

**Scope for updates proposed to the
2009 Massachusetts Ocean Management Plan:
DRAFT - May 2013**

In response to the Oceans Act of 2008 and developed with the best available science and data and a robust stakeholder engagement process, the Massachusetts Ocean Management Plan was promulgated on December 31, 2009. The Oceans Act calls for the review and update of the plan and its Baseline Assessment at least once every five years, and one of the goals of the Massachusetts Ocean Management Plan is that it be revisited and revised periodically to reflect the evolving understanding and documentation of the ocean ecosystem and the human uses and services supported, so that the plan evolves and adapts as better information and science are developed, policy goals evolve, and as experience in applying the management framework is gained.

In January 2013, on behalf of the Executive Office of Energy and Environmental Affairs (EEA), the Office of Coastal Zone Management (CZM) initiated a review and update process for the 2009 plan. A draft review document that reports on progress made to date and opportunities for enhancement was developed and reviewed by the Ocean Advisory Commission and Ocean Science Advisory Council, and stakeholder input and feedback is being sought through a series of public meetings and a review and comment process. This proposed scope for updates to the 2009 Massachusetts Ocean Management Plan was developed to include ocean management priorities that have evolved since the release of the 2009 plan and reflect input and feedback from the Ocean Advisory Commission, Ocean Science Advisory Council, and many different stakeholders as provided at meetings, presentations, and other forums over the past three years.

Outlined in more detail below, the draft scope includes work proposed to: examine trends since 2009 in the Baseline Assessment (an extensive, in-depth characterization of the ocean planning area); update data and information used in the 2009 plan; advance and improve the siting of offshore renewable energy transmission cables and ocean-based renewable energy pilot projects; and screen appropriate locations for offshore sand resource areas for potential high-priority beach nourishment projects. In April 2013, the proposed scope for updates to the plan was presented to the Ocean Advisory Commission for their review, and in May to the Ocean Science Advisory Council. An important part of the process is to seek input from stakeholders through public comment and through dialogue at public and other meetings. EEA will review stakeholder input and feedback received with the Commission and Council, adjust and revise as appropriate, and finalize the scope of work this fall 2013.

Proposed scope for updates to 2009 Massachusetts Ocean Management Plan

1. Trends in Baseline Assessment – As required by the Oceans Act, Volume II of the Massachusetts Ocean Management Plan contains a Baseline Assessment developed to characterize the ocean planning area, and includes in-depth descriptions and assessments of: ecosystem components, human uses, economics, cultural and archeological aspects, and climate change. In the updating of the 2009 plan, EEA will work with the Ocean Science Advisory Council and other subject-matter experts to examine and describe significant, notable, and other important trends that have been measured and/or observed since the 2009 “baseline.”
2. Protecting critical habitat and water-dependent uses – As directed by the Oceans Act, the 2009 plan identified and established siting and management standards to protect (a) special, sensitive, and unique (SSU) marine and estuarine life and habitats and (b) concentrated areas of important water-dependent uses. In the proposed plan updates, technical and subject matter experts that assisted in the initial work on the 2009 plan will be reconvened to help conduct a thorough review of all of the data, information, and maps to identify any changes to the spatial extent and/or condition of the mapped resources and uses as well as new science or monitoring that advances the characterization of the resources and uses.
3. Offshore renewable energy – The 2009 plan gave special focus to ocean-based renewable energy, as the Oceans Act modifies the long-standing prohibition on electric-generating facilities contained in the Ocean Sanctuaries Act to allow for the development of renewable energy facilities “of appropriate scale,” provided that the renewable energy facility is consistent with the plan. The 2009 plan delineated two Wind Energy Areas—constituting 2% percent of the planning area—designated for commercial-scale wind energy facilities. Since the issuance of the 2009 plan, significant advancements have been made in the federal process for planning, analysis, and leasing of potential offshore wind development projects in on the outer continental shelf adjacent to Massachusetts state waters. Data, information, and stakeholder engagement processes initiated by the Massachusetts Ocean Management Plan have been leveraged to support the federal process led by the Bureau of Ocean Energy Management (BOEM). After more than 4 years of planning analysis, including dozens of formal intergovernmental task force meetings and more than 75 public and stakeholder meetings, BOEM has formally designated two Wind Energy Areas in federal waters offshore Massachusetts: the Massachusetts Wind Energy Area, located south of Martha's Vineyard and Nantucket, and the Rhode Island-Massachusetts Wind Energy Area, located south of Newport, Rhode Island. When required environmental review and consultations are completed, it is anticipated that lease sales will be conducted, with BOEM

offering subdivided lease areas in the RI-MA and MA Wind Energy Areas. With the potential for several different offshore energy wind projects proceeding in these areas, each with its own requirement for transmission connections, there has been strong and consistent input from many different stakeholders and government agencies indicating a need for the proactive siting of single or multiple transmission corridor(s) from the BOEM-designated Wind Energy Areas in federal waters across state waters to landside grid tie-in location(s). In updating the plan, a priority component will be a comprehensive effort to identify the most appropriate route(s) that have the least environmental impact, have the fewest conflicts with existing water-dependent uses, minimize transmission cable length, as well as other considerations.

Since plan release, there has also been considerable input received expressing a compelling need to identify an appropriate location(s) in the ocean planning areas for the in-situ, field deployment of pre-market, pilot renewable energy technologies. In the proposed plan update, a pilot ocean-based renewable energy test area(s) will be identified that has the least environmental impact, has fewest conflicts with existing water-dependent uses, and maximizes the study, testing, and monitoring of innovative advances in important clean energy technologies.

4. Sand and gravel removal for beach nourishment – The 2009 plan recognized that the Commonwealth has significant sand and gravel assets in the ocean planning area, which could support beneficial use in beach restoration/nourishment and shoreline protection. As evidenced by the impacts of a series of severe storms in the fall and winter of 2012-2013, areas of many coastal communities are especially vulnerable to erosion and flooding and the resulting risks to public health and safety and damage to property and infrastructure. In developed areas, especially where engineering structures (such as seawalls and revetments) are used to stabilize shorelines, natural sediment transport processes are interrupted, which reduces the availability of sediment to the system. This reduced sediment availability impairs the capacity of coastal resource areas such as dunes and beaches to provide storm damage prevention and flood control benefits. With accelerated rates of sea-level rise, low-lying coastal areas will be particularly vulnerable to increased erosion and inundation. The use of ocean sand resources for beach nourishment is an important and viable option for increasing the protective and many other beneficial services afforded by healthy beach and dune systems. However, sand and gravel extraction for this use needs to be balanced with the protection of marine ecosystems—with particular attention to sensitive or vulnerable areas like critical spawning or juvenile fish habitat—and existing water-dependent uses. The scope for updating the 2009 plan proposes to identify appropriate locations for several offshore sand resource areas for potential high-priority beach nourishment projects. The

potential sites will be screened through a series of criteria, including, but not limited to, available/compatible sand resources, proximity to high-need/priority nourishment areas, environmental impacts, and existing water-dependent uses.

5. Ocean development mitigation fee – The Ocean Act includes a requirement that any project subject to the plan shall be assessed an Ocean Development Mitigation Fee as established by the Energy and Environmental Affairs Secretary. The 2009 plan provided additional guidance for the fee, and draft regulations to administer and implement the plan (currently in the last stages of promulgation) contain a “placeholder” for the development of a fee structure/schedule for ocean development projects. The proposed update of the plan will include the development and vetting of a fee structure and accompanying guidance for the determination of mitigation fees for ocean development projects.