

**Massachusetts Lobstermen's Association, Inc.**

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January 23, 2004

Susan Tierney
Chair, Ocean Management Task Force
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
251 Causeway Street
Boston, MA 02114-2119

Dear Chairman Tierney:

The Massachusetts Lobstermen's Association wishes to submit the following comment regarding the proposed recommendations being considered by the Ocean Management Task Force:

Recommendation #1

The Association is concerned that this proposal to establish an Ocean Resource Management Act could complicate the State's ability to manage its fisheries. Currently, we believe the States' Marine fisheries, are adequately managed by its Division of Marine Fisheries and its Marine Fisheries Advisory Commission. The Division staff and Commission members have good data, are experts in the marine resources, and are set up to adequately and efficiently handle the ever-changing aspects of the states fisheries. They are close enough to the users to interact with them and to affect any needed changes relatively quickly. We feel some of the proposed components of this new Act would simply complicate matters and result in less efficiency. Furthermore we, as users of the marine resources, would not appreciate having another layer of bureaucracy and one that most likely would include many non-experts making decisions that affect fishermen.

We do not agree all the time with actions taken by the Commonwealth's Marine Fisheries agency but at least our disagreements are between experts in the field of marine fisheries. These experts are the fishermen and the agency and its

commission. If and when rule changes are necessary they are currently able to be made in a much more timely fashion then if they would have to be dragged through another Council or Committee or some combined agency that we feel frankly, may not know what they are talking about.

Likewise, having an Act that may cause the Fisherys' agency to become hog-tied as it tried to manage the resources would also not serve to efficiently manage those resources. Leave the Commonwealth's Marine Fisheries Management out of any proposed Act.

If on the other hand this Act would address projects that are not fishery related but would affect our marine resources, we could support such an initiative. Closer scrutiny of these types of projects is needed whether they are private corporations or even state agency projects. If such an Act were to be designed to better address these issues, it should however allow agencies who manage our Marine Resources to have more influence then they do now. The Division of Marine Fisheries currently can only "comment" on a project instead of being able to actually directly affect the outcome of a decision whether to approve a project. As an example of this, although the Division commented negatively on Boston Harbor dredging, the Gas pipeline, windmills and sand mining, they have not been able to negate any of these projects even though the project had or will have negative impacts on our marine resources. The Division should have more influence on such decisions.

Recommendation #9

This proposal is very vague and while here one might read into it that fisheries should be protected from non-resource projects, it is unclear whether some will use this recommendation to adversely affect *fisheries*. If the goal here is to ultimately close an area to fishing, it would be totally unacceptable to us. We are concerned that this might be where this recommendation is headed. It should be spelled out that fisheries management will remain the purview of this states Marine Fisheries agency and it's Advisory Commission. Decisions as to how fishing is done and by whom and when must remain in the hands of fishery experts. Once again these discussions or considerations should be between expert managers and expert stakeholders, the Marine Fisheries agency and fishermen. Our concern with this recommendation is based on the wording that

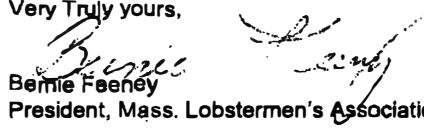
"...environmental agencies have the statutory authority to designate and protect areas that have special, sensitive and/or unique estuarine and marine habitat and life. These designated areas for special levels of protection might include areas that require particular protection of important fisheries and fishing activities, and/or the protection and study of marine biodiversity and ecosystems."

Recommendation #11

We feel that the justification given for this recommendation is not correct as it pertains to Marine resources.. The Commonwealth's Marine Fisheries collects copious amounts of data. This State is actually one New England's best states when it comes to data collection. The Division of Marine Fisheries using its biologists and statisticians leads the way in many instances in having data needed to make important decisions regarding the Commonwealth's Marine Resources. To be sure, there is never enough and we do need to have more and better information. Obtaining more and better information is a funding and staffing problem and to make improvements here will require a commitment by the State to properly fund Marine Fisheries and probably other state agencies so they can have proper staffing and data collection programs. There is room for improvement as we have found with regard to, in our own case, lobster issues but to say the data is "sparse" from the Marine Fisheries sector is just not correct.

We want to thank you for the opportunity to comment on these recommendations. As this states largest commercial fishing association representing this states most valuable state waters Marine fishery, lobster, we stand ready to discuss these issues further if you feel we can be of further assistance to the Task Force.

Very Truly yours,



Bernie Feeney

President, Mass. Lobstermen's Association