

COMMENTS

**Re: Massachusetts Ocean Management Task Force's
Draft Principles and Preliminary Recommendations**

From: Salem Sound Coastwatch
201 Washington St., Suite 9
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Date: January 20, 2004

General Comments

Salem Sound Coastwatch (SSCW) applauds the Ocean Management Task Force for its commitment to addressing the current need to better manage our ocean resources and supports the ideals embodied by the Task Force's Draft Principles. It is SSCW's belief that our ocean resources are best protected by a system that incorporates the current ecological concerns, as well as the social, economic, and cultural concerns, and does so in a manner that is flexible enough to adapt to the new issues that the future will undoubtedly bring. The task of developing a management system that adequately addresses this complicated web of concerns is truly formidable, and is one that has been wrestled with by resource managers throughout our nation's coasts, as well as in other parts of the world. Nonetheless, SSCW commends the Task Force for its efforts to address this local need, and respectfully suggests that it be accompanied by an equally hearty commitment to partnering with resource management entities elsewhere in an effort to share lessons learned.

Salem Sound Coastwatch is a nonprofit, coastal watershed protection organization that works cooperatively with government agencies, local businesses, other nonprofit organizations, and citizens from the communities of Manchester, Beverly, Danvers, Peabody, Salem, and Marblehead, Massachusetts to enhance and protect the environmental quality of Salem Sound and its watershed. Salem Sound Coastwatch works to achieve this mission through municipal partnering, scientific investigation, public education, and environmental stewardship. Our top priorities are protection of coastal habitat, commercial and recreational marine resources, and water quality.

The following comments are intended to express Salem Sound Coastwatch's reactions, positions, and/or suggestions regarding specific portions of the Draft and the ideas expressed therein. SSCW will gladly provide additional information pertaining to the comments below, and offers its assistance in facilitating revisions where suggested.

PRELIMINARY RECOMMENDATIONS

POLICY ISSUES

RE: Recommendation #5

SSCW supports the proposed re-examination and adjustment of the existing fee structure and direction associated with Commonwealth's Chapter 91 authority, provided that any revisions are made with the goal of strengthening existing regulation. Chapter 91 fees should accurately reflect the economic values of public trust lands/waters, the values of any impacts to this land and/or ocean resources, and the impacts on any regulated activities on the public's ocean resources. The revenues from these fees should be entirely dedicated for ocean related purposes. Any revisions to Chapter 91 fees should be performed by the existing agencies currently tasked with managing our coastal zone. These agencies are understaffed and would benefit from the receipt of any additional funds generated by this process. With the current status of the Division of Wetlands & Waterways Program, all or some percentage of funds received through the licensing process should be dedicated to the program to retain employees or hire new ones.

RE: Recommendation #6

Visual and aesthetic impacts are subjective, and deriving a workable methodology and set of standards by which these impacts are to be measured (and that will withstand legal challenges) will prove extremely difficult. Similarly, the cultural impacts of a given project will surely prove difficult to objectively measure, as a very limited set of quantitative data currently exists on in this area.

SSCW recommends that further exploration be conducted into the feasibility of establishing such standards, to include a thorough review of historical data, and the implementation of a pilot study to collect quantitative data on resource value(s) within these parameters. In the absence of any such quantitative data, SSCW respectfully suggests that the protection of our state's ocean resources be better protected on the whole by investing our energy and resources in other areas.

NOTE: SSCW suggests that cultural impacts not be viewed in combination with visual and aesthetic impacts. As an alternative, perhaps cultural impacts are best viewed in combination with social and economic impacts, examining these impacts particularly as they affect "ocean-dependent communities". In accordance with the Magnuson-Stevens Act, all regulatory decisions which affect the regulated activities on/within our ocean resources must include assessment and consideration of the cultural, social, and economic impacts of these decisions.

RE: Recommendation #9

Statutory authority to designate and protect the state's marine and estuarine resources is essential for effective, comprehensive ocean resource management. Salem Sound Coastwatch supports the inclusion of this regulatory authority given that it is structured in a manner consistent with the regulatory goals of existing, regional marine resource management entities (NOAA, New England Fisheries Management Councils, Gulf of Maine Council, etc.).

As SSCW believes that strong and consistent enforcement is a critical component to any effective resource management plan, our organization suggests that an equal consideration be given to establishing and maintaining the means for enforcing existing and future regulations.

DATA TRENDS AND NEEDS

RE: Recommendation #10

SSCW supports the goal of developing a monitoring and research plan that covers both environmental features of the state's ocean resources, as well as social, economic and cultural uses of these resources. While it seems logical that the development and implementation of this monitoring and research plan be led by the state, it should maintain a fully integrated approach that includes municipal, state, and federal government agencies, and non-government environmental organizations. The monitoring and research plan should also possess the flexibility to include innovative approaches and the identification of new research needs.

For example, among the new research needs recently identified is the need for quantitative data on marine invasive species along our state's shoreline. It is of critical importance that our state's marine and estuarine research and monitoring programs thoroughly address this issue, allowing us to more accurately assess the impacts that these species are having on our habitats, and providing the tools for effective reduction of these impacts.

RE: Recommendations #11 and #12

SSCW supports this recommendation calling for more standardized protocols for data collection associated with permit-related monitoring requirements. Our organization also fully supports any actions that facilitate more efficient access to monitoring results by the state and the public. Standardized monitoring protocols and improved access to permit-related data can assist in many facets of the resource management process, including assessment of impacts of future projects, evaluation of existing and proposed monitoring programs, evaluation cumulative impacts in a timely manner, identification of areas of need, and enhancement of regulations.

In addition, SSCW recommends a review of the policies guiding the designation and approval of the entities which conduct permit-related monitoring. While we recognize that this would require a case-specific evaluation of permit applications and conditions, it is our organization's belief that a more standardized set of criteria is needed. It is our recommendation that these criteria include measures that would require monitoring to be performed by an entity other than the permittee. We believe that these changes would reduce the potential for conflicts of interest, streamline the data collection process, and strengthen the regional database(s).

USE CHARACTERIZATION ISSUES

RE: Recommendation #14

This list of “inventories of the uses and resources of the state’s marine waters” recommendations should be revised to include not only uses of the surface waters, but the ocean-dependent uses of the low-elevation airspace (as recognized in Rec. #15) above the ocean surface as well. Massachusetts is fortunate to be host to a uniquely rich and diverse avian community, much of which depends directly on ocean resources. With this good fortune comes responsibility – the responsibility to serve as effective steward of the habitats that these birds require. These habitats serve the needs of a mix of residential bird species and migratory species, for each of which the protection of a clear pathways, safe resting areas, and productive feeding waters is essential to survival.

The airspace use of residential and migratory birds is an area in need of additional study in Massachusetts and throughout the entire Atlantic Flyway. SSCW heartily recommends further research in this area and that the information resulting from such studies be incorporated into the environmental impact studies of to any proposed development on/near the ocean. Data associated with these studies should be GIS-based and should be collected in a manner consistent with any/all MassGIS protocols.

RE: Recommendation #15

GIS is a valuable tool and SSCW encourages the continued development of GIS datalayers and databases. As an organization focused on protecting a portion for Massachusetts Coastal waters (and the watershed connected to this body of water), SSCW feels strongly about the need to include coastal areas (to include “upstream...areas” or tributary systems) in efforts to collect GIS based data.

Summary

Again, Salem Sound Coastwatch commends the energy, efforts, and commitment of the Ocean Management Task Force in this ambitious undertaking. Our organization shares that same deep commitment to protecting the state’s ocean resources as we see reflected in text of the Task’ Forces Draft Principles and Preliminary Recommendations. SSCW respectfully submits the above comments regarding this draft document, and thanks the Task Force for its time and consideration in reviewing these comments.

If you have any questions, or would like additional information on any of the comments we have offered, please contact us at 978-741-7900.

Sincerely,

Robert J. Gough
Director

Barbara Warren
Program Director