

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Ocean Management Planning Initiative**

Ocean Advisory Commission Meeting (2nd meeting)

December 11, 2008

University of Massachusetts Boston, Healy Library

Introductions (Susan Tierney, OAC Chair)

- Welcoming remarks
- Meeting is being recorded as part of the public record
- Commission members introduced themselves
- Agenda reviewed
- Comment: She is chairing the energy transition team from President Elect Obama and met with the oceans constituency led by Leon Panetta and Admiral Watkins. Over the course of the meeting there were references to the MA planning process.

Update on Process/Next Steps (Deerin Babb-Brott)

- Need to come up with building blocks to develop next stage of the Plan
- Quick review of timeline –
 - There are several phases to Plan development:
 1. Information gathering (now through the end of January 2009)
 2. Developing draft plans (February through April)
 3. Review and modify draft (May-June)
 4. Formal review of final plan (July-December 2009)
 - Final Plan will be available on December 31st
- Thanks to MOP for providing technical materials. There are a lot of pieces to the planning effort, and this timeline shows the level of complexity involved
- More detailed review of timeline:
 - Phase 1: They have completed the public listening sessions and are finishing meetings with stakeholders. They are currently reviewing products from MOP consultants. They are looking at the plan framework materials, and will be using it in developing goals and objectives. They are now determining what the Phase 2 portion will look like. Phase 2 will also be intensive.

- Workgroup reports are completed. The SAC met on Monday to begin their review of the baseline assessment and workgroup products.
- Examples of some products included:
 1. A map showing fishing activity by combined effort and landing values – provides baseline information and helps you think about things spatially
 2. A map of combined biotic and abiotic important habitat. This map, along with the fishing map, shows that there needs to be coordination between issues. For example – subset of habitat is important fisheries habitat
 3. A map of Ranked Suitability of sediment resources for beach nourishment
- Workgroups reports will be available online within a week
- Phase 2 begins in February. By then they will have all of the basic technical materials for review, which will help inform what the Plan might look like. They're nearly caught up with the schedule. They have and are expecting a lot of technical information (like Rosenberg's EBM paper which helped put the planning process in perspective). The EBM paper and the forthcoming frameworks paper will help give the Plan its shape. All of that material will be available in the next 2-3 weeks.
- Prior to Phase 2, they will also be developing goals and objectives. The process will be to start at a higher level and work into those more specific goals and objectives. They will be considering frameworks when developing goals and objectives. They will have alternative models of what the Plan might look like.
- For Phase 2, they will assemble and overlay spatial data and other information onto maps which will line walls in a room and help them understand the situation. They will identify the conflicts and compatibilities and the issues, then take all of the information (maps, issues, conflicts, etc.) to stakeholder meetings; after which they will start developing alternatives associated with a rough working plan. (This will take 35-40 days.) Then they will take that rough plan to the OAC for review (will require some flexibility on the part of the OAC to meet). After meeting with the OAC, they will take the rough plan back to stakeholders, presenting a few ways to address the issues they heard. They will again make refinements and develop one rough draft working plan.
- For Phase 3 – They will have a rough draft that they like and can move forward with. They will have a working meeting with the public and revise the final draft plan by July 1. Then they will have formal public hearings and legislative review.

Comments/Questions/Discussion:

Q: Are working group summary reports available?

A: No. Reports will be available, but they will not be summarized

Q (John Bullard): As you present information in map form, you're using a 2D tool for 3D environment. Is there any indication that this format might present problems? Is it likely that lines on a map might be different depending on depth?

A: As the planning area is presented, graphics might be broken down into 3 planes. They haven't reached that point yet.

Q: What is the state looking for from the OAC?

A: In today's discussion of goals and objectives, the state is looking for the OAC's comments/recommendations on how to move from the Act to the activities needed to accomplish the Act. This requires translation of the Act's priorities, given all information available, into guiding goals and objectives; and then translating things further into specific management actions.

Q: Some of the things on maps move and swim. Won't some of these goals and objectives need to be adaptive?

A: In addition to typical management measures, we might develop and incorporate dynamic management areas. For example, phytoplankton blooms in a bay attract important species. Does there need to be an immediate plan on how to deal with the presence of those species for that specific type of situation?

Q: (Sue Tierney) How can we think about overlays and data on different scales? What is the quality of data?

A: As a non-mapping expert, Deerin is under the impression that they can address some of this with overlays. For example, EEA has talked to fishing groups who have hand-drawn version of where they fish, what they fish for, etc. In addition, DMF has provided quantitative information. In meetings, EEA learned (and will map) that there is important seasonal whiting fishery in the "Low" area of the fisheries map provided by DMF. They state needs to consider the whiting fishery when siting wind farms, etc. There will be other examples.

Q: (Carolyn Kirk) What is the situation with historic fishing grounds? Though no one is fishing for cod right now, the fishery might come back. How would this be addressed?

A: Some historic information came up during the interviews. In addition to the issue of inactive fisheries, the Plan also needs to consider situations in which regulations may currently impact fisheries; and be mindful that just because fishing doesn't happen in a specific place doesn't mean that there are no fish there. In Maine, the Island Institute looked at historical fishing grounds; but given the time restrictions of this process, the state won't be doing that yet.

Comment: Keep in mind that there are other maps in addition to the one included in the presentation.

Q: Is it obvious where the fisheries landing at port come from?

Answers: (Paul Diodati) No, products don't necessarily come from port area where they're landed. (Deerin Babb-Brott) This question also brings up the issue of the relationship between a community's economy and a resource.

Q: (John Bullard) USGS is doing some active mapping of Buzzards Bay. Are the state's mapping needs on USGS's plate? How they might they be able to help?

A: Someone from the USGS is on the SAC and is aware of the needs arising from these meetings. EEA has already been engaged with USGS for a while regarding mapping; but many of the current projects do not stem from this planning effort because of timing issues. There will be data limitations for this process, but EEA is working with other organizations to pull together the best data.

Q: There is both a blessing and a curse with the degree of mapping. When you do an overlay, you might find out that nothing can be done. So to what extent are we willing to allow changes/disturbances? We need to be mindful of the fact that there will be some disturbance.

A: Protection, change, and tradeoffs will be central to discussion of goals and objectives.

Q: With regard to changes from global warming, are we going to be looking at issues such as fishing moving north because of water temperature change, etc.? Or is it too far in future?

A: This concept is part of the Act, and will be addressed in part by the baseline assessment. The kind of available information will impact how sophisticated the Plan will be. This (not just sea level rise, but a suite of similar issues) will certainly be a fundamental issue for future versions of the Plan.

Overview of Public Comments (John Webber)

- It's nice to be presenting results
- Thanks to commissioners who attended, and to Suzanne Orenstein and Jack Wiggin for their work on the report
- Public meetings happened in September and October 2008.
- The intent was to listen, learn the level of public understanding, and get input on the Plan's goals. The state also wanted to develop a list of interested parties and keep public involvement going.
- There were 18 meetings along the coast and out as far west as Pittsfield.
- 350-400 people attended. Some meetings had more people than other meetings
- Issues:
 - Jobs and economic benefits/uses of ocean resources - Provided ideas on how activities (Commercial fishing, aquaculture, shipping, tourism) should happen. A discussion of scale regarding aquaculture developed - Large projects need more space. Smaller operations could happen closer to shore because they need less space.
 - Alternative energy (mentioned at all meetings). Wind energy was mentioned the most, but tidal and wave energy were also mentioned. There was general support for the idea of identifying locations for siting energy projects; but do you consider economic or environmental criteria; or both? What are the issues from a job creation standpoint? How would projects relate to the energy rates for islands/coastal communities? Other comments included:
 - Geography will have an impact on scale
 - It is important to coordinate with coastal communities and on all levels.
 - Visual effects
 - Fishing - maybe some structures might attract species (there is a need to understand that better)
 - Buffers might be useful
 - What happens through any decommissioning process?
 - Climate change and fossil fuel issues calls for regulatory streamlining of renewables projects
 - Species and habitat protection – the language in the Act was appreciated. There were comments on how to define that language and how to identify economically important species. Fish, whales, and birds were most commonly named in terms of needing protection.

- Habitat restoration – There seemed to be many opinions about the purpose of restoration. Is it for diversity? To enhance recreation? For commercial opportunities?
- Also heard at the meetings:
 - Public input is important (and should be maximized) through June and also through the implementation of the Plan.
 - The Plan should be science-based and flexible in order to incorporate new data
 - As management actions, goals, and objectives are developed, keep in mind available science and take steps to ensure that management actions are supported by existing science.
 - The Plan should be ecosystem based. How do you do that?
 - Ocean and coastal areas are not uniform across the planning area and the Plan should recognize that difference, maybe by taking a regional approach
 - Develop measurable performance standards.
 - What about funding?
 - What about future research needs?
- The report also looks at the tradeoffs/interplay between resources. People are thinking of compatibility. How could turbines be compatible with other things like fishing, recreation, environmental concerns? How would you balance sand mining and habitat concerns? How would you balance shipping and recreational uses/habitat/public safety?
- How would the Plan relate to fisheries management?
- Other points in the summary:
 - Local aquaculture and fishing activities need to be supported in the Plan
 - It is very important that state and federal water activities are coordinated
 - Plan needs to be able to incorporate new information
 - Some issues were mentioned with more frequency than others (see table in report)
- In addition to listening sessions, stakeholder interviews are still taking place
- The intent of the interviews – Understand key issues; engage stakeholders; get input on goals and objectives; identify/acquire additional data/information to include (i.e. the fisheries group used maps to provide input on what is fished where)
- They held 60 stakeholder interviews, with more to come. Outreach has been broad and included people from across the suite of stakeholders (livelihood, advocacy, etc.) as well as across jurisdictions (federal, adjoining states, local

level). It also includes academics, consultants, travel representatives, and others. Please let us know if we've missed anyone.

- Results in the handout are still in draft form (only summarizes 25 interviews)
- Issues from the interviews: Alternative energy siting; Habitat protection; Commercial fishing/fisheries protection; Preservation of tourism, recreational uses; Navigation; Cross-jurisdictional coordination
- Comments on the Plan: It needs to be based on reliable science; should be ecosystem based management; should integrate new science and technology (The Act requires plan review in 5 years; but there needs to be a way to incorporate science in less than 5 years); should have indicators of implementation; should develop mitigation guidelines to provide an idea of types of questions that might be looked at and relate mitigation to existing effected uses; should look at issue of regional distinctions; standardize data requirements; consider goals in the Act and pay attention to other state requirements (maybe related to climate change); continue public involvement.
- Stakeholders also addressed the benefits of an Ocean Management Plan: establishment of management principles; balancing protection and development; coordinating environmental management/regulations; integrate state-federal waters management
- Results of other interviews still need to be incorporated. The final report will reflect all meetings.

Questions/Answers/Discussion:

Comment: (Jack Clark) At the Boston meeting, only a handful of attendees spoke, suggesting that perhaps the others were there for educational purposes. Congratulations to the team for going beyond state requirements with this. Now you can go back to the stakeholders and say that you took what they had to say under advisement and that the draft reflects their input. Then you can ask them to respond to/review the draft knowing that their input helped develop it.

Response: The values people hold about the oceans are fairly consistent across conversations. The goal now is to put together a framework reflecting everything. But so far, public perception/interest is in line with what is going on at state

Q: (John Bullard) Commends the group on doing all of that listening. Participating stakeholders were a self-selecting group, but the planning area is part of the public trust. Maybe MOP could help find out the connection between the more general citizenry of MA and the ocean via a polling process(unrelated to coming to a meeting). Would that give additional information that is not already reflected in the above reports? He would expect that people tend to be attracted to ocean, but the connection is very weak. Could you test that independently on a neutral population?

Comment: There was a poll funded by Moore Foundation – maybe MOP/the state could look at those questions and ask them again.

Q: (Susan Tierney) Do you have a sense of who did show up to those meetings? Were there members of the general public?

A: See table 2 of the report which breaks out attendees by stakeholder group. 110-120 people identified themselves as unaffiliated/citizen (the most common type).

Q: (Susan Tierney) Did unaffiliated people tend to speak or to listen?

A: Yes, they spoke to different issues. At the Salisbury meeting for example, they talked about beach erosion. In Nantucket, they talked about other specific issues.

Comment: (Carolyn Kirk) The meeting in Gloucester was well attended. Most people were listening. The invitation to solicit public input needs to be maintained throughout the planning process. When we start taking things away, people will want to get more involved. Maybe at this stage we wouldn't get much more public involvement, but that will change as the Plan is more defined.

Comment: People who came with prepared statements were from groups. Citizens spoke more off the cuff. They'll probably be more involved when they have a draft to respond to.

Q: (Susan Tierney) When people were commenting, what did they think the Plan was? Do they think this is a spatial plan of things they can/can't do? Is it a plan that guides other agency/regulatory actions? Are conditional activities embedded in the Plan (directional and regulatory/performance based)?

Response: In general, there was an acknowledgement that the Plan would have a spatial component and way to implement that component. People did latch on to the idea of existing agencies as opposed to a new body. They also recognized the need for a later version of the Plan to revisit issues.

Q: (Stacey Justice) If the Plan is implemented through other agencies, is there a timeframe that those agencies have to change/adopt their regulations? There's a chance that other agencies might not change their regulations.

Response: The timeline has other tracks than what is shown. Above the existing timeline, there is a parallel process to work with the Army Corps to permit in state waters. There is another parallel track on the timeline for working with MMS. There is another track with state agencies which hasn't started yet. As decisions are made, laws will be needed to support them. The state will be coming back to the OAC with discussion of that process as they begin it.

Draft Goals and Objectives (Deerin Babb-Brott)

- This presentation is not of a fully vetted process. The idea is to make the transition from “out there” to “now”. What are the goals and how does a plan achieve them?
- EEA has looked at a lot of information and has found different ways that other programs have structured their plans.
- How do you move from the Act to realizing benefits? We need to connect the big picture to operational detail. (Do not worry about formatting issues/precise working yet).
- Goals and objectives will step down into specific actions
- The process is related to how we synthesize existing information
- The current structure has 4 parts. As the Plan framework develops, this might change:
 1. Principles and goals in Act (“Ocean’s 15”)
 2. Findings – (What is the state of the issue of one of the Ocean’s 15?) Findings are the context for addressing the overall goal. What are the key issues? What information do we need/have? What are the existing policies? What is the level of stakeholder interest and concern for issues?
 3. Objectives – (Description of where we want to be) Out of the findings emerge objectives. How will the Plan give specificity to the Act? What does “valued biodiversity” mean? Objectives will identify desired outcomes. EEA is not relying on quantitative data only. The MRAG paper shows that objectives are generally articulated by most stakeholders
 4. Management actions – (How to get there) These are the specific things needed to accomplish an objective. These will identify/assign responsibility, serve as the monitoring element, and relate to indicators.
- The handout of principles/goals, findings, objectives, and management actions shows where EEA is currently
- Example: To “Value biodiversity and ecosystem health” is a principle. The finding might sound like, “There are significant gaps in information and state definition and capacity to define/address ‘ecosystem-based management’...” (See handout). The findings show a need to define “biodiversity”. Once that is done, then the state will identify what is needed in terms of information. Then they can determine what they need to do and compile a response for the Plan. Note: this was an issue mentioned with high frequency during the public meetings and stakeholder meetings. Perhaps there will be a prioritization process when the state looks at the list of 15 principles.

- In the handout, the 25 principles are grouped into 4 groups. There are crossovers/relationships. Groupings can be changed.
- Some principles also serve as objectives (example: "identify and protect special, sensitive or unique estuarine and marine life and habitats" appears as a principle and an objective in the handout.)
- Management actions are the steps to take in order to achieve the desired outcome.
- This process is similar to the idea of power: You step down to a substation, then a transformer, then a house. You need that process in order to be useful. In this case, the state also needs to synthesize all different information as it steps down.
- A full suite of goals and objectives will be available for the January meeting.

Questions/Comments/Discussion:

Q: (Susan Tierney) To recap Deerin's presentation: This handout is a first draft of framework of structure on how to think about the issues. This is not the final framework. We are trying to get a sense of how to go from objectives to actionable elements. There could be changes; but the idea is to go from "big" to "actionable". The state would find it helpful to know if they're on right track with objectives that are trying to transform statements in the Act, and then see if there are other things to add to the list. It would not be helpful to wordsmith. On page 1 of the handout is an illustration. The OAC needs to help build column three ("objectives") for the others. What other questions do you have about what we're going to be doing?

Comment: In management actions, there is a need to identify who will implement the action and what the timeframe is. Also, there is a need to identify personnel and resources needed/source. Maybe that's for further down the road, but it needs to be stated.

Q: (Susan Tierney) As we start with 4 baskets of goals and principles and think about filling out goals and objectives, do you think about satisfying principles as a group or individually?

A: Both

Q: (On page 1 of the handout) There are a number of things in objective columns: Biodiversity and health; special areas; interactions of systems; building off science base as it evolves, etc. Can you think of anything missing or duplicative?

Responses:

- Should you identify where information comes from and who puts info together? Parts of EEA have responsibility for some of these things, and it might be helpful to identify them. Then you can obtain the science and get a sense of how to pull it together?
- John Bullard: When you start allowing or restricting uses, the input will modify the Plan in way you're not thinking about now. So keep moving forward.
 - In 2nd bullet re: impacts to health: The origins of a health impact might be outside the study area. If a goal is to identify harm outside state water, it will be hard to have a management suggestion that deals with that. One could maybe say "and identify route causes of harms"?
- With regard to the "Characterize and mitigate impacts to ecosystem health" objective, there is no priority stated, but there should be. Maybe it would help to establish priorities within objectives. Maybe even identify criteria to help identify priorities?
- Jack Clarke: Addressing climate change and sea level rise is huge task. Adaptation will be important. Under objectives, how do we help nature cope with climate change offshore? The Plan should have something about climate change and mitigation. We need to look for ways to provide adaptation. Can you mitigate effects of adaptation? (Jack will work on something)
- John Bullard: Look at resources in state waters but recognize harms from outside boundaries. How do you regulate that type of thing? For example, fishermen don't get a permit to catch juvenile fish, but those fish can be killed by a power plant. In both cases you take fish – the difference is that one is regulated. Is there a way, in the objectives, to use "takings" to think about ways to regulate a distant source of harm?
 - Susan Tierney – Laws will come to play – kind of like old nuisance law
 - Bruce Carlisle – The public trust doctrine might be the first line of defense. Capturing a resource of public trust is an issue. You might be able to argue that a harm originates outside the planning area but affects a public resource.
 - John Bullard – At first thought, this would be just in state waters; but it won't address all problems. Is part of the objective to think about ways to eliminate outside sources? Are we trying to regulate behavior outside planning area? Maybe we need to change words?
 - Susan Tierney – Maybe the consistency provision would come into affect when dealing outside state waters.

- Susan Tierney: There are many places where the plan identifies gaps. Across this are, maybe, places where you want to do something new and need a legal basis for doing it?
- Stacey Justice – This is not really a regulatory document. It has to lay out a path to tell regulating agencies what they need to do. This Plan can't address these things in a way that is regulatory.
 - Deerin Babb-Brott: Think about if you articulate an objective that would need regulatory authority. Writing the objective sets up the groundwork for needing to develop regulations
 - Susan Tierney: This Plan is like a pair of glasses that regulatory agencies need to look through when making decisions. They need to ask: Is the activity consistent with the Plan? The Plan will be more of a guidance document that gives weight/direction that other organizations have to pay attention to as they issue decisions. It may lead to other regulations.
 - Page 3 of handout, 2nd management action: Maybe that needs to be re-written so that other plans are consistent with this Plan.
 - Deerin Babb-Brott: The Act directs activities in ocean sanctuaries. There is an issue of appropriate scale. The State would have to write regulations. This will relate to the interpretation of appropriate scale.
 - Stacey Justice: Some of this Plan will be planning related, but some will need to be regulatory? So this is in part a regulatory document?
 - The Plan directs EEA to promulgate regulations. How do you define what's allowable and what the process is? In addition to the Plan's new regulations, there is a whole body of regulations that other agencies will be acting through. Those regulations have to be consistent. Such changes will happen within the framework of those agencies.
 - In reading the Act, it says this statute will have operative legal effect – which is more than just using existing statutes elsewhere. It's not just networking. This Plan could have regulations, it will define key terms to work out conflicts, etc.; and it can direct other agencies to promulgate regulations. It's a brand new concept for MA.
 - Paul Diodati: The "Ocean 15" weren't goals? They were just guidelines? This Plan is not regulatory, but a goal could be to create a regulatory climate. These guiding forces could be accomplished by moving toward a goal of sustaining ocean resources by doing some things like "value biodiversity health".
 - Deerin Babb-Brott: It would be helpful to hear from the Act's authors. We need a starting point from which everything else flows. The EEA has

embraced the "Ocean 15" as policy directions from the legislature. It would be helpful to hear about what they mean. Are they more just general direction as Paul Diodati suggests?

- Senator – The language in the bill is not about regulations. The principles are more general in direction – they do not need to be responded to independently.
 - Regarding the principles, if you went to the task force report and looked at the principles section, it says similar language as is in the Act. The Plan should lay out how to do what they wrote in the Act.
- Susan Tierney: Does this give guidance, or does it direct you to do something? On the last page, there is nothing under renewables. With regard to how you define "Foster" and "Support" – one way to think about it is to identify tools that exist in government authority that constitute fostering. You foster things through tax credits, bully pulpit, clearing the way in permitting, preventing competing uses, etc. So what do we mean by "foster"? The Plan could identify those different means.
 - On the development of the Act: The Act was a compromise between people. The general principles are there. One principle is to exclude fishing and wildlife by regulation through this Act. In some places it was explicit about legislative intent. "Fostering" is less specific. There are many ways to "foster". Another purpose of the Act is to coordinate agencies and important parties consistent with existing laws and this law. Also, this is a plan for alternative energy. Under this law we want you to have the opportunity to do appropriate-sized project. Those were the 3 main goals.
 - This Plan is going to be organic in the sense that it will go from broad scale to more specific and focused on what we do/do not want to do. Our desires will change over time, and this Plan needs to accommodate change. We don't want to be too narrow in interpreting language. Some of the language is just to point us in a general direction. Some is more specific.
 - The agencies will implement the bill.
 - Susan Tierney: With regard to renewable, if you're trying to foster and support resources, then you want to understand what resources base it out there. Given the state of knowledge, what could be developed where? Maybe there is some information that

can be characterized. Also you could think about tools that are necessary. In land-based plans, they stress transportation systems. So in the context of renewables, if you have offshore resources, what would you need to make them accessible? There are a lot of land examples.

- Also with renewable, you need to look at the need.
- John Bullard: With “need”, consider how much energy is likely to come from what source(s)- land, state water, etc. If you know the need in state water for renewable, you can address “foster” and make it more specific. This Plan also includes other uses. If we need LNG terminals, where do we put them? Where do we get sand for renourishment, etc.? All of this is related to “foster” and “support”. Under zoning it would be “allowed activities”.
- Susan Tierney: With regard to the scope of coastal zone management, a lot is related to the coastal interface. It seems that the last of the “Ocean 15” talks to “if there are things state’s ocean are uniquely endowed with enabling...”. How do we add “support”?
- Energy needs are one part of the discussion. Laws we passed regarding emissions might also be related.
- Deerin Babb-Brott: In the framework, there is a discussion of the findings. What is the “need”, etc, would go in the findings. That will justify how you’re going to get kw out of the marine environment.
- A reminder: There is language in the task report that relates to language in the act that can serve as guidance
- Susan Tierney: It might be a mistake to include in the Plan that we need x amount of something from the water – things change. But the Plan could identify that there is a resource, and could say that it should be/may need to be accessed.
- Deerin Babb-Brott: There might be a recommendation from a sister commission that does assign kw or some sort of scope of where energy comes from
- John Bullard: There was an intention to exempt the management of fisheries. There is no discussion in the objectives or principles of “sustainability”; but that seems to be an underlying assumption. The term “sustainability” should be stated. Also, we have a system of managing fishing; but that’s not the only way to manage fish. There are other impacts. Are those impacts (habitat, water temp, CSOs, etc.) also exempted?

- Fisheries are not exempted. They are integrated via consistency.
- Deerin Babb-Brott: Fish are components of the environment. Catching fish is exempted; but the impact to fish as a natural resource is subject to the Act.
- Susan Tierney: On page 2, 2column, 2nd from bottom on the handout– “ensure state agency decisions are consistent with the Plan” – this is a great objective built into the structure of law. How does that happen? What does that mean? Identifying? Police powers? Etc.? Could you have a law suit against another agency’s actions?
 - That bullet needs to apply to every bullet – it’s the implementation
 - One of the objectives is to identify where other plans are inconsistent this Plan.
 - Is that true? This Plan should guide all other plans. The language needs to be re-written.
 - Somewhere between objectives and management actions, you might want to consider having indicators so you know what you’re measuring in order to determine if you’re meeting the objectives. Indicators provide a feedback loop.

Compatibility Assessment (John Weber)

- MOP and EEA have been working on compatibility assessments which will help think about specific management actions. This process intends to specifically begin to understand interactions among various uses, existing uses, and natural resources.
- Example: Turbines and fisheries – There are interactions between building/operation/decommissioning turbines and fisheries. We need to think about the types of fisheries impacted/potentially impacted. This might bring up issues of gear, etc. The space between turbines may determine what could/couldn't happen. This notion of compatibility assessment is complex and will depend on the nature of the topic. What are the issues? (Existing policies? Plan policies? etc.?) If the Plan has a policy to maximize renewable energy development, it might weigh how we think of developing turbines.
- The overall idea of compatibility assessments is to help with decision making.
- At the next meeting, there will be a presentation of a general matrix showing how this works elsewhere. (Certain uses aren't compatible, could be compatible, or are compatible). This conversation will bring in the idea of multi-dimensions, including time. Ship strikes and whales is example of time related issues.
- Compatibility assessments will be complex. This is a tool to think about decision making. Are there going to be tradeoffs? Impacts?
- Also, this will be something that changes as the Plan is further refined.
- The "maybes" will be interesting and will need to be refined as the Plan develops.
- EEA will look at how this has been done in other places and then further refine it for MA

Comments/Questions/Discussion:

Comment: (John Bullard) The compatibility work is even more complex than what we've seen. Also, data is needed to justify decisions. If we carve enough boxes in the matrix, we hopefully can defend our answers; but it isn't going to happen that way – we will never have complete information. But we'll still need to make decisions. The example of fisheries and turbines is a good one. The turbine replaces fuel, and prevents oil spills. How does the threat of an oil spill weigh against the turbine's impact on fish/fisheries. Tradeoffs are everywhere; and we can't measure everything. This doesn't mean you abandon data; but it is very complex and in the end the way those decisions are made will be in part supported by data, and in part based on looking at maps to see "the story" and to make decisions.

Comment: (Susan Tierney) This Plan establishes a framework for other agency decisions. It would be helpful to identify spatial boundaries and explain what can happen in there and how EEA came to that conclusion. The “why” will help the agencies do their job in making their decisions. It would also help give weight to decisions.

Comment (John Bullard) – As Mayor, when he discussed local aid with the State, MA had a formal only they could understand; and no one couldn't argue with it. It was a black box. It didn't mean their decisions were arbitrary; but they couldn't be understood. The people impacted by these decisions want to know that someone thought about how to make decision, even if they can't understand exactly how the decision came to be.

You will have to defend your decisions in court.

Q: (Stacey Justice) Do we also need a section that identifies what goes on in the ocean and isn't regulated by any agency? So beyond what our own agencies need to do, the Plan needs to lay out frameworks and actions for those things that happen in/to the ocean that the agencies don't regulate (for example, climate change).

Public Comments

Comment: (Peter Borrelli) With regard to the planning v. regulations issue – The Oceans Act did not abolish the Ocean Sanctuaries Act (though it was discussed). This act amends the Ocean Sanctuaries Act. This act lists those things allowable in an ocean act. Those things do represent regulations. Also, the legislature took the Sanctuaries Act and moved it into CZM. Deerin Babb-Brott made the point that they need to figure out new regulations under the Ocean Sanctuaries Act. Finally, the “Oceans 15” is focused on sustainable uses without detriment.... The priority is “not to the detriment” or natural beauty of the ocean – which again goes back to the Sanctuaries Act. There is consistency between the 2 acts: Protection first and above all.

Comment: (Steve Barret) He is from Blue Wave Strategies and has been retained by Nantucket to participate in this process.

Meeting Adjourned: The date of the next meeting has not been determined; but it will be during the week of January 21st, 2009.