

Chapter 1 - Introduction

Massachusetts ocean waters are rich with natural resources and busy with human activity. Our marine environment supports recreation and tourism, fishing and shellfishing, shipping and trade, and scientific research. The Commonwealth's marine waters also harbor infrastructure that supports the well-being and standard of living of Massachusetts citizens, such as offshore liquefied natural gas facilities, fiber optic and electrical cables, and natural gas pipelines.

Today, these ecologically and economically vital public resources face unprecedented development pressure and represent potential solutions for new challenges, such as climate change. In addition to existing ocean uses, new proposals for renewable energy, deepwater aquaculture, off-shore sand mining, and other activities highlight the need to effectively manage the protection and use of our ocean waters for the benefit of current and future generations.

In response to these challenges, Governor Deval Patrick signed the Oceans Act on May 28, 2008—requiring the Secretary of Energy and Environmental Affairs (EEA) Ian Bowles to develop a comprehensive ocean management plan, with a draft plan by June 30, 2009, and a final plan promulgated by December 31, 2009. This document presents the final Massachusetts Ocean Management Plan.

The Oceans Act

The Oceans Act of 2008¹ specifically directs that the Massachusetts Ocean Management Plan:

- (i) set forth the commonwealth's goals, siting priorities and standards for ensuring effective stewardship of its ocean waters held in trust for the benefit of the public;
- and (ii) adhere to sound management practices, taking into account the existing natural, social, cultural, historic and economic characteristics of the planning areas;
- (iii) preserve and protect the public trust; (iv) reflect the importance of the waters of the commonwealth to its citizens who derive livelihoods and recreational benefits from fishing; (v) value biodiversity and ecosystem health; (vi) identify and protect special, sensitive or unique estuarine and marine life and habitats; (vii) address climate change and sea-level rise; (viii) respect the interdependence of ecosystems;
- (ix) coordinate uses that include international, federal, state and local jurisdictions; (x) foster sustainable uses that capitalize on economic opportunity without significant detriment to the ecology or natural beauty of the ocean; (xi) preserve and enhance

¹ See Appendix 1 for the language of the Oceans Act of 2008.

public access; (xii) support the infrastructure necessary to sustain the economy and quality of life for the citizens of the commonwealth; (xiii) encourage public participation in decision-making; (xiv) adapt to evolving knowledge and understanding of the ocean environment; and (xv) identify appropriate locations and performance standards for activities, uses and facilities allowed under the Ocean Sanctuaries Act, including but not limited to renewable energy facilities, aquaculture, sand mining for beach nourishment, cables, pipelines.

In addition, the Oceans Act:

- Stipulates that the ocean management plan be implemented through existing state review procedures, with all licenses, permits, and leases required to be consistent to the maximum extent practicable with the plan.
- Requires that the plan be revised and publicly reviewed at least every five years.
- Establishes commercial and recreational fishing as allowed uses subject to the jurisdiction of the Division of Marine Fisheries.
- Allows for appropriate-scaled renewable energy development in ocean waters, provided such development is consistent with the ocean management plan.
- Establishes an Ocean Resources and Waterways Trust Fund (Trust Fund) to be funded by mitigation fees, grants, Legislative appropriations, and income from investments and used to restore or enhance marine habitat and resources or compensate for navigational impacts resulting from ocean development.

Finally, the Oceans Act includes several process-related provisions. The Act set the schedule for plan development and promulgation, established requirements for formal public review, and provided for an Ocean Advisory Commission (OAC) and Science Advisory Council (SAC) to assist the Secretary in developing the ocean management plan.

The Planning Process

Following the directives of the Oceans Act, plan development proceeded in three phases: information gathering, draft plan development, and formal public review of the draft plan/plan finalization. Throughout the entire process, EEA developed the Massachusetts Ocean Management Plan in the context of an extensive public participation program. This included 18 public listening sessions held across the state to gather initial information, five public workshops to introduce the planning approach and solicit feedback before draft plan release, regular OAC and SAC meetings, five formal public hearings following the release of the draft plan, and hundreds of meetings with stakeholders such as pilots, fishermen, non-governmental organizations, and academia during the development of the draft and final plans.

- Phase 1: Information Gathering - Data gathering was an ongoing part of plan development, but a particular focus in the early months. At a series of statewide workshops and EEA presentations, the OAC, SAC, and public participants reviewed information gathered and data quality. Appendix 2 summarizes data used in the plan.
- Phase 2: Draft Plan Development - In this phase, spatial analysis occurred and options for the management approach were refined, while public participation and expert input continued. In addition, the OAC and SAC reviewed plan components. This phase culminated with the release of the draft Massachusetts Ocean Management Plan on June 30, 2009.
- Phase 3: Formal Public Review of Draft Plan - Copies of the draft plan were made available and notice of its availability for public review was provided in the Environmental Monitor. As specified in the Oceans Act, five formal public hearings were held. After the specified 60-day public comment period following the public hearings, EEA compiled and reviewed the more than 300 comments received following the release of the draft plan. The Massachusetts Ocean Management Plan was then revised and finalized for promulgation by December 31, 2009.

Plan Purpose and Goals

The basic purpose of the Massachusetts Ocean Management Plan is to translate the policy direction and specific requirements of the Oceans Act into a comprehensive management approach that can be implemented through existing state programs and regulations. To do this, EEA: 1) developed plan goals (highest-level statements of what the plan seeks to achieve) and strategies (measures to achieve the goals) based on the values and directives of the Oceans Act; 2) used the strategies to help guide the assessment of the compatibility and impacts of certain human uses (i.e., those allowed under the Ocean Sanctuaries Act) with existing uses and marine resources; 3) used spatial data to represent the results of this compatibility/impact assessment while also identifying particularly vulnerable marine resources; 4) evaluated management options; and 5) developed an ocean management plan that is responsive to the four goals of the Oceans Act, as described below.

These four plan goals were derived from the Oceans Act:

1. *Balance and protect the natural, social, cultural, historic, and economic interests of the marine ecosystem through integrated management* - This goal was achieved through the development of an integrated ocean management plan that is responsive to the Oceans Act, is implemented in coordination across jurisdictional levels, and achieves balance through the designation of areas for uses and activities allowed pursuant to the Oceans Sanctuaries Act in the ocean management planning area.
2. *Recognize and protect biodiversity, ecosystem health, and the interdependence of ecosystems* - This goal was achieved by identifying special, sensitive, and unique areas and protecting

these areas based on the first generation of an ecosystem-based management approach.

3. *Support wise use of marine resources, including renewable energy, sustainable uses, and infrastructure* - This goal was achieved by identifying use areas and promulgating enforceable management measures that: identify locations and performance measures for allowable uses and infrastructure, require renewable energy development of appropriate scale, minimize conflicts with/impacts to existing uses and resources, develop measures for reconciling use conflicts with fisheries, and streamline permitting.
4. *Incorporate new knowledge as the basis for management that adapts over time to address changing social, technological, and environmental conditions* - This goal was achieved through the development of an adaptive framework for the ocean management plan that: establishes the plan as a key driver of future ocean-related scientific research; provides a basis for sound ocean policy, management, and science in the future; results in science and research in response to identified management and policy issues and continues to engage stakeholders in future plan iterations; and provides a foundation to communicate scientific information to the public.

Plan Overview

The draft Massachusetts Ocean Management Plan, which was released on June 30, 2009, included significant background and contextual information to assist the public in reviewing the proposed comprehensive management approach. The final plan was refined to minimize this contextual and background information, focusing on the management measures and administrative structure to facilitate plan implementation. This document presents the Massachusetts Ocean Management Plan for final promulgation and consists of two volumes:

- Volume 1: Management and Administration - Following this introduction, Volume 1 presents the integrated management approach for the ocean management planning area with the accompanying maps. It identifies both use areas and special, sensitive, and unique areas for protection. It also presents the comprehensive management measures that will be implemented. In addition, Volume I describes how the ocean management plan will be administered, including sections on mitigation measures and the Trust Fund, agency implementation of the plan, the ongoing planning structure, the plan modification process, proposed regulatory changes, and the interaction between the Ocean Sanctuaries Act and the plan.
- Volume 2: Baseline Assessment and Science Framework - The baseline assessment, which was mandated by the Oceans Act, includes information cataloguing the current state of knowledge regarding human uses, natural resources, and other ecosystem components of Massachusetts ocean waters. The science framework builds on the baseline assessment, as well as science and data strategies

developed for the plan's management measures, to identify and prioritize the future scientific research and data acquisition that will support continued evolution of the Massachusetts Ocean Management Plan.

For additional information about the details of the planning process and the history of ocean planning in Massachusetts, please see the draft Massachusetts Ocean Management Plan, Volumes 1 and 2, as well as the technical documents available, at www.mass.gov/eea/mop.