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February 13, 2004

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Susan F. Tierney, Chair
Massachusetts Ocean Management Task Force
251 Causeway Street, Suite 800
Boston, MA 02114-2136

Re: Draft Principles and Preliminary Recommendations of the
Massachusetts Ocean Management Task Force

Dear Ms. Tierney:

The Association to Preserve Cape Cod (APCC) is the largest environmental advocacy and education organization on Cape Cod. On behalf of its more than 5,500 members, I commend the Task Force for its very thoughtful examination of the complex issues surrounding management of our ocean resources. In particular, APCC strongly supports the recommendation for a comprehensive Ocean Resource Management Act. Following are our comments on specific aspects of the draft principles and recommendations.

Limitations of the Task Force Scope

Although APCC largely agrees with the principles and recommendations set forth by the Task Force, the decision to limit the Task Force's scope to state waters is a fundamental shortcoming. Indeed, Principle #3 of the Task Force's draft report, "respect the interdependence of ecosystems," recommends coordination with other jurisdictions; yet proposals for how to do so (beyond CZM consistency procedures) are missing from the Recommendations.

Ecosystems span political boundaries and, therefore, cannot be managed along such arbitrary lines. Moreover, the health of coastal marine resources may depend mightily on onshore and offshore influences. APCC urges the Task Force to engage in a broader conversation with regional and national entities in order to develop a comprehensive management plan for our ocean resources. As the findings of the Pew's Ocean Commission have reported, our oceans are in peril and comprehensive management is essential to protect them.

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Draft Principles of the Task Force

In the introduction of the draft principles, the following statement appears: "Principles for managing those activities should embody an ethic of ocean stewardship that protects the public trust, values biodiversity, respects the interdependence of ecosystems, fosters sustainable uses, uses best available information, and encourages public participation in decision-making."

In our view, an ethic of ocean stewardship should be the overarching principle that guides public policy decisions about the protection and use of the oceans. An ethic of ocean stewardship connotes recognition and respect for the interdependence of ecosystems. Such an ethic would logically lead to valuing biodiversity, fostering sustainable uses, and protecting the public trust.

The public trust doctrine calls upon the state to preserve resources so that they are available to the public now and in the future. The phrase "maximize societal benefits while minimizing harm to the public's right to use and enjoy the ocean" does not adequately reflect the interest of the public trust doctrine in preservation of resources.

Recommendation #1

APCC enthusiastically endorses the concept of legislation that would result in the creation of comprehensive ocean resource management plans for distinct planning areas. APCC recognizes the challenge such an undertaking presents, but believes the consequences of not taking this step will be far worse as competition for use of the ocean will only increase in the future. Taking this initiative will also provide a much-needed model for other states along the Atlantic seaboard.

Recommendation #4

If Recommendation #1 is not implemented, the Ocean Sanctuaries Act should be reevaluated. The language in the Act is ambiguous and the prohibitions narrowly focused. An updated Ocean Sanctuaries Act should include a rationale for designating certain areas as sanctuaries and planning for resource management, as well as identifying allowed and prohibited activities.

Recommendation #9

APCC concurs that special or sensitive areas require extraordinary protection and that regulations for those areas must be based on sound science and a transparent regulatory process.

Recommendations #10 – 13

During this uneasy fiscal time, it is difficult to argue for new programs. Nonetheless, in order to ensure sound ocean management based on best information, it is imperative that the Commonwealth devote adequate resources to research and monitoring in order to develop resource management plans. Thus, APCC endorses the proposals in these recommendations for research, monitoring, and synthesis; dissemination of information;

standardization of monitoring protocols; and the broader use of GIS. APCC also supports the appointment of an advisory group of marine and fisheries scientists to evaluate the health of our marine resources and periodically monitor trends in the data.

Thank you for the opportunity to comment.


Maggie Geist
Executive Director
