



COMMONWEALTH OF MASSACHUSETTS

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December 19, 2003

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

Dear Ms. Tierney:

I am writing in regard to the preliminary recommendations set forth by the Ocean Management Taskforce. As a member of the Taskforce and a member of the State Legislature, I have enjoyed working with you and the other members in reaching this point. After reviewing the language of the recommendations and listening to the feedback at the public meetings, I believe that we have clarified some of the public's questions, but there are still lingering issues that must be addressed.

The Taskforce's first recommendation to develop comprehensive legislation, which would ultimately allow for an established framework to protect our resources, sets a strong precedent for the Taskforce and the people of the Commonwealth. The Commonwealth does have a responsibility to protect these areas in public trust. In the first recommendation, the Secretary of Environmental Affairs would be the lead in implementing the Ocean Resource Management Act. Although provisions are being made for other stakeholders to be involved in the decision-making and implementation process, it is my understanding that agency commissioners historically control regulations. While striving to protect our resources, we must not overlook the implementation processes that commissioners closer to the ground contribute.

Currently, our ocean resources are divided among several state agencies with overlapping authorities and interests. In recommendations #1 and #2, we must remain vigilant to ensure that each stakeholder is given an equal voice in this process. I would encourage the Taskforce to clarify which agency would have jurisdiction over the Ocean Resource Management Act, and further extend the amount of diversity in the composition of the advisory committees. I would also encourage the Taskforce to ask for the

Secretary's guidance and oversight in implementation of these proposed new rules and regulations in such an advisory role.

The Taskforce has been a strong advocate for coordination with federal, state and local agencies in reviewing proposals and protecting our ocean resources. Recommendation #3 calls for a stewardship plan in the Commonwealth. It is my belief that the Commonwealth must take a strong, active role in protecting the state waters and the projects that would directly affect these waters. For the Commonwealth to effectively accomplish this task, we must look to close the gap of regulatory oversight in these stewardship areas. I would encourage a greater level of understanding and coordination between Federal and state agencies in regards to these areas. One governmental entity must not stronghold the next in deciding what is best for these public trust waters.

As a public trust, our coastal waters are utilized each day for various activities. I would further recommend to the Taskforce to carefully examine areas throughout our waters to determine where various activities may best be suited. I also hope for the Taskforce to consider incorporating renewable energy programs into our frameworks. Global warming and its threats to biodiversity pose a true danger to our environment. As an advocate of renewable energy, viable sources must be considered by creating better zoning guidelines so renewable energy projects such as wind energy may compliment our shores in *appropriate* locales in the future.

Chapter 91 establishes regulations designed to protect the public's right to our treasured waters. The Commonwealth has established a set of fees paid for use of these public trust lands. The current fees that are charged allow for our citizens to enjoy these resources, as well as, further protecting them. However, I am concerned that if the Taskforce were to recommend levying heavy fees, especially against coastal residents, we may further limit access to the ocean.

Recommendation #7 demonstrates the need for our agencies to further improve coordination with other governmental officials and agencies in order to develop a comprehensive ocean policy. This is a recommendation that I believe must be proactively pursued, and we should be specific as to how this will be accomplished.

In recommendation #9, the language states that we must be able to "designate and protect" those areas of critical concern to our environment. Although this is an important issue that must be addressed, we must also ask the question of how we will afford to designate and protect these areas? If we hope to protect these lands we will need to determine how it will be funded. As many are aware, the Commonwealth is facing harsh economic times, and we must not always seek to place financial burdens on our citizens.

In other financial matters, Recommendation #10 suggests that in order to truly manage our ocean resources, we must research and monitor its changes. This monitoring and researching also bears a price to our Commonwealth. It is important to continue research of these matters, but we must also determine how often this monitoring will be conducted while being aware of how much this would cost the Commonwealth.

The Taskforce frequently speaks about increased public involvement and participation, but at times the Taskforce actually made this involvement and participation harder to attain. It is my hope, as a Taskforce, we will take the public's questions and concerns in to consideration as we move forward in our deliberations. As the Taskforce moves forward into its final stages of developing recommendations, it is my hope that we may all join together to present our findings and recommendations to the Legislature so they can decide the policy and legal issues that are in the Commonwealth's best interests.

I thank you for the opportunity to work with you on the Ocean Management Taskforce; it has been a wonderful experience. If you have any questions or concerns, please do not hesitate to contact me.

Very Truly Yours,

Robert O'Leary
ROBERT A. O'LEARY
State Senator
Cape and Islands District