

Fact Sheet: The Massachusetts Ocean Act

In the coming week the Massachusetts Ocean Act will pass the Massachusetts legislature. Upon being signed into law by Governor Patrick, this landmark law will make Massachusetts the first state in the nation to establish comprehensive management for its state waters. Implementation of the Massachusetts Ocean Act will be a model for New England and the rest of the US.

Key Elements of the MA Ocean Act

- Makes Massachusetts the first state to implement comprehensive ocean management. It will ensure that future decisions regarding all marine uses—from sand and gravel mining to gas pipelines to wind farm development—will be consistent with one, comprehensive plan. The plan will set forth “goals, siting priorities and standards to ensure effective stewardship of the ocean waters held in trust for the benefit of the public” in an effort to balance the concerns of all interested parties.
- Places clear authority for ocean management plan development and implementation with the Secretary of the Executive Office of Energy and Environmental Affairs, Ian Bowles.
- The Act recognizes the authority of the state Division of Marine Fisheries to develop and impellent fishing regulations. It gives the Division of Marine Fisheries review over components of the plan that might negatively influence commercial and recreational fishing.
- Does not prohibit the transiting of commercial fishing vessels and recreational vessels in state ocean waters.
- Requires an integrated, ocean management plan to be developed by the state, advised by a 17 member ocean management commission which includes state agency representatives, state legislators, municipal officials, and environmental, fishing, and marine industry stakeholders.
- The plan will be subject to a public comment period and final approval by the Secretary, no later than December 31, 2009.
- Requires the use of best available science to develop the plan, as advised by a 9-member ocean science advisory council comprised of academic, industry and government scientists
- Requires consistency of all relevant state agency activities with the plan
- Allows “appropriate-scale” renewable energy facilities, as defined in the plan, in ocean sanctuaries other than the Cape Cod Ocean Sanctuary.
- Provides that where regional planning agencies have regulatory authority, such agencies may review the appropriate-scale offshore renewable energy facilities as developments of regional impact
- Sets up an Ocean Resources and Waterways Trust Fund, which will receive ocean development mitigation fees, to support goals and implementation of the plan