species, seafloor and migratory, within the SAMP study area, although it is just outside of state waters. Demersal fish community diversity, hard-bottom habitat, high density of persistent demersal fish species and multiple migratory species including sea turtles, small and large pelagic fish are all found there, making it one of the most diverse areas within Southern New England." (Email communication with Kevin Essington, Rhode Island TNC, September 9, 2010). CLF strongly recommends that TNC's work be taken into account in a more systematic way to identify important ecological areas in the final SAMP.</p>	<p>We have received the same input from TNC. Final results of TNC's NAM ERA, along with clearly labeled maps with clearly-delineated points or polygons showing the exact locations of the above-mentioned features and their relationship to the Ocean SAMP area, are forthcoming. These results, along with other new data and study results, will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.</p>

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2331	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	The Ecology Chapter presents an impressive array of data and information on the ecological characteristics of the SAMP planning area and provides a foundation for vastly more informed decision making regarding state ocean waters. This information store should be updated regularly as new information becomes available.	The Ocean SAMP will be reviewed, revised, and updated in the future, as appropriate, per the schedule and procedures outlined in Chapter 11, The Policies of the Ocean SAMP.
2332	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	And, there are other resources that could be argued are just as worthy of a protective designation, including, but not limited to, fish spawning areas, eelgrass beds, and areas of high fish abundance. In fact, CLF questions specifically why fish spawning and nursery areas have not been designated as Areas of Particular Concern or Areas for Preservation, especially when the policies in the Ecology, Commercial and Recreation Fisheries, and Renewable Energy chapters specifically state that such areas “shall be protected when they are identified in a Site Assessment Plan or Construction and Operation Plan.” The SAMP contains a potential methodology for systematically identifying important ecological areas – the Ecological Services Valuation Index – but this methodology is inexplicably, and in our opinion, mistakenly placed in the Renewable Energy chapter.	The Ocean SAMP has resulted in more research in Rhode Island’s offshore waters than has been done since the 1950s (more than any other coastal state has available to them at this time). However, at this time there is insufficient data of appropriate content and resolution to identify and designate other areas, such as fish spawning areas and areas of high fish abundance, as Areas of Particular Concern or Areas Designated for Preservation. Such areas may be identified in the future through the site-specific surveys and mapping efforts that would be conducted as part of a proposed project’s Site Assessment Plan or Construction and Operation Plan, which is why the policy states that these areas shall be protected when they are identified through these processes.
2337	Ecology of the SAMP Region	9/9/2010	Tricia Jedele	Conservation Law Foundation	200	“The SAMP contains a potential methodology for systematically identifying important ecological areas – the Ecological Services Valuation Index – but this methodology is inexplicably, and in our opinion, mistakenly placed in the Renewable Energy chapter. “	Per CLF’s comments we have removed discussion of the Ecological Value Map from the Renewable Energy chapter and now include it in an Appendix to the Ecology chapter.
2343	Ecology of the SAMP Region	08/24/2010	Tricia Jedele	Conservation Law Foundation	0	We’re essentially doing an environmental impact statement. That is not what our understanding of the SAMP was at the outset. Our understanding was that this was ecosystem-based management, marine spatial planning designed to manage, to enable us to manage our ocean resources, and that we were situated by doing that, by gathering that data to attain Federal consistency over the policies we implemented to protect those Federal waters, to protect fisheries, to protect our recreational uses and to zone areas that were suitable for renewable energy that didn’t impact critical habitat, hot spots, fisheries, recreational uses, and I just want to say that the evidence of that, and we commented on this several times, is further documented by the fact that the ecological value map continues to be in the renewable energy chapter. It does not belong in the renewable energy chapter. It belongs in the ecology chapter. The ecological value map that was developed is developed with a starting point looking at socioeconomic values and not intrinsic habitat value, which is not the correct place to start with an ecological value map.	As is evidenced by Ocean SAMP goals, principles, findings, policies, and standards, the Ocean SAMP is not a project-specific EIS but is an ecosystem-based management marine spatial planning project. It does include policies and standards, including the designation of Areas of Particular Concern and Areas Designated for Preservation, to protect certain areas and uses from future development. With regard to the EVM, which is not yet completed and tested, we have moved its initial description to an Appendix to Chapter 2, Ecology. Regarding starting points for the development of the EVM, it is stated in the Ocean SAMP, Section 830.3, that “ecological value” is defined “to include both the intrinsic value of biodiversity and the socioeconomic value associated with the goods and services provided by the marine ecosystem (e.g. fishing activity).”

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2213	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	200	Introduction, pages 8-12: Include references to support the information.	No change. References were not included in Introduction of this chapter, or any other chapter, as introductory sections were meant to be summaries of information that is detailed later in the chapter.
1870	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	p.11, 3 rd paragraph beginning with juvenile fish, "...at the expense of winder flounder...", should read "...at the expense of winter flounder..."	Corrected as requested.
1871	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	p.12, 2 nd paragraph on marine mammals, what about the recent (2010) NOAA/NMFS right whale sightings? This was a significant event in which a large number of Right Whales were seen in the Ocean SAMP area. This demonstrates the fact that although several species of marine mammals may not be permanent residents of the area or migrate through the area every year, there may be random events in which they follow food sources into the area, especially with changing climate conditions.	A sentence was added to this section acknowledging the right whale sightings in 2010.
1872	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	p.12, 3 rd paragraph on changing climate, there is a statement that lobster shell disease is increasing. It is not increasing but has been stable at 25-30% of the population since 2002 according to RIDFW sea sampling of the inshore commercial fishery.	Text amended to read "...is prevalent" instead of "is increasing".
1904	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	Not in works cited: Collie (2010), should be Collie (in prep)? Gulka and Chang 1985	Collie (2010) changed to Collie (2009) throughout the chapter; Gulka and Chang changed to Gulka and Cheng.
1905	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	On works cited, not in text: Ford, T.B., and Gieg, J.A. 1995. Winter Behavior of the Common Loon (Comportamiento Invernal de Gavia immer). Journal of Field Ornithology 66(1):22-29 Shonting, D.H., Cook, G.S., and Morey, C.F. 1963. Oceanographic data report, Tongue of the ocean. NUOS Cruise 3, March 1962. NUOS Consec 349. U.S. Naval Underwater Ordnance Station, Newport, RI. Sidor, I. F., Pokras, M. A., Major, A. R., Poppenga, R. H., Taylor, K. M., Miconi, R. M. (2003). "Mortality of common loons in New England, 1987 to 2000." J. Wildl. Dis. 39(2): 306-315.	References removed from text.
1906	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	200	Multiple spellings: Lilick 1937, in text Lillick, L. 1937. Seasonal studies of phytoplankton off Woods Hole, Massachusetts. Biological Bulletin 73(3):488-503, in works cited	Corrected to read Lillick throughout the chapter.
1852	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	Overall, we are concerned that aside from the moraine and diving-duck habitat, the OSAMP has not identified a broader suite of important or sensitive ecological areas. The most critical sites need to be identified for all habitats and species in the OSAMP area, and the existing and future threats to those areas need to be addressed.	Currently, there are insufficient data of appropriate content and resolution to identify and designate additional areas as Areas of Particular Concern, Areas Designated for Preservation, or other important or sensitive ecological areas. Such areas may be identified in the future as new data and maps become available.

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1853	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	We understand that ASA is developing an ecosystem services index and prioritization of the OSAMP area (Technical Appendix 23), but the accelerated timeline of the OSAMP means that policies and regulations are being issued without this kind of important information. We urge CRMC to make clear and public revisions to the OSAMP as this information becomes available. Furthermore, we suggest that CRMC define a process now for how these concepts and all additional data will be included in future revisions. Until that time, we urge CRMC to apply a precautionary approach to reviewing SAPs and COPs and providing assents for any offshore developments within the OSAMP study area.	The Ecological Value Map is not yet completed or tested. Once it is completed and tested, CRMC will be able to determine how the results will be used and incorporated into the Ocean SAMP document and management framework. These results, and all other new data and study results, will be reviewed, revised, and incorporated into the Ocean SAMP document in the future, as appropriate, per the schedule outlined in Chapter 11, The Policies of the Ocean SAMP. Offshore development projects will be reviewed per the policies and standards outlined in Chapter 11, The Policies of the Ocean SAMP.
1854	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	Further, with specific regard to fisheries impacts, given that the OSAMP is striving for ecosystem-based management, the ecological impacts of the various fisheries should be evaluated, and stakeholders and resource managers should work collaboratively via cooperative research and other means to study these impacts. While we recognize that the CRMC's regulatory authority to regulate fisheries is limited, we encourage CRMC to use the opportunity presented by the OSAMP to develop information needed to provide for a sustainable fisheries resource base.	As has been noted previously, the CRMC does not have jurisdiction over fisheries management in either state or federal waters, and as such the Ocean SAMP is not a Fishery Management Plan. The Ocean SAMP includes extensive data and information on commercial and recreational fisheries in the SAMP area, including a section on the impacts of fishing activity on fisheries resources. This information is intended to inform decision-making regarding offshore developments and other future uses. This information is also necessary to establish commercial and recreational fisheries as a coastal use, which CRMC must do for federal consistency purposes per the Coastal Zone Management Act. Priorities for future research and studies will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
1855	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	Because the ocean system is dynamic we urge CRMC to outline where there may be significant variations between the older citations in this chapter and what is actually occurring now. Similar to the Massachusetts Ocean Plan process, we suggest the development of a Science Plan that identifies long-term and short-term applied research goals to inform future iterations of the OSAMP.	The Ocean SAMP will be reviewed, revised, and updated in the future, as appropriate, per the schedule outlined in Chapter 11, The Policies of the Ocean SAMP. Short- and long-term research goals will be identified in the Ocean SAMP Science Research Agenda, as described in Chapter 11, The Policies of the Ocean SAMP.
1856	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	Page 8 part 3 – 3 rd to last sentence the word “port” should be “part.” (*Could not find this reference in the 07/23/10 draft)	No change made. The word “port” is not used in the current chapter.

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1858	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	200	Page 84 part 3 – should say “refer to the importance of autumn on Block Island as extremely important to hatching-year birds that are blown off course during their first migration.” Due to this there is a much greater density of passerines in the fall on Block Island and migrating through the OSAMP area. Also, Conservancy data shows there should be consideration of herring gulls and greater black-backed gulls breeding on Block Island. It is the largest rookery in the state for these two species, around 600 nesting pairs (Comings 2010, pers. comm.).(*Could not find this reference in the 07/23/10 draft)	No change made. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1803	Ecology of the SAMP Region	9/9/2010	Ames Colt	RIDEM	210	Benthic Habitat Change Rates:P. 18 Para. 6 states-Since these ecological “shaping” processes are ongoing, the bottom community of the Ocean SAMP area is in a constant state of flux as habitat patches are altered, destroyed, moved or recreated along the bottom. The benthic community of the Ocean SAMP area is therefore expected to be composed of organisms that can withstand, and perhaps even thrive in an ever changing physical benthic environment. (my emphasis) However, on P. 18, four depositional environments are identified based upon increasing grain size. Two of these depositional environments (“cobble gravel” and “glacial outcrops”) are noted for their relative stability. Second, p. 20 para. 7 states:These features highlight the glacial origins of the area, and the stability of various features, for example glacial till, but also the transitory nature of other features, such as sand waves. Both bottom types—transitory and stable—are important characteristics in defining benthic habitat, and the types of organisms that will thrive there. These two passages make clear that not all benthic habitats in the OSAMP area are in a “constant state of flux” and thus seem to contradict the general conclusion stated on P. 18 para. 6; a conclusion regarding the resilience and adaptivity of benthic organisms and communities to habitat alterations that could have implications for fixed structure development proposals in the OSAMP area.	Page 18 was rewritten to note that some habitats (e.g. sand, silt, mud) are readily reworked and may support organism able to withstand/thrive in dynamic/changing environments. Revised to describe which habitats are most prone to disturbance.
1873	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	210	p.14, Figure 2.2, text very small and appears fuzzy, difficult to read	Text is maximal size and of best possible resolution; on-screen resolution, the intended final format, is suitable for clear interpretation.
2046	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	220	Comment#1: “How such a disturbance event might influence the ecology of the Ocean SAMP area is not known...some impact, positive or negative, would be imparted.” What could possibly happen in either situation? Will you perform a study?	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.

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2047	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	220	Comment#2: "While impacts of Nor'easters are well known for Rhode Island shorelines, their impact, if any, on the ecology of the Ocean SAMP area is not." What kind of study could ascertain more information?	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2048	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	220	Comment#3: "The impact of storm surge on the ecology and/or physical oceanography of the Ocean SAMP area is not well known..." What kind of study could ascertain more information?	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2214	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	220	Section 220.2 Storms, page 23 #1: The text indicates "there has not been a single hurricane strike (to Rhode Island) since 2000". However, further in the paragraph it indicates the "most recent named hurricane was Bob...during 1991". Please clarify.	Sentence reworded.
1804	Ecology of the SAMP Region	9/9/2010	Ames Colt	RIDEM	220	Long-term increases in Hurricane Frequency and Intensity:Section 220.2, p. 23, states that the last time a hurricane struck RI was 2000. This is not the case: the last hurricane to make landfall in southern New England was Bob in 1991. the NWS's Bob Vallee in 2006 provided (http://www.mass.gov/czm/chc/meetings/present/vallee_hurricanes_6-12-06.pdf) the following list of hurricanes making landfall or coming very close to southern New England: Edouard 8/22/96 Bob 8/16/91 Gloria 9/16/85 Esther 9/10/61 Donna 8/29/60 Daisy 8/24/58 Not Named 9/9/44 Not Named 9/10/38 Not Named 7/10/16	Revised to better describe the time frame in which hurricane activity has been at a lull in the Ocean SAMP are vs. the Atlantic Coast in general.

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1805	Ecology of the SAMP Region	9/9/2010	Ames Colt	RIDEM	220	<p>Long-term increases in Hurricane Frequency and Intensity: P. 23, para. 2 also states that the Power Dissipation Index has “markedly increased since 1980” and cites some leading science articles. Nevertheless, CRMC may wish to review and cite a more recent literature summary produced by the U.S. Climate Change Science Program: CCSP, 2008: Weather and Climate Extremes in a Changing Climate. Regions of Focus: North America, Hawaii, Caribbean, and U.S. Pacific Islands. A Report by the U.S. Climate Change Science Program and the Subcommittee on Global Change Research. [Thomas R. Karl, Gerald A. Meehl, Christopher D. Miller, Susan J. Hassol, Anne M. Waple, and William L. Murray (eds.)]. Department of Commerce, NOAA’s National Climatic Data Center, Washington, D.C., USA, 164 pp. This report from the Federal Climate Change Science Program cites the same studies that this chapter does and endorses the notion that an increase in PDI and Trop. Cyclone frequency for the Atlantic has occurred. It also states (Synopsis, p. 1) that: The power and frequency of Atlantic hurricanes have increased substantially in recent decades, though North American mainland land-falling hurricanes do not appear to have increased over the past century. Outside the tropics, storm tracks are shifting northward and the strongest storms are becoming even stronger. (emphasis added) Another quote (Synopsis, p. 5) There have been fluctuations in the number of tropical storms and hurricanes from decade to decade and data uncertainty is larger in the early part of the record compared to the satellite era beginning in 1965. Even taking these factors into account, it is likely that the annual numbers of tropical storms, hurricanes and major hurricanes in the North Atlantic have increased over the past 100 years, a time in which Atlantic sea surface temperatures also increased. The evidence is not compelling for significant trends beginning in the late 1800s. Uncertainty in the data increases as one proceeds back in time. There is no observational evidence for an increase in North American mainland land-falling hurricanes since the late 1800s (Chapter 2, section 2.2.3.1). There is evidence for an increase in extreme wave height characteristics over the past couple of decades, associated with more frequent and more intense hurricanes (Chapter 2 section 2.2.3.3.2).</p>	<p>No change; current text, as written, captures the intent and detail of the information submitted for consideration. New/additional data and studies will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.</p>

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1806	Ecology of the SAMP Region	9/9/2010	Ames Colt	RIDEM	220	Long-term increases in Hurricane Frequency and Intensity: However, the science and modeling underlying these projections has been advancing rapidly since this 2008 CCSP report and there is perhaps less certainty in the science community on whether tropical cyclones and storms frequencies have actually increased globally. See: Knutson, T. R., J. L. McBride, J. Chan, K. Emanuel, G. Holland C. Landsea, I. Held, J. P. Kossin, A. K. Srivastava, and M. Sugi, 2010: Tropical Cyclones and Climate Change. Nature Geoscience, Review Article, 21 February 2010, DOI: 10.1038/NGEO779, 7 pp. and Knutson, T.R., C. Landsea, K.A. Emanuel, May 2010: Tropical Cyclones and Climate Change A Review in Global Perspectives on Tropical Cyclones: From Science to Mitigation, Singapore, World Scientific Publishing Company, pp. 243-284. Thus CRMC may wish to qualify or update this discussion of increased intensity and frequency with the most recent reviews (cited above) that indicate that storm frequency may not be increasing. CRMC may also wish to note the equally important conclusion of the CCSP that “Outside the tropics, storm tracks are shifting northward and the strongest storms are becoming even stronger”.	No change; the current text, as written, captures the intent and detail of the information submitted for consideration. New/additional data and studies will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1874	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	220	p.23, 1.), “Hurricanes and intense storms systems however, can have significant impact on...”, should read “Hurricanes and intense storm systems however, can have a significant impact on...”	No change; either grammatical use is acceptable.
1875	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	220	p.24, 3.), “...over the course of several days that these storms hold...”, should read “...over the course of several days and that these storms hold...” “...would tend to have short term impact upon the ecology...”, should read “...would tend to have short term impacts upon the ecology...” “...probability that ecological impact could...”, should read “...probability that ecological impacts could...”	No change; original is stated as intended; clear and grammatically correct as written.
2049	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	230	Comment #4: The word “water” is in the statement twice. “Block Island Sound exchanges water water...”.	Corrected as suggested.
2215	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	230	Section 230 Physical Oceanography, page 26 #4: Include references to support the information.	No change. This is a very generalized discussion of the overall circulation pattern of the SAMP area, which is detailed and documented and fully referenced in later sections that focus solely on circulation.
2216	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	230	Section 230.3.1 Temperature, page 31 #1 and #3: Include references to support the information.	Reference added to paragraph 3.
2217	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	230	Section 230.3.2 Salinity, page 34 #1: Include references to support the information.	No change. This is a very generalized discussion of the overall circulation pattern of the SAMP area, which is detailed and documented and fully referenced later in the same section.

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2218	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	230	Section 230.3.3 Stratification, page 37#1: Include references to support the information.	Paragraph 1 provided with a reference, as suggested.
1876	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.25, 2.), "...Sound exchanges water water with...", should read "...Sound exchanges water with..."	Corrected as suggested.
1877	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.25, 3.), "...located between 70 and 100 m...", should read "...located between the 70 and 100 m ..." "...but short-term impact on circulation...", should read "...but short-term impacts on circulation..."	No change; clear and grammatically correct as written.
1878	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.29, 3.), there is a discussion of the "Race" and its contribution to fish attraction. It could be noted that the Race is a path of movement for lobster out of LIS. Evidence can be found in the annual reports of Millstone Power Station (Dominion 2009).	No change; text is not species specific. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1879	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.31, 2.), "...at both surface and bottom of the...", should read "...at both the surface and bottom of the..."	No change; clear and grammatically correct as written.
1880	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.37, 5.), there is a discussion of the Atlantic multi-decadal oscillation or AMO as it relates to salinity and fish production. A more complete discussion of the AMO and other environmental drivers of regional fish production can be found in Collie et al. (2008) and NMFS (2009).	No change; the reader is referred to Chapter 3 where the AMO is further described.
1881	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.42, 6.), "...Rhode Island Sound in year round, but...", should read "...Rhode Island Sound is year round, but..."	Corrected as suggested.
1882	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	230	p.44, Figure 2.18 is very fuzzy	Figure is maximal size and of the best possible resolution; on-screen resolution, the intended final format, is suitable for clear interpretation.
1857	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	230	Page 20 figure 2.10 needs to also show the path of the 1938 hurricane	No change made. The 1938 hurricane did not have its eye pass over RI and it therefore is not included in the figure.
2050	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	240	Comment#5: "...this may be an important source of nitrogen to Rhode Island Sound and Block Island Sound, though further study is needed." What kind of study could ascertain more information?	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.

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2051	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	240	Comment#6: "The nutrient data are too meager to draw any firm conclusions...This is an area where further work is needed." It appears there are numerous areas that need further research and study.	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2052	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	240	Comment #7: "It is not clear if hydrocarbon concentrations occur at levels of concern in the sediments at this point in time..." This needs to be confirmed.	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2219	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	240	Section 240 Chemical Oceanography, page 49: Include references to support the information.	No change. This is a very generalized discussion and introduction to the Chemical Oceanography section, and all information provided is detailed and documented and fully referenced in later sections that focus solely on nutrients and/or toxins.
1883	Ecology of the SAMP Region	9/9/2010	Nicole Travisono	RIDEM	240	p.51, 1.), "...pelagic ecosystem, or be disbursed and settle in...", should read "...pelagic ecosystem, or be dispersed and settle in..."	Corrected as suggested.
2053	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#8: Table 2.4: "The number of stations sampled has decreased from a high of 28 stations since the mid-1980s." Please clarify how the numbers of stations were sampled each year in more precise language. For example: "On average, x stations (range: lowest – 28) were sampled each year."	Corrected as suggested.
2054	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#9: Table 2.6: "The number of stations sampled has decreased from a high of 28 stations since the mid-1980s." Please clarify how the numbers of stations were sampled each year in more precise language. For example: "On average, x stations (range: lowest – 28) were sampled each year."	Corrected as suggested.
2055	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#10: Given that seaducks forage for bivalves and other prey in waters that range from 5-20 m deep, it is very important to include text that makes it clear that not all waters that are 5-20 m deep automatically have prey for ducks to eat. The concern is that all waters that are 5-20 m deep may be incorrectly classified as "foraging habitat", because it ignores the distribution of prey (or assumes that all waters 5-20m deep have prey). The species' foraging habitat is really a subset of waters that are 5-20 m in depth.	Section 250.6, items #2 and #5, and figure caption 2.37, were revised (as summarized in the September 14, 2010 technical memo) based on researcher input to clarify relationship between water depth and spatial distribution of birds and the fact that the areas less than 20 m in depth are potential, not preferred, foraging sites. These changes address these concerns.

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2264	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#11: What percentage of the waters that are 5-20m in depth has prey for seaducks?	As noted in the text, this is unknown for the Ocean SAMP area.
2265	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#12: What percentage of the waters that are 5-20m in depth been surveyed for seaducks? How much of that was occupied by ducks? How much of that area was occupied by ducks foraging?	This is unknown for the Ocean SAMP area.
2266	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#13: Although we do not know how the prey are distributed in these waters, perhaps if the prey were associated with a particular type of substrate (or other habitat features), one may be able to define potential foraging habitat. This is something that could be explored in future modeling efforts.	Relevant sections of 250.6 have been revised to clarify that benthic community composition is not known. Once completed, the final results of Ocean SAMP benthic habitat mapping efforts will be incorporated into future revisions of the Ocean SAMP document as outlined in Chapter 11, The Policies of the Ocean SAMP. These results may provide insight into these questions. Priorities for future research and modeling efforts will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2267	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	250	Comment#14: Define “nearshore” and “offshore” in terms of distance from shore.	Dr. Peter Paton, lead researcher for bird study in the Ocean SAMP area, defines greater than or equal to 3 km as nearshore, ; > 3 km for offshore. This was inserted into the text as requested.
2220	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	250	Section 250.3 Fishes, page 81 #8: The paragraph states that “until benthic sediment/habitat mapping is completed for the Ocean SAMP area benthic affinities for fishes cannot be addressed with surety.” Please provide more information on the mapping effort or reference another section or appendix where this information may be found. How much mapping is being proposed? When will this mapping effort be complete? Will this mapping effort include ground-truthing? Are there plans to update the Ocean SAMP with this information or will it be added as a supplemental report?	No change; please see Ocean SAMP appendix LaFrance et al 2010 for further information. Once completed, final results of the Ocean SAMP benthic habitat mapping will be incorporated as appropriate into future revisions of the Ocean SAMP as described in Chapter 11, The Policies of the Ocean SAMP. Updates and other priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2221	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	250	Section 250.4, Cetaceans, page 89 #2: The information presented on the distribution of right whales in the Ocean SAMP area does not appear to reflect the large aggregations of right whales detected in the Block Island area in the spring of 2010. NMFS recommends that the information be updated to include these recent sightings.	A sentence was added to this section acknowledging the right whale sightings in 2010.
2222	Ecology of the SAMP Region	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	250	Section 250.5, Sea Turtles, page 99 #3: Kemp’s ridley sea turtles are not likely to occur in the Ocean SAMP area during the “winter” months. This species is known to occur in New England waters between May and November, with the highest number of turtles present from June –October.	Portion of the sentence referring to Kemp’s ridley sea turtles removed.

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1884	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.62, 6.), "...research in this area could alleviated confusion..." should read "...research in this area could alleviate confusion..."	Corrected as suggested.
1885	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.71, 5.), "...tube-dwelling, amplescid amphipods...", should read "...tube-dwelling, ampeliscid amphipods..."	Corrected as suggested.
1886	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.71, 7.), "...not surprising that ampleiscid amphipods,..."", should read "...not surprising that ampeliscid amphipods,..."	Paragraph reworded and spelling error removed.
1887	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.77, 5.), there is statement that lobster abundance is increasing. It is not and the most appropriate references for the stock decline are (ASMFC 2009a, 2009b).	Paragraph was revised as suggested.
1888	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.78, 4.), "The decapods Cragon septemspinosa and Dicheleopandalus leptocerus were...", should read "The decapods Crangon septemspinosa and Dichelopandalus leptocerus were..."	Corrected as suggested.
1889	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.80, While the studies of Collie et al. (2008) and Nye et al. (2009) on fish in the area are elaborated, the recent work of Longval (2009) in the Bay is not. Details on the biomass spectra of the Bay, spatial and temporal differences in it, and implications should be noted in this section.	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1890	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.80, 4.), "...and the shrimps Cragon septemspinosa and...", should read "...and the shrimps Crangon septemspinosa and..."	Corrected as suggested.
1891	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.81, 5.), "...benthic invertebrates, and are an important members of the...", should read "...benthic invertebrates, and are important members of the..."	Corrected as suggested.
1892	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.86, Figure 2.31 is very fuzzy	Figure is maximal size and of the best possible resolution; on-screen resolution, the intended final format, is suitable for clear interpretation.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1893	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.90, Figure 2.32(a) is very fuzzy p.91, Figure 2.32(b) is very fuzzy p.92, Figure 2.32(c) is very fuzzy p.94, Figure 2.33(a) is very fuzzy p.95, Figure 2.32(b) is very fuzzy p.96, Figure 2.32(c) is very fuzzy	Figures are maximal size and of the best possible resolution; on-screen resolution, the intended final format, is suitable for clear interpretation.
1894	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.97, 2.), "...shore, and mainly frequents bays, estuaries...", should read "...shore, and mainly frequent bays, estuaries..."	Corrected as suggested.
1895	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.100, 2.), "...serving as resting, staging or feeding...", should read "...serving as a resting, staging or feeding..."	No change; acceptable/clear as written.
1896	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.101, 3.), "...tree swallows appear to...", should read "...tree swallows appear to..."	Corrected as suggested.
1897	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.105, Figure 2.38, the legends in the graphs cannot be seen clearly and the x-axes are cut-off	Figure is maximal size and of the best possible resolution; on-screen resolution, the intended final format, is suitable for clear interpretation.
1898	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	p.107, 9.), "...through late February 2010!:", should read "...through late February 2010:"	Corrected as suggested.
2300	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	250	"This is any area were further study is needed.", should read "This is an area where further study is needed."	Corrected in a previous version of the text.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2193	Ecology of the SAMP Region	9/9/2010	Wendy Waller	Save The Bay	250	Establish consistent applicatio of levels of marine protection: the extent to which avian habitat may be afforded special protection and consideration through CRMC regulations is nebulous, particularly pertaining to diving duck foraging habitat in all water depths less than 20 meters. Save The Bay is concerned with the seemingly arbitrary determination of this area as Designated for Preservation, the highest level of protection offered to any area, absent spcific criteria and clear rationale. In a letter to the Council from Grover Fugate dated August 24, 2010 the SAMP team recommends changes to Chapter 2 Ecology, Figure 2.36 and 250.6.5 per comments from Dr. Peter Pato and his URI OCean SAMP avian research team. The avian research team changed "use" to "potential use" and deleted the sentence "reinforcing the importance of nearshore habitat for these avian species". The sentence immediately prior to the newly deleted one states, "Whioe bathymetry is known for the Ocean SAMP area, benthic community composition is not and therefore preferred/critical waterbird forage areas cannot be readily identified." Hence, the straight exclusionary prohibition on any construction in water depths less than 20 meters should be revised to reflect a committment to habitat protection and exclusions and prohibitions. Because benthic community composition is unknown, the potential habitats in depths less than 20 meters hould be classified as Designated for Concern with an additional level of scrutiny and requiring more review for any specific site. Relevant chapters include: Chaper 11 The Policies of the OCean SAMP (page 31/61 1160.3), Chapter 2 Ecology of the SAMP Region (page 111/127 270.2.1), Chapter 8 Renewable Energy and Other Offshore Development (page 194/247 860.2.3 and page 195/247 Figure 8.54)	There is scientific evidence suggesting that offshore renewable energy development may result in permanent habitat loss for sea ducks. Therefore, we do not agree that sea duck foraging habitat should be demoted to an Area of Particular Concern designation. We have added language to Chapter 8, section 850.4, regarding the potential effects of offshore renewable energy on birds, to clarify these findings. We have also added language to the regulatory standards for Areas of Particular Concern and Areas Designated for Preservation to clarify the rationale for their selection as well as the reasons and supporting scientific findings that Areas Designated for Preservation require an elevated level of protection. These changes have been reflected in the actual regulatory standards as included in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP.
1859	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	250	Page 86, Fig. 2.39 Harbor seal haul-out sites are incomplete; given the scale it might make more sense to use smaller stars to pinpoint the locations. We would be happy to provide detailed input. Also, this winter and spring Block Island has had the largest group of gray seals to ever haul out on Sandy Point in 20 years (Comings 2010, pers. lomm..)	No change made. The map in the chapter shows the major seal haul out sites, not all sites. The reader is pointed to the source document for identification of lesser used sites. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1860	Ecology of the SAMP Region	9/9/2010	Janet Coit	The Nature Conservancy	250	Page 89, Table 2.11. As mentioned in 3) above, it should indicate herring gulls and greater black-backed gulls breed on Block Island, and we believe the greater black-backed gulls are here year-round. Pacific loons have been observed to winter off Block Island as a result of the OSAMP research.	No change made. Table 2.11 lists passerine birds only; Table 2.12 lists gulls as a primary avian user of the Ocean SAMP area.
1899	Ecology of the SAMP Region	9/9/2010	Nicole Travisono	RIDEM	260	p.108, 2.), "...in the Ocean SAMP area..", should read "...in the Ocean SAMP area."	Corrected as suggested.

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1900	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	260	p.109, 2.), there are two important omissions. Reductions in growth rate of lobster (Dominion 2009) and increased mortality (Stevens 2010) have been observed in association with shell disease. We suggest that the lobster section be re-written with advice from participants in the recent Baird symposium (perhaps M. Gomez or K. Castro).	Text added to note increased mortality; link inserted that leads to Lobster Shell Disease/Baird 2010 Science Symposium for further information.
1901	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	260	p.110, 4.), For striped bass there is now evidence as well that mortality rate has been increased by mycobacteriosis (Gauthier et al. 2008).	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2056	Ecology of the SAMP Region	9/9/2010	Poojan Tripathi	BOEMRE	270	Comment#15: My understanding is that SAMP will “Base all decisions on the best available science” (Introduction, p. 7, 5d). Seaducks forage only in a sub-set of all waters that are less than 20m in depth. Therefore, seaduck “foraging habitat” is either equal (which is unlikely) or smaller than all waters less than 20m deep. The first sentence in this part needs to be rewritten to capture this fact: “The Council designates the Ocean SAMP (Chapter 8, Figure 39) water depths less than or equal to 20 meters [65.6 feet] as Areas Designated for Preservation for seaducks to forage.”	The “Areas Designated for Preservation” standard regarding seaduck foraging habitat has been revised to address these concerns in section 270.2, as well as in Chapter 8, Section 860.2.3, and in Chapter 11, Section 1160.3.
1902	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	270	p.111, 3.), the report should recognize the NE Fishery Management Council effort to comply with Magnuson law with their omnibus habitat amendment. A brief discussion of that effort and the applicability of the swept are seabed impact model (SASI) may be useful.	A sentence recognizing the Council’s omnibus habitat amendment was added to the section on EFH. The SASI model is discussed in more detail in Section 550.1
1903	Ecology of the SAMP Region	9/9/2010	Nicole Trivisono	RIDEM	270	p.112, 5.), “...provide the Council will a monitoring report...”, should read “...provide the Council with a monitoring report...”	Sentence was removed.
2057	Global Climate Change	9/9/2010	Poojan Tripathi	BOEMRE	300	Comment#16: Good detail on climate change. However, there was no mention of how project related activities could potentially cause greenhouse gas emissions. Also, the entire state is classified as moderate for 8-hour ozone, a criteria pollutant (See National Ambient Air Quality Standards: http://www.epa.gov/air/criteria.html or Non-attainment Areas: http://www.epa.gov/oaqps001/greenbk/ancl.html). All activities associated with this project should avoid causing the region to cross the threshold into non-attainment status.	Air emissions are a regulated activity and are dealt with in the Renewable Energy Chapter of this document.
1907	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	300	p.7, 3.), “...anthropogenic emissions, carbon dioxide has risen...”, should read “...anthropogenic emissions, carbon dioxide, has risen...” “...acidic, and causes shifts in...”, should read “...acidic, causes shifts in...” change wording of last sentence to “These effects are already being witnessed in Rhode Island, as well as globally, and are projected to intensify in years to come.”	Corrected first and second comments as suggested. The meaning of the third sentence is effectively conveyed as written and therefore, was not edited.

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1917	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	300	On works cited, not in text: Coastal Resources Management Council (CRMC). 2009 National Oceanic and Atmospheric Administration/National Ocean Service (NOAA/NOS). 2008b. Roemmich, D. and McGowan, J. 1995.	CRMC 2009 is the reference for the text on page 58 stating existing CRMC Sea Level Rise policy which was adopted in 2008 and published in 2009; deleted NOAA/NOS 2008b from works cited; deleted Roemmich and McGowan (1995) from work cited
1918	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	300	Misspelled on works cited: U.S.CGRP 2009, should be U.S. GCRP 2009	Corrected as suggested.
1919	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	300	Misspelled in text: Learmonths et al. (2006), should be Learmonth et al. (2006) (Sandvik et al., 2008), should be (Sandvik et al. 2008) Titus and Richmond (2001), says Titus and Richman (2001)	Corrected each as suggested.
1920	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	300	Inconsistencies between text and works cited: Use both (EPA 2008b) and (U.S. EPA 2008b), (U.S. EPA 2008b) on works cited Use both (Neumann 2009) and (Neumann and Price 2009), (Neumann and Price 2009) on works cited Use both PIANC 2008 and PIANC 2009, PIANC 2009 on works cited	Corrected as U.S.EPA 2008a and b throughout document; corrected as Neumann and Price 2009 throughout document; corrected as PIANC 2009 throughout document.
1908	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	310	Figure 3.2 is fuzzy	This is the best reproduction of this figure that we can provide at this time and with spatial limitations. The details of the graph are reiterated in the associated text.
2223	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	320	Section 320.4, page 26 #4: The current and projected (under high-emissions rate) average number of extra-tropical storms per season are given, but it is unclear as to the source of these data and projections. Frumhoff et al. (2007) is cited in previous sentence. Are both from this reference? The correct reference should be included here.	Edited sentence to "Currently approximately 12 to 15 nor'easters (extra-tropical storms) hit the U.S. Northeast from November to March" and added Frumhoff et al. 2007 as citations for 2 nd and 3 rd sentences in this paragraph.
1909	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	320	-p.26, 1.), "By end of the century...", should read "By the end of the century..."	Corrected as suggested.
2224	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	330	Section 330.1.2, page 31 #2: This paragraph on harmful algal blooms seems out of place in this section on ocean stratification and mixing. It should either be included in the previous section (330.1.1) on plankton blooms or placed in its own section.	The placement of the paragraph describing HAB's is in the section of stratification and mixing as suggested by the technical advisory team and is a logical progression in the opinion of the SAMP management team as well.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2225	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	330	Section 330.1.3, page 34 #10: This section states that lobster populations are expected to decline in the Ocean SAMP because of rising water temperatures. However, the report cites heavily Collie et al. (2008) in this and other sections as a source for impacts to living marine resources in Narragansett Bay from climate change. Collie et al. (2008) reports that lobster populations are one of few species that have increased from 1960s to 2000s in Narragansett Bay as water temperatures have risen. While it may be possible that lobsters will be adversely affected by increasing water temperatures in the future [as suggested by Frumhoff et al. (2007)], it seems appropriate to provide alternate scenarios here. Collie et al. (2008) suggests that other factors, such as reduced predation, may have been in play for lobster populations.	Added "Although Collie et al. (2008) found increased lobster populations from 1960's to 2000's,..." to the beginning of the first sentence to clarify that past trends found increases while projections are for decreasing lobster populations.
2226	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	330	Section 330.1.4, page 36 #8: The fourth sentence of this section states "In the winter of 1996, the NAO index exhibited its largest drop of the century." This section discusses phases, either positive or negative, of the NAO as a driver of regional climate in New England. I think "largest drop of the century" synonymous with "negative phase" or "NOA"? Please check if terms used are consistent to avoid confusion.	This "drop" was not a "phase shift" as discussed earlier in the paragraph but a negative movement of the index.
1910	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	330	p.30, The section on plankton should recognize and interpret for SAMP management the very recent findings of world-wide decline in phytoplankton in association with rising sea temperature (Boyce et al. 2010).	The Boyce et al. 2010 study does not provide information at a small enough scale to be relevant here. There is ongoing work related to this issue in the Ocean SAMP area, which will be included in updated versions of the chapter as results are available.
1911	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	330	p.31, 2.), "...or anoxic (no oxygen) that can stress...", should read "...or anoxic (no oxygen) conditions that can stress..."	Corrected as suggested.
1912	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	330	p.34, 10.), the Fogarty et al. (2008) reference should be used to describe the threat to lobster and potential for blue crab emergence from climate change. The concept that environmental change can interact with fishing to make fishery resources more vulnerable should be added somewhere (ref Hsieh et al. 2008).	These topics are clearly discussed in multiple sections including citations from several recent publications as currently written.
1913	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	330	p.41, 1.), "...introduced to new ecosystem and does...", should read "...introduced to a new ecosystem and does..."	Corrected as suggested.

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2227	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	340	Section 340.3, page 55#2: This section mentions that wind speeds have been documented on land at T.F. Green, but that it is not known how wind speeds will change onshore in RI and that different dynamics exist offshore in the Ocean SAMP area. The section suggests that offshore wind energy generation would not be adversely affected by changes in wind speeds from climate change. However, Table 3.7 and Sections 340.1 and 340.2 suggest, based upon historic reductions in wind speeds at T.F. Green, that climate change may be a factor in this trend and may continue in the future. It concludes that reduced wind speeds could negatively impact marine navigation and recreational boating in the Ocean SAMP area. It seems probable that offshore wind energy generation, like marine navigation and recreational boating, may be similarly affected by wind reductions in the Ocean SAMP area. A more thorough discussion on distinctions (or similarities) between marine navigation/recreational boating and offshore wind generation is needed.	Wind speed movements at TF Green and offshore predictions are different mechanisms with differing trajectories. Offshore wind speeds are discussed in the Renewable Energy chapter of this document.
2228	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	340	Section 340.5.1, page 56 #3: This section discusses impacts on marine fisheries from climate change, including the lobster fishery. See comment for Section 330.1.3, #10. It should also be noted that some data (Collie et al. 2008) suggests that climate change may not have a negative impact on this species in the Ocean SAMP area.	Revised statement to “With the prediction of northern movement of the species with increased water temperatures (as discussed in Section 330.1.2), and increased incidence of shell disease associated with increased water temperature (see Section 330.3.1)...” to emphasize the decrease in population in the future is predicted.
2229	Global Climate Change	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	340	Section 340.5.2, page 57: This section lists species that are at or near the extent of their range in the Ocean SAMP area, and may respond with a change (positive or negative) in abundance because of climate change. A reference that would be appropriate for this section is Nye et al. (2009), as this paper describes this phenomenon on 24 of 36 species examined in the Northeast. It should also be noted in this section that, in addition to changing latitudinal distributions, the depth distribution of some species may change (as described in both Nye et al. (2009) and Perry et al. (2005).	Added Nye et al. 2009 to fisheries distribution section in paragraphs 1 and 2. Added “In addition to latitudinal changes in distribution, Nye et al. (2009) and Perry et al. (2005) also suggest that depth distributions may change as a result of climate changes.” To describe depth distribution changes predicted.
1914	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	340	p.56, the Jao (2009) and Overland et al. (2010) reviews may provide useful information on climate change and fisheries.	This section as written, provides a good overview of the relevant information for the needs of the Ocean SAMP.
1915	Global Climate Change	9/9/2010	Nicole Trivisono	RIDEM	340	p.57, 1.) & 2.), suggest adding winter flounder to category I and blue crab to category II	Corrected as suggested.

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2058	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	400	Comment#17: "In Rhode Island, thousands of years of use of the ocean..." References and documentation are needed here. Specifically identify this info as either oral tradition or archaeological evidence.	Changed "thousands of years" to "historical"
2059	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	400	Comment#18: "During earlier periods characterized by lower sea levels, indigenous people inhabited and otherwise used many areas with the study area." References and documentation are needed here. Specifically identify this info as either oral tradition or archaeological evidence.	Deleted this sentence.
1921	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	400	p.3, 1.), "...have resulted in rich and diverse array...", should read "...have resulted in a rich and diverse array..."	Revised as suggested
1962	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	400	Works Cited: Have two listings for "Herndon and Sekatau 2003", should be "Herndon and Sekatau 2003a" and "Herndon and Sekatau 2003b"	Revised as suggested
1963	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	400	In text but not on works cited: (Bort 1981) Sedgwick et al. 1980 Intergovernmental Policy Analysis Program, University of Rhode Island, 1989 Report of Commerce and Navigation for the Fiscal Year 1869 Mather, 2010	References added
1964	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	400	In works cited, not in text: Coleman, D. F., 2003. Hearings before the Committee on Expenditures in the Department of Agriculture, House of Representatives. 1907. Hearings before the Committee on Interstate Commerce of the House of Representatives. 1908. Jones, Daniel P. The Economic and Social Transformation of Rural Rhode Island, 1780-1850.	References deleted from Works Cited
2060	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#19: "For thousands of years, people have lived along the coast of Rhode Island and ventured on its waters. From the time the shoreline as we know it today stabilized around 7,500 years ago, the ancestors of today's Narragansett Tribe established large settlements along the coastline of Narragansett Bay, around the salt ponds of the south shore of the mainland and on Block Island." References and documentation are needed here. Specifically identify this info as either oral tradition or archaeological evidence.	Included reference to RIHPHC 2002, Native American Archaeology in Rhode Island
2061	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#20: "...although no direct evidence for submerged terrestrial sites has been found in the northeast to date." "No direct evidence"—this is IMPORTANT! See comments to 410.1 above. There is no archaeological /scientific evidence for some statements.	Included reference to RIHPHC 2002, Native American Archaeology in Rhode Island; Changed "direct evidence" to "archaeological evidence"

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2062	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#21: "Archaeological evidence and oral history of the Narragansett People suggest the Tribe's existence in the region over 30,000 years Before Present (y BP)." The Narragansett oral tradition may suggest a date of 30,000BP – but there is currently no archaeological evidence to support this assertion.	"John Brown, NITHPO, personal communication" is referenced here.
2063	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#22: "...provided the following account of the Narragansett Indian Tribe's oral history and traditions, specifically for inclusion in this Ocean Special Area Management Plan." It is highly recommended this entire account below be placed in an Appendix (often used in a lengthy, specialized study). By precedent, if you include the Narragansett oral history here, then consider also including some recollections/histories of Verrazano or Williams here as well.	Per subsequent conversations with BOEMRE, this section will remain in the document.
2064	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#23: General comments regarding references cited from this section onward: 1) More references are needed throughout text. 2) Please standardize citations – ex: (Smith 1973:12) 3) Much of the in-text citing doesn't include either a year date or page number. 4) Literature Cited section (pgs 84-89) has nearly a dozen entries that do not include a year date (please include for all in-text & Lit Cited personal communication as well).	References corrected in chapter
2065	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#24: "Native Americans called Block Island "Manisses"—God's Little Island." This sentence appears out of place here.	Sentence deleted
2066	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#25: "...twenty or more wars and endless conflicts have resulted in a complex military cultural landscape in the Ocean SAMP area." The sentence makes it appear as if these wars/conflicts were exclusive to the Ocean SAMP area.	Sentence revised to read: "During the post-contact period, twenty or more wars and endless conflicts that took place throughout the region have resulted in a complex military cultural landscape in the Ocean SAMP area."
2067	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#26: Table 1: "Belligerents" A previous SAMP draft used the term "Adversaries". 'Belligerents' is generally considered a "loaded" term. Also, the previously included short (but very helpful) description of each event is missing here. Suggest using previous version.	Word revised as suggested
2068	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#27: "The outbreak of the Pequot war is tied to the Ocean SAMP area." Again, this sounds as if this war was exclusive to the Ocean SAMP area (or somehow the Ocean SAMP caused the 'outbreak'). NOTE: It would be helpful to do an entire document search on "Ocean SAMP area" and consider rewording sentences that appear to suggest exclusivity and/or causality off/for the Ocean SAMP area.	Sentence revised to read: "The outbreak of the Pequot war is tied to events that occurred within the Ocean SAMP area. In 1634, John Oldham, a trader from Massachusetts, was killed during his interactions with Indians on Block Island. In response, Massachusetts attacked, conquered and settled the island."

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2069	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#28: "Today, all of these wrecks are almost undoubtedly eligible for the National Register of Historic Places." This is a strongly worded statement. Unless you are aware of the structural integrity (among other criteria) of these wrecks I would caution the use of terms like "undoubtedly eligible"	Sentence revised to read: "Today, many of these wrecks are likely eligible for the National Register of Historic Places."
2070	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#29: "Between 1798 and 1800, the United States fought the so-called Quasi-War with France. Rhode Islanders participated enthusiastically, sending out many privateers to stalk French merchant ships." This event is not noted on Table 1 (under 410.5.2)	No change made – Table 1 does include the "Quasi-War with France"
2071	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#30: "...and parts of the Ocean SAMP area hampered Rhode Island's maritime activities." Again, this sounds as if the hampering was exclusive to the Ocean SAMP area (or somehow the Ocean SAMP caused the 'hampering'). NOTE: It would be helpful to do an entire document search on "Ocean SAMP area" and consider rewording sentences that appear to suggest exclusivity and/or causality of/for the Ocean SAMP area.	"Sentence revised to read: ""No battles took place in Rhode Island; however, the heavy presence the British Navy's off the east coast, including in Long Island Sound and in parts of the Ocean SAMP area, hampered Rhode Island's maritime activities.""
2072	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#31: "The locations of these resources are known, many others certainly await discovery." Suggest inserting a "generic" table of known locations which is RI specific. Sample table published annually for the Atlantic Region: https://www.denix.osd.mil/portal/page/portal/ARC/ARCFY2008/29_FY08DEPARC_App_Q_Sea_Disposal_final.pdf	No change made. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2073	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#32: "It is probably the (sp?) more await discovery."	Spelling corrected.
2074	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#33: "For thousands, of years the Ocean SAMP area has been fished extensively." References and documentation needed here. Specifically identify this info as either oral tradition or archaeological evidence (cite ref).	Deleted this sentence.
2075	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#37: "The commercial fisheries of Newport and Sakonnet Point have origins dating back to the 17 th century (Hall-Arber et al. 2001)." Did the author intend: The non-Narragansett commercial fisheries of Newport and Sakonnet Point have origins dating back to the 17 th century (Hall-Arber et al. 2001) In addition, in the next sentence, the reference to "hook and line" fishery was also practiced by the local tribal peoples.	The Narragansett tribe was not engaged in commercial fisheries at that time, so clarification is not required.
2076	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#38: "...promoting sufficient nutrition and sustainable agriculture." Please document the research or supply a reference that supports the statement and what the author meant by constituted and/or supplemented "sufficient nutrition"	the phrase "sufficient nutrition" was deleted from the sentence.

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2077	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#39: "Commercial fishing has long and important history in New England and the Ocean SAMP area." Is this a reference to commercial fishing by the non-indigenous populations as well?	Commercial fishing was not traditionally practiced by indigenous populations; no clarification needed.
2078	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#40: "The wrecking of ships, particularly of fishing vessels, has occurred throughout the centuries in Rhode Island and remains a common occurrence in the Ocean SAMP area during the present day." This sentence is worded in such a way as to make it sound as if fishing vessels often wreck themselves. Suggest rewording the sentence to clarify author's intent. \	Sentence reworded to read: "Shipwrecks, particularly of fishing vessels, occurred throughout the centuries in Rhode Island and remain a common occurrence in the Ocean SAMP area during the present day."
2079	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#42: "The potential for unreported but historically significant commercial fishing vessel wrecks in the Ocean SAMP area and surrounding waters is extremely high. The most important individual wrecks would be the rare early vessels of 16 th through the mid 19 th centuries." Could you clarify if the author means that no non-indigenous tribal vessels would be considered "historically significant", "most important" or "rare".	Clarified sentence to say "the rare commercial fishing vessels of the 16 th ..." – indigenous vessels were not involved in commercial fishing
2080	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#45: "While not all of these wrecks may merit preservation, the older vessels certainly require inventory and assessment—a level of study that will generate an improved understanding of the Ocean SAMP area's cultural and natural heritage." Please clarify if it is the author's intent to require inventory and assessment of older vessel wrecks for the SAMP area. What of mitigation via avoidance or buffer/exclusion zones? This statement indicates that more study is needed and appears to be a common problem throughout this chapter.	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2081	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#46: "...where they conducted a lucrative trade with the Indians." Which tribe of "Indians" does this refer to? Additionally, include a citation or reference for the statement.	Changed "Indians" to "native peoples"
2082	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#47: "Although Aquidneck islanders embraced and expanded the commercial connections with Massachusetts..." Does this statement refer to European settlers or to tribal populations? Did the Aquidneck islanders engage with settlers in Massachusetts and settlers in New Amsterdam only?	Sentence rewritten to say "European settlers on Aquidneck Island". The islanders did engage primarily with settlers in Massachusetts and New Amsterdam.
2083	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#48: 410.8 Recreation and Tourism Landscape It is recommended that the entire section be included under Chapter 6: Recreation and Tourism instead of here; the section appears out of context.	No change. The historical context of recreation and tourism is also discussed within that chapter.
2084	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#49: "...carefully stored in purpose build (sp?) "tug houses."	Sentence clarified to read: "the fuel was carefully stored in "tug houses", built for this purpose."

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2085	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#50: "Another steam (sp?) of vessels passed south and east...". Did the author mean "stream"?	edited sentence to say "stream"
2086	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#51: "The Ocean SAMP area's energy landscape is highly significant in the..." The use of the term(s) "highly" and "significant" should be used with caution.	Replaced "highly significant" with "very important"
2087	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#52: "...specific areas of the Ocean SAMP may be eligible as rural cultural landscapes." The term 'rural' should be reserved for terrestrial sites.	The term "rural" was deleted from the text
2088	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#54: "...when the human footprint on the Ocean SAMP area appeared more pronounced..." Please clarify the sentence; the phrase "human footprint" could be misconstrued as a reference to "paleo landscapes"?	changed to "human uses within the Ocean SAMP area"
2089	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#55: "Contemporary plans to develop renewable offshore energy..." This entire paragraph should be considered editorial commentary. These statements are latent with presuppositions and, at the very least, unreferenced citations. Suggest the author omit entirely or integrate into the more appropriate SAMP Chapter 8: Renewable Energy.	Paragraph deleted from the document.
2268	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#34: "Studying the effects of historical fishing on marine populations and habitats is an important new area of scholarship that is adding critical baseline information about pre-commercial or pre-industrial ecosystems and the extent and potential effects of fishing." This statement appears to indicate more study is need. Is the primary purpose /objective of the Ocean SAMP descriptive or prescriptive? Suggest you focus all these types of elements in another section collectively.	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2269	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#35: "Many of these resources, including unique or representative fishing vessels and the archeological remains of traps and piers that are 50 years old or older are likely candidates for the National Register of Historic Places." Unless you are aware of the structural integrity (among other criteria) of these vessels/traps/piers I would caution the use of terms such as "likely candidates".	Revised "likely candidates" to read: "could potentially be considered as candidates..."
2270	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#36: "The locations of many fishing vessels, however, are unknown—indeed, the number of vessels lost in the area since the European contact remains unknown." This statement implies that the locations of pre-contact vessels are known; please clarify if this statement includes both pre and post contact vessels	Revised to read: "prior to and since European contact..."

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2271	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#41: "In the historical record, fishing is an elusive and often confusing subject." This statement contradicts the information presented in the preceding paragraphs in which the historic overviews of fishing, fishing and subsistence, et al. are presented.	Sentence reworded to say "fishing can be an elusive subject"
2272	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#43: "Often overlooked because of apparent commonality and unromantic uses, it is essential to note that any commercial fishing vessel built 50 years ago or more may be eligible for the National Register of Historic Places." This sentence appears to infer that anything "50 years old or older" may be eligible for the Register. Please clarify here that the object/item/artifact must, in addition, meet one or more specific criteria to become eligible. Age greater than 50 years does not automatically make it "potentially eligible".	Sentence clarified to read: "At this point, any coal vessels built more than fifty years ago are potentially eligible (if the vessel meets other necessary criteria)."
2273	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#44: "Research is clearly needed to identify these resources and to develop standards to evaluate these wrecks for purposes of study, public use, and historic preservation." Are you here noting areas that further studies are needed? Is the purpose/objective of this Ocean SAMP descriptive or prescriptive? As noted in previous comments, it is suggested that you focus all these types of elements in another section collectively. This sentence as it is currently worded does not seem to fit here.	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
2274	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	410	Comment#53: "Often overlooked because of apparent commonality and unromantic uses, it is essential to note that any commercial fishing vessel built 50 years ago or more may be eligible for the National Register of Historic Places." This sentence appears to infer that anything "50 years old or older" may be eligible for the Register. Please clarify here that the object/item/artifact must, in addition, meet one or more specific criteria to become eligible. Age greater than 50 years does not automatically make it "potentially eligible".	This sentence is not from this paragraph – however, softened language about National Register based on earlier comments to read "...are potentially eligible (if the vessel meets other necessary criteria)."
1922	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	410	p.18, 9.), "...English settlers bought their own...", should read "...English settlers brought their own..."	Revised as suggested
1923	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	410	p.23, 7.), "...from Jamestown, help drive off...", should read "...from Jamestown, helped drive off..."	Revised as suggested
1924	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	410	p.23, 9.), "...dispatched a large numbers of privateers...", should read "...dispatched a large number of privateers..."	Revised as suggested

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1925	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.25, 29.), "...Ternay and carrying carry troops...", should read "...Ternay and carrying troops..."	Revised as suggested
1926	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.26, 33.), last sentence is confusing and should be re-worked.	Sentence rewritten
1927	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.26, 35.), "...at Annapolis the south...", should read "...at Annapolis in the south..." "Despites strong efforts to keep...", should read "Despite strong efforts to keep..."	Revised as suggested
1928	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.26, 36.), the last sentence confusing and has a double period at the end	Sentence rewritten
1929	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.27, 39.), "...Coddington Cove 1951.", should read "...Coddington Cove in 1951."	Revised as suggested
1930	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.27, 40.), "Operations at on land...", should read "...Operations on land..."	Revised as suggested
1931	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.28, 45.), "...first a training facility...", should read "...first as a training facility..." "...area saw countless thousands of over-flights...", should read "...area saw thousands of over-flights..."	Revised as suggested
1932	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.28, 50.), "...presence, cause serious economic damage", should read "...presence, causing serious economic damage."	Revised as suggested
1933	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.29, 52.), "...1775-1778, makes probable that unidentified...", should read "...1775-1778, makes it possible that unidentified..."	Revised as suggested
1934	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.29, 53.), "...War of 1812 and numbers related shipwrecks...", should read "...War of 1812 and a number of related shipwrecks..." "Two privateers are know to have been...", should read "Two privateers are known to have been..." last sentence confusing	Revised as suggested

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1935	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.31, this section would benefit from reference to Perlmutter (1947) who described the transition from beam to modern otter trawling, the demise of the winter flounder, and the rise to prominence of yellowtail flounder.	New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1936	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.31, 1.), "For thousands, of years the...", should read "For thousands of years the..."	Revised as suggested
1937	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.33, 4.), "...ships and tens thousands of European...", should read "...ships and tens of thousands of European..."	Revised as suggested
1938	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.33, 5.), this section could reference Kurlansky (1997), buttressing the enormous importance of cod in early NE history.	New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1939	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.34, 2.), "...knowledge in many in areas, particularly...". Should read "...knowledge in many areas, particularly..."	Revised as suggested
1940	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.34, 3.), "...have discovered the locations several wrecked fishing...", should read "...have discovered the locations of several wrecked fishing..."	Revised as suggested
1941	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.34, 4.), "At present, the there is no solid estimate...", should read "At present, there is no solid estimate..."	Revised as suggested
1942	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.35, 5.), "Quakers bought with them...", should read "Quakers brought with them..."	Revised as suggested
1943	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.36, 10.), "...pronounced decline the volume and economic...", should read "...pronounced decline in the volume and economic..."	Revised as suggested
1944	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.37, 11.), "...however, was establishment of steam packet service...", should read "...however, was the establishment of steam packet service..." "...After 1847, the Fall River, Massachusetts replaced...", should read "...After 1847, Fall River, Massachusetts replaced..."	Revised as suggested
1945	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.37, 13.), "...grounding and destruction of the Atlantic...", should read "...grounding and destruction of the Atlantic..."	Revised as suggested

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1946	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.38, 18.), "...is clear that that overall vessel traffic levels..." should read "...is clear that overall vessel traffic levels..." "...growing numbers steamboats and coastal merchant vessels..." should read "...growing numbers of steamboats and coastal merchant vessels..."	Revised as suggested
1947	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.40, 3.), "...According Reverend Samuel Livermore..." should read "...According to Reverend Samuel Livermore..." "...also described in the installation..." should read "...also described the installation..."	Revised as suggested
1948	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.40, 4.), "...alterations to environment through the construction or improvement harbors..." should read "...alterations to the environment through the construction or improvement of harbors..."	Revised as suggested
1949	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.40, 5.), "...fuel the mill originated Pennsylvania's Schuylkill region..." should read "...fuel the mill originated from Pennsylvania's Schuylkill region..." "...that would passed through the..." should read "...that would pass through the..."	Revised as suggested
1950	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.41, 7.), "...an estimated .36 lbs..." should read "...an estimated 0.36 lbs..."	Revised as suggested
1951	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.43, 9.), "...accounted for an addition 9000 transits." should read "...accounted for an additional 9000 transits."	Revised as suggested
1952	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.43, 11.), "...during a fifty year of period between..." should read "...during a fifty year period between..."	Revised as suggested
1953	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	p.44, 13.), "...repurposed to carry coals..." should read "...repurposed to carry coal..." "...new classes of vessel evolved..." should read "...new classes of vessels evolved..."	Revised as suggested
1954	Cultural & Historic Resources	9/9/2010	Nicole Trivisono	RIDEM	410	- p.44, 14.), "Determining which of wrecks in the Ocean SAMP..." should read "Determining which wrecks in the Ocean SAMP..."	Revised as suggested
2090	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	420	Comment#56: "...are 'comparatively' well documented ..." (sp?)	Spelling is correct
2091	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	420	Comment#57: The statement: "We have good location information..." is not quantified – what does the author mean by "good location information"? Does this mean geographic coordinates or some other type of location information?	No change made. The location information on shipwrecks comes from various sources – most is geographic coordinate information.

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2092	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	420	Comment#59: "This data was compiled from multiple database sources, but it is yet to be fully analyzed and consolidated." Please see above comment.	Ocean SAMP document will be published before data analysis is complete.
2093	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	420	Comment#60: "...a representative view of erosional processes and results that (were?) active as the Sounds were flooded."	Revised as suggested
2275	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	420	Comment#58: "The complete results from geophysical survey conducted as part of the Ocean SAMP study are not yet available, but when the archaeological processing of that data is complete, the RIHPHC will have additional information in their database." Do you intend to publish the SAMP before you complete your data analysis?	Ocean SAMP document will be published before data analysis is complete.
1955	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.47, 2.). "...potential submerged historic requires...", should read "...potential submerged historic sites requires..."	Revised as suggested
1956	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.49, 10.), "...accidents and disasters Rhode Island and..." should read "...accidents and disasters in Rhode Island and..."	Revised as suggested
1957	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.51, 2.), "...fog created environment in which...", should read "...fog created an environment in which..." "...reflected current distribution patterns.", should read "...reflected in current distribution patterns."	Revised as suggested
1958	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.52, 4.), "...per decade in the in the 20 th century...", should read "...per decade in the 20 th century..."	Revised as suggested
1959	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.52, 5.), "...for which the location in known.", should read "...for which the location is known."	Revised as suggested
1960	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.57, 1.), "...runs from Green Hill, Rhode Island St. Hilaire-de-Riez, France;", should read "...runs from Green Hill, Rhode Island to St. Hilaire-de-Riez, France;" "...runs from Green Hill, Rhode Island Norden, Germany.", should read "...runs from Green Hill, Rhode Island to Norden, Germany."	Revised as suggested
1961	Cultural & Historic Resources	9/9/2010	Nicole Travisono	RIDEM	420	p.59, 3.), last sentence confusing and should be re-worked	Revised as suggested

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2094	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	430	Comment#61: "Section 106 of the National Historic Preservation Act, however, requires that a given project's visual effect on historic resources be evaluated from National Historic Landmarks, properties listed or eligible for listing on the National Register of Historic Places, or Traditional Cultural Properties." (Minerals Management Service 2010) Use original source document and not secondary source information.	deleted the word "rural"
2095	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	430	Comment#62: "For offshore development proposals, an Area of Potential Effect (APE) is defined to include visual impacts specifically related to onshore land-based National Historic Landmarks, properties listed or eligible for listing on the National Register of Historic Places, or Traditional Cultural Properties." (Minerals Management Service 2010) Use original source document and not secondary source information. Suggest the author refer to the National Historic Preservation Act. An APE is not limited to offshore development proposals only.	Changed "footprint on" to "uses within"
2096	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	440	Comment#63: "...the Council reserves the right to establish protected areas around shipwrecks or other submerged cultural resources for which an official Determination of Eligibility for listing on the National Register of Historic Places has been made." This seems to suggest that wrecks which don't have an "official" Determination of Eligibility won't be protected and/or won't be part of a "protected area" and wrecks that are official will need more protection by the Council. Please clarify author's intent.	Sentence clarified to read: "In addition to general Area of Particular Concern buffer/setback distances around shipwrecks or other submerged cultural resources, the Council reserves the right, based upon recommendations from RIHPHC, to establish protected areas around all submerged cultural resources which meet the criteria for listing on the National Register of Historic Places."
2097	Cultural & Historic Resources	9/9/2010	Poojan Tripathi	BOEMRE	440	Comment#64: "...or the lead federal agency will be responsible for reviewing..." and " onshore archaeological assessments "and providing "guidelines for Marine Archaeology Assessment" and/or "Landscape and Visual Impact Assessment" appear to obligate a lead federal agency. Please clarify	Sentence clarified to read: ""Guidelines for onshore archaeological assessments in the Ocean SAMP Area can be obtained through the RIHPHC in their document, "Performance Standards and Guidelines for Archaeological Projects: Standards for Archaeological Survey" (RIHPHC 2007), or the Army Corps of Engineers or other federal agencies as may be applicable in reviewing the proposed development."
2099	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	500	Comment#66: Recommend use of abbreviations to reduce clutter in the text. For example change "degrees Celsius" to °C and "degrees and Fahrenheit" to °F	No change made. BOEMRE indicated that they considered this a non-mandatory comment.

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2105	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	500	Comment#72: General Comment: Although there is a large amount of general information available on commercial and recreational fishing activities, the quantitative metrics are not sufficient to support most of the conclusions in the chapter. Suggest more research into availability of quantitative metrics to support the conclusions to create a more scientifically sound chapter.	The chapter includes the best data available on fishing activities and fish distribution in the Ocean SAMP area. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2179	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	500	Comment#168: "This policy shall be apply to all large-scale Offshore Developments, underwater cables, and other projects as determined by the Council" Please clarify what is meant by "other projects"; any changes to the listed activities must go through NOAA and would not be limited to Council discretion.	The policy is intended to be all-encompassing, and thus "other projects" may include anything else, recognizing that this may include future uses as outlined in Chapter 9. Per this comment and subsequent discussions with BOEMRE regarding state vs. federal jurisdiction, a paragraph has been put at the beginning of the Regulatory Standards sections of Chapter 8 and Chapter 11 to clarify BOEMRE's jurisdiction: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
1781	Fisheries Resources & Uses	9/9/2010	Tricia Jedele	Conservation Law Foundation	500	As we have commented several times on several drafts of the Commercial and Recreational Fisheries Chapter, and because at this time we are not certain of how comments previously filed are being incorporated into the final document, CLF is incorporating by reference herein, the comments we filed on August 12, 2010 with respect to Chapter 5 – Commercial and Recreational Fisheries. In order to balance essential ocean ecosystem protection and sustainable development, a comprehensive marine spatial plan must consider all human uses of the planning area. While the Ocean SAMP considers fishing and indeed devotes a 164-page chapter to the Ocean State's recreational and commercial fisheries, it does so in a manner that seeks only to protect fishing opportunities rather than to consider how fishing activities could be improved to "ensure the preservation and restoration of ecological systems" – the stated primary guiding principle of CRMC's coastal and ocean management mission (Executive Summary, p. 1, paragraph 1).	CLF comments dated August 12, 2010 were responded to and proposed changes are reflected in the September 14, 2010 memo to the Council.
2338	Fisheries Resources & Uses	9/9/2010	Tricia Jedele	Conservation Law Foundation	500	As we have commented several times on several drafts of the Commercial and Recreational Fisheries Chapter, and because at this time we are not certain of how comments previously filed are being incorporated into the final document, CLF is incorporating by reference herein, the comments we filed on August 12, 2010 with respect to Chapter 5 – Commercial and Recreational Fisheries.	Comments filed on August 12, 2010 were responded to, and responses can be viewed on the Ocean SAMP website. Proposed changes based on these comments were originally included in the August 24, 2010 memo to the Council, and were subsequently integrated into the September 14, 2010 memo to the Council.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2339	Fisheries Resources & Uses	9/9/2010	Tricia Jedele	Conservation Law Foundation	500	In order to balance essential ocean ecosystem protection and sustainable development, a comprehensive marine spatial plan must consider all human uses of the planning area. While the Ocean SAMP considers fishing and indeed devotes a 164-page chapter to the Ocean State's recreational and commercial fisheries, it does so in a manner that seeks only to protect fishing opportunities rather than to consider how fishing activities could be improved to "ensure the preservation and restoration of ecological systems" - the stated primary guiding principle of CRMC's coastal and ocean management mission (Executive Summary, p. 1, paragraph 1). Accordingly, CLF continues to be troubled by the apparent disregard for the significant ecological impacts that fishing has on Rhode Island's ocean waters - both through the removal and subsequent depletion of resources and through the destruction and alteration of seafloor habitats by certain types of mobile fishing gear. Fishing with heavy trawls and dredges is arguably the single most destructive activity impacting New England's ocean waters today.	As has been stated in response to past comments from the CLF, the CRMC does not have regulatory jurisdiction over commercial and recreational fisheries in either state or federal waters. Accordingly, the Council cannot limit fishing activity within the Ocean SAMP area, and would be limited by those state and federal agencies which do have regulatory jurisdiction from exercising such power. The primary purpose of the chapter is to provide baseline information on commercial and recreational fishing activity as a coastal use. The CRMC must do this for federal consistency purposes per the federal Coastal Zone Management Act. The chapter includes a section that summarizes the impacts of fishing, including mobile gear fishing, on fish resources and habitats. In addition, it should be noted that fishing is the dominant existing use in the area.
2350	Fisheries Resources & Uses	9/14/2010	Tricia Jedele	Conservation Law Foundation	500	We continue to press this point, and it is out of the utmost respect actually for the fishing community, and not contrary to that that we don't think that the document should seek only to protect fishing opportunity as opposed to address the need for management of sustainable fisheries, and that there needs to be a better process spelled out in here about the relationship that CRMC and DEM will have with respect to that critical issue in terms of just good marine spatial planning, and we think that at this point that's still lacking.	As is stated in Chapter 5, the purpose of the Ocean SAMP is to protect sustainable existing uses, resources, and habitats, and to guide future uses, not to engage in fisheries management. Ocean SAMP policies and standards also clearly acknowledge the regulatory jurisdiction of RIDEM and other state and federal agencies with regard to fisheries in state and federal waters and state that it will work with these agencies to protect fisheries resources and habitats. The Fishermen's Advisory Board description has also been modified to clarify that it is not intended to supplant the authorities of the RI Marine Fisheries Council.
1971	Fisheries Resources & Uses	9/9/2010	Nicole Travisono	RIDEM	500	p.10, 4.), "At the time of this writing, many of the more popular commercially and recreationally targeted species, including squid and striped bass, are not overfished, nor is overfishing occurring.", should read "At the time of this writing, many of the more popular commercially and recreationally targeted species, including squid, summer flounder, scup and striped bass, are not overfished, nor is overfishing occurring." Summer flounder stock is considered not overfished and overfishing is not occurring (SAW 47-NEFSC, 2008). Scup stock is considered not overfished and overfishing is not occurring (Terceiro, 2010).	Revised as suggested
1965	Fisheries Resources & Uses	9/9/2010	Nicole Travisono	RIDEM	500	The majority of the tables and graphs in the chapter should be updated to the most recent available data. Although it is stated in the text that this will be done, the office of Marine Fisheries would like to stress that this be done on a routine basis to ensure that the document represents the most recent data.	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1966	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	The most recent Right Whale sightings from 2010 have not been included in the chapter and should be. This was a significant event in which a large number of Right Whales were seen in the Ocean SAMP area. This demonstrates the fact that although several species of marine mammals may not be permanent residents of the area or migrate through the area every year, there may be random events in which they follow food sources into the area, especially with changing climate conditions.	Data on right whale sightings added to Renewable Energy and Ecology chapters. Not relevant to Fisheries Chapter.
1967	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	It should be noted in the chapter that purse seines as well as mid-water trawling are used for catching herring schools. Purse seines are discussed in the section pertaining to the menhaden fishery, however they are used for herring as well.	Revised as suggested
1968	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	Throughout the document, make a note (footnote) that shellfish weights are expressed in meat weight for oyster, softshell clams, quahog...etc.	Footnotes added where applicable
1969	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	Several staff members have concerns over using the last decade as the baseline time period. While it is understood that a baseline does need to be developed, that is only the first step. The baseline needs to be described in terms of what it represents and the last ten years do not represent a productive time period. The baseline should represent a floor from which fisheries stocks should not be allowed to go below. The last decade, if used for a baseline period, should not be misinterpreted to mean that the last ten years is indicative of the average for the SAMP relative to fish stocks.	The following sentence was added to this paragraph to address DEM's concerns: "This ten-year time period does not represent an idealized state or a targeted abundance level; rather it is intended to provide current abundance data in order to inform decision-making."

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1970	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	There are several concerns regarding the need or effectiveness of the Fisheries Advisory Board (FAB). The Council would serve itself better if it used the existing state marine fisheries infrastructure to this purpose (namely the RIMFC). They will be dealing with the same people more or less and the infrastructure is already set and functioning (more or less). It seems duplicative to create yet another panel to hold meetings for the same individuals to attend, they attend enough marine fisheries meetings as it is. Additionally the FAB may not have the capacity (time, computer hardware and software, mapping and data analysis required) to satisfy the duties required of the FAB as listed in this chapter. The RI Fishery Management Council is already populated and positioned with representatives of the commercial and recreational fishing industry that could provide guidance to CRMC. If the council decides to proceed with a FAB, it should be discussed in the plan how this board will operate or not with the statutorily constructed RI Marine Fisheries Council (RIMC) or Industry advisory committee (IAC) identified in RIGL Title 20.	As stated in the document, the Fisheries Advisory Board (FAB) is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish within the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council's decision-making process with regard to offshore construction and development. Thus, the primary goal of the FAB is to preemptively mitigate any potential conflicts between fishermen/fishing activity and offshore development activities. To clarify, the interaction between the FAB and the Council will not address fisheries management, as the role of the FAB is to simply provide the Council with advice. Additionally, the FAB will not make any formal determinations and is not intended to supplant the existing authority of any other federal or state agency responsible for the management of fisheries. The FAB will not conduct environmental impact assessments, as such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB will also not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard. These functions are entirely separate from those of the Rhode Island Marine Fisheries Council (RIMFC), which provides advice on fisheries management issues. The creation of a separate FAB is appropriate because RIMFC membership is not representative of fisheries which take place offshore in the Ocean SAMP area. Currently, the RIMFC does not include active representatives from the scallop dredging, gillnetting, or lobstering fisheries. For these reasons, it does not make sense to conflate the roles of the RIMFC and the FAB. Additional language has been added to the description of the FAB to specify that it is not intended to supplant the role of the RIMFC or any other state or federal agency. We have changed the language in this section per recommendations made by DEM's legal counsel to clarify the role of the FAB.
2016	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	In text, not on works cited: (Poggie and Gersuny 1978), p.91, 5.)	Corrected in text – should be Poggie and Gersuny 1974

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2017	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	500	Suggested References: Atlantic States Marine Fisheries Commission (ASMFC). 2009a. American lobster stock assessment report for peer review. Stock Assessment Report 09-01 (Supplement). Atlantic States Marine Fisheries Commission. Atlantic States Marine Fisheries Commission (ASMFC). 2009b. Terms of Reference & Advisory to the American lobster stock assessment peer review. Assessment Report 09-01. Atlantic States Marine Fisheries Commission. Boyce, D.G., M.R. Lewis, and B. Worm. 2010. Global phytoplankton decline over the past century. Nature 466: 591-596. Buckley, L., J. Collie, L.A.E. Kaplan, and J. Crivello. 2008. Winter flounder larval genetic population structure in Narragansett Bay, RI: recruitment to juvenile young of the year. Estuaries and Coasts 31: 745-754. Crecco V. (2009) Adjustment to Striped Bass Recreational Catch, Harvest and Fishing Mortality (F) due to Systematic Bias in the MRFSS from 1982 to 2008. Connecticut Marine Fisheries Division internal document 32pp Crivello, J.F., D. Danilla, E. Lorda,	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2098	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	510	Comment#65: Table 5.2: The status for Goosefish and Shark, short fin mako both state: "Not overfished; overfishing is Occurring" Please clarify if is overfished or not overfished.	No change needed – these are the terms used by NMFS
2100	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	510	Comment#67: To clarify the description of sea bass, insert the word "protogynous" between "are" and "hermaphroditic"	Revised as suggested
2101	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	510	Comment#68: We believe the units in parentheses are supposed to be meters not feet. "...between 120 to 600 feet (37 to 183 feet) in depth."	Revised as suggested
2230	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5, page 58 #1: The paragraph should be changed to read as follows: "Several finfish species that may occur within the Ocean SAMP area are not targeted in commercial or recreational fisheries, but may be managed by the NMFS Office of Protected Resources. The NMFS Office of Protected Resources has jurisdiction over most marine and anadromous species listed as endangered or threatened under the federal Endangered Species Act (ESA). In addition, NMFS has identified "Species of Concern" as species about which NMFS has some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA (NMFS 2010a). However, "Species of Concern" status does not carry any procedural or substantive protections under the ESA. For further discussion of non-fish species protected under the Endangered Species Act, see Chapter 2, Ecology I Ocean SAMP Area."	Revised as suggested

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2231	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5.2, page 59 #3: The paragraph should be changed to read as follows: "Historically, Atlantic sturgeon were harvested commercially for a wide range of commercial uses of both the fish and its eggs. ASMFC instituted a coast-wide moratorium prohibiting the harvest and retention of Atlantic sturgeon in 1998, and NMFS followed with a moratorium in Federal waters. According to NMFS, Atlantic sturgeon were first identified as a species of concern in 1988; however, they were formally retained on the list in 1998. According to NMFS, Atlantic sturgeon numbers have declined because of fishing pressure as well as incidental mortality through bycatch, vessel strikes, habitat degradation, and dams that have interrupted spawning behavior. In October 2009, the Natural Resources Defense Council petitioned NMFS to list Atlantic sturgeon under the ESA. At the time of this writing, NMFS is in the process of developing a listing determination indicating whether listing Atlantic sturgeon as an endangered or threatened species is warranted (NMFS 201 Oc). This decision must be published in the Federal Register on or before October 6,2010 (12 months after receipt of the NRDC petition)."	paragraph revised as suggested
2232	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5.3, page 60 #3: The paragraph notes that "Wolffish are frequently taken as bycatch in otter trawl fisheries .During wolffish status review, it was decided that incidental catch was a more appropriate term than bycatch. The paragraph should be changed to read as follows: "Wolffish are frequently taken as incidental catch in otter trawl fisheries, and small quantities of wolffish have been landed by commercial fishermen since the 1970s, though catches have declined to a recent low (NEFSC 2006a). According to NMFS, the decline of the wolffish can be attributed to incidental catch, as well as commercial fishing, and habitat degradation caused by fishing gear citation. NMFS designated the Atlantic wolffish as a species of concern in 2004 due to demographic and genetic diversity concerns. In 2008, NMFS was petitioned to list the Atlantic wolffish under the ESA, and in 2009, NMFS found that listing was not warranted at that time (NMFS 2009c). In 2010, Atlantic wolffish were added to the Northeast Multispecies Fisheries Management Plan (FMP) in Amendment 16 to the plan. Inclusion of Atlantic wolffish in Amendment 16 provides for the prohibition of landing Atlantic wolffish in commercial and recreational fisheries."	paragraph revised as suggested
2233	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5.4, page 60 #2: The following sentence should be corrected. "The dusky shark is a highly migratory species, migrating north in the summer and south in the summer, following warmer waters." Dusky shark migration is southward in the fall and winter.	Revised as suggested

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2234	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5.4, page 60 #3: The paragraph should be changed to read as follows: "Dusky sharks are managed as a highly migratory species by NMFS under the Consolidated Atlantic Highly Migratory Species Fishery Management Plan and by the Atlantic States Marine Fisheries Commission under the Interstate Fishery Management Plan for Atlantic Coastal Sharks. According to NMFS, dusky sharks are currently overfished. They have been a popular target for recreational fishermen, though they have been harvested commercially and have also been taken as bycatch in directed fisheries. Commercial and recreational fishing for dusky sharks has been prohibited since 1998. NMFS attributes their decline to recreational fishing pressure and incidental mortality as bycatch, and listed them as a species of concern in 1997 due to a range of demographic and genetic diversity concerns (NMFS 2009d)."	paragraph revised as suggested
2235	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	510	Section 510.5.5, page 61 #3: The paragraph should be changed to read as follows: "Porbeagle sharks were harvested commercially in the Northwest Atlantic starting in the early 19th century (Collette and Klein-MacPhee 2002). Catch records indicate that the fishery collapsed in the early 1960s and dropped off through the 1970s and 1980s, allowing the population to rebuild. In the early 1990s, a new fishery developed and catch rates increased dramatically, only to drop off again. Porbeagle sharks are managed by NMFS under the Consolidated Atlantic Highly Migratory Species Fishery Management Plan and by the Atlantic States Marine Fisheries Commission under the Interstate Fishery Management Plan for Atlantic Coastal Sharks. According to NMFS, porbeagle sharks are overfished, although overfishing is not currently occurring. NMFS attributes the decline of porbeagle sharks to fishing pressure, and designated them a species of concern in 2006 (NMFS 201 Od). In early 2010, NMFS received two petitions to list porbeagle sharks under the ESA. After reviewing the petitions and available information, including the most recent stock assessment from the International Commission for the Conservation of Atlantic Tunas (ICCAT) and International Council for the Exploration of the Seas (ICES), it was determined that the petitions did not present substantial scientific information indicating that listing the species under the ESA may be warranted at this time (75 Fed. Reg. 39656, 12 July 2010). In 2010, there was a proposal to list porbeagle sharks in Appendix II of the Convention on the International Trade in Endangered Species, though this proposal did not receive the votes that are needed to be passed (CITES 2010)."	Revised as suggested
1972	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.13, footnote 3, the language of the footnote should be changed to something along the lines of "Skates are listed as unclassified because they are often landed as a mix of species, predominantly Little Skate."	Footnote revised as suggested

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1973	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.14, Table 5.2, not sure if Atlantic Herring is overfished or not, current assessment indicates B is below Bmsy, but not sure of this is their benchmark, should double check. Tautog stock status incorrect as of latest coastwide and regional assessments. Stock is overfished and overfishing occurring. Under status of the stock for skates, only winter skate is reported as being overfished. Thorny skate, which is part of the northeast skate complex plan, is also overfished. It is mentioned later in the chapter under Species of Concern however it is relevant here as well and should be included.	Herring is not overfished. Thorny skate is not a species targeted heavily by commercial or recreational fisheries, and thus is not included here. Tautog status corrected.
1974	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.17, the Factor (1995) reference should be consulted for a better write up of the life history and biology.	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1975	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.20, The status of the GOM and GB stocks should be re-written with reference to the most recent stock assessments (NEFSC 2008).	More recent stock assessments could not be found at this time.
1976	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.21, Reference should be made to Overholtz et al. (2008) concerning the evolving science on the importance of forage species (herring) to the ecosystem and the impact to fishery reference points of explicitly accounting for predation (less for fishery).	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1977	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.23, Reference should be made to Moustahfid et al. (2009) concerning the evolving science on the importance of forage species (mackerel) to the ecosystem and the impact to fishery reference points of explicitly accounting for predation (less for fishery).	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1978	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.29, 5.), "...recreational fishery is managed by a ten-fish bag limit.", the recreational limit in RI was just increased to a fifteen-fish bag limit.	Revised as suggested
1979	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p. 35, there should be more on the life history of menhaden particularly the ontogenetic shift in gill rakers and diet (Friedland et al. 2006) as this is important to their ecological services role that has been newly revisited (Lynch et al. 2010).	Additional references will not be added at this time based on time constraints unless the addition of new information is necessary to correct or clarify the existing document. No additional information on menhaden is needed, as menhaden are not commercially significant within the Ocean SAMP area.

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1980	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.35, 4.), change “They are of commercial importance largely because of their use as bait for the lobster fishery.”, should be rephrased to “They are of commercial importance largely because of their use as bait for the lobster fishery, though they are also used by recreational fishermen as bait in the striped bass and bluefish fisheries.” After “Although they are...SAMP area.”, add sentence “However, due to current restrictions placed on the bait fishery in Narragansett Bay, fishing pressure may transfer in to the Ocean SAMP area in the future.”	Revised as suggested
1981	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.38, 4.), double period at the end of the paragraph	Revised as suggested
1982	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.42, 1.), It should be noted that yes NMFS reports skates as unclassified, they do this because this is how they are landed. If the skates are landed separately however, they are reported as separate. When one sees skate unclassified it is likely a “bait” skate landing. All skate landings are not listed as unclassified.	Sentence revised to say “this is how most skate fishery landings are reported to NMFS”.
1983	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.44, The Delaware River also produces striped bass that appear along the NE coast. Consult the most recent ASMFC stock assessment for details	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1984	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.45, 5.) change “In Rhode Island, commercial fishermen also use floating fish traps to catch striped bass.”, to say “In Rhode Island, commercial fishermen also use floating fish traps to catch striped bass, but are prohibited from using gillnets for harvest in state waters”.	Revised as suggested
1985	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.48, Life history should include reference to the Matteo et al. (2010) paper on otolith chemistry of YOY in RI and the implications to localized stock structure and management.	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
1986	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.49, 4.), end the section by stating: “The most recent regional stock assessment update indicates that the regional stock is overfished and overfishing is occurring in RI and MA state waters.”	Revised as suggested
1987	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	52, Insufficient attention is paid to the fidelity of spawning migrations to natal areas and the implications that it has for management. Suggested references include: (Lobell 1939, Perlmutter 1947, Saila 1961, Powell 1989, Phelan 1992, Crivello et al. 2004, Buckley et al. 2008). Important fishing history is found in Perlmutter as well.	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.

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1988	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.52, 2.), change “Winter flounder live for about twelve years (Ross 1991).”, to “Winter flounder can live for about twelve years (Ross 1991).”	Revised as suggested
1989	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.54, 2.), “...southern New England (NEFSC 1999g) Spawning...” should read “..southern New England (NEFSC 1999g). Spawning...”	Revised as suggested
1990	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.55, 1.), “According to the most recent stock assessment, whereas biomass levels for the Gulf of Maine stock have increased substantially such that this stock is no longer considered overfished, biomass levels for the Georges Bank stock have not changed much since an earlier stock assessment in 2004.”, should read “According to the most recent stock assessment, biomass levels for the Gulf of Maine stock have increased substantially such that this stock is no longer considered overfished, whereas biomass levels for the Georges Bank stock have not changed much since an earlier stock assessment in 2004.”	Revised as suggested
1991	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.57, 1.), “...but increase to 3,500 metric tons...”, should read “...but increased to 3,500 metric tons...”	Revised as suggested
1992	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.57, 1.), would add striped bass to the list of important predators on sand lance, don't have a citation for you though.	Revised as suggested
1993	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.58, 2.), “...eat shellfish, crustacean, and even seabirds...”, should read “...eat shellfish, crustaceans, and even seabirds...”	Revised as suggested
1994	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.60, 2.), “...migrating north in the summer and south in the summer...”, should read “...migrating north in the summer and south in the winter...”	Revised as suggested and based on NMFS comments
1995	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.58, 2.), “...River herring (which includes two species: Alewife (Alosa pseudoharengus) and Blueback herring (Alosa aestivalis));”, should read “...River herring (which includes two species: Alewife (Alosa pseudoharengus) and Blueback herring (Alosa aestivalis));”	revised as suggested
1996	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.60, 3.), “...dusky sharks currently overfished and cannot...”, should read “...dusky sharks are currently overfished and cannot...”	revised as suggested
1997	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.62, 2.), “...spawn in slightly warmer and therefore...”, should read “...spawn in slightly warmer water and therefore...”	revised as suggested

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1998	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.63, 1.), "...Atlantic, and in southern New England are common in shoal waters...", should read "...Atlantic, in southern New England, and are common in shoal waters..."	No change; sentence is worded as intended
1999	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	- p.58-75, Fisheries catches and abundance vary great deal overtime. The report considered listing the species of importance to recreational and commercial fisheries in the SAMP area by taking the average catch and abundance over 10 years (1999-2007). Ana	The determination of species of importance to fisheries within the Ocean SAMP area, and thus used in this baseline characterization, was based first upon analysis of species of economic importance, and verified with fishermen. Some species identified as Species of Concern by NMFS are also included in the baseline characterization. A description of the biological budget of the entire ecosystem is not within the scope of the baseline characterization. Species such as American Shad and Weakfish were not identified by fishermen as species of importance, nor were they economically important during the time period selected; however, shad are included in the baseline characterization because of their status as species of concern.
2000	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	I suggest taking into considerations the trends in abundance in a 2-way-table by computing a measure of population growth rate by species based on survey abundance in the simple ratio: $GR_i = (P_y - P_t / P_t) \times 100$ GR= Growth Rate P = production (abundance) i = species y = end year t = beginning year The percent change should highlight any major changes in productivity in the 10-year period and will certainly allow the inclusion of species with recent high or low abundance such as the following species: American Shad. The stock Assessment was completed (ASMFC 2007) and found the stocks to be at all-time lows and did not appear to be recovering to acceptable levels. It identified the primary causes for the continued stock declines as a combination of excessive total mortality, habitat loss and degradation, and migration and habitat access impediments. Weakfish. The weakfish stock is depleted and overfishing is not occurring (NEFSC 2009a, NEFSC 2009b). In general, weakfish biomass has declined to an all time low, total mortality is currently high, and non-fishing mortality has increased in recent years. Given this situation, recent fishery removals (landings and dead discards combined) represent a significant proportion of the remaining biomass and further exacerbate the stock decline.	The determination of species of importance to fisheries within the Ocean SAMP area, and thus used in this baseline characterization, was based first upon analysis of species of economic importance, and verified with fishermen. Some species identified as Species of Concern by NMFS are also included in the baseline characterization. A description of the biological budget of the entire ecosystem is not within the scope of the baseline characterization. Species such as American Shad and Weakfish were not identified by fishermen as species of importance, nor were they economically important during the time period selected; however, shad are included in the baseline characterization because of their status as species of concern.

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2001	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	The Jonah & Rock crab fishery began in around 1995 in Rhode Island. The species were fished as bycatch in the lobster fishery and recently by vessels targeting the crabs. The development of Jonah crab fishery resulted in more widespread fishing activity as vessels fished further east of the SAMP area where crab concentrations are present. Assessment and population size of the stock was first described in Gibson and Olszewski (2001).	Jonah and rock crabs are not generally targeted within the Ocean SAMP area, and were therefore not included in the baseline characterization.
2002	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.67, trawl methodologies should be referenced here	See Appendix A
2003	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.68 and beyond, the pertinent findings of Longval (2009) could be added	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2004	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	510	p.75, 3.), "Multivariate analyses identified 17 species that effectively control the demersal fish and invertebrate community composition within the Ocean SAMP area (see Figure 5.10 below)." Does Bohaboy et al. (2010) use the word "control" in the previous sentence or do they state shape, drive, etc.? If they use control then it is fine as is, otherwise it should be changed as using the word control implies a top-down effect.	Bohaboy et al. do use the word "control"
2010	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	The authors highlighted the significant differences in estimates of the recreational fishing effort from the two surveys (MRFSS and USFWS). These differences have an enormous ramification for truly representing the biological and economic assessments of the recreational fisheries in Rhode Island and particularly the SAMP area. In 2006, the National Research Council (NRC) reviewed the MRFSS and concluded, among other things, that the MRFSS random digitized telephone survey of coastal household telephones was severely flawed. As a result the NRC recommended establishing a national registry of saltwater anglers to serve as the basis for future sampling programs. A year later, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was reauthorized and signed into law requiring the National Oceanic and Atmospheric Administration (NOAA) and coastal States to implement a Marine Recreational Information Program (MRIP) by establishing a saltwater license. The new program is intended to establish a universal sampling frame of saltwater anglers in order to reduce the apparent increasing systematic bias and to achieve greater degree of standardization among coastal States.	When the saltwater fishing license has been implemented and data are available, the new data may replace existing data within the Ocean SAMP chapter. However, the MRFSS and USFWS surveys represent the best available information on recreational fisheries.□

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2185	Fisheries Resources & Uses	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	510	Finfish resources and respective Essential Fish Habitat (EFH) within the SAM? Area are catalogued in the draft document. However, only Rhode Island-based commercial fisheries are discussed, referencing National Marine Fisheries Service (NMFS) statistical data. Available NMFS data also show that fish harvested by Connecticut-based commercial fishermen from NMFS Statistical Area 539, which encompasses the majority of the SAMP area including the waters immediately surrounding Block Island, are a significant source of revenue for this state. Therefore, the SAMP should address the impacts of activities that would be conducted in that area. In particular wind farm development on Connecticut commercial fisheries. Relevant issues include access to traditional fishing grounds. And vessel and/or gear use controls. Specifically, Table 5.1 and Paragraphs 510.1.1.2 and 510.1.1.3 should identify those species that are of commercial and recreational importance to other states including Connecticut, as well as Rhode Island	The following paragraph was added to the Introduction: "6. While the emphasis of this chapter is on the commercial and recreational fisheries of the state of Rhode Island and their importance to the state, it is acknowledged that fish and fishing activities are not limited to state boundaries. Fishermen from other states, including Massachusetts, Connecticut, and New York, routinely transit through or fish within the Ocean SAMP boundary area. The fish species found in the Ocean SAMP area and the fishing activity that occurs here are undoubtedly of economic and cultural importance to these other states as well, and any impacts to fisheries resources and activities within the Ocean SAMP area could affect fishermen in other states. While the remainder of this chapter is primarily focused on the importance of fisheries to the state of Rhode Island, it is acknowledged that fishermen from outside of the state rely on these resources as well."
2186	Fisheries Resources & Uses	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	510	Similarly, EFH described in Chapter 5 for Rhode Island commercial species is also critical to sustaining certain commercial fisheries of Connecticut. The SAMP should discuss the importance of protecting EFH for species of interstate that utilize SAMP area waters from the effects of development-related activities, including but not limited to sound, electromagnetic fields, habitat disturbance and water quality degradation. And the associated changes in fish community structure and harvest success. Impacts of potential future uses, as discussed in Chapter 9, including but not limited to marine reserves and aquaculture development. That would exclude or affect existing Connecticut fishing activities. Should be identified and evaluated accordingly.	The following paragraph was added to the Introduction: "6. While the emphasis of this chapter is on the commercial and recreational fisheries of the state of Rhode Island and their importance to the state, it is acknowledged that fish and fishing activities are not limited to state boundaries. Fishermen from other states, including Massachusetts, Connecticut, and New York, routinely transit through or fish within the Ocean SAMP boundary area. The fish species found in the Ocean SAMP area and the fishing activity that occurs here are undoubtedly of economic and cultural importance to these other states as well, and any impacts to fisheries resources and activities within the Ocean SAMP area could affect fishermen in other states. While the remainder of this chapter is primarily focused on the importance of fisheries to the state of Rhode Island, it is acknowledged that fishermen from outside of the state rely on these resources as well."
2187	Fisheries Resources & Uses	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	510	Of specific interest to this state, certain species listed in Paragraph 510, 1.3.1 as being of special concern to Rhode Island are also of concern in Connecticut. Particularly river herring (alewife and blueback herring). River herring are depleted in Connecticut waters and fishing for them is prohibited. Potential impacts of SAMP area activities on these species should be evaluated.	River herring are also of concern in Rhode Island and are addressed in the chapter under Species of Concern. Fishing for river herring is also prohibited in Rhode Island waters. Chapter 8 addresses the potential impacts of renewable energy on fish; however, individual species are not singled out.

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2188	Fisheries Resources & Uses	9/9/2010	Brian P. Thompson	State of Connecticut, Department of Environmental Protection	510	I would like to reiterate our recognition of the effort devoted to, and the importance of, the SAMP. On behalf of this Office, I wish you well as you move forward with the adoptive process. If you have any questions regarding these oommems, please contact Tom Ouellette of this Office at 860-424-3612 or tom.oulette@ct.gov	No response required
2102	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	520	Comment#69: Table 5.32: This table could be simplified and made easier to read if the life stage column was dropped and the "X"s were replaced with the first letter of each life stage.	Non-mandatory; no change
2103	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	520	Comment#70: Figure 5.11-5.15: Color coding is usually used when it will help the reader see patterns. In this case, using colors to represent species richness is confusing. Suggest dropping the colors and inserting the actual number of species instead.	Maps were created by RIDEM; no change
2236	Fisheries Resources & Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	520	Section 520.1 Benthic Habitat: Include more specifics on methodology of benthic habitat mapping or refer to specific appendix for description of methods. Does the mapping effort described in this paragraph include ground-truthing?	Refer to Appendix 14 (Malek et al.) for more information on habitat mapping methods
2005	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	520	p.78, could reference NE Council habitat management activities as noted earlier	Sentence added to address the council's omnibus habitat amendment. Further discussion of the SASI is available in Section 550.1
2104	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	530	Comment#71: Figure 5.16: Recommend changing 5.16 Figure title to align with actual text on page 86; recommend from "Historical Trawling Areas" to "Historical Trawling Areas of 1970s"	Revised as suggested
2106	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	530	Comment#73: "Recreational fishing is an important activity in Newport because of the large number of recreational boats located here." Just because there are a large number of recreational boats do not automatically suggest these boats engage in fishing activities. What number of these boats engages in recreational fishing? How many of these boats are registered recreational charter boats? On page 92 the author uses the number of registered recreational charter boats on Block Island (pg. 92) to support conclusions. Suggest using this methodology for Newport (if these metrics are not available for Newport, then please state this).	Additional data not available. A footnote was added to the first sentence to indicate data are not available.
2107	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	530	Comment#74: The last sentence of the section discusses out of state trawlers; is there quantitative information of out of state trawlers frequenting the SAMP area? If metrics are not available, then please state this. The section also states fishing from out of state trawlers occurs "...at certain times of year" – what times or seasons? Statement is vague with no data to support conclusions.	"at certain times of year" deleted from sentence.

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2108	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	530	Comment#75: "Thus, it is not possible to differentiate among catch from within the Ocean SAMP area or outside of the Ocean SAMP area." If it is not possible to differentiate then this should be annotated on the appropriate tables and figures in this section. The way these sections are presented it is confusing where the information originates.	Text added to labels of all figures and tables with landings or effort data to note that the data includes fish and/or trips within and outside of the Ocean SAMP area
2109	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	530	Comment#76: What is the location of the RISAA 15 special fishing tournaments and the "Yearlong Tournament?" Does it include the entire SAMP area? It would be helpful if there was a reference map that illustrated where the fishing tournaments occur in the SAMP area.	This data is not available.
1008	Fisheries Resources & Uses	5/4/2010	Tricia Jedele	Conservation Law Foundation	530	(Comment 4B) The Fisheries chapter presents very good details on individual species including preferred habit for the various life stages of a particular species. The SAMP should use this preferred habitat information along with knowledge of seafloor habitat types (and CLF recognizes that much research is needed to fully characterize habitat in the planning area), the vulnerability of various habitats to fishing gear, and known mobile gear fishing areas to identify and designate in the Ocean SAMP particular areas that should be protected from harmful human activities (including fishing with certain types of mobile bottom tending fishing gear, sand and gravel mining, placement of structures on the seafloor, among other activities).	As noted above, Section 560 of the Fisheries Chapter ("Policies and Standards") includes a draft policy that seeks to protect moraines from future development, and the CRMC's Coastal Resources Management Program already prohibits sand and gravel mining with the exceptions of dredging for navigation purposes, channel maintenance, habitat restoration, and beach replenishment (see Section 300.3 of "The Red Book"). As CLF notes, a great deal of additional research is needed to fully characterize habitat in the planning area. Additional information about important habitats will be incorporated into the SAMP upon completion of the fisheries habitat study currently being conducted by Dr. Jeremy Collie and Dr. John King of the URI Graduate School of Oceanography (expected in late 2010).
2006	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	p.88, the Olsen and Stevenson data on the increase in otter trawl fleet would be informative	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2007	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	p.102, 5.), "...rod and reeltrips represented...", should read "...rod and reel trips represented..."	revised as suggested
2008	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	p.102, 3.), "...the two main types mobile gear fishing...", should read "...the two main types of mobile gear fishing..."	revised as suggested

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2009	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	p.108, 1.), "Rhode Island has a number of significant fixed gear commercial fisheries. These include gillnetting as well as trap fisheries, which includes the use of lobster pots and fish pots." This sentence should include floating fish traps as well.	Revised as suggested
2010	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	The authors highlighted the significant differences in estimates of the recreational fishing effort from the two surveys (MRFSS and USFWS). These differences have an enormous ramification for truly representing the biological and economic assessments of the recreational fisheries in Rhode Island and particularly the SAMP area. In 2006, the National Research Council (NRC) reviewed the MRFSS and concluded, among other things, that the MRFSS random digitized telephone survey of coastal household telephones was severely flawed. As a result the NRC recommended establishing a national registry of saltwater anglers to serve as the basis for future sampling programs. A year later, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was reauthorized and signed into law requiring the National Oceanic and Atmospheric Administration (NOAA) and coastal States to implement a Marine Recreational Information Program (MRIP) by establishing a saltwater license. The new program is intended to establish a universal sampling frame of saltwater anglers in order to reduce the apparent increasing systematic bias and to achieve greater degree of standardization among coastal States.	When the saltwater fishing licesnse has been implemented and data are available, the new data may replace existing data within the Ocean SAMP chapter. However, the MRFSS and USFWS surveys represent the best available information on recreational fisheries.
2011	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	Rhode Island implemented the saltwater license in April, 2010 with options to purchase either state or federal (free) license for the first year of implementation. The new program is expected to address the discrepancies between the surveys and reduce the apparent systematic bias. Crecco (2009) provided a full review of the systematic bias of effort estimates by the MRFSS showing that effort is overestimated by at least a factor of 2.0 then, by extension, seriously inflating recent recreational catch. Further expansion of biological and economic assessments using the MRFSS data should provide caveats and uncertainties in reference to the apparent increasing bias.	When the saltwater fishing licesnse has been implemented and data are available, the new data may replace existing data within the Ocean SAMP chapter. However, the MRFSS and USFWS surveys represent the best available information on recreational fisheries.
2012	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	Figure 5.31 and Table 5.39 and throughout section 530.7, add "Mahi-mahi" to the word "Dolphin" in the document. The authors list dolphin as one of the recreationally caught species. This is known by its Hawaiian name as "Mahi-mahi", <i>Coryphaena hippurus</i> , is one of the commonly sought fish in the offshore sport fisheries and is fished in the SAMP area in late summer.	Tables and figures revised to include Mahi mahi

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2013	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	530	p.130, 2.), the following statement “During the spring, Rhode Island-based party and charter boats are almost exclusively targeting Cod.....” is inaccurate. During the spring season, the majority of party and charter boats target the migratory stocks of the mid-Atlantic such as striped bass, summer flounder, and black sea bass.	Paragraph revised to note that fishing for cod is in the late spring, and earlier on in the spring for striped bass, summer flounder, and black sea bass
2014	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	540	p.132, 2.), “...fisheries data, is not possible to...”, should read “...fisheries data, it is not possible to...”	Revised as suggested
2110	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	550	Comment#77: General comment on Section 550: The title of the section is “Impact of Existing Activities and Trends...” but there is no real quantitative assessment and appears to only reference entire chapters for further information.	This section is not meant to include a quantitative assessment of impacts, only to discuss and acknowledge other impacts. A quantitative assessment of other impacts to fisheries resources is outside of the scope of the Ocean SAMP document.
2111	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	550	Comment#78: “At present, seven of the species of importance to commercial and recreational fishing are either listed as overfished or overfishing is occurring on the stock (Atlantic Cod, etc....)” It is unclear if the list of seven fish are the overfished stock or not. How many species are listed as “Species of Importance? A table would be helpful.	All of the species listed in this sentence are species of importance (as defined in Section 510.1.1). Table 5.2 includes this data. A reference to Table 5.2 was added to the text

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2112	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	550	Comment#79: General comment on Section 550.5: The section uses vague language to define different types of impacts. Examples include: "...a great deal of shipping activity..." and "may have a variety of impacts" and "Much of the ocean SAMP area..."	This section is not meant to include a quantitative assessment of impacts, only to discuss and acknowledge other impacts. A quantitative assessment of other impacts to fisheries resources is outside of the scope of the Ocean SAMP document.
2015	Fisheries Resources & Uses	9/9/2010	Nicole Trivisono	RIDEM	550	p.146, 5.), the Hermsen et al. (2003) on habitat impact of fishing could be added	No change. New/additional data and study results will be incorporated into the Ocean SAMP, as appropriate, in future reviews and revisions of the document as outlined in Chapter 11, The Policies of the Ocean SAMP.
2178	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	560	Comment#167: This section discusses potential mitigation measures that include "...compensation, marketing, etc.... The reasonable costs associated with the negotiation shall be borne by the applicant" appears to be that is outside the scope of state jurisdiction on a federal project and needs to be clarified. Recommended edit: As part of the Consistency Determination, mitigation measures may be imposed by the state on a project.	No change made. Per this comment and subsequent discussions with BOEMRE regarding state vs. federal jurisdiction, a paragraph has been put at the beginning of the Regulatory Standards sections of Chapter 8 and Chapter 11 to clarify BOEMRE's jurisdiction: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."

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2180	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	560	Comment#169: States are not allowed to establish regulatory standards for federal agencies. A state policy that would regulate or otherwise establish standards for federal agencies or federal lands or waters would not meet the CZMA's definition of "enforceable policy". Enforceable policies are given legal effect by state law and do not apply to federal lands, federal waters, federal agencies or other areas or entities outside a state's jurisdiction, and the CZMA doesn't confer such authorization. Recommended edit: Clarify that this section only applies to projects in state waters and not federal waters.	Per the direction of the NOAA Office of Ocean and Coastal Resource Management, "Regulatory Standards" included in the document meet the CZMA's definition of "Enforceable Policies" for the purposes of federal consistency. In response to this and subsequent discussions with BOEMRE, we have also added language to the beginning of the document's major Regulatory Standards sections, found in Chapter 8 and Chapter 11, to clarify the jurisdiction of BOEMRE as follows: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
2181	Fisheries Resources & Uses	9/9/2010	Poojan Tripathi	BOEMRE	560	Comment#170: "The Council will not require this assessment for proposed projects within the Renewable Energy Zone that are proposed within two years of adoption of the Ocean SAMP." State policies should be based on effects to coastal uses or resources and not on a particular type of activity. This policy appears to be disproportionately aimed at offshore energy development.	No change made. Per this comment and subsequent discussions with BOEMRE regarding state vs. federal jurisdiction, a paragraph has been put at the beginning of the Regulatory Standards sections of Chapter 8 and Chapter 11 to clarify BOEMRE's jurisdiction: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."

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2367	Fisheries Resources & Uses	9/14/2010	Caroline Karp	Citizen	560	<p>"I do have a comment about this Advisory Board and I do want to draw the Council's attention to language that's in the policy section where I have the most trouble at the moment, and it talks about aquaculture leases, and it says, ""Aquacultural leases shall be considered if the Council is satisfied there will be no significant adverse impacts on the traditional fishery,"" and to me that one line suggests it's worth editing the entire document to make sure it's consistent with ecosystem-based management principles.</p> <p>As part of the concern with this is to make sure that, whether it is an aquaculture application or renewable energy application, that the applicant is paying attention to ecosystem-based issues, which includes the human totalitarian, but it includes the ecosystem part as well. It includes the spawning nursery, pure habitat-based interest, and that language with respect to aquaculture I think captures some of these concerns. In a related matter, I would say that is the reason I think they should have a joint committee here, so that it is an ecosystem-based committee rather than just a fisheries committee, because I think the kind of problems that are going to be triggered by these off-shore developments will effect fishermen, but they will effect the ecosystem as well, so you might as well do the ecosystem based research right up front, and that is to say to the staff and also to the Council, you can't just focus on those fisheries that are currently commercially important, especially if commercially important species decline and we start to moving to other underutilized species, you have to be able to address noncommercial important species as well as in this document. "</p>	In response to this comment and other similar comments we have created another advisory board, the Habitat Advisory Board (HAB) that will advise on the ecological and habitat impacts of projects within the Ocean SAMP area. While the two boards will be l and distinct from each other, with no overlap in membership, the FAB and the HAB will meet "no less than semiannually" as directed in section 560.2.

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1782	Fisheries Resources & Uses	9/9/2010	Tricia Jedele	Conservation Law Foundation	560	Accordingly, CLF continues to be troubled by the apparent disregard for the significant ecological impacts that fishing has on Rhode Island’s ocean waters – both through the removal and subsequent depletion of resources and through the destruction and alteration of seafloor habitats by certain types of mobile fishing gear. Fishing with heavy trawls and dredges is arguably the single most destructive activity impacting New England’s ocean waters today. While we recognize that the CRMC does not have jurisdiction over the management of fisheries in either state or federal waters, the nature of comprehensive ocean management plans and the Council’s own enabling legislation requires the Council to work to protect priority habitat areas from all harmful activities – including certain kinds of fishing. For this reason, it is not enough that the Council declare a policy “to protect commercial and recreational fisheries within the SAMP area from the adverse impacts of other uses, while supporting actions to make ongoing fishing practices more sustainable.” See Section 560.1, para. 3. To strike the correct management balance, it should also be a stated policy of the Council “to work in coordination with the Department of Environmental Management and other state and federal agencies with jurisdiction to manage fisheries to comprehensively protect priority habitat areas designated as such by the ocean SAMP including Areas for Preservation and Areas of Particular Concern.” CLF requests that the Council add a policy bullet to this section that addresses the Council’s authority and obligation to comprehensively protect key habitat areas, including most notably the rocky moraine areas, from all harmful activities, including from fishing activities that use certain types of destructive bottom tending mobile gear such as otter trawls and scallop and clam dredges.	This comment was responded to and the modified policy language was included in the September 14, 2010 memo to the Council.

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2340	Fisheries Resources & Uses	9/9/2010	Tricia Jedele	Conservation Law Foundation	560	While we recognize that the CRMC does not have jurisdiction over the management of fisheries in either state or federal waters, the nature of comprehensive ocean management plans and the Council's own enabling legislation requires the Council to work to protect priority habitat areas from all harmful activities - including certain kinds of fishing. For this reason, it is not enough that the Council declare a policy "to protect commercial and recreational fisheries within the SAMP area from the adverse impacts of other uses, while supporting actions to make ongoing fishing practices more sustainable." See Section 560.1, para. 3. To strike the correct management balance, it should also be a stated policy of the Council "to work in coordination with the Department of Environmental Management and other state and federal agencies with jurisdiction to manage fisheries to comprehensively protect priority habitat areas designated as such by the ocean SAMP including Areas for Preservation and Areas of Particular Concern." CLF requests that the Council add a policy bullet to this section that addresses the Council's authority and obligation to comprehensively protect key habitat areas, including most notably the rocky moraine areas, from all harmful activities, including from fishing activities that use certain types of destructive bottom tending mobile gear such as otter trawls and scallop and clam dredges.	As was stated in response to CLF's August 12, 2010 comments, which addressed similar points and requested a similar policy change, we have amended section 560.1 general policy #2 with an additional line reading, "The Council will also work in coordination with these entities to protect priority habitat areas." This same change has been made in the appropriate section of Chapter 11, The Policies of the Ocean SAMP.
2352	Fisheries Resources & Uses	9/14/2010	Tricia Jedele	Conservation Law Foundation	560	Fisherman's Advisory Board, which is important, and we need the insight and the recommendations and the guidance of those who use the fisheries, and CLF certainly recognizes that. But, we say in these comments, and our previous comments, that the role of that board is very significant. The policies chapter is infused with a role of this particular board, in developing negotiated mitigation, in the context of this avoidance doctrine, which is concerning, because there are other users of this ecosystem and there are other values associated with it in addition to protecting the fisheries and managing the fisheries, now and in the future; namely, habitat and ecosystem protection. So, we would urge the team to consider our recommendation, that some form of habitat advisory board or seats within the fisheries advisory board be considered, because we think that's important and will help to inform the SAMP as it develops over time	CLF submitted similar comments on 9/9 in writing, which have been addressed through the establishment of a Habitat Advisory Board; see responses to 9/9 comments.

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2365	Fisheries Resources & Uses	9/14/2010	Bill McElroy	Rhode Island Lobstermen's Association	560	<p>"I spoke to you, Mike, at the last meeting and expressed some initial interest in a mixed board, as you described, but after thinking about it a little more seriously and hearing some comments back from some of the fishermen and fishermen groups, and we've even had an outreach group from some of the Massachusetts fishermen that would be interested in joining this board, we think that the function that we see for the board is not really related to other interests.</p> <p>Those are the kinds of things that we think that this board can bring to this process, and while we think that the interest of the NGO's and all these other organizations should be represented, we just don't think that the Fishermen's Advisory Board is the proper board for that. I think the gentleman from Save the Bay made a recommendation that there would be, you know, some sort of a habitat, you know, committee setup that would probably represent those interests a little, you know, more clearly, and a little more forcefully. So, my opinion is that the Fisheries Advisory Board should stay a Fisheries Advisory Board.</p> <p>"</p>	<p>In response to this comment and other similar comments we have created another advisory board, the Habitat Advisory Board (HAB) that will advise on the ecological and habitat impacts of projects within the Ocean SAMP area. While the two boards will be separate and distinct from each other, with no overlap in membership, the FAB and the HAB will meet "no less than semiannually" as directed in section 560.2.</p>

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2366	Fisheries Resources & Uses	9/14/2010	Ted Platz	Rhode Island Monkfishermen's Association	560	<p>"I think there is a duality purpose of the board, and maybe we're kind of confusing the respective roles. I agree with Gary, I think there is a place for the environmental community on the Fisherman's Board, the Fisherman's advisory panel to discuss these issues. Clearly, we need to discuss the fisheries center before we can take an official stance. This is my personal opinion. In fact, I welcome the environmental community's participation, particularly CLF, because at the Federal fisheries management level I'm not aware of CLF participating on any committees, and they've been highly litigious. So, I would hope that participation would reduce your litigious behavior. Litigious conduct isn't generally be conducive to good management and forward motion of your kind of processes, as we well know in Federal processes.</p> <p>I think that there are issues where fishermen are particularly well situated to offer advice, and that kind of plays preemptly on the Fishermen's Advisory Board. At the same time at the New England Council level we have a habitat committee, we do look at special habitat environments, and the distinctions you make I think are well founded, and I think fishermen would also have a role on the Advisory Board for habitat. Whether you want to have two groups, you know, made up of members from each party, or one big group with a dual purpose, I think it is up to you all to decide and consider, but I think there are these two aspects, and I think there is this mutual interest, and I welcome cooperation and participation, because my experience has been in Federal fisheries management, that we have not had that, and it's been highly destructive to the process in managing fisheries at the Federal level. So, that's my personal opinion.</p> <p>"</p>	In response to this comment and other similar comments we have created another advisory board, the Habitat Advisory Board (HAB) that will advise on the ecological and habitat impacts of projects within the Ocean SAMP area. While the two boards will be seperate and distinct from each other, with no overlap in membership, the FAB and the HAB will meet "no less than semiannually" as directed in section 560.2.

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2364	Fisheries Resources & Uses	9/14/2010	Gary Mataronas	Sakonnet Point Fishermen's Association	560	<p>"We feel the Fisheries Advisory Board should be made up of fishermen and the Fisheries Advisory Board would be able to communicate with developers in the SAMP area for much of the types of projects. The fishing industry knows the location of fishing activities. Other groups have no clue about specific areas and times of fishing activities, and it is timely knowledge about that. The RIMFC has very few people that want to venture out into the SAMP area. It is entirely appropriate for that group to advise anyone about the time and location of fishing activity.</p> <p>It is my understanding that we, the fishermen, want this board to sit down with people on certain aspects of the installation of the towers, to minimize impacts on both sides. We also will be on site every day. We will be able to communicate with Deepwater directly with any problems that may arise. We will also be better suited for any mitigation that may arise. As everyone knows, there is always something lost between communications when it goes through a third party. I don't believe that RIMFC will have the fishermen's best interest at heart nor will we be able to respond in a timely fashion.</p> <p>"</p>	The Fisheries Advisory Board (FAB), as set out in section 560.2, will consist of nine members representing Rhode Island and Massachusetts fisheries that are located within the Ocean SAMP area. We have also clarified that the FAB is not meant to supplant the jurisdiction of the RI Marine Fisheries Commission.
2354	Fisheries Resources & Uses	9/14/2010	Kevin Essington	The Nature Conservancy	560	I would like to reiterate what we had said earlier in our July comments, particularly about the renewable energy chapter, and reiterates Tricia's final point, that we strongly encourage CRMC and the Director and his team to consider some sort of habitat science advisory board that would assist with adaptive management, would assist with developing the environmental criteria, some of these performance standards, and many of these more technical ideas that are being proposed in the document and probably in many of the comments letters that you're getting from many dozens of organizations around the area.	TNC submitted similar comments on 9/9 in writing, which have been addressed through the establishment of a Habitat Advisory Board; see responses to 9/9 comments.

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2355	Fisheries Resources & Uses	9/14/2010	Kevin Essington	The Nature Conservancy	560	Part of the comments to our original proposal to have this kind of an habitat advisory board, and one of these matrixes that have been passed around is that the joint agency working group would fulfill that function, and we recognize that the [JAWG] would fulfill an important function in many ways, and some of the best experts on the systems are in these Federal and State agencies, but we also recognize that probably a lot of the work of the [JAWG] is going to be dealt with managing the dozens of permitting authorities and other pieces of legislation that need to happen in order for offshore development to happen, and, furthermore, some sort of advisory board that includes academics and non-governmental organizations is, essentially what the Nature Conservancy is proposing, is very similar to what you see in many of the other agencies that manage Narragansett Bay, for example, whether it's the estuary program, estuary reserve, Bay Commission, they all have very similar, multi-disciplinary, multi-agency advisory boards that helps them tackle the dozens of issues that are going to come up, and they're going to come fast, as you all know. And I would ask you to consider this other avenue for stakeholder involvement, because so far the stakeholder involvement in developing the plan has been terrific, so it would be great to carry it forward.	TNC submitted similar comments on 9/9 in writing, which have been addressed through the establishment of a Habitat Advisory Board; see responses to 9/9 comments.
2117	Recreation and Tourism	9/9/2010	Poojan Tripathi	BOEMRE	600	Comment#84: Figure #1 and #8: Create an additional map. Integrate Figure 1 and Figure 8 to allow the reader the opportunity to see all marine transportation routes.	No change made. Due to the length of the Ocean SAMP document, we are not creating additional maps and figures at this point unless they are necessary to clarify a policy or standard or a technical finding that informs such policies.

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2030	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	600	In works cited, not in text: Ospar Commission. 2004. Problems and Benefits Associated with the Development of Offshore Wind-Farms. Ospar Commission. Online at www.ospar.org/.../p00212_Wind%20farms_Problems%20and%20benefits.pdf . Parks and Recreation Federation of Ontario and the Ontario Ministry of Tourism and Recreation, 1992. A Catalogue of the Benefits of Parks and Recreation. Canadian Parks and Recreation Association. Gloucester, Ontario. Available online at: http://lin.ca/resource-details/4501 . Last accessed September 30, 2009. Personal Communication with Mike Scanlon, RI Department of Environmental Management, Law Enforcement Division, June 17, 2009. Rhode Island Department of Environmental Management. 2009. Rhode Island Park Directory. Available online at www.riparks.com . Last accessed October 28, 2009. Rhode Island Tourism Division. 2010. "Explore Rhode Island Beaches." Available online at http://www.visitrhodeisland.com/what-to-do/beaches/ . Last accessed January 6, 2010. Storm Trysail Club. 2009a. "Hi	Corrected as suggested.
2031	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	600	In text, not on works cited: (Dellenbaugh, pers. comm., June 16, 2009) (Storm Trysail Club 2009) (Tyrrell and Harrison 2000)	Corrected as suggested.
2018	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	610	p.4, 1.), "...including boating, fishing diving, yacht racing, and..." should read "...including boating, fishing, diving, yacht racing, and..."	Corrected as suggested.
2019	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	620	p.7, 1.), "...sailboat racing is another popular recreational uses of the..." should read "...sailboat racing is another popular recreational use of the..."	Corrected as suggested.
2020	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	620	p.10, 1.), "Recreational fishing is addressed separately in extensive detail in Chapter 4, Fisheries Resources and Uses.", should read "Recreational fishing is addressed separately in extensive detail in Chapter 5, Commercial and Recreational Fisheries."	Corrected as suggested.
2021	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	620	p.24, 2.), "...SAMP area, see Chapter 3, Cultural and Historic Resources.", should read "...SAMP area, see Chapter 4, Cultural and Historic Resources."	Corrected as suggested.
2022	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	620	p.24, 3.), "... see Chapter 12, New Policies, Procedures, Zoning, and Regulations.", this chapter does not exist	Corrected as suggested.

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2023	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	620	p.27, 5.), "...see Chapter 2, Ecology of the SAMP Area.", should read "...see Chapter 2, Ecology of the SAMP Region."	Corrected as suggested.
2024	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	640	p.36, 6.), "...See Chapter 3: Cultural and Historic Resources,..." , should read "...See Chapter 4: Cultural and Historical Resources,"	Corrected as suggested.
2113	Recreation and Tourism	9/9/2010	Poojan Tripathi	BOEMRE	650	Comment#80: "...megayachts"- is this a common term that will be understood by most readers?	Changed term "megayachts" to "very large yachts."
2025	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	650	p.45, 1.), "...2006 \$118 million annually was spent annually on boat...", should read "...2006 \$118 million was spent annually on boat..."	Corrected as "...in 2006, \$118 million annually was spent on boat..."
2026	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	650	p.45, 3.), "...please see Chapter 4 Fisheries Resources and Uses.", should read "...please see Chapter 5 Commercial and Recreational Fisheries."	Corrected as suggested.
2114	Recreation and Tourism	9/9/2010	Poojan Tripathi	BOEMRE	660	Comment#81: The use of the term "significant" should be used with caution. If you choose to use the term 'significant' please include a precise definition	Deleted term "significant" in section 600 #1, 640 #1, and 650.1 #5 to eliminate any potential connotation of quantitative value. The term "significant" is used in section 660, Recreation and Tourism Policies and Standards, and all other Ocean SAMP policies and standards as summarized in Chapter 11, Policies of the Ocean SAMP, in a manner that is consistent with other regulatory applications of the term.
2115	Recreation and Tourism	9/9/2010	Poojan Tripathi	BOEMRE	660	Comment#82: Preliminary consultations with the U.S. Coast Guard, the U.S. Minerals Management Service, and the U.S. Army Corps of Engineers have indicated that no boating access restrictions are planned for the waters around offshore structures except for those necessary for navigational safety. Suggest replacing the word 'consultations' with 'conversations' or 'dialogues'. 'Consultation' is a formal federal process.	Changed "consultations" to "discussions". Word preliminary had already been removed in revisions of this policy as presented in Chapter 11, Policies of the Ocean SAMP.
2116	Recreation and Tourism	9/9/2010	Poojan Tripathi	BOEMRE	660	Comment#83: The citation for "See the BOEM Renewable Energy Framework for further information on NEPA requirements for renewable energy projects in federal waters (Minerals Management Service 2009b)" is not listed in the literature cited at the end of the chapter.	This entire standard had already been deleted in revisions of Ocean SAMP policies and standards as presented in Chapter 11, Policies of the Ocean SAMP.
2027	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	660	p.52, 6.), "See Chapter 12, New Policies, Procedures, Zoning, and Regulations.", no Chapter 12 exists, need to be changed	Corrected as suggested.

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2028	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	660	p.52, 7.), "See Chapter 2, Ecology of the SAMP Area.", should read "See Chapter 2, Ecology of the SAMP Region."	Corrected as suggested.
2029	Recreation and Tourism	9/9/2010	Nicole Trivisono	RIDEM	660	p.53, 2.), "...see Chapter 3, Cultural and Historic Resources...", should read "...see Chapter 4, Cultural and Historic Resources..."	Corrected as suggested.
2032	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	700	p. 3, 1.) "These vessels include cargo ships, such as tankers, bulk carriers, and tug and barges; passenger ferries; naval vessels; government research, enforcement, and search-and-rescue vessels; and pilot boats.", mixed use of commas and semi-colon, revise. "...addressed in Chapter 9: Future Uses...", should read "...addressed in Chapter 9: Other Future Uses..."	Replaced semi-colons with commas throughout; Chapter 9 title was corrected in previous revision.
2033	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	700	p.3, 2.), "...Chapter 5, Fisheries Resources and Uses.", should read "...Chapter 5, Commercial and Recreational Fisheries."	Corrected as suggested.
2034	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	710	p.5, 2.), "...See Chapter 4: Cultural and Historic Resources..." should read "...See Chapter 4: Cultural and Historical Resources..." "...Chapter 5, Fisheries Resources and Uses.", should read "...Chapter 5, Commercial and Recreational Fisheries."	Corrected as suggested.
2118	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	720	Comment#85: As stated in this section: "Ferries operating within the SAMP area travel relatively consistent routes that do not necessarily align with charted shipping lanes or recommended vessel routes." Suggest including a reference here to Figure 8. Map of Ferry Routes on page 32.	Revisions to address this point were included in the September 14 th , 2010 technical memo.
2119	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	720	Comment#87: Due to the fact that the general anchorage is proposed for the waters south of Brenton Point in the Brenton Reef area are in federal waters, it would be useful to include the status of the proposed general anchorage.	Updated with the additional information available at this time from the U.S. Coast Guard Sector Southeastern New England.
2120	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	720	Comment#88: The torpedo range that coincides with the Traffic Separation Zone is operational at designated times. Could a broad timeframe be included on the operation of the torpedo range such as seasonal?	This information is not available.
2276	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	720	Comment#86: As stated in this section: "The U.S Coast Guard is in the process of charting the Block Island Ferry route between Point Judith and Block Island's Old Harbor." When will this data be available?	Revisions to address this point were included in the September 14 th , 2010 technical memo.

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2121	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	730	Comment#89: Need clarification-Interstate Navigation is the only intrastate water carrier of passengers in the state of Rhode Island and therefore is regulated under the Rhode Island Public Utilities Commission. Are there other ferries that provide the same services between Point Judith and Newport within the Ocean SAMP area, if so are they also regulated by the Rhode Island Public Utilities Commission?	The chapter clearly states that this company is the only RIPUC-regulated ferry operating within the SAMP area. The chapter also provides details on all of the ferry operating within the SAMP area. There are other ferries regulated by RIPUC that operate between Rhode Island ports within Narragansett Bay, outside of the Ocean SAMP area, which is beyond the scope of the SAMP and therefore not included in this chapter.
2122	Marine Transportation	9/9/2010	Poojan Tripathi	BOEMRE	730	Comment#90: It is stated that government vessels operating in the SAMP area may include survey or research vessels such as those operated by CRMC, NOAA, the Environmental Protection Agency, and the U.S. Geological Survey. The data acquired by these agencies would be useful to offshore energy developers in the Ocean SAMP area.	No response needed.
2035	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	730	p.18, 2.), "...see Chapter 5: Fisheries Resources and Uses.", should read "...Chapter 5, Commercial and Recreational Fisheries."	Corrected as suggested.
2036	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	730	p.24, 8.), "See Chapter 9: Future Uses for...", should read "See Chapter 9: Other Future Uses for..."	Corrected as suggested.
2037	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	730	p.28, 3.), "See Chapter 8, Renewable Energy, for...", should read "See Chapter 8, Renewable Energy and Other Offshore Development, for..."	Corrected as suggested.
2038	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	730	p.37, 1.), "...in Chapter 4 Fisheries Resources and Uses.", should read "...in Chapter 5 Commercial and Recreational Fisheries."	Corrected as suggested.
2039	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	740	p.38, 3.) "...see Chapter 4, Fisheries Resources and Uses.", should read "...in Chapter 5, Commercial and Recreational Fisheries."	Corrected as suggested.
2040	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	740	p.43, 3.), "...Chapter 5, Fisheries Resources and Uses, for...", should read "...Chapter 5, Commercial and Recreational Fisheries, for..."	Corrected as suggested.
2041	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	740	p.43, 3.), "...Chapter 5, Fisheries Resources and Uses...", should read "...Chapter 5, Commercial and Recreational Fisheries..."	Corrected as suggested.
2042	Marine Transportation	9/9/2010	Nicole Trivisono	RIDEM	760	p.49, 9.), "...Chapter 5 Fisheries Resources and Uses...", should read "...Chapter 5 Commercial and Recreational Fisheries..."	Corrected as suggested.

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2138	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	800	Comment#106: The page numbers are incorrect for Section 8 Table of Contents	Table of contents revised.
2150	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	800	Comment#124: Bluewater Wind submitted applications to NMFS for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to pile driving associated with installation of two meteorological data collection facilities (MCDs); one each off the coast of Delaware and New Jersey (NOAA, RIN 0648-XW81, July 22, 2010). Bluewater Wind modeled their impact zones for pile driving met towers. Their modeling calculations indicate a 180dB zone of influence to be over 7km.	Our findings are based on research by Jim Miller within the Ocean SAMP area, using a 1.7m pile (lattice jacket size). See change made to chapter in 8/24 memo (#15 in R.E.)
2044	Renewable Energy	9/9/2010	Nicole Trivisono	RIDEM	800	Be consistent throughout the chapter and center the remaining tables and figures	Tables and figures corrected to align with left margin where applicable
2045	Renewable Energy	9/9/2010	Nicole Trivisono	RIDEM	800	Be careful when referring to other chapters and sections, chapter numbers and titles have changed and many are not corrected in the text.	Chapter numbers and titles changed in text
2123	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#91: "...estimates that annual electricity consumption will increase from 3,873 TWh in 2008..." Does this number refer to total consumption in the United States or the region? Please clarify.	Revised as suggested
2124	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#92: Table 8.1 "Net Energy Load" needs to be identified with an asterisk on the top of the chart (in order to coincide with note on bottom).	Revised as suggested
2125	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#93: Figure 8.2: "Other" What constitutes other sources of energy should be defined in the text of this paragraph.	This data is not available from the original source
2126	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#94: The use of the word "fetch" is not common to average person. Suggest providing definition for the lay reader to understand this concept.	Inserted definition into text
2127	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#95: Figure 8.9: "The Global Average Wave Power Potential" figure appears out of place with rest of the chapter's focus on U.S.(all the other tables/figures use United States maps) and does not add significant value to the reader. Suggest cropping to include only the U.S. portion of the map and enlarging it to better visualize U.S. and Rhode Island wave power potential or deleting.	This is the best image of wave power potential currently available that includes Rhode Island

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2128	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#96: Figure 8.10: "Map of Maximum Tidal Current Velocities of the Ocean SAMP area and Surrounding Waters" has no velocities for the Ocean SAMP Area and does not provide value to the reader. It includes potential areas in Massachusetts but this is not discussed in detail in the text. I suggest deleting Figure 8.10.	This map does not include values for Rhode Island because the current velocities fall below the threshold of values included on the map
2129	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	810	Comment#97: General Comment: This section does not assess other renewable energy facilities located outside of Rhode Island (such as in Maine or Massachusetts). Although briefly mentioned, there is no analysis and discussion.	A discussion of renewable energy facilities located outside of Rhode Island is not within the scope of the Ocean SAMP document
2346	Renewable Energy	08/24/2010	Caroline Karp	Citizen	860	Figure 8.48: So, my comment is this is an overly-simplistic map, and my recommendation would be to making this map, have this map actually reflect the extent to which it intersects or overlaps with areas of concern. So, that a citizen, a fisherman or any other citizen could look at this and say, but we know, in fact, right whales migrate through here, we know foraging ducks go through here. So, it's not presented as a sort of simple band called renewable energy zone.	We have included a map showing all of the Areas of Particular Concern and Areas Designated for Preservation that overlap with the Renewable Energy Zone.
2347	Renewable Energy	08/24/2010	Caroline Karp	Citizen	850	I talked about carbon footprinting. You have been responsive to that comment, and you have talked about the carbon footprint associated with construction phase and decommissioning. However, even with eight turbines there's going to be a transformer out there, and in your photograph you're going to have a drawing depicting what eight turbines will look like. There is a platform that, in fact, has to increase the voltage of that energy so that it can travel from these eight platforms back to shore. There is a significant carbon footprint attached to the operation of that facility. So, if you can just insert language about operation or the carbon footprint attached to the operation of a wind farm, in addition to the carbon footprint of construction and decommissioning.	We have added language to Chapter 8 section 850.1 to indicate that any calculation of an offshore renewable energy facility's carbon footprint would include pre-construction, construction, operation, and decommissioning phases of a project.

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2344	Renewable Energy	08/24/2010	Tricia Jedele	Conservation Law Foundation	860	I have very specific concerns about the policies and the standards that are set out in these areas of particular concern and areas designated for preservation, but I will suggest that it is troubling to raise these concerns in this context because I'm not exactly sure what we're doing by designating areas of particular concern or areas designated for preservation if we have no guaranty that there will be Federal consistency applied to those areas. When we look at the language on page 183, which, again, this is in the renewable energy chapter and not in the ecology chapter, it spells out, you know, the specific standards as though we're going to be able to apply this as a State, an enforceable standard to a renewable energy project. Paragraph two on page 183, where these areas of particular concern cannot be avoided, the applicant shall be required to minimize, to the greatest extent possible, any impact and, as necessary, mitigate any significant impact to these resources, the applicant shall be required to demonstrate why these areas cannot be avoided or why no other alternatives exist that are available. Now, separate from having concerns about kind of the ambiguous unenforceable nature of this standard, how the applicant will actually demonstrate any of these things, I'm now concerned that we, as a State, will not be able to require an applicant to do any of these things, and I don't know how to get an answer to these concerns, but that is essentially what CLF's concerns are tonight.	As has been stated before, the Ocean SAMP must first be developed and approved by the CRMC as a state waters plan before CRMC. Once this is done and the plan is approved, the CRMC can exercise its federal consistency authority on a case-by-case basis in federal waters. After the plan is approved, CRMC can also apply to the NOAA Office of Ocean and Coastal Resource Management for blanket federal consistency authority for the Ocean SAMP area for specific licenses, permits, and authorizations specified in CRMC's request. CRMC is not authorized to exercise or apply for blanket federal consistency authority over the federal parts of the Ocean SAMP area without having completed these first steps, which are prerequisites for blanket federal consistency authority. Regarding Areas of Particular Concern, CLF submitted similar comments on 9/9 in writing which have been addressed through modifications of the Areas of Particular Concern and Areas Designated for Preservation regulatory standards; see responses to 9/9 comments.
2043	Renewable Energy	9/9/2010	Nicole Trivisono	RIDEM	810	p.14, Figure 8.3, center on page p.15, Table 8.2, center on page p.16, Figure 8.4, center on page	No change made – most figures and tables in the text are aligned with the left margin.
2130	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#98: A reference to Figure 8.1 would be helpful.	No change made; BOEMRE indicated that this was a non-mandatory comment.
2131	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#99: Table 8.6: The text on page 35 (that references the table) and Table 8.6 on page 38 do not provide definitions of water depth. Suggest including a definition of what is meant by "Shallow", Mid to Deep Water" and "Very Deep" in feet or meters.	Water depths of foundation types are discussed in 820.2 paragraph 4

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2132	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#100: The first two sentences of the section discuss [ocused] foundations, but the majority of the section discusses gravity base foundations. Suggest combining sections 3 and 4 to include all types of foundations in a single section or removing the [ocused] foundation references and place within section 4.	No change. Both paragraphs discuss several foundation types. Paragraph 4 focuses more on water depths and the uses of different foundation types.
2133	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#101: Include references and/or citations for the capacity factor information presented in sentences 6 and 7.	Reference is American Wind Energy Association 2010 – included in text
2134	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#102: This section is confusing to the reader – it moves from state jurisdiction to federal jurisdiction, then back to state. Suggest grouping state and federal information as separate paragraphs.	No change – comment is non-mandatory
2135	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#103: This last sentence of this section refers to “Similar developer requirements will be outlined in Section 860 and Chapter 11...” is confusing – the section discusses federal requirements but then refers to sections that cover state requirements. The reader may have difficulty following which requirements are federal and which are state.	No change – The section discusses federal requirements for offshore wind energy within federal lease areas. As the Ocean SAMP document is addressing RI state waters, state requirements are addressed in the policies section, where the CRMC has the jurisdiction to create policies.

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2136	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	820	Comment#104: “The transmission cables connecting the offshore wind facility to shore may be embedded 6 feet below the seafloor surface.” This contradicts with previous statements in the SAMP and does not provide a reference or citation. There is typically a range of depths used for transmission cables dependent on seafloor type, presence or absence of dredging activities, etc.	Clarified statement to say “up to six feet”. Clarified reference (MMS 2009a)
1818	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	820	Page 47 Table 8.8: 1.Under RIDEM permitting agency, add the following three permits (a, b, c) under the “Applicable permit and statutory regulatory authority” heading:a) Permit for Marine Dredging and Associate Activities/”Rules and Regulations for Dredging and the Management of Dredge Material, Regulation DEM-OWR-DR-02-03. For the last heading on the table, “projects applicable to this permit/approval”, add activities associated with constructing trenches for cable siting in state waters. Bring all reference to the dredging permit down into RIDEM and remove from CRMC. Give separate boxes for state WQC and Section 401 WQC.b) Rhode Island Pollutant Discharge Elimination System (RIPDES) General Permit for Storm Water Discharge Associated with Construction Activity c) Rhode Island Pollutant Discharge Elimination System General Permit for Storm Water Discharge Associated with Construction Activity 2. For the last heading (projects applicable...) for 401/State Water Quality Certification, add Fill associated with facilities located in state waters as well as land based activities for staging areas and/or on-land cable installation.3. For last heading (projects applicable) for state water quality certification, add dredging, filling, flow alterations, site disturbance that creates more than 40,000 sf of new impervious area. 4. For the last heading, (projects applicable) for RIPDES permits add: Rhode Island Pollutant Discharge Elimination System General Permit for Storm Water Discharge Associated with Construction Activity – for any land disturbances an acre or more in size (i.e., land disturbance associated with running cable from the shoreline to the power grid)- Rhode Island Pollutant Discharge Elimination System Remediation General Permit – for any discharges of contaminated groundwater dewatering.	Table 8.8 has been deleted as it appears to blur the line between land-based and offshore development. The intent of the Ocean SAMP is to focus entirely on offshore development.
1819	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	820	Page 47 Table 8.8: Under CRMC as the permitting agency, a permit for Marine Dredging and Associated Activities is listed. This is incorrect. The permit issued by CRMC for marine dredging is an Assent. (Assent is already listed in the table). The Dredge Permit is issued by RIDEM. There is no specific “permit for marine dredging and associated activities” that is issued by CRMC. For accuracy, this permit should be removed from permits required from the CRMC. Clarify the term “coastal consistency.” Change to Federal Consistency.	See above: we’ve deleted Table 8.8 as it appears to blur the line between land-based and offshore development. The intent of the Ocean SAMP is to focus entirely on offshore development.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1820	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	820	Add to the last sentence”where pile driving is not possible, drilling techniques such as augering, may also be used....	Revised as suggested
2137	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	830	Comment#105: Figure 8.25 does not appear in the electronic version tied to link	Fixed problem with caption so figure will appear
2140	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	830	Comment#108: General Comment: As technology advancements are made in the wind based power generation industry the TDI as calculated in the SAMP may not be an accurate representation of how difficult it is to construct a device. One of the assumptions made in section 830 is that all wind turbines will be jacketed foundations attached to the sea floor. As technology improves industry may move to floating foundations which are currently being tested. Since these will not have to be driven into the sea floor, this could substantially change the parameters used to develop the TDI number which in turn may change the values on which the maps throughout section 830 are based. For example, it appears that one factor on which the TCI (an element in the TDI) is based is the cost of wind facility construction with the structures being connected to the sea floor. Areas that are judged in the SAMP as difficult for construction because of glacial geology would be less impacted if a floating foundation was used and would cost less lowering the TCI number and as a result would change the TDI.	This is correct – the TDI is meant to be used as a tool that can be manipulated to match future conditions. Thus the TDI can be adjusted to address different types of technology that may be used in the future. No change is required to the text.
2237	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	830	Figure 8.25 page 65: The figure is missing in the document.	Fixed problem with caption to resolve problem with figure being displayed

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1821	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	840	It should be noted within this section (or perhaps a different section as appropriate) that waterside improvements that may be proposed as part of constructing the wind facility may require additional state and federal permitting.	The intent of the Ocean SAMP is to focus on offshore development, not land-based development. We have added language to the introduction of this section indicating that other state/federal agencies may require different information and data as part of their permitting processes.
2141	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#109: Never identified CO2 as carbon dioxide in this section. Should use the chemical formula next to the name in parentheses, then use the chemical formula independently later.	Revised as suggested
2142	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#111: General Comment: Although this section is entitled “Avoided Air Emissions”, it should spend more time discussing and identifying effects of activities that will contribute to emissions. This document should generally explain project specific activities that will produce emissions (Equipment/machinery used, days or hours of activity, whether or not these emissions will be significant, etc.). This information will be required in greater detail in the NEPA document(s).	This is discussed briefly within the section; this is not an EIS so project specific activities cannot be discussed.
2143	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#112: Please identify where “Scroby Bank” is located.	Revised as suggested

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2144	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#113: “However, additional research is needed to address the extent to which spatial patterns...” Is there a timeline for this research to be conducted or is this just a general comment regarding effects on stratification?	This and all other Ocean SAMP chapters identify many areas of uncertainty, or topics for which more data and information is required, which may be considered for future study. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP. “
2145	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#114: “If the cable becomes exposed, increased flow could occur above the cable, resulting in localized sediment scour.” This statement, while accurate, does not reflect the seriousness of cable movement on the benthic environment to more than just localized scour – it could have significant effects.	Further information on the effects of cable exposure on the environment could not be found.
2146	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#115: This figure should also include known piping plover nesting sites, and the text should include a description of each site. If there are no known sites then it should be stated explicitly in the text and on the figure.	A table with recent nesting sites was added to the text.
2147	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#117: Rewrite sentence for clarity to say: “During 10 years of monitoring (1991 to 2001), only 3 percent of the 3,074 bird carcasses collected were directly attributed to collisions with turbines.”	Sentence revised as suggested
2148	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#119: Excellent point about difficulty in abundance numbers. We think you should also cite that there isn’t a lot of baseline data, and some baseline data is old or outdated (example bottlenose dolphin stock assessment report abundance estimates are from 2002/2004).	Sentence added to clarify that abundance numbers are difficult to come by: “Data on abundance in particular are difficult to come by; there is a lack of baseline data for many species, and some of the baseline data in use may be outdated.”

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2149	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#122: Paragraph 7, California Transportation has done some pile driving and probably site surveys, and likely has some data on pinniped impacts that could be useful to include here.	No change. We were unable to find any data on pinniped impacts from Caltrans- their research focused mostly on fish. No citation provided.
2151	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#125: A paragraph on biologically significant behaviors (mating, feeding, migrating, etc) would be helpful in this section.	Because of the number of marine mammals potentially found in the Ocean SAMP area, and the variety of different behaviors each species exhibits, a discussion of behaviors is beyond the scope of this document.
2152	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#126: It would be good to put in a discussion of vessel speed restrictions from the U.S. Coast Guard.	This is discussed in Chapter 7, Marine Transportation
2155	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#130: Paragraph 1, Please mention that you must follow the Magnuson-Stevens Fisheries Conservation and Management Act and you would also have to consult under EFH.	Text added to clarify that consultation would be required under EFH: "For areas where Essential Fish Habitat has been designated, the Magnuson-Stevens Fishery Conservation and Management Act requires federal agencies to consult with the National Marine Fisheries Service (MMS 2007a)."

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2156	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#131: Paragraph 1, I think people would debate that seismic surveys also has a large potential to affect fish and fisheries (there is at least one Popper study on the effects of seismic on fish, which could be cited).	One Popper study found little impact to fish from seismic air guns. Paragraph clarified to refer to seismic surveys, but no further information found on the effects of seismic surveys (See Popper et al. 2005. Effects of exposure to seismic airgun use on hearing of three fish species. Journal of the Acoustical Society of America (117))
2157	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#133: "...the BOE has identified potential impacts..." Reference is needed.	The reference is at the end of the sentence – MMS 2007a
2158	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#134: "The APE for submerged areas includes footprints of proposed structures to be secured on the ocean floor and related work area or cable routes where ocean sediments and sub-bottom may be disturbed. (MMS 2010)." It is important to mention of ALL bottom-disturbing activities including (but not limited to) – barges, anchorages and appurtenances.	Revised as suggested
2159	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#135: "Section 420.3 illustrate a paleo-geographic landscape." Should this read 420.4 ??	Revised as suggested

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2160	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#136: The entire paragraph suggests that a project's viewshed is, by default, an "adverse effect" but does not address indirect effects such as a viewshed's potential neutrality or limited scope w/ re: to NHL's. The ACHP states: " In its comments on the effects of the Project on the two NHLs, the National Park Service (NPS) concluded that the adverse effect of the undertaking would be indirect, because the adverse effects are visual only, limited in overall scope, and do not diminish the core significance of either NHL." According to the NPS, in both cases the adverse effects stem from the partial obstruction of long-distance, open-to-the-horizon views historically associated with the resources." See- http://www.achp.gov/cape_wind_comment.html	Section revised to state: "If there is a potential visual effect, it must be evaluated to determine what effect, if any, it would have on significant historic resources. A project may be found to have: no effect; no adverse effect if the visual impact is limited and insignificant; or an adverse effect. Adverse effects are defined by Adverse effects are defined by the Criteria of Adverse Effect in the Section 106 procedures of the National Historic Preservation Act [36 CFR 800.5(a)(1)], which state..." Also added to the paragraph: "Adverse effects from visual impacts may be further evaluated in the case of National Historic Landmarks to determine if they are indirect impacts or direct impacts, which diminish the core significance of the National Historic Landmark (Advisory Council on Historic Preservation, 2010)."
2277	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#110: Statement should say: ..."need to [be] taken into account"... The word "be" is missing.	Revised as suggested
2278	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#116: The interpretation of the Dong Energy and Vattenfall (2006) study results, which I believe were based on Tables 25 & 26, may not be accurate. We suggest checking the study again. Here is what we observed when we looked at those tables for some species: Flocks of Diver sp (loons) were in the project area prior to construction (Table 25), but after construction, loons were not in the project area (Table 26). Scoters and eiders were not the project area prior to construction and afterwards (Table 25 & 26).	"Table clarified to better reflect the data from this report. Added to table: ""• There was a significant decrease in the percentage of loons using the area in the vicinity of the wind farm post-construction • The number of scoters increased in the area near the wind farm post-construction; however, the distribution of scoters indicated they were avoiding the wind farm area, and were observed to avoid flying between the turbines""
2279	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#118: Suggest eliminating reference to the U.K. Department of Trade and Industry 2006 citation. We checked this citation and it appears to be a report on aerial bird surveys and does not have any information about collision rates.	Reference deleted

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2280	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#120: A map of the overlap of the SAMP area and the right whale migration and typical migratory routes would be helpful here	This data is not available
2281	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#121: “Right whales and other baleen whales have the potential to occur in the SAMP area in any season, but would be most likely during the spring, when they are migrating northward and secondarily in the fall during the southbound migration. In most years, the whales would be expected to transit through the Ocean SAMP area or pass by just offshore of the area. Therefore, any future offshore renewable energy projects within the Ocean SAMP area are unlikely to impede the movement of animals between important feeding and breeding grounds.” When you say that they have the potential to be in the area in any season, but would most likely be there in the spring or fall, and the whales would be expected to transit through the SAMP area, it doesn’t inform the reader why it’s unlikely to impede the movement of the animals. Please clarify the paragraph.	Sentence deleted in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2282	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#123: The first paragraph is an excellent introduction. We would recommend mentioning and citing that Europe has studied the effects of pile driving as well as the effects of operating wind farms on marine mammals. However, Europe has very few species of marine mammals, and no baleen whales, which leaves us with data gaps.	Text added to clarify this point: “There have been a number of studies conducted in Europe on the effects of pile driving as well as the effects of noise from operating wind farms on marine mammals. However, Europe has very few species of marine mammals, and only rare occurrences of baleen whales in the wind farm areas, leaving significant data gaps in the noise effects of offshore wind energy on marine mammals.”
2284	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	850	Comment#132: Paragraph 9, this, in turn, could have effects on fisheries	Section 850.8 addresses the effects on fisheries from the potential effects on fish

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2238	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.2 Coastal Processes and Physical Oceanography, page 94 #7: This paragraph discusses potential impacts of submarine cables to sediment and the sea bed. The paragraph mainly focuses on impacts of sedimentation. Other potential impacts to the sea bed (i.e. changes in bathymetry) are not discussed in this paragraph. To avoid confusion, the discussion should be limited to sedimentation impacts and potential changes to the sea bed should be discussed in a separate paragraph. For example, the second to last sentence in the paragraph indicates once the cable is buried, impacts to sediment and the sea bed will not likely be significant. Is this referring to both sedimentation and bathymetry of the sea bed? Furthermore, the following sentence discusses the potential for the cable to become exposed. Since this is identified as a potential impact from the cable, the conclusion in the previous sentence appears to be conflicting. More information should be added to clarify impacts and the potential for cable exposure.	Deleted references to sea bed from paragraph. Clarified the sentences regarding cable exposure. More information regarding cable exposure could not be found.
2239	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.3.1 Benthic Habitat Disturbance, page 96 #2: This paragraph discusses potential impacts of sediment disturbance on finfish, shellfish, and benthic invertebrates. The discussion of impacts to mobile fish species is specific to adult fish. Information regarding impacts to sensitive fish life stages including eggs and larvae should also be included in this paragraph.	Sentence added to paragraph #2 to address eggs and larvae: "The eggs and larvae of fish and other species may be particularly susceptible to burying (Gill 2005). "
2240	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5 Marine Mammals, Page 127 #3: The last sentence in this paragraph makes a broad conclusion regarding impacts to whales which is not supported by any analysis.	This sentence was already deleted as indicated in the August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2241	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5 Marine Mammals, Page 129, Table 8.16: The seasons should be defined by month. The distribution information on right whales does not appear to reflect the right whale sightings from spring 20 10, when large numbers of right whales were present within the SAMP area.	Added definitions to seasons in footnote to table. A sentence addressing the right whale sightings of 2010 was added to the section.

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2242	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5 Marine Mammals, Page 132, #5: Recommend including a sentence noting that in addition to the MMPA protections, the ESA prohibits take (include the definition of take), and that any wind farm will require consultation under the ESA and MMPA.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2243	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5 Marine Mammals, Page 132, #6: Suggest inserting the word “may” between underwater noise and poses on line 3 as the risks to marine mammals from any project are likely to vary based on the exact project design and location.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2244	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5.1 Noise, Page 134, Table 8.17: Should note what types of activities are included under “construction.” Additionally, should note that the noise associated with pile driving will vary greatly depending on the size of the piles and the hammer used. The table should note what size the piles were that resulted in the noise levels included in the table.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2245	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.1 Noise, Page 136, Table 8.18: This table should include the 120 dB re 1 uPa rms threshold value for continuous noise sources.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2246	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.1 Noise, Page 136 #6: In this paragraph and throughout the Marine Mammal and Sea Turtle sections there are numerous times when citations such as “MMS 2007” and “MMS 2009” are used; the document should use primary sources for citations whenever possible.	In a few locations, references to MMS have been replaced with primary sources. However, in most cases a primary source was not readily available. Many of the references to MMS 2007 and MMS 2009 refer to the predictions about effects made by MMS within these documents; thus this is an appropriate citation
2247	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.1, Noise, Page 137, #9: This paragraph should note the size of piles, the attenuation rate, and the method of installation used to produce the model results. It should also note that this is an estimate and that the zones may be larger or smaller depending on the actual project specifications.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2248	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.1, Noise, Page 139 #11: This paragraph should include information on the size of the piles, depth of water, source level of the pile driving noise and the noise levels at the various referenced distances.	This information is not available in the original sources
2249	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.1, Noise, Page 139-140 #12: If ambient noise data for the SAMP area is available it should be included in this paragraph.	Ambient noise data is included in Appendix 12

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2250	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.5.2 Vessel Strikes, Page 142 #2: Suggest replacing the “MMS 2009a” citation with the citation for the NMFS ship strike rule. (73 Fed. Reg. 60173, 10 October 2008)	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.
2251	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.6 Sea Turtles, Page 145 #2: As the action area for the Cape Wind Biological Opinion does not align with the SAMP area, the Biological Opinion does not appear to be a good citation for information on sea turtles in the action area. This is another area where using primary citations (i.e., scientific papers) would be better. Also, if citing the Biological Opinion, it would be appropriate to cite it as a NMFS document not a MMS document.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo – references to Biological Opinion deleted
2252	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.6 Sea Turtles, Page 145 Table 8.19: This table gives the impression that sea turtles are rare in the SAMP area. While sea turtles are not routinely noted in surveys, this is often because the surveys are not designed to detect sea turtles and individuals, particularly juveniles, are difficult to detect. All of the species of sea turtles noted in the table are likely to be present in the SAMP area from the late spring/early summer through late fall. It is also unclear how the document defines “southern New England” as waters south of Cape Cod are within the normal summer range for both Kemp’s ridley and green sea turtles and these species are frequently documented in the waters of Long Island as well as in Cape Cod Bay.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo. Table amended to delete references to rarity of sea turtles. Difficulty with abundance data addressed through including the following language: “While sightings of most of these species are infrequent, sea turtles, particularly juveniles, are not routinely detected during surveys, meaning they may be more common in the Ocean SAMP area than survey data would suggest. All of species of sea turtles noted in the table are likely to be present in the Ocean SAMP area from late spring/early summer through late fall. “
2253	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.6 Sea Turtles, Page 145, #3: The paragraph should clarify that the foraging depths of 16-49 feet were for sea turtles in Long Island waters. Again, the MMS citation seems out of place here.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2254	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.6.1 Noise, Page 146, #2: The Cape Wind EIS reference may be inappropriate, as impacts from noise will depend on the size of piles, the installation methodology, and the particular characteristics of the site. This paragraph should note the size of piles modeled for the Cape Wind EIS and note that impacts would be different depending on the specifics of any project in the SAMP area. The statement that only leatherback sea turtles would be foraging in the SAMP area is not well supported by the information presented.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo – text added to suggest that impacts will vary depending on project and site specifics. Statement regarding leatherback turtles deleted
2255	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.6.1 Noise, Page 146, #3: Effects to sea turtles from seismic surveys will depend on the type of device used, water depths, etc. The Cape Wind EIS reference may be inappropriate if there is any difference in the survey methodology completed in the SAMP area.	Addressed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo: Added text to paragraph to clarify. Paragraph 3 now reads: “Any seismic surveys used in the siting process have the potential to affect individual sea turtles by exposing them to levels of sound high enough to cause disturbance if a turtle is within a certain distance of the sound source (1.5 km [0.9 miles]). While the Cape Wind EIS predicted only minimal effects to sea turtles from seismic surveys (MMS 2009a), the effects to sea turtles from seismic surveys in the Ocean SAMP area will depend on the type of survey device used, the water depths, and other factors.”
2256	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.7.1. Underwater sound, page 149 #5: It would be good to specify the size and type of pile driving referred to in this paragraph. It should also be noted that peak sound levels may vary depending on pile size, material, and equipment used.	Noted that peak sound levels will vary – Table 8.18 notes that sound will vary depending on the pile and hammer size
2257	Renewable Energy	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	850	Section 850.7.1. Underwater sound, page 150 #9: Is MMS 2007a the proper citation for this paragraph? When referring to studies, the specific references for each study should be cited rather than the MMS EIS. Section 850.7.1. The paragraph discusses Miller et al. 2010 “predicted pile driving activity within the Ocean SAMP could have observable behavioral effects on fish within 4000 m of pile driving activity”. Is this prediction based on the same size and type of jacket piles proposed in Rhode Island waters? Include specifics on the size and type of pile driving evaluated to make this prediction.	Reference changed to Hvidt et al. 2006

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1822	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	850	States that “coarse sands recover more rapidly after disturbance than more stable habitat types such as mud and muddy sand, where physical and biological recovery are very slow.” This section goes to state “recovery times are roughly six to eight months for estuarine muds, two to three years for sand and gravel bottoms and up to five to ten years for coarser substrates.” The two parts of item 9 appear to be inconsistent with each other. Further explanation would be helpful.	Paragraph revised for clarity; the phrase “such as mud and muddy sand” was deleted
1823	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	850	States that the APE includes on-shore land-based sites where physical disturbance would be required for construction, operation, and maintenance. Further explanation of what types of land-based activities are included as part of the project and which, if any, land based activities would be subject to separate permitting activities and not included as part of the project and the APE would be helpful. Define what the project scope for an offshore wind facility would entail for permitting purposes. What land-based parts of a project would be included in the “project” and what types of ancillary parts of a project would be permitted under separate application.	The intent of the Ocean SAMP is to focus on offshore development, not land-based development. We’ve added language to clarify that “Area of Potential Effect” is defined under the federal National Historic Preservation Act and is used by BOEMRE to evaluate offshore renewable energy projects in federal waters.
2362	Renewable Energy	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	860	I have some comments that reflect those of Ms. Jedele and Mr. Stone, on what we mean by mitigation in the whole process of avoidable impact. I think that section can be better worded to reflect current legal applications as well as to clarify the process.	Audubon Society of RI submitted the same comments on 9/14 in writing; see responses to 9/14 written comments.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2363	Renewable Energy	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	860	I noted that the ecology section did not have a paragraph talking about the Federal agencies that would be worked with on ecology reviews, and I think that could be a good addition to the document. We're asking that dumping be added to the list in development. So, while development – dumping sounds contrary to development, you know, there is a use of this area, there has been a use for dumping and we think that it should be recognized and managed. We're asking that areas of particular concern be included, expanded to include foraging for seabirds and mammals in a section here. I know it's noted in other sections, but I think that it needs to be repeated in this particular section.	Audubon Society of RI submitted the same comments on 9/14 in writing; see responses to 9/14 written comments.
2139	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#107: Table 8.28: Label in lower right corner that states removal of AIS < 50.0 but shouldn't it be removal of AIS > 50.0?	Map revised as suggested.
2153	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#127: Paragraph 1, It may be helpful to state the estimated sea turtle hearing range to show the overlap.	Estimated sea turtle hearing range based on the Cape Wind EIS was added to Paragraph 1.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2154	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#129: Paragraph 1, Sea Turtles typically rest on the sea bottom, and be disturbed by cable laying operations.	Clarifying language added to this paragraph to indicate sea turtles may be disturbed because they rest on the bottom: "1. Cable-laying activities may cause sea turtles to temporarily change swimming direction, and may disturb sea turtles as they typically like to rest on the bottom."
2161	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#137: Do you really want the applicant to be able to determine their own buffer/exclusion zones? You also state here The applicant shall be required to demonstrate why these areas cannot be avoided or why no other alternatives are available. This statement infers that the applicant will be able to determine their own buffer zones. Please clarify.	In response to this and other comments, we have substantially revised the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to address this and other concerns. This change is made in Chapter 8 and in the corresponding sections of Chapter 11.
2182	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#171: States are not allowed to establish regulatory standards for federal agencies. A state policy that would regulate or otherwise establish standards for federal agencies or federal lands or waters would not meet the CZMA's definition of "enforceable policy". Enforceable policies are given legal effect by state law and do not apply to federal lands, federal waters, federal agencies or other areas or entities outside a state's jurisdiction, and the CZMA doesn't confer such authorization. Recommended edit: Clarify that this section only applies to projects in state waters and not federal waters.	No change made. Per this comment and subsequent discussions with BOEMRE regarding state vs. federal jurisdiction, a paragraph has been put at the beginning of the Regulatory Standards sections of Chapter 8 and Chapter 11 to clarify BOEMRE's jurisdiction: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
2283	Renewable Energy	9/9/2010	Poojan Tripathi	BOEMRE	860	Comment#128: Paragraph 2, 3, 4, 5, you don't say why you expect effects to be short term and minor or why it wouldn't affect sea turtles.	Clarifying language added to paragraphs 2 and 4 to indicate that these were the effects predicted in the Cape Wind EIS. Some language already changed in August 24 th , 2010 memo, which was subsequently incorporated into the September 14 th , 2010 memo.

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2349	Renewable Energy	9/14/2010	Tricia Jedele	Conservation Law Foundation	860	<p>So, the first big concern that we raised was not understanding how the SAMP team was drawing a distinction between areas identified as areas of particular concern and then areas designated for preservation. It does look like, in this document, that there was an effort to kind of add some text to the SAMP memo that says, well, we looked at habitat, and we looked at, you know, other values when drawing this distinction, but it doesn't address really what the criteria are between why one area would be an area of particular concern that is not entitled to heightened protections in the SAMP and another area would be designated for preservation and is, in fact, entitled to these heightened protections in the SAMP, and the reason that's problematic is because the SAMP does an excellent job at explaining how important areas, like glacial moraines are and fishing nurseries for fisheries but they do not receive the same protective status as the diving duck habitat, which are set aside as areas designated for preservation, and there's no criteria in this document that helps us understand why the diving duck habitat received that status, and the glacial moraines don't, except from what I can tell in tonight's document, is just that a large scale offshore development sited in a diving duck habitat would destroy it, but if that were really true, I would suspect for a large scale, or certain kinds of large scale development cited in glacial moraine or other types of human activity, like hefty trawling or trawling with certain bottom tending trawling gear in those glacial moraine habitats. So, I think it is important. CLF will continue to press the SAMP team to really spell out some criteria, not just so we can understand right now how you're drawing that distinction, but so that the Council in the future, when this particular team goes away, has some methodology for identifying new areas that we would like to designate for preservation based on new data coming in. We have some consistent evaluative process for that, which doesn't seem to exist right now anywhere in the SAMP.</p>	<p>CLF submitted these same comments on 9/9 in writing, which have been addressed by modifications to the Area of Particular Concern and Areas Designated for Preservation regulatory standards; see responses to 9/9 comments.</p>

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2353	Renewable Energy	9/14/2010	Tricia Jedele	Conservation Law Foundation	860	It's not CLF's position that we should be advising CRMC or the SAMP team on how development impacts fisheries or that the fishermen are not the primary contact for that particular point. I think the point is that these large scale developments have impact on habitat, in addition to how fishermen interact with particular development, and the only role in determining – and it's not just -- you know, I'm not just talking about an area, you know, the appropriate renewable energy zone. I'm talking about that section. There's sections in the policy section that refer to areas of particular concern. So, when a development project is proposed in an area of particular concern, and according to this ambiguous standard that now exists it demonstrates that impacts cannot be avoided and that there is no other alternative, so they're going to go ahead and permit it. The only group, according to the SAMP, that has any input at that point is in Fisheries Advisory Board, and they have a role in that respect to determine whether the mitigation plan that's submitted is appropriate. And, all I am suggesting is that areas of particular concern include habitat areas, include other areas that aren't now listed in the SAMP that may be brought in, that aren't simply, or only related to fisheries, they are also related to the intrinsic value of those habitat areas, both as spawning and nursery areas for fisheries, but, also, just as important, habitat for the overall health of the ecosystem, and it's CLF's position that when we're looking at that negotiated mitigation plan for these particular areas, that it shouldn't simply be the Fisherman's Advisory Board that has a role in discussing and considering whether that plan is appropriate.	CLF submitted similar comments on 9/9 in writing, which have been addressed through the establishment of a Habitat Advisory Board; see responses to 9/9 comments.
1824	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	Provide a chapter on permitting implementation that mirrors the permits potentially required in table 8.8 (with additions of permits stated above that are currently missing). Stating that the Council “will adopt a format for regulatory review similar to the regulations of the U.S. Department of the Interior’s bureau of Ocean Energy Management, Regulation and Enforcement for offshore wind energy” does not provide the guidance that would truly make this document an effective plan for carrying out the stated goals of this SAMP. The suggested chapter should include an outline of how projects that require other permits besides a CRMC Assent would proceed through the various permitting processes. Also, the outline/format should be reviewed and approved by the stakeholders prior to implementation of this format for permitting review. It would also be useful to describe/include the format (U.S. Dept of Interior) referenced above.	The Ocean SAMP is a CRMC document that applies to state waters and is not intended to summarize the permitting processes of other agencies. We have developed a simplified permitting flow chart that provides additional insight into the permitting process. We have deleted Table 8.8 because it appears to blur the line between land-based and offshore development.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1825	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	Identify the key agencies that would be part of the workgroup.	The composition of the workgroup will vary depending on the project, as stated in the text. However, text clarified to note the work group “will generally include the lead federal agency with primary jurisdiction over the proposed project.”
1826	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	Add: Comply with all other required state and federal permits and the conditions contained therein.	We have added a general statement in Chapters 8 and 11 to indicate that other agencies may require additional types of data and information as part of their permitting processes.
1827	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	It is likely that the same information and necessary data will have to be provided to the RIDEM and other agencies for review. Add to item 3: ‘Prior to construction.....be required by the Council and potentially other state and federal agencies.’Provide notation that cautions the applicant about the possible necessity to provide additional types of information specific to other permitting programs/agencies which are currently not included in this section to other agencies. This comment pertains to the COP and CVA also. For example, if sediment is removed and disposed elsewhere, sediment chemistry sampling would be required as part of the WQC review. Sediment chemistry is not an item contained in the SAMP. The SAP required information described in item 3 may not be adequate for RIDEM/WQC. The review for “interference with other existing uses of the state waters” is part of the Water Quality Certification review and includes a review for compliance with the states’ Anti-degradation standard. Item 3 should be amended to include a note pertaining to the fact that additional information may be required by RIDEM for review for compliance with the state water quality regulations.	We have added language to the introduction of this section indicating that other state/federal agencies may require different information and data as part of their permitting processes: “It should be noted that other federal and state agencies may require other types of data or information as part of their review processes.”

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1829	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	Page 200 Table 8.22 Necessary Data and Information to be provided in the SAP: A report on existing water quality at the project site should be considered as necessary data along with the biological survey. Specific water quality parameters would be identified by RIDEM as part of the review for Water Quality Certification. This should be added to table 8.22.	This table, and the entire document, includes only CRMC requirements. We have added language to the introduction of this section indicating that other state/federal agencies may require different information and data as part of their permitting processes.
1830	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	Table 8.23: Resource Data and Uses for the SAP: Water Quality is listed as a resource for which data is required. Define “water quality” as it is used in the plan. For water quality, the data required section reads “Turbidity and total suspended solids from construction.” What does this mean? Is existing water quality data being required here or is some type of product to model what the turbidity would be from construction being required? This should be clarified. This table should also note that specifics on water quality information would be dictated by the RIDEM WQC Program early on in the project review. This comment holds true for the other table 8.26 that list water quality with this same notation.	No changes made. These tables are meant to be general in nature and are not specific, by intent, so as to allow them to be adapted to various projects and an evolving knowledge base.
1831	Renewable Energy	9/9/2010	Terry Walsh	RIDEM	860	The storage, treatment, and discharge of chemical products and/or other substances, as well as the onshore waste receiving and disposal methods would most likely be regulated by RIDEM. As stated previously, it should be made clear that other state and federal agencies besides the CRMC may require additional types of information and/or permits that are not presently listed on table 8.8.	The Ocean SAMP includes only CRMC regulations. As noted above, we have added language to the introduction of this section indicating that other state/federal agencies may require different information and data as part of their permitting processes.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2356	Renewable Energy	9/14/2010	Jonathan Stone	Save The Bay	860	In particular, the need to clarify how we designate protected areas, how we distinguish between one area and next, and what scientific basis for establishing protection for some areas and not others. So, rather than reiterate a couple of other comments made here, I do think there are ample opportunities for the Council and the team to clarify for the general public how the SAMP document will be used going forward, and I would like to just point to a couple of ideas that we and others have put forth that I think will generally enhance the public acceptance of the process, and, also, clarify for developers, any developer for any type of project, whether it's an offshore wind farm or an aquaculture project or an energy infrastructure siting, that there are opportunities to clarify several things with the SAMP process. For example, clarify that the SAMP does not supplant existing Federal and State regulations and permits. Make that explicit so that the public has confidence that this is not some sort of end run or it does not create a separate and redundant set of permitting steps.	Save the Bay submitted the same comments on 9/9 in writing, which have been addressed; see responses to 9/9 comments.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1861	Renewable Energy	9/9/2010	Janet Coit	The Nature Conservancy	860	<p>This section contains references to both the Joint Agency Working Group and the Fisheries Advisory Board which will aid CRMC in implementing the OSAMP, especially in regards to managing multiple jurisdictional issues and in regards to minimizing impacts to the important fisheries sector, respectively. We support the CRMC's initiative in maintaining relationships with agencies and stakeholders in order to properly implement the OSAMP. However, as stated in the letter to Chairman Tikoian, dated July 1, 2010, from The Nature Conservancy, the Conservation Law Foundation, Save The Bay, and the Audubon Society of Rhode Island, and per the Conservancy's comments on the draft edition of Chapter 8 (comments dated July 2, 2010) we re-iterate that the Council should establish a Science and Ecology Advisory Committee to aid with monitoring, baseline assessments, and adaptive management of the OSAMP study area. The CRMC's comment response document, posted on the OSAMP website on July 14, 2010, suggested that the Joint Advisory Working Group will serve the function of advising CRMC on ecosystem management. However we do not feel that approach will adequately fulfill this role and we strongly urge CRMC to re-consider this position. Universities and non-governmental organizations are continually advancing ecosystem research and conservation strategies. And of course Rhode Island is home to some of the country's most well-respected ocean research institutions, who would be indispensable in advancing adaptive management of the OSAMP area. We propose that this Science and Ecology Advisory Committee be made of seven university researchers and five environmental non-governmental organization representatives, and that the Committee play an advisory role to CRMC in activities including, but not limited to, reviewing Site Assessment Plan (SAP) and Construction and Operations Plan (COP) submissions, developing criteria, assessing monitoring plans, and testing ecological hypotheses of the OSAMP study area. This committee would be similar to the advisory panels that aid the numerous Narragansett Bay oversight and education agencies. Naturally, we suggest that this Science and Ecology Advisory Committee be added to the OSAMP throughout Section 860 in parallel to the Joint Advisory Working Group and the Fisheries Advisory Board.</p>	<p>In response to these comments and subsequent meetings with Save the Bay, Conservation Law Foundation, Audubon Society of RI, and, The Nature Conservancy, we have created a Habitat Advisory Board (HAB) that will address these functions. The HAB is detailed in Chapter 2, Ecology, Section 270.2, and repeated in Chapter 8, Renewable Energy and Chapter 11, Policies of the Ocean SAMP.</p>

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1862	Renewable Energy	9/9/2010	Janet Coit	The Nature Conservancy	860	Based on the review of the Conservancy's marine assessment, described above, we strongly recommend that the area from the edge of the moraine south to the OSAMP study area be designated as an Area of Particular Concern for the protection of seafloor and migratory species. Specifically, we propose that any offshore development in the OSAMP study area assess the impacts on topographic and oceanographic processes that may be driving this aggregation of biological diversity, and that the CRMC avoid, minimize, and mitigate any potential impacts to the ecology of the area as discussed earlier in this letter. We are pleased that the ecology chapter prescribes limits on impacts to oceanographic processes due to offshore development, and we encourage CRMC to re-state those principles here.	We do not currently have a map, nor the supporting data, to justify designating this area as an Area of Particular Concern. Final results explaining the NAM ERA's application to the Ocean SAMP area, which may include clearly labeled maps with clearly-delineated polygons showing the exact location of the above-mentioned moraine, are forthcoming. This information will be reviewed and integrated into the Ocean SAMP, as appropriate, per the schedule outlined in Chapter 11, The Policies of the Ocean SAMP. Topographic features must be evaluated through the biological survey requirements of the Site Assessment Plan (see Table 11.2) and the Construction and Operation Plan (see Table 11.5). As mentioned in the September 14 th memo, we added an item to the Construction and Operation Plan such that the oceanographic process of circulation must be evaluated (see Table 11.6 in Chapter 11, Policies of the Ocean SAMP). These same items can also be found in the corresponding sections of Chapter 8, Renewable Energy and Other O
1863	Renewable Energy	9/9/2010	Janet Coit	The Nature Conservancy	860	We are pleased to see that hard and live bottom areas are listed as important elements of any biological survey of a SAP (and COP). However, we are concerned that general biological surveys of other biological elements may not truly inform CRMC of the biological value of any particular area proposed for development. In order to promote ecosystem-based management in the OSAMP study area, we strongly encourage CRMC to develop criteria for assessing the biological importance of any proposed project area, including, but not limited to, representativeness, uniqueness, irreplaceability, resilience, species richness, and/or persistence.	The specific elements of biological surveys are typically determined by federal agencies through the NEPA review process.
1864	Renewable Energy	9/9/2010	Janet Coit	The Nature Conservancy	860	We thank you for the opportunity to comment on the Ocean SAMP. We are proud of the work that CRMC is leading to implement ecosystem-based management in ocean waters in the United Staff. Once again we commend you and the staff for all your hard work in engaging the multitude of stakeholders for this process. Please call me, or Kevin Essington of our staff, if you have any questions about these submitted comments.	No response needed.

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2329	Renewable Energy	9/9/2010	Janet Coit	The Nature Conservancy	860	More generally, we are unclear how applicants for CRMC assents for offshore development are required to consider the cumulative impacts of multiple human uses in a particular area to the area's ecology. While one project may in itself not propose a significant threat to the ecology of the OSAMP study area, it is conceivable that the proposed project, when considered in the context of the many other uses in the study area, could degrade important habitats and oceanographic processes. We suggest that the OSAMP be modified to require applicants to describe in detail whether their project adds undue cumulative impacts in the OSAMP study area.	Cumulative impacts of a specific project are typically evaluated through the NEPA review process. There is currently no generally accepted method for assessing cumulative impacts, and it is not feasible to require applicants to do so without specifying a methodology or some other form of guidance.
2162	Other Future Uses	9/9/2010	Poojan Tripathi	BOEMRE	900	Comment#138: Missing 4 th word. Add "is".	Revised in previous draft.
1832	Other Future Uses	9/9/2010	Terry Walsh	RIDEM	900	Table 1: The management considerations associated with the "use of LNG" should be as specific as the management considerations listed for "short sea shipping." It appears that the considerations for LNG use are vague in comparison with the short sea shipping considerations and it is likely that the LNG use would have more significant impacts than the short sea shipping.	Clarified management considerations for LNG.
2258	Other Future Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	910	Section 910 Use for Mining, page 5 #4: NOAA 2009 is not the correct reference for the information in this paragraph. The reference should read Johnson et al. 2008. This particular information is from Chapter 6, pages 163-188.	Reference corrected in this section, #1 and #4, and in reference section.
2259	Other Future Uses	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	940	Section 940 Marine Conservation and Fisheries Enhancement, page 9 #1: In the third sentence in this paragraph, Marine Protected Areas (MPAs) are not used in the proper context. A "range of completely no take areas", as described in this paragraph, is actually a Marine Reserve, not a MPA. MPA should be changed to read Marine Reserve.	Corrected as suggested.
2163	Other Future Uses	9/9/2010	Poojan Tripathi	BOEMRE	960	Comment#139: 1 st sentence does not make sense. Possibly remove the word "for".	Sentence clarified.

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2341	Existing Policies	08/24/2010	Tricia Jedele	Conservation Law Foundation	1160	This is more than just an informal advisory board that's essentially providing policies, suggestions and recommendations. By the SAMP document itself, the policies of the Ocean SAMP, Chapter 11, specifically when we're talking about offshore development, paragraph nine on page 20, negotiation of mitigation agreements shall be necessary, condition of any approval or permit of a project by the Council. Mitigation shall be negotiated between the Council staff, the fishermen's advisory board, the project developer and approved by the Council. We're talking about off-shore wind development. The only mitigation negotiated, being negotiated by the project developer, the Council and a special advisory board created only to represent the interests of the fishing industry. I would suggest that the Conservation Law Foundation would very much like to meet with the applicants of proposed off-shore wind developments in advance of their being permitted by this Council, and that Conservation Law Foundation, along with other environmental organizations and the public at large, have an interest in the impacts of off-shore wind development on the SAMP area in its entirety.	The language quoted by the CLF regarding mitigation is from Section 1160.1, Overall Regulatory Standards, #9 on page 20, which begins with the following disclaimer: "For the purposes of Fisheries Policies and Standards as summarized in Chapter 5, Fisheries Resources and Uses, sections 560.1-560.2, mitigation is defined as a process to make whole those fisheries user groups that are adversely affected by proposals to be undertaken, or undertaken projects, in the Ocean SAMP area." The policy further states that "Mitigation measures may include, but are not limited to, compensation, effort reduction, habitat preservation, restoration and construction, marketing, and infrastructure improvements." In other words, the word "mitigation" here refers specifically to the potential adverse impacts of a proposed project on the fishing industry and the need to negotiate mitigation with fishermen accordingly. It does not refer broadly to the mitigation of a project's potential environmental impacts. Regarding input from CLF and other environmental organizations, CLF submitted similar comments on 9/9 in writing, which have been addressed through the establishment of the Habitat Advisory Board; see responses to 9/9 comments.
2345	Public Review Process	8/24/2010	Caroline Karp	Citizen	1100	"So, here my comment to the Council is as follows. Grover, I agree with your comments. I think this industry is particularly impacted by these plans in the SAMP area, however, just by describing this you create an informal way for one industry to influence this process coming up, and basically say the public can interact through formal processes and potentially an adversarial process, public comment periods, and I think that sets up a problem that the Council ought to deal with. So, an informal process for one group of stakeholders and basically saying everybody else concerned about the future of this SAMP area can come in through a formal comment process. I think, procedurally, I think it is an issue for the Council to consider. "	This comment is with regard to the Fishermen's Advisory Board; Ms. Karp filed similar comments on 7/2, which have been addressed through the establishment of the Habitat Advisory Board; see responses to 7/2 comments. It should also be noted that all stakeholders will have the opportunity to comment on all proposed projects as they will come before the Full Council and are subject to the Administrative Procedures Act.

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1833	Existing Policies	9/9/2010	Terry Walsh	RIDEM	1020	Page 4 section 1020.2: Suggest adding “applicable” to the following: ...”,... (Federal agency activities or applicable federal license or permit activities). In this section, clarify under which situation(s) a project is reviewed under Federal Consistency rather than the Assent process.	No change made. This section was drafted in consultation with the NOAA Office of Ocean and Coastal Resource Management, which oversees Federal Consistency per the CZMA.
1834	Existing Policies	9/9/2010	Terry Walsh	RIDEM	1020	Page 6 Section 1020 State Statutes, Regulations and Policies- It appears that a few state permits that are most likely to be involved in the regulatory review of an offshore wind farm have been overlooked. Please add the following: -RIDEM Dredge Permit – In accordance with the Marine Waterways and Boating Facilities Act of 201, this review and permit issuance process applies to all aspects of marine dredging in the state of Rhode Island and govern the issuance of all Department approvals required under state law and delegated federal law, including determinations relating to the protection of water quality, wetlands and fish and wildlife; and to the extent applicable, the management of solid or hazardous waste. -State Water Quality Certification-The purpose of this review and permit issuance is to establish water quality standards for the state’s surface waters. These standards are intended to restore, preserve and enhance the physical, chemical and biological integrity of the waters of the State, to maintain existing water uses and to serve the purposes of the Clean Water Act and Rhode Island General Laws Chapter 46-12. These standards provide for the protection of the surface waters from pollutants so that the waters shall, where attainable, be fishable and swimmable, be available for all designated uses, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and also taking into consideration their use and value for navigation, and thus assure protection of the public health, safety, welfare, a healthy economy and the environment. -Rhode Island Pollutant Discharge Elimination System (RIPDES)	No change made. This is not addressed because the purpose of this chapter is not to be exhaustive, but to provide a general overview of the relevant statutes, regulations, and policies. The description of RIDEM's authorities that is currently included in the chapter is sufficient for this purpose.
2260	Existing Policies	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	1030	Section 1030 Federal Statutes, Regulations and Policies: The Fish and Wildlife Coordination Act should also be included in this section.	No change made. This is not included because the purpose of this chapter is not to be exhaustive, but to provide a general overview of the relevant statutes, regulations, and policies.

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2261	Existing Policies	9/14/2010	Sue Tuxbury	National Marine Fisheries Service	1030	S.ection 1030.4 National Environmental Policy Act, page 8 #1: The role of "cooperating agencies" should be clarified. Though cooperating agencies may be involved in providing technical assistance and early coordination, not all cooperating agencies play an official role in preparation of an EIS document.	No change made. This is not addressed because the purpose of this chapter is not to be exhaustive, but to provide a general overview of the relevant statutes, regulations, and policies.
1835	Existing Policies	9/9/2010	Terry Walsh	RIDEM	1030	Page 9 Section 1030 Federal Statutes, Regulations and Policies: The Vessel General Permit (VGP) is not on the list. This permit should be added to the list.	No change made. This is not included because the purpose of this chapter is not to be exhaustive, but to provide a general overview of the relevant statutes, regulations, and policies.
1836	Existing Policies	9/9/2010	Terry Walsh	RIDEM	1030	Page 12 section 1030.16. The National Estuary Program is not a federal statute, regulation or policy. It may be that the Narragansett Bay Comprehensive Conservation and Management Plan of 1992 is the policy, not the NEP itself. This should be amended	This is not addressed because the purpose of this chapter is not to be exhaustive, but to provide a general overview of the relevant statutes, regulations, policies, and programs. The existing description of the NEP is sufficient for these purposes.
2175	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1100	Comment#163: State policies should be based on effects to coastal uses or resources and not on a particular type of activity. Policies in this section are disproportionately aimed at offshore energy development.	No change made. Per the federal CZMA and CRMC's enabling legislation, CRMC has the regulatory authority to manage offshore renewable energy development and other offshore development activities within state waters.

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2176	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1100	Comment#164: "Section 350 is intended to be the controlling policy for the ocean waters from beyond the 500 foot mark out to the three mile limit." This line should be added to every chapter's policy section as to clarify the difference in state and federal jurisdictional boundaries.	No change made. Per this comment and subsequent discussions with BOEMRE regarding state vs. federal jurisdiction, a paragraph has been put at the beginning of the Regulatory Standards sections of Chapter 8 and Chapter 11 to clarify BOEMRE's jurisdiction: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
2326	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1100	The SAMP could be significantly improved by focusing on ensuring (1) clarity of process and (2) clarity of criteria.	No response needed. See specific responses to specific comments below.
2368	Policies of the Ocean SAMP	9/14/2010	Caroline Karp	Citizen	1100	<p>"Along those lines, I don't see this in the policies section, I don't see the change being made, although the comment was made, I don't see how the SAMP plan is being coordinated with the State Guide Plan or other State documents. So, there is a key example in here where it says CRMC, all biological assessments shall be conducted in accordance with CRMC Section such and such, and it will seem to me that the State has a lot of experience conducting biological assessments for major projects, and I think it's prudent and in the State's best interest to have the SAMP reference existing policies that would govern biological assessments instead of starting them from scratch.</p> <p>One example is the project that Peter August and Art Gold ran from DEM and through URI to set up principles, a process by which protected areas would be identified as areas of natural resource concern. I don't see a good reason to have an ad hoc decision made of the process in the SAMP. I think you should refer back to existing processes that were vetted by multiple agencies, multiple players, and use those processes as much as possible to identify protected areas, instead of saying as new data become available we will identify a new area. It's much more important to have a process than details."</p>	Ocean SAMP Appendix 1, "The Planning and Policy Context for the RI Ocean Special Area Management Plan (K. Payne, June 23, 2010) addresses how the Ocean SAMP relates to and is coordinated with the State Guide Plan and other state documents.

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1783	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	The creation of the Ocean SAMP as an ocean resources management tool presents tremendous opportunity for the State to take a basic inventory of the ocean ecosystem found off its shores, the opportunities it can provide for food, recreation, energy, and transportation and the real possibility for a new generation of economic development that understands the importance of sustainability. Because, the existing policies, standards and definitions for Type 4 waters contained in the Rhode Island Coastal Resources Management Program (RICRMP) are being modified and substantially replaced by this new Policies of the Ocean SAMP chapter, now is the time to establish the tools that will allow us to properly evaluate and categorize our resources and to create new, clearer, and more protective standards of review to help us evaluate development, and uses in the SAMP area, especially those that could negatively impact areas we have already identified as valuable habitat. This issue goes to a fundamental understanding many of us had in supporting the development of the Ocean SAMP: ensuring that new economic development in Rhode Island waters and in the adjacent federal waters would be carefully balanced with the need for appropriate protections of key ecological areas for present and future generations. The current version of the SAMP does not provide adequate assurance and needs to be clarified and strengthened.	In general, Ocean SAMP policies and standards, including those modifications to Type 4 waters policies, seek to balance natural resource protection with existing and future uses of the area. The policies and regulations of the Ocean SAMP are much more detailed and protective of important resources than the current Type 4 policies. See detailed responses to more specific comments below.
1784	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	As a matter of first priority, the chapter that purports to establish policies and then regulations based on those policies must be clear about the criteria used to develop the policies in the first instance. The SAMP must set forth the criteria that have been used and that the CRMC will use in the future to establish a given area as one either designated for preservation or as one of particular concern.	As stated above, in response to CLF comments, we have modified the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify the rationale for their selection and to strengthen the protections associated with them. These changes have been reflected in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP.

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1785	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	<p>It is in this regard that a properly designed EVI could be useful as a management tool within the SAMP area, i.e., identifying and distinguishing important ecological areas, Areas of Particular Concern, and Areas Designated for Preservation. But, the SAMP does not explain the method used by CRMC to identify “Areas Designated for Preservation” (those areas deserving of the highest level of protection) versus the method and criteria used for identifying “Areas of Particular Concern” (areas entitled to a certain level of protection, but also not always protected from all harmful human activities if it is determined that “avoidance” is not possible). And, as previously addressed by CLF in this document and in our August comments, the moraines are only identified as “Areas of Particular Concern,” but the sea duck foraging habitat is entitled to the heightened protections that come with being labeled an “Area Designated for Preservation.” The SAMP does not explain the basis for this distinction, and the absence of any basis is made even more conspicuous by the fact that the substantive narrative in the SAMP seems to place a greater emphasis on the overall importance of the moraine areas than it does the sea duck foraging habitat. For example, the glacial moraines are recognized throughout the Ecology chapter as “creating unique bottom topography, which influences the patterns of currents, and creates a mosaic of habitats which diversifies the overall ecological fabric of the area.” See Chapter 2, pp. 13-18. The physical habitat areas provided by these moraines are understood to provide a “powerful influence” on benthic ecological makeup and provide the foundation for greater biotic diversity of the ecosystem. The glacial moraines even perform the function of acting as submerged jetty at the mouth of Block Island Sound, dissipating storm wave energy. See Chapter 2, p. 21. In contrast to the extensive discussion of the value and significance of the identified moraines in the SAMP area, the only treatment given to sea ducks in the entire SAMP is in paragraph 5 on p. 102 of the Ecology chapter. The failure to outline the method and criteria used to identify these important areas is problematic because unless we fully understand how an area was selected for protection we won’t be able to adequately protect it.</p>	<p>As stated above, in response to CLF comments, we have modified the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify the rationale for their selection and to strengthen the protections associated with them. These changes have been reflected in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP. We have also added language to Chapter 8, section 850.4, to further explain and clarify the scientific evidence regarding the potential for permanent habitat loss for diving ducks that may result from offshore renewable energy development.</p>

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1787	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	In addition to clearly articulating the criteria that the CRMC will use to identify and categorize important ecological areas within the SAMP area, and more broadly Areas of Particular Concern and Areas for Preservation the SAMP should also clarify the standards for reviewing projects proposed in or near Areas of Particular Concern or Designated for Preservation. The SAMP should explain in much greater detail how the CRMC will be empowered to protect Areas Designated for Preservation and Areas of Particular Concern from all harmful human activities, including development and harmful fishing practices. As previously stated by CLF, neither the General Policies Section in Chapter 2, 270.1, nor the Policies of the Ocean SAMP chapter, Chapter 11, contain “enforceable” standards that could be used to protect Areas of Particular Concern. The standards for review as written are vague and ambiguous and lend themselves to arbitrary and inconsistent decision making on a proposal by proposal basis. Specifically, and in reference to Areas of Particular Concern, the SAMP sets forth an “avoidance” doctrine that provides little to no guidance on what factors will be used to determine where avoidance is possible: Avoidance shall be the primary goal for these areas for any Large-scale project. Small-scale or Other Offshore Development may also be required to avoid these areas. Where these Areas of Particular Concern cannot be avoided, the applicant shall be required to minimize to the greatest extent possible any impact, and as necessary, mitigate any significant impact to these resources. The applicant shall be required to demonstrate why these areas cannot be avoided or why no other alternatives exist. To address these ambiguities, CLF proposes that any siting and performance standard used by the CRMC to evaluate whether proposed developments activities and projects are incompatible with the values we are trying to protect in Areas of Particular Concern should consist of four elements: Avoidance coupled with a siting standard that establishes a rebuttable presumption that less damaging practicable alternatives exist for a proposed activity or use outside of the Area of Particular Concern, unless clearly demonstrated otherwise; A performance standard that any project that is proposed for an Area of Particular Concern must demonstrate that the public benefits associated with the proposed project clearly outweigh the public detriments to the Area of Particular Concern; A performance standard that any project proponent that meets the foregoing siting and performance standards must demonstrate that it has taken all feasible steps to avoid damage to the Area of Particular Concern and that there will be no significant alteration of resource values or interests within the Area of Particular Concern; A safety valve that allows a project proponent to demonstrate by clear and convincing evidence that the decision to designate an area as an Areas of Particular Concern was erroneous and that the underlying data does not accurately characterize the resource or use.	As stated above, in response to CLF comments and subsequent discussions with CLF, Save the Bay, The Nature Conservancy and the Audubon Society of Rhode Island, we have modified the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify and strengthen the protections associated with them. These changes included removing the so-called “avoidance doctrine” as well as the inclusion of a rebuttable presumption that proposed projects will be excluded from Areas of Particular Concern. Language has been added to explain the Council’s considerations when evaluating project proposals, as well as the burden on the applicant and the role of the Joint Agency Working Group. These changes have been reflected in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP.

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1794	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	Permitting Standards:CLF is pleased that the SAMP includes a provision for the CRMC to conduct a major review of the Ocean SAMP every five years from adoption. See Section 1130(5), p.6. Again, this requirement recognizes the importance of continually ground-truthing the data so that we can effectively adjust our management practices to respond to our own needs and the needs of our resources. It is for this very reason that CLF is troubled by the fact that the “Council may issue a permit for a period of up to 50 years to construct and operate an Offshore Development.” There is no existing regulatory scheme that authorizes a permit for any activity for that length of time without conducting a review of the operational and maintenance practices of the permittee. Moreover, it seems counter-intuitive that the Council recognizes the need to comprehensively review its own management practices every five years in accordance with evolving science, but would not see the need to the practices of a large-scale development located within the management area more than twice in a century. CLF proposes that a permit for any Offshore Development be for a period of no longer than 15 years before requiring review of the Development’s operational record and impact on the resources.	No change made. Under the RICRMP , CRMC is authorized to issue permits for a range of activities, and the uniform constraint for these permits is that they may not exceed 50 years. For consistency, we have maintained this standard lease time frame of 50 years for the maximum duration of Offshore Development permits.
1795	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	The Fishermen’s Advisory Board and the Joint Agency Working Group: In the context of a comprehensive and “adaptive” ecosystem-based management plan, it should not be a policy priority of the Council to review any uses and activities that could disrupt commercial and recreational fisheries activities without also having a policy priority to review any uses and activities that could disrupt or endanger the priority conservation areas designated in the SAMP. Chapter 11 is infused with multiple efforts to engage the commercial and recreational fishing community, but does not make any similar effort to include other relevant stakeholders. This approach suggests that the comments and concerns of the commercial and recreational community, valid as they may be, are afforded more weight than the comments and concerns raised by members of other relevant communities. The Fishermen’s Advisory Board (“FAB”) is given a significant and ongoing role throughout Chapter 11, specifically in reference to decision making, Section 1140; adaptive management, Section 1150.4; and the negotiation and resolution of mitigation agreements with Offshore Developers, Section 1160.9. For this reason, CLF requests that the SAMP recognize the importance of ocean wildlife and habitat protection and also establish a Ocean Wildlife and Habitat Advisory Board, comprised of members of the environmental community, the State, and the scientific community, with the same or a substantially similar role to that of the FAB.	In response to these comments and subsequent meetings with CLF, Save the Bay, The Nature Conservancy, and the Audubon Society of RI, we have created a Habitat Advisory Board (HAB) that will address these concerns and will include members from the scientific community as well as environmental NGOs. The HAB is detailed in Chapter 2, Ecology, Section 270.2, and repeated in Chapter 8, Renewable Energy and Chapter 11, Policies of the Ocean SAMP.

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1796	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	Adaptive Management and Monitoring: CLF applauds the CRMC for establishing siting standards and protocols that require the project proponent to collect data on the site – in particular the requirements for ocean circulation and stratification modeling and a biological resource assessment. We also support the development of monitoring protocols prior to, during, and post-construction to evaluate the consequences of various activities in the SAMP area and strongly urge you to develop protocols for adapting management in real time based on the monitoring results. We also urge the CRMC to require that all of this data be made public and that it be integrated into the Ocean SAMP planning area database. In this way, Rhode Island and its citizens will benefit from an ever improving knowledge of the ocean ecosystem off its shore.	No response needed.
2333	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	CLF suggests again, as it has previously, that use of an Ecological Valuation Index (EVI) approach to identify important ecological areas in the SAMP area that may warrant protection allows the science (and not special interests or public opinion) to guide and inform CRMC decision making now and in the future. The only EVI used by the SAMP, however, appears in the Renewable Energy chapter; begins with a reliance on socioeconomic values as a baseline, as opposed to beginning with the intrinsic value of the ecosystem, and; was designed not to identify the most precious ecological systems and habitat within the SAMP area, but rather, was designed solely to locate a large scale offshore wind development. Obviously, there is nothing wrong with using an EVI to identify areas that are well suited for certain types of human activities and economic development, but it should be used in the first instance to objectively evaluate and numerically weight valuable areas within the ecosystem.	As has been stated in response to previous such comments from CLF, the Ecological Value Map (EVM) is not yet completed or tested. Once the EVM is completed and tested, it will be integrated as appropriate into the Ocean SAMP document, and may be used in the future to help CRMC identify areas of high ecological value. However, given that EVM results are not yet available, it is not yet possible for CRMC to determine exactly how these results will be used and incorporated into the Ocean SAMP document and management framework. As noted above, we have moved the EVM to an Appendix in the Ecology chapter per CLF's request. As stated in the EVM summary, the EVM method defines "ecological value" as including "both the intrinsic value of biodiversity and the socioeconomic value associated with the goods and services provided by the marine ecosystem". Additionally, as stated in the EVM summary, the EVM is designed to identify valuable ecological areas in order to inform future siting decisions regarding offshore renewable energy and other future uses.

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2334	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	As currently written, the SAMP does not outline any evaluative criteria that were used by CRMC staff, or that might be used by the CRMC in the future to distinguish important habitat in the SAMP area. And, because the EVI relied upon in the Renewable Energy chapter was not designed for that purpose, it was not used in this SAMP to identify key ecological areas and cannot be used in the future as a tool by the CRMC for that purpose. For example, Section 1160.2 defines Areas of Particular Concern to include areas with unique or fragile physical features, or important natural habitats, but again, there is no explanation as to how the CRMC will make these determinations.	As noted above, we have modified the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify the rationale for their selection. These changes have been reflected in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP. In addition, as noted above, the EVM is not yet completed and/or evaluated. Once the EVM results are available, they will be integrated as appropriate into the Ocean SAMP document, and may be used in the future to help CRMC identify areas of high ecological value. However, given that EVM results are not yet available, it is not yet possible for CRMC to determine exactly how these results will be used and incorporated into the Ocean SAMP management framework.
2335	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1100	In the same vein, CLF believes that the Joint Agency Working Group, created for the purpose of evaluating management tools and permit requirements over time would be better served and more comprehensive in its results if it were to include community representatives, including a representative from the environmental NGO community.	No change made. The composition of the Joint Agency Working Group varies somewhat by project, but generally includes the federal and state agencies with regulatory jurisdiction over a proposed project. Such a group typically comes together through the NEPA review process. All other stakeholders have input into proposed projects through the public review process required through the Administrative Procedures Act.
2203	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1110	Page 4: EBM is defined as maintaining or restoring an ecosystem to a healthy, productive and resilient condition that provides the services that humans want and need....We have concerns about manipulating the off-shore waters to conform to human desires and needs. "Human wants" is a very loaded term to use as the basis for policy. If the sentence does not end at "resilient condition," we prefer wording something on the order of "that provides services for the multiple users, including marine/fauna/animals that seasonally or otherwise use these waters."	The EBM definition adopted for the Ocean SAMP is from the Scientific Consensus Statement on Marine Ecosystem-based Management, which represents the consensus of over 220 scientists and policy experts. We have clarified this in the text.
1807	Policies of the Ocean SAMP	9/9/2010	Ames Colt	RIDEM	1110	P. 4 Para. #3 Recommend amending the phrase "CRMC shall work to promote the maintenance and improvement of good water quality . . ." to read:CRMC in partnership with RI DEM's Office of Water Resources shall work . . . [etc.]	No change made. This language is taken directly from the Rhode Island Coastal Resources Management Program (RICRMP).

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2314	Policies of the Ocean SAMP	9/9/2010	Ames Colt	RIDEM	1110	Of the many ocean research questions identified in OSAMP, which should be addressed first in the short-term? In the long-term? Why? Obviously these are exceedingly difficult questions to address and it is not be feasible to do so in the first iteration of the Ocean SAMP. Therefore, it is good to see the call in this Chapter for development of an "Ocean SAMP Science Research Agenda." My concern is coordination with existing collaboratives and institutions that may already perform such science advisory functions. Specifically, as was discussed at the BRWCT meeting last June, we're moving forward with expansion and re focusing of the BRWCT Science Advisory Committee. While it may not be appropriate for development of such a research agenda development should be handed over to this expanded committee, linkages between this committee and any future science advisory group that the CRMC establishes should be explored for any number of reasons. I would welcome the opportunity to do that with you and the OSAMP team. O	Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
1837	Policies of the Ocean SAMP	9/9/2010	Terry Walsh	RIDEM	1110	Page 4 item 4: Amend the term "water quality classification" to CRMC Water Type Designations and include information on RIDEM's State Water Quality Classification system.	Revised as suggested with "water type designations". The DEM "water quality classification system" is not referenced in the document.
2191	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1110	Strengthen definition of ecosystem based management: Page 4/61 1110.4 defines ecosystem based management as protecting services that humans need and want. We suggest inserting language that requires the Council to protect other living resources in the system as well, and recommend the following definition from Encyclopedia of Earth. "Ecosystem-based management (EBM) is an integrated, science-based approach to the management of natural resources that aims to sustain the health, resilience and diversity of ecosystems while allowing for sustainable use by humans of the goods and services they provide."	We have clarified the text in Section 1110.4 explaining that the definition adopted for the Ocean SAMP is from the Scientific Consensus Statement on Marine Ecosystem-based Management, which represents the consensus of over 220 scientists and policy experts.
2204	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1120	We note that the research report for birds is listed as "Interim," and we request that a comment be inserted in the introductory remarks of Section 1120, CRMC Goals that completion of research, maintenance of the database supporting the SAMP, and administration will require adequate budgets. Then under "Goals" in the same section, add "v. Assure budgets for CRMC to implement the process for updating the scientific and technical information and the 5-year reviews." as noted in Chapter 11, Section 1130	No change. Funding decisions are made by the legislature, not by the CRMC.

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2194	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1130	Provide more details on the science research agenda, the incorporation of new data, and public comment on new data. Page 5/61 1130.2 Ocean SAMP research agenda: We appreciate and support the intent of the science research agenda, but suggest providing more details on its practical workings concerning funding, monitoring, public access to data and integration of new information. In order to promote greater transparency, we propose adding specific language stipulating incorporation of any new scientific data on an on-going basis, including public review of information, formal adoption and the use of that data in permitting decisions.	We have added language to Chapter 11, Policies of the Ocean SAMP, section 1130 as follows: "To develop the Science Research Agenda, CRMC will put together an advisory group including scientists, partner federal and state agencies, environmental organizations, and users of the Ocean SAMP area. This group will help CRMC to identify data gaps, short- and long-term research priorities, potential partners, and potential funding sources."
2164	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1140	Comment#140: The establishment of project specific requirements that shall be followed by a renewable energy developer during the construction, operation and decommissioning phases of an offshore development in federal waters will remain under the jurisdiction of BOEM, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEM's statutory authority at 43 USC 1337(p).	In response to this and subsequent discussions with BOEMRE, we have added language to the beginning of the document's major Regulatory Standards sections, found in Chapter 8 and Chapter 11, to clarify the jurisdiction of BOEMRE as follows: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
2165	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1140	Comment#141: Along the same vein as the comment immediately above, the BOEM has ultimate authority to "minimize use conflicts +and ensure marine safety and navigational access around and through offshore structures and developments and along cable routes during the construction, operation and decommissioning phases of offshore development" as per our statutory authority.	In response to this and subsequent discussions with BOEMRE, we have added language to the beginning of the document's major Regulatory Standards sections, found in Chapter 8 and Chapter 11, to clarify the jurisdiction of BOEMRE as follows: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."

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2166	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1140	Comment#142: Same comment as the two immediately above, as to BOEM's ultimate authority over the siting of renewable energy projects in federal waters.	In response to this and subsequent discussions with BOEMRE, we have added language to the beginning of the document's major Regulatory Standards sections, found in Chapter 8 and Chapter 11, to clarify the jurisdiction of BOEMRE as follows: "1. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285."
1808	Policies of the Ocean SAMP	9/9/2010	Ames Colt	RIDEM	1140	Relatedly, in Section 1140 calls for the "convening of a panel of scientists to advise on the findings of current climate science for the region and the implications for RI's coastal and offshore regions, as well as possible management ramifications." No mention is made of how this panel should be coordinated with the recently established RI Climate Change Commission of which CRMC is an appointed member. I am not suggesting any changes to the stated purpose of this panel, which is important and necessary. Nevertheless, I recommend that language be added to this section on how the findings of this panel, particularly their management and policy implications, will be reviewed and acted upon as necessary by the Climate Change Commission and that CRMC will support and apply the outputs of this Commission with regard to its ocean resource management responsibilities and priorities.	We have added language to this policy to indicate that findings of this panel will be forwarded onto the Climate Change Commission. This change is made in Chapter 3, Global Climate Change, section 350.1, General Policies, and in the corresponding section of Chapter 11, Policies of the Ocean SAMP.
1838	Policies of the Ocean SAMP	9/9/2010	Terry Walsh	RIDEM	1140	Page 7 Section 1140: Add "Ensure all applicable state and federal permits are obtained prior to construction."	No change made. The Ocean SAMP is a CRMC document and is not intended to summarize or explain other state and federal agencies' regulatory requirements or permitting processes.

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2205	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1150	Page 8: Section 1150.1, Ecology: The concept of "no action/no build" that is incorporated in NEPA should be included in the statements "Impacts from future activities shall be avoided and, if they are unavoidable, minimized and mitigated." that appear in sever subsections. This section needs to express the process of design, review, and setting permit conditions. There are always impacts. We prefer language on the order of "Proposed activities shall be designed to avoid impacts, and, where, unavoidable impacts will occur, they shall be minimized and mitigated. Proposed activities shall be reviewed under full extent of applicable laws"	We revised the Ecology General Policies #1 and 3 to reflect that projects should be designed to minimize impacts. These changes were also made in the corresponding sections of Chapter 11, Policies of the Ocean SAMP.
2206	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1150	PAge 9: Section 1150.1: "Mitigation" needs further definition. Would compensation mitigation be accepted? One for one area mitigation? How will specific foraging or spawning habitat that exists due to multiple geologic, hydrolic, and biological factors be evaluated for mitigation?	No change. Mitigation is determined by the Joint Agency Working Group.
2207	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1150	Page 9, Section 1150.1: LAtter sections include a paragraph on the agencies CRMC will consult to carry out the aims of the section. The Ecology Section contains no such paragraphy. Please add a paragraph to name likely agencies that will be collaborators to assure that ecosystem properly functions for ecology and economy (see Section 1150.7.1i)	Revised Ecology General Policy #4 to indicate that the Council will work with partner agencies, research institutions, and environmental organizations. Same change made in corresponding section of Chapter 11, Policies of the Ocean SAMP.
2168	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	Comment#143: BOEM would like to clarify that we will make final determinations about any necessary vessel access restrictions on a project-by-project basis.	No change made.

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2177	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	We would like the Council to clarify the meaning of the following sentence – “The Council also requests ongoing review of any federal agency decisions regarding vessel access around and through offshore structures and developments and along cable routes.” We would be comfortable with this text if it is meant to request that federal agencies review their internal decisions regarding vessel access around and through offshore structures and developments and along cable routes. We may take issue with the idea of the Council reviewing these internal federal agency decisions.	No change made. Federal agency decisions regarding vessel access are subject to federal consistency review per the CZMA.
2285	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	comment#144: Recommended edit: BOEM will notify the Council as soon as practicable of any federal action that may affect vessel access around and through offshore structures and developments and along cable routes. Using the term “immediately” in this sentence would be problematic for BOEM.	Revised as suggested.
2286	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	Comment #145: We would like the Council to clarify the meaning of the following sentence – “The Council also requests ongoing review of any federal agency decisions regarding vessel access around and through offshore structures and developments and along cable routes.” We would be comfortable with this text if it is meant to request that federal agencies review their internal decisions regarding vessel access around and through offshore structures and developments and along cable routes. We may take issue with the idea of the Council reviewing these internal federal agency decisions.	No change made. Federal agency decisions regarding vessel access are subject to federal consistency review per the CZMA.
2287	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	Comment#146: (BOEM indicated this was supposed to be a repeat of comments #143-145.) BOEM would like to clarify that we will make final determinations about any necessary vessel access restrictions on a project-by-project basis. Recommended edit: BOEM will notify the Council as soon as practicable of any federal action that may affect vessel access around and through offshore structures and developments and along cable routes. Using the term “immediately” in this sentence would be problematic for BOEM. We would like the Council to clarify the meaning of the following sentence – “The Council also requests ongoing review of any federal agency decisions regarding vessel access around and through offshore structures and developments and along cable routes.” We would be comfortable with this text if it is meant to request that federal agencies review their internal decisions regarding vessel access around and through offshore structures and developments and along cable routes. We may take issue with the idea of the Council reviewing these internal federal agency decisions.	"Immediately" was replaced with "as soon as is practicable". No other changes made; federal agency decisions regarding vessel access are subject to federal consistency review per the CZMA.

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2292	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1150	Comment#166: Recommended edit: BOEM will notify the Council as soon as practicable of any federal action that may affect vessel access around and through offshore structures and developments and along cable routes. Using the term "immediately" in this sentence would be problematic for BOEM.	Revised as suggested.
2197	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1150	Clarify that the SAMP does not severely justify any specific development project Page 14/61 1150.7.2 While this section outlines current assumptions and aspirations for offshore energy development in RI, these statements themselves should not be presumed to provide justificatino for any particular project. 2. The Council supports the policy of increasing renewable energy production in Rhode Island. The Council also recognizes: offshore wind energy currently represents the greaest potential for utility-scale renewable energy generation in Rhode ISland, offshore renewable energy development is a means of mitigating the potential effects of global climate change, offshore renewable energy development will diversify Rhode Island's energy portfolio, offshore renewable energy development will aid in meeting the goals set forth in Rhode Island's Renewable Energy Standard, marine renewable energy has the potential to assist in the development of urban waterfronts and ports.	We have added language to Chapter 8, Section 860.1, and Chapter 11, Section 1150.7, to indicate that "The Council's support of offshore renewable energy development shall not be construed to endorse or justify any particular developer or particular offshore renewable energy proposal."
2198	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1150	Establish mechanisms for pre-funding mitigation programs as a condition of permits: page 14/61 1150.7.4 mitigation program and funding: we encourage such fund, program or mechanism for holding mitigation funds specifically for such restoration, monitoring, preservation or research projects is established simultaneously with adoption of the SAMP. Additionally, details regarding the program should also be included in this section	No change has been made. While the CRMC may require mitigation as a condition of a permit, the CRMC is not authorized to develop a pre-funding mitigation program. This would require legislative action.
2208	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1160	Page 16, Section 1160.1: We ask that dumping be added to the list as vii for development project that would be subject to these policies.	We have revised this regulatory standard to explicitly include dredging, and have drafted a separate standard addressing dredged material disposal within the Ocean SAMP area.

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2209	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1160	Page 21, Section 1160.2: We request that Areas of Particular Concern be expanded to include vii. Areas of foraging for sea birds and marine mammals and viii. Areas of migration routes for birds, bats, marine mammals, and marine turtles.	Sea duck foraging areas are already designated as Areas Designated for Preservation. At this time we do not have sufficient data of appropriate content and resolution to designate any additional Areas of Particular Concern. Additional APCs or ADPs may be identified in the future as new data and study results become available.
2210	Policies of the Ocean SAMP	9/14/2010	Eugenia Marks	Audubon Society of Rhode Island	1160	Page 35, Section 1160.5.2iii. The definition of Certified Certification Agent should be reworded to better qualify the expertise of the Agent. The agent should be a registered engineer or integrally employ a registered engineer with appropriate, recognized professional degree and experience. we are concerned that the phrase "good engineering judgment" is not verifiable.	Revised the section to indicate that the CVA must be "licensed and qualified".
2169	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#147: Although BOEMRE would likely be amenable to a meeting to discuss pre-construction survey and data requirements, the language presented in this section is problematic as it seems to be binding the federal agency with primary jurisdiction for a particular project to serve as a "co-lead" to a working group that would be formed by the Council.	Revised to remove the term "co-lead".
2170	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#149: "Any Large-Scale Offshore Development, as defined above in section 1160.1.1, shall require a pre-application meeting between the FAB, the applicant, and the Council staff to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, and project minimization. During the pre-application meeting for a Large-Scale Offshore Development, the FAB can also identify areas of high fishing activity or habitat edges." – We are unsure whether this type of specific requirement goes outside what a state is authorized to include in a Plan under CZMA, for the portion of the SAMP extending into federal waters.	No change made. The CRMC has authority to require a pre-application meeting for projects in a state waters. A pre-application meeting for projects in federal waters can be considered part of the necessary data and information required per the federal consistency provision of the CZMA.
2171	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#148: The language in this section was taken almost directly from 30 CFR 285.105. We are unsure that all of the listed requirements would be applicable to offshore renewable energy projects in state waters, such as "(v) Make all applicable payments on time."	No change made. We have confirmed that all listed requirements are applicable to projects in state waters.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2173	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#150: "Negotiation of mitigation agreements shall be a necessary condition of any approval or permit of a project by the Council. Mitigation shall be negotiated between the Council staff, the FAB, the project developer, and approved by the Council. The reasonable costs associated with the negotiation, which may include data collection and analysis, technical and financial analysis, and legal costs, shall be borne by the applicant. The applicant shall establish and maintain either an escrow account to cover said costs of this negotiation or such other mechanism as set forth in the permit or approval condition pertaining to mitigation. This policy shall apply to all Large- Scale Offshore Developments, underwater cables, and other projects as determined by the Council." – Same comment as above.	No change made. The CRMC can require this in state waters.
2174	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#160: "Within the Renewable Energy Zone, if an applicant applies within 2 years of CRMC's adoption of the Ocean Special Area Management Plan they may elect to combine the SAP and Construction and Operation Plan (COP) phase, but only within the renewable energy zone and only for 2 years after the adoption date. If an applicant elects to combine these two phases all requirements shall still be met." – We don't see the utility of this requirement. If, three years from the adoption of the SAMP, a developer conducts the surveys necessary to submit a complete SAP/COP, why shouldn't they be allowed to do so? BOEM encourages such pre-survey activities, and will continue to do so, to ensure a more efficient leasing process.	No change made. This provision is based on the fact that many studies have been conducted through the development of the Ocean SAMP which can inform and expedite the SAP and COP processes. However, these data and study results will cease to be up-to-date and relevant more than two years from now.
2291	Policies of the Ocean SAMP	9/9/2010	Poojan Tripathi	BOEMRE	1160	Comment#162: If edits are made to the portions of BOEM's renewable energy regulatory framework that were copied into the SAMP, will the applicable sections of the SAMP be updated as well?	It is the intention of the CRMC to update the applicable sections of the SAMP if and when changes are made to BOEMRE's renewable energy regulatory framework.
1800	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1160	Clarity of criteria:a. include requirements for financial and technical capacity such as included in MMS/BOEM regs at 30 CFR 285 (esp subpart E) – including bonding for any necessary mitigation and removal	No change made. As is noted in Chapter 11, Policies of the Ocean SAMP, Table 11.1, the SAP must include financial assurance information which includes "Statements attesting that the activities and facilities proposed in the applicant's SAP are or shall be covered by an appropriate performance bond or other Council approved security."

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2322	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1160	b. include clear rationale for selection of areas designated for protection and areas designated for preservation -- including diving duck habitat and "moraines and fish habitat". Section 1160.2.1 describes Areas of Particular Concern". However, category i (areas of unique or fragile physical features, or important natural habitats) are not defined nor is reference made to any further elaboration of what is meant to be included under this category. Similarly with category ii (areas of high natural variability). Section 1160.2.3 includes glacial moraines as areas of particular concern and delineates them in figures 11.3 and 11.4 but does not provide rationale for their designation. Section 1140.1 calls for the Council to use "Tools including the Technology Development Index (TDI) and the Ecological Value Map (EVM)" to inform site selection. However the SAMP does not indicate whether or how the EVM (or any other tool or decision process) was used to determine these areas of particular concern presumably for ecological reasons. Despite recognition in chapter 8 that "preferred sea duck foraging areas are strongly correlated with environmental variables such as water depth, bottom substrate, bivalve community and bivalve density" the Area Designated for Preservation for sea duck foraging habitat includes all bottom areas in depths less than 20 meters. This appears to be based on literature review (not local data) by Paton and was revised from 25 m to 20m without citation of the basis for revision.	We have added language to the regulatory standards for Areas of Particular Concern and Areas Designated for Preservation to clarify the rationale for their selection as well as the reasons and supporting scientific findings that Areas Designated for Preservation require an elevated level of protection. These changes have been reflected in the actual regulatory standards as included in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP. With regard to the Ecological Value Map, the EVM is not yet completed or tested, and therefore was not used as a means of selecting APCs or ADPs. Once the EVM is completed and tested, CRMC will be able to determine how the results will be used and incorporated into the Ocean SAMP document and management framework.
2323	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1160	c. clarify criteria by which the Fishermen's Advisory Board is to designate "high intensity fishing areas". Section 1160.2.3.vi (note that there is no v so numbering should be revisited) designates "areas of high fishing activity as identified during the pre-application process by the Fishermen's Advisory Board" – designation of such areas is probably beyond the legal authority of an advisory body. Criteria for designation should be made clear. If the FAB is not to be subject to the APA, the designation process needs to be revised. Without clarity in definition of fishing areas of particular concern, their designation should be done through a regulatory process, not an administrative one.	We have corrected the numbering error and added language to clarify that areas of high fishing activity may be identified by the FAB but designated by the Council as Areas of Particular Concern.
2324	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1160	d. encourage "lines on a map" (as was expected by many)-- discourage rumored process under which lines would be drawn after SAMP is approved by NOAA -- insist that any such map be subject to further public review	In addition to the numerous maps already included in the document, including the Renewable Energy Zone, the Areas of Particular Concern, and the Areas Designated for Preservation, we have added a new section, 870, to Chapter 8, Renewable Energy, identifying the "Area of Mutual Interest" which is the area in federal waters that the SAMP process has found to have the greatest potential for offshore renewable energy development.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2325	Policies of the Ocean SAMP	9/9/2010	Donald Pryor	Citizen	1160	e. request that inputs/comments/requirements by federal agencies be made public. Many references have been made to federal inputs (in meetings, meeting records and published articles). These inputs should be made public.	No change made. Official correspondence and comments from federal agencies can be made available upon request.
1786	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1160	Also of particular concern is the fact that the SAMP identifies but does not adequately elaborate on six categories of Areas of Particular Concern including (i) areas with unique or fragile physical features or important natural habitats; (ii) areas of high natural productivity; (iii) areas with features of historical or cultural value; (iv) areas of substantial recreational value; (v) areas important for navigation, transportation, military and other human uses; and (vi) areas of high fishing activity (Section 1160.2, para. 1). With the exception of the moraine areas which could be categorized under (i) and (ii) above, historic ship wrecks, offshore dive sites, navigation, military and infrastructure, and certain recreational boating areas, the specific extent of other areas in the SAMP qualifying for this designation, such as fishing areas, and for which the associated siting and performance standards will apply, are not demonstrated in the SAMP on any specific maps.	This list of categories is meant to be an overview of types of activities that could be considered for designation as Areas of Particular Concern. Where sufficient data and information were available, specific Areas of Particular Concern have been designated. We have added language to the APC description to clarify this and to indicate that additional APCs may be identified by the Council in the future as new data are made available. With regard to fishing areas, we have added language to clarify that areas of high fishing activity may be identified by the Fishermen's Advisory Board but only designated by the Council.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
1790	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1160	<p>There are a number of arguments that support this approach. First, by its very nature, the proposed siting and performance standards are highly protective in degree and scope. By emphasizing the special nature of Areas of Particular Concern in substantive terms, the CRMC will have accomplished what it has indicated it wanted to accomplish: fostering protection and restoration of the SAMP area ecosystem and keeping development projects out of important ecological areas, when the proposed project proves to be incompatible with the resources the CRMC is trying to protect. The creation of a rebuttable presumption, a public benefit test, and an impact minimization requirement constitute an appropriately high hurdle without constituting a full development ban. Second, the creation of a rebuttable presumption is an entirely legitimate mechanism that borrows from existing and extensive jurisprudence developed in other areas where governments are endeavoring to protect particular resource areas. By creating a rebuttable presumption, Rhode Island prevents the burden of demonstration from shifting onto itself inappropriately by a project proponent, and protects its action in connection with any potential judicial level review. A rebuttable presumption creates a burden on the party on whom it is imposed to produce explicit evidence to rebut the presumption. If the party does not produce sufficient evidence to rebut the presumption, the fact finder – in this case, the CRMC – must take the presumed fact as established. One of the most widely recognized application of this approach in the environmental area is in the section 404(b)(1) guidelines adopted under the federal Clean Water Act, where wetlands and other special aquatic sites are protected from unnecessary developmental pressures by the presumption that “practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise.” See 40 CFR §230.10(a)(3). The presumption has not blocked development in “special aquatic sites” but it has steered development proposals away from these critical ecological resources – precisely the outcome that is sought here. Third, the four-part approach we are advancing would ensure that even if there are not less damaging practicable alternatives to a proposed activity or use in an Area of Particular Concern, there is still an obligation to demonstrate that there are legitimate public benefits to the proposal. Finally, this approach is fully compatible with the CRMC’s understood interest in adaptive management for the SAMP area through the tools outlined in Section 1130. This interest is reflected by the fact that the CRMC will conduct a major review of the SAMP every five years from adoption. CLF fully supports the importance of grounding resource protection and management plans in a science and data-driven framework.</p>	<p>As stated above, in response to CLF comments and subsequent discussions with CLF, Save the Bay, The Nature Conservancy and the Audubon Society of Rhode Island, we have modified the Areas of Particular Concern and Areas Designated for Preservation regulatory standards to clarify and strengthen the protections associated with them. These changes included removing the so-called “avoidance doctrine” as well as the inclusion of a rebuttable presumption that proposed projects will be excluded from Areas of Particular Concern. Language has been added to explain the Council’s considerations when evaluating project proposals, as well as the burden on the applicant and the role of the Joint Agency Working Group. These changes have been reflected in Chapter 2, Ecology; Chapter 8, Renewable Energy and Other Offshore Development; and Chapter 11, Policies of the Ocean SAMP.</p>

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2330	Policies of the Ocean SAMP	9/9/2010	Tricia Jedele	Conservation Law Foundation	1160	We are also concerned that fish spawning and nursery areas were not afforded this protected designation despite be called out for protection in several chapters as discussed above. This is the case for critical habitat of species listed under the Endangered Species Act for which the SAMP states that the “Council shall prohibit Offshore Development.” Should not these areas be designated as Areas for Preservation with maps that clearly delineate these critical habitat areas? It is also unclear how current activities, such as fishing, and the designated wind energy zone intersect with these Areas of Particular Concern – there should be maps showing these features overlaid on each other. The final Ocean SAMP must address these serious deficiencies by providing specific maps that detail the location and extent of these important areas.	The Ocean SAMP has resulted in more research in Rhode Island's offshore waters than has been done since the 1950s (more than any other coastal state has available to them at this time). However, at this time there is insufficient data of appropriate content and resolution to identify and designate other areas, such as fish spawning areas and areas of high fish abundance, as Areas of Particular Concern or Areas Designated for Preservation. Such areas may be identified in the future through the site-specific surveys and mapping efforts that would be conducted as part of a proposed project's Site Assessment Plan or Construction and Operation Plan, and accordingly, Ocean SAMP policies state that these areas shall be protected when they are identified through these processes. With regard to "Critical Habitat" designated under the Endangered Species Act, the SAMP document indicates that there is no Critical Habitat designated within the SAMP area for any ESA-listed species. We have created a map showing the Renewable Energy Zone overlaid with Areas of Particular Concern and Areas Designated for Preservation; this map was included in the September 29th proposed changes memo to the Council.

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2351	Policies of the Ocean SAMP	9/14/2010	Tricia Jedele	Conservation Law Foundation	1160	<p>"I do think it's important when we're talking about needing the SAMP for legal reasons to have enforceable policies so that we can attain that Federal consistency, that I continue to express concern over, what I refer to as the avoidance doctrine that is set out in the -- let's see if I can give you a specific reference here.</p> <p>It is in the policies of the Ocean SAMP, Chapter 11, Section 1160.2, sub 2, page 21, and so the definition that you have right now is, ""Avoidance shall be the primary goal for these areas for any large scale project. Small scale or other offshore development may also be required to avoid these areas. Where these areas of particular concern cannot be avoided, the applicant shall be required to minimize, to the greatest extent possible, any impact, and, as necessary, mitigate any significant impact to these resources, and the applicant shall be required to demonstrate why these areas cannot be avoided or why no other alternatives exist.""</p> <p>We think that this standard is fairly ambiguous, and we've proposed an alternative to that, so that the avoidance doctrine be coupled with a citing standard that establishes a rebuttable presumption, that less damaging, practicable alternatives exist for a particular proposed activity or use, unless clearly demonstrated otherwise, and these are similar recommendations that we made for the Mass ocean plan, and that a performance standard, that any project that's proposed for an area of particular concern must demonstrate that the public benefits associated with the proposed project clearly outweigh the public detriments to the area of particular concern.</p> <p>And, there are a couple of other recommendations that we made with respect to strengthening the criteria that will be used by the Council now and in the future to determine whether activities and uses will be allowed within those areas of particular concern. "</p>	CLF submitted these same comments on 9/9 in writing; see responses to 9/9 comments.
1802	Policies of the Ocean SAMP	9/9/2010	Ames Colt	RIDEM	1160	Section 1160.1.4, which discusses the "Joint Agency Working Group" should identify which agencies formally in this Working Group. Apparently, DEM is not part of this Working Group. It should be, given that the Working Group "shall comprise those state and federal agencies that have a regulatory responsibility related to the proposed project."	No change made. The composition of the Joint Agency Working Group is not specified because it will change based on the project and the state and federal agencies which have regulatory jurisdiction over the given project.
1839	Policies of the Ocean SAMP	9/9/2010	Terry Walsh	RIDEM	1160	Page 35 Section 1160.5 Same comments provided for Chapter 8 with regard to providing the same information to other state and federal permitting agencies for respective reviews and clarification on what is required for "water quality." Also, note that information relating to water quality and review for compliance with the state water quality regulations may require additional and/or different types of information than is contained in this plan.	No change made. The Ocean SAMP is a CRMC document and is not intended to summarize or explain other state and federal agencies' regulatory requirements or permitting processes. We have added a line to Chapter 8, section 860.2.5, Application Requirements, to clarify that other federal and state agencies may require additional types of data and information as part of their permitting processes. This same change is made in the corresponding section of Chapter 11, Policies of the Ocean SAMP.

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#	Chapter	Submitted	Name	Organization	Section	Comment	Response
2199	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1160	Clarify policies on aquaculture and dredging: chapter 1100, page 4/61 1110.1 is not consistent with p.16/61 1160.1.1v aquaculture and (vi) dredging: 1110.1 specifically states that aquaculture projects of any size shall follow RICRMP 300.11 and dredging and dredge disposal activities remain governed by RICRMP 300.9. 1160.1.1v states ALL offshore developments regardless of size proposed for or located within the Ocean SAMP area are subject to specified Ocean SAMP policies and standards. All aquaculture projects and other "development" per RICRMP glossary (which includes dredging and filling) are listed. Save The Bay suggests making the intent of maintaining the existing regulatory scheme for aquaculture and dredging explicit clear and removing the two from the list in 1160.1	We have added language to Chapter 8, Renewable Energy, sections 860.2.1 and 860.2.3 to clarify that aquaculture is subject to the regulations of RICRMP Section 300.11, dredging is subject to the regulations of RICRMP section 300.9, and dredged material disposal will be further limited in Areas of Particular Concern within the Ocean SAMP area. This same language is repeated in Chapter 11, Policies of the Ocean SAMP, sections 1160.1 and 1160.3.
2200	Policies of the Ocean SAMP	9/9/2010	Wendy Waller	Save The Bay	1160	Improve transparency and clarity: The following additions will help the public understand the SAMP in detail and in context: Straightforward flow chart on permit process as in UCG, straightforward flowchart/explanation for federal consistency incorporation and expansion, glossary of terms and definitions in separate sections: on page 21/61 "micro-siting techniques requires a clear definition, include clear definitions with criteria for "unavoidable", "in conflict", "precautionary principle"	We have added a simplified permitting flow chart as Appendix I to Chapter 11, Policies of the Ocean SAMP, to clarify the permitting process for offshore developments in state waters. Explanation of the federal consistency incorporation and expansion process is included in the September 29th memo submitted to the Council. With regard to terms and definitions, we have added an in-text definition of the use of the term "micro-siting" where it is used in Chapter 5, Section 560.2; Chapter 8, Section 860.2.1; Chapter 11, Section 1160.1; and Chapter 11, Section 1140. The term "precautionary principle" has been removed from the Ocean SAMP per the request of the CRMC Ocean SAMP subcommittee. We have removed several uses of the term "unavoidable", most importantly in the Areas of Particular Concern and Areas Designated for Preservation regulatory standards. Remaining uses of the terms "unavoidable" and "in conflict" are used in a manner that is consistent with other regulatory applications of these terms (i.e. unavoidable is used, but not defined, in the RI CRMP).

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Name	Organization	Comment	Response
Andrew Goldman	Protect Our Islands Now For Tomorrow	POINT is a Massachusetts non-profit organization established in 2009 to do research and educate our members and the public about the positive and negative impacts, benefits, and disadvantages of various wind energy siting proposals that have been proposed for the waters around Martha's Vineyard, Nantucket, and the Elizabeth Islands. Our goal is to assure that the ecology, economy, bird, bat, and fisheries, history, culture, property values, and health of this special part of the world are protected. We join many other observers in complimenting your organization on the level of study and planning that went into the draft SAMP plan. This is in contrast to our own state's Massachusetts Ocean Management Plan, which in comparison appears to have been a rush job, utilizing no original research and coming to a predetermined conclusion regarding the number and location of potential wind turbines in the Commonwealth's waters that was clearly politically directed.	No response required.
Andrew Goldman	Protect Our Islands Now For Tomorrow	We do share the concern of the R.I. Conservation Law Foundation, even regarding Rhode Island's superior effort, that "it is the rush to develop ocean wind energy that is guiding the framework for this ocean management plan...and that this is subverting effective and comprehensive ocean management and new opportunities for resource protection." And we question the likelihood that any "adaptive process that will incorporate monitoring and evaluation ... will allow for the continual improvement of management practices" as described in the plan's introduction, is likely to occur, or if it does, if it will make any difference. The Commonwealth of Massachusetts is unlikely to do any such monitoring and evaluation, since it didn't do any in producing its own ocean management plan for its own waters. And the Federal government just last week made clear that its priority is to lease offshore wind development sites as quickly as possible. Once constructed, any change in "management practices" in a given block is unlikely regardless of what new information "monitoring and evaluation" should produce. Once leased, especially if leased for the 50 year term proposed , these blocks are gone forever	It is stated in Chapter 11, New Policies of the Ocean SAMP, that "Although the Ocean SAMP may be continually amended through an administrative process, the CRMC will conduct a major review of the Ocean SAMP document every five years from adoption. CRMC will implement this revision process using the principles honored during the development of the Ocean SAMP, including involving stakeholders and basing all decisions on the best available science." Adaptive Management is at the core of CRMC's beliefs and practices. The CRMC continually monitors its programs for problems and new initiatives. It can go from a problem to a new regulation in 90 days. Additionally, the Ocean SAMP document establishes the Ocean SAMP Science Research Agenda, which provides for ongoing study of Rhode Island's offshore natural resources and any potential effects from offshore development. These adaptive management mechanisms have been approved by the CRMC as part of the state's policy, and will become part of the state's coastal management plan going forward. The monitoring and evaluation plans of the Commonwealth of Massachusetts are beyond the scope of the Rhode Island Ocean SAMP.
Andrew Goldman	Protect Our Islands Now For Tomorrow	We are very concerned that unsolicited bids by wind industry developers for blocks in federal waters are already being received by the Bureau of Ocean Energy Management. This runs counter to the process repeatedly presented by BOEM to our community representatives, in which the planning is done first, then sites for potential development are selected. The "gold rush" scenario where developers stake a claim to a particular site before the public planning and site selection process takes place is what we saw with the Capewind proposal in Nantucket Sound nine years ago. It is not a process to repeat.	The federal lease blocks designated by the Bureau of Ocean Energy Management have since their designation always been open to unsolicited bids at any point in time. A discussion of the Cape Wind proposal or meetings held by BOEM are beyond the scope of a discussion of the Ocean SAMP.

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Name	Organization	Comment	Response
Andrew Goldman	Protect Our Islands Now For Tomorrow	Marine mammals, particularly the federally endangered fin whale and the North Atlantic right whale, but also dolphins, are known to frequent some of the waters proposed for wind development. The SAMP study clearly recognizes the significant impacts that deepwater turbine construction would have on such species, but little has been said about the operational impacts. Subsonic vibrations from hundreds of giant wind turbines under continual operation can and will have a significant impact on these species.	The management and protection of marine mammals is the primary jurisdiction and responsibility of NMFS and the U.S. Fish and Wildlife Service. These agencies will be setting the criteria for review of impacts and dictating any mitigation measures if necessary.
Andrew Goldman	Protect Our Islands Now For Tomorrow	The Wampanoag tribe of Gay Head (Aquinnah), being located in Massachusetts, was naturally not consulted for the Rhode Island SAMP study. Remarkably, the tribe was also not consulted in preparation of the Massachusetts Ocean Management Plan, either. If the tribe leaders had been consulted, they would have described the importance of the waters around Martha's Vineyard and the Elizabeth islands to their history and culture. We support the tribe in its recommendation that any wind development be located more than 21 miles from the coast, and we further urge that the tribe be included on any ongoing advisory boards that may be created.	Because the Ocean SAMP was developed by the state of Rhode Island for the state of Rhode Island, prior to the MOU between Massachusetts and Rhode Island, only stakeholders in Rhode Island were consulted. The meetings held on Martha's Vineyard and in New Bedford by the Rhode Island CRMC were arranged between the states of Rhode Island and Massachusetts as an opportunity for Massachusetts stakeholders, including the Wampanoag tribe, to provide input into the Rhode Island Ocean SAMP. The stakeholder process of the Massachusetts Ocean Plan is beyond the scope of the Ocean SAMP document.
Andrew Goldman	Protect Our Islands Now For Tomorrow	The Martha's Vineyard Commission is entirely correct in recommending that the northern part of the Area of Mutual Interest and the northeast parts of the SAMP be excluded from wind development. This area clearly includes the flight lines of many species of migratory birds and the foraging areas for a number of birds on the state or Federal endangered species lists. The suggestion that more research is needed is well founded, as current knowledge is clearly inadequate. If it is correct that radar monitoring such as is currently being carried on at Cuttyhunk will provide scientifically valid information regarding different bird species numbers and patterns of behavior, then more such research should be done. But any such research should be carried out by independent public entities like the MVC or RICIMC, not by any prospective wind developer, with all collected data to be continually made available to the public.	In the event of a proposal to develop offshore wind in the Area of Mutual Interest or any other area, the decision about what monitoring needs to be done and who will do the monitoring will be made by the relevant federal agencies through the NEPA process.
Andrew Goldman	Protect Our Islands Now For Tomorrow	Another reason for excluding those areas from wind development is the commercial shipping traffic going up and down the East Coast through those waters. Storms, fog, disablement and inattention have led to hundreds of incidents including ship sinkings and groundings in these waters. Deliberately locating dozens of immobile hazardous fifty story high structures in dozens of square miles in these areas would be a mistake.	Commercial shipping traffic typically follows designated shipping lanes; these navigation routes are well documented. Designated shipping lanes and recommended vessel routes are designated as Areas of Particular Concern within the Ocean SAMP document. While a shipping lane passes through the Area of Mutual Interest, as noted in Chapter 11 of the Ocean SAMP document, any offshore development is presumptively excluded from this shipping lane and all other Areas of Particular Concern. Additionally, any decisions about navigation and safety are made by the U.S. Coast Guard.

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Andrew Goldman	Protect Our Islands Now For Tomorrow	The fishing industry is important to Rhode Island, to Massachusetts, and to Martha's Vineyard, and it should be a given that any areas designated by the fishermen as places important to them should be off limits to wind development. It can be assumed that fishermen will be precluded from working within wind development zones entirely, or at best will be required to carry an extra person on board, which requirement will make fishing there economically impractical. Mitigation and compensation are referenced as possibilities, but protecting important fishing areas from any wind development is a far better option.	The Ocean SAMP document recognizes the importance of the fishing industry to both Rhode Island and Massachusetts, and it is the policy of the Council to protect commercial and recreational fisheries from adverse impacts. Activities that will result in long-term impacts to fisheries are prohibited under the Regulatory Standards of Chapter 11 in the Ocean SAMP document. The Council also endorses the Coast Guard's current intended policy of permitting access to fishing vessels within the wind farms. The Fisheries Advisory Board (FAB) was created in the policies of the Ocean SAMP as a means of identifying and addressing important fishing areas. The FAB will allow fishermen, including three from Massachusetts, input into any wind farm siting in order to protect important fishing areas from development. The FAB may also recommend high intensity fishing areas for protection.
Andrew Goldman	Protect Our Islands Now For Tomorrow	Designating glacial moraines as Areas of Particular Concern, something that was not included in the Massachusetts OMP, is in our view both appropriate and desirable. The many undersea plant and animal species that live and breed in such topography are critical to the present and future health of the marine ecosystem and we join the RI Conservation Law Foundation and the Nature Conservancy in applauding the RI SAMP for this inclusion and urge that it be broadened to include the hard bottom areas described in the Nature Conservancy's Marine Ecoregional Assessment.	We do not currently have a map, nor the supporting data, to justify designating hard bottom areas as an Area of Particular Concern. Final results explaining the TNC's Northeast Regional Assessment application to the Ocean SAMP area, which may include clearly labeled maps with clearly-delineated polygons showing the exact location of the above-mentioned moraine, are forthcoming. This information will be reviewed and integrated into the Ocean SAMP, as appropriate, per the schedule outlined in Chapter 11, The Policies of the Ocean SAMP. Topographic features must be evaluated through the biological survey requirements of the Site Assessment Plan (see Table 11.2) and the Construction and Operation Plan (see Table 11.5). These same items can also be found in the corresponding sections of Chapter 8, Renewable Energy and Other Offshore Development. The CRMC has committed to work with TNC to bring in information to the Ocean SAMP as it comes available at a scale that can be used in the Ocean SAMP.
Tristan Israel	Dukes County Commissioner	I am a Selectman from the town of Tisbury, Massachusetts as well as a Dukes County Commissioner. I have taken an interest in the Massachusetts Ocean Plan and the impacts the proposed areas for wind development might have on the economy and ecology of our area. I am also serving on the Massachusetts BOEM task force dealing with off shore wind development. I have attended several workshops held on Martha's Vineyard to learn about and review the Rhode Island SAMP. Rhode Island is to be lauded for the effort it has put into the SAMP so I hope my general comments will be taken as constructive. The fact that your state has reached out to our abutting community is very much appreciated.	No response required.

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Tristan Israel	Dukes County Commissioner	The rush to develop alternative energy is understandable but if the cost is the loss of habitat and thus the species that inhabit our waters, then the cost is too high. That is not to say that mitigation and sensible mapping of the area is not feasible but there needs to be enough time to get it right. Parameters need to be initiated to ensure that resources are fully protected.	No response required.
Tristan Israel	Dukes County Commissioner	For Birds and Bats, more needs to be spelled out as to the exact location of flyways and migration patterns so that placement of facilities and how they operate cause the least impact. I felt the information on many species of Birds and in particular Song Birds and Raptors was deficient. Also, will the lights on turbines at night attract Bats? What about migrating Monarch Butterflies? The information gained in studying the SAMP needs to better match up with information from contiguous areas. Knowledge can lead to operational decisions that can lessen impacts. For example it has been shown that turbines kill more Bats during low wind speed as Bats are more likely to fly when wind speeds are relatively low. Bats do not like to fly in high wind. Turbines could be shut off at certain times. This kind of logic can also be applied to migration periods of Birds which are often very predictable.	The best available information regarding birds has been incorporated into the Ocean SAMP document. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP. All avian studies in the Ocean SAMP were performed by research ornithologists bringing the latest data from the European research community and approved by the U.S. Fish and Wildlife Service. Bats and Monarch butterflies fall within the purview of the US Fish and Wildlife Service, and any impacts to these species from a particular proposed development would be evaluated by this agency. With respect to operational decisions, these sorts of best management practices and mitigation measures would be incorporated into the developer's Construction and Operations Plan, required to be submitted to the RI CRMC prior to construction.
Tristan Israel	Dukes County Commissioner	I am pleased that Massachusetts Fishermen will be asked to participate in a task force with Rhode Island Fishermen. It is vital that someone from the Vineyard serve on this task force. It is also vital that information and data from areas contiguous to the SAMP, including information from Massachusetts Fishermen who fish in and around the SAMP, be included in the SAMP.	The request to incorporate a fisherman from Martha's Vineyard on the Fisheries Advisory Board is noted and will be passed along to the Massachusetts Office of Coastal Zone Management, who will be responsible for designating three Massachusetts fishermen to the FAB. The series of meetings in Massachusetts communities held the fall of 2010 are intended to gather information from Massachusetts fishermen; any information received about fishing activities in and around the Ocean SAMP area will be incorporated into the document.

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Tristan Israel	Dukes County Commissioner	The protection of Whale species is of concern. The information and data used in the SAMP seems contradictory to other counts that I have seen and the effect of the turbines on Whales is still not well known. European data seems not relevant to this area as they do not have the same concentrations of species. What will be the impact of construction and manmade noise? Will the magnetic field from cables disrupt migrating patterns? The cables are also a concern for Invertebrates and Fish and Sharks and Rays as well. All of this need more research before blocks are considered ripe for development.	The management and protection of marine mammals is the primary jurisdiction and responsibility of NMFS and the U.S. Fish and Wildlife Service. These agencies will be setting the criteria for review of impacts and dictating any mitigation measures if necessary. The best available data on the effects of construction and noise on marine mammals, and of the effects of electromagnetic fields induced by cables on fish and other species, are incorporated into the Ocean SAMP document. Research on these areas is ongoing, and as additional data become available, the Ocean SAMP document will be amended to include the latest and most pertinent information. European data on marine mammals come primarily from harbor seals and harbor porpoises, two species commonly found within the Ocean SAMP area. However, it has been noted that many of the marine mammal species found in the Ocean SAMP waters are not found in Europe, and the effects to these species of wind facility construction and operation are not fully understood. Any effects to marine mammals and other environmental effects would be evaluated during the permitting process.
Tristan Israel	Dukes County Commissioner	Clean Energy is a priority for our country and I realize that the pressures from the federal and state governments to move ahead with solutions are enormous. That being said, it is also important that we preserve our heritage and ecology which are a vital part of who we are. If we do not respect all forms of life, if we do not respect our surrounding environment, then we do not respect ourselves! Whales and Bats and Birds are disappearing. It is my hope that we proceed cautiously and take some extra time to get it right.	No response required.
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	Response: Your response to inquiries regarding right whale sightings in the SAMP area was forwarded to me by a supporter. WDCS works on the protection of the NA right whale and we are co-sponsors of the petition to increase federally designated Critical Habitat for the species. I hope that you will consider my thoughts (in blue) regarding your letter (in black) below. I am happy to discuss these further. Please note that I will be attending the Atlantic Large Whale Take Reduction Team meeting tomorrow through Friday and will not be available until next week. Thanking you in advance.	No response required.

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>"Citation:Our understanding of North Atlantic right whale occurrence off southern New England, and in the Rhode Island Ocean SAMP area in particular, is based upon a substantial history of survey effort. The SAMP technical report summarizing the available information on marine mammals in the region (Kenney and Vigness-Raposa, 2010) shows how much we do know. There was a total of 156 right whale records in the study area (Table 1, pp. 33-34; Figure 3, p. 47). That total does not include the large numbers of known kills by whaling in the region. A review of Figure 2 (p. 36) shows that there has been a substantial number of ""focused, credible surveys"" in the study area overall and within SAMP area specifically. Within the SAMP area alone, the total survey effort shown on the figure (counting only tracks with good visibility and low sea states) was almost 17,000 km</p> <p>Response:The temporal survey effort is not clear in figure 2. Additionally, there appears to be a lack of acoustic monitoring for right whales included either because no passive acoustic monitoring for the species occurred in the SAMP, or these data were not included. Passive acoustic monitoring, in addition to visual surveys, is an important tool for detection of this species. Acoustic effort in the Stellwagen Bank National Marine Sanctuary demonstrated that right whales were being acoustically detected in areas of the Sanctuary that were not picked up by aerial observation effort. Furthermore, these data indicated that right whales used the Sanctuary more frequently than previously considered (/Long term passive acoustic monitoring of the distribution and movement patterns of North Atlantic right whales (/Eubalaena glacialis/) in Stellwagen Bank National Marine Sanctuary by Sarah Elizabeth Mussoline Thesis Submitted in fulfillment of the requirements for the Honors degree of Bachelor of Science with Program in the Environment University of Michigan April 2008 http://deepblue.lib.umich.edu/bitstream/2027.42/58601/1/SMussoline_Thesis.pdf /) Acoustic effort off the coast of New Jersey also indicated that right whale use was higher than previously considered. According to the Ocean/Wind Power Ecological Baseline Studies (2010), ""Acoustic detections of North Atlantic right whale calls confirm the occurrence of this species in the Study Area during all seasons with a peak number of detection days in March through June. The documented detections and sightings of North Atlantic right whales in the Study Area suggest that some individuals occur in the nearshore waters off New Jersey either transiently or regularly."" The report goes on to say that ""Based on the endangered status and low overall abundance of this species, the detection of even one right whale in the Study Area is an important occurrence."" (NJDEP EBS FINAL REPORT: VOLUME III July 2010). This last statement, in particular, should be a sentiment considered for the species throughout its range.</p>	<p>Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service and the Marine Mammal Protection Act (MMPA) as administered by NMFS. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act or under the MMPA should be directed to NMFS.</p>
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>Citation:That extensive effort showed that right whales do occur in the SAMP area in both spring and fall, during the times of expected migration, but only at the minimum level of relative abundance (Figure 4, pg. 49) in the region.</p> <p>Response:Given that right whales are a ""critically"" endangered species, a relative abundance index may not be the best consideration for the continued protection of the species. Nor should the significance of protecting their migratory route be dismissed. Furthermore, the migratory route may not simply be used only twice a year. Some individuals seen in the Southeast in the winter have been documented to swim to the waters of New England and back (CH petition, CBD et al 2009).</p>	<p>Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service and the Marine Mammal Protection Act (MMPA) as administered by NMFS. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act or under the MMPA should be directed to NMFS.</p>

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>Citation:In addition, there were over 1,000 days of whale-watching trips between 1980 and 1996 that were not included in the effort data, but where we did get sighting information. In all that time, there were only 13 right whale sightings from the whale-watchers. Note that this was all before the 500-yard no-approach rule was put into effect in 1997, so that was not a factor.</p> <p>Response:Where was the whale watch departing from, how frequently were trips run, what was their general area of observation, and in what months were they operating? While I do not dispute these data, it would be important to qualify how/when/where they were obtained to verify whether 13 sightings of right whales is, or is not, significant. "</p>	Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act should be directed to NMFS.
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>Citation:We have a relatively good understanding of the ecology of right whales from more than 30 years of extensive research. Rhode Island Sound is not a high-use feeding ground for right whales. We know that the whales migrate through the area, probably more inshore in spring than in fall. In some years, when their food resources happen to be good, they might linger for a few days or even a couple weeks for feeding, as happened in April 2010, as well as in April 1998. But that is a relatively rare occurrence, probably related to some unique combination of spring weather and oceanographic patterns (see Dr. Kenney's article in the May 2010 /Right Whale News/). Response:See previous comments about the significance of the migratory corridor. "</p>	Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act should be directed to NMFS.
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>Citation:Incidentally, there were only 98 whales counted by the NOAA aerial survey on April 20th, not 104. There was only one mother-calf pair seen, and it was in the entrance to Vineyard Sound and not actually in the SAMP area. The aggregation of 38 whales south of Nomans Land was also outside the SAMP area.</p> <p>Response:The difference between 98 and 104 is insignificant, it is the large aggregation as a whole that is of importance. Furthermore, sightings near the ""boundary"" of the SAMP should not be dismissed. Even the National Marine Fisheries Service considers the potential movement of animals when it developed Dynamic Area Management (three whales within a 75nm²). Tagging studies of right whales have also shown the movement patterns are significant with one individual moving over 3,000km over a 42 day period (Mate et al. 1997).</p>	Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service and the Marine Mammal Protection Act (MMPA) as administered by NMFS. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act or under the MMPA should be directed to NMFS.

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>"Citation: While we know that the birth rate and population growth rate are slower than they are for southern right whales in Argentina and South Africa, the current evidence is that the population has been growing steadily since the early 1980s. The number of calves born this year decreased substantially from the year before, but last year's total of 39 was the all-time record and the 19 born this year was close to the average for the last decade. We have some reason to be optimistic for their long-term prospects, if we remain vigilant about reducing mortality from ship collisions and entanglement in fishing gear. There are other activities that pose a greater threat to the North Atlantic right whales, than wind farms. You would just shut down lobster fishing and all other fishing that uses buoys and lines in the water, but that is hardly a realistic proposal.</p> <p>Response:While I do not dismiss the sense of optimism we all feel given the recent calving years of right whales, it is not simply a matter of shutting down a fishery that will save this species. And while ship strikes and entanglements are the two largest documented threats to the species, additional threats including chemical and noise pollution, and habitat degradation must be considered. Cumulative impacts throughout the range of this species are additive and should not be viewed in isolation. As you can see in the figure, there are a number of proposed developments throughout the range of this species.</p>	<p>Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service and the Marine Mammal Protection Act (MMPA) as administered by NMFS. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act or under the MMPA should be directed to NMFS.</p>
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>"Citation: There is no realistic evidence that ""noise pollution"" has had any substantial effect on right whale reproduction.</p> <p>Response: There is actually significant evidence that ""noise pollution"" can result in both long and short term impacts on right whales. Studies have shown that right whale call amplitudes are increasing in relation to increasing background noise. If right whales are relying on contact calls from conspecifics for food or mating purposes, the reduced range in which they can detect each other can have significant impacts on a population level. Furthermore, the increased energy utilized by the animals can also result in long term population level impacts. (Parks et al. 2010 http://rsbl.royalsocietypublishing.org/content/early/2010/06/30/rsbl.2010.0451.full)</p>	<p>Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act should be directed to NMFS.</p>
Regina Asmutis-Silvia	Whale and Dolphin Conservation Society	<p>Response:Lastly, entanglement and stranding data indicate large whales do utilize the waters off of Rhode Island. Since 2006, at least four live humpback whales entanglements have been reported in the waters Rhode Island and Vineyard Sound. Earlier this year, an entangled dead humpback washed up on a RI beach. Both humpback and finback whales are listed endangered species and, along with right whales, impacts to these species must also be considered.</p>	<p>Any determination about the effects of offshore development on right whales is under the purview of the Protected Species Division of the National Marine Fisheries Service and the Marine Mammal Protection Act (MMPA) as administered by NMFS. Additional questions regarding the designation of Right Whale Critical Habitat or the review of any proposed development under Section 7 of the Endangered Species Act or under the MMPA should be directed to NMFS.</p>

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Megan Ottens-Sargent	Citizen	<p>"Thank you for the opportunity to comment on the R.I. Ocean SAMP. I am hopeful that Massachusetts residents will continue to have the opportunity to comment on, and ultimately shape, the RI Ocean SAMP. It is an impressive planning document, and will serve as a dynamic, cutting edge regulatory framework for the new form of collaboration between states, and between states and the federal government that the complex task to develop a renewable energy infrastructure in response to global warming and climate change necessitates. We all know that our state and federal governments are very focused on developing off-shore industrial wind facilities, and many of us are relying on the RI Ocean SAMP to serve as the guiding document for ocean/energy planning in state and federal waters in our region, and beyond. It is important that we all work toward what is a really a new paradigm - a new way to regulate development and protect resources - because so much is at stake. At that first meeting on MV, where you introduced the RI Ocean SAMP, islanders were inspired and impressed with the obvious rigor, common sense, objectivity, extensive data collection and analyses evident in this Plan. We compared the SAMP to the inadequate Massachusetts Ocean Management Plan, and were relieved to learn that Massachusetts could use the RI Ocean SAMP as it applied to our offshore state and federal waters. The opportunity to both utilize and add to the extensive data collection and analyses was also welcome. Modeling our ocean planning efforts after yours was something we all discussed. Most impressive, for example, was the logic behind designating the rich ocean moraine off limits to off-shore wind development because that is where the fish and wildlife are. It is my impression that after looking at your maps, and seeing where the moraine is, a number of public officials, conservationists and fisherman, among others, were reassured so that the prospect of living with industrial scale off shore wind was not quite so onerous. "</p>	<p>In reference to your comments of November 30, 2010 first of all let me thank you for you thoughtful and in depth questions.</p>

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Megan Ottens-Sargent	Citizen	<p>"This morning, it came to my attention that on October 12, 2010, NOAA informed you that all such moraine as shown on the approved RI Ocean SAMP map (fig. 2.3, Chapter 2 p. 15) in federal waters had to be removed from the SAMP. The basis for this is that state's have no jurisdiction over the moraines in federal waters. On pp 5 & 6 of the Oct, 12 comments, NOAA's states: OCRM COMMENT 7: For all of sections 1160.2 Areas of Particular Concern, 1160.3 and 1160.4, highlighted below, the maps that accompany the APCs and other areas identify areas in federal waters. E.g., figure 11.2 (actually its 11.1) identifies numerous dive sites in federal waters. Either the sites/areas in federal waters must be removed from the maps or the language in each APC/area section must be revised to state that APCs ONLY apply to those sites/areas within state waters. (Also, there was no #3(v).) The state has no authority to designate APCs in federal waters. (This information could, however, later become useful when describing Geographic Areas for federal consistency purposes under 15 C.F.R. § 930.53.) The state has no authority to designate APCs in federal waters. (This information could, however, become 1160.2 Areas of Particular Concern Areas with unique or fragile physical features, or important natural habitats; Areas of high natural productivity; Areas with features of historical significance or cultural value; Areas of substantial recreational value; Areas important for navigation, transportation, military and other human uses; and Areas of high fishing activity. 1160.3 Prohibitions and Areas Designated for Preservation 1160.4. Other Areas"" This is problematic for some obvious, and then some not so obvious, reasons. First off, all of the meetings on MV this fall were about, among other things, the fact that the ocean moraines, in the entire SAMP, were off limits for siting off-shore wind facilities because of their high ecological, economical and cultural value. Why the public was not informed of NOAA's comments is very curious. "</p>	<p>Grover: As I indicated at the meeting on Martha's Vineyard we had anticipated David Kaiser's comments potentially requiring more clarification on making sure we had sufficient qualification that the SAMP policies and regulations pertained only to state waters. States may only develop policies and regulations for state waters as these are the coastal zone recognized under the CZMA. However once they are accepted by NOAA, states may use those policies and regulations in federal waters to measure and comment on activities subject to federal consistency. If you notice in the comments Dave gave us two routes to take. One to further clarify we were only developing these regulations for state waters, while mapping resources in both state and federal waters, or two to remove the map units in federal waters. As I indicated that night in the meeting, we intend to keep the map units and clarify that the regulations we have developed were for state waters. Thus when we use our federal consistency authority we will be able to use our enforceable policies for similar mapped units in federal waters.</p>
Megan Ottens-Sargent	Citizen	<p>The other major concern this raises, consistent with what I noted at the last public meeting on MV, is that the formal public hearing process with respect to both MA & RI accepting, and adding data and comments, to the RI Ocean SAMP, is at best confusing, and in the worst case, non-existent and possibly illegal. How can anyone argue that there should not be a formal hearing process for Massachusetts? I guess the argument could be "...because there is no formal process". Can it be argued that RI doesn't need one either? I point this out because RI voted and accepted the SAMP formally a few days after NOAA's comments. Were those voting aware that the ocean moraines - the APCs - were going to be taken out by NOAA? If they did know, than that is a problem on MV. If they did not know, than that is a problem in RI.</p>	<p>NOAA's comments were known to the Council at the time they voted to approve the Ocean SAMP, and these comments were available to the public. Because NOAA submitted comments after the formal public comment period closed, the document was not amended to include these comments. As the Ocean SAMP is an adaptive document, it will be amended to incorporate NOAA's comments, and the amended version will be voted upon by the CRMC.</p>

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Megan Ottens-Sargent	Citizen	<p>"It is really all of our problem. You have all consistently referred to the SAMP as a ""living document"" and clarified to me at that last meeting that the nature of the SAMP is that it does change. So - what happens when the change is so substantive that it changes the essence of the Plan? NOAA is certainly doing this by requiring the APCs - the moraine - to be removed from federal waters. Also worthy of note is that in their comments NOAA also makes clear that the many instances for collaboration & coordination between the state and the federal government cited in the SAMP are not enforceable. It appears that the cutting edge SAMP has been under the knife, and unless there is focused intervention, it will be getting duller rather than sharper as far as planning tools go. I make these points because my goal is to work together to create an even more effective collaborative process, based on good science, good regulations and policies, and common sense. It strikes me that this may mean that we work collaboratively to convince the government that this is actually possible. Which brings up a new paradigm term of art: ""utilizing a research agenda"". This has come up with respect to ocean energy development a few times. I continue to ask, 'What does this term mean?' I still don't know, but hopefully it will entail establishing a methodology for filling data gaps and setting performance standards that are flexible so that as new data is gathered, policies can change accordingly."</p>	<p>With regards to SAMP changes we can and will continue to add data to the plan to improve our understanding and management of the SAMP area. Also, we still intend to develop a research agenda with input from our Habitat Advisory Board but that will come after the adoption process is complete. The research agenda will help guide in answering questions that still remain as significant issues. Changes that involve either plan chapters or regulations will need to go through the Administrative Procedures Act.</p>
Megan Ottens-Sargent	Citizen	<p>We have had general discussions about data gaps, about different methods and models; we have talked less about how the plan will be used by all parties once a developer has actually leased a block for the purpose of constructing an offshore industrial wind facility. My guess is this process will involve the state Task Forces and the federal government. Pertaining to those future discussions, I will mention that we talked very little, if at all, about the R.I. Conservation Law Foundation's suggestion for designating a Habitat Advisory Board to balance the Fisherman's Advisory Council. I was sorry that this was not discussed on the Vineyard. I was not prepared to raise it, nor did I bring up the alternative idea of including a wildlife advocate as well as a representative from the Wampanoag Tribe onto the Fisherman's Advisory Council.</p>	<p>Per the request of the Conservation Law Foundation and other groups, a Habitat Advisory Board has been added to the policies of the Ocean SAMP (please see Chapter 11 in the final approved version of the document). The fishermen's advisory board is intended to represent fishermen, and while three members of this board will be Massachusetts fishermen, they have not yet been selected. Massachusetts Office of Coastal Zone Management will be responsible for designating three Massachusetts fishermen to the FAB.</p>
Megan Ottens-Sargent	Citizen	<p>I am hopeful that these suggestions will be revisited by R.I. and the federal government as the Ocean SAMP and the federal permitting process evolves. I hope Massachusetts will be a partner in this effort, and ultimately, I hope other states contemplating ocean energy development balance the planning and permitting process by including these additional stakeholders more formally. I submit excerpts from the RI CLF comments in this correspondence to amplify my comments.</p>	<p>No response required.</p>

Rhode Island CRMC Ocean Special Area Management Plan – FULL SAMP Document Comments & Responses – from Massachusetts

Name	Organization	Comment	Response
Megan Ottens-Sargent	Citizen	<p>"As you might recall, I have asked numerous questions, and expressed concerns, at the MA/RI Ocean SAMP meetings on Martha's Vineyard about wildlife protected by the Endangered Species Act. After some discussion, and research, I continue to be concerned that rare and threatened species have not played the central role in developing the guidance documents for the selection of lease sites for off-shore industrial wind facilities as they should. I have argued that waiting for the developer to do surveys and assess impacts on wildlife protected by the Endangered Species Act is putting the cart before the horse, and hopefully this will not result in putting the wind-turbine before the rare species. To support some of my questions and concerns, I am sending on the Petition requesting that NOAA expand critical habitat for the NA right whale, which I mentioned at the last SAMP/MV meeting. The Petition requests that the revision include the entire east coast, from Florida to Maine, and that a migratory corridor be included as critical habitat. This migratory corridor covers the mid-Atlantic region, and therefore the state and federal waters of RI and MA, including the entire RI Ocean SAMP area.</p> <p>I also include a Notice from NOAA/National Marine Fisheries Service on this matter from the October 6, 2010 Federal Register. It is impressive to note who the petitioners are: the Center for Biological Diversity, Defenders of Wildlife, Ocean Conservancy, Humane Society of the United States, and the Whale and Dolphin Conservation Society."</p>	<p>Issues or questions on the Endangered or Threatened Species should be directed to either National Marine Fisheries Service or the Federal Fish and Wildlife as these are the responsible agencies for those matters. The data in the SAMP was developed in consultation with European researchers using the latest research and survey techniques and were reviewed and approved by the appropriate federal agencies to meet their standards. We undertook these studies so we could understand the potential management ramifications of various development scenarios. Specific development proposals and potential impacts will still need to be addressed through the NEPA process.</p>
Megan Ottens-Sargent	Citizen	<p>"In the case of the rare NA right whale, NMFS acknowledges in their Notice of 90-day petition finding that "...the petition, in conjunction with the information readily available in our files, presents substantial scientific information indicating that the requested revision may be warranted". According to the petitioners, the analyses warranting this revision was based on sightings data from the valuable resources provided by URI, as well as various surveys along the mid-Atlantic showing the distribution of whales during the migrations north and south along the mid-Atlantic. Within the NE and SE (north of Cape Cod and South of NC) the analyses were largely based on NOAA technical memoranda/studies. The significance the petitioners attribute to the migratory corridor is what is really important. I will also mention that the maps in the petition do not always jibe with the SAMP maps. The Petition maps show numerous NA right whale sightings within the SAMP, with some of these sightings, and quite a few around MV, not noted on SAMP maps. Most important is the fact that the migratory corridor is under consideration by NOAA. I hope we all agree that the habitat of this rare whale warrants special protection. I understand that a CH designation simply indicates areas key to the survival of the species and that any potential impacts on those designated critical habitats by any government action (such as issuing a permit to do something) are subject to a Section 7 consultation and required mitigation. The bottom line for me is that other marine mammals, as well as sea turtles, will benefit from mitigation to protect the NA right whale should NOAA agree with the Petitioners."</p>	<p>Issues or questions on the Endangered or Threatened Species should be directed to either National Marine Fisheries Service or the Federal Fish and Wildlife as these are the responsible agencies for those matters. The data in the SAMP was developed in consultation with European researchers using the latest research and survey techniques and were reviewed and approved by the appropriate federal agencies to meet their standards. We undertook these studies so we could understand the potential management ramifications of various development scenarios. Specific development proposals and potential impacts will still need to be addressed through the NEPA process.</p>

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Megan Ottens-Sargent	Citizen	I will end with a few specific comments: 1. Don't wait for the developer. More extensive whale studies, including 3 year radio tracking of individuals	We agree we did not want to wait for the developer which is why we did the extent of the studies we did. We acknowledged additional work will have to be done but we have a much better understanding of this system and the pressure points now than we had previously and hope to continue to build upon this. The nature of the studies required of marine mammals prior to development will be determined by NOAA as part of the NEPA process. Research in the Ocean SAMP area on right whales and other aspects of the marine environment will be ongoing as funding permits, and new data will be incorporated into the Ocean SAMP document.
Megan Ottens-Sargent	Citizen	2. From my research, and input to SAMP meetings, the information on coastal water birds - piping plovers, roseate, least & common terns - is minimal. Boat & aerial surveys are not going to be good ways to assess tern (or plover) use of an area, and the potential risks that off-shore turbines pose, because the likelihood of capturing the movements of these species with these types of surveys is minimal. Individual radio-tracking would be more effective at assessing their flight paths (and potentially, flight heights) through the SAMP and AMI waters. Ideally, multiple years of radio transmitter tracking is indicated. This information comes from Rebecca Harris, Coastal water bird biologist at Mass Audubon.	The data in the SAMP was developed in consultation with European researchers using the latest research and survey techniques and were reviewed and approved by the appropriate federal agencies to meet their standards. We undertook these studies so we could understand the potential management ramifications of various development scenarios. Specific development proposals and potential impacts will still need to be addressed through the NEPA process. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
Megan Ottens-Sargent	Citizen	3. More wildlife studies in general - sea turtles, invertebrates, bats, raptors - More info on mitigation re: lights on turbines that attract insects which attract birds & bats / lights can attract birds & bats / turbines can attract birds & bats etc..	The data in the SAMP was developed in consultation with European researchers using the latest research and survey techniques and were reviewed and approved by the appropriate federal agencies to meet their standards. We undertook these studies so we could understand the potential management ramifications of various development scenarios. Specific development proposals and potential impacts will still need to be addressed through the NEPA process. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.
Megan Ottens-Sargent	Citizen	4. Addressing impacts of marine traffic to repair turbines, etc. as this activity impacts whales & other marine life.	The data in the SAMP was developed in consultation with European researchers using the latest research and survey techniques and were reviewed and approved by the appropriate federal agencies to meet their standards. We undertook these studies so we could understand the potential management ramifications of various development scenarios. Specific development proposals and potential impacts will still need to be addressed through the NEPA process. Priorities for future research will be determined through the development of the Ocean SAMP Science Research Agenda as described in Chapter 11, The Policies of the Ocean SAMP.

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Megan Ottens-Sargent	Citizen	The deadline is here so I will end with a mention of the people with whom I share the land, sea and sky outside my window - the Wampanoag Tribe . I really hope that they have a big , comfortable seat at the table as this process evolves. Thank you for your good work, and for taking the time to read my comments, and I look forward to future conversations and collaborations.	