



February 13, 2004

Dr. Susan F. Tierney, Chair
Massachusetts Ocean Management Task Force
251 Causeway Street
Boston, MA, 02114

Dear Chair Tierney,

The RFA submits these remarks regarding the Task Force Draft Principles and Recommendations on behalf of the over 3,000 RFA members and the members of allied organizations in Massachusetts.

We appreciate the opportunity to comment on the Draft Recommendations. We respectfully request that you give our comments serious consideration, as we are gravely concerned with many of the recommendations and their implications.

We are always delighted when increased focus on marine waters. As fishermen, clean water, good habitat, and sustainable, quality fishing opportunities are the very foundation of our passion of fishing for food or recreation. Recreational anglers have for over 150 years lead the fight for the passage or reformation of laws to improve the quality of the marine environment. We look forward to working with the taskforce and legislature for common-sense reforms to Massachusetts's law.

Our concern stems from the obvious agenda of several Task Force members as it relates to recommendations that will include the subject of fishery management.

We believe it is important that the Task Force understand the broader context of the debate over no-fishing zones. Currently, a national campaign to establish no-fishing zones is taking place across the country. A consortium of well-funded and coordinated environmental organizations and private foundations is driving this campaign. Many of these organizations had little or no experience with marine management practices. Worse, organizations were created out of whole cloth expressly to promote this agenda. Our best estimate is that over \$10 million dollars a year is being spent to generate science, create sophisticated media campaigns, lobby legislators, and give the illusion of widespread and bipartisan support for establishing no-fishing zones. The fact is that the entire subject is mired in scientific and socio-economic controversy.

This campaign has had little success except in California. It is our contention that much of the language included in the draft recommendations is an attempt to import from California one of the worst policies of the administration of former Governor Grey Davis, which was the establishment of arbitrary no-fishing zones. Please note that the Administration of Governor Schwarzenegger has halted the process of establishing no-fishing zones. Massachusetts should not allow itself to be used by a consortium of national environmental organizations including Conservation Law Foundation to push this misguided agenda.

We will limit our comments to issues that only relate to the management and protection of marine resources and their impacts on the recreational fishing community.

Recommendation #1

The primary recommendation of drafting an Ocean Resource Management Act would simply duplicate the mandates of existing federal and state law as it relates to marine fisheries management, and marine mammals and marine habitat protections.

The Clean Water and Clean Air Acts have led to tremendous improvements in the condition of the marine environment. No one can deny that our waters are vastly cleaner than they were thirty years ago. These laws, and remediation projects such as the clean up of Boston Harbor has led to the return of a wider variety of marine life in many areas.

The Marine Mammal Protection Act mandates strict protections for all marine mammals. Most species of marine mammals have recovered significantly since the passage of this law. Unfortunately, some species are still suffering due to the mistakes of the past. In these cases, even tougher mandates are found in the Endangered Species Act to aid the protection and recovery of certain animal and plant life.

Most importantly to our concerns is that the Task Force recognize the great strides that have been made in fisheries management and habitat protection in the past eleven years.

There has been a fundamental shift in how Massachusetts and the nation manage our fisheries and protect habitat. The two primary laws for fisheries and the marine environment are the Atlantic Coastal Fisheries Cooperative Act of 1993 and the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act of 1996. Both acts mandate that the first priority of the nation is to restore, conserve, and protect our marine resources. All other considerations come second. Interested parties may file lawsuits and seek relief when the agencies responsible for implementing these laws fail to do so.

Since the passage of these laws, there has been a steady improvement in the condition of marine fisheries and protections for habitat. While some fisheries and other forms of marine life are considered “Fully Recovered”, others will take decades to see the end result of all current initiatives. Innovative management techniques including the practical application of ecosystem-based management are currently being used or developed. In simplest terms, the days of declining marine resources with nothing being done to correct the situation are behind us.

There appears to be a need for greater inter-agency cooperation and communication as it relates to activities such as mineral and hydrocarbon extraction and the building or placement of structures. However, we ask that the Task Force be wary of the motivations of some Task Force members who are undoubtedly seeking new councils or commissions for the management of Massachusetts’s waters as it relates to fishing and habitat protections.

The campaign for new management and regulatory authorities is consistent with a national endeavor on the part of environmental organizations to dismantle the current fishery management system, which is open to all who wish to participate. The current management system in Massachusetts and the region is transparent, relies on public participation, sound science, expertise and experience and encourages the participation of all interested parties. Apparently this is not sufficient for the proponents of an entirely new system. Our contention is that the goals of the proponents of a new system is not to assure that marine resources are being properly managed and cared for but rather to assure that they are the super-majority voice on decision making rather than an equal party.

Recommendation #3

RFA is not prepared to comment on what sort of relationship and should exist between the Commonwealth and federal agencies.

We do wish to point out that justification for recommendation #3 is not entirely accurate in relation to fisheries management. It is true that the federal/state boundary is derived from law and not by virtue of oceanographic or other natural systems or processes. However, current fishery management practices do take into consideration the transboundary nature of the majority of finfish and some shellfish that are found in Massachusetts’s waters. The current federal council and regional commission system is designed to address migratory stocks and assure interstate or inter-region cooperation and management.

Recommendation #4

RFA fully supports the comments submitted by the Massachusetts Fishermen’s Partnership.

Recommendation #9

Recommendation #9 is a disaster in the making yet has promise if it were more carefully crafted. As mentioned before the campaign to seek closures of marine waters to all fishing activity is mired in scientific controversy and would, if implemented, cause significant social and economic harm and potentially biological harm.

Recommendation #9 as it is currently drafted is a disaster in the making. First, this recommendation overlooks the existing laws we reference in recommendation #1 and implies that the statutory authority to conserve and protect marine life as it relates to fishing activity does not exist. This is quite simply false.

Decisions to close areas to all fishing should be as removed from politics and philosophical desires as possible. The current wording of this recommendation is ambiguous in that it does not define what makes an area special, sensitive or unique, and assumes that the closure of defined geographic areas to all fishing activity is proven to work and necessary.

In order to eliminate bias and desires from the process of designating any area as a no-fishing zone, a clear set of procedural steps should be established so that the Commonwealth needs to first determine that the need for closures of areas exist before an area can be designated for closure and when the area can be reopened to any fishing activity.

The inclusion of statements that areas need to be closed for the purpose of ecological resource is one of the latest *political ploys* of closure proponents. A thorough examination of the existing literature finds that the idea has little scientific merit.

Numerous studies have indicated that research done in unexploited areas, (marine reserves) cannot be applied to exploited, (fished areas) due to the tremendous amount of uncontrollable variables. (Jameson, Tupper, and Ridley, 2002) Additionally, if a marine reserve is implemented without controlling fishing effort and redistribution in the exploited (fished) areas than the ecosystem outside of the reserve will become so degraded due to a concentration of fishing effort that any correlation between the exploited area and marine reserve will become less and less significant over time. The research value of marine reserves will be deteriorating over time. (Carr and Raimondi, 1999)

No recommendations should be made that will give any agency to designate an area as closed to all fishing (except when necessary for public health and safety) without following clear step to determine if a closure is necessary.

Recommendation #13

RFA is supportive of all efforts to increase data collection, analysis, and distribution.

Thank you and all members of the Task Force for devoting your time to this initiative. We are available to answer any questions you may have.

Sincerely,
Michael J. Doebley
Deputy Director for Government Affairs
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CC: Governor Mitt Romney