



February 2, 2009

Mr. John Weber  
Ocean Services Manager  
Massachusetts Office of Coastal Zone Management  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Mr. Weber,

The Massachusetts Ocean Coalition, representing over 35 member organizations working together to build a Massachusetts Ocean Management Plan that balances commercial and recreational activities with conservation needs in order to ensure a healthy ocean legacy for the Bay State, applauds the efforts of the Ocean Advisory Science Council and the six Working Groups for their substantial work developing their individual Group Reports. These reports comprise the first step of essential data and analysis necessary for the Massachusetts Ocean Management Plan's baseline assessment. We appreciate the opportunity to provide the following comments on the draft reports.

#### **Recommendations for All Working Group Reports**

##### *Incorporation of Working Group Reports into the Baseline Assessment*

The information contained in the six Working Group Reports comprises an essential and beginning database and analysis for the Massachusetts ocean plan's Baseline Assessment and, when completed as final drafts, should be incorporated as appendices to the ocean plan's Baseline Assessment. We also stress the importance of establishing a process within the Ocean Management Plan to continuously add relevant scientific information as it becomes available in order to base planning decisions on the best and most current science and data available.

##### *Combining the Working Group Data Sets to Present a Complete Picture*

The maps contained in each report provide spatially explicit information on the varied uses and the biological and physical attributes of the coastal waters of Massachusetts. Combining this information in a comprehensive analysis is essential to determining which areas need to be identified and protected and which are appropriate for specific uses. To accomplish this, we request that all data sets used to make these maps be made available to the public in an accessible database and in GIS format to enable overlaying.

#### **Habitat Working Group**

##### *Developing criteria and protocol for identifying Special, Sensitive and Unique Marine Life and Habitats (SSU)*

One of the most important requirements of the Massachusetts Oceans Act is to "identify and protect special, sensitive or unique estuarine and marine life and habitats" in the Ocean Management Plan. **Special, sensitive or unique (SSU)** is a term that must be clearly defined along with criteria and a protocol to use in identifying these areas. While the Habitat Working Group compiled an excellent database and put forth a method for identifying important biotic and abiotic habitat, more work needs to be done to enable clear guidance with respect to identifying and protecting "special, sensitive, or unique estuarine and marine life and habitats." We

recommend that there be an integration of fish population data and fisheries habitat into this assessment. For example, all species of fish counted in the MA Fisheries Resource Assessment Trawl survey should be mapped and included in the Habitat analysis. We recommend that the Science Advisory Council use the abiotic and biotic information together with data on fish populations, and results from the Benthic Terrain Model and associated information about heterogeneity, compiled and mapped by the Habitat Working Group, to make a recommendation to the Ocean Advisory Commission on the scientific criteria and protocol to identify SSU areas in the Ocean Management Plan. Designating a panel of scientific experts on marine habitat for this task could prove useful and expeditious and could be quickly facilitated through the Massachusetts Ocean Partnership.

#### *Filling Data Gaps*

We recommend continued efforts wherever possible to collect and incorporate into the Baseline Assessment additional data, such as that for sea birds and Atlantic wolffish in particular, in order to fully understand the utilization of ocean habitat by critical wildlife.

#### *Identification of Areas Lacking Sufficient Data*

In some cases, there is insufficient data on habitat use by ocean wildlife to make a sound determination of the impact of any proposed use. These areas should be identified as lacking sufficient data, and collecting this data should become a priority. Any proposals for ocean development in these areas should be given heightened scrutiny and should be considered using the precautionary principle.

### **Fisheries Working Group**

#### *Trends in Fish Populations and Identification of Fish Habitat*

Given the importance of the Commonwealth's commercial and recreational fisheries to the state's economy and culture, we recommend that the Fisheries Working Group include a discussion of the biological status of the commercial fish populations that inhabit Massachusetts ocean waters. NOAA Fisheries recently completed a comprehensive groundfish stock assessment in August 2008 which documents the status of some 20 different fish populations upon which Massachusetts commercial and recreational fishermen depend (see reports from the Groundfish Assessment Review meeting at <http://www.nefsc.noaa.gov/nefsc/publications/crd/crd0815/>). The depleted status of some fish populations that reside in Massachusetts state waters such as Atlantic cod and various flounders, is an important factor in ocean management planning. In addition, the Fisheries Working Group report should include a compilation of area-specific protections which the Division of Marine Fisheries has put in place to protect fish populations and their habitat, such as the Cod Conservation Zone. To the extent that there is information on important spawning and juvenile nursery ground areas that should be given heightened protection in an ocean management plan, this information would be extremely valuable and should be included in the Fisheries Working Group report and integrated into the Habitat Working Group report. As well, any information on areas for which certain fishing gear is restricted may be informative to the development of the Ocean Management Plan.

#### *Incorporation of Fisheries Data with Habitat Data*

As discussed above, although the Habitat and Fisheries working groups met once during the drafting of the working group reports, because the two are linked closely, we recommend that they convene again to further enable data to be shared from the reports, for fish population data to be incorporated into the SSU analysis, and to determine criteria to better estimate the potential impacts of uses on habitats.

### **Renewables Working Group**

#### *Defining "Appropriate Scale"*

One of the most important requirements of the Ocean Management Plan is to identify areas for "appropriate-scale renewable energy facilities". A critical first step in allowing appropriate-scale

renewable energy facilities to be developed for the first time in the Commonwealth's ocean waters is to define the term "appropriate-scale." The Oceans Act provides a starting point by delineating the relevant factors that must be taken into account when allowing renewable energy facilities including but not limited to, protection of the public trust, compatibility with existing uses, proximity to the shoreline, appropriateness of technology and scale, environmental protection, public safety and community benefit. Given this broad set of factors, the term "appropriate-scale" should be informed by the work of groups beyond just that of the Renewable Energy Working Group. We recommend that the Renewable Energy Working Group make recommendations for clearly defining "appropriate-scale" which can then be refined based on the input of other working groups and the Science Advisory Council.

*Providing Guidance for Siting and Performance of Renewable Energy Facilities*

The Oceans Act calls for the identification of "appropriate locations and performance standards for activities, uses and facilities allowed under sections 15 and 16 of chapter 132A" including renewable energy facilities. More work should be done by the Renewable Energy Working Group to identify the sites that have the most and least merit for offshore renewable energy. We believe that this will help facilitate responsible renewable energy development in our ocean waters. The data collected to date should better prioritize areas most productive or cost effective for renewable siting and provide clear criteria for this important "appropriate location" determination.


*Cape Cod Ocean Sanctuary is Off-limits for Energy Development*

The Renewable Energy Group Report does not reflect the statutory prohibition against development of energy facilities – including renewable energy facilities in the waters designated as the Cape Cod Ocean Sanctuary. This fact should be reflected clearly in any working group reports, including associated maps and the Baseline Assessment.

**Conclusion**

As we have stated, the efforts that we are undertaking here in Massachusetts, by developing the first-in-the-nation Ocean Management Plan, are critically important. We are forging the way on how to develop a science based comprehensive ocean plan, and it is important that we do all we can to collect the best available information to understand how the many uses of the oceans can coexist. Thank you for this opportunity to provide feedback on draft reports of the Working Groups. Some of the Massachusetts Ocean Coalition member organizations will be providing additional comments on the working group reports. We appreciate your efforts to solicit stakeholder input and look forward to working with the state as the draft plan is developed.

Sincerely,



Priscilla Brooks  
Conservation Law Foundation



Jack Clarke  
Mass Audubon



Susan Alcott  
Ocean Conservancy



Matthew Boger  
Massachusetts Ocean Coalition