

Whose ocean is it, anyway?

By **PETER R. BORRELLI**

A Cape Cod blogger who happens to be a local elected official recently suggested that the solution to Cape Cod's growing septic problem is to pump it into Cape Cod Bay.

Several towns on Cape Cod and the Islands that have permitted development on the edge of steep, fragile dunes that are now falling into the sea are considering dredging huge volumes of sand in Cape Cod Bay and Nantucket Sound, while also permitting landowners to build more and more revetments.

A company wants to build a liquefied natural gas facility on Outer Brewster Island in Boston Harbor, which is now part of a national park, while another LNG facility is proposed for prime fishing grounds near Gloucester.

The American Petroleum Institute has resumed lobbying to reopen Georges Bank to oil and gas exploration.

And let's not forget about Cape Wind, potentially the nation's first offshore wind energy project and the largest in the world, proposed for construction in the middle of Nantucket Sound, a body of water twice recommended as a national marine sanctuary.

As for the region's only official national marine sanctuary on Stellwagen Bank, the government and user groups have now begun their second decade of quarreling and delaying action over



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its long-term management and protection.

What's wrong with this picture?

It seems everyone is fighting over a piece of the ocean. Gov. Mitt Romney has described the scene as "the Wild West."

There have not been any shoot-outs, but the amount of trash talking going on between traditional allies in the environmental and public health organizations and even among regulators and resource managers is tragic.

Two national commissions have concluded that the underlying problem is that the nation has no clear vision of how the oceans should be managed. What passes for public policy is a hodgepodge of single-purpose statutes draped over a framework of national security and economic interests. Underlying all this confusion is the widespread belief that the ocean belongs to private interests.

The Massachusetts Legislature is currently considering a bill (S. 2308) introduced by Sen. Robert O'Leary that seeks to redress these ills. Ironically, O'Leary's district includes Cape Cod, Nantucket and Martha's Vineyard

and most of Nantucket Sound – but not the federal waters in the middle of the Sound proposed for large-scale wind energy development. The bill instructs the state's secretary of environmental affairs to develop an ocean-management plan for state waters based on six basic principles:

- Fulfilling the state's public trust responsibilities. Unlike most of the land in the state, ocean resources belong to the people of Massachusetts and are held in public trust by the state.

- Valuing and protecting the abundance and diversity of native species.

- Managing ocean resources in a manner that reflects the interdependence of ecosystems.

- Fostering sustainable uses of ocean resources, including fishing, energy production, recreation and commerce.

- Using the best available information and expertise in making management decisions.

- Encouraging public involvement in the decision-making process.

If the bill passes, Massachusetts will become one of the first states in the country to attempt ocean planning, although the U.S. is by no means a leader in the field.

One pressing question is whether planning will yield greater protection, especially of fragile areas such as Cape Cod Bay, which is already recognized by Massachusetts state law as

an ocean sanctuary and by the federal government as a critical habitat for right whales.

The O'Leary legislation, for example, ignores one of the key recommendations of the U.S. Commission on Ocean Policy: that ocean plans include the designation of marine protected areas, while providing a number of exemptions for development of small-scale renewable energy projects, even while the planning process is under way. The O'Leary bill also fails to grasp the full meaning of ecosystem-based management by limiting itself to waters within the state's three-mile limit of jurisdiction. Unfortunately, ecosystems do not conform to political boundaries.

What is needed at this critical time is a broad ocean vision and commitment to work together both to protect and manage ocean resources. Creating that vision will require:

- That those who use the ocean abandon the notion of ownership and entitlement;

- That regulators rely more heavily on science and the local knowledge of those who know the sea;

- That competing uses of ocean resources be resolved through a comprehensive and participatory planning process.

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