

**PUBLIC HEARING**

SEPTEMBER 17, 2009

AT

KYROUZ AUDITORIUM  
GLOUCESTER CITY HALL  
9 DALE AVENUE  
GLOUCESTER, 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 MODERATOR DEERIN BABB-BROTT: Thanks  
3 for coming tonight. My name is Deerin Babb-Brott and  
4 I am the Assistant Secretary for Oceans in Coastal  
5 Zone Management at the Mass. Executive Office of  
6 Energy and Environmental Affairs. On behalf of my  
7 boss, Ian Bowles, the Secretary, I would like to  
8 welcome you and thank you for coming.

9 This is a public hearing on the state's  
10 Draft Ocean Management Plan. We published the Draft  
11 Ocean Management Plan pursuant to the Oceans Act. The  
12 draft was published at the end of June. We are  
13 obligated to promulgate the plan formally by December  
14 31<sup>st</sup> of this year.

15 We are in the public comment period now  
16 and accepting comments. We have held three public  
17 hearings this week. We're in Gloucester now tonight.  
18 And then we'll be on Martha's Vineyard next Wednesday.

19 The comment period is open until  
20 November 23<sup>rd</sup>. You can submit comments to the  
21 addresses at EEA and CZM that are listed in the back  
22 of the handouts that are available for folks. We'll  
23 take email comments. We'll take written comments.  
24 Whatever form you'd like to submit. If you have

1 brought comments with you tonight that you would like  
2 to give to us, we're happy to take them back with us.

3                   Comments. The format for this evening,  
4 it is a public hearing. John will give a  
5 presentation.

6                   Joining me this evening is John Weber.  
7 John is the quarterback here at EEA of the ocean  
8 planning process. Also, to my right, Ocean Advisory  
9 Commission members, Mayor Kirk, and Jack Clarke, who  
10 is the environmental appointee to the Ocean Advisory  
11 Commission by the Governor.

12                   So, we'll go through a presentation by  
13 John in the hearing. We'll have brief statements by  
14 the OAC members. And then we'll take public comment  
15 from folks here. We'll work down the list on the  
16 sign-in sheet. So, if you wish to speak and haven't  
17 signed up, please do so. We've got a fairly small  
18 crowd so I'm not going to be really super rigorous in  
19 terms of time limits. But if we could do three or  
20 four minutes so that folks have an opportunity to get  
21 up to the microphone and make their point and then let  
22 the next folks come up, that would be great.

23                   With that -- oh, thank you. We are  
24 filming this evening and we are transcribing the

1 proceedings. They will become a formal part of the  
2 record. The video will be available on the  
3 Massachusetts Ocean Partnership webpage where all of  
4 the information that's gone into the plan, including  
5 videos of all the working sessions, all the prior  
6 public information meetings, and of the previous  
7 public hearings associated with review of the draft  
8 plan are located. It's a tremendous information  
9 resource and we recommend folks to that site.

10 With that, let's start this evening's  
11 hearing and John will give us a presentation on the  
12 draft plan.

13 JOHN WEBER: Thanks, Deerin.

14 I'm going to start with a quick  
15 reminder of the legislation that brings us here  
16 tonight, the Oceans Act of 2008, which directed the  
17 Secretary of Energy and Environmental Affairs to  
18 establish an ocean plan by December 31<sup>st</sup> of 2009. It  
19 also mandated a plan be out at the end of June this  
20 past year. That is the document that we're here to  
21 talk about. Importantly, the Act also required that  
22 the plan be implemented, so it does have teeth. And  
23 it said that the plan must be implemented through  
24 existing regulations.

1                   More specifically, and one of the many  
2 things that the Oceans Act requires us to do, are two  
3 specific things that are going to form the foundation  
4 of what I'll be talking about tonight and the larger  
5 part of the plan. First of all, the plan must contain  
6 goals, siting priorities, and standards for uses that  
7 are allowed pursuant to the Ocean Sanctuaries Act.  
8 The Oceans Sanctuary Act is an existing piece of state  
9 law. The Oceans Act is an overlay on top of that.  
10 You can see the list of uses that are really focused  
11 on in the plan: renewable energy, pipeline, cable,  
12 sand extraction for beach nourishment. So, it's got  
13 that as one aspect of what the plan must do.

14                   The second key aspect, or a second key  
15 aspect of what the plan must do is identify and  
16 protect special, sensitive, or unique areas of marine  
17 and estuarine life and habitat.

18                   Just quickly a couple more points about  
19 the Oceans Act as a reminder. The Oceans Act requires  
20 that all state approvals be consistent with the plan  
21 and directs that the plan be incorporated into the  
22 state's Coastal Zone Management Program. So, again, a  
23 couple of different ways that this plan will be  
24 implemented.

1                   And, as a reminder, and I'm sure we all  
2 remember this, commercial fishing regulation, as is  
3 the case now, remains under the jurisdiction of the  
4 Division of Marine Fisheries. The Oceans Plan is not  
5 a fisheries regulation plan, although the Oceans Act  
6 does state that the plan should look to coordinate  
7 with fisheries management to the maximum extent it  
8 can.

9                   So, all that as background to bring us  
10 to sort of where we are tonight in terms of the  
11 results. Since a year ago we were here beginning our  
12 process, we do have a draft plan out on the street as  
13 you've seen. Importantly, that draft plan addresses  
14 the requirements of the Oceans Act in terms of those  
15 particular uses and identifying areas for protection,  
16 but it also sets forth a framework for continued  
17 evolution of the plan beyond December 31<sup>st</sup> of this  
18 year. So, there's a science aspect to that. There is  
19 a public involvement aspect to that. You can see that  
20 if you look at the plan in Chapter 5. It is also in  
21 the executive summary, which was handed out here  
22 tonight. There's some mention of that.

23                   So, let's jump right into what sort of  
24 the plan sets forth. It identifies three main

1 management areas. There's a prohibited area that's  
2 about 13 percent of the overall planning area. And  
3 it's basically the area out on the outer Cape, off-  
4 shore of the Cape Cod National Sea Shore.

5           There are two areas, renewable energy  
6 areas, for commercial wind development that occupy  
7 about two percent of the planning area. Those are off  
8 of Gosnold at the end of the Elizabeth Islands, the  
9 tip of Buzzards Bay, and south of Martha's Vineyard,  
10 more specifically, south of No Man's Land. And then  
11 the majority of the planning area is designated, as  
12 the plan discusses, in a multi-use area. And it's in  
13 this multi-use area, which I'll touch on in a moment,  
14 that those special, sensitive, or unique areas for  
15 protection are really focused on.

16           A little bit more about -- because  
17 you'll see this map in the plan -- about the renewable  
18 energy areas that are designated. You can see, if you  
19 look at that three dashed areas that are outlined in a  
20 dashed line -- one of them would be south of  
21 Gloucester, one of them in Cape Cod Bay, one of them  
22 off the Merrimack River to the north of us. Those  
23 areas the plan discusses as provisional areas. And,  
24 basically, that means these are areas that when we

1 were working to identify areas for commercial-scale  
2 renewable energy there were some areas that survived  
3 our screening process that we used. But largely  
4 because of reasons associated with technology and  
5 other practicability issues, those areas may not be as  
6 immediately feasible for development of renewable  
7 energy.

8                   The plan also identifies a rectangular  
9 area between Martha's Vineyard and Nantucket. Those  
10 two islands are working with Congressman Delahunt's  
11 office as well as folks from UMass Dartmouth and are  
12 pursuing an area designated by that box. That could  
13 potentially be used to test certain renewable energy  
14 type of technologies that are in development. So, the  
15 plan acknowledges those.

16                   You can also see two green dots. Those  
17 are areas where folks have proposed tidal energy  
18 projects. A little bit closer to home, there's a  
19 yellow dot off the town of Hull, where Hull is  
20 exploring a wind project.

21                   So, as I mentioned a couple of times,  
22 the plan also identifies special, sensitive, or unique  
23 resources as mandated by the Oceans Act. This map  
24 that you can see on the screen behind me is a

1 composite map of all of those resources. Those  
2 resources are essentially identified for each  
3 particular use, so for cables, for pipelines, for  
4 renewable energy, for sand extraction. And this map  
5 combines each of those individual maps. And in terms  
6 of implementation for this, the plan proposes a new  
7 regulatory standard under the existing MEPA program.

8           So, just to step through quickly the  
9 individual maps, this is for commercial tidal energy  
10 facilities, sand and gravel extraction,  
11 telecommunication and electric cables, pipelines.  
12 You'll note that those maps are different. And I'll  
13 scroll through them again so that you can see that.  
14 And that is very much a result of the approach that we  
15 took to identification of those SSU resources, which  
16 was to consider each individual use and what it might  
17 most impact in terms of natural resources and/or  
18 existing human uses out there, and then map those  
19 areas where those impacts could be most keenly felt.  
20 The plan goes into greater detail about that.

21           A little bit about sort of the  
22 screening process I mentioned about how we developed  
23 renewable energy areas. We started off with sort of  
24 the beginnings of that were to look at spatial data in

1 a compatibility process whereby, again, we looked at  
2 various resources and/or human uses that could be  
3 negatively impacted by renewable energy, i.e., wind.  
4 That led us to an initial screening out of areas, but  
5 that was not the end of the process for us. We've  
6 looked at practicable elements of such things,  
7 renewable energy, thinking about its technology, such  
8 as bathymetry. Current technology in an off-the-shelf  
9 manner ready to be constructed is constrained to,  
10 roughly speaking, between 5 and 30 meters in depth.  
11 So that's an obvious constraint.

12           But then we also considered in a more I  
13 suppose qualitative sense things like the overall  
14 cumulative effect of what would happen if we put one  
15 of these facilities in certain locations, certain  
16 geographies. As an example, Buzzards Bay, an  
17 important recreational resource, enclosed on three  
18 sides, so asking people to re-route is difficult there  
19 just simply because of the geography.

20           And then we looked at other Oceans Act  
21 requirements for us to consider as we were developing  
22 and identifying suitable areas such as proximity to  
23 shoreline and there are others.

24           The plan also makes a distinction

1 between commercial-scale and community-scale wind.  
2 Community-scale wind is defined as ten turbines or  
3 less. And it proposes a method for essentially  
4 divvying these types of projects up around the state  
5 that really looks at regional planning agencies and  
6 sort of their areas of influence or jurisdiction.

7           There's been some questions or comments  
8 in further consideration of that. So, things like the  
9 geographic distribution of community-scale wind, what  
10 exactly the role of regional planning agencies would  
11 be, are things that we are hearing comments about as  
12 well as, along with that, sort of when it gets down to  
13 a regulatory review and approval of such projects what  
14 is that specific structure and how does that sort of  
15 local and regional review combine with the Ocean Plan  
16 and state review processes. So, you'll see a  
17 discussion of that in the plan as well.

18           The Oceans Act requires that a trust  
19 fund be developed. And this trust fund is essentially  
20 intended to provide a vehicle for mitigation  
21 associated with specific projects that are proposed  
22 and eventually permitted out in the water, to serve as  
23 a vehicle for those mitigation dollars to flow into  
24 and then be allocated appropriately.

1                   The draft plan proposes some measures  
2 associated with that, but there are additional work --  
3 I believe there is additional work needed in terms of  
4 its implementation of that fund, exactly how would  
5 that work, etc. That needs to be worked out.

6                   And, just noting that there is a  
7 proposed cable project coming down from Maine. That  
8 may provide an opportunity for us to put some of that  
9 into operation.

10                   People have also asked us about, okay,  
11 so you have a final plan that comes out December 31<sup>st</sup>,  
12 what then? What happens after that? And so there's a  
13 whole chapter in the existing plan, Chapter 5, which  
14 lays out a framework for that. And elements of that  
15 include, you know, making sure that this plan is  
16 essentially hardwired into the state agency structure,  
17 and specifically by that I mean in terms of research  
18 and science as well as certainly regulatory programs.  
19 A portion of that will include developing  
20 implementation guidance, working with state agencies  
21 as we move forward.

22                   I mentioned earlier that part of the  
23 plan includes a proposed science framework looking  
24 ahead, or here are some bits of science, and data, and

1 research we need to get after. We have an opportunity  
2 working with the Massachusetts Ocean Partnership to  
3 implement portions of that science framework. They  
4 are a privately-funded organization and we have been  
5 working closely with them and we hope to continue to  
6 do so.

7                   The final two bullets on this, also,  
8 the public -- continued public involvement as the plan  
9 evolves is obviously critical to the continued success  
10 of that. So, we need to make sure that we ensure  
11 continued public participation and that there is also  
12 a continued role for the Ocean Advisory Commission as  
13 well as the Science Advisory Council, two bodies that  
14 were set up in the Oceans Act to assist in the  
15 development of the plan. This is particularly  
16 important as we go from plan development to actual  
17 implementation and then further plan evolution.

18                   So that's about it for me for tonight.  
19 To reiterate, you see the comment deadline -- that is  
20 mandated by the Oceans Act -- November 23<sup>rd</sup> at 5:00  
21 p.m. The work we are already starting to do is  
22 looking at comments that we have received, considering  
23 the incorporation of plan changes. We will be  
24 developing certainly responses to comments all with an

1 eye toward promulgating the final plan, as I said, by  
2 the end of the year.

3 And the website, if you would like to  
4 download electronic copies of all the plan material,  
5 is there and it's also on the handout. And all the  
6 maps, all the chapters, all the documents are there.

7 Thank you.

8 MODERATOR BABB-BROTT: Thank you, John.  
9 Mayor Kirk.

10 MAYOR CAROLYN KIRK: Thank you, Deerin.

11 On behalf of the City of Gloucester, I  
12 just want to welcome you all here to this public  
13 hearing on the Draft Ocean Management Plan. I have  
14 served as a member of the Ocean Advisory Commission  
15 for the past year, and our role really has been to be  
16 a sounding board for the professional staff, such as  
17 John and Deere who are with us tonight, as they have  
18 fulfilled their obligations under the statute of the  
19 Oceans Act of 2008.

20 I can tell you that the process has  
21 been very iterative and that the Advisory Commission,  
22 which has provided -- is a cross-section of interests  
23 and people of different backgrounds, have guided the  
24 evolution of this plan to this point and the staff has

1 been very open to feedback. And so for tonight, we're  
2 here to listen to the members of the public who have  
3 comment on the Ocean Plan. And, as we go forward, the  
4 Advisory Commission will be making sure that that  
5 feedback has been taken into consideration and, to the  
6 extent possible, is reflected in the final draft plan.  
7 So, that's the purpose of our participation tonight.

8 I have a colleague here, also from  
9 Gloucester, Jack Clarke, who is on the Ocean Advisory  
10 Commission. So, dare if I may, pass it to Jack.

11 Thank you.

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

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

20 JACK CLARKE: Thank you, Mayor.

21 I'm Jack Clarke. And the Governor, as  
22 part of the Ocean Management Act, the Governor  
23 appointed a 17-member Ocean Advisory Commission, as  
24 the Mayor said, to advise the Governor's staff,

1 environmental staff, on preparing the plan. And I'm  
2 the environmental representative on that Commission.

3 As John said, we were here a year ago.  
4 And I think that Deerin, and John, and others at  
5 Coastal Zone Management have done an exemplary job in  
6 holding almost 200 public hearings, public meetings,  
7 one-on-one meetings, and stakeholder sessions in  
8 trying to gather as much information as possible to  
9 bring together a good ocean plan.

10 This is the first plan in the nation.  
11 No other state in the United States has done a state  
12 ocean plan. And the statute gives the agency 18  
13 months to prepare this plan. So, I think it's been a  
14 Herculean effort to get to the point where we are now.

15 But, I really do encourage people to  
16 read the plan, to comment. The Commission, the Mayor,  
17 and myself, and the other 15 members, have decided to  
18 wait until all the public hearings are over and we've  
19 gathered as much information as we can before we make  
20 any final recommendations to Deerin. But, at this  
21 point, we look forward to hearing what everyone has to  
22 say. And, thank you for bringing this hearing to  
23 Gloucester.

24 MODERATOR BABB-BROTT: Thank you,

1 Mayor. Thank you, Jack.

2 And now we'll proceed with the public  
3 comment if we could. And, first on the list this  
4 evening is Bill Adler.

5 BILL ADLER: Thank you very much. I'm  
6 Bill Adler, Executive Director of the Massachusetts  
7 Lobstermen's Association.

8 This did a lot of work. You had to do  
9 a lot of work to get that out. And we support the  
10 idea of the Ocean Management Plan and an Ocean Plan  
11 for control of non-marine projects in our  
12 Massachusetts waters. We do support that.

13 I also notice you used a lot of trees  
14 with all the paper. But, anyway, it's a good job.

15 We do have some comments. First of all  
16 -- and I'll try to make this as brief as possible --  
17 on Chart 4.3, the little blocks that was explained  
18 just now about provisional, the only thing we did  
19 notice about the one in Cape Cod Bay was that it's  
20 very close or on, I'm not sure, the fishing wedge,  
21 which is a heavily fished area.

22 4.16 Chart, high effort/low effort,  
23 this seems to be a little bit deceiving. If fishermen  
24 fish in the low area, the chart pretty much says

1 there's not too much going on. But for the fishermen  
2 that fish in that area, it's a high use area. It may  
3 not be covered with all the different types of  
4 fisheries, but for the people that fish in this area,  
5 which may have come out as being a low-use area, it's  
6 very important to them. And I think you should take  
7 that into consideration.

8                   An example of another thing is that  
9 restrictions have been put in on fishermen for various  
10 reasons to recover the resource. And, therefore, they  
11 can't fish there. But the promise had always been  
12 that once it's recovered, we'll be able to let you  
13 back in. So, we're concerned that the picture and the  
14 chart would show they're not here, so we can put  
15 something there when, actually, it was closed, or  
16 fishermen had to move to other areas, because of  
17 restrictions and rules to rebuild something in that  
18 area. So, I think that needs to be taken into  
19 consideration.

20                   Also, where it says "Avoid, minimize,  
21 or mitigate," on some of the charts, "in high use  
22 areas," we submit that avoid, minimize, and mitigate  
23 should be in place for high fishing areas, yes, but  
24 even low fishing areas. It might not be a big deal,

1 but for those people that are fishing in the low  
2 impact areas, supposedly, I think that avoid,  
3 minimize, and mitigate should be in that department,  
4 too.

5                   This is -- another thing is on the  
6 Mitigation Trust Fund, which you just heard tonight,  
7 the Mitigation Trust Fund puts money from a project, I  
8 would imagine, into some trust fund. That's what you  
9 said. But I don't want the fishermen to be left out  
10 because usually the project that was put into effect  
11 and for which the state got money is affecting the  
12 fishermen more than the state. So, I don't think -- I  
13 think that if the fishermen are being affected, if  
14 there's a mitigation fund they should at least be able  
15 to perhaps work and get some of that in some way, not  
16 just the government.

17                   Also, commercial fishing, we're glad  
18 that the DMF is in control of fishing and we support  
19 that part. We feel that their comments on many of  
20 these things, of these projects, where they can't be  
21 located for a resource reason should carry more weight  
22 than it does now. We've gone through a lot of these  
23 projects so far, and it seems that the Division of  
24 Marine Fisheries, while it does comment, and I'm sure

1 everybody listens to it, it doesn't seem to carry the  
2 weight that it should. And I don't know how you fix  
3 that other than the fact that if they put a no on  
4 something, take it very seriously.

5                   On another issue, hard complex bottom.  
6 Now, this might be a very important fishery bottom,  
7 resource bottom. And I'm not sure that the rules that  
8 are in play for determining something in that are  
9 tough enough. If it's that important, then maybe the  
10 rules should be very strict on that area.

11                   I always go back to my cobble mining  
12 days, and Deerin will go through this, too, where they  
13 have the Cod Conservation Zone, they shut the  
14 fishermen out so that the codfish could lay their eggs  
15 in the cobble, and the lobsters could have the babies  
16 in the cobble. But then another state agency wants to  
17 take the cobble away to fix a beach. Well, the  
18 fishermen can't go in because this is a place where  
19 the eggs hatch. But it's also something that somebody  
20 wants to take away. And so it's a conflict. So, you  
21 know, we'd like you to keep that somewhat in mind of  
22 how do you handle that.

23                   Over in Volume 2, "based on best  
24 professional judgment," I hope the fishermen were in

1 that because they're the professionals when judgments  
2 are made, things like that.

3                   There is one on EVI-26 in the second  
4 volume, "lobster, northern, southern." And we weren't  
5 sure what that meant. I don't know whether you're  
6 talking about the Gulf of Maine stock and the southern  
7 New England stock because we've never heard of lobster  
8 north, lobster south, unless it means that, the stock  
9 sizes.

10                   And, "ecological importance," we didn't  
11 understand what that meant. That's in EVI-26 as well,  
12 the ecological importance of lobster in the stocks.  
13 We didn't understand that.

14                   And, also, we don't understand the  
15 chart regarding -- some of the charts at least  
16 regarding lobster. What does it mean this particular  
17 thing? It's confusing. On EVI-30, you have a little  
18 chart with ones, and zeros, and twos, and fours. It  
19 was just confusing; we couldn't figure it out. That's  
20 just a comment.

21                   And I think I'll stop. But I will  
22 submit this and there were a few other things. But  
23 I'll stop at this point. And I thank you very much.

24                   MODERATOR BABB-BROTT: Thank you, Bill.

1 Polly Bradley.

2 POLLY BRADLEY: Can you hear me all  
3 right? My name is Polly Bradley. And I'm  
4 representing Safer Waters in Massachusetts, or SWIM, a  
5 Nahant-based citizens group, which for 25 years has  
6 been trying to protect the environment around Nahant,  
7 the waters, because we are surrounded by water and the  
8 ocean, Massachusetts Bay and beyond.

9 You've done a tremendous amount of work  
10 in only six months before you got this plan out. And  
11 the maps, in particular, are exciting and innovative.  
12 It's wonderful to see how you've pulled together all  
13 these different things, these disparate things, and  
14 they're all related to each other. Very important.

15 That said, I'll focus on the places  
16 where SWIM thinks the plan could be improved under the  
17 framework you've given in the Mass. Ocean Plan. I  
18 have fairly extensive comments, but I will just  
19 summarize and the detail material I will hand to you.

20 I think that the first priority of the  
21 Massachusetts Ocean Plan should be restoration of the  
22 marine ecosystem. The species that aren't yet  
23 endangered are hardly mentioned. A plan for the  
24 ocean, our part of the ocean, should plan to restore

1 biodiversity and enhance the marine ecosystem. Now  
2 this, in turn, would help renew the fisheries. I  
3 understand that the fishery -- the Department of  
4 Marine Fisheries is in charge of fisheries per se, but  
5 that doesn't mean that you should leave them out.

6                   Migratory birds are also in trouble in  
7 Massachusetts. And you know that fisheries are  
8 depleted worldwide. And this is particularly  
9 important since you expect that the Mass. Ocean Plan  
10 may be a prototype for other states. And, indeed,  
11 there's a national ocean plan that is being worked on  
12 under a Presidential order and this could very well  
13 serve as a prototype for it. And, therefore, I think  
14 the focus should be more on protecting the ecosystem  
15 and taking care of it and less on what we're going to  
16 build where which was what you were talking about and  
17 what seems to be in the plan.

18                   A fundamental flaw of the Massachusetts  
19 Ocean Act, which is not your fault and I don't know  
20 what you can do about it, is this funding with  
21 mitigation money. It's really an incentive to permit  
22 any project that comes along because it's funding the  
23 planning process and who knows what else. It's not  
24 really a very good way to fund things. And, usually

1 mitigation money doesn't really mitigate anything.

2                   But the important thing about this  
3 plan, and what I really enjoyed, and the thing that  
4 I've shown people and they really get interested, are  
5 the maps. The text is -- I'm sorry -- sort of dull,  
6 very dull. But what people look at are the maps.  
7 Therefore, you should really work on the maps. And  
8 I've got some detailed things.

9                   One thing is that I noticed that you  
10 put in the -- a lot of the built environment that's on  
11 the land and various things that are built other  
12 places, but you leave out -- in practically all the  
13 maps you leave out, for example, Stellwagen Bank  
14 National Marine Sanctuary. I know that it's out of  
15 your territory, but you put in all the -- oh, what do  
16 you call them -- the ocean -- the corridors that the  
17 ships go through and so forth. You put in all those  
18 things, but not the Stellwagen Bank. And what they do  
19 affects you, and what you do affects them. They're  
20 just terribly important and people aren't going to  
21 connect this in their mind the way I might or those of  
22 us who are really concerned about these issues. So, I  
23 think it should really be there.

24                   And I also notice that you have this --

1 in one of the maps you have these little lines that  
2 sort of go out into the ocean. Those are pipelines.  
3 But you don't tell where they go to. I couldn't find  
4 anywhere that the LNG terminals, liquefied natural gas  
5 terminals, were even mentioned, although I could have  
6 missed it somewhere. But if I missed it, a lot of  
7 other people are going to be. At the end of the gas  
8 lines, you do continue the gas lines outside of your  
9 area of study. And, therefore, I think you could  
10 justify to put in the LNG terminals there, too.

11                   There's several things that closely  
12 affect Nahant. Nahant has an important bird area that  
13 surrounds it down by the Massachusetts Audubon Society  
14 under, I understand, international guidelines. And we  
15 have -- it's a coastal resting place for migratory  
16 birds. And they fly over the water in your area to  
17 reach Nahant. And they should be protected.  
18 Endangered creatures are protected, but the migratory  
19 birds are -- they're in trouble. We can't say they're  
20 endangered, but they're certainly in trouble.

21                   The eelgrass beds in Nahant are very  
22 important and extensive. They've been using them to  
23 replenish the eelgrass around the Boston Harbor  
24 Islands. And they're on one map, but you can't hardly

1 see them. And I think that should be emphasized and  
2 they should be mentioned in the text. I have details  
3 in here.

4                   The recreational boating and fishing  
5 near Nahant is grossly underestimated in one of the  
6 maps, and another one seems a lot more accurate.  
7 Maybe there should be some coordination there because  
8 there's a heck of a lot of recreational boating and  
9 fishing around Nahant.

10                   I notice the Cape Wind proposal is  
11 nowhere on any of the maps. In fact, many people have  
12 asked me where it was. And I wasn't totally sure  
13 enough to say, yes, this is where it is, and I  
14 couldn't find it on the maps. And, again, I know it's  
15 outside your area, it's federal, but I think it's  
16 important for people to be able to get in their minds  
17 where everything is.

18                   I noticed the figures in the two  
19 different volumes, in the Volume 1 and Volume 2 are  
20 numbered differently. Be sure and -- you probably  
21 know this -- be sure and have somebody go through and  
22 give the same numbers because it's extremely  
23 confusing.

24                   The long-term sustainability of

1 important marine resources should be ensured by  
2 balancing the needs of conservation and development.  
3 It seems like development keeps winning in your plan.

4           One idea that someone in SWIM came up  
5 with is to have a Public Oceans Advocate, somebody who  
6 would identify adverse environmental effects and  
7 emphasize those and sort of give a counter argument.  
8 We also think it's -- oh, I forgot what I was going to  
9 say.

10           Anyway, in summary, the focus of the  
11 Draft Massachusetts Ocean Plan seems to be too much on  
12 human encroachment and too little on natural systems.  
13 And there needs to be a stronger mechanism for  
14 protecting the marine ecosystem from the moneyed  
15 interests who want to exploit the natural resources  
16 within the state three-mile limit.

17           That said, I think you're doing an  
18 amazing job. And it's very difficult. And you've got  
19 to work within the Act, even though I don't agree with  
20 everything in the Act. But you being the  
21 environmental people have got to do the best you can  
22 to focus on and keep important the environment.

23           That's about it. I'm going to give you  
24 a copy of my testimony. And I'm also giving you

1 another article about the depletion of worldwide  
2 fisheries, which was in *Science Magazine* about a month  
3 ago. And, it just will point out how important some  
4 of these things are.

5 Thank you so much. And it's been an  
6 honor to be able to talk tonight and also to come to  
7 the meetings, the various meetings you've had in  
8 different places. I've enjoyed them. They've been  
9 real interesting. And it's a good group of people  
10 working for our state.

11 MODERATOR BABB-BROTT: Thank you very  
12 much.

13 Russ Vickers. Russ, you're going to be  
14 up next.

15 RUSS VICKERS: Thank you.

16 My name is Russ Vickers. I'm owner of  
17 Hawthorne Cove Marina in Salem, Massachusetts.

18 STENOGRAPHER: Spell your last name for  
19 the record, please.

20 RUSS VICKERS: V-I-C-K-E-R-S. And I'm  
21 also the Director of the Mass. Marine Trades  
22 Association, which is an industry organization that  
23 supports the industry of marine industry folks as well  
24 as recreational boaters.

1                   And, first, I'd like to thank the  
2 Commission for their hard work in the time they've had  
3 over the last six months. I was quite impressed to  
4 hear there was 200 public meetings. My hat's off to  
5 you. That's a lot of work, I know. I've been to a  
6 few myself.

7                   And I think that the framework of the  
8 plan is one that will really carry forward for many  
9 years in the future and it's received a lot of good  
10 input.

11                   The Mass. Marine Trades Association was  
12 also actively involved in developing some of the  
13 database that was used and, in particular, those areas  
14 of what we call current recreational boating activity.  
15 And those are shown in Figure 4-19. And, like Polly  
16 mentioned from SWIM, we think that it didn't include  
17 all of the data that really identifies the areas of  
18 recreational boating activity. And those areas and  
19 data that we had submitted from the Mass. Marine  
20 Trades, we would like to see that included because I  
21 think it really underestimates the amount of  
22 recreational boating that is done in these waters.  
23 And we'd like to see that considered in the future.

24                   We developed this data, the Mass.

1 Marine Trades Associations developed this data, in  
2 working with marine dealers, marine facilities, yacht  
3 clubs, and other marine organizations to really  
4 identify those areas that the recreational boaters  
5 use. And we think it would be important going forward  
6 that that data be included. And we've certainly been  
7 given some assurances that it will and would like to  
8 see that.

9 I just wanted to conclude by saying I  
10 think it's been a great effort. I think it will serve  
11 the Commonwealth well in the future as the inevitable  
12 conflicts arise on the use of these waters.

13 So, thank you for your time.

14 MODERATOR BABB-BROTT: Thank you.

15 David Bergeron.

16 DAVID BERGERON: Thank you. I've David  
17 Bergeron. I'm speaking for myself. I was formerly  
18 Executive Director of the Mass. Fishermen's  
19 Partnership for over ten years, and had the privilege  
20 of working closely with the legislature in the  
21 development of the Oceans Act.

22 And I just wanted to say my person  
23 comment that I feel, in reading the plan, I feel very  
24 happy to see what is there. My compliments to all the

1 hard work that has gone into it so far.

2                   The things that were of great concern  
3 to the Fishermen's Partnership when I was working with  
4 them have been carried forward into the plan quite  
5 well, particularly the role of the Division of Marine  
6 Fisheries to manage fisheries exclusively. And I  
7 think that the Division of Marine Fisheries is doing a  
8 good job at ensuring that all species are protected  
9 and restored to be sustainable.

10                   The plan is a science-driven plan. The  
11 Governor said that it would be a science-driven plan  
12 when he signed the Act. And, as such, I read with  
13 pleasure the work to develop the baseline, scientific  
14 baseline, for measuring future proposals that will  
15 come forward, which is a huge step forward from the  
16 present and the past where proposers come in, they  
17 write the environmental impact statement. Now, the  
18 management plan is going to -- is working on  
19 developing a baseline. And I hope -- it says in the  
20 plan that you're going to continue to work very  
21 closely with fisheries' interests, and I hope that you  
22 will work with fishermen as you have so far.

23                   The Massachusetts Fishermen's  
24 Partnership is named explicitly in the statute as

1 representing the fishing industry. And, as such, I  
2 think provides a very excellent institutional outreach  
3 role to work with the fishermen to gather that  
4 baseline so that future proposals will have to -- and  
5 the plan will have to have their proposals measured  
6 against that baseline. And the plan is very explicit  
7 that wherever possible projects should avoid impacts  
8 with fish and fisheries' access and will have to be  
9 measured against that baseline. If they can't avoid,  
10 in order to come in they would have to explain why  
11 they can't avoid that -- and I would strongly support  
12 that -- and explain how they will minimize those  
13 impacts.

14                   And then, in the extreme cases where  
15 they cannot be avoided, a good explanation has to be  
16 put into the record as to why they can't and there has  
17 to be mitigation. And mitigation for impacts to  
18 fisheries should be dedicated to benefit fisheries. I  
19 think that's very important going forward.

20                   So, I'm quite impressed with the work  
21 that's been done. And, thank you for the opportunity  
22 to speak. And, thank you for the hard work of the  
23 staff on the plan so far.

24                   MODERATOR BABB-BROTT: Thank you.

1 Priscilla Brooks.

2 PRISCILLA BROOKS: Good evening. I'm  
3 Priscilla Brooks. I direct the Ocean Conservation  
4 Program at Conservation Law Foundation.

5 And I want to first compliment the  
6 Commonwealth, and, in particular, the Coastal Zone  
7 Management Office: Deerin, John, and crew. This  
8 truly was a huge amount of work in a very short period  
9 of time. These guys were racing around like wild men  
10 most of the time, all the work they had to do. The  
11 public process was exemplary, just so much opportunity  
12 to comment on this plan every step of the way, every  
13 data set. So that's truly fantastic. I think it's  
14 really one of the best public processes I've ever been  
15 involved in. So, congratulations on this plan.

16 It also, you know, represents a very  
17 elegant approach to comprehensive management in the  
18 ocean. And, in fact, it's one of the first  
19 comprehensive ocean management plans -- it is the  
20 first comprehensive ocean management plan for state  
21 waters in the United States.

22 So, tonight what I want to do is focus  
23 very narrowly on two issues that CLF has flagged. We  
24 will, of course, be sending in much more detailed

1 comments. But, for the purpose of the public  
2 hearings, we want to talk about two things. One is  
3 the SSUs, the so-called sensitive -- special,  
4 sensitive, or unique areas. And then the second is  
5 the placement of renewable energy facilities.

6           In CLF's view, one of the most  
7 important requirements of the Massachusetts Ocean Act  
8 was to identify special, sensitive, or unique marine  
9 and estuarine habitats and wildlife -- not only to  
10 identify them, but to protect them. And, we think the  
11 plan actually did a great job in identifying these  
12 places and these resources. However, we don't think  
13 that the plan and the proposed standard for these SSUs  
14 is adequate to protect the habitats and resources.

15           We consider these SSUs as the crown  
16 jewels of the Massachusetts coastal zone. These are  
17 places such as -- the critical habitats for endangered  
18 species like the northern right whale and roseate  
19 tern. These are the really especially diverse places  
20 on the seafloor, these areas of hard bottom, complex  
21 bottom. These are the areas high abundance of fishery  
22 resources. These are really important areas that need  
23 to be protected. The legislature recognized that in  
24 the coastal zone, in Massachusetts ocean waters, there

1 were special places that deserved heightened level  
2 protection.

3                   The proposed standard for development  
4 in SSUs is an untested legal concept, which we place -  
5 - we believe places a very vague and unquantified  
6 burden on the developer and essentially creates a  
7 burden on the state to defend SSUs on a case-by-case  
8 basis. What does it mean to demonstrate that there's  
9 no less damaging practicable alternative in order for  
10 a project to go forward?

11                   As a practical matter, and as a legal  
12 matter, CLF believes that the proposed standard is no  
13 more stringent than current MEPA standards and,  
14 therefore, projects in SSUs -- or SSUs aren't going to  
15 really get more protection than places outside an SSU  
16 from development.

17                   And I just want to be clear about this.  
18 We're not calling for SSUs to be prohibited areas,  
19 such as the area off of Cape Cod National Seashore.  
20 We actually think that the way the state has  
21 approached this, the way they've brought to bear  
22 different SSUs for different activities makes a lot of  
23 sense. I think that's really where the plan is very  
24 elegant. And so we like the way that different SSU

1 resources are triggered in the plan by different  
2 activities. But what we want to see is just a much  
3 higher bar set for these special places for permitting  
4 development in these special places.

5                   And so we have a recommendation for  
6 that. We are going to propose a three-part standard  
7 under MEPA for projects proposed in these special,  
8 sensitive, or unique areas. And the first step would  
9 be to establish a clear, rebuttable presumption that  
10 there is a less damaging alternative outside the SSU.  
11 The second would be that, well, once the project  
12 overcame that rebuttable presumption, and it could be  
13 overcome with, you know, very good information and  
14 evidence, the second step would be that the developer  
15 would have to demonstrate that there is public  
16 benefits to the project that outweigh the cost of the  
17 resources, so the public benefits test. And, then,  
18 finally, the third step would be that any project in  
19 an SSU would have to be developed in a way that did  
20 not result in significant adverse impact to the  
21 resource. We think that this three-part test standard  
22 would really protect the SSUs as required by law.

23                   Now, I just want to -- I'm going to  
24 shift here to the second issue that we want to address

1 tonight. And that has to do with how the plan went  
2 about identifying appropriate scale renewable energy  
3 development in state waters.

4                   The Massachusetts Ocean Act  
5 specifically authorizes the state to permit renewable  
6 energy facilities for the first time in all state  
7 waters. Before the Massachusetts Ocean Act was  
8 passed, renewable energy, or energy facilities period,  
9 were banned in most state waters.

10                   Now, no offshore renewable energy  
11 technology is more proven than wind. So, for that  
12 reason, we think it was appropriate that the state  
13 focus its efforts on wind and identified specific wind  
14 areas. The tidal and wave energy technology has a way  
15 to go here. However, we believe, first off, that the  
16 proposal to limit community-based winds to ten  
17 turbines or less may be too limiting. Many of our --  
18 many of the regional planning authorities and its ten  
19 turbines per regional planning area, many of these  
20 areas they differ in size. Some have, you know,  
21 dozens and dozens of communities and perhaps hundreds  
22 of miles of coastline. Others have less. We just  
23 think that more thought needs to go into how we're  
24 thinking about limiting the community-based wind to

1 ten turbines per regional planning authority.

2 We also believe that the proposed  
3 requirement for community wind projects to demonstrate  
4 support from their host communities is very well  
5 intentioned, but, again, the devil's in the details  
6 there. So, I think before this plan is finalized,  
7 there just needs to be a little more detail on how a  
8 community is supposed to demonstrate support.

9 Also, the draft plan requires that  
10 community wind projects demonstrate direct local  
11 economic benefit. Again, we think that's also vague  
12 and needs some more details there.

13 Also, we want to recommend that the  
14 Ocean Plan follow the example set under the Federal  
15 Energy Policy Act of 2005 that calls for sharing of 27  
16 percent of federal offshore renewable energy lease  
17 fees with the states closest to these projects. We  
18 think that that would be a good idea.

19 With respect to the larger-scale wind  
20 energy projects, we appreciate that the state  
21 identified two places for large-scale renewable  
22 energy, these two places being off of the Elizabeth  
23 Islands and off of No Man's Land off of Martha's  
24 Vineyard. These locations appear advantageous because

1 they have significant wind resources. However, they  
2 are deep water wind and are very exposed sites. As a  
3 practical matter, we don't think that these sites are  
4 actually going to be developed any time in the next  
5 five years. And, so for that reason, we think the  
6 state should give more attention to these community-  
7 based wind projects and make sure that they really are  
8 paving the way for communities that want to do it to  
9 be able to do it.

10 Also, the state identified three  
11 provisional wind projects. They are closer to shore.  
12 They are in shallower water, I believe. And we think  
13 the state should move ahead with actually examining  
14 those provisional wind energy rather than putting them  
15 on hold as the draft plan suggests.

16 So, thanks again for taking my  
17 comments. It's really great, always great to be in  
18 Gloucester City Hall. I think it's one of the most  
19 beautiful city halls in the state. And, good luck in  
20 the next few months. We look forward to working with  
21 you in finalizing what really is going to be a  
22 fantastic advancement in ocean management. So,  
23 thanks.

24 MODERATOR BABB-BROTT: Thank you.

1                   I apologize on reading the handwriting  
2 here. I'm going to go with Donald, who is the Vice-  
3 Commander of the Jubilee Yacht Club. I apologize and  
4 you can tell us your last name when you get up here.  
5 It's my eyes, not your handwriting.

6                   DONALD STONE: I'm sorry. It was my  
7 handwriting. My name is Donald Stone.

8                   MODERATOR BABB-BROTT: Thank you.

9                   DONALD STONE: I'm the vice-commodore  
10 of the Jubilee Yacht Club. And we're in Beverly,  
11 Massachusetts. I must admit I am coming a little late  
12 to this process, but I am very impressed with the  
13 effort and the results that I've seen so far.

14                   Basically, I'd just like to reinforce  
15 Russ Vickers' comments, because I agree with his  
16 position on recreational boating. Our only concern is  
17 -- and I speak as a recreational boater -- our main  
18 concern is restrictions in recreational boating.

19                   So, we plan to re-do all the material.  
20 And we'll submit further comments and questions before  
21 the deadline. So, I hope you appreciate the fact that  
22 my comments so far are the briefest.

23                   Thank you.

24                   MODERATOR BABB-BROTT: So noted. And

1 they'll carry extra weight. Thank you.

2 Mason Weinrich.

3 MASON WEINRICH: Thank you, Deerin.

4 For the record, my name is Mason  
5 Weinrich. I'm the Executive Director and chief  
6 scientist for the Whale Center of New England based  
7 here in Gloucester. We're a private nonprofit that  
8 has worked in waters off Massachusetts for 30 years,  
9 conducting research and doing conservation work out  
10 here.

11 Our data was used in the Oceans Plan.  
12 We've been involved in the process since its  
13 inception. And I want to start by quoting what I  
14 think is the truest statement to the plan. It's on  
15 page 4-20, Volume 1, which is, "One of the main  
16 benefits of the Ocean Plan is that it improves our  
17 understanding of resources and activities in  
18 Massachusetts waters, providing a significant amount  
19 of data and information, and will facilitate improved  
20 decision making in the planning, review, and  
21 permitting of specific projects."

22 I want to echo everybody else by just  
23 commending your entire team on the job that you've  
24 done. It was monumental and you have done a terrific

1 job pulling together a wide variety of disparate data,  
2 putting it into a unified format in a way that is  
3 meaningful, useful, and can form the base for a really  
4 good plan. You guys are to be commended. I thought  
5 there would be no way you could do that in this period  
6 of time. So, good on you for that.

7                   That being said, I don't think that  
8 accumulating information in one place makes a plan.  
9 And, unfortunately, to a large extent, I think that's  
10 what we have. Eighty-five percent of the waters are  
11 left essentially as they were, open for various  
12 proposals with a slightly better base on which to  
13 evaluate those proposals, but I don't think, as  
14 Priscilla said, a stricter basis on which those  
15 proposals can be evaluated.

16                   We share the Conservation Law  
17 Foundation's concerns about the SSUs. And we do think  
18 that the protection needs to be stepped up. We would  
19 propose a couple of ways to do that.

20                   The first would be to greatly increase  
21 the number of prohibited areas to include many of the  
22 SSUs, or, two, to come up with another protection  
23 scheme which can exclude development if it is deemed  
24 too damaging regardless of whether or not there is no

1 less damaging alternative. At this point, the tried  
2 and true MEPA process, as faulted as it is, at least  
3 is a known faulted process. We're a little bit  
4 worried about what may fit in there. So we think that  
5 that part needs a little bit more work.

6           A couple of specific comments that we  
7 have on the plan. First of all, whale waters, we  
8 think you pretty much got it right. And that's the  
9 area of expertise that we have. That being said, as  
10 you know, the Commonwealth of Massachusetts has one of  
11 the very few critical habitats for the North Atlantic  
12 right whale. The North Atlantic white whale is on the  
13 knife's edge of extinction and relies on Cape Cod Bay  
14 annually for an important part of their prairie  
15 resources. Up to a half of the population of the  
16 ocean uses that habitat. And we're a little bit  
17 stunned, quite frankly, that it is not included as a  
18 prohibited area and suggest that it should be.

19           Second of all, in terms of endangered  
20 humpback and fin whales, there is no designated  
21 federal critical habitat throughout that range.  
22 That's a flaw that hasn't been addressed in the  
23 Endangered Species Act. That being said, you came up  
24 with something called Important Habitat. We commend

1 you for doing so. We would like to see some criteria  
2 as to what an important habitat means in the plan so  
3 we can have a better way of evaluating it. But, given  
4 that the waters adjacent to Massachusetts, the  
5 Stellwagen Bank Sanctuary, are as close to critical  
6 habitat for those two species as you can get, we're  
7 very concerned by the fact that renewable energy  
8 potential area P2 overlaps with one of the only  
9 important habitat areas there. We suggest that the  
10 boundaries there be modified, too, so that they  
11 exclude those parts that are in that important area  
12 for humpbacks and fin whales. It's especially true  
13 since that habitat is already degraded by the LNG  
14 facilities which are just on the other side of the  
15 line.

16                   That brings up another thing that we  
17 don't see addressed in here, which is the ability to  
18 effectively address cumulative impact. Under the MEPA  
19 process, we know that that exists there. That's not  
20 stated in the new process that you're proposing. And  
21 that cumulative impact is critical in addressing these  
22 plans. It's not just the effect of any one project,  
23 but rather all of the projects in that area.

24                   We also think that there's an absence

1 by not discussing the possibility of future LNG  
2 terminals. We know the pipelines are discussed, but  
3 the terminals themselves are being proposed all over  
4 the United States. We know there are already four in  
5 the waters off of here. I don't know if that's  
6 reached capacity for the public or not. But that  
7 should be addressed in the plan as well.

8           And, finally, we would appreciate some  
9 consideration with acoustic impacts on marine wildlife  
10 of the proposed activities as well. Acoustic impacts  
11 obviously impact not only mammals, but also many  
12 fisheries as well. And it's possible that the zone of  
13 influence may go far beyond that of the physical  
14 siting of the project.

15           What you have here is a great start and  
16 a basis on which to build a very solid plan. You did  
17 it in an amazingly short time. We understand that  
18 this is the first iteration and a framework. And so  
19 we also understand that that these requests may not be  
20 possible in this first final plan. However, these are  
21 goals which we think are very important and should be  
22 worked to so that the plan works for all the people of  
23 the Commonwealth, the resources of the Commonwealth,  
24 and protecting the Commonwealth's waters.

1                   Thanks.

2                   STENOGRAPHER: Could you spell your  
3 last name for the record?

4                   MASON WEINRICH: Sure. W-E-I-N-R-I-C-  
5 H.

6                   MODERATOR BABB-BROTT: Thank you,  
7 Mason.

8                   Angela Sanfilippo.

9                   ANGELA SANFILIPPO: Good evening,  
10 everyone. And thank you very much for allowing us to  
11 come in front of you.

12                   First of all, I've been very much  
13 involved with the development of the Ocean Act from  
14 its inception. And the purpose was, from the  
15 beginning, as we were dealing with the LNG proposal,  
16 that we wanted to see our water protected for many  
17 reasons.

18                   I represent the commercial fishing  
19 industry. So, everybody thinks I just want to protect  
20 the commercial fishing industry. But we want to  
21 protect the ocean for its value, for the wealth it has  
22 given the Commonwealth for 400 years. And some people  
23 think that it's time to do other things, but we need  
24 to look at the historical value of these waters and

1 why we should now protect them to still give us that  
2 value.

3 I want to congratulate CZM, the  
4 Commission, the Massachusetts Ocean Partnership. I've  
5 been coming to many of the 20 meetings that have taken  
6 place. I want to thank Deerin for really taking the  
7 time to come to Gloucester many times to meet with  
8 fishermen to identify fishing ground, also going down  
9 the South Shore to meet with other fishermen there.  
10 So, even though we don't see fishermen in the  
11 audience, they've been part of this. We could add in  
12 more, but, unfortunately, this is a really hard time  
13 for fishermen as they are dealing with the Amendment  
14 16 fishing regulations. They're really exhausted in  
15 dealing with these. But we have a longer road still  
16 to go, and we're eventually going to submit written  
17 comments with the point as we're studying, you know,  
18 the written material and the maps. And we ought to  
19 keep getting together with other people to keep --  
20 come out with the true recommendation for the good  
21 things or for the things that we are not convinced.

22 One thing that we're very concerned is  
23 the fact that 82 percent will be multiple use. We  
24 really want to understand what this means. Do we go

1 to battle again when there's another LNG terminal  
2 proposed? It's not being protected enough that we  
3 have to go through that all over again. So, we have  
4 that concerned.

5                   We're also concerned with the trust  
6 fund that will be set up. As we've experienced from  
7 the LNG proposal, there was a mitigation fund, thanks  
8 to Deerin. But, as the fishermen have expressed, you  
9 know, they told us they were going to take this piece,  
10 but now they're actually taking this piece. We've  
11 lost more fishing grounds. And where do we go to now?  
12 It's all over. It was a one-time deal, and it was  
13 done. So those are things that we have concerns with.

14                   We are very grateful that still the Act  
15 talks about the DMF having the rights to regulate  
16 fisheries. We want to make sure that that is really  
17 baked into the Act and that there were -- you know,  
18 it's really considered at the time of other proposal  
19 development.

20                   The fishing grounds, they've been very  
21 well identified. As I said, Deerin met with the  
22 fishermen and we created maps. But we still looking  
23 into it to say but how are we going to protect it?  
24 And that brings me to the issue of the cobble, you

1 know, pieces of ocean. The cobble is such an  
2 important area for cod spawning that if that is  
3 damaged in any way those spawning grounds will be gone  
4 forever. And, historically, it's always been said  
5 that especially the cod spawns near the coast. And I  
6 always said this, that I remember reading a report  
7 from the DMF from one of their newsletter. And they  
8 identified spawning grounds with cobble right in  
9 Gloucester in Half Moon Beach. And if you can think  
10 of Half Moon Beach, it's all cobble. It's not really  
11 sand. So those things really need to be protected and  
12 not because somebody wants to enhance their beach then  
13 you're going to go and let them go get the cobble. So  
14 those are things that we will discuss with you.

15                   These things are very important. And,  
16 to close, I'm very tired. Just came back from  
17 Washington. I'm exhausted. But, I want to say this.  
18 We have to be very careful because we are setting the  
19 precedent. We are setting the model for the nation.  
20 And, it's ironic that -- as I said, I was in  
21 Washington yesterday. The reason I was there is  
22 because of the reform in the health plan. And they're  
23 looking to Massachusetts because Massachusetts set the  
24 model for the nation. The model actually was set with

1 the Fishermen Partnership health plan, that the state  
2 looked at the Fishermen Partnership health plan and  
3 did their model and now the nation is looking to the  
4 model of Massachusetts. I was with people from all  
5 over the United States, from Alaska and Hawaii, the  
6 west coast, the Gulf of Mexico, and I was from the  
7 northeast.

8                   So, we are really setting the model so  
9 we need to do it right. I know this has been hard. I  
10 want to commend all of you. But, we have to work  
11 really hard because once it's done, the whole rest of  
12 the country is going to look at us, how to protect our  
13 oceans.

14                   And I heard an expression from  
15 yesterday. One of the Congressmen was at the hearing.  
16 And he's a Congressman from Wisconsin. When we  
17 finished, I went over and thanked him. And I said,  
18 "You know, I used to live in Wisconsin, but when the  
19 Great Lakes got dry we left. My father was a  
20 fisherman. He didn't want to live there anymore. So  
21 we went to Milwaukee with the commercial fishermen."  
22 He says, "Let me tell you, Angela. I love these  
23 people. You are the fishermen. You are the people  
24 who produce the good food for the heart," and he went

1 like this.

2                   So, basically, this is what we're  
3 doing. We need to protect that ocean that makes the  
4 good food for the heart.

5                   Thank you.

6                   STENOGRAPHER: Could you spell your  
7 last name for the record?

8                   ANGELA SANFILIPPO: S-A-N-F-I-L-I-P-P-  
9 O.

10                  STENOGRAPHER: Thank you.

11                  MODERATOR BABB-BROTT: Thank you,  
12 Angela.

13                  That is the last person I have on the  
14 list as having signed up wishing to speak. Is there  
15 anyone who has either signed up to speak and was  
16 expecting to get called and somehow I missed them, or  
17 did not sign up to speak and would like to do so?

18                  Excuse me. Please.

19                  MARCIA HART: Hi. I'm Marcia Hart.  
20 I'm a Gloucester resident, and a visiting nurse, and a  
21 landscape gardener. And I'm interested in Gloucester,  
22 in the ocean, and in the environment, and what the  
23 state is going to decide to do with various areas, and  
24 particularly the one that I live in.

1                   Everyone's been so polite about how  
2   terrifically this has gone. And as an observer to  
3   this process, I have to add to this that I know that  
4   the people who have been involved have worked really  
5   hard. And I've been to -- I came to the first  
6   meeting. I have been to several meetings in Boston.  
7   I've read through the two volumes extensively and  
8   tried to understand them. But if we are the first  
9   state doing this plan, then I would recommend that you  
10  recommend to other states that in order to actually  
11  have public participation, and I mean public  
12  participation beyond the regular people involved in  
13  these processes, the people from environmental  
14  organizations, from legal organizations, from whale  
15  organizations, from maritime organizations, if you  
16  really want the public engaged then prior to the  
17  beginning of a process like this you have to educate  
18  the public that you are coming. I read about this  
19  process, and I am attune to these things, two days  
20  before the first meeting that you had. And I came not  
21  having any clue what this process was, but I got up  
22  and spoke anyway and mouthed off about energy, and the  
23  LNG things, and my concerns about Gloucester becoming  
24  a staging area for more and more of the non-renewable

1 energies, which I am not in favor of.

2                   And, I went around today and asked  
3 people, "Do you know that this is happening tonight?"  
4 And they didn't. And so the public, although you have  
5 listened and listened probably as much as you can  
6 possibly stand, you have really not tapped the public.  
7 And I'm one of the rare just citizen people that  
8 you've been hearing from. And that creates such --  
9 that's the real democracy. That's the real messy  
10 process. That's the thing you can't do in the  
11 timeframe that you were given. But you won't get the  
12 result, you won't get an informed public. And, when  
13 this is over and you go into the science framework  
14 part of this process, the public is not going to be  
15 represented because I can't keep up with this and I  
16 really care about it. But to read through that sort  
17 of literature and to continue to go, you know, you  
18 have to find another way to engage the public if you  
19 want them engaged.

20                   So, I also appreciate all your efforts.  
21 And I know they've been huge. And the amount of data  
22 that you've accumulated is enormous. But I'm going to  
23 continue on my negative train of thought in summary  
24 and say that I was really interested in how you

1 identified some of the limitations. And in terms of  
2 the fishing industry, you identified the data gaps  
3 that exist. And these are the same data gaps that  
4 have been influencing this community and the ability  
5 of fishermen to go out and fish. And if you talk to  
6 fishermen, you hear one story. If you read the paper  
7 -- it's very difficult to understand what the truth  
8 is. But I've heard before about these data gaps. And  
9 so I commend you for reflecting what I've heard from  
10 people who fish for a living that the Division of  
11 Marine Fisheries' data that's used as to, you know,  
12 what's out there, that the limitations are that many  
13 species aren't vulnerable to what they haul them up  
14 with. So, that's a real data gap. That there are  
15 lots of fast swimming fish that aren't caught either,  
16 and that it's only done twice a year, I think it's in  
17 May and September. And so if you don't happen to be a  
18 fish that's in a certain area on a certain day in May  
19 or September then you aren't reflected. So, if the  
20 U.S. Census was run like this, we would not have any  
21 clue of who we've got in this country and what various  
22 peoples are represented. And I think, you know, it's  
23 commendable that you picked that up.

24 And then it talks about the whole

1 concept of the spatial resolution of an environment  
2 was very difficult for me to understand. But it also  
3 was listed as a limitation. And I'm just going to  
4 read sort of what it says.

5 "Spatial resolution of the available  
6 data is another limitation. Data for different  
7 species came from different sources and it was  
8 collected using widely different methods." So, it's  
9 another -- it's like running the U.S. Census like  
10 that. It's not a good idea.

11 And then the whole concept of the EVI,  
12 I really, really struggled with that. First of all, I  
13 couldn't figure out if you got a high number if it was  
14 more ecologically valuable, or if you got a low number  
15 if it was. And then I started looking at it more  
16 specifically and trying to figure out how this area  
17 was reflected in that data.

18 And somebody got up before from I think  
19 the Lobstermen's Association and was also -- now  
20 here's somebody in that business trying to figure out  
21 the same thing I'm trying to figure out. And I still  
22 don't get it, but I'll tell you what I don't get. And  
23 that is that division between -- well, there was a  
24 division between scallops, bay scallops and sea

1 scallops. And there was a division between lobsters,  
2 north lobsters and south lobsters. And the person  
3 asked, you know, he didn't know what that meant. So,  
4 I can tell you it means that north of Cape Cod it's  
5 the north lobsters and south of Cape Cod it's the  
6 south lobsters. And there was an explanation in the  
7 books that I was very kindly sent that as to why there  
8 were north and south lobsters, why they're separated.  
9 And I'm going to quote this because this doesn't say  
10 anything to me.

11 "Due to the fact that data indicated  
12 distinctive distribution patterns between north of  
13 Cape Cod and south of Cape Cod, the data layer was  
14 analyzed in two separate ways based on Fisheries'  
15 biologists' expertise."

16 And that doesn't explain to me why  
17 there are north lobsters and south lobsters.

18 "And this did generate though," it goes  
19 on to say, "different EVI scores to represent the  
20 ecological importance of the species in the two  
21 different locations."

22 So, I read that and then I went to a  
23 different location. So, we are the North American  
24 lobster. And we were given a score of a zero to four

1 on this EVI index of one. And, that's because this  
2 area provides the environment for them to flourish.

3           The south lobsters also had a one in  
4 that same category because they are flourishing there,  
5 also. But then the south was given an additional  
6 number, giving them a higher ecological importance and  
7 the north was not. And that was because of a regional  
8 importance. Well, up here in the north, it is  
9 regionally important that we have the American  
10 lobsters. In fact, in Gloucester -- I read this also  
11 in these same books -- the last time I was up here my  
12 phone rang. Anyway. It said that Gloucester is still  
13 one of the most important commercial fishing ports in  
14 the United States and that fish landings in 2007,  
15 according to NMFS in 2008, were 94.4 million pounds of  
16 fish that was valued at \$46.8 million. And with  
17 changes and the decrease in stocks, Gloucester is  
18 still the second largest fishing port.

19           But then it says that Gloucester is the  
20 number one port in lobster landings. So, for this  
21 area in particular, American lobster is extremely  
22 important. And the books also went on to say that  
23 they're two of the species, which are scallops and  
24 lobsters, combine to approach 50 percent of the total

1 landed value of all species. So, that makes lobster  
2 even more important as the income source for this  
3 area.

4                   Then, scallops are the other thing. So  
5 I looked at scallops. And there is a difference  
6 between north and south scallops because we are sea  
7 scallops and somewhere down in the south are the bay  
8 scallops. And the sea scallops were given a one for  
9 value, and the bay scallops were given a three. So it  
10 seems to me like the fish or the -- or the scallops  
11 and lobster anyway -- which are on the south shore are  
12 being valued at a very different and higher rate than  
13 they are up here. And I really think you should look  
14 at that. And I really think you should look at that  
15 EVI scale because it's using an environmental or --  
16 like the rarity of something makes it more important.  
17 But then you're using it to make a commercial decision  
18 as to what will be sited somewhere. And if you're  
19 making a commercial decision then the more of  
20 something that you have I think the better it is.  
21 And, if there's more of something, perhaps the ecology  
22 of that particular area is a healthier place rather.  
23 So, you may want to protect these things that there  
24 are only two of, but I wouldn't ignore the economic

1 importance of what we have in this area.

2                   And, again, I do not want to see this  
3 area used as a staging ground for the non-renewable  
4 energies. And I really had hoped that the plan was  
5 going to go much more in the direction of renewable  
6 energy, which it did appear in the beginning, and now  
7 it's like two percent of the whole planning area is  
8 going to be used for renewable energy. And I think,  
9 you know, on some point, we just really have to get  
10 away from our dependence on those technologies. If  
11 there's anything harmful to our environment, those are  
12 the things that are. And I would rather live in a  
13 place that fishes and has -- the fishermen have to use  
14 methods such as they already have extensively to be  
15 careful and to protect the environment, and to do that  
16 even more so in the future. But I think they should  
17 get to fish and I don't want LNGs anymore than there  
18 are off the coast.

19                   Thank you.

20                   MODERATOR BABB-BROTT: Thank you.

21                   Is there anyone else who has not signed  
22 up that would like to speak?

23                   Seeing none, thank you folks for coming  
24 out this evening. We appreciate your comments. And

1 we look forward to written comments if you'd like to  
2 submit them.

3 Thank you.

4 (Whereupon, the public hearing was  
5 concluded at 8:25 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.

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Judith A. Luciano

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

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