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Massachusetts Chapter
100 Boylston Street
Boston, MA 02116

February 13, 2004

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

Dear Ms. Tierney,

The Massachusetts Sierra Club offers the following comments on the Massachusetts Ocean Management Task Force's Draft Principles and Preliminary Recommendations.

In general, the Sierra Club supports ideas in the Draft Principles. It recognizes the attempt to balance interests the principles is espousing may be difficult. In general, when information is not available to make the decisions implied in the principles, the Commonwealth should err on the side to limit human use or management. This is particularly true for principle number 5.

Concerning the Ocean Management Task Force Preliminary Recommendations, the Sierra Club finds too much focus on process and not enough discussion of the vision/goals that will drive this process. The Sierra Club encourages the Ocean Management Task Force present a vision and goals and not only to make the commercial exploitation of our ocean ecosystem easier. The goals/vision are likely to be politically challenging and it would be useful to have some straw options before commencing the public involvement process. The required multiple jurisdictional coordination is likely to necessitate financial carrots/technical assistance from the state to localities. Perhaps the federal CZM program could serve as a model for better coordination on other issues between the Commonwealth and federal government, such as fisheries, transportation and offshore energy development.

Climate change and fisheries harvesting are the largest stressors to the offshore ecosystem, while inshore one has to consider toxic contaminants, eutrophication, habitat loss/degradation, land use activities, etc. effects. Thus the ocean management policy needs to consider forcing both from the landward and seaward sides. The Sierra Club believes the focus should be on maintaining ecosystem integrity, while allowing sustainable resource use and maintaining sustainable coastal communities. There is a need in the vision/goals statements to operationally define ecosystem integrity and sustainable resource use for both living marine resources (fish, sea turtles, marine mammals, seabirds, etc) and coastal communities.

The Sierra Club finds the proposed Ocean Resource Management Act a good idea and recommends that it should be based upon some of the concepts presented in the Pew Ocean Commission report.

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Particularly, the Pew report stresses the role of human activities in coastal watersheds on water quality in embayments and near coastal waters (0-3 mile state jurisdictional waters).

In Massachusetts on the Cape Cod, excessive nitrogen loading from septic systems is the culprit which has lead to the loss of eelgrass beds, collapse of the bay scallop harvest, periodic hypoxia/anoxia which results in fish kills, and loss of amenities that threaten our tourist-based economy. Dealing with this excess nitrogen loading is likely to incur expensive fixes to upgrade the area's sewage treatment. These costs would greatly exceed the resources available to the Cape's local citizens and towns. Therefore, the Commonwealth may need to provide resources as well as coordination to address these problems.

In other parts of the Commonwealth, the loss of wetlands to development/beach erosion from coastal armoring have reduced habitat quality/quantity which impacts coastal/marine dependent wildlife. With these impacts human activities within coastal watersheds on the ocean environment, the Ocean Management Task Force needs to follow the Pew Commission's recommendations.

On general policy issues, the Sierra Club observes that there are also far field impacts from the federal jurisdictional waters which need to be considered in developing the Commonwealth's ocean management plan. On Cape Cod the most obvious example is the wind farm proposed for Nantucket Sound which is in federal jurisdictional waters. A mechanism should exist to provide significant state input to the Environmental Impact Statement being developed by the U.S. Army Corps of Engineers for this proposed project. Also the federal government is likely to develop some type of permitting/leasing policy for federal jurisdiction bottom waters for permanent infrastructure projects other than oil/gas development. This federal policy should be consistent with the state's coastal zone management plan. The Sierra Club is awaiting the results of the COE's EIS before taking a position on this proposal.

In Waquoit Bay there has been a long-term shift in the composition /abundance in the finfish population that is due to a combination of offshore fish harvesting and inshore habitat loss/degradation. Thus harmonization is required between fisheries harvesting in federal and state jurisdictional waters. The dogfish total allowable catches differ greatly between the New England Fishery Management Council/Mid-Atlantic FMC and the state Division of Marine Fisheries. The federal government is considering opening their waters to striped bass fishing that are supposed to be consistent with the harvesting regulations in state jurisdictional waters. This type of cooperation is preferable to the dogfish situation.

The Sierra Club urges the Commonwealth to COMMIT to protecting endangered species and also uphold its responsibilities under the Marine Mammal Protection Act and the Endangered Species Act. The Preliminary Recommendations are unclear on the way the Commonwealth will approach its responsibilities in this regard. In general, the Commonwealth needs a better management framework for conflicts between protected species and extractive uses like fisheries. The Division of Marine Fisheries has shown itself ill equipped, as has National Marine Fisheries Service, to manage endangered species adequately when conflicts arise. The Ocean Management Task Force needs to make recommendations to change how fisheries are managed in the Commonwealth with emphasis on scientific basis for management decisions and an emphasis on the use of whale-safe fishing gear.

Comments of the Massachusetts Sierra Club
On the Ocean Management Task Force Draft Principles
and Preliminary Recommendations

February 13, 2004
Page 3 of 3

After 12 years, of Massachusetts government streamlining regulations, the Sierra Club advises the Task Force to proceed cautiously in recommending further streamlining of regulations as proposed in Recommendation 2. Streamlining should only occur if the state agency can show that the regulatory intent of the statute would not be weakened. The Sierra Club is also concerned that any regulatory changes must include adequate enforcement mechanisms and enforcement staff.

The Sierra Club supports the recommendations to establish data trends and needs. However, data collection should also address the atmosphere and the creatures using the area above the water, such as birds.

Thank you for your consideration of our comments.

Sincerely,



Mary Ann Nelson
Massachusetts Chapter Chair.