

PROCEEDINGS

MR. WEBER: I guess we'll go ahead and get started. My name is John Weber and I work for the Executive Office of Energy and Environmental Affairs, and on behalf of my boss Secretary Ian Bowles I'd like to welcome you to this ocean planning meeting this evening.

Joining me this evening is Representative deMacedo who is a member of the Ocean Advisory Commission. He'll be making a remark in just a second.

Before he does so, I'd also like to acknowledge a couple other folks who are with us here tonight from the legislative side of things. Jackie Horigan from Senator Murray's office has joined us tonight, as has Betty DeBenedictis.

REP. DeMACEDO: And also Monica Mulligan is here from Senator Murray's office as well.

MR. WEBER: Thank you very much for pointing that out. Thank you folks for taking the time and I'll turn it over quickly to Representative deMacedo.

REP. DeMACEDO: Thank you, and I am one

MASSACHUSETTS OCEAN PLANNING LISTENING SESSION

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INDEX

1	
2	
3	Comments by Rep. DeMacedo Pg. 3
4	Presentation by Mr. Weber Pg. 6
5	Public comments Pg. 21
6	Adjournment Pg. 48
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	

of 17 members in the Ocean Advisory Commission here and we are here to really listen to members of the public who want to share with us what their concerns are, what we should be looking at.

This is a pretty broad bill that we were able to get through. And really what it does in many Ways is creates a planning process for the ocean.

There's been a lot of talk in the past. We've had the issues with the LNG's. We've had issues in reference to renewable energy and all kinds of different issues that people are talking about, trying to harness the energy of the ocean.

And we really felt as a Commonwealth that we need to be proactive and have something in place prior to having to deal with these issues instead of reacting to these issues.

And I think this is -- I'd like to give Secretary Bowles a great deal of credit for his leadership on this issue.

I think the legislature has worked very closely with the administration putting together a plan and really was very much relying on what the people from the general public were concerned about;

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1 people who had interests in and dealt with the ocean
2 specifically, whether it be the coastline, ocean,
3 boaters, fishermen.

4 For those of us here in the town of
5 Plymouth specifically, the ocean is an incredible
6 part of our tourism industry. It's an important part
7 of our economic industry. And we are very concerned
8 about what happens there.

9 And yet we can't negate the fact that
10 there are opportunities that we as a Commonwealth
11 have in trying to harness the ocean and see the
12 potential that's possibly in the ocean and be
13 proactive to have a plan that makes sense that the
14 entire Commonwealth can come together and agree on
15 and try to do the best with it.

16 So that's why we're here today. I thank
17 all of you for coming out today. And again, I do
18 want to mention my colleagues Representative Calter
19 and the senate president has sent their staff to hear
20 from you because as the delegation we are very
21 concerned and we do care very much about what's
22 happening on and off our shores and we want to make
23 sure that the appropriate measures are taken to

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1 protect our coastline and to work for the betterment
2 of this region and hopefully our economy.

3 So with that, I want to thank you for
4 coming and look forward to hearing from you and hope
5 to take that back to my other colleagues that are on
6 the commission.

7 I apologize if there aren't many here
8 today but many of us, because we are doing these
9 meetings throughout the shoreline from Gloucester all
10 the way down to the tip of the Cape, we're trying to
11 spread this out and trying to bring the information
12 back.

13 This is all being taped so that we're
14 able to compile the information that will be on
15 website so it's available so we can kind of get a
16 perspective from every region and see what's
17 important to them.

18 So with that I want to thank you all for
19 coming and look forward to hearing from you.

20 MR. WEBER: Thank you, Representative.
21 Tough act to follow but I'll do my best. As the
22 representative indicated, this is the sixth in a
23 series of meetings that are being held along the

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1 coast and also inland in the Commonwealth. And that
2 is definitely on purpose.

3 Our goal is to develop an ocean plan --
4 and I will get into, in a few minutes, exactly what
5 that means -- with as broad-based public
6 participation as we can.

7 So I'm standing in front of you right now
8 at the very beginning of this process. As I will
9 describe in a few minutes, your thoughts and comments
10 will help the Ocean Council and define how the Ocean
11 Plan will meet the objectives that are set forth in
12 the Oceans Act itself.

13 Turning to tonight, the agenda for
14 tonight is very simple and that's, again, on purpose.
15 I will give a brief presentation, maybe ten or
16 fifteen minutes, and then we will take comments from
17 folks who have signed up to speak and also from --
18 you know, if you didn't sign up but wish to say
19 something, please feel free.

20 There was and there still is a sign-in
21 sheet at the door and a number of handouts. Please
22 take the time to sign in and indicate on the sheet if
23 you would like to speak this evening, as I said, and

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1 also provide your contact information.

2 And one of the things that we're doing is
3 we're pulling together a contact list so that we can
4 keep people informed when they show up and come out
5 for these meetings.

6 The other thing, as the representative
7 said, is just to point out that -- and the reason for
8 me standing here in front of mikes and with video
9 camera is these are being videotaped.

10 They will be available on line for maybe
11 folks who wanted to come out tonight but couldn't
12 make it. They'll be able to see the proceedings on
13 line.

14 As I mentioned, there are a couple of
15 handouts. The handouts give -- One gives an overview
16 of the Oceans Act as well as the public participation
17 process.

18 That handout also has on the flip side --
19 it's a double-sided document and on the flip side it
20 has some web links for further information, and an
21 important thing to point out on that is those web
22 sites will be updated as this moves forwards.

23 There's a map of the planning area.

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1 There is also a form that was for submitting written
 2 comments if you wish to do so rather than speak at a
 3 microphone.
 4 And there's also a copy of my
 5 presentation. And the presentation I'll be talking
 6 to you about has six boxes that look like that and
 7 I'll be speaking to that in a minute.
 8 Actually, I'll go into that right now.
 9 So what is an Ocean Plan? What is that term? What
 10 are we talking about when I say that term?
 11 There's a couple of different ways to
 12 answer that and I'll start on a very general level.
 13 One is that an Ocean Plan guides the use, protection,
 14 and development of our ocean waters. As the
 15 representative indicated, it includes components of
 16 all those things.
 17 It addresses certain potential
 18 incompatibilities or conflicts. There can be certain
 19 uses that are existing and/or foreseeable in the
 20 future that are not compatible with other types of
 21 uses that exist out there.
 22 Similarly, there are particular uses that
 23 may not be compatible with certain natural resources

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1 or environmental concerns that are out in the ocean.
 2 So one of the ideas is that the Ocean
 3 Plan is a document that develops a mechanism or other
 4 policy-type language, implementation-type language as
 5 well, that addresses those potential
 6 incompatibilities or conflicts.
 7 I spoke to implementation a minute ago.
 8 That's an important part of any such document. We
 9 don't want it to sit on a shelf and gather dust.
 10 The idea is that existing state
 11 permitting authorities will be the implementation
 12 mechanism for much of the Ocean Plan, although there
 13 are potentially other avenues that may also be very
 14 appropriate and should be explored and we're open to
 15 that.
 16 So a little bit more specifically, an
 17 Ocean Plan is based on an assessment and analysis of
 18 environmental, economic, and social information;
 19 i.e., maps, that are used to attempt to organize
 20 various uses in the ocean, any interactions between
 21 those uses.
 22 And there's also a component in the
 23 Oceans Act itself that calls for a balancing of

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1 potential development with a need to protect the
 2 environment and the ecosystem out there.
 3 So maybe a summary statement would be
 4 that the Ocean Plan is intended to achieve social,
 5 economic, and environmental objectives and attempt it
 6 in a rational way.
 7 So that begs the question of why do we
 8 need to do this. The first point that I would make
 9 in response to that is that the Oceans Act recognizes
 10 a very, very important fact: The ocean is a public
 11 resource. It belongs to all of us.
 12 That is very different than obviously
 13 landside where private ownership predominates.
 14 There's also an acknowledgment in the Ocean Plan that
 15 we need to protect and enhance the ocean environment
 16 but at the same time we also need to use the ocean.
 17 Much of the coastal economy in one way or
 18 another relies upon some level of use of the ocean,
 19 but some of these uses may conflict with each other
 20 and/or the environment as I spoke to a couple minutes
 21 ago.
 22 So I think there's a recognition in the
 23 Oceans Act that we can't protect it everywhere and

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1 just lock it up and throw away the key, nor can we
 2 allow development everywhere because those would
 3 likely wind up not meeting social objectives.
 4 So a key point to this Ocean Plan is
 5 that I think it will attempt to define and achieve
 6 this sort of balancing test.
 7 So a little bit more specific about
 8 the Oceans Act itself. The legislature, as the
 9 representative spoke to, passed this piece of
 10 legislation earlier this spring. It was signed into
 11 law in June.
 12 The Act directs the Secretary of Energy
 13 and Environmental Affairs, EEA, my boss, with the
 14 assistance of an Ocean Advisory Commission and a
 15 Science Advisory Council, to develop the plan.
 16 And the Act specifically says that the
 17 Ocean Plan must set forth the Commonwealth's goals,
 18 siting priorities for development, and standards for
 19 proper stewardship of its ocean waters, as I said,
 20 that are held in trust for the benefit of the public.
 21 The Act does have a couple more important
 22 things that I'd just like to touch on quickly. One
 23 is that there's a requirement to coordinate across

1 state, local, and federal jurisdictions. And the
2 best example I can give of this is a potential
3 project -- let's say it's a renewable energy project
4 that is located in federal waters.

5 Obviously to connect to the grid and
6 provide electricity, such a project would have to
7 cross state waters. So the state permitting, state
8 review, would be involved. And presumably also there
9 would be local review involved when such a project
10 makes landfall.

11 So one of the things the Act says is that
12 the plan should look at mechanisms to coordinate
13 across those jurisdictions.

14 I've already touched on this idea of
15 balancing, and maybe another way of saying that is to
16 foster sustainable uses that capitalize on economic
17 opportunity without significant detriment to the
18 ecology or the visual appearance of the ocean.

19 So more specifically than that, the
20 Oceans Act says that the plan shall identify
21 appropriate locations and performance standards for
22 various activities, uses, and facilities.

23 A couple more points about the Oceans

1 Act. One is that -- and it's very important
2 obviously given the fleet here in Plymouth -- that
3 commercial and recreational fishing shall be
4 allowable uses.

5 And, as is the situation now, they shall
6 be subject to the jurisdiction in state waters of the
7 Division of Marine Fisheries. That is as the current
8 occasion or the current situation is now.

9 So another way of saying this is that any
10 fisheries management plans or fisheries regulations
11 are under the jurisdiction in state waters of the
12 Division of Marine Fisheries. That's an important
13 point.

14 And I guess I'll stop and say the Oceans
15 Act also says that if there is an element of the plan
16 that may have an economic impact on the fishing
17 community, that economic impact should be evaluated
18 or shall be evaluated in the course of developing the
19 plan.

20 So there's a number of ways that, even
21 though fishing is to remain under the jurisdiction of
22 the Division of Marine Fisheries, obviously
23 consideration of fisheries and fisheries issues is a

1 very important part of the development of this plan.
2 Quickly on the schedule, just to provide
3 you an overview of that, the -- and this is mandated
4 by the Oceans Act. By June 30th of 2009 a draft plan
5 must be submitted to the legislature for formal
6 public hearings with the final plan being promulgated
7 at the end of the year 2009.

8 That's an aggressive schedule. It's also
9 one of the reasons why we have immediately kicked off
10 with this series of public meetings.

11 One of the things that we're hoping to
12 achieve through this sort of forum is more of a
13 conversation so that maybe we can discuss a little
14 bit more.

15 Sometimes with formal public hearings
16 they tend to be just that, a little bit more formal
17 and not as much opportunity for discussion.

18 So what this realistically means is that
19 the plan, in order to be responsive to these required
20 timelines, will have two main parts.

21 One is a portion of the plan that
22 identifies areas that are suitable for particular
23 kinds of development and describes how such types of

1 development could be regulated.

2 There's also a very key part of this,
3 though, that is looking longer term. The Act
4 requires that the plan be reviewed at a minimum of
5 once every five years.

6 So that means that there is a portion of
7 this that is looking ahead to the future. And that
8 is a critical part of this, and we think that the
9 plan needs to have a formal roadmap or formal clear
10 setting out of expectations as to how the plan will
11 be modified as we move forward, both as our
12 scientific understanding of the ocean increases,
13 also, though, potentially as various new technologies
14 that we can't even fathom today crop up, etcetera,
15 etcetera.

16 So, as I said before, the plan is meant
17 to be a living document. We think that's very, very
18 important obviously.

19 So a little bit about sort of the process
20 between now and the June 30th timeline. First step
21 we're in the middle of right now, is the information-
22 gathering stage. That has three main elements. One
23 is this round of public meetings that we're doing.

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1 One of the things that we're asking for
2 in these public meetings specifically is if you'd
3 take a look on the last slide, you'll see that there
4 are a couple of questions that we've posed there.
5 What is important to you based on your
6 use and experience of the ocean, etcetera, etcetera.
7 One way that we're thinking of this right now is this
8 term that you'll see here called planning principles.
9 And another way of thinking about that is
10 what in your opinion should this plan try to do.
11 What should it try to accomplish. And that's a very
12 important part of starting off this process.
13 In addition to that public comment
14 portion, there are a series of agency work groups
15 that have been set up that are currently involved in
16 collecting and analyzing existing environmental,
17 economic, and social data and basically to collect
18 all of the scientific information we can about the
19 planning area.
20 That will be important in lots of
21 different ways, but a key way is that will set
22 basically a baseline for us in the future to look
23 back on and see how things may or may not have

18

1 changed.
2 And then a final part that we're doing is
3 we're taking a look right now, in this information-
4 gathering stage, at various other efforts along these
5 lines from around the world to just see lessons
6 learned, what we can glean from other places that
7 have done this sort of thing, etcetera.
8 And obviously that will have to be
9 filtered through the specifics of Massachusetts both
10 socioeconomically thinking as well as what the Oceans
11 Act says. But to the extent that we don't have to,
12 let's not reinvent the wheel. That's essentially
13 what that part is about.
14 That roughly -- This first step of this
15 gathering information stage, like I said, has been --
16 we're currently not quite in the middle of it. It's
17 slated to go through January.
18 Following that, in February through April
19 of 2009 time frame, is time that will be used to
20 develop a draft plan. And, roughly speaking, that
21 will happen by taking a look at all the data that we
22 accumulate in this first step, identifying areas of
23 compatibility, maybe places where we can do some

19

1 creative thinking, do some additive type of work.
2 And by that I mean there -- you know,
3 it's pretty common to think of use conflicts, but
4 maybe there's another way of thinking about various
5 uses out there that they can actually complement one
6 another.
7 And I think that's something we'll be
8 taking a close look at and looking at those tradeoffs
9 that are made as we sort of look at all the data from
10 different angles and evaluate different ways of
11 approaching things.
12 And also, as we work with various
13 interest groups that are very -- that have a stake in
14 this, working through some of those areas of trying
15 to find common ground and/or resolve conflicts.
16 So, as I said, that's very much a
17 hands-on sort of evaluation with various public
18 groups, and the output of that is intended to be a
19 draft plan.
20 Then we come back out to you all in the
21 May, June type of time frame and we present the draft
22 plan. And a key question we'll be asking is, We came
23 and talked to you this fall. We heard what you said.

20

1 Here's what we came up with? What do you think? How
2 did we do?
3 So that, again, is intentionally going to
4 be more of a discussion I think rather than a formal
5 sit-back-and-have-a-public-hearing type of approach.
6 And then following that step, comment and
7 changes are made as appropriate and the plan is then
8 submitted to the legislature for that formal review
9 step.
10 That will also have formal public
11 hearings associated with it and that is pursuant to
12 the Act. And as I said, the Act mandates that we
13 wrap that up December of 2009.
14 And then just one sort of point, after
15 that, even after that point in time, there will still
16 be work that will be going on to integrate that into
17 the state's Coastal Zone Management program.
18 So that kind of is an overview of the
19 presentation? I will not -- We already touched on
20 the four questions that are posed in that little box
21 titled Your Comments and Participation.
22 So I would leave you with that. I
23 would also point you to, on the Overview of the

1 Oceans Act and Public Participation sheet, I believe
2 on the front of it, there's a list of about 15
3 things. And those 15 things are beginnings of sort
4 of the goal statements for the Ocean Plan. They are
5 set forth in the Oceans Act itself. These are things
6 that the Ocean Plan must do.

7 Maybe that's another way to sort of, for
8 me, to kick off the real -- the part where I get to
9 have fun and stop listening to myself talk and listen
10 to you all.

11 Because we're really interested in, in
12 combination with these four questions that I have
13 here on the presentation I just went through, what
14 are your thoughts on those 15 bullet items in the
15 Oceans Act and, specifically, are there feelings that
16 you have that are maybe a bit more refined and/or
17 specific than some of those very broad items there.

18 So with that I'm going to relocate. I
19 believe I had one person sign up on the sheet so I'll
20 start there but then I'd like to open it up after
21 that. Robb Johnson.

22 MR. JOHNSON: Good evening. I'm Robb
23 Johnson from The Nature Conservancy and The Nature

1 increasingly looking to offshore waters for
2 installation of infrastructures to serve human needs.
3 So as we anticipate more of that kind of
4 thing in years to come, we want to make sure that we
5 are looking at the ecosystem's health and that that's
6 attended to.

7 So clearly the Act outlines that as one
8 of the key objectives, so I guess it becomes a
9 question of just how good a balancing act we do.

10 And so a few of the things we want to
11 stress is that we feel it's critical to take a
12 regional view. Obviously the plan's jurisdiction is
13 limited to Massachusetts waters but those waters
14 exist in a broader ecological context, regional
15 context.

16 When The Nature Conservancy goes about
17 making our regional plans we think about what's the
18 unique contribution that Massachusetts has to
19 worldwide biodiversity. Similarly we need to look at
20 our marine waters in the same way, as one of the
21 unique habitat types sites here that are regionally
22 significant and let's give them a level of protection
23 that will actually preserve the services that they

1 Conservancy is an international conservation
2 organization dedicated to preserving plants, animals,
3 and natural communities that are representative of
4 the diversity of life on earth, and we do that by
5 preserving habitat, land and waters that species need
6 to survive.

7 We already submitted a -- My colleague
8 Kate Killerlain Morrison already submitted her
9 comments at the Faneuil Hall listening session so I
10 just wanted to show up.

11 And because I'm from our Plymouth office,
12 we have regional presence here and obviously the work
13 that we do on land and our fresh water systems is
14 integrated and we're trying increasingly to integrate
15 better with our marine program to better protect Cape
16 Cod Bay, Buzzards Bay, and Narragansett Bay, the
17 waters that these lands are the watershed for. So --

18 And I guess what I'll do is just kind of
19 reiterate some of the things that Katie said but
20 maybe put a little bit of an added spin on them.

21 We see this Oceans Act as a huge
22 opportunity. Obviously it grew out of a threat
23 concerning -- that people have that we're

1 provide us.

2 And to do that you need to look at not
3 only biotic features, you know, what living things
4 are there, but also the abiotic features; what's the
5 geology, the topographical features that make that
6 habitat, especially in light of climate change, and
7 that is one of the things called out that we are
8 supposed to attend to.

9 We can anticipate we're going to see some
10 shifting in actual species that utilize our offshore
11 waters and the habitat they provide, but if you
12 preserve a representative mix of the kind of habitat
13 sites that are by geology or topographical features,
14 hopefully we'll preserve a biodiversity that's not
15 the exact biodiversity we have today.

16 Another consideration is that we hope
17 that in taking that regional view, there will be a
18 view to how this plan can strengthen Massachusetts'
19 hand in coordinating with regional and federal and
20 international jurisdictions that also govern marine
21 activity.

22 So Massachusetts, coming from a place of
23 a strong plan, it will strengthen our ability to

1 weigh in on interjurisdictional questions.
2 Thirdly, we certainly recognize the need
3 to provide economic opportunity and to do so in a way
4 that goes beyond the way we're currently using the
5 ocean, but as we do so we very much want the language
6 in the law that speaks to no significant detriment to
7 be honored very closely.

8 So if the plan, as -- Your preamble sort
9 of laid out a vision of zoning, ocean zoning,
10 hopefully we end up with a kind of zoning that isn't
11 sort of economic fragmentation, that doesn't fragment
12 the ocean with so much infrastructure and human use
13 that there isn't a meaningful critical mass of a
14 habitat for the long term in desirable locations.

15 And lastly, there's a concept of how
16 performance standards -- and again, the zoning
17 approach can be used to actually deliver greater
18 predictability and perhaps smoother permitting of
19 proposed uses offshore.

20 And certainly that's something that we
21 would welcome. If the zoning is right, then we don't
22 have anything -- any problem with greater
23 predictability, prompt and predictable permitting for

1 offshore projects.

2 But we would also ask that restoration
3 projects be afforded that same promptness and
4 predictability. We're currently engaged in oyster
5 restoration projects in Wellfleet, for example.

6 It's always interesting when you go about
7 doing something that hasn't been done a lot before,
8 we're encountering how hard it can be to do a
9 restoration of something that should be relatively --
10 seem good, but we'd like to encourage that. And
11 that's really all I have to say. Thank you for
12 affording the opportunity in so many locations for
13 public input.

14 MR. WEBER: Thank you. That was the
15 person at the sign-in sheet. Is there anyone else
16 who would like to make a comment?

17 MR. BORRELLI: Good evening. My name is
18 Peter Borrelli. I live in Eastham and technically
19 I'm here representing the Nantucket Soundkeeper this
20 evening but because we're meeting in Plymouth, I
21 thought I'd like to speak a little about Cape Cod
22 Bay, probably my favorite body of water in the state
23 and I know yours and the senator's.

1 It's significant to note that Cape Cod
2 Bay is the largest contiguous body of water that the
3 Commission is considering, some 600 square miles,
4 602, I believe, square miles of state waters.

5 And it's also significant to remember
6 that although the Oceans Act has taken an important
7 step forward and the legislature and governor's
8 office and your office should be congratulated for
9 that effort, there is already a designation of Cape
10 Cod Bay as a Massachusetts ocean sanctuary under the
11 Ocean Sanctuaries Act of 1972.

12 Massachusetts is clearly leading the way
13 in 2008 with this new plan, but it led the way
14 nationally over 30 years ago with the passage of the
15 Ocean Sanctuaries Act.

16 As the legislature and task force created
17 by Governor Romney pointed out, one of the
18 shortcomings of the Ocean Sanctuaries Act is that in
19 all the years that it was on the books, no criteria
20 were ever established for determining or wrestling
21 with issues of compatibility and there were no
22 performance standards.

23 So although it was designated as a state

1 ocean sanctuary, virtually anything was allowed that
2 wasn't specifically prohibited by some other act of
3 the legislature.

4 It's worth noting, as you well know --
5 but perhaps some of the audience doesn't -- that all
6 of the prohibitions in the Ocean Sanctuaries Act were
7 preserved by the legislature in the Oceans Act and
8 will remain on the books until such time as there is
9 a new plan that either improves or modifies the
10 protections of the Oceans Act.

11 Those protections were very simply stated
12 and I'd like to repeat that basically the purpose of
13 the Ocean Sanctuaries Act was to protect the seabed
14 and to prevent any significant disturbance of the
15 biotic community on the ocean floor and to maintain
16 the appearance of the watersheet, an unusual word in
17 these kinds of laws, but clearly called upon the
18 Commonwealth 30 years ago to develop at least some
19 esthetic guidelines.

20 I contend that if those esthetic
21 guidelines had been set in place, the current
22 controversy in Nantucket Sound might have been moot
23 because, although the Cape Winds Project is located

1 in federal waters, it is entirely surrounded by the
2 Cape and Islands Ocean Sanctuary.

3 Had there been performance standards for
4 esthetics, which are clearly an important part of our
5 economy and general esthetic that we all enjoy on
6 Cape Cod, there would have been a little bit more
7 leverage for the Commonwealth to deal with the
8 federal government on this issue.

9 Nevertheless, my point is as you seek to
10 plan and create a new plan, bear in mind already a
11 lot of Mylar overlays that exist. It was Bob Doran,
12 EOEa secretary two administrations ago who said
13 basically this is all about ocean zoning and we need
14 to zone the ocean, even the ocean that has already
15 been designated as an ocean sanctuary.

16 Now, within this very large ocean
17 sanctuary we have a number of other areas that have
18 already been, in effect, planned or set aside.

19 All of the bay is a federally-designated
20 critical habitat for the North Atlantic right whale.
21 That has to be taken into consideration.

22 There are also several environmental
23 areas of special significance created by the

1 Commonwealth, I think four all together on Cape Cod
2 Bay.

3 There are elements of the Cape Cod
4 National Seashore, another federal agency, that would
5 have to be dealt with on the east shore of Cape Cod
6 Bay.

7 There's the Cape Cod Bay disposal site
8 which is an actively used area that in effect has
9 boundaries and represents a zone.

10 There are undesignated -- and perhaps
11 they should be designated -- shipping lanes in and
12 out of Cape Cod Canal of vital significance to the
13 region's economy but currently an unregulated transit
14 system.

15 There are some federal pending
16 regulations that would create designated lanes from
17 the Canal both to Boston and to points further north
18 that should be taken into consideration, critical
19 shellfish beds that have been mapped and are of
20 special significance.

21 And one of my particular concerns are
22 vital, and presently perhaps growing, eelgrass beds;
23 here in Plymouth in particular perhaps the largest

1 eelgrass concentration in all of Cape Cod Bay, the
2 areas around Billingsgate and the areas off of
3 Brewster flats and some other small pockets, all of
4 which should be basically out of bounds or off limits
5 to any types of destruction.

6 How do you do this? The mapping exercise
7 will be relatively simple once you pull all the data
8 together. The real test in the end will be coming up
9 with a methodology or criteria for compatibility
10 determination, something for which there is
11 considerable amount of literature, different models,
12 particularly within the federal system, to be
13 examined.

14 I think perhaps -- and it's a bias of
15 mine -- that the compatibility determination
16 methodology used by the U.S. Fish and Wildlife
17 Service is -- First of all, it's been around for
18 decades so it's passed the test of time, but it's
19 simple in the sense that the public understands it
20 well and it's driven by the purposes for which an
21 area is designated, either for commercial use or to
22 be protected.

23 A decision that ultimately flows from a

1 plan, from the legislature, from the administration,
2 doesn't leave a large gray area at the end of the
3 determination process because it's driven by what was
4 the intended purpose for this particular zone.

5 And I'd like to close just by taking
6 issue, Mr. Weber, with one of your comments and that
7 is you said we can't protect it, meaning the ocean,
8 everywhere.

9 Well, I would contend that the challenge
10 that the Commonwealth of Massachusetts, the
11 Commission, and all of us here tonight, face is that
12 we must protect it everywhere. Regardless of the use
13 for which it is intended, our goal must be to protect
14 it.

15 We cannot continue a policy of halving
16 and balancing and cutting, and half of this and half
17 of this, so-called death by a thousand cuts.

18 We've certainly seen it in the case of
19 LNG and it doesn't take much imagination to realize
20 that if we are solely driven by a desire to balance,
21 we will continue to balance but in the process we
22 will continue to diminish what is the public trust.

23 So our primary goal must be to protect it

1 at all costs while recognizing there are competing
2 and multiple needs for the use of the ocean, but
3 protection must be first and foremost our guiding
4 light. And I believe, quite honestly, that that is
5 the underlying intent of this very creative piece of
6 legislation. Thank you.

7 MR. WEBER: Thank you. I think there was
8 a hand back there.

9 MS. THORSTENSEN: My name is Katherine
10 Ann Thorstensen. I grew up on Cape Cod and so I've
11 lived by the ocean all my life.

12 I'm an artist and when I was a younger
13 adult I worked at Woods Hole Oceanographic and MBL
14 Institute for certain scientists and have always been
15 around oceanographers, so I have a great interest in
16 the preservation of the ocean to do with the state of
17 Massachusetts.

18 And one of my primary concerns, other
19 than the right use of the waters of the state of
20 Massachusetts, is how our oceans are targeted now for
21 resources by major international corporations as well
22 as national corporations.

23 And I think in terms of dealing with an

1 Oceans Act, that there should be very primary concern
2 amongst the residents of the state of Massachusetts
3 in terms of the economics of the use of the ocean
4 which is down the line for all of us. It's
5 inevitable.

6 And we see that with the wind farms that
7 corporations want to put off our shores. You know,
8 there's plainer talk about how the Cape Cod Canal
9 should be really harnessed for hydroelectric power.

10 And amongst all this, because I look at
11 the national economy, and our own national
12 corporations and international corporations, when it
13 comes to the use of natural resources, have really
14 plundered our country.

15 And I see -- I feel that there's, you
16 know, an attack on our natural resources. And maybe
17 I'm naive about it, but I feel that Massachusetts has
18 been in the forefront of experimentation in other
19 areas not to do with oceans. For instance, with
20 health care.

21 I think we're one of the only states
22 right now to have had private state partnership in
23 health care which actually happened right on Cape Cod

1 recently.

2 And I don't know how many projects the
3 state has, but Pocasset Senior Residences -- this may
4 seem off the track but it really isn't, it's to make
5 a point -- Pocasset Senior Residence is affordable
6 assisted-living for Massachusetts residents.

7 It was created by a private corporation
8 partnering with the state and it is the most
9 affordable, beautiful assisted living on Cape Cod
10 right now.

11 And it provides protection for state
12 residents that no other senior facility of its kind
13 provides, because if you go into an assisted-living
14 in this state, private partnership, you can never be
15 put out basically, whereas with private corporations
16 in that field, if you run out of money you are quite
17 literally kicked to the curb and there's nothing you
18 can do about it.

19 Now, I think that that pioneering in
20 health care -- that there's no reason why that
21 pioneering cannot -- that same type of vision cannot
22 be carried over into the use of the oceans.

23 And maybe I may seem naive as a resident

1 of Massachusetts, but I don't see why the state,
2 instead of focusing on building gambling casinos,
3 can't focus on a state/private partnership,
4 corporations for wind power, hydroelectric and
5 research, as well as conservation, and why we can't
6 explore those options and why we have to look at the
7 modus operandi of the past decades, you know, where
8 we've seen huge corporate profits coming out of
9 offshore drilling.

10 And now there may be huge corporate
11 profits off of wind turbines, and that's the wave of
12 the future, so why cannot the state in some way
13 participate in that.

14 I know that that's not an easy thing to
15 do but I feel there should be some benefit for the
16 state in general economically, and where we have such
17 an economic problems in this state and people leaving
18 in droves because they can't afford to live here
19 anymore, that this could be a good focus as part of
20 ocean use.

21 So that's my thoughts on that and I would
22 like to see some pioneering vision come out of the
23 state in terms of -- Some people may call it, Well,

1 that sounds like a nationalization of resources and
2 all but I don't think we could do any worse than the
3 corporate windfalls we see with not much benefit to
4 residents in different states.

5 And I want to know what would be the
6 benefit. I don't want to give away our resources
7 without a sharing of benefits.

8 And I just feel that this has been going
9 on far too long in our entire country and that people
10 are tired of it, and that instead of the naysayers
11 saying, Well, you know, it will never happen, it will
12 never happen, well, I believe it can happen.

13 And I feel that Massachusetts, as I say,
14 has had a vision in health care, and why can't we
15 take that same type of vision to partnership to do
16 with our oceans.

17 MR. WEBER: Thank you.

18 REP. DeMACEDO: I'll just share -- I
19 actually was on the conference committee that did the
20 Oceans Act and I'll say that what your vision is is,
21 I think, clearly what our legislation was intended to
22 do.

23 When we look at the zoning -- this is

1 clearly something that we talk about -- zoning
2 wouldn't be specific to any one individual or group.
3 It really is the public's.

4 When we look at that ocean, it's the
5 public's trust and this is the entire public so if
6 anything is environmental, that's our major concern,
7 protecting that. Whatever would happen there would
8 be to the benefit of everyone and specifically,
9 obviously, Massachusetts.

10 That's clearly what the intention of this
11 is and I heard -- maybe I misread you but if you
12 thought that in any way the zoning -- what would be
13 going on would be specific to almost selling off a
14 portion or a section of ocean as far as not land but
15 as a portion of the ocean, that's clearly not the
16 intention.

17 The intention is to make sure that this
18 protects the environmental aspects of our ocean and
19 protects the tourism aspects and just a very
20 balanced -- I think it was a very balanced approach
21 and we wanted to make sure that we protect it from
22 some concerns in the future that could be exactly
23 what you're talking about.

1 I think that was the goal of the
2 legislation, so I think actually what you're trying
3 to share is the intention -- was the intention of the
4 legislation.

5 And I hope that in the long term after
6 this whole thing is completed, resolved and finished,
7 that your vision is what will happen. Thank you very
8 much.

9 MS. THORSTENSEN: I'd just like to add
10 one thing. I know I'm not the only resident in
11 Massachusetts that feels that the corporations with
12 the largest piggy banks seem to get contracts and
13 rights and all of that, and I don't want to see that.

14 I want to see the corporations who could
15 possibly partner with the state, who have track
16 records of environmentally-sound practices and also
17 financially-sound practices and practices of
18 fairness.

19 I know that there are those corporations
20 out there that could partner and be good partners and
21 replace some of this corporate greed that's gone on
22 in our country, and it's just a concern. Thank you.

23 MR. WEBER: Anybody else at this point?

1 REP. DeMACEDO: My constituent mentioned
2 concern in reference to the coastline and some of the
3 issues that -- erosion and coastline issues, and did
4 you want to share anything specifically in reference
5 to that or -- I mean, I know you're here and if you
6 want to address that, we would like to hear what you
7 have to share on that.

8 FROM THE FLOOR: Can I speak from my
9 seat?

10 REP. DeMACEDO: The only reason is
11 because we have the camera here so that they can get
12 what you're saying.

13 REP. DeMACEDO: I didn't mean to put you
14 on the spot.

15 UNIDENTIFIED SPEAKER: We've been
16 Plymouth residents for many, many years. We happen
17 to be fortunate enough to have oceanfront property
18 and we've been fighting with the conservation versus
19 the state and everything on erosion.

20 And in our particular situation -- and
21 the people from Senator Murray's office and what have
22 you -- and we've been just going through things that
23 the Corps of Engineers has been -- they built years

1 ago.

2 And all of a sudden we're -- Like I say,

3 we built many years ago and all of a sudden we start

4 to lose five feet, two feet, eight feet, whatever it

5 happens to be.

6 And they have the state law now that from

7 the Blizzard of 78 back you could build a revetment

8 wall. Now, we cannot do that because our house was

9 built after 1978.

10 We spent tens of thousands of dollars on

11 engineering and we always run into a barrier wall.

12 And we're just north of the Canal, a couple miles,

13 and all this wall stuff has been created by the Corps

14 of Engineers which has been blamed for our erosion

15 problem.

16 But above and beyond that, we would just

17 like personally -- like I say, we just want to build

18 a couple walls to prevent our erosion and not impact

19 the bay, impact down the Canal, because that's what

20 the revetment walls were originally built for, and

21 now they've been destroyed by tides and what have

22 you.

23 Now all of a sudden we end up with the

1 erosion problem. And that's all I really have to

2 say. And I'm for the bay. We live on the bay and

3 it's great.

4 I love to see the seals all winter long.

5 And last winter, I don't know what happened. There

6 were only a few, but normally there's 30 or 40 all

7 the time.

8 And it seems like the bay has really been

9 revitalized over the years and -- but from a selfish

10 standpoint, we just -- we'd like to have some sort of

11 an answer of how we can protect our property.

12 And we're just three or four or five or

13 ten or -- 2 or 3, 400 people who have built years ago

14 who now all of a sudden, for whatever reason, climate

15 change or whatever it might happen to be -- We have a

16 real problem.

17 And I came here tonight just to listen to

18 what was going on and basically on revitalizing the

19 bay and saving the -- whatever it might happen to be.

20 But I think as taxpayers we just have a

21 tremendous amount of -- well, tremendous amount of

22 what? Tremendous -- We don't have a tremendous

23 amount of anything.

1 What it boils down to is that we would

2 like to be able to protect our property as well as

3 somebody who might be five hundred yards inland. And

4 that's basically what it boils down to. That's it.

5 REP. DeMACEDO: I thank you for sharing

6 that. It's an issue that I think the senator and

7 myself have dealt with and it's a challenging issue,

8 and we're dealing with Ellis Harbor and the opening

9 of the marshland there.

10 And there's some people -- some of your

11 neighbors a little further south of you have -- are

12 in a situation where I think the storm of 91,

13 Hurricane Bob or was it the unnamed storm, closed off

14 the marshland which kind of changed the current which

15 caused erosion there and caused a problem.

16 And we've been trying to work with

17 different agencies to try to come to some kind of

18 agreement and compromise to reopen that marshland and

19 allow the current to come in and out, revitalize the

20 marshland and hopefully addressing some of the

21 current issues that has been destroying some of the

22 land and property owners there.

23 So it is an important issue that you

1 raise and it wasn't specific -- in the legislation

2 specifically as we were doing it, but I do know there

3 is renourishment issues in addressing the coastline.

4 And I think it's something that's

5 important for me to bring back to the rest of the

6 Commission to have us take a closer look at this and

7 see if our region specifically is the only one that's

8 challenged with this or is this something that's

9 happening all along the coastline.

10 And I will say I don't know that answer

11 because specifically my concern has been Plymouth and

12 because of our rich coastline and the high cliffs,

13 we've seen that it's a real issue and I appreciate

14 you sharing that with us.

15 Thank you very much, and I will bring

16 that back. And I don't know what I can promise you

17 but I can promise you we'll take a look at it if

18 there's any way we can try to help and assist those

19 homeowners that are directly on the coast. Thank

20 you.

21 MR. WEBER: Anyone else?

22 MS. MULLEN: Hi, I'm Monica Mullen from

23 Senator Murray's office and I want to agree with

1 Representative deMacedo. We've heard from many
2 constituents about the erosion issue and are paying
3 close attention to it.

4 But aside from that, also I want to say
5 thank you to you and to Secretary Bowles. These are
6 great meetings. I'm glad you're having them up and
7 down the coast.

8 Senator Murray's got four towns north and
9 four towns south of the Canal, and it's similar
10 concerns but, surprisingly enough, every little
11 region has their own focuses.

12 So I appreciate that everyone will have a
13 chance to weigh in on what their particular concerns
14 are and I hope that this stays on track.

15 I mean, you're moving very rapidly. It's
16 nice to see that. Particularly in permitting and
17 issues like that, they tend to drag and take some
18 time.

19 So I'm very pleased on behalf of Senator
20 Murray -- She's very pleased that this is moving
21 along quickly and that you're so open to input from
22 all the residents. So thank you and pass it on to
23 Secretary Bowles.

1 MR. WEBER: I will do that. Thank you.

2 FROM THE FLOOR: Can I make one more
3 statement? I want to thank you, the representative,
4 for letting me speak and voicing something that
5 really wasn't a part of the meeting. That's all. I
6 really appreciate it.

7 REP. DeMACEDO: It was a valid point.
8 Thank you.

9 MR. WEBER: Anyone else at this point?

10 REP. DeMACEDO: Just, I guess in closing,
11 thank you for coming, for sharing. This is going to
12 be much more comprehensive as we take input from the
13 entire state.

14 And I would like to highlight that it's
15 the senate president's involvement in this particular
16 bill -- Having been serving on the conference
17 committee, she was an integral part of bringing this
18 compromise between the House and Senate to a closure
19 and moving forward.

20 Because I think obviously these are two
21 different bodies in the legislature and there was
22 some difference in the senate president because of
23 her concerns specifically for understanding the

1 coastline, and her advocacy over the years was very
2 instrumental.

3 And I'd be remiss if I didn't mention
4 Senator O'Leary who was really the impetus initially
5 for this idea of protection.

6 And I think that, as someone said
7 earlier, it was born out of basically a threat that
8 ultimately we've come up with this, but I think that
9 now that's behind us. We're moving forward and this
10 is going to be a very positive thing.

11 I think that sitting in our first
12 meetings that we had when we sat down, across the
13 board there was excitement from every -- whether it
14 be the fishing industry, the environmental industry,
15 the historic -- Everybody was very excited about what
16 was happening, and everyone is going to have a say.

17 And I think that as you look at this
18 legislation, you look at the 15 points, it was very
19 important to us to try to get the public's input to
20 make sure this document reflects the public will and
21 the public trust that was placed before us.

22 And so this is a great step forward. I
23 want to thank you all for coming and we look forward

1 to getting to the completion of this very historic
2 act that we put together. So thank you again.

3 MR. WEBER: Thank you all again for
4 coming out, and stay in tune. We'll be in touch.
5 (Whereupon, at 8:10 p.m., the hearing adjourned.)

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I hereby certify that the foregoing 47 pages contain a full, true and correct transcription of all my stenographic notes to the best of my ability taken in the above-captioned matter held at the Plymouth Public Library on Tuesday, September 30, 2008, commencing at 7:10 p.m.

Linda J. Modano, Registered Professional Reporter
My commission expires June 2, 2011

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<p>15 [4] - 21:2, 14; 47:18 17 [1] - 4:1 1972 [1] - 27:11 1978 [1] - 41:9</p>	<p>ability [2] - 24:23; 49:7 abiotic [1] - 24:4 able [4] - 4:6; 6:14; 8:12; 43:2 above-captioned [1] - 49:8 accomplish [1] - 17:11 accumulate [1] - 18:22 achieve [3] - 11:4; 12:5; 15:12 acknowledge [1] - 3:13 acknowledgmen t [1] - 11:14 act [4] - 6:21; 23:9; 28:2; 48:2 Act [33] - 7:12; 8:16; 10:23; 11:9, 23; 12:8, 12, 16, 21; 13:11, 20; 14:1, 15; 15:4; 16:3; 18:11; 20:12; 21:1, 5, 15; 22:21; 23:7; 27:6, 11, 15, 18; 28:6, 10, 13; 34:1; 37:20 actively [1] - 30:8 activities [1] - 13:22 activity [1] - 24:21 actual [1] - 24:10 add [1] - 39:9 added [1] - 22:20 addition [1] - 17:13 additive [1] - 19:1 address [1] - 40:6 addresses [2] - 9:17; 10:5 addressing [2] - 43:20; 44:3 adjourned [1] - 48:5 Adjournment [1] - 2:6 administration [2] - 4:21; 32:1 administrations [1] - 29:12 adult [1] - 33:13 Advisory [4] - 3:9; 4:1; 12:14</p>	<p>advocacy [1] - 47:1 Affairs [2] - 3:4; 12:13 afford [1] - 36:18 affordable [2] - 35:5, 9 afforded [1] - 26:3 affording [1] - 26:12 agencies [1] - 43:17 agency [2] - 17:14; 30:4 agenda [1] - 7:13 aggressive [1] - 15:8 ago [8] - 10:7; 11:21; 27:14; 28:18; 29:12; 41:1, 3; 42:13 agree [2] - 5:14; 44:23 agreement [1] - 43:18 ahead [2] - 3:2; 16:7 allow [2] - 12:2; 43:19 allowable [1] - 14:4 allowed [1] - 28:1 almost [1] - 38:13 amount [4] - 31:11; 42:21, 23 analysis [1] - 10:17 analyzing [1] - 17:16 angles [1] - 19:10 animals [1] - 22:2 Ann [1] - 33:10 answer [3] - 9:12; 42:11; 44:10 anticipate [2] - 23:3; 24:9 apologize [1] - 6:7 appearance [2] - 13:18; 28:16 appreciate [3] - 44:13; 45:12; 46:6 approach [3] - 20:5; 25:17; 38:20 approaching [1] - 19:11 appropriate [4] - 5:23; 10:14; 13:21; 20:7 April [1] - 18:18</p>	<p>area [5] - 8:23; 17:19; 30:8; 31:21; 32:2 areas [8] - 15:22; 18:22; 19:14; 29:17, 23; 31:2; 34:19 artist [1] - 33:12 aside [2] - 29:18; 45:4 aspects [2] - 38:18 assessment [1] - 10:17 assist [1] - 44:18 assistance [1] - 12:14 assisted [3] - 35:6, 9, 13 assisted-living [2] - 35:6, 13 associated [1] - 20:11 Atlantic [1] - 29:20 attack [1] - 34:16 attempt [3] - 10:19; 11:5; 12:5 attend [1] - 24:8 attended [1] - 23:6 attention [1] - 45:3 audience [1] - 28:5 authorities [1] - 10:11 available [2] - 6:15; 8:10 avenues [1] - 10:13</p>	<p>becomes [1] - 23:8 beds [2] - 30:19, 22 beginning [1] - 7:8 beginnings [1] - 21:3 begs [1] - 11:7 behalf [2] - 3:5; 45:19 behind [1] - 47:9 belongs [1] - 11:11 benefit [5] - 12:20; 36:15; 37:3, 6; 38:8 benefits [1] - 37:7 best [4] - 5:15; 6:21; 13:2; 49:7 better [2] - 22:15 betterment [1] - 6:1 Betty [1] - 3:16 between [3] - 10:20; 16:20; 46:18 beyond [2] - 25:4; 41:16 bias [1] - 31:14 bill [2] - 4:5; 46:16 Billingsgate [1] - 31:2 biodiversity [3] - 23:19; 24:14 biotic [2] - 24:3; 28:15 bit [8] - 10:16; 12:7; 15:14, 16; 16:19; 21:16; 22:20; 29:6 blamed [1] - 41:14 Blizzard [1] - 41:7 board [1] - 47:13 boaters [1] - 5:3 Bob [2] - 29:11; 43:13 bodies [1] - 46:21 body [2] - 26:22; 27:2 boils [2] - 43:1, 4 books [2] - 27:19; 28:8 born [1] - 47:7 BORRELLI [1] - 26:17 Borrelli [1] - 26:18 boss [2] - 3:5; 12:13 Boston [1] - 30:17 boundaries [1] - 30:9</p>
2				
<p>2 [2] - 42:13; 49:15 2008 [3] - 1:18; 27:13; 49:9 2009 [4] - 15:4, 7; 18:19; 20:13 2011 [1] - 49:15 21 [1] - 2:5</p>				
3				
<p>3 [2] - 2:3; 42:13 30 [5] - 1:18; 27:14; 28:18; 42:6; 49:9 30th [2] - 15:4; 16:20</p>				
4				
<p>40 [1] - 42:6 400 [1] - 42:13 47 [1] - 49:5 48 [1] - 2:6</p>				
6				
<p>6 [1] - 2:4 600 [1] - 27:3 602 [1] - 27:4</p>				
7				
<p>78 [1] - 41:7 7:00 [1] - 1:18 7:10 [1] - 49:10</p>				
8				
<p>8:10 [1] - 48:5</p>				
9				
<p>91 [1] - 43:12</p>				

<p>bounds ^[1] - 31:4 Bowles ^[4] - 3:5; 4:18; 45:5, 23 box ^[1] - 20:20 boxes ^[1] - 9:6 Brewster ^[1] - 31:3 brief ^[1] - 7:15 bring ^[3] - 6:11; 44:5, 15 bringing ^[1] - 46:17 broad ^[3] - 4:5; 7:5; 21:17 broad-based ^[1] - 7:5 broader ^[1] - 23:14 build ^[2] - 41:7, 17 building ^[1] - 36:2 built ^[5] - 40:23; 41:3, 9, 20; 42:13 bullet ^[1] - 21:14 Buzzards ^[1] - 22:16</p>	<p>challenged ^[1] - 44:8 challenging ^[1] - 43:7 chance ^[1] - 45:13 change ^[2] - 24:6; 42:15 changed ^[2] - 18:1; 43:14 changes ^[1] - 20:7 clear ^[1] - 16:9 clearly ^[8] - 23:7; 27:12; 28:17; 29:4; 37:21; 38:1, 10, 15 cliffs ^[1] - 44:12 climate ^[2] - 24:6; 42:14 close ^[3] - 19:8; 32:5; 45:3 closed ^[1] - 43:13 closely ^[2] - 4:21; 25:7 closer ^[1] - 44:6 closing ^[1] - 46:10 closure ^[1] - 46:18 coast ^[3] - 7:1; 44:19; 45:7 coastal ^[1] - 11:17 Coastal ^[1] - 20:17 coastline ^[8] - 5:2; 6:1; 40:2; 44:3, 9, 12; 47:1 Cod ^[15] - 22:16; 26:21; 27:1, 10; 29:6; 30:1, 3, 5, 7, 12; 31:1; 33:10; 34:8, 23; 35:9 colleague ^[1] - 22:7 colleagues ^[2] - 5:18; 6:5 collect ^[1] - 17:17 collecting ^[1] - 17:16 combination ^[1] - 21:12 coming ^[9] - 5:17; 6:4, 19; 24:22; 31:8; 36:8; 46:11; 47:23; 48:4 commencing ^[1] - 49:10 comment ^[3] - 17:13; 20:6; 26:16 Comments ^[2] -</p>	<p>2:3; 20:21 comments ^[6] - 2:5; 7:9, 16; 9:2; 22:9; 32:6 commercial ^[2] - 14:3; 31:21 commission ^[2] - 6:6; 49:15 Commission ^[6] - 3:10; 4:1; 12:14; 27:3; 32:11; 44:6 committee ^[2] - 37:19; 46:17 common ^[2] - 19:3, 15 Commonwealth ^[8] - 4:13; 5:10, 14; 7:1; 28:18; 29:7; 30:1; 32:10 Commonwealth' s ^[1] - 12:17 communities ^[1] - 22:3 community ^[2] - 14:17; 28:15 compatibility ^[4] - 18:23; 27:21; 31:9, 15 compatible ^[2] - 9:20, 23 competing ^[1] - 33:1 compile ^[1] - 6:14 complement ^[1] - 19:5 completed ^[1] - 39:6 completion ^[1] - 48:1 component ^[1] - 10:22 components ^[1] - 9:15 comprehensive ^[1] - 46:12 compromise ^[2] - 43:18; 46:18 concentration ^[1] - 31:1 concept ^[1] - 25:15 concern ^[5] - 34:1; 38:6; 39:22; 40:2; 44:11 concerned ^[3] - 4:23; 5:7, 21</p>	<p>concerning ^[1] - 22:23 concerns ^[8] - 4:3; 10:1; 30:21; 33:18; 38:22; 45:10, 13; 46:23 conference ^[2] - 37:19; 46:16 conflict ^[1] - 11:19 conflicts ^[4] - 9:18; 10:6; 19:3, 15 congratulated ^[1] - 27:8 connect ^[1] - 13:5 Conservancy ^[3] - 21:23; 22:1; 23:16 conservation ^[3] - 22:1; 36:5; 40:18 considerable ^[1] - 31:11 consideration ^[4] - 14:23; 24:16; 29:21; 30:18 considering ^[1] - 27:3 constituent ^[1] - 40:1 constituents ^[1] - 45:2 contact ^[2] - 8:1, 3 contain ^[1] - 49:6 contend ^[2] - 28:20; 32:9 context ^[2] - 23:14 contiguous ^[1] - 27:2 continue ^[3] - 32:15, 21 contracts ^[1] - 39:12 contribution ^[1] - 23:18 controversy ^[1] - 28:22 conversation ^[1] - 15:13 coordinate ^[2] - 12:23; 13:12 coordinating ^[1] - 24:19 copy ^[1] - 9:4 corporate ^[4] - 36:8, 10; 37:3; 39:21 corporation ^[1] -</p>	<p>35:7 corporations ^[10] - 33:21; 34:7, 12; 35:15; 36:4; 39:11, 14, 19 Corps ^[2] - 40:23; 41:13 correct ^[1] - 49:6 costs ^[1] - 33:1 Council ^[2] - 7:10; 12:15 country ^[3] - 34:14; 37:9; 39:22 couple ^[9] - 3:13; 8:14; 9:11; 11:20; 12:21; 13:23; 17:4; 41:12, 18 course ^[1] - 14:18 create ^[2] - 29:10; 30:16 created ^[4] - 27:16; 29:23; 35:7; 41:13 creates ^[1] - 4:7 creative ^[2] - 19:1; 33:5 credit ^[1] - 4:18 criteria ^[2] - 27:19; 31:9 critical ^[5] - 16:8; 23:11; 25:13; 29:20; 30:18 crop ^[1] - 16:14 cross ^[1] - 13:7 curb ^[1] - 35:17 current ^[6] - 14:7; 28:21; 43:14, 19, 21 cuts ^[1] - 32:17 cutting ^[1] - 32:16</p>	
C				D	
<p>Calter ^[1] - 5:18 camera ^[2] - 8:9; 40:11 Canal ^[6] - 30:12, 17; 34:8; 41:12, 19; 45:9 cannot ^[5] - 32:15; 35:21; 36:12; 41:8 Cape ^[18] - 6:10; 22:15; 26:21; 27:1, 9; 28:23; 29:2, 6; 30:1, 3, 5, 7, 12; 31:1; 33:10; 34:8, 23; 35:9 capitalize ^[1] - 13:16 captioned ^[1] - 49:8 care ^[5] - 5:21; 34:20, 23; 35:20; 37:14 carried ^[1] - 35:22 case ^[1] - 32:18 casinos ^[1] - 36:2 caused ^[2] - 43:15 certain ^[4] - 9:17, 23; 33:14 certainly ^[3] - 25:2, 20; 32:18 certify ^[1] - 49:5 challenge ^[1] - 32:9</p>	<p>challenged ^[1] - 44:8 challenging ^[1] - 43:7 chance ^[1] - 45:13 change ^[2] - 24:6; 42:15 changed ^[2] - 18:1; 43:14 changes ^[1] - 20:7 clear ^[1] - 16:9 clearly ^[8] - 23:7; 27:12; 28:17; 29:4; 37:21; 38:1, 10, 15 cliffs ^[1] - 44:12 climate ^[2] - 24:6; 42:14 close ^[3] - 19:8; 32:5; 45:3 closed ^[1] - 43:13 closely ^[2] - 4:21; 25:7 closer ^[1] - 44:6 closing ^[1] - 46:10 closure ^[1] - 46:18 coast ^[3] - 7:1; 44:19; 45:7 coastal ^[1] - 11:17 Coastal ^[1] - 20:17 coastline ^[8] - 5:2; 6:1; 40:2; 44:3, 9, 12; 47:1 Cod ^[15] - 22:16; 26:21; 27:1, 10; 29:6; 30:1, 3, 5, 7, 12; 31:1; 33:10; 34:8, 23; 35:9 colleague ^[1] - 22:7 colleagues ^[2] - 5:18; 6:5 collect ^[1] - 17:17 collecting ^[1] - 17:16 combination ^[1] - 21:12 coming ^[9] - 5:17; 6:4, 19; 24:22; 31:8; 36:8; 46:11; 47:23; 48:4 commencing ^[1] - 49:10 comment ^[3] - 17:13; 20:6; 26:16 Comments ^[2] -</p>	<p>2:3; 20:21 comments ^[6] - 2:5; 7:9, 16; 9:2; 22:9; 32:6 commercial ^[2] - 14:3; 31:21 commission ^[2] - 6:6; 49:15 Commission ^[6] - 3:10; 4:1; 12:14; 27:3; 32:11; 44:6 committee ^[2] - 37:19; 46:17 common ^[2] - 19:3, 15 Commonwealth ^[8] - 4:13; 5:10, 14; 7:1; 28:18; 29:7; 30:1; 32:10 Commonwealth' s ^[1] - 12:17 communities ^[1] - 22:3 community ^[2] - 14:17; 28:15 compatibility ^[4] - 18:23; 27:21; 31:9, 15 compatible ^[2] - 9:20, 23 competing ^[1] - 33:1 compile ^[1] - 6:14 complement ^[1] - 19:5 completed ^[1] - 39:6 completion ^[1] - 48:1 component ^[1] - 10:22 components ^[1] - 9:15 comprehensive ^[1] - 46:12 compromise ^[2] - 43:18; 46:18 concentration ^[1] - 31:1 concept ^[1] - 25:15 concern ^[5] - 34:1; 38:6; 39:22; 40:2; 44:11 concerned ^[3] - 4:23; 5:7, 21</p>	<p>concerning ^[1] - 22:23 concerns ^[8] - 4:3; 10:1; 30:21; 33:18; 38:22; 45:10, 13; 46:23 conference ^[2] - 37:19; 46:16 conflict ^[1] - 11:19 conflicts ^[4] - 9:18; 10:6; 19:3, 15 congratulated ^[1] - 27:8 connect ^[1] - 13:5 Conservancy ^[3] - 21:23; 22:1; 23:16 conservation ^[3] - 22:1; 36:5; 40:18 considerable ^[1] - 31:11 consideration ^[4] - 14:23; 24:16; 29:21; 30:18 considering ^[1] - 27:3 constituent ^[1] - 40:1 constituents ^[1] - 45:2 contact ^[2] - 8:1, 3 contain ^[1] - 49:6 contend ^[2] - 28:20; 32:9 context ^[2] - 23:14 contiguous ^[1] - 27:2 continue ^[3] - 32:15, 21 contracts ^[1] - 39:12 contribution ^[1] - 23:18 controversy ^[1] - 28:22 conversation ^[1] - 15:13 coordinate ^[2] - 12:23; 13:12 coordinating ^[1] - 24:19 copy ^[1] - 9:4 corporate ^[4] - 36:8, 10; 37:3; 39:21 corporation ^[1] -</p>	<p>35:7 corporations ^[10] - 33:21; 34:7, 12; 35:15; 36:4; 39:11, 14, 19 Corps ^[2] - 40:23; 41:13 correct ^[1] - 49:6 costs ^[1] - 33:1 Council ^[2] - 7:10; 12:15 country ^[3] - 34:14; 37:9; 39:22 couple ^[9] - 3:13; 8:14; 9:11; 11:20; 12:21; 13:23; 17:4; 41:12, 18 course ^[1] - 14:18 create ^[2] - 29:10; 30:16 created ^[4] - 27:16; 29:23; 35:7; 41:13 creates ^[1] - 4:7 creative ^[2] - 19:1; 33:5 credit ^[1] - 4:18 criteria ^[2] - 27:19; 31:9 critical ^[5] - 16:8; 23:11; 25:13; 29:20; 30:18 crop ^[1] - 16:14 cross ^[1] - 13:7 curb ^[1] - 35:17 current ^[6] - 14:7; 28:21; 43:14, 19, 21 cuts ^[1] - 32:17 cutting ^[1] - 32:16</p>	

<p>December [1] - 20:13 decision [1] - 31:23 dedicated [1] - 22:2 define [2] - 7:10; 12:5 definitely [1] - 7:2 delegation [1] - 5:20 deliver [1] - 25:17 DeMacedo [10] - 2:3; 3:17, 23; 37:18; 40:1, 10, 13; 43:5; 46:7, 10 deMacedo [3] - 3:9, 22; 45:1 describe [1] - 7:9 describes [1] - 15:23 designated [6] - 27:23; 29:15, 19; 30:11, 16; 31:21 designation [1] - 27:9 desirable [1] - 25:14 desire [1] - 32:20 destroyed [1] - 41:21 destroying [1] - 43:21 destruction [1] - 31:5 determination [3] - 31:10, 15; 32:3 determining [1] - 27:20 detriment [2] - 13:17; 25:6 develop [4] - 7:3; 12:15; 18:20; 28:18 developing [1] - 14:18 development [7] - 9:14; 11:1; 12:2, 18; 15:1, 23; 16:1 develops [1] - 10:3 difference [1] - 46:22 different [10] - 4:11; 9:11; 11:12; 17:21; 19:10; 31:11; 37:4; 43:17; 46:21 diminish [1] - 32:22 directly [1] - 44:19</p>	<p>directs [1] - 12:12 discuss [1] - 15:13 discussion [2] - 15:17; 20:4 disposal [1] - 30:7 disturbance [1] - 28:14 diversity [1] - 22:4 Division [3] - 14:7, 12, 22 document [5] - 8:19; 10:3, 8; 16:17; 47:20 dollars [1] - 41:10 done [2] - 18:7; 26:7 door [1] - 7:21 Doran [1] - 29:11 double [1] - 8:19 double-sided [1] - 8:19 down [7] - 6:10; 34:4; 41:19; 43:1, 4; 45:7; 47:12 draft [4] - 15:4; 18:20; 19:19, 21 drag [1] - 45:17 drilling [1] - 36:9 driven [3] - 31:20; 32:3, 20 droves [1] - 36:18 dust [1] - 10:9</p>	<p>11:2 ecosystem's [1] - 23:5 EEA [1] - 12:13 eelgrass [2] - 30:22; 31:1 effect [2] - 29:18; 30:8 effort [1] - 27:9 efforts [1] - 18:4 eight [1] - 41:4 either [2] - 28:9; 31:21 electricity [1] - 13:6 element [1] - 14:15 elements [2] - 16:22; 30:3 Ellis [1] - 43:8 encountering [1] - 26:8 encourage [1] - 26:10 end [5] - 15:7; 25:10; 31:8; 32:2; 41:23 Energy [2] - 3:4; 12:12 energy [3] - 4:10, 12; 13:3 engaged [1] - 26:4 engineering [1] - 41:11 Engineers [2] - 40:23; 41:14 enhance [1] - 11:15 enjoy [1] - 29:5 entire [4] - 5:14; 37:9; 38:5; 46:13 entirely [1] - 29:1 environment [3] - 11:2, 15, 20 Environmental [2] - 3:4; 12:13 environmental [8] - 10:1, 18; 11:5; 17:16; 29:22; 38:6, 18; 47:14 environmentally [1] - 39:16 environmentally -sound [1] - 39:16 EOEA [1] - 29:12 erosion [7] - 40:3, 19; 41:14, 18; 42:1;</p>	<p>43:15; 45:2 especially [1] - 24:6 essentially [1] - 18:12 established [1] - 27:20 esthetic [3] - 28:19; 29:5 esthetics [1] - 29:4 etcetera [5] - 16:14; 17:6; 18:7 evaluate [1] - 19:10 evaluated [2] - 14:17 evaluation [1] - 19:17 evening [6] - 3:7; 7:23; 21:22; 26:17, 20 everywhere [4] - 11:23; 12:2; 32:8, 12 exact [1] - 24:15 exactly [2] - 7:4; 38:22 examined [1] - 31:13 example [2] - 13:2; 26:5 excited [1] - 47:15 excitement [1] - 47:13 Executive [1] - 3:4 exercise [1] - 31:6 exist [3] - 9:21; 23:14; 29:11 existing [3] - 9:19; 10:10; 17:16 expectations [1] - 16:10 experience [1] - 17:6 experimentation [1] - 34:18 expires [1] - 49:15 explore [1] - 36:6 explored [1] - 10:14 extent [1] - 18:11</p>	<p>fact [2] - 5:9; 11:10 fairness [1] - 39:18 fall [1] - 19:23 Faneuil [1] - 22:9 far [2] - 37:9; 38:14 farms [1] - 34:6 fathom [1] - 16:14 favorite [1] - 26:22 features [4] - 24:3-5, 13 February [1] - 18:18 federal [8] - 13:1, 4; 24:19; 29:1, 8; 30:4, 15; 31:12 federally [1] - 29:19 federally-designated [1] - 29:19 feelings [1] - 21:15 feet [3] - 41:4 felt [1] - 4:13 few [4] - 7:4, 9; 23:10; 42:6 field [1] - 35:16 fifteen [1] - 7:16 fighting [1] - 40:18 filtered [1] - 18:9 final [2] - 15:6; 18:2 financially [1] - 39:17 financially-sound [1] - 39:17 finished [1] - 39:6 first [5] - 11:8; 18:14, 22; 33:3; 47:11 First [2] - 16:20; 31:17 Fish [1] - 31:16 Fisheries [3] - 14:7, 12, 22 fisheries [4] - 14:10, 23 fishermen [1] - 5:3 fishing [4] - 14:3, 16, 21; 47:14 five [4] - 16:5; 41:4; 42:12; 43:3 flats [1] - 31:3 fleet [1] - 14:2 flip [2] - 8:18 FLOOR [2] - 40:8;</p>
	E		F	

<p>46:2 floor [1] - 28:15 flows [1] - 31:23 focus [2] - 36:3, 19 focuses [1] - 45:11 focusing [1] - 36:2 folks [4] - 3:13, 20; 7:17; 8:11 follow [1] - 6:21 Following [1] - 18:18 following [1] - 20:6 force [1] - 27:16 forefront [1] - 34:18 foregoing [1] - 49:5 foremost [1] - 33:3 foreseeable [1] - 9:19 form [1] - 9:1 formal [8] - 15:5, 15-16; 16:9; 20:4, 8, 10 forth [3] - 7:11; 12:17; 21:5 fortunate [1] - 40:17 forum [1] - 15:12 forward [8] - 6:4, 19; 16:11; 27:7; 46:19; 47:9, 22 forwards [1] - 8:22 foster [1] - 13:16 four [6] - 20:20; 21:12; 30:1; 42:12; 45:8 fragment [1] - 25:11 fragmentation [1] - 25:11 frame [2] - 18:19; 19:21 free [1] - 7:19 fresh [1] - 22:13 FROM [2] - 40:8; 46:2 front [3] - 7:7; 8:8; 21:2 full [1] - 49:6 fun [1] - 21:9 future [5] - 9:20; 16:7; 17:22; 36:12; 38:22</p>	<p style="text-align: center;">G</p> <p>gambling [1] - 36:2 gather [1] - 10:9 gathering [3] - 16:22; 18:4, 15 general [4] - 4:23; 9:12; 29:5; 36:16 geology [2] - 24:5, 13 given [1] - 14:2 glad [1] - 45:6 glean [1] - 18:6 Gloucester [1] - 6:9 goal [5] - 7:3; 21:4; 32:13, 23; 39:1 goals [1] - 12:17 govern [1] - 24:20 government [1] - 29:8 Governor [1] - 27:17 governor's [1] - 27:7 gray [1] - 32:2 great [5] - 4:18; 33:15; 42:3; 45:6; 47:22 greater [2] - 25:17, 22 greed [1] - 39:21 grew [2] - 22:22; 33:10 grid [1] - 13:5 ground [1] - 19:15 group [1] - 38:2 groups [3] - 17:14; 19:13, 18 growing [1] - 30:22 guess [5] - 3:2; 14:14; 22:18; 23:8; 46:10 guidelines [2] - 28:19, 21 guides [1] - 9:13 guiding [1] - 33:3</p> <p style="text-align: center;">H</p> <p>habitat [7] - 22:5; 23:21; 24:6, 11-12; 25:14; 29:20</p>	<p>half [2] - 32:16 Hall [1] - 22:9 halving [1] - 32:15 hand [2] - 24:19; 33:8 handout [1] - 8:18 handouts [3] - 7:21; 8:15 hands [1] - 19:17 hands-on [1] - 19:17 Harbor [1] - 43:8 hard [1] - 26:8 harness [2] - 4:12; 5:11 harnessed [1] - 34:9 health [5] - 23:5; 34:20, 23; 35:20; 37:14 hear [2] - 5:19; 40:6 heard [3] - 19:23; 38:11; 45:1 hearing [4] - 6:4, 19; 20:5; 48:5 hearings [3] - 15:6, 15; 20:11 held [3] - 6:23; 12:20; 49:8 help [2] - 7:10; 44:18 hereby [1] - 49:5 Hi [1] - 44:22 high [1] - 44:12 highlight [1] - 46:14 historic [2] - 47:15; 48:1 Hole [1] - 33:13 homeowners [1] - 44:19 honestly [1] - 33:4 honored [1] - 25:7 hope [4] - 6:4; 24:16; 39:5; 45:14 hopefully [4] - 6:2; 24:14; 25:10; 43:20 hoping [1] - 15:11 Horigan [1] - 3:15 house [1] - 41:8 House [1] - 46:18 huge [3] - 22:21; 36:8, 10 human [2] - 23:2; 25:12</p>	<p>hundred [1] - 43:3 Hurricane [1] - 43:13 hydroelectric [2] - 34:9; 36:4</p> <p style="text-align: center;">I</p> <p>i.e [1] - 10:19 lan [1] - 3:5 idea [3] - 10:10; 13:14; 47:5 ideas [1] - 10:2 identifies [1] - 15:22 identify [1] - 13:20 identifying [1] - 18:22 imagination [1] - 32:19 immediately [1] - 15:9 impact [4] - 14:16; 41:18 impetus [1] - 47:4 implementation [3] - 10:4, 7, 11 implementation-type [1] - 10:4 important [18] - 5:6; 6:17; 8:21; 10:8; 11:10; 12:21; 14:1, 12; 15:1; 16:18; 17:5, 12, 20; 27:6; 29:4; 43:23; 44:5; 47:19 improves [1] - 28:9 includes [1] - 9:15 incompatibilities [2] - 9:18; 10:6 increases [1] - 16:12 increasingly [2] - 22:14; 23:1 incredible [1] - 5:5 indicate [1] - 7:22 indicated [2] - 6:22; 9:15 individual [1] - 38:2 industry [4] - 5:6; 47:14 inevitable [1] - 34:5 information [9] - 6:11, 14; 8:1, 20;</p>	<p>10:18; 16:21; 17:18; 18:3, 15 informed [1] - 8:4 infrastructure [1] - 25:12 infrastructures [1] - 23:2 inland [2] - 7:1; 43:3 input [4] - 26:13; 45:21; 46:12; 47:19 installation [1] - 23:2 instance [1] - 34:19 instead [3] - 4:15; 36:2; 37:10 Institute [1] - 33:14 instrumental [1] - 47:2 integral [1] - 46:17 integrate [2] - 20:16; 22:14 integrated [1] - 22:14 intended [5] - 11:4; 19:18; 32:4, 13; 37:21 intent [1] - 33:5 intention [5] - 38:10, 16-17; 39:3 intentionally [1] - 20:3 interactions [1] - 10:20 interest [2] - 19:13; 33:15 interested [1] - 21:11 interesting [1] - 26:6 interests [1] - 5:1 interjurisdictional [1] - 25:1 international [4] - 22:1; 24:20; 33:21; 34:12 involved [3] - 13:8; 17:15 involvement [1] - 46:15 Islands [1] - 29:2 issue [8] - 4:19; 29:8; 32:6; 43:6, 23; 44:13; 45:2 issues [12] - 4:9-11,</p>
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15-16; 14:23; 27:21; 40:3; 43:21; 44:3; 45:17 items [2] - 21:14, 17 itself [4] - 7:12; 10:23; 12:8; 21:5	lanes [2] - 30:11, 16 language [3] - 10:4; 25:5 large [2] - 29:16; 32:2 largest [3] - 27:2; 30:23; 39:12 last [2] - 17:3; 42:5 lastly [1] - 25:15 law [3] - 12:11; 25:6; 41:6 laws [1] - 28:17 leadership [1] - 4:19 leading [1] - 27:12 learned [1] - 18:6 least [1] - 28:18 leave [2] - 20:22; 32:2 leaving [1] - 36:17 led [1] - 27:13 legislation [7] - 12:10; 33:6; 37:21; 39:2, 4; 44:1; 47:18 legislative [1] - 3:14 legislature [10] - 4:20; 12:8; 15:5; 20:8; 27:7, 16; 28:3, 7; 32:1; 46:21 lessons [1] - 18:5 letting [1] - 46:4 level [3] - 9:12; 11:18; 23:22 leverage [1] - 29:7 Library [2] - 1:17; 49:9 life [2] - 22:4; 33:11 light [2] - 24:6; 33:4 likely [1] - 12:3 limited [1] - 23:13 limits [1] - 31:4 Linda [1] - 49:14 line [3] - 8:10, 13; 34:4 lines [1] - 18:5 links [1] - 8:20 list [2] - 8:3; 21:2 listen [3] - 4:2; 21:9; 42:17 listening [2] - 21:9; 22:9 LISTENING [1] - 1:6	literally [1] - 35:17 literature [1] - 31:11 live [3] - 26:18; 36:18; 42:2 lived [1] - 33:11 living [5] - 16:17; 24:3; 35:6, 9, 13 LNG [1] - 32:19 LNG's [1] - 4:9 local [2] - 13:1, 9 located [2] - 13:4; 28:23 locations [3] - 13:21; 25:14; 26:12 lock [1] - 12:1 look [21] - 6:4, 19; 9:6; 13:12; 17:3, 22; 18:3, 21; 19:8; 23:19; 24:2; 34:10; 36:6; 37:23; 38:4; 44:6, 17; 47:17, 23 looking [6] - 4:4; 16:3, 7; 19:8; 23:1, 5 lose [1] - 41:4 love [1] - 42:4	Massachusetts [17] - 1:17; 18:9; 23:13, 18; 24:22; 27:10, 12; 32:10; 33:17, 20; 34:2, 17; 35:6; 36:1; 37:13; 38:9; 39:11 Massachusetts' [1] - 24:18 matter [1] - 49:8 MBL [1] - 33:13 mean [4] - 19:2; 40:5, 13; 45:15 meaning [1] - 32:7 meaningful [1] - 25:13 means [3] - 7:5; 15:18; 16:6 meant [1] - 16:16 measures [1] - 5:23 mechanism [2] - 10:3, 12 mechanisms [1] - 13:12 meet [1] - 7:11 meeting [4] - 3:6; 12:3; 26:20; 46:5 meetings [8] - 6:9, 23; 8:5; 15:10; 16:23; 17:2; 45:6; 47:12 member [1] - 3:9 members [2] - 4:1 mention [2] - 5:18; 47:3 mentioned [2] - 8:14; 40:1 methodology [2] - 31:9, 16 microphone [1] - 9:3 middle [2] - 16:21; 18:16 might [4] - 28:22; 42:15, 19; 43:3 mikes [1] - 8:8 miles [3] - 27:3; 41:12 mind [1] - 29:10 mine [1] - 31:15 minimum [1] - 16:4 minute [2] - 9:7; 10:7 minutes [4] - 7:4, 9, 16; 11:20	misread [1] - 38:11 mix [1] - 24:12 Modano [1] - 49:14 models [1] - 31:11 modified [1] - 16:11 modifies [1] - 28:9 modus [1] - 36:7 money [1] - 35:16 Monica [2] - 3:17; 44:22 moot [1] - 28:22 Morrison [1] - 22:8 most [1] - 35:8 move [1] - 16:11 moves [1] - 8:22 moving [4] - 45:15, 20; 46:19; 47:9 MR [13] - 3:2, 19; 6:20; 21:22; 26:14, 17; 33:7; 37:17; 39:23; 44:21; 46:1, 9; 48:3 MS [3] - 33:9; 39:9; 44:22 MULLEN [1] - 44:22 Mullen [1] - 44:22 Mulligan [1] - 3:17 multiple [1] - 33:2 Murray [1] - 45:20 Murray's [5] - 3:15, 18; 40:21; 44:23; 45:8 must [7] - 12:17; 15:5; 21:6; 32:12, 23; 33:3 Mylar [1] - 29:11
J		M	N	
Jackie [1] - 3:14 January [1] - 18:17 John [1] - 3:3 Johnson [2] - 21:21, 23 JOHNSON [1] - 21:22 joined [1] - 3:15 Joining [1] - 3:8 June [5] - 12:11; 15:4; 16:20; 19:21; 49:15 jurisdiction [4] - 14:6, 11, 21; 23:12 jurisdictions [3] - 13:1, 13; 24:20			naive [2] - 34:17; 35:23 name [3] - 3:3; 26:17; 33:9 Nantucket [2] - 26:19; 28:22 Narragansett [1] - 22:16 national [3] - 33:22; 34:11 National [1] - 30:4 nationalization [1] - 37:1	
K				
Kate [1] - 22:8 Katherine [1] - 33:9 Katie [1] - 22:19 keep [1] - 8:4 key [6] - 12:1, 4; 16:2; 17:21; 19:22; 23:8 kick [1] - 21:8 kicked [2] - 15:9; 35:17 Killerlain [1] - 22:8 kind [9] - 6:15; 20:18; 22:18; 23:3; 24:12; 25:10; 35:12; 43:14, 17 kinds [3] - 4:10; 15:23; 28:17				
L				
laid [1] - 25:9 land [4] - 22:5, 13; 38:14; 43:22 landfall [1] - 13:10 lands [1] - 22:17 landside [1] - 11:13				

<p>nationally ^[1] - 27:14</p> <p>natural ^[4] - 9:23; 22:3; 34:13, 16</p> <p>Nature ^[3] - 21:23; 23:16</p> <p>naysayers ^[1] - 37:10</p> <p>need ^[10] - 4:14; 11:1, 8, 15-16; 22:5; 23:19; 24:2; 25:2; 29:13</p> <p>needs ^[3] - 16:9; 23:2; 33:2</p> <p>negate ^[1] - 5:9</p> <p>neighbors ^[1] - 43:11</p> <p>never ^[3] - 35:14; 37:11</p> <p>Nevertheless ^[1] - 29:9</p> <p>new ^[4] - 16:13; 27:13; 28:9; 29:10</p> <p>nice ^[1] - 45:16</p> <p>normally ^[1] - 42:6</p> <p>North ^[1] - 29:20</p> <p>north ^[3] - 30:17; 41:12; 45:8</p> <p>note ^[1] - 27:1</p> <p>notes ^[1] - 49:7</p> <p>nothing ^[1] - 35:17</p> <p>noting ^[1] - 28:4</p> <p>number ^[3] - 7:21; 14:20; 29:17</p>	<p>17:6; 25:5, 9, 12; 27:10; 28:1, 15; 29:13-16; 32:7; 33:2, 11, 16; 34:3; 36:20; 38:4, 14-15, 18</p> <p>Ocean ^[22] - 3:9; 4:1; 7:10; 9:9, 13; 10:2, 12, 17; 11:4, 14; 12:4, 14, 17; 21:4, 6; 27:11, 15, 18; 28:6, 13; 29:2</p> <p>oceanfront ^[1] - 40:17</p> <p>oceanographers ^[1] - 33:15</p> <p>Oceanographic ^[1] - 33:13</p> <p>Oceans ^[20] - 7:12; 8:16; 10:23; 11:9, 23; 12:8; 13:20, 23; 14:14; 15:4; 18:10; 21:1, 5, 15; 22:21; 27:6; 28:7, 10; 34:1; 37:20</p> <p>oceans ^[4] - 33:20; 34:19; 35:22; 37:16</p> <p>Office ^[1] - 3:4</p> <p>office ^[7] - 3:15, 18; 22:11; 27:8; 40:21; 44:23</p> <p>offshore ^[5] - 23:1; 24:10; 25:19; 26:1; 36:9</p> <p>once ^[2] - 16:5; 31:7</p> <p>one ^[21] - 3:23; 8:2; 10:2; 11:17; 13:11; 15:9; 19:5; 20:14; 21:19; 23:7, 20; 24:7; 27:17; 30:21; 32:6; 33:18; 34:21; 38:2; 39:10; 44:7; 46:2</p> <p>One ^[9] - 8:15; 9:13; 12:22; 14:1; 15:11, 21; 16:22; 17:1, 7</p> <p>open ^[3] - 10:14; 21:20; 45:21</p> <p>opening ^[1] - 43:8</p> <p>operandi ^[1] - 36:7</p> <p>opinion ^[1] - 17:10</p> <p>opportunities ^[1] - 5:10</p> <p>opportunity ^[5] - 13:17; 15:17; 22:22; 25:3; 26:12</p> <p>options ^[1] - 36:6</p>	<p>order ^[1] - 15:19</p> <p>organization ^[1] - 22:2</p> <p>organize ^[1] - 10:19</p> <p>originally ^[1] - 41:20</p> <p>outlines ^[1] - 23:7</p> <p>output ^[1] - 19:18</p> <p>overlays ^[1] - 29:11</p> <p>overview ^[3] - 8:15; 15:3; 20:18</p> <p>Overview ^[1] - 20:23</p> <p>own ^[2] - 34:11; 45:11</p> <p>owners ^[1] - 43:22</p> <p>ownership ^[1] - 11:13</p> <p>oyster ^[1] - 26:4</p>	<p>passage ^[1] - 27:14</p> <p>passed ^[2] - 12:9; 31:18</p> <p>past ^[2] - 4:8; 36:7</p> <p>paying ^[1] - 45:2</p> <p>pending ^[1] - 30:15</p> <p>people ^[11] - 4:11, 23; 5:1; 8:4; 22:23; 36:17, 23; 37:9; 40:21; 42:13; 43:10</p> <p>performance ^[4] - 13:21; 25:16; 27:22; 29:3</p> <p>perhaps ^[6] - 25:18; 28:5; 30:10, 22-23; 31:14</p> <p>permitting ^[5] - 10:11; 13:7; 25:18, 23; 45:16</p> <p>person ^[2] - 21:19; 26:15</p> <p>personally ^[1] - 41:17</p> <p>perspective ^[1] - 6:16</p> <p>Peter ^[1] - 26:18</p> <p>Pg ^[4] - 2:3</p> <p>piece ^[2] - 12:9; 33:5</p> <p>piggy ^[1] - 39:12</p> <p>pioneering ^[3] - 35:19, 21; 36:22</p> <p>place ^[3] - 4:14; 24:22; 28:21</p> <p>placed ^[1] - 47:21</p> <p>places ^[2] - 18:6, 23</p> <p>plainer ^[1] - 34:8</p> <p>Plan ^[12] - 7:11; 9:9, 13; 10:3, 12, 17; 11:4, 14; 12:4, 17; 21:4, 6</p> <p>plan ^[30] - 4:22; 5:13; 7:3; 12:15; 13:12, 20; 14:15, 19; 15:1, 4, 6, 19, 21; 16:4, 9-10, 16; 17:10; 18:20; 19:19, 22; 20:7; 24:18, 23; 25:8; 27:13; 28:9; 29:10; 32:1</p> <p>plan's ^[1] - 23:12</p> <p>planned ^[1] - 29:18</p> <p>PLANNING ^[1] - 1:5</p> <p>planning ^[5] - 3:6; 4:7; 8:23; 17:8, 19</p>	<p>plans ^[2] - 14:10; 23:17</p> <p>plants ^[1] - 22:2</p> <p>pleased ^[2] - 45:19</p> <p>plundered ^[1] - 34:14</p> <p>Plymouth ^[10] - 1:17; 5:5; 14:2; 22:11; 26:20; 30:23; 40:16; 44:11; 49:8</p> <p>Pocasset ^[2] - 35:3, 5</p> <p>pockets ^[1] - 31:3</p> <p>point ^[13] - 8:7, 21; 11:8; 12:4; 14:13; 20:14, 23; 29:9; 35:5; 39:23; 46:7, 9</p> <p>pointed ^[1] - 27:17</p> <p>pointing ^[1] - 3:20</p> <p>points ^[3] - 13:23; 30:17; 47:18</p> <p>policy ^[2] - 10:4; 32:15</p> <p>policy-type ^[1] - 10:4</p> <p>portion ^[5] - 15:21; 16:6; 17:14; 38:14</p> <p>posed ^[2] - 17:4; 20:20</p> <p>positive ^[1] - 47:10</p> <p>possibly ^[2] - 5:12; 39:15</p> <p>potential ^[5] - 5:12; 9:17; 10:5; 11:1; 13:2</p> <p>potentially ^[2] - 10:13; 16:13</p> <p>power ^[2] - 34:9; 36:4</p> <p>practices ^[3] - 39:16</p> <p>preamble ^[1] - 25:8</p> <p>predictability ^[3] - 25:18, 23; 26:4</p> <p>predictable ^[1] - 25:23</p> <p>predominates ^[1] - 11:13</p> <p>presence ^[1] - 22:12</p> <p>present ^[1] - 19:21</p> <p>presentation ^[5] - 7:15; 9:5; 20:19; 21:13</p> <p>Presentation ^[1] - 2:4</p>
<p>O</p>		<p>P</p>		
<p>O'Leary ^[1] - 47:4</p> <p>objectives ^[4] - 7:11; 11:5; 12:3; 23:8</p> <p>obviously ^[8] - 11:12; 14:2, 22; 16:18; 18:8; 22:12; 38:9; 46:20</p> <p>Obviously ^[3] - 13:5; 22:22; 23:12</p> <p>occasion ^[1] - 14:8</p> <p>OCEAN ^[1] - 1:5</p> <p>ocean ^[41] - 3:6; 4:7, 12; 5:1, 5, 11-12; 7:3; 9:14; 10:1, 20; 11:10, 15-16, 18; 12:19; 13:18; 16:12;</p>		<p>p.m ^[3] - 1:18; 48:5; 49:10</p> <p>pages ^[1] - 49:5</p> <p>part ^[14] - 5:6; 10:8; 15:1; 16:2, 8; 17:12; 18:2, 13; 21:8; 29:4; 36:19; 46:5, 17</p> <p>participate ^[1] - 36:13</p> <p>participation ^[2] - 7:6; 8:16</p> <p>Participation ^[2] - 20:21; 21:1</p> <p>particular ^[8] - 9:22; 15:22; 30:21, 23; 32:4; 40:20; 45:13; 46:15</p> <p>particularly ^[1] - 31:12</p> <p>Particularly ^[1] - 45:16</p> <p>partner ^[2] - 39:15, 20</p> <p>partnering ^[1] - 35:8</p> <p>partners ^[1] - 39:20</p> <p>partnership ^[4] - 34:22; 35:14; 36:3; 37:15</p> <p>parts ^[1] - 15:20</p> <p>pass ^[1] - 45:22</p>		

<p>presently ^[1] - 30:22</p> <p>preservation ^[1] - 33:16</p> <p>preserve ^[3] - 23:23; 24:12, 14</p> <p>preserved ^[1] - 28:7</p> <p>preserving ^[2] - 22:2, 5</p> <p>president ^[2] - 5:19; 46:22</p> <p>president's ^[1] - 46:15</p> <p>presumably ^[1] - 13:8</p> <p>pretty ^[2] - 4:5; 19:3</p> <p>prevent ^[2] - 28:14; 41:18</p> <p>primary ^[3] - 32:23; 33:18; 34:1</p> <p>principles ^[1] - 17:8</p> <p>priorities ^[1] - 12:18</p> <p>private ^[5] - 11:13; 34:22; 35:7, 14</p> <p>proactive ^[2] - 4:14; 5:13</p> <p>problem ^[5] - 25:22; 41:15; 42:1, 16; 43:15</p> <p>problems ^[1] - 36:17</p> <p>proceedings ^[1] - 8:12</p> <p>process ^[7] - 4:7; 7:8; 8:17; 16:19; 17:12; 32:3, 21</p> <p>Professional ^[1] - 49:14</p> <p>profits ^[2] - 36:8, 11</p> <p>program ^[2] - 20:17; 22:15</p> <p>prohibited ^[1] - 28:2</p> <p>prohibitions ^[1] - 28:6</p> <p>project ^[4] - 13:3, 6, 9</p> <p>Project ^[1] - 28:23</p> <p>projects ^[4] - 26:1, 3, 5; 35:2</p> <p>promise ^[2] - 44:16</p> <p>prompt ^[1] - 25:23</p> <p>promptness ^[1] - 26:3</p>	<p>promulgated ^[1] - 15:6</p> <p>proper ^[1] - 12:19</p> <p>property ^[4] - 40:17; 42:11; 43:2, 22</p> <p>proposed ^[1] - 25:19</p> <p>protect ^[13] - 6:1; 11:1, 15, 23; 22:15; 28:13; 32:7, 12-13, 23; 38:21; 42:11; 43:2</p> <p>protected ^[1] - 31:22</p> <p>protecting ^[1] - 38:7</p> <p>protection ^[5] - 9:13; 23:22; 33:3; 35:11; 47:5</p> <p>protections ^[2] - 28:10</p> <p>protects ^[2] - 38:18</p> <p>provide ^[6] - 8:1; 13:6; 15:2; 24:1, 11; 25:3</p> <p>provides ^[2] - 35:11, 13</p> <p>Public ^[4] - 1:17; 2:5; 21:1; 49:9</p> <p>public ^[21] - 4:3, 23; 7:5; 8:16; 11:10; 12:20; 15:6, 10, 15; 16:23; 17:2, 13; 19:17; 20:5, 10; 26:13; 31:19; 32:22; 38:5; 47:20</p> <p>public's ^[3] - 38:3, 5; 47:19</p> <p>pull ^[1] - 31:7</p> <p>pulling ^[1] - 8:3</p> <p>purpose ^[4] - 7:2, 14; 28:12; 32:4</p> <p>purposes ^[1] - 31:20</p> <p>pursuant ^[1] - 20:11</p> <p>put ^[5] - 22:20; 34:7; 35:15; 40:13; 48:2</p> <p>putting ^[1] - 4:21</p>	<p>12:22; 45:21</p> <p>Quickly ^[1] - 15:2</p> <p>quite ^[3] - 18:16; 33:4; 35:16</p> <p style="text-align: center;">R</p> <p>raise ^[1] - 44:1</p> <p>rapidly ^[1] - 45:15</p> <p>rather ^[2] - 9:2; 20:4</p> <p>rational ^[1] - 11:6</p> <p>reacting ^[1] - 4:16</p> <p>real ^[4] - 21:8; 31:8; 42:16; 44:13</p> <p>realistically ^[1] - 15:18</p> <p>realize ^[1] - 32:19</p> <p>really ^[15] - 4:2, 6, 13, 22; 21:11; 26:11; 34:9, 13; 35:4; 38:3; 42:1, 8; 46:5; 47:4</p> <p>reason ^[4] - 8:7; 35:20; 40:10; 42:14</p> <p>reasons ^[1] - 15:9</p> <p>recently ^[1] - 35:1</p> <p>recognition ^[1] - 11:22</p> <p>recognize ^[1] - 25:2</p> <p>recognizes ^[1] - 11:9</p> <p>recognizing ^[1] - 33:1</p> <p>records ^[1] - 39:16</p> <p>recreational ^[1] - 14:3</p> <p>reference ^[3] - 4:10; 40:2, 4</p> <p>refined ^[1] - 21:16</p> <p>reflects ^[1] - 47:20</p> <p>Regardless ^[1] - 32:12</p> <p>region ^[4] - 6:2, 16; 44:7; 45:11</p> <p>region's ^[1] - 30:13</p> <p>regional ^[6] - 22:12; 23:12, 14, 17; 24:17, 19</p> <p>regionally ^[1] - 23:21</p> <p>Registered ^[1] - 49:14</p> <p>regulated ^[1] - 16:1</p> <p>regulations ^[2] -</p>	<p>14:10; 30:16</p> <p>reinvent ^[1] - 18:12</p> <p>reiterate ^[1] - 22:19</p> <p>relatively ^[2] - 26:9; 31:7</p> <p>relies ^[1] - 11:18</p> <p>relocate ^[1] - 21:18</p> <p>relying ^[1] - 4:22</p> <p>remain ^[2] - 14:21; 28:8</p> <p>remark ^[1] - 3:10</p> <p>remember ^[1] - 27:5</p> <p>remiss ^[1] - 47:3</p> <p>renewable ^[2] - 4:10; 13:3</p> <p>renourishment ^[1] - 44:3</p> <p>reopen ^[1] - 43:18</p> <p>Rep ^[1] - 2:3</p> <p>REP ^[9] - 3:17, 23; 37:18; 40:1, 10, 13; 43:5; 46:7, 10</p> <p>repeat ^[1] - 28:12</p> <p>replace ^[1] - 39:21</p> <p>Reporter ^[1] - 49:14</p> <p>representative ^[7] - 6:22; 8:6; 9:15; 12:9; 22:3; 24:12; 46:3</p> <p>Representative ^[5] - 3:8, 21; 5:18; 6:20; 45:1</p> <p>representing ^[1] - 26:19</p> <p>represents ^[1] - 30:9</p> <p>required ^[1] - 15:19</p> <p>requirement ^[1] - 12:23</p> <p>requires ^[1] - 16:4</p> <p>research ^[1] - 36:5</p> <p>Residence ^[1] - 35:5</p> <p>Residences ^[1] - 35:3</p> <p>resident ^[2] - 35:23; 39:10</p> <p>residents ^[6] - 34:2; 35:6, 12; 37:4; 40:16; 45:22</p> <p>resolve ^[1] - 19:15</p> <p>resolved ^[1] - 39:6</p> <p>resource ^[1] - 11:11</p>	<p>resources ^[6] - 9:23; 33:21; 34:13, 16; 37:1, 6</p> <p>response ^[1] - 11:9</p> <p>responsive ^[1] - 15:19</p> <p>rest ^[1] - 44:5</p> <p>restoration ^[3] - 26:2, 5, 9</p> <p>revetment ^[2] - 41:7, 20</p> <p>review ^[3] - 13:8; 20:8</p> <p>reviewed ^[1] - 16:4</p> <p>revitalize ^[1] - 43:19</p> <p>revitalized ^[1] - 42:9</p> <p>revitalizing ^[1] - 42:18</p> <p>rich ^[1] - 44:12</p> <p>rights ^[1] - 39:13</p> <p>roadmap ^[1] - 16:9</p> <p>Robb ^[2] - 21:21</p> <p>Romney ^[1] - 27:17</p> <p>roughly ^[2] - 18:14, 20</p> <p>round ^[1] - 16:23</p> <p>run ^[2] - 35:16; 41:11</p>
	Q			S
	<p>questions ^[4] - 17:4; 20:20; 21:12; 25:1</p> <p>quickly ^[3] - 3:21;</p>			<p>Sanctuaries ^[5] - 27:11, 15, 18; 28:6, 13</p> <p>Sanctuary ^[1] - 29:2</p> <p>sanctuary ^[4] - 27:10; 28:1; 29:15, 17</p> <p>sat ^[1] - 47:12</p> <p>saving ^[1] - 42:19</p> <p>schedule ^[2] - 15:2, 8</p> <p>Science ^[1] - 12:15</p> <p>scientific ^[2] - 16:12; 17:18</p> <p>scientists ^[1] - 33:14</p> <p>seabed ^[1] - 28:13</p> <p>seals ^[1] - 42:4</p> <p>Seashore ^[1] - 30:4</p> <p>seat ^[1] - 40:9</p> <p>second ^[1] - 3:11</p>

<p>secretary [1] - 29:12 Secretary [5] - 3:5; 4:18; 12:12; 45:5, 23 section [1] - 38:14 see [19] - 5:11; 6:16; 8:12; 17:3, 8, 23; 18:5; 22:21; 24:9; 34:6, 15; 36:1, 22; 37:3; 39:13; 42:4; 44:7; 45:16 seek [1] - 29:9 seem [4] - 26:10; 35:4, 23; 39:12 selfish [1] - 42:9 selling [1] - 38:13 Senate [1] - 46:18 senate [3] - 5:19; 46:15, 22 senator [1] - 43:6 Senator [7] - 3:15, 18; 40:21; 44:23; 45:8, 19; 47:4 senator's [1] - 26:23 Senior [2] - 35:3, 5 senior [1] - 35:12 sense [2] - 5:13; 31:19 sent [1] - 5:19 September [2] - 1:18; 49:9 series [3] - 6:23; 15:10; 17:14 serve [1] - 23:2 Service [1] - 31:17 services [1] - 23:23 serving [1] - 46:16 SESSION [1] - 1:6 session [1] - 22:9 set [7] - 7:11; 12:17; 17:15, 21; 21:5; 28:21; 29:18 setting [1] - 16:10 several [1] - 29:22 shall [4] - 13:20; 14:3, 5, 18 share [5] - 4:3; 37:18; 39:3; 40:4, 7 sharing [4] - 37:7; 43:5; 44:14; 46:11 sheet [5] - 7:21; 21:1, 19; 26:15 shelf [1] - 10:9</p>	<p>shellfish [1] - 30:19 shifting [1] - 24:10 shipping [1] - 30:11 shore [1] - 30:5 shoreline [1] - 6:9 shores [2] - 5:22; 34:7 shortcomings [1] - 27:18 show [2] - 8:4; 22:10 side [3] - 3:14; 8:18 sided [1] - 8:19 sign [5] - 7:18, 20, 22; 21:19; 26:15 sign-in [2] - 7:20; 26:15 signed [2] - 7:17; 12:10 significance [3] - 29:23; 30:12, 20 significant [6] - 13:17; 23:22; 25:6; 27:1, 5; 28:14 similar [1] - 45:9 Similarly [2] - 9:22; 23:19 simple [3] - 7:14; 31:7, 19 simply [1] - 28:11 sit [2] - 10:9; 20:5 sit-back-and- have-a-public- hearing [1] - 20:5 site [1] - 30:7 sites [3] - 8:22; 23:21; 24:13 siting [1] - 12:18 sitting [1] - 47:11 situation [4] - 14:5, 8; 40:20; 43:12 six [1] - 9:6 sixth [1] - 6:22 slated [1] - 18:17 slide [1] - 17:3 small [1] - 31:3 smoother [1] - 25:18 so-called [1] - 32:17 social [4] - 10:18; 11:4; 12:3; 17:17 socioeconomica</p>	<p>lly [1] - 18:10 solely [1] - 32:20 someone [1] - 47:6 Sometimes [1] - 15:15 sort [12] - 12:6; 15:12; 16:19; 18:7; 19:9, 17; 20:14; 21:3, 7; 25:8, 11; 42:10 Sound [1] - 28:22 sound [2] - 39:16 Soundkeeper [1] - 26:19 sounds [1] - 37:1 south [2] - 43:11; 45:9 SPEAKER [1] - 40:15 speaking [2] - 9:7; 18:20 speaks [1] - 25:6 special [2] - 29:23; 30:20 species [2] - 22:5; 24:10 specific [5] - 12:7; 21:17; 38:2, 13; 44:1 specifically [14] - 5:2, 5; 10:16; 12:16; 13:19; 17:2; 21:15; 28:2; 38:8; 40:4; 44:2, 7, 11; 46:23 specifics [1] - 18:9 spent [1] - 41:10 spin [1] - 22:20 spot [1] - 40:14 spread [1] - 6:11 spring [1] - 12:10 square [2] - 27:3 staff [1] - 5:19 stage [3] - 16:22; 18:4, 15 stake [1] - 19:13 standards [5] - 12:18; 13:21; 25:16; 27:22; 29:3 standing [2] - 7:7; 8:8 standpoint [1] - 42:10 start [3] - 9:12; 21:20; 41:3</p>	<p>started [1] - 3:3 starting [1] - 17:12 state [27] - 10:10; 13:1, 7; 14:6, 11; 26:22; 27:4, 23; 33:16, 19; 34:2, 22; 35:3, 8, 11, 14; 36:1, 12, 16-17, 23; 39:15; 40:19; 41:6; 46:13 state's [1] - 20:17 state/private [1] - 36:3 statement [2] - 11:3; 46:3 statements [1] - 21:4 states [2] - 34:21; 37:4 stay [1] - 48:4 stays [1] - 45:14 stenographic [1] - 49:7 step [7] - 16:20; 18:14, 22; 20:6, 9; 27:7; 47:22 stewardship [1] - 12:19 still [2] - 7:20; 20:15 stop [2] - 14:14; 21:9 storm [2] - 43:12 strengthen [2] - 24:18, 23 stress [1] - 23:11 strong [1] - 24:23 stuff [1] - 41:13 subject [1] - 14:6 submitted [4] - 15:5; 20:8; 22:7 submitting [1] - 9:1 sudden [4] - 41:2, 23; 42:14 suitable [1] - 15:22 summary [1] - 11:3 supposed [1] - 24:8 surprisingly [1] - 45:10 surrounded [1] - 29:1 survive [1] - 22:6 sustainable [1] - 13:16 system [2] - 30:14; 31:12</p>	<p style="text-align: right;">58</p> <p style="text-align: center;">T</p> <p>taped [1] - 6:13 targeted [1] - 33:20 task [1] - 27:16 taxpayers [1] - 42:20 technically [1] - 26:18 technologies [1] - 16:13 ten [2] - 7:15; 42:13 tend [2] - 15:16; 45:17 tens [1] - 41:10 term [6] - 9:9; 16:3; 17:8; 25:14; 39:5 terms [3] - 33:23; 34:3; 36:23 test [3] - 12:6; 31:8, 18 THE [2] - 40:8; 46:2 they've [1] - 41:21 thinking [5] - 17:7, 9; 18:10; 19:1, 4 Thirdly [1] - 25:2 THORSTENSEN [2] - 33:9; 39:9 Thorstensen [1] - 33:10 thoughts [3] - 7:9; 21:14; 36:21 thousand [1] - 32:17 thousands [1] - 41:10 threat [2] - 22:22; 47:7 three [2] - 16:22; 42:12 throughout [1] - 6:9 throw [1] - 12:1 tides [1] - 41:21 timeline [1] - 16:20 timelines [1] - 15:20 tip [1] - 6:10 tired [1] - 37:10 titled [1] - 20:21 today [5] - 5:16; 6:8;</p>
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<p>16:14; 24:15 together [6] - 4:21; 5:14; 8:3; 30:1; 31:8; 48:2 tonight [7] - 3:14, 16; 7:13; 8:11; 32:11; 42:17 topographical [2] - 24:5, 13 touch [2] - 12:22; 48:4 touched [2] - 13:14; 20:19 Tough [1] - 6:21 tourism [2] - 5:6; 38:19 town [1] - 5:4 towns [2] - 45:8 track [3] - 35:4; 39:15; 45:14 tradeoffs [1] - 19:8 transcription [1] - 49:6 transit [1] - 30:13 tremendous [3] - 42:21 Tremendous [1] - 42:22 true [1] - 49:6 trust [4] - 12:20; 32:22; 38:5; 47:21 try [6] - 5:15; 17:10; 43:17; 44:18; 47:19 trying [8] - 4:12; 5:11; 6:10; 19:14; 22:14; 39:2; 43:16 Tuesday [2] - 1:18; 49:9 tune [1] - 48:4 turbines [1] - 36:11 turn [1] - 3:21 Turning [1] - 7:13 two [4] - 15:20; 29:12; 41:4; 46:20 type [7] - 10:4; 19:1, 21; 20:5; 35:21; 37:15 types [4] - 9:20; 15:23; 23:21; 31:5</p>	<p>ultimately [2] - 31:23; 47:8 under [3] - 14:11, 21; 27:10 underlying [1] - 33:5 undesigned [1] - 30:10 UNIDENTIFIED [1] - 40:15 unique [2] - 23:18, 21 unnamed [1] - 43:13 unregulated [1] - 30:13 unusual [1] - 28:16 up [18] - 7:17; 8:4; 12:1, 3; 16:14; 17:15; 20:1, 13; 21:19; 22:10; 25:10; 31:8; 33:10; 41:23; 45:6; 47:8 updated [1] - 8:22 uses [11] - 9:19, 21-22; 10:20; 11:19; 13:16, 22; 14:4; 19:5; 25:19 utilize [1] - 24:10</p>	<p>26:22; 27:2 waters [16] - 9:14; 12:19; 13:4, 7; 14:6, 11; 22:5, 17; 23:1, 13, 20; 24:11; 27:4; 29:1; 33:19 watershed [1] - 22:17 watersheet [1] - 28:16 wave [1] - 36:11 ways [4] - 9:11; 14:20; 17:21; 19:10 Ways [1] - 4:7 web [2] - 8:20 Weber [3] - 2:4; 3:3; 32:6 WEBER [11] - 3:2, 19; 6:20; 26:14; 33:7; 37:17; 39:23; 44:21; 46:1, 9; 48:3 website [1] - 6:15 weigh [2] - 25:1; 45:13 welcome [2] - 3:6; 25:21 Wellfleet [1] - 26:5 whale [1] - 29:20 wheel [1] - 18:12 whereas [1] - 35:15 whole [1] - 39:6 Wildlife [1] - 31:16 wind [4] - 12:3; 34:6; 36:4, 11 windfalls [1] - 37:3 Winds [1] - 28:23 winter [2] - 42:4 wish [2] - 7:18; 9:2 Woods [1] - 33:13 word [1] - 28:16 world [1] - 18:5 worldwide [1] - 23:19 worse [1] - 37:2 worth [1] - 28:4 wrap [1] - 20:13 wrestling [1] - 27:20 written [1] - 9:1</p>	<p>year [1] - 15:7 years [11] - 16:5; 23:4; 27:14, 19; 28:18; 40:16, 23; 41:3; 42:9, 13; 47:1 younger [1] - 33:12</p>
	V		Z
<p style="text-align: center;">U</p> <p>U.S [1] - 31:16</p>	<p>valid [1] - 46:7 various [7] - 10:20; 13:22; 16:13; 18:4; 19:4, 12, 17 versus [1] - 40:18 video [1] - 8:8 videotaped [1] - 8:9 view [3] - 23:12; 24:17 virtually [1] - 28:1 vision [7] - 25:9; 35:21; 36:22; 37:14, 20; 39:7 visual [1] - 13:18 vital [2] - 30:12, 22 voicing [1] - 46:4</p>	Y	<p>zone [3] - 29:14; 30:9; 32:4 Zone [1] - 20:17 zoning [9] - 25:9, 16, 21; 29:13; 37:23; 38:1, 12</p>
	<p style="text-align: center;">W</p> <p>wall [3] - 41:8, 11, 13 walls [2] - 41:18, 20 water [3] - 22:13;</p>	<p>yards [1] - 43:3</p>	