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Bedford Library
Bedford, MA

October 6, 2008
6 p.m.

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1 MR. BABB-BROTT: Well, good evening folks and
2 thank you for being here tonight. On behalf of my boss,
3 Secretary Ian Bowles, thank you all for coming out tonight.
4 The mayor may join us. If he does, we'll suspend, my
5 partner will jump in and we'll pick up the festivities.
6 We're here this evening to talk about
7 ocean planning pursuant to the Oceans Act of 2008. There
8 are a number of folks here this evening that I'd like to
9 recognize before we get started. Joining me in the front
10 of the room is Joanne Taylor, who is a member of the Ocean
11 Advisory Commission. Also with us this evening are members
12 of the Science Advisory Council...Priscilla Brooks from the
13 Conservation Law Foundation. Wave your hand and say hello.
14 Catherine Ford from the New England Marine Fisheries,
15 Catherine. And am I missing anyone? Great. Thank you.
16 So thank you all for being here and thanks to Joanne and
17 thanks to the members of the Science Advisory Council being
18 with us also.
19 This is the ninth, I think, eighth or
20 ninth, ninth public meeting that EEA's holding statewide as
21 the first step in developing the ocean plan. Our goal is
22 develop the ocean plan with broad-based public
23 participation, and as I will describe in a few moments,

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1 your thoughts and comments will help the Ocean Advisory
2 Council, Commission, Science Advisory Council and EEA to
3 define how the ocean plan should achieve the objectives set
4 forth in the Oceans Act.
5 The agenda for this evening is simple and
6 for us it's geared towards listening. I'll do about a
7 10-minute presentation on the Oceans Act and on the
8 planning process, and then we'll ask folks who would like
9 to do so to come up and offer comments. It's a smaller
10 group so that we will have the ability for folks to come up
11 who have remarks to questions and answers of course for the
12 folks if you have questions.
13 The library has asked us this evening to
14 begin wrapping up at about eight-thirty so that's our own
15 limitation on time...Administrative things, there's a
16 sign-up sheet and a number of handouts beside the door. If
17 you haven't signed in and given us contact information, we
18 would love it if you could do so. If you can give us an
19 E-mail address, that's how we'll try to stay in touch with
20 you and send you notices of our meetings and also materials
21 and that kind of thing.
22 Handouts include an overview of the
23 Oceans Act and the public participation process, several

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1 web links for additional information, a map of the planning
 2 area and form for submitting written comments this evening
 3 if you wish to do so and also a copy of the presentation.
 4 You'll notice we've got cameras here
 5 tonight, we have cable access locally, and we also have a
 6 video that's being shot by the Mass. Oceans Partnership.
 7 We're videotaping all the public meetings and those will be
 8 available on our web page that will go on line in about a
 9 week.
 10 Also on that web page will be the forum
 11 for comments and links to additional information, so we're
 12 trying to make it easy and, as easy as possible for folks
 13 who may not be able to make it out to meetings may want to
 14 go back and refresh themselves as to what the first round
 15 of the public comments looked like.
 16 We move the public comments on the
 17 sign-in sheet, and as I said, we have a small group. The
 18 last thing I guess at the end of the presentation handout
 19 there's a slide with a few questions. Those are just
 20 teasers that are the kinds of things that we're interested
 21 in hearing from folks about generally. How do use the
 22 ocean, what are your concerns, what's most important to you
 23 about what we do as part of the ocean plan going forward.

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1 They are just teasers and we are interested in hearing
 2 whatever you have to tell us, and we look forward as we go
 3 through that.
 4 So with that, I'd like to do a brief
 5 presentation on the ocean plan and the ocean process, and
 6 we start with, What is an ocean plan? And the basis of the
 7 ocean plan is it's a plan to guide the use, protection and
 8 development of our ocean waters that addresses uses and
 9 development that are incompatible with each other, that are
 10 incompatible with natural resources, that identify areas of
 11 significant ecological importance that are going to be
 12 important to protect, and overall the plan is designed to
 13 balance use, protection and development.
 14 Implemented through state permits and
 15 other approvals, the plan is not designed to add an
 16 additional layer of regulatory review. The plan is
 17 designed to insure that state agency actions that are in
 18 the planning area are consistent with the maximum use as
 19 practicable with the plan.
 20 The plan is going to be based on
 21 environmental, economic and social information in map and
 22 data form that we use to rationally organize uses of ocean
 23 space and the interactions between uses, balance demands

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1 for development with the need to protect the environment,
 2 and achieve social and economic objectives in an open and
 3 planned way.
 4 The Oceans Act of 2008 recognizes the
 5 ocean as a public resource; it belongs to all of us. We
 6 need to protect and enhance the ocean environment. We also
 7 need to use the ocean environment. We can neither protect
 8 it everywhere nor develop it everywhere so the ocean plan
 9 is fundamentally balanced.
 10 So in June the legislature passed and
 11 Governor Patrick signed the Act. The Act directs my boss,
 12 Ian Bowles, the Secretary of Energy and Environmental
 13 Affairs, with the assistance of the Ocean Advisory
 14 Commission and a Science Advisory Council to develop a
 15 comprehensive ocean management plan, and in short, the Act
 16 directs that the ocean plan set forth the Commonwealth's
 17 goals, siting priorities, and standards for proper
 18 stewardship of its ocean resources held in trust for the
 19 public benefit.
 20 The Act also directs that the ocean plan
 21 coordinate uses that include international, federal, state
 22 and local jurisdictions, uses and activities which are
 23 standard...and coordination. It requires to foster

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1 sustainable uses for renewable energy. It requires
 2 importantly that we identify appropriate locations and
 3 performance standards for activities, uses, and facilities
 4 allowed under the Ocean Sanctuaries Act. So that
 5 facilities are now allowed in the sanctuaries provided that
 6 they are of quote unquote appropriate scaled and...of the
 7 plan. Appropriate scale is one of the things that we're
 8 really looking for input on as we think about what the
 9 definitions of that might include. I think it's probably
 10 going to be...in different areas of complexity of uses or
 11 natural resources, but we want to hear what folks have to
 12 say along those lines.
 13 Also, importantly, the Oceans Act directs
 14 that commercial and recreational fishing shall be allowable
 15 uses, subject to the exclusive jurisdiction of the Division
 16 of Marine Fisheries. So this is not a fisheries management
 17 plan. We will review the fishing industry because we want
 18 to get information about where they fish, how they fish,
 19 when they fish, what areas for important resources for fish
 20 are so that we understand the impact of our actions as we
 21 start to identify and make decisions about it in order to
 22 protect the impact or actions as we do that.
 23 The schedule and the product for the

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1 plan. By June 30th of next summer we will submit a draft
 2 plan of public hearings, formal public hearings, and by
 3 December 31st of next year we will formally promulgate an
 4 ocean plan that does two things. First, it will be a plan
 5 that identifies areas suitable for different kinds of
 6 development or protection and describe how they will be
 7 regulated, researched, resources, that kind of thing, so it
 8 will be a formal plan...But also recognizing that we have a
 9 limited number of months to do that which in reality is
 10 going to take a long time and is going to require perpetual
 11 action anyway.

12 The second component will be a formal
 13 road map for that kind of ongoing planning process. One of
 14 the big questions will be targets that we're shooting for,
 15 what is the information that we need to have on hand as we
 16 think about those questions for the plan moving forward.
 17 What are the formal processes so folks are aware of it
 18 about how we propose to modify the plan. The Oceans Act
 19 requires that we review the plan formally at least once
 20 every 5 years.

21 So how are we going to do all that?
 22 Well, we wrote four steps, and the first step is what we're
 23 in the middle of now, essentially gathering raw materials

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1 to begin the planning process. So we are out on the road
 2 looking for public comment which we would use with the
 3 Commission to help develop the planning. We're collecting
 4 and analyzing existing environmental, economic and social
 5 data and using that to establish a short and long-term
 6 scientific baseline.

7 In terms of data gathering, we're working
 8 with the agencies, with workers and private cross-sections
 9 of interest groups, industry, academia, NGO's, user groups,
 10 folks who are workers in the agency level identified as
 11 being valuable to enter additional data and information.
 12 Importantly, workers are not in the kind of cross-sectional
 13 analysis or the actual planning analysis. We're evaluating
 14 trade-off situations such as alternative energy or
 15 potential boundaries versus the workers to collect as much
 16 information and the issues associated with the subject
 17 matter as much as possible, and we'll begin that actual
 18 analysis among the different kinds of...

19 At the same time we're also reviewing and
 20 analyzing the ocean planning models from around the world.
 21 Six, eight, maybe ten places have done something like this
 22 before, so we're reviewing those first to see if we can
 23 learn from that process, what are the pieces either in

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1 whole or in part to draw plans out there which is
 2 applicable here in Massachusetts...with information we have
 3 and concerns, the management issues we have and which are
 4 most responsive to the Oceans Act itself. We will be using
 5 that as a review criteria to decide what we want to draw
 6 from that.

7 So that takes us to January of next year,
 8 and then we go through a three-month period of being able
 9 to develop the draft plan, take the raw materials, getting
 10 a framework and start putting it together and different
 11 configurations and see what that tells us and we'll come
 12 back out to the public and stakeholder groups and try to
 13 illustrate that and say here are three ways we can think
 14 about from the data we have, here are the kind of
 15 trade-offs that begin to illustrate when you think about,
 16 what folks think about that. So it's going to be a hearing
 17 process, developing materials and we're doing a hands-on
 18 evaluation.

19 Following that, at the conclusion of that
 20 process, in April we should be moving towards a fairly
 21 detailed rough draft plan that we will go out with and
 22 repeat the process with the public in meetings like this
 23 and say, you know, we started the process in September and

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1 October when there's a process of gathering information
 2 with the workers, with the analysis, we did some meetings
 3 where we thought about what different trade-offs looks
 4 like, here's where we are right now. Again, moving closer
 5 towards a draft plan.

6 That process takes us through the end of
 7 June, at which point the beginning of July we will take
 8 that feedback, finalize a draft plan and then bring it back
 9 to the public for formal public hearings and for the
 10 legislature to review. It's important for us to build in
 11 as much participation before we get to July as possible
 12 because once we get to July they are public hearing
 13 sessions, these notes, put them together, pushing forward
 14 and that kind of stuff, it means that we do the listening
 15 and folks stand at the microphone and say we want this to
 16 be interactive, we want to be working folks who develop
 17 this as much as we can.

18 And then by the end of December we're
 19 obligated to have a plan promulgated and any management
 20 regulation associated with it. The plan also directs that
 21 we integrate, or the Act directs that we integrate a plan
 22 instate Coastal Zone Management Program. That may not
 23 happen by the end of December, but it's a very important

1 piece of the Act because it deals with the state
2 jurisdictional ability to use the plan in cases for federal
3 approvals in or outside state waters.

4 Last, that your comments and
5 participation, again, just teasers that may be helpful.
6 What is important to you based on how you use and
7 experience the ocean, what should be reflected or how
8 should that be reflected in the ocean plan to have to
9 balance different kinds of interests, what are your
10 thoughts about the planning process and the handling of
11 that. And lastly, again, for the materials we do have, the
12 web page is up, the Partnership Association is up, the
13 Ocean Coalition has information, there's a lot of
14 information out there, and failing all of that, you can
15 always call John Weber or myself.

16 So with that, thank you very much for
17 coming, and I'd like to recognize as our first speaker this
18 evening, Representative Bill Strauss.

19 MR. STRAUSS: Thank you, Mr. Babb-Brott.
20 My name is Bill Strauss. I'm a member of the legislature.
21 I'm a state rep from Mattapoisett. I also represent the
22 coastal communities in Fairhaven and Marion as a member of
23 the legislature and happy to join in the passage of the Act

1 and then this process that we're now engaged in toward
2 development of the plan.

3 I wanted to just focus briefly on two
4 aspects as part of your consideration, one of which I hope
5 will be in some form in the plan that you ultimately adopt.
6 Just a quick reference for that fishery issue that just
7 it's clear by the language but I wanted to make it clear
8 why it's in the language from my perspective and ask you a
9 question on fishery.

10 As you indicated, the plan is not
11 intended to be a fisheries plan. Certainly for those
12 members of the legislature who represent coastal
13 communities engaged in the commercial fishing industry, our
14 feeling was that this area is sufficiently regulated and at
15 least in my own personal view the federal regulatory
16 process overregulated in a way that doesn't benefit either
17 the resource or those who...

18 The second point, the one I wanted to
19 devote slightly more time to is the question, and I'll make
20 reference to Article 97 of the Constitution. For those who
21 may not be immediately familiar with it, Article 97 of the
22 Massachusetts Constitution actually establishes for
23 Massachusetts residents a constitutional right to clean air

1 and water and also the benefit of the senior historic and
2 aesthetic qualities of the environment; and further, as
3 part of the indication of Article 97, it requires that for
4 the granting of public resources, public lands, either
5 conveyance or an easement or an interest in those lands,
6 that there must be approval by two-thirds votes in the
7 legislature. And what I wanted to point out was it is my
8 view but not just my view that the Massachusetts waters are
9 within Article 97, and I just wanted to point your panel to
10 a 1973 opinion of the then Attorney General, Robert Quinn,
11 concluding that in his view -- and this has never been
12 altered or challenged or questioned anywhere else -- the
13 definition of natural resources in Article 97 includes land
14 underwater, the lakes, the ponds, underground surface
15 waters, flood plans on the list from that June 6, 1973,
16 opinion of the Attorney General.

17 I bring this up because obviously no act
18 in the legislature, no plan implementing that in the
19 legislature could change a constitutional provision, but I
20 think it would be appropriate because I don't think people
21 are aware of this that your ocean management plan
22 acknowledge that to the extent there are issues that
23 subsequently come along for use of these waters in the

1 Commonwealth, and I will speak specifically about wind
2 power, that there be, that the plan acknowledge that there
3 is an Article 97 process that has to be followed. I think
4 it's appropriate that the plan do this, and it's always
5 been my understanding, I haven't looked at the document in
6 a number of years that when Environmental Affairs and EE,
7 whatever, with the Secretary, that there were guidance
8 documents as to how the agencies in the Secretary's Office
9 would respond to Article 97 issues.

10 So that kind of document exists already,
11 and so my view is that where you have proposed private uses
12 of the waters that at least this planning document should
13 make a conclusion that any applicant needs to participate
14 and seek approval under Article 97 for a transfer of land.

15 And specifically, just to make it
16 slightly parochial, with Buzzards Bay there is pending a
17 proposal by the Cashman firm I think named Patriot
18 Renewables for the private use of large areas of Buzzards
19 Bay. The project has been reduced at least in the sense of
20 the communities so it is now in the M.E.B.A. process, but
21 to date the, certainly the M.E.B.A. process has not
22 acknowledged this, but I feel that certainly where we have
23 this ocean planning document for Buzzards Bay but also the

1 other areas that you're considering in your plan, an
 2 affirmative statement that Article 97 has to be involved
 3 when private parties want to make private commercial use of
 4 areas that belong to the public, and under that Attorney
 5 General's opinion there's no question Buzzards Bay, who
 6 owns it, the public, who owns it, the people, and it is
 7 not, unless there is an Article 97 vote at the legislature,
 8 it is not for any agency of the Commonwealth or the Federal
 9 Government I would say as well to give away public
 10 resources. It's not that it's impossible to do, but there
 11 has to be a process to do that.

12 So I wanted to thank you for the public
 13 participation that you're engaged in. These meetings are
 14 always helpful to find out going in what the public is
 15 thinking, and it's always better to find out ahead of time,
 16 and so I have no doubt that the plan will benefit from
 17 that.

18 My colleague, John Quinn, from Dartmouth
 19 had hoped to be here on this Article 97 issue. I can say
 20 that he was intending to make it, echo these same comments,
 21 and as I say just in closing you can't amend the
 22 Constitution, I understand that, but certainly I think it's
 23 useful if your planning document does acknowledge the

1 Constitution in terms of this issue with regard to the use
 2 of the public waters. Thank you, I really appreciate your
 3 time that you've provided tonight.

4 MR. BABB-BROTT: Thank you, Representative.
 5 If we could hear this evening from Mark
 6 Rasmussen.

7 MR. RASMUSSEN: Hi, thank you very much for
 8 the chance to speak tonight. My name is Mark Rasmussen.
 9 I'm here representing the Coalition for Buzzards Bay, and I
 10 want to start by thanking the Commission for getting out of
 11 Boston to hold these meetings. It's great to deliver these
 12 in New Bedford.

13 Buzzards Bay is a natural gem on the
 14 Commonwealth's coastline and all levels of government have
 15 recognized its importance and uniqueness over the years, so
 16 I'll spare you the listing of all the benefits - the
 17 social, economic, environmental of Buzzards Bay for this
 18 region. I want to focus specifically on the development of
 19 renewable energy in the ocean management plan that sets
 20 forth so much in discussion and the origins of this plan
 21 yet come from and start off by saying that the Coalition
 22 for Buzzards Bay is enthusiastic about the promise of
 23 renewable energy development along the Massachusetts coast.

1 From my perspective the Commonwealth must
 2 add alternative technology including wind energy to our
 3 energy portfolio in order to reduce the threats associated
 4 with the transport of more than 2 billion gallons of oil in
 5 Buzzards Bay every year, the impact of climate changes and
 6 sea level rise will have on the Bay, as well as work to
 7 eliminate the estimated 20 percent of nitrogen pollution
 8 now entering the Bay through fossil fuels, through
 9 atmospheric deposition of fossil fuels.

10 For all these reasons we need to get away
 11 from oil and fossil fuels, and we recognize that wind and
 12 renewable energy is a big part of that. For these reasons
 13 since its filing the Coalition has supported the passage of
 14 legislation which calls for the development of an ocean
 15 management plan that would promote environmentally
 16 sustainable activities in Mass. Waters while protecting
 17 valuable natural resources.

18 With regard to how the plan satisfies the
 19 needs of Buzzards Bay, any plan must address issues related
 20 first to navigational safety, and recognizing that this is
 21 the Commonwealth's main transport of oil, the protection of
 22 endangered species especially with respect to the Roseate
 23 Tern, which I'm going to talk a little bit more about later

1 on, as well as potential alterations to tidal circulation
 2 patterns in the Bay, benthic habitat diversity, and of
 3 course marine and recreational fisheries.

4 It has been our hope that through this
 5 planning process the Commonwealth could avoid the
 6 case-by-case fragmented approach to project proposals in
 7 our state waters and instead identify those places most
 8 suitable for renewable energy activities. I think that's
 9 what all of us who have been involved in the development of
 10 this plan idea have wanted.

11 In order to properly proceed with that
 12 process, it is critical that the Commission and EEA possess
 13 the information necessary to properly determine the best
 14 location for projects. However, given the significantly
 15 condensed time line that was laid out earlier tonight in
 16 comments for an ocean management plan required by the law
 17 actually present a draft plan by next June and an approval
 18 plan by next December, the Coalition is concerned that the
 19 decisions, any decisions made on this plan will not be
 20 based on sound science, thereby reducing the integrity of
 21 the overall plan.

22 Currently, insufficient scientific
 23 information exists to determine where, if any, offshore

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1 renewable energy projects, project developments can occur
 2 in Buzzards Bay. Furthermore, it is unlikely that these
 3 significant data gaps can be overcome by the time frame
 4 delineated in the Act. Therefore, the best an ocean
 5 management plan can provide for the siting of renewable
 6 energy projects in Buzzards Bay would be to establish a set
 7 of criteria and description of the supplemental information
 8 required before a project will be sited here.

9 What is so disappointing about this
 10 paradigm is that is not much different than the permit
 11 process today. So not only will an ocean management plan
 12 developed with insufficient data potentially threaten the
 13 Bay, it will also fail to do its other objective which is
 14 accelerating renewable energy development in Massachusetts.

15 A private component proposing a project
 16 today being told by state agencies to go back and look at
 17 all these questions and answer them is the same scenario
 18 that exists today, routinely making a plan that does the
 19 same thing again.

20 So let me give one specific and important
 21 example of where insufficient data will affect the
 22 development of an ocean plan for Buzzards Bay - the
 23 protection of the Bay's endangered Roseate Tern population.

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1 As you know, Buzzards Bay is home to half of the entire
 2 North American population of this bird which actually nests
 3 on three islands within Buzzards Bay - Bird, Ram and
 4 Penikese. In order to properly assess the impacts of a
 5 potential wind turbine generator facility, for example,
 6 what it would have on the Roseate Tern, is essentially
 7 comprehensive, multi-seasonal studies be completed and
 8 incorporated into that management plan.

9 The results of the multi-season surveys
 10 on terns completed as part of the Cape Wind Project in
 11 Nantucket Sound clearly highlighted this need for further
 12 expanded research of any potential new development project
 13 in Buzzards Bay and particularly noted that the terns in
 14 Nantucket Sound are also Buzzards Bay terns and any project
 15 in Buzzards Bay would need further evaluation.

16 I want to go through the list because it
 17 helps to elucidate the point about the short time frame,
 18 the kind of things that turned up in the Nantucket Sound
 19 studies about Cape wind, the kind of things the Committee
 20 needs to know in order to know where to site any wind
 21 energy facilities in Buzzards Bay relative to terns.

22 At a minimum, general distribution of the
 23 Roseate Tern throughout Buzzards Bay including flight paths

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1 and heights, specific behaviors and their associated flight
 2 paths and altitudes in and around nesting colonies,
 3 foraging areas, and proposed development sites must be
 4 fully documented. Furthermore, due to the significance of
 5 Buzzards Bay as the primary nesting site, not just a
 6 foraging site in the Northeast, it is absolutely critical
 7 that this information be collected during times of limited
 8 visibility including night, dawn, dusk, during inclement
 9 weather, as these are the times that the terns are most
 10 vulnerable to collision. Multi-year studies are necessary
 11 due to the year-to-year variation also in foraging sites.

12 Lastly, particular attention must be paid
 13 to the flight patterns of migrating and staging terns and
 14 how those patterns might change in periods of low
 15 visibility and inclement weather. I get into all that and
 16 you can read that from the state's oceanography. How can
 17 possibly any of that get done in order or in a time fashion
 18 put on a map any line that says where and how terns be
 19 located. I don't think it's possible. And what's most sad
 20 is for all the importance of the Bay's Roseate Terns none
 21 of the information that is listed exists. No private
 22 developer has collected or state agency has ever collected
 23 it.

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1 So without fully suggesting the terms, I
 2 want to make that point mostly about the time frame and
 3 express it as our No. 1 concern, but I would be remiss if I
 4 didn't note one other issue tonight, and unlike Nantucket
 5 Sound, Buzzards Bay serves as a major route for oil
 6 transport in the Bay. 600 oil barges moving 2 billion
 7 gallons of oil changes any potential use scheme for
 8 Buzzards Bay. These vessels today are mostly U double-hull
 9 vessels that draw in as much as 30 feet in a bay that has
 10 an average depth of only 36 feet and legend has shown that
 11 both on the east and west, on the west and northern edges.

12 New Bedford Harbor also hosts more than
 13 500 fishing vessels which are in constant interplay with
 14 that barge traffic in the center. We have a particularly
 15 busy navigational situation in Buzzards Bay which we hope
 16 the plan will take into careful consideration.

17 So with that, just to summarize, there
 18 are a variety of studies over a much longer time period
 19 than you've all been given to work with that need to be
 20 done before you can produce a science based sound
 21 management plan as it relates to Buzzards Bay.

22 Again, thank you very much for the chance
 23 to get in the comments so early. You have a huge task

1 ahead of you. Thank you for listening to the public and
 2 we'll be here in the future. Thank you.
 3 MR. BABB-BROTT: Thank you, Mark.
 4 I see Trevor Childs from Patriot
 5 Renewables.
 6 MR. CHILDS: Good evening and thank you for
 7 this opportunity to comment on the ocean management plan.
 8 My name is Trevor Childs. I'm with Patriot Renewables.
 9 We're the firm proposing the South Coast Project in
 10 Buzzards Bay, and tonight I would like to address the term
 11 appropriately scaled renewable energy. It has to be
 12 defined and I would like to just comment on that.
 13 The state of Massachusetts has four
 14 distinct areas for wind. We have the Berkshires out in
 15 western Mass., we have some wind north of Worcester in the
 16 central part of the state, and we also have wind along the
 17 coastline as well as offshore. We see probably about
 18 200 megawatts being realized in the next 25 years out in
 19 the central and western part of the state. These are wind
 20 farms that are in the 15 to 30 megawatt size range. That
 21 would be 10 to 20 turbines, like acoustical projects if
 22 you're familiar with that out in the Berkshires.
 23 Along the coast you may see 100 megawatts

1 Buzzards Bay we believe that you can site a 200 megawatt to
 2 300 megawatt range project. As you look in Boston Harbor
 3 and points north, the wind speeds are minimal; they're not
 4 desirable for development. The waters are too deep. You
 5 have Logan Airport in the Boston Harbor area.
 6 You may be able to realize a 200 megawatt
 7 to 300 megawatt project off of Scituate and Plymouth in
 8 that area, but again, that's not an ideal place because the
 9 exposed waters, the wave surges and the Nor'easters would
 10 cause for engineering constraints. Some people are
 11 proposing behind Nantucket and parts in the far south.
 12 Those are just too far. The economics don't work for
 13 projects in the middle of nowhere. You have to run long
 14 cables back to shore, floating technology which has
 15 been...The technology remains to be seen.
 16 So I would like to address scale tonight
 17 and how you mentioned here that scale will be in terms of
 18 context and where you're located. For south coast wind
 19 projects we proposed a 300-watt project back in May of
 20 2006. We then set off to understanding environmental
 21 concerns. We began by look specifically at the Roseate
 22 Terns, and for the last 2 years we've been looking at the
 23 Roseate Terns throughout the Bay. We've spent millions of

1 developed in the next 25 years, and these projects will
 2 likely be single and double-turbine projects scattered
 3 along the coast, and that metering process, that metering
 4 legislation, the echelon has approved it and we hope to see
 5 some of these smaller projects.
 6 Offshore you need a certain level of
 7 scale to have a feasible project. We need wind farms.
 8 Offshore has higher installation costs and maintenance
 9 costs, and therefore, in order for a project to be
 10 economically feasible, you need to have a scale spread out
 11 over the entire project. You're not going to design,
 12 permit, mobilize, and construct a project offshore for one
 13 or two turbines; developers just won't do it.
 14 You know, we're happy to see you all
 15 pursuing the project. We want to see how that project pans
 16 out with the economic feasibility; remains to be seen.
 17 Offshore requires somewhere in the 200 megawatt range to
 18 get off ground. The project needs around 40 to 60 turbines
 19 minimum of 200 megawatts minimum to have any...The
 20 economics less than that probably won't work.
 21 Where can you site a 200 megawatt turbine
 22 farm on the coast? Well, first Nantucket Sound which can
 23 accommodate 100 turbines in the 200 megawatt range. In

1 dollars looking at bird activity and we can talk for hours
 2 here about what we found to date and what needs to be
 3 further evaluated as Roseates move through the Bay.
 4 We agree with you, Mark, that, you know,
 5 we have to understand how Roseates interact throughout the
 6 Bay, and we've begun that. And as a result of some of our
 7 findings, we've already decided to discontinue looking at a
 8 project in areas south of Fairhaven and West Island. Birds
 9 clearly show that there was movement through that area for
 10 foraging. There's also nesting sites in Ram and Bird
 11 Island. We've stopped looking at that site...New Bedford
 12 Harbor heading up towards the channel and also down towards
 13 Woods Hole, so we dropped it. We've also dropped the area
 14 south of Dartmouth. For environmental reasons it's not
 15 looking that great.
 16 So we may find that as a result of our
 17 study and in trying to appropriately site and scale our
 18 project we may end up with a project that ultimately can be
 19 in the 200 to 250 megawatt range and only be 40 to 60
 20 turbines. From the outset, we've explained this is a
 21 process and we're going to let the people and the
 22 environment speak to us and tell us how to shape the
 23 project.

1 Offshore winds will not happen unless
2 appropriately scaled takes project economics into account.
3 Please use this historic opportunity which clearly allows
4 turbines in the waters in the Commonwealth, make sure the
5 ocean management plan, please, allows for the development
6 of significant and meaningful and economically viable wind
7 projects in the waters of the Commonwealth. Thank you.

8 MR. BABB-BROTT: Thank you.

9 MS. TAYLOR: Thank you.

10 MR. BABB-BROTT: Jim Kendall, New Bedford
11 Seafood Consulting.

12 MR. KENDALL: Well, first of all, I'd like to
13 thank you for the opportunity to speak on these matters.
14 My name is Jim Kendall. I'm a former commercial fisherman.
15 32 years of fishing and since then I've been working as a
16 seafood consultant for a variety of interests throughout
17 the fishing industries, so obviously I have a very
18 deep-rooted concern for both the inshore fisheries and the
19 offshore fisheries.

20 I have served on the New England
21 Fisheries Management Council for 6 years offering up
22 management regulations which actually imposed some burden
23 on the fishermen. Why do we do this? Not so much because

1 we choose to but because we have to, but I would like to
2 point out that oftentimes you find people calling for more
3 and more measures to be made or be done in order to protect
4 something that they feel needs to be protected. Of course
5 not everyone agrees all the time with everyone else's
6 issues on a matter, but I'd like to point out too that as
7 well as a destructive use and taking advantage of something
8 for personal gain is probably just as much an unpardonable
9 sin as a wasted resource. To have a resource that's
10 available to you and not be able to take advantage of it is
11 probably just as bad and probably in some ways even worse
12 because once it's foregone oftentimes you can't gain it
13 back no matter how many correctional issues you make.

14 As a commercial fishermen I have to tell
15 right now it's my concern that we keep hearing rumors to
16 the effect that we may ban fishing at some point. Maybe
17 not your fishing or not all fishing may be adaptable to all
18 areas, and I need to tell you now this is one of the majors
19 concerns that concern the fishing industry. The
20 Massachusetts Fishermen Partnership, of which I was a
21 founding member and first president of the group, has
22 submitted their concerns about the issues that have been
23 brought up already, and I've attended several of the

1 meetings and tried to make my concerns noted.

2 Fair uses is one thing and fair
3 consideration must be given when it comes to trying to
4 determine fair use. Currently there is some concern that
5 not all the people who are users of this resource will be
6 represented to the best. You have a 17 member panel now,
7 and that's, you know, if it gets any larger, it gets
8 unruly, we understand that, but I know there's been some
9 concern that they don't feel there's enough commercial
10 representation, fishery representation on the panel, and
11 it's not because we feel that any of the people may be
12 biasing themselves, but actually, it's a case of more not
13 being knowledgeable about what it takes to be a commercial
14 fisherman and what is needed for them to survive and how to
15 actually go about their business while protecting the
16 resources and while utilizing them to the full extent.

17 You know, in federal fisheries there is a
18 requirement under the Magnuson Act that you utilize to the
19 best of your ability all the resources out there for the
20 betterment of the country. I don't quite see that from the
21 Massachusetts regulation. It may be that for some of the
22 people who actually work on this, but if we had that type
23 of regulation standing behind us to say that you will

1 maximize your use of the resource, I think we will feel a
2 lot better about it.

3 At this point in time there seems to be
4 more concern given about protection, and like I say,
5 protection is like a lot of other things you deal with in
6 life that oftentimes in the eyes of the beholder what you
7 see as protection I see as a prohibition, and what I see as
8 a prohibition you might see as taking advantage of
9 something if it's not prohibited.

10 So on some of those issues, like I say,
11 it's pretty well understood. There is small inshore
12 fishery in Massachusetts, and I can tell you now that the
13 Cape Wind Project totally ignored their plight. This is
14 nothing knew, it's been brought up before at different
15 meetings, and here is one group that is actually advocating
16 for renewable energy, and I myself think renewable energy
17 is...I think we need to work towards it, but I think
18 there's a right way and a wrong way, and I will say right
19 up front that I think their methods are the wrong way.

20 I did have the opportunity to work with
21 the industry or for the industry with Patriot Renewables.
22 I think that their approach to their plan made a lot more
23 sense at least to someone like myself who feels that he can

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1 speak with a little bit of authority on fishermen's uses
 2 and protect the resource, simply because of the fact that
 3 they went out and speak to the uses of the resource. They
 4 went out and they asked questions. They didn't go out and
 5 they didn't dictate procedure or policy.

6 So, like I said, I think there's a right
 7 way and a wrong way to go about this and I just hope that
 8 we can play a part in determining which of those we'll go
 9 forward with. Thank you.

10 MS. TAYLOR: Thank you.

11 MR. BABB-BROTT: Thank you.

12 Michael P. O'Malley who is hedging his
 13 bets...

14 MR. O'MALLEY: Thank you for letting me
 15 speak. My name is Michael Patrick O'Malley and I'm a
 16 commercial fisherman. I've been captain of a fishing
 17 vessel and I'd like to talk about renewable energies. The
 18 thing that I'd like to talk about is, I've done a lot of
 19 incident research on the underwater turbines, and I've read
 20 a study about Mesquite, G&O being studied for the type of
 21 underwater turbines. And the thing that I got out of it
 22 was that, you know, they talk about windmills, that's one
 23 thing, but to take a windmill and stick it under the water,

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1 my concern is for the beautiful whales that I see on a
 2 daily basis offshore, and I just wanted to raise the issue
 3 about the whales and underwater turbines. I mean I have to
 4 stay so far away from a whale when I see a whale and I
 5 think it's an issue that can't be overlooked by the ocean
 6 management in underwater turbine. Thank you.

7 MS. TAYLOR: Thank you.

8 MR. BABB-BROTT: Thank you. Unless there's
 9 some names on the list in the back room that I don't have
 10 yet, that's what I have or what I read on here as far as
 11 folks that would like to make comments. Is there anyone's
 12 name I haven't read that would like to come up and make
 13 comments? Is there anyone who has any questions about what
 14 we're doing and what the issues are?

15 With that, folks, thank you all for
 16 coming out tonight. It's a pleasure. We hope that...back
 17 up with E-mails and we'll let you know what happens when
 18 the information is available and we will be back for
 19 another conversation. Go Red Sox.

20 (Whereupon the proceedings adjourned at
 21 7:50 p.m.)
 22
 23

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1 CERTIFICATE

2

3 I hereby certify that the foregoing 34 pages contain a
 4 full, true and accurate transcript of all my stenographic
 5 notes to the best of my ability taken in the
 6 above-captioned matter held at the New Bedford Public
 7 Library on October 6, 2008, commencing at 7:06 p.m.

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16 _____

17 KATHLEEN M. BENOIT
 18 Notary Public

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20 My commission expires
 21 May 25, 2012
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