



## MASSACHUSETTS FISHERMEN'S PARTNERSHIP, INC

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Gloucester Fishermen's Wives Assn.  
Gloucester Fishermen's Association  
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Massachusetts Bay Ground  
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Massachusetts Lobstermen's Assn.  
New Bedford Seafood Coalition  
New England Fish Exchange  
Northeast Seafood Coalition  
North Shore Community Tuna Assn.  
Pigeon Cove Fishermen's Co-Op  
Plymouth Lobstermen's Association  
Provincetown Fishermen's Assn.  
So. Shore Lobstermen's Association

May 26, 2006

Senator Therese Murray, Chair  
Senate Committee on Ways and Means  
State House Room 212  
Boston, MA 02133

Dear Senator Murray:

At the request of the Board of the Massachusetts Fishermen's Partnership (MFP), I am writing regarding S2308, An Act Relative to Oceans, presently before the Ways & Means Committee. The Board wishes to reiterate its support for the development of an ocean management plan that regulates non-fishing uses. We hope that ongoing discussions will be successful in producing an improved version of the bill that we will be able to support. We write to communicate some specific concerns relative to recent discussions pertaining to this legislation.

Clearly there is a need to stop the "gold rush mentality" that has emerged among new users with rational management of ocean resources. Since writing to you on this matter in December we have learned of a new major wind farm proposal of up to 130 turbines in Buzzards Bay and plans are moving forward to place windmills on Hardings Ledge, a prolific spawning and rearing ground for local fisheries near Hull, the Excelerate Energy Bridge Project proposal to establish an offshore liquefied natural gas (LNG) docking facility comprised of mooring and buoy systems 10 miles off of the coast of Gloucester has reemerged in recent news, and other development proposals are certain to appear.

- The MFP continues to strongly support the goal of this bill to enable the Secretary of Environmental Affairs with advice from an Ocean Management Advisory Council to regulate ocean development projects to protect commercial fisheries, fishing activities, and productive fishing grounds from harmful impacts of pollution and other threats posed by unwise projects in the marine environment.

Current discussions revolve around how to integrate the role of the Division of Marine Fisheries in aspects of an ocean plan that may not relate directly

to “fisheries management” per se but the implementation of which would have an impact on commercial fisheries. Presumably this would involve questions concerning the allowance of certain non-fishing activities in valuable fishing grounds or sensitive habitat areas to fishery productivity or biodiversity. Language has been suggested that would require a review by the Division of Marine Fisheries (DMF) of such matters and provide the opportunity for DMF to develop alternatives with lesser degrees of commercial fisheries impacts. At issue is whether or not the Secretary would then be required to accept a DMF alternative that would have a lesser impact on commercial fisheries. From the MFP perspective, there would be no gain realized in passing the legislation if the bill does not provide some measure of actual authority to the Division of Marine Fisheries in determining the outcome of such decisions. Even indirect threats to the fisheries could result in severe impacts since the fisheries are in such a sensitive state at this time.

The MFP has consistently requested that fisheries be given a “vote” in decisions concerning developments in the marine environment that would impact fisheries or fishing activities. While we understand that fisheries may not be equitably granted a full veto in such ocean management decisions, we cannot support an ocean management bill that does not provide for a central role of the DMF to defend the interests of fisheries in such decision-making. Under current law, DMF only has an advisory role in decisions regarding ocean developments and no vote, and neither commercial nor recreational fishing organizations have any voice nor any vote in the process.

A second area of concern revolves around the meaning of text in the current language of Section 4(C)(e)(3) that describes the role and authority of the Division of Marine Fisheries as compared to the goal of stewardship that “protects, maintains, and restores the abundance and diversity of native species and habitats and the health and productivity of coastal and marine ecosystems” as itemized in the first section of the bill:

The division of marine fisheries, pursuant to chapter 130 or any other general or special law, shall have sole responsibility for developing and implementing any fisheries management plans and fisheries regulations that are determined to be necessary by said division based on the best available scientific information. Management of marine fisheries shall comply with all rules and regulations of the division of marine fisheries or federal or interstate fishery management plans, issued pursuant to chapter 130 or any other general or special law, and shall be integrated, to the maximum extent possible, with an ocean management plan.

An example may be posed to frame the concern, if an area of eelgrass is identified as an important habitat area for protection by an ocean plan because it is valuable to biodiversity and not just as a nursery grounds for fish species that may be targeted in commercial fisheries prosecuted in the same area. Clearly, such habitat and the biodiversity in such areas should be protected and development and other non-fishing uses that degrade those areas must be prohibited, but would the DMF and the Fisheries Advisory Commission be required to institute closures or limits on fishing activities in these areas, even if the DMF “determined” that such fishing activities do not pose any harm to the habitat area or its biodiversity? The MFP believes that the answer to this question is no; however, the MFP Board seeks to ensure that this interpretation will control and that the last word should be the word of DMF.

The MFP does not wish to discourage continuing efforts to make this legislation acceptable. The passage of legislation of this kind would be historic for the protection of Massachusetts’ marine fisheries and fishing communities. It would lay down a very valuable precedent concerning comprehensive ocean management that would influence similar statutes in other states and also at the federal level. The U.S. Ocean Commission and the Pew Ocean Commission have recently found the

need to shift the paradigm in how we manage our oceans towards ecosystem approaches that recognize a broad range of interrelated factors from pollution to development. This legislation should help move

us in that direction. The MFP will continue to work with you and other members of the legislature to produce a workable bill that will truly achieve its goals.

Sincerely,

MASSACHUSETTS FISHERMEN'S PARTNERSHIP, INC.  
David Bergeron, Executive Director

cc: Senate President Robert Travaglini  
Senator Robert O'Leary  
Senator Bruce Tarr