



MARTHA'S VINEYARD COMMISSION

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REGIONAL PLANNING AGENCY OF DUKES COUNTY

SERVING: AQUINNAH, CHILMARK, EDGARTOWN, GOSNOLD, OAK BLUFFS TISBURY, & WEST TISBURY

Date: November 20, 2014

To: Executive Office of Environmental and Energy Affairs and Ocean Advisory Commission

From: Martha's Vineyard Commission

Re: **Ocean Management Plan Update (September 2014 Draft)**
Martha's Vineyard Commission Comments

The Martha's Vineyard Commission is pleased to provide commentary on the September 2014 draft Ocean Management Plan update. Martha's Vineyard relies heavily on the sea either directly for a living or for access, so its people are especially interested in, knowledgeable about, and affected by the ocean and ocean planning. This includes the Wampanoags, the "People of the First Light", who have relied on the ocean for thousands of years for physical sustenance as well as the very core of their spiritual identity.

The MVC appreciates that the 2008 Oceans Act allowed Massachusetts to assume national leadership in managing ocean resources. The Commission recognizes the Commonwealth's willingness to revise the draft Ocean Management Plan in 2009 in response to local concerns. Those revisions included integration of additional data and, most importantly, ensuring local control of commercial development in the Martha's Vineyard Wind Energy Area by allowing the MVC to determine the "appropriate scale" of such development. The Commission recognized the efforts of the towns, and of legislators Rob O'Leary, Erik Turkington, Dan Wolf, and Tim Madden in these successes. We note that the planning for, and the MVC's review of, the Comcast/NSTAR undersea cable, the first development project to be reviewed under the new regulations, was greatly facilitated by the existence of the Ocean Plan.

Since then, there has been significant progress both in terms of data refinement and a shift in management priorities.

The sophisticated and persistent expression of local knowledge and needs by community leaders and other stakeholders on Martha's Vineyard and Gosnold has provided EOEEA with a far greater understanding of ocean resources and uses than would otherwise be available. EOEEA has been responsive and cooperative in accepting and acting upon the substantial input received from Islanders. Considerable effort by CZM staff and others has gone into refinement of the Special, Sensitive and Unique areas (SSU's) which form the foundation of the Ocean Management Plan. EOEEA has welcomed the participation of the Ocean Advisory Commission that helped to shape the original plan as well as the update, including local representatives Senator Dan Wolf and MVC Coastal Planner Jo-Ann Taylor.

We recognize the Commonwealth's and particularly EOEAA's efforts to shift the priority for large-scale wind energy development in the area to the federal waters farther offshore, as well as its proactive pre-planning for transmission of electricity between the federal areas and the electrical grid.

Data Refinement

The 2008 legislated requirement to complete the first version of the Ocean Plan within a compressed time frame resulted in the use of "mined" data readily available at the time. Since then, EOEAA has been working hard to follow the directive to acquire fresh data for purposes of refinement of the SSUs. The MVC is particularly appreciative of the advances made in the following areas and endorses several of the proposed updated SSU's and the newly proposed Sea Duck SSU.

- Significant undersea exploration has been made and has resulted in proposed amendment to the Hard and Complex Seafloor SSU. The MVC endorses the proposed update, noting particularly the extension of the Gay Head Moraine as it continues under the waters southwest of Aquinnah and Chilmark. The MVC looks forward to continued exploration of the newly discovered Crepidula and worm reefs south of Martha's Vineyard. We note that this SSU is similar to the Glacial Moraine layer that the MVC had used in the 2012 Wind Energy Plan for Dukes County.
- The MVC endorses the replacement of the 2009 Long-tailed Duck SSU with the newly proposed Sea Duck SSU. The Sea Duck SSU acknowledges the significance of very large numbers of eiders, scoters and other sea ducks that winter in the local waters around Martha's Vineyard. Unlike the migrant songbirds that breed profusely in expectation of heavy losses, these large-bodied sea ducks take years to reach maturity and breed more conservatively, laying a single egg. Experience with large wind developments in European waters has shown that these large masses of sea ducks avoid offshore wind developments altogether, effectively removing that habitat from them.
- Regarding the Leach's Storm Petrel SSU, the MVC remains unconvinced that these birds are adequately protected. There are two nesting sites in Massachusetts, one on Noman's Island and one on Penikese Island (one of the Elizabeth Islands making up the Town of Gosnold.) Like the sea ducks, these are large-bodied birds that reach maturity slowly and are not prolific breeders. These are seabirds that only come onto land for breeding, and must be able to access the nearshore for feeding while fledging a single chick. The MVC remains strongly in favor of including in the SSU at least a one-nautical-mile buffer around each island.
- The MVC questions the proposed reduction in the High Commercial Fishing Effort and Value layer north and east of Martha's Vineyard. This may reflect the realities of a declining fishing industry. However, we reiterate that much of the Vineyard fleet is made up of vessels smaller than those with the tracking devices relied upon for these statistics so the extent of the waters they fish is not captured by CZM's methodology.
- The MVC recognizes the progress made with the Recreational Boating SSU. CZM staff and others sought trip data from recreational boaters and, in response to local challenges, expanded the data collection to include the out-of-state boaters who are far more likely to visit Martha's Vineyard than are boaters from the Boston area for example. The MVC appreciates

NROC's (Northeast Regional Ocean Council) cooperation in reaching out to the neighboring states.

Management

The MVC's comments on management are focused on two issues: offshore wind development and offshore sand mining.

Offshore Wind Development

The MVC applauds EOEEA's shift in focus on wind energy development to federal waters farther offshore. This is a sensible approach that should provide large amounts of needed renewable electricity with a minimum of impacts on local resources. The MVC appreciates EOEEA's efforts to bring about constructive dialog with BOEM, including local input from Martha's Vineyard.

The MVC appreciates and strongly endorses EOEEA's efforts in pre-planning for appropriate transmission routes between offshore wind developments in the federal areas and ultimate sites for plugging into the electrical grid. Although this should be a significant part of planning for these developments, it was not being given due attention in the BOEM leasing process, in which each developer is responsible for selecting and executing a connection. The pre-planning underway by EOEEA should make it possible to select and permit routes with the least impacts.

The MVC endorses the proposed removal of the suggested federal area in close proximity to Martha's Vineyard, which makes sense because of the federal interest farther offshore.

However, there doesn't appear to be any reason why the draft plan maintains the 2009 designation of the Commonwealth's only two commercial Wind Energy Areas, both located in Dukes County.

- With respect to the Martha's Vineyard Wind Energy Area, the work on updating the SSUs has shown clearly that the western part lies within the Hard and Complex Seafloor SSU and that the eastern part lies within the Sea Duck Habitat SSU. The MVC also reiterates its concerns with development within one nautical mile of the Leach's Storm Petrel nesting site on Noman's Island and the live ordnance in the waters south of Noman's Island, remaining from its use as target practice for Naval aircraft; vessels are not allowed to work there.
- With respect to the Gosnold Wind Energy Area, the work on updating the SSUs has shown clearly that almost all of it lies within the Hard and Complex Seafloor SSU and the Concentrated Recreational Fishing layer. Also, the Concentrated Commerce Traffic layer clearly covers a large swath from west to east across the area. In the proposed update, most of the Gosnold Wind Energy Area remains within the Concentrated Recreational Boating layer, and there remains a large area of the Important Fish Resources SSU in the western half.

Given that the focus for wind development has shifted farther offshore to federal waters with active leasing underway, given the constraints resulting from the revisions to the SSUs, and given the likely opposition from towns and the community on Martha's Vineyard, it is highly unlikely that a developer would be interested in either of these two Wind Energy Areas. We note that after

dropping the designation of one or both of the Wind Energy Areas, it will still be possible to have smaller-scale community based wind energy development of up to 17 turbines in Dukes County. The Gosnold Board of Selectmen met on November 14 and voted to request removal of the Gosnold Wind Energy Area as a commercial wind energy area.

Therefore, the Martha's Vineyard Commission formally requests that the designation of the Martha's Vineyard and Gosnold Wind Energy Areas be removed from the Ocean Plan.

Offshore Sand Mining

So far, opinion on Martha's Vineyard seems to be divided with respect to the prospects of offshore sand mining. Oak Bluffs representatives have expressed interest in new sources of sand to replenish beaches while Chilmark representatives have expressed concerns about the potential impacts on environmental resources, and on commercial and recreational fishing.

The MVC understands that sites with sand are not in abundance, but questions the selection of Vineyard Sound, where there are SSUs and high concentrations of activities that would not be compatible with sand mining. These include: Concentrated Recreational Boating, Concentrated Recreational Fishing, High Commercial Fishing Effort and Value, and Sea Duck Core Habitat. The MVC formally requests that the Sea Duck Core Habitat SSU be designated an area to avoid for sand mining, with a time-of-year restriction covering their winter residence.

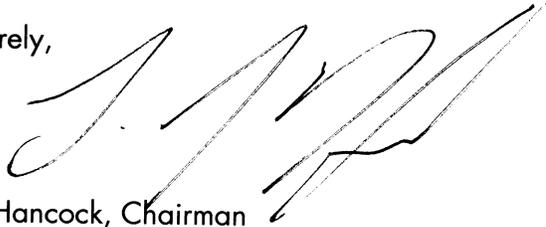
The MVC invited Selectmen, Conservation Commissions and other stakeholders to a planning session on November 13 to begin a dialog on this issue. This included looking at the results of work with local fishermen to identify whelk fishery areas. The results of this study and a report on the meeting are described in a separate memo from MVC Coastal Planner Jo-Ann Taylor. The study indicates that virtually all of the areas identified for potential sand mining in Vineyard Sound and a considerable portion of the areas in Nantucket Sound are important areas for whelk, and these areas cannot be protected with time-of year restrictions because the whelk burrow down in place, remaining in the top three feet of the sea bottom for the winter (unlike many other species that migrate away from the spawning grounds). These are also important spawning areas for other species that support the commercial fisheries throughout the region.

The MVC recognizes the need of communities such as Oak Bluffs for sand to be used in beach nourishment as a more environmentally sound way to protect coastal resources than hardening the shoreline. However, given the relatively small size and the great importance of the benthic environment of Vineyard Sound in supporting fish as well as commercial and recreational fisheries, the MVC recommends that none of the pilot projects to be implemented in the next few years be located in Vineyard Sound or in Nantucket Sound other than the area south of Monomoy Island that is not fished, and that the utmost protection be afforded to benthic resources wherever they are located.

We call on CZM to work with the MVC during the five years leading up to the next revision of the Ocean Plan to do additional research on the information and concerns listed above for Vineyard and Nantucket sounds and all the ocean waters located in Dukes County.

Overall, the MVC is pleased with the progress in updating the SSUs and the responsiveness to the MVC's management concerns that have been raised by local, regional, and state representatives of Dukes County. The Commission thanks EOEEA for the opportunity to submit comments and looks forward to continuing to collaborate with EOEEA in the ongoing effort to better manage the Commonwealth's ocean resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Hancock', written over a light blue horizontal line.

Fred Hancock, Chairman
Martha's Vineyard Commission

cc: Senator Dan Wolf, Representative Tim Madden, Boards of Selectmen, Wampanoag Tribe of Gay Head (Aquinnah), Dukes County Commission

Note: This letter supersedes the MVC's comment letter dated November 6, 2014.