

PUBLIC HEARING

SEPTEMBER 14, 2009

AT

EXCHANGE CONFERENCE CENTER
BOSTON FISH PIER
212 NORTHERN AVENUE
BOSTON, MA

7:00 PM

FOR COMMENTS ON THE
DRAFT MASSACHUSETTS OCEAN MANAGEMENT PLAN

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P R O C E E D I N G S

1
2 BRUCE CARLISLE: My name is Bruce
3 Carlisle. I'm the Assistant Director of the Office of
4 Coastal Management. John Weber and I are here tonight
5 on behalf of Secretary of Energy and Environmental
6 Affairs Ian Bowles, and Assistant Secretary for Oceans
7 and Coastal Zone Management Deerin Babb-Brott.

8 Tonight is the first public hearing on
9 the Draft Ocean Plan, the Draft Massachusetts
10 Comprehensive Ocean Plan. Tonight is the first public
11 hearing.

12 I'm going to turn the microphone over
13 to John Weber who is going to run through tonight's
14 agenda and tonight's process and be the emcee for the
15 rest of the evening.

16 MODERATOR JOHN WEBER: Thank you,
17 Bruce. And, thanks everyone for coming out tonight.
18 I realize that we have a couple of competing
19 interests, including, as somebody more funny than I
20 said, the fifth New England Patriot's preseason game
21 of the year. And, as well, it's a beautiful evening
22 out there. So, we very much appreciate all of you
23 taking time to come tonight.

24 As Bruce said, this is the first of the

1 formal public hearings that are mandated by the Oceans
2 Act. We are in the formal public review process for
3 the Draft Ocean Management Plan. Our purpose here
4 tonight is to accept formal public comment from folks
5 who wish to speak.

6 There were sign-in sheets as you came
7 in, as well as some additional materials. I have
8 lists of folks who did sign up and indicated they wish
9 to speak, and I will be working from that list
10 tonight. If there are additional people who wish to
11 speak, I will get to that at the end of the meeting.

12 Just a little bit about process so that
13 folks know. This is the first of five formal public
14 hearings that we are having. We have three more this
15 week and one next week down in Martha's Vineyard.

16 While we are accepting public, or
17 spoken and written comments tonight, the deadline for
18 written comments is November 23rd. That is the
19 schedule as mandated by the Oceans Act.

20 Briefly, the format for tonight. I am
21 going to give a fairly brief presentation, an overview
22 of the Ocean Plan. It is meant to be brief as it's a
23 formal public hearing, followed by public comments.
24 And I will call on folks as they signed in.

1 A couple of things before we get
2 started. In the interest of time, we're asking people
3 to please try to limit your remarks to five minutes.
4 And, I will be providing a friendly reminder of that
5 when we get about to that point in time. The intent
6 there is not to bigfoot or cut off public comment, but
7 to allow all of us who do wish to speak tonight to
8 hear the comments that are made.

9 You will also see there are
10 microphones, obviously, and there's a camera in the
11 back of the room, thanks to the assistance of the
12 Massachusetts Ocean Partnership who helped us putting
13 together tonight's event. This is being filmed and
14 will be available online in a couple of days I
15 believe. So that's the reason for some of this.

16 When you do get up to the microphone,
17 please state your name and spell it clearly. We are
18 having an official written transcript of tonight's
19 public meeting as well. And I'll remind you of that.

20 So, I guess I'm going to start in with
21 the presentation at this point now. And, if I could
22 get the next slide, please.

23 Briefly, here's an overview of the
24 Oceans Act of 2008. This act is the structure that we

1 have been working in. I will be brief on this because
2 I think most of us in the room are very familiar with
3 the Oceans Act.

4 It directed the Secretary of Energy and
5 Environmental Affairs, Ian Bowles, to establish an
6 ocean plan by December 31st of 2009. Importantly, it
7 also directed that the Act be implemented, it have
8 teeth, and that it be implemented through existing
9 regulations.

10 The plan had two -- among its charges,
11 there are two main ones that have been a lot of focus
12 of attention and energy over the last 18 months.
13 Those are to develop and the plan must contain goals,
14 siting priorities, and standards for those uses
15 allowed under the Ocean Sanctuaries Act. And you can
16 see the list of uses on the screen up there. The
17 Oceans Act is essentially an overlay to the existing
18 Ocean Sanctuaries Act.

19 And, additionally, the plan must
20 identify and protect those special, sensitive, or
21 unique areas of marine and estuarine life and habitat.

22 So, two main charges among the many
23 charges of the Oceans Act that the plan had to
24 accomplish.

1 Next slide, please.

2 A couple of other things about the
3 Oceans Act. It required all state approvals be
4 consistent with the plan. So, again, there's an
5 implementation piece there.

6 It directs that the plan be
7 incorporated into the state's Coastal Zone Management
8 Program, another arm of implementation.

9 And, we're all familiar with this at
10 this point, but the Oceans Act also specified that
11 this is not a commercial fishing regulation plan.
12 Commercial fishing regulation occurs now under the
13 Division of Marine Fisheries. The Oceans Act mandates
14 that that continue to be the case. It does state that
15 the Ocean Plan should look to coordinate and be
16 consistent to the maximum extent it can with Fisheries
17 regulation in the Commonwealth.

18 So, that's very briefly on the
19 background of what brings us to the work that we've
20 been doing and brings us to tonight. The results of
21 the Oceans Act are a draft plan. There is an
22 executive summary of the draft plan that was a handout
23 and copies are also available online. Or, you can
24 come see me and we can get you a hard copy.

1 So, that draft plan does a couple of
2 things. It states here's how right now we intend to
3 implement the requirements of the Oceans Act. But,
4 very importantly, it also sets forth a framework for,
5 in the future, evolution of ocean management in the
6 Commonwealth. It sets forward science priorities. It
7 sets forth how the continued public involvement would
8 be incorporated into ocean management in the future.
9 And that is in -- if you have seen it, or if not --
10 that is in Chapter 5 of the Draft Ocean Management
11 Plan. And I commend that to you. That's an important
12 piece in there.

13 Next slide, please.

14 So, specifically, the draft right now.
15 And folks are probably familiar with this. There was
16 a handout for this also at the front as you came in.
17 The plan sets out three management areas. There's a
18 prohibited area that's about 13 percent of the overall
19 area under the jurisdiction of the plan. It is
20 coincident approximately with the Cape Cod National
21 Sea Shore. So it's the outer part of the Cape.

22 There are two areas that are noted as
23 renewable energy areas. Combined, they take about two
24 percent of the planning area. Those are down in the

1 southwest corner of the planning area off of Gosnold
2 and off of No Man's Land south of Martha's Vineyard.
3 The remainder of the planning area is in the multi-use
4 area. It's about 85 percent of the overall planning
5 area.

6 Next slide, please.

7 Just a little bit more. As you'll see
8 if you look at the plan, there are some blue areas and
9 some gray areas and federal waters. Those are meant
10 to identify areas of potentially interest for further
11 study for renewable energy.

12 There are also some provisional areas.
13 Those are indicated by the dashed lines. Those areas
14 signify that there were certain areas as we went into
15 plan development process that survived our screening
16 exercise that we went through to identify renewable
17 energy areas. So, yes, they survived that. But, for
18 a variety of reasons, they may not be as suitable in
19 the very near term for the development of renewable
20 energy. If, sometime in the future, technology
21 changes, future work is done, future characterization
22 is done, in order for any project to go forward in
23 those provisional areas, the plan would have to go
24 through a formal public amendment process.

1 And there are some other things pointed
2 out on this map. There is an area between the islands
3 and extending to the south that has been the subject
4 of some interest from folks on Nantucket and Martha's
5 Vineyard regarding a renewable energy test area. And
6 there are some preliminary permits at the federal
7 level represented by those green dots for tidal
8 managing. So you'll see that map when you look at the
9 plan.

10 Next slide, please.

11 The other important thing that the plan
12 does is it identifies special, sensitive, or unique
13 resources and develops a new regulatory standard in
14 the existing MEPA program, an avoidance standard.
15 This map right here is a composite of the SSU
16 resources that are identified in the plan.

17 Next slide, please.

18 Those SSU resources, as well certain
19 human uses, are identified pursuant to individual
20 activities that, as I said, were allowed under the
21 Ocean Sanctuaries Act. So, for example, there is a
22 map that indicates SSU resources for commercial tidal
23 energy facilities. This is what it looks like.

24 Next slide, please.

1 There is a map for sand and gravel
2 extraction.

3 Next slide.

4 There is a map for telecommunication
5 and electric cables.

6 And there's a map for pipelines.

7 Each one of those maps identifies those
8 resources and human uses that fall under this
9 avoidance standard proposed by the plan.

10 Next slide, please.

11 So, that's a little bit about the plan.
12 As I said, Chapter 5 talks about implementation of and
13 plan evolution following January 1st. Some of those
14 things that are in there talk about how to hardwire
15 the plan into the state's overall management approach
16 to ocean resources. That will include, we believe,
17 developing implementation guidance with state
18 agencies.

19 We will also be looking to work
20 closely, continue our partnership with the Ocean --
21 Massachusetts Ocean Partnership on getting after
22 things that are identified in the science framework.

23 The Oceans Act set forth two bodies to
24 help in the development of a draft plan, the Ocean

1 Advisory Commission and the Science Advisory Council.
2 I'd like to, first of all, thank members of both
3 bodies for all their considerable assistance in
4 developing this plan, but, also, secondly, to note
5 that the Oceans Act envisions that those bodies
6 continue past the development of the draft plan. And
7 Chapter 5 discusses some of the ways that those bodies
8 may assist in future evolution of the plan in an
9 overall sort of guise of continued public
10 participation.

11 Next slide, please.

12 So, that's about the conclusion. I'll
13 leave you with a couple of these thoughts here. I
14 already spoke to the comment deadline. The work that
15 we will be doing, among other things, between now and
16 December 31st when we're to have a final plan
17 promulgated, will include the additional hearings and
18 responses to comments and the potential for changes to
19 the draft plan, of course, that come from this public
20 review process.

21 If folks are interested, would like to
22 have a copy of any of the draft plan materials,
23 there's much more than what was available out on the
24 front when you signed in. Please see me or you can

1 certainly go to the EEA website. That website is on
2 the screen. And you can find electronic copies of all
3 those materials there.

4 So, briefly, that's my presentation.
5 And we'll shift gears now and go into the public
6 comment portion of tonight's hearing. And I'd like to
7 start by first asking -- I didn't notice any elected
8 officials with the exception of -- and I'm sorry I'm
9 going to not remember your name -- but from the
10 Vineyard.

11 SELECTMAN TRISTAN ISRAEL: Tristan
12 Israel.

13 MODERATOR WEBER: Tristan.

14 SELECTMAN TRISTAN ISRAEL: I'm Chairman
15 of the Board of Selectmen in Tisbury and Dukes County
16 Commissioner.

17 MODERATOR WEBER: Thank you. Thank you
18 for making the trek tonight. And I'd like to ask if
19 you would like to make a public comment or if there
20 are other elected officials who would like to start
21 off with public comments tonight.

22 JACK CLARKE: I was going to wait and -
23 -

24 STENOGRAPHER: Sir, you've got to come

1 to the microphone.

2 JACK CLARKE: I was going to wait and
3 listen and wait my turn, but if you want me to I can
4 speak now.

5 MODERATOR WEBER: That would be fine.
6 I have you on the list. And if you'd like to take a
7 couple of minutes that would be fine.

8 I notice that there are a couple of
9 members of the Ocean Advisor -- or one member of the
10 Ocean Advisory Commission in attendance here. Would
11 you like to make a public comment at this point?
12 Looking for hands.

13 Jack? If you would do so, please step
14 up to the mic. And, again, please state your name and
15 spell your last name, please. Thank you.

16 JACK CLARKE: Jack Clarke, C-L-A-R-K-E,
17 with Massachusetts Audubon Society and the Governor's
18 appointment to the Ocean Advisory Commission as the
19 environmental representative.

20 And, no formal comment other than to
21 thank EEA, the Secretary, and John, and Bruce, and
22 Deerin for the outstanding work.

23 And, the Advisory Commission did
24 discuss waiting until all the public comment was in

1 before we had anything formal or further to say as a
2 Commission because we felt we would be better informed
3 by hearing what people had to say. So, I'll be at
4 this hearing. I'll be at the hearing on the Cape, and
5 then in Gloucester at the end of the week. And, other
6 members of the Commission hope to be able to attend.
7 We'll have all the hearings covered. And then we can
8 get together with the Chair, Sue Tierney, to discern
9 what our next steps will be.

10 MODERATOR WEBER: Thank you, Jack.

11 Other OAC members? Seeing no hands,
12 I'll ask if there are any Science Advisory Council
13 members -- I saw at least one -- who would like to
14 speak now.

15 SUE REID: No, I'm going to pass. Sue
16 Reid.

17 MODERATOR WEBER: Fantastic. Then I'm
18 going to jump to the sign-in sheets if I'm seeing no
19 other hands. Great. Thanks.

20 And, first I have David -- and, in
21 advance, I apologize for pronunciation of last names.
22 It's not a strong suit of mine. David McGlinchey from
23 the Vineyard Energy Project. Again, if you could
24 spell your name, please.

1 DAVID MCGLINCHEY: My name is David
2 McGlinchey. I am the Executive Director of the
3 Vineyard Energy Project. We're a nonprofit advocacy
4 organization on the Vineyard. That's M-C-G-L-I-N-C-H-
5 E-Y.

6 First of all, we are pro renewable
7 energy and we believe this is a thoughtful and needed
8 plan. We appreciate it.

9 There are several areas that we have
10 concerns about. First and foremost is the definition
11 of community benefit. It is mentioned both in the
12 commercial and community scale projects for renewable
13 energy. However, it is left widely undefined. We
14 have some specifics that we're going to suggest in
15 written comments, largely along the lines of
16 electrical rates being lowered or stabilized for
17 impacted communities. But we also -- and this will be
18 elaborated on in written comments -- believe that
19 there should be a community preference or a community
20 right of first refusal for developing these areas. If
21 these targeted, clustered renewable energy areas are
22 going to be directly off the Vineyard, we believe that
23 Vineyard-based or Vineyard community owned
24 organizations should have preference in developing

1 them similar to in the Minerals Management Service
2 process, the multi-factor option where two projects of
3 equal merit, when presented to a selection board,
4 preference would be given to the one that has the
5 greater community benefit or the community roots, the
6 community ownership. It's something we believe is
7 important.

8 The other point -- and it's going to be
9 spoken to more directly by a fellow Vineyarder -- is
10 the issue with the placement of both renewable energy
11 areas directly off the Vineyard. We understand that
12 we have an exceptional renewable energy resource. We
13 have great winds. We know that. We're proud of it.
14 But we think that there are probably other areas in
15 the state that do as well. And we are curious as to
16 why those provisional areas were left off, what the
17 details are on why those were not included as formal
18 renewal energy development areas.

19 Thank you very much.

20 MODERATOR WEBER: Thank you.

21 Next on my list, I have Jamy Madeja.

22 JAMY MADEJA: Thank you, both,
23 especially for being here in the evening. I know
24 you've got a long night ahead of you.

1 I'm Jamy Madeja. I'm from Buchanan &
2 Associates, environmental law. And I'm here on behalf
3 of the Massachusetts Marine Trades Association. It's
4 about a 30-, 40-year-old organization representing
5 1,200 marine businesses. That's marinas, boatyards,
6 the people that provide access into the Commonwealth's
7 waterways on which you all have public trust rights to
8 navigate and boat on the waterways.

9 We wanted to comment, first, with
10 extreme compliments on both the process and the
11 content. We think this is an elegant plan. Your
12 architecture is terrific. This should be a very
13 sustainable approach to a first in the nation,
14 science-based plan. And it is.

15 When we testified at the beginning of
16 this -- well, we participated ten years ago in the
17 task force that recommended the legislation. And we,
18 again, participated in the legislation. And then we,
19 again, participated in the formation of this draft.
20 And we said back then that we had faith in a great
21 team. And faith is what you believe in when you can't
22 see it. And we still have faith. You've done a great
23 job. So, architecture, excellent. Thank you very
24 much.

1 We're particularly pleased that you
2 were faithful to the legislative direction and also to
3 the public trust rights to navigate. Your text of the
4 voluminous plan clearly respects the public trust
5 rights to navigate and what that should mean for the
6 public in general as structures begin to be considered
7 for the waterways. Excellent work there.

8 We do note, however, that there was a
9 gap in important data. You naturally had to create
10 some data that you didn't have yet. And you'll
11 develop that as the years go on. We provided enormous
12 amounts of data in our discussions with the state. We
13 provided data in a format that we thought the state
14 wanted. And it looked like this. You probably can't
15 see it from far away, but the state has it and it's on
16 our website at www.boatma.com. And it's charts of the
17 Commonwealth with carefully marked areas that are
18 already in concentrated recreational boating use so
19 that people can know where should you be avoiding if
20 you're trying to locate something that's going to be
21 in conflict with boating. No everything is, but some
22 things are.

23 We were delighted to see some of those
24 areas included, but many were omitted. And it's our

1 understanding that that's an error. What was produced
2 as Figure 4.19 looks quite different from our detailed
3 charts. Dare I say, it's a little bit more cartoon.
4 It has just the two areas of the planning area, the
5 beginning and the end, and the just a very few areas
6 marked off, not the many different transit routes,
7 etc. But, it's our understanding in discussions with
8 the Commonwealth that the plan is to correct that
9 between the draft and the final. And we request that
10 if that is not the plan, that if you do not, in fact,
11 have the contractors able to digitize and include in
12 the final plan something that closely resembles what
13 we provided, we would appreciate hearing about that
14 before the final plan comes out so that we don't
15 misinform our members again about what to anticipate.
16 But we believe that that was an error and not
17 intentional in any way.

18 Once those are included, we think the
19 general public trust rights to navigate the waters
20 have been done extremely well. That takes care of the
21 public trust rights commentary.

22 It also strikes us that the economic
23 references to recreational boating seem to understate
24 the benefits. It's not the most crucial part of an

1 ocean plan, but it's important to understand where the
2 economics play out. And, recreational boating is
3 responsible for \$1.7 billion in economic spending
4 annually. If you think about a boat trip for a family
5 -- they go out to eat, they buy ice, whatever it is,
6 not to mention the occasional once in the past people
7 bought a new boat, but not so much lately. These
8 things add up to \$1.7 billion for the Commonwealth.
9 And we need that money to do other things with, as
10 well as enjoy the public trust rights.

11 We provided you, in our comments, with
12 additional copies of the same economic data that we
13 provided before. Perhaps aspects of it were
14 overlooked. But, also, you had a lot to do and maybe
15 you couldn't capture all of it. So, we're providing
16 that again.

17 Let me just check and make sure I
18 didn't leave out any essential comments. No.

19 We thank you again. You've done an
20 exceptional service in creating a really elegant
21 architecture. And with the unintentional errors
22 corrected, we think it will be terrific.

23 Thank you very much.

24 Do you want this?

1 MODERATOR WEBER: Thank you. Yes,
2 please. Thank you.

3 JAMY MADEJA: If you want other boaters
4 at the same time, they're at the table here. If you
5 want to take them at the same time, so be it.

6 MODERATOR WEBER: I think I'll take
7 them in order, but thank you.

8 Next on my list I have Steve Long.

9 STEVE LONG: Thank you. I know you two
10 have done a ton of work on this plan. So, thanks for
11 your hard plan.

12 Steve Long, L-O-N-G, Director of
13 Federal Government Relations with the Nature
14 Conservancy. The Nature Conservancy is an
15 international nonprofit conservation organization
16 dedicated to protecting biodiversity, land and water
17 for nature and people.

18 I want to thank the Administration's
19 leadership on the Oceans Act and also on developing
20 the Ocean Management Plan and also for the opportunity
21 to comment, and wanted to acknowledge Jack Clarke as
22 well for his leadership role in getting this bill
23 through the legislature. It's good to see him here
24 after his open heart surgery. So, glad you're here,

1 Jack.

2 On a global and regional scale,
3 Massachusetts' unique biodiversity includes near-shore
4 structure forming species of eelgrass and shellfish;
5 the unique hard bottom, soft corals, sponges, and
6 anemones of the sea floor; and endangered species like
7 piping plovers, roseate terns, humpbacks, and right
8 whales. At the national level, the Commonwealth has
9 an opportunity to help make this plan, and the
10 innovative approach used in marine spatial planning, a
11 model framework for ocean planning of the National
12 Ocean Policy Task Force.

13 The Draft Ocean Plan presents an
14 impressive framework. And we support the direction
15 EEA took in many respects, while, at the same time,
16 however, we are concerned that the plan could do more
17 to protect the Commonwealth's most important marine
18 areas.

19 The Draft Ocean Plan process was
20 thorough and we applaud the plan along the following
21 lines:

22 The EEA developed a multi-use area with
23 special, sensitive, or unique resource and habitat
24 areas to turn on and off depending on anticipated

1 impacts from uses. Existence of a human use does not
2 necessarily mean it's having a negative impact on a
3 resource and we support this flexible approach.

4 EEA also highlighted the importance of
5 hard and complex bottom and fisheries resources areas
6 as areas to avoid for certain uses that have not been
7 afforded legal protections previously.

8 EEA also compiled peer reviewed,
9 spatially explicit information at a level and scale
10 that did not exist before. To fill identified data
11 gaps, we also support many of the activities in the
12 Draft Science Plan.

13 EEA also provided ongoing opportunities
14 for public participation and coordination across
15 jurisdictions, including the Rhode Island Ocean SAMP
16 process and the Minerals Management Service federal
17 waters.

18 However, there are also some areas that
19 need to be improved as the draft plan is revised. And
20 this is what the Conservancy would recommend.

21 We would like assurances that the new
22 MEPA standard will meet the intent of the Oceans Act
23 for habitat protection.

24 We would like a mechanism for a

1 precautionary approach in areas where the data are
2 lacking and not specified as SSUs. A precautionary
3 approach should protect and maintain ecosystem
4 resilience and function, including higher standards
5 for data collection conducted by project proponents
6 guided by state agency standards.

7 We want clarity about policymaking
8 related to the plan including anticipated regulatory
9 changes. And, we'd also like to see a transparent
10 process for future iterations of the Ocean Plan
11 including further details and prioritization of
12 activities in the Science Plan based on the most
13 applied research needs including plans for
14 incorporating results from the ongoing vulnerability
15 analysis, clear protocols and standards for inclusion
16 of new data and information, and an understanding of
17 the thresholds and type of information that may
18 trigger a change in Ocean Plan.

19 Thank you for the opportunity to
20 testify. I'll be following up with written comments.
21 These are just some outlined talking points. So I
22 think I'd prefer to hand in something then we'll have
23 some formal draft written comments.

24 Thank you.

1 MODERATOR WEBER: Thank you.

2 Marie Hayward.

3 MARIE HAYWARD: I'm Marie Hayward, H-A-
4 Y-W-A-R-D. Good evening. I'm here representing New
5 England Marine Documentation and representing
6 Admiralty Insurance. Both companies are members of
7 the Mass. Marine Trades Association. And I'm here as
8 an individual boater.

9 Thank you for the opportunity to speak
10 directly with those working on the finalization of the
11 Ocean Management Plan. We're here tonight to call to
12 your attention and ask for revisions to the
13 documentation of concentrated recreational boating use
14 for our Commonwealth's waters.

15 Specifically, we cite Figure 4.19 of
16 the Draft Plan titled "Areas of Concentrated
17 Recreational Boating Activity," and further target
18 those waters starting outside Boston Harbor to the
19 Cape Cod Canal. It is the omission of these waters as
20 areas of concentrated recreational boating use that
21 brings us here tonight.

22 We believe that our experience as
23 marine insurance specialists for 20 years can speak to
24 the many recreational boaters that moor, store, and

1 navigate the waters from Boston to the Canal.
2 Further, our 30 years as the owner of a business that
3 registers boats and yachts with the Coast Guard, we
4 are particularly concerned with the failure to
5 actively characterize the waters from Boston to the
6 Canal. We have had many clients who hail from and
7 regularly enjoy the waters off Quincy, Weymouth,
8 Hingham, Hull, Cohasset, Scituate, Marshfield, Green
9 Harbor, Duxbury, and Plymouth.

10 We know that the regular and consistent
11 use of those coastal harbors and waters are actively
12 mapped and presented to the Ocean Plan Study Group by
13 the Mass. Marine Trades Association. We request that
14 you review the charts presented and duly adjust the
15 designations.

16 We ask that you turn your attention to
17 the narrative from the Draft Plan regarding the Cape
18 Cod Canal. And we quote from Volume II, page BA-89 of
19 the draft, and I quote, "Use of the canal saves
20 mariners an average of 217 kilometers (135 miles) of
21 coastal travel instead of circumnavigating Cape Cod.
22 The canal itself is not in the planning area, but the
23 channel approaching the canal extends into the
24 planning area approximately 6.5 kilometers (4 miles)

1 into Buzzards Bay, and about a half a kilometer (.3
2 miles) into Cape Cod Bay. The location of the canal
3 between Buzzards Bay and Cape Cod Bay regions of the
4 planning area and its importance as a safety and time-
5 consuming measure ensures that significant commercial
6 vessel traffic will continue to traverse the waters in
7 this part of the planning area."

8 There is no disagreement with the use
9 of the canal by significant numbers of commercial
10 vessels. However, we submit that the very same
11 reasons and advantages hold true for the many
12 recreational cruisers, both Massachusetts boaters and
13 those out-of-state vessels in route to vacation
14 destinations in the Commonwealth.

15 Now we quote from the *Cruising Guide to*
16 *the New England Coast* by Richard Duncan and John Ware,
17 arguably the most authoritative guide available to
18 boaters. "Scituate, Mass. This is probably the best
19 harbor refuge between Marblehead the Cape Cod Canal."
20 And here's what's written about Plymouth, Mass.
21 "Plymouth Bay provides the only deep draft shelter
22 between Scituate and the canal, so is a popular refuge
23 for cruising yachtsmen."

24 The recreational boater is a major

1 stakeholder in the development of the Ocean Act, and
2 we ask that you protect the waters used for boating
3 not only in this specific area, but all coastal waters
4 of the Commonwealth.

5 Thank you.

6 MODERATOR WEBER: Thank you.

7 Mark London.

8 MARK LONDON: Hello. My name is Mark
9 London. It's spelled like the city. And I'm
10 Executive Director of the Martha's Vineyard
11 Commission.

12 I would like to thank you for the
13 opportunity to comment, and thank you for adding a
14 fifth public hearing on Martha's Vineyard next
15 Wednesday. People of the Vineyard are very
16 appreciative.

17 Tonight, I'm just going to be raising a
18 preliminary listing of some of the concerns we will be
19 addressing in more detailed comments when you come to
20 the Vineyard next week. I think I've got eight that
21 I'll mention briefly.

22 The first is a general comment about
23 the inclusion or relatively limited inclusion of
24 federal waters. The focus of this plan is very much

1 on state waters. When you compare this plan to the
2 Rhode Island plan, that plan seemed to have a more
3 integrated approach of looking both at state and
4 federal waters in an integrated way in that the best,
5 when it comes to wind power, resources are often
6 further offshore in federal waters. It would have
7 been useful -- at this point I'm not sure what can be
8 done, perhaps in the revision -- but it would be
9 useful -- it would have been useful to have more on
10 that.

11 The second is when it comes to data,
12 there's considerable concern about the omission,
13 virtually total omission, of any discussion on scenic
14 value. It's addressed in the appendix and there's
15 discussion of methodology that's been used in
16 Massachusetts and others areas to address that, but it
17 is simply absent from the basic methodology of the
18 data analysis. And, as a result, there is no way of
19 differentiating between projects that would have a
20 very significant impact and those that would have a
21 lesser impact. The suggestion is not that it would be
22 -- you know, if you concede it shouldn't be there, the
23 suggestion is that it would be treated in as careful a
24 way as the other variables in data have been treated,

1 one of the most straightforward being as Rhode Island
2 did, simply distance off an inhabited shore is one of
3 the criteria that one would be using in evaluating a
4 project.

5 The third also relates to the data.
6 And there's a fair amount of concern on the Island
7 about the data related to birding. And, for various
8 reasons, there's concern that some of the state
9 entities that have expertise in that are not
10 necessarily completely aware of the Vineyard situation
11 for various reasons. And we have three bird experts
12 on Martha's Vineyard that are reviewing the reports
13 now. And, John has kindly offered to arrange for a
14 conference call later this week. And, hopefully,
15 we'll have a discussion to see whether this is a
16 serious problem or not.

17 The fourth issue is David McGlinchey
18 already referred to it, and that's the commercial wind
19 energy areas may only cover two percent of the
20 planning area, but 100 percent of those commercial
21 areas are in Dukes County. And there is concern
22 that's been raised about why that choice was made.
23 There's a lot of material in the plan that goes in a
24 great amount of detail about certain aspects and

1 certain criteria and scientific -- and then there's a
2 very quick paragraph that says, well, we did all that,
3 we got some stakeholders' comments, and we're
4 proposing these two areas. And that leap has not been
5 clearly explained. There's a sense in the Vineyard
6 that it would be more equitable if there were other
7 places that could also have them, that they took place
8 in those places as well. Or, if it's only going to be
9 in these two places, a clear explanation is needed as
10 to why it will be just these two places.

11 The fifth question is community wind.
12 The plan has an allocation of ten turbines per region.
13 I guess it was a relatively late addition to the
14 process. It seems probably like a good -- well, I
15 shouldn't be making comments. I'm raising concerns
16 here. But it seems probably like a good idea subject
17 to Board of Selectmen approval. The number of ten has
18 been questioned. And at the meeting of MARPA, the
19 Massachusetts Association of Regional Planning
20 Agencies, the directors from the coastal regions come
21 together and we have discussed that we should be
22 working with you and with each other to come up with a
23 way of allocating them and perhaps varying the number
24 by region.

1 And, concern number six is town and RPA
2 review, RPA for the two regions that have regulatory
3 authority, namely the Cape Cod Commission and the
4 Martha's Vineyard Commission. This is really a
5 critical element. And I think we need discussions on
6 that. And I guess probably a good place to start
7 would be Martha's Vineyard if the two commercial areas
8 are going to be there, but we might bring in some of
9 the other areas that are potentially going to have
10 commercial areas in the future.

11 How do we articulate the decision
12 making process at the town level, at the RPA level for
13 those two regions that have regulatory authority, at
14 the Energy Facilities Siting Board? There's concern
15 that if there's going to be an override that
16 developers would simply breeze through the local and
17 regional approval process quickly knowing that they
18 would get -- potentially get their projects approved
19 at a higher level. So, I think we're anxious to have
20 a process that gives the local and regional
21 authorities real input into shaping what a project
22 would be, both the design and also to address the
23 issues that they talked about earlier of community
24 benefit to mitigate impacts.

1 And, David already discussed -- that
2 was my item seven -- how do you define and how can we
3 build in. It's not clear how much has to be built
4 into the plan itself, but there has to be a mechanism
5 to make sure that local entities have -- it's already
6 built into the plan or local entities have a way of
7 negotiating local benefit to mitigate impacts.

8 And the last I'll just mention; we had
9 mentioned in earlier comments that we gave you in May
10 I think it was. The Wampanoag Tribe, a nationally-
11 recognized tribe, doesn't seem to be very present in
12 the document. I'm not sure how present they have been
13 in the process, but the two proposed areas are right
14 in their area. And it would be important to have them
15 involved.

16 Thank you.

17 MODERATOR WEBER: Tristan Israel.

18 TRISTAN ISRAEL: My name is Tristan
19 Israel. I'm Chairman of the Board in Tisbury. I'm
20 also a Dukes County Commissioner.

21 And, first of all, I know a number of
22 years ago, I think when Cape Wind was first being
23 talked about, you know, there was concerns that the
24 state had not really had a plan. And you guys have

1 come a long way. And I'm not a scientist and I get
2 lost in all the numbers and all that stuff, but I
3 tried to wade through some of it. And it is
4 comprehensive. And I think that I'm generally in
5 favor of what's been done in this plan. But there are
6 -- I do have some local concerns.

7 And I'll start off with the fact that -
8 - and this has nothing to do with Cape Wind -- but,
9 interestingly enough, Cape Wind is closest to the
10 Vineyard. It's closer to the Vineyard even than to
11 the Cape. And, so the impacts of that project will be
12 felt by the Vineyard as much as anybody else.

13 We make our -- a lot of the income on
14 the Vineyard is derived from tourism. And, certainly,
15 Aquinnah is one of the pristine tourist spots if not
16 in the state and the country, but in the world. And,
17 the potential for 166 turbines in close proximity to
18 that certainly affects that.

19 Mark mentioned the Wampanoags. And I
20 don't want to speak for the tribe, but I have heard
21 some conversations. You know, there is some concern
22 about that, that traditionally they have traditional
23 views and vistas. And that's important to them.

24 People say, you know, I hear a lot

1 about NIMBY, well, they just don't want it in their
2 back yard. And I think that in looking at this plan,
3 I'm not clear, as I think Mark or others might have
4 alluded to, why this is the only place. I mean if
5 some of it is going on off the waters of the Vineyard
6 you might understand, but it almost looks like it's
7 the whole state saying NIMBY, let's just put it in
8 Dukes County. There are other areas. There's Cape
9 Cod Bay. There are other areas. I'm not really clear
10 why this can't be spread out a little more.

11 Birds have been mentioned. And I have
12 talked to a few people who are concerned about the
13 flyway. And, also, we abut Nantucket. And, Nantucket
14 was just totally ruled out because of birds. And,
15 yet, we have many of the same birds and, in some
16 cases, species of birds that are not on Nantucket.
17 So, if it's just because of some official designation,
18 I hope that you will, as Mark talked about, have a
19 further discussion about that issue.

20 Local input into these proposals. I'm
21 not sure what the process would be for the local
22 communities, for the county, for the towns abutting
23 this as far as proposals that are made out there.

24 The Rhode Island plan, which I had a

1 chance to look at, and I hope the state of
2 Massachusetts will sort of begin to integrate into the
3 federal waters as well. I mean you've heard this
4 before, but there is, you know, deep water technology.
5 And it seems like the state of Rhode Island could be
6 potentially developing some of those areas on that
7 grid that you saw outside of the area designated for
8 the state. But that's deep water. And I think there
9 could be some more potential to do wind power out
10 there and have less of an impact on the Vineyard.

11 Views, again, Mark mentioned it. I
12 think that I would like to see in this plan a little
13 more to have some -- that views have some merit in the
14 discussion of this.

15 Let me check to see if I forgot
16 anything else. I think I've covered it all. I think
17 I have covered it all.

18 I mean I think that the Island -- I
19 don't think people are saying, that I'm hearing --
20 we're just beginning this discussion on the Island.
21 And we really appreciate the fact that you added a
22 hearing to come down to the community that's going to
23 be affected the most by that. I think that was
24 greatly appreciated.

1 This discussion is really just --
2 people are just getting educated, you know, about
3 this. But, overall, I think that if there were one
4 other area in the state of Massachusetts -- I just
5 find it, again, incomprehensible that there isn't one
6 other area in the entire state of Massachusetts, or
7 two, where this could be spread out a little more and
8 not just one area bearing the brunt of it.

9 So, I think I've said all I've got to
10 say. And we'll look forward to having you come down
11 and visit us on the Vineyard.

12 MODERATOR WEBER: Thank you.

13 Sue Reid.

14 SUE REID: Hi. My name is Sue Reid.
15 It's R-E-I-D. I'm a senior attorney at Conservation
16 Law Foundation. CLF is a nonprofit, member supported
17 organization with a long history of advocacy to
18 protect the region's ocean environment and to address
19 the compelling challenge of climate change including
20 through responsible and renewable energy development,
21 energy efficiency, and initiatives to wean ourselves
22 from our dangerous dependence on fossil fuels.

23 We would like to echo the appreciation
24 already expressed this evening for the Herculean

1 effort that's been undertaken here by CZM and EEA
2 staff, in addition to the Advisory Committee and
3 Science Council. This is an effort that has no
4 effective blueprint and will create the blueprint for
5 effective management of Massachusetts' ocean resources
6 and for the states' and the nation to follow in our
7 example.

8 Through the series of public hearings,
9 CLF would like to focus our comments on two particular
10 areas, first with respect to the effort to identify
11 and protect special, sensitive, and unique marine life
12 and habitats, which I will discuss very, very briefly,
13 just touch upon tonight. We'll get into more detail
14 on that in the upcoming hearings. We'd also like to
15 focus on the plan with respect to appropriate
16 responsible offshore renewable energy development that
17 I will discuss in a little bit more detail tonight.

18 In CLF's view, one of the most
19 important mandates of the Massachusetts Oceans Act is
20 to identify and protect these special, sensitive, and
21 unique marine habitats and life. And, the plan has
22 done a pretty good job of identifying the so-called
23 SSUs through amassing a considerable database, and
24 assimilating an awful lot of data. That process

1 obviously is still underway and will be iterative, but
2 that effort to date we believe is pretty credible.

3 But, as a practical matter, we believe
4 that the plan's standard for achieving the mandate of
5 protecting those SSUs is insufficient. As a practical
6 matter, we don't believe the standard that is set up
7 by the plan provides more protection for the resources
8 and SSUs than currently is available under the
9 Massachusetts Environmental Policy Act, another
10 permitting system.

11 So, we are recommending an alternative
12 three-part test that would provide that real
13 protection to the SSUs resources. So the three-part
14 test would include a rebuttable presumption that there
15 are alternative sites outside the SSU that would be
16 preferable for any particular project. Also, a
17 project would be required to demonstrate that there is
18 public benefit that outweighs the cost to the SSU
19 resources. And, third, a project would be required to
20 demonstrate that it would not have a significant
21 adverse impact on the resources that the SSUs are
22 intending to protect.

23 Beyond identifying and protecting SSUs,
24 another major objective of the Massachusetts Ocean

1 Plan is to foster responsible appropriate scale
2 renewable energy development in our state ocean
3 waters. And this is based upon a recognition of the
4 challenge of climate change and the impacts that
5 already are occurring to our ocean resources. It's a
6 very delicate balance. We need to tap into the
7 considerable potential of our offshore clean,
8 emissions-free, renewable energy resources, and we
9 need to do that while also protecting the marine
10 environment.

11 And, we think it's appropriate that the
12 Massachusetts Draft Ocean Plan focuses on wind energy
13 resources. Wind turbines are the most proven offshore
14 renewable energy technology that is currently
15 available to us. So, it's appropriate not only that
16 the plan focuses on wind, but also focuses on two
17 different types or scales of offshore wind energy
18 projects, both community scale projects of ten
19 turbines or less, and larger, utility scale projects
20 that would go in the designated wind energy areas.

21 However, we think that the plan, as
22 currently framed, is unlikely to foster the
23 development, the meaningful development, of offshore
24 wind for many, many years to come given some of the

1 practical realities.

2 We believe that the plan to limit
3 community wind projects to no more than ten turbines
4 per regional planning area is arbitrary and is likely
5 to pit communities against each other within these
6 regional planning areas as they seek to tap into this
7 clean, local, emissions-free resource. Our RPAs are
8 extensive. They have dozens of miles of shoreline.
9 And I really appreciated hearing remarks earlier from
10 Mr. London suggesting that MARPA is already looking at
11 this issue and may be a better distribution among the
12 various regional planning authorities to ensure that
13 the appropriate amount of wind at least can be
14 explored and that we don't just have this flat limit
15 of ten turbines per RPA that seems rather arbitrary
16 and limiting.

17 In addition, we believe the proposed
18 requirement that community wind projects must benefit
19 the local host communities is vague and it needs to be
20 specified with an objective standard so that you have
21 predictability both for the communities and for
22 developers in terms of what exactly needs to be shown.

23 Similarly, the requirement for direct
24 local economic benefit is also vague. And, in this

1 respect, we suggest that the Commonwealth look to the
2 model that's been set under the Federal Energy Policy
3 Act of 2005 which sets a revenue sharing mechanism as
4 between the federal government and adjacent coastal
5 states. In that scheme, it's a 27 percent portion of
6 the revenue that goes toward the adjacent coastal
7 state. A similar model could be embraced in
8 Massachusetts for local adjacent communities. And,
9 again, a level playing field should be set so that the
10 standard is the same irrespective of which community
11 is working with a community wind project.

12 With respect to the larger-scale wind
13 energy projects, we really appreciate the designation
14 of the two particular wind energy areas for suitable
15 larger-scale projects off of the Elizabeth Islands and
16 No Man's Land. These locations due appear to be
17 advantageous because of limited potential conflicts
18 with natural resources and other uses and because of
19 their proximity to adjacent federal waters that
20 likewise may be suitable.

21 However, CLF would like to caution that
22 these are both deep water and very exposed sites. And
23 the state of the technology, as we've recently been
24 advised by the National Renewable Energy Lab and

1 others, is such that there's no certainty that we're
2 going to be able to develop wind projects in areas
3 like this, certainly within the next five-year
4 timeframe of this iteration of the Ocean Plan and
5 maybe for quite some time beyond that.

6 So, that's not to suggest that these
7 sites should be written off. They still can be
8 important guideposts for future development. And
9 there's some test pilot projects, demonstration
10 projects going on in Europe that may show that this
11 technology is on the horizon. But, for now, from our
12 perspective, it highlights the need to take more
13 seriously the plans for community wind energy
14 development and to further explore the proposed
15 provisional wind energy areas that effectively have
16 been mothballed for now under this Draft Plan.

17 So, CLF will be submitting more
18 detailed comments. We look forward to continuing to
19 work with the Commonwealth and other stakeholders.
20 And we also look forward to providing further
21 testimony at the upcoming public hearings and in
22 writing.

23 Thank you.

24 MODERATOR WEBER: Thank you.

1 Next on my list I have James Reardon.

2 JAMES REARDON: Thank you. No comment.

3 MODERATOR WEBER: No comment. Okay.

4 Thank you.

5 David Borrus?

6 DAVID BORRUS: Yes. Thank you for the
7 opportunity to speak. I am here tonight as a
8 representative of Pile Drivers Local Union 56. We
9 represent some 500 marine construction trades workers.
10 We are the Marine Construction Division of the New
11 England Carpenters Union. We're also members of the
12 Marine Trades Council representing some 15,000
13 workers: ironworkers, millwrights, electricians,
14 operating engineers, seafarers, who build, and
15 maintain, and navigate the marine structures of
16 Massachusetts.

17 We are very strong supporters of wind
18 energy, and Cape Wind in particular. We have been for
19 many years. We see it as a win-win-win all the way
20 across for the state. It's clean energy. It's a
21 high-tech new piece of the economy that Massachusetts
22 is uniquely suited to excel at. We have the
23 educational facilities. We have the research
24 facilities. We have a trained and educated workforce

1 that can implement this. And we can, as we have done
2 so many times in our unique economy, we can bring this
3 together and be the leader in a new part of our
4 economy. And we'd really like to make this happen.

5 We have a vested interest, of course.
6 It's good job. It's good jobs for our members. And
7 it's good jobs for the rest of the state because
8 there's obviously much more than just the
9 construction. There's the maintenance. There's the
10 design. There's the research. So, we feel this is
11 very, very important that Massachusetts get this right
12 and go ahead and make our way in these offshore energy
13 projects.

14 I'd like to compliment the committee on
15 the tremendous work they've done to streamline this
16 process. It's been a long time in the making and we
17 really want to see it happen. So I'm very pleased
18 with that. And I speak on behalf of our membership as
19 well.

20 But I also want to point out that
21 recently there was a conference in Washington, DC.
22 One of -- my partner, Dan Hughes, of the Pile Drivers
23 attended that. And he came away with this little
24 nugget that I thought I'd share that a gentleman was

1 commenting on why European wind power is 20 years
2 ahead of the U.S. He said, "Well, it's because they
3 put the wind turbines where the wind is." It's very
4 simple, and it's very logical, and they're doing it.
5 And they're developing the technology. If we want to
6 build a wind turbine here, we're going to be importing
7 the cell, the important part, from someplace like
8 Germany or somewhere else. We could be making them
9 here if we were leaders in this field. And we can be,
10 but I think we need to pull together.

11 And when I look at the map -- and this
12 is my point -- I'm thrilled that there's areas that
13 are allocated specifically for wind. I feel that,
14 like other people, it's a little strange it's a small
15 area. It's only two percent. If we're serious about
16 it, I think we need to find more areas and where that
17 wind is and put more wind turbines up.

18 We certainly support your work and we'd
19 love to work with you. And I know there's a five-year
20 plan here. We're happy. We're representing the
21 people who are actually going to build these things.
22 We want to work with you. But we strongly believe
23 there needs to be more resources allocated in terms of
24 simply areas to build these things, to build wind

1 turbines. It needs to be more than two percent.

2 Thank you very much.

3 MODERATOR WEBER: Thank you.

4 I believe that concludes the list of
5 folks who signed up. Are there other folks? Yes.
6 Vivian.

7 VIVIAN LI: My name is Vivian Li
8 spelled L-I. I'm Executive Director of the Boston
9 Harbor Association, a nonprofit public interest group
10 founded in 1973 to promote a clean, alive, and
11 accessible Boston Harbor.

12 I concur and second what Jamy Madeja
13 and also Sue Reid talked about, how elegant this plan
14 is and how well constructed it is.

15 We served on the 2003 Massachusetts
16 Ocean Management Task Force. And so we were there
17 from the start. And, it is amazing, in the
18 bureaucracy, that one can have a concept and see it
19 come to fruition. And you've done an excellent job on
20 it.

21 And I'd also second Jamie's comment
22 about the public process. We like how open it has
23 been, how transparent. We like the website. You
24 know, whether one can come to meetings or not, because

1 some of our members can't come to a meeting, the fact
2 that the information has been on the website is a
3 process that we hope that those in government will
4 continue to utilize so that everyone can have access
5 to the information. So, when we have meetings, we can
6 just say, "You should go and see what Howard put up,
7 posted," and it's been very helpful. So I commend you
8 on that public process.

9 We have three very short points. The
10 first is that we are very much interested in maritime
11 industrial uses. And we would urge you to continue to
12 speak up and be supportive of the shipping uses and
13 also the cruise terminal uses. It's not directly in
14 the coastal resource areas, but they are important
15 uses in the ocean, and as we look not only in the next
16 five years, but beyond that, to think about the
17 changes in the global economy in terms of shipping and
18 such.

19 In the port of Boston, there's been
20 significant funds spent by the Massachusetts Port
21 Authority and the U.S. Army Corps of Engineers to
22 deepen our shipping channels. And, of course, coming
23 in is also crucial as well. So, we think that that is
24 part of also the commerce in the oceans and so we'd

1 like to see more discussion about that.

2 Likewise, the cruise industry is
3 something that certainly not only in Boston, but in
4 other ports, is being built up as well. And we're
5 pleased that, for example, the cruise ships that are
6 coming in, the fleets that are coming in right now,
7 are really state-of-the-art. So we're not seeing as
8 much dumping even three miles out as there used to be.
9 And the technology that they're using, in many cases,
10 is state-of-the-art. So, I think maybe a little bit
11 of reference to this.

12 Regarding climate change, sea level
13 rise, at this year's National Coastal Zone '09
14 Conference, which was here in Boston, which was
15 planned jointly by NOAA and your able staff at Coastal
16 Zone Management, there was significant discussion in
17 the workshops about sea level rise and the need to
18 think about, and as we plan out over the next five,
19 ten, 20 years, the possibility of encouraging future
20 development to be elevated to acknowledge that there
21 is sea level rise. And here in Boston, for example,
22 Spaulding Rehab Hospital, which is a Partners
23 Healthcare Hospital, is planning to relocate from its
24 existing location along the Charles River to the

1 Charlestown Navy Yard area. And they are actually
2 elevating their building and also the infrastructure
3 to acknowledge that there's sea level rise. So we're
4 even seeing in traditional institutions an
5 acknowledgment of that. And I think, certainly, in
6 the next five to ten years, maybe a discussion about
7 that as well.

8 We are a little bit uncertain about
9 what is meant by the Mitigation Fees Trust Fund. It
10 is vaguely mentioned in a number of places. We know
11 what mitigation means. We know what funds mean. We
12 also know that in these difficult economic times that,
13 unfortunately, at the state and at certain municipal
14 levels, dedicated trust funds are -- how should we say
15 -- diverted to other uses that were not the intended
16 uses. We have seen it with the tobacco monies. So
17 they were originally for public health purposes. If
18 you were to check now, the tobacco funds were not just
19 used to discourage young people and everyone from
20 smoking. They've actually been used to deal with the
21 state's budget deficit. And I think there needs to be
22 a greater clarity about what you will do, what
23 mechanism will be used, to ensure that there is no
24 "raiding of these funds," for uses that were not what

1 was intended.

2 Likewise, when we look at mitigation,
3 if you are adversely affecting eelgrass, for example,
4 or a resource area, or a shellfish bed area, or a
5 lobstering area or such, we would like to see the
6 mitigation in the same geographical area. So, if it
7 affects on the Cape or whatever, the resources should
8 go back there and not to Boston Harbor, even though
9 we'd love to get it in Boston Harbor. I really do
10 think there is a need to look at mitigation and to do
11 any type of efforts that do relate to the area that
12 you're talking about. That is not very specific here.
13 I assume that's the intent, but I think you could be a
14 little bit clearer there.

15 And, finally, we support the emphasis
16 on renewable resources such as the wind, the two areas
17 that you have that will be designated for the wind
18 farms and such. In Boston, and certainly in Boston
19 Harbor, we have much smaller facilities just because
20 of our relationship to the airport and such. There
21 are some good examples of what is being done by the
22 regulatory -- not the regulatory agencies, but some of
23 our agencies such as the Massachusetts Water Resources
24 Authority.

1 And one of the things that we felt a
2 little bit missing was not much more discussion about
3 how you can use state agencies to promote the use of
4 alternative fuels and renewables. I mean you can use
5 your state budget, use the state budget, if the
6 mandate was any state facility that is in this area
7 would, you know, have as a priority alternate fuels.
8 It may be covered in other, you know, executive orders
9 and such, but it would be good to have it redundant in
10 the sense that anything that is under the purview of
11 this, that is a state facility and/or uses state
12 dollars, the top priority would be used for supporting
13 alternative fuels.

14 But we will submit more detailed
15 comments. Thank you very much.

16 MODERATOR WEBER: Thank you. Any other
17 comments? The gentleman in the back.

18 JOE BUTTNER: Thank you for allowing me
19 to represent my colleagues and speak before the
20 audience and the group here. My name is Joe Buttner.
21 I'm a professor of biology at Salem State College and
22 the Program Coordinator of the Cat Cove Marine
23 Laboratory and the Northeastern Massachusetts
24 Aquaculture Center. I am here representing the

1 coastal aquaculture community and industry in
2 Massachusetts.

3 As has been shared by so many others,
4 we really appreciate, acknowledge, and respect what
5 you've done over the last several months in assembling
6 and addressing a very challenging issue, one that we
7 need to be proactive on.

8 We acknowledge your support of
9 aquaculture and we have identified three concerns that
10 we would like to read comments from.

11 First, the potential environmental
12 impacts of aquaculture as described in the Overview
13 paragraph (Appendices 2-9): "Primary potential
14 environmental impact is water quality degradation
15 (increased nutrient loads) and the potential of
16 escaped animals to affect health or genetics of wild
17 stocks." This statement is incomplete and, as such,
18 inaccurate, unbalanced, and unfair. Admittedly, some
19 forms of aquaculture can lead to water quality
20 degradation such as net-pen culture of finfish
21 (followed by summary citations).

22 However, there is wide and growing
23 agreement that a culture of bivalve mollusks can
24 improve water quality (followed by eight citations).

1 Important to note that most of our culture in coastal
2 waters involves bivalve mollusks.

3 Evidence is accumulating that bivalve
4 aquaculture can mitigate impacts of excessive
5 nutrients in coastal waters and their culture is being
6 explored globally as part of integrated waste
7 management and coastal restoration efforts (followed
8 by a half dozen citations).

9 As culture protocols and benefits of
10 bivalve mollusks have become increasingly appreciated,
11 seafood guides have favorably acknowledged the
12 biological and nutritional value of farmed shellfish
13 (followed by another six citations).

14 We believe the referenced sentence
15 targets solely the potential negative environmental
16 impacts of aquaculture. Aquaculture can have positive
17 environmental impacts as documented here, which should
18 be acknowledged to produce a fair, balanced, complete,
19 and accurate assessment. We suggest the sentence be
20 revised to read as, we're adding one clause, "Primary
21 potential environmental impacts can include water
22 quality enhancement (removing and sequestering
23 nutrients, carbon dioxide, suspended materials), water
24 quality degradation (increasing nutrient loads), and

1 the potential of escaped animals to affect health or
2 genetics of wild stocks.”

3 Second, we note that “approved”
4 sustainable use of our coastal waters does not
5 necessarily translate into “permitted.” As noted in
6 the report of the fisheries working group, “One of the
7 critical components affecting both shellfish and
8 finfish aquaculture in the Planning Area is siting.
9 Due to the diversity of aquaculture and constantly
10 emerging technologies, many different areas of the
11 ocean are suitable for some type of aquaculture.” The
12 report further extrapolates that “it is probably best
13 to examine locations within the planning area where
14 aquaculture is not feasible as a first step toward
15 spatial planning for aquaculture.”

16 To promote the collaborate and
17 transparent exchange emphasized and characterized by
18 your process, our process, we propose that the Plan
19 establish a committee or work group composed of the
20 Division of Marine Fisheries personnel as well as
21 others involved and competent in aquaculture to define
22 and refine an Aquaculture Strategic Plan for the
23 Planning Area.

24 Finally, one of the goals of the Ocean

1 Management Plan is to streamline permitting. The
2 attainment of that goal is critical to allow for the
3 development of future offshore aquaculture endeavors,
4 which will require substantial private investment into
5 appropriate and sea-worthy equipment. Lengthy
6 permitting and review not only deters participation in
7 aquaculture, it also reduces competitiveness in
8 federal grants and inhibits access to other funding
9 opportunities.

10 We ask that the committee endorse or
11 recommend the formation of the aforementioned
12 committee or work group to examine and develop an
13 expedited permitting process for aquaculture that
14 promotes sustainable development while preserving the
15 environment.

16 Thank you for giving me and my
17 colleagues the opportunity to express what has just
18 been shared. And I have some materials if you would
19 like.

20 MODERATOR WEBER: Thank you.

21 Any other comments? Going twice.

22 Thank you, everyone in attendance
23 tonight, for your comments. And thank you for
24 attending tonight. Go Patriots.

1 (Whereupon, the public hearing was
2 concluded at 8:19 p.m.)
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C E R T I F I C A T E

I, Judith A. Luciano, do hereby certify that the foregoing record is a true and accurate transcription of the proceedings in the above-captioned matter to the best of my skill and ability.

Judith A. Luciano

**** ALL NAMES NOT PROVIDED WERE SPELLED PHONETICALLY TO THE BEST OF MY ABILITY**

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