

THE MASSACHUSETTS OCEAN ACT

An Ocean Legacy for the Bay State

Our Ocean Heritage:

Massachusetts' 1500 miles of coastline and its 1.6 million acres of subtidal lands are an integral part of the Gulf of Maine — one of the most biologically productive marine ecosystems in the world. The ocean is home to fragile and critical underwater habitat that, for thousands of years, has supported groundfish like the Atlantic cod and endangered species like right whales. A wooden carving of the Atlantic cod, affectionately known as the “sacred cod,” hangs in the House chambers of the Massachusetts State House — testimony to the great importance of marine resources to the state's culture, history, and economy.



A New Challenge:

Over the past decade, an unprecedented number of proposed activities for the ocean are presenting a new challenge: how to balance commercial use, personal recreation and the protection and preservation of ocean life. Proposals for liquefied natural gas terminals, sand and gravel mining, desalination plants, gas pipelines, telecommunications cables, deepwater aquaculture, and wind energy facilities have raised concerns about how to balance the intensified development pressure on the marine ecosystem while also capitalizing on the opportunities that the ocean holds for energy and food production, recreation, and transportation. These new uses and pressures were never envisioned by existing statutes and the

current system is ill equipped to deal with them.

Ocean management has historically been spread among several different government agencies with public decisions about whether to allow certain

activities made on a case-by-case, reactive and fragmented basis. The tools that agencies have to fulfill their ocean stewardship duties are not keeping pace with the increasing complexity and challenges before them.

A New Legacy:

The growing need to balance various ocean uses and the need for conservation of critical ecosystems prompted the Massachusetts Ocean Management Task Force — a 23-member team of state and local elected officials, representatives of state and federal agencies, conservation organizations, fishing associations, and academic institutions — to recommend that new and comprehensive laws be established to give public agencies clear direction and stronger authority for planning development of offshore state waters. The U.S. Commission on Ocean Policy and the Pew Oceans Commission issued similar recommendations for action at the federal level. In 2006, The Massachusetts Oceans Management Act was filed by Cape & Islands Senator Robert O'Leary and unanimously passed by the Massachusetts Senate. The same bill has been re-filed in 2007.

We need a comprehensive ocean plan to protect endangered species like right whales and sensitive coastal and ocean habitats from the effects of haphazard ocean development.

The Ocean Act: Preserving Our Ocean Legacy

The Ocean Act provides the Bay State with the necessary structure to balance commercial use, personal recreation and protection and preservation of ocean life. If passed, Massachusetts would become the first state in the nation to implement a comprehensive plan for ocean management and protection.

Specifically, The Ocean Act:

- **Establishes Clear Authority for Balanced Ocean Management:** The bill would place the oversight, coordination, and planning authority of the ocean resources of Massachusetts with the existing Secretary of the Executive Office of Environmental Affairs. This authority would be exercised through an ocean management plan as advised by a broad-based, 16-member ocean management commission, including state agency representatives, state legislators, municipal officials, and environmental, fishing, and marine industry stakeholders.
- **Ensures Decisions Are Guided by the Best Available Science:** In designing the ocean resources management plan, the Secretary would be required to incorporate the best available scientific understanding of marine and ocean resources, as provided through research, mapping, monitoring, and other data collection activity. A 9-member ocean science advisory council, including marine scientists from academic institutions, non-profit organizations, government agencies, and fishing interests would assist the Secretary in gathering and analyzing this scientific understanding of ocean resources.
- **Requires Consistency to Avoid ad hoc Ocean Development Decisions:** All agencies, departments, divisions, units, commissions, boards, and authorities of the Commonwealth would be required to administer programs, issue permits, and conduct all other activities in conformity with the applicable provisions of the ocean management plan.

Guided by the best available scientific understanding of ocean resources and ecosystems, as provided through research, mapping, monitoring, and other data collection, state decision makers will be able to identify and capitalize on opportunities to encourage desirable development in locations that are well suited for it, while discouraging inappropriate and wasteful development that harms the marine ecosystem.

To learn more about the Massachusetts Ocean Act visit www.MassOceanAction.org or contact:

Priscilla Brooks
Conservation Law Foundation
(617) 850-1737
pbrooks@clf.org

Jack Clarke & Jen Ryan
Mass Audubon
(617) 523-8448
jclarke@massaudubon.org
jryan@massaudubon.org

John Phillips
The Ocean Conservancy
(617) 267-4363
jphillips@oceanconservancy.org