

To the MVCCommissioners and the Public - A Brief History of Intentional Stewardship of the Unique Environment and Character of our Island and its Surrounding Waters\*

Passed in 1642 to regulate rights in the waters of the Massachusetts Colony, the **Public Trust Doctrine** is one of the oldest statutes in the country, with roots as ancient as western civilization itself.

Its central tenet is that the so-called 'tidelands,' are to be held in trust for the common benefit of the public, for commerce, fishing, and other activities in which all citizens are free to engage. This doctrine was brought to the American colonies, passed on to the thirteen original states after the Revolution, and ultimately inherited by every coastal state as it came into the Union.

Leaping forward 330 years, in the early 1970's, the Vineyard community became concerned that rampant change was threatening to destroy the unique environment and character of the Island. Then Senator Ted Kennedy in 1972 put forward the Islands Trust bill which would have barred overdevelopment of the Vineyard and Nantucket by placing large parts of them under federal control, much like a national park.

Many Vineyarders were uncomfortable with the idea of losing control over their island to the federal government, but most agreed that we needed much stronger local control over development. By 1974 the outline of the current MVC was endorsed and adopted, a unique regional land and water entity that had both planning responsibilities and extensive regulatory authority.

In 1977, the original act was replaced by the Commission's current enabling legislation, Chapter 831, further Regulating the Protection of Land and Waters of the Island of Martha's Vineyard.

Not long thereafter, the 1978 Oceans Sanctuary Act (MA) was passed, specifically prohibiting "any exploitation, development or activity that would significantly alter or otherwise endanger the ecology or the appearance of the ocean, the seabed or subsoil thereof, or the Cape Cod National Seashore."

Taking its authority from and honoring the venerable Public Trust Doctrine, The Oceans Act emphasized our charge to protect the "ecology" and "aesthetic" interests of the Ocean Sanctuaries and the Cape Cod National Seashore. To accomplish this goal, the Act specifically prohibited building structures on or under the seabed....

This is a proud 366-year history of stewardship of our Ocean environment, grievously interrupted with the passage of the "game-changing" 2008 Oceans Act, which simply and radically eliminated the protections and prohibitions which had been in force over MA waters since 1642, and - one might say - since the beginnings of civilization. Poof!

In August '09, Vineyard elected officials travelled to the Statehouse to express their unanimous opposition to the *2009 Oceans Management Act...*, a further presumptuous violation of the Public Trust Doctrine, which passed despite numerous citizen and federal governmental agency substantive criticisms.

Stepping back to 2005, MA unveiled a plan to install 2000MW of *land-based* wind turbines by the year 2020. Many communities were able to vote down Big Wind proposals, if the citizenry became aware of the plans in time to speak out before a final decision was made.

Sandwich, Dennis, Harwich, Eastham, Orleans, Wellfleet and eventually Brewster turned back the turbines, despite millions of dollars drawn from a Massachusetts-mandated surcharge on consumer utility bills for the benefit of the wind industry, and today, land-based wind turbine projects total ~110MW due to citizens having spoken out, determined to protect the unique environment and character of our region.

The regulatory powers of the MVC remain in force and can bring us back to our senses, despite pressure from those who would industrialize our fragile marine environment with bigger, more costly turbines with ever larger environmental impacts.

The accelerated transformation of our magnificent Oceans into a vastness filled with rusting towers is a philosophy of fools. Arguing that the cost of inaction is greater than the cost of action may sound convincing, but where is the value in destroying some of the most important and fragile ecosystems in the world in order to build wind turbines that will struggle to last 20 years?

Each and every one of us has a duty to protect our environment as has been done since the beginnings of civilization because we do not inherit the land, or seas, from our ancestors; we merely borrow them from our children.

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\*with thanks to the MVC website, and to Ben Acheson at the European Parliament in Brussels: <https://www.windturbinesyndrome.com/2012/seascapes-being-turned-into-vast-rusting-electricity-factories-scotland/>