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OCEAN MANAGEMENT PLAN DEVELOPMENT

LISTENING SESSION

HEARING HELD AT SPRINGFIELD TECHNICAL  
COMMUNITY COLLEGE, SCIBELLI HALL,  
SPRINGFIELD, MA, ON THURSDAY,  
OCTOBER 30, 2008 COMMENCING AT 7:10 P.M.

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MR. WEBER: My name is John Weber of

3

the Executive Office of Energy and Environmental

4

Affairs.

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I work for the office that through the Ocean

6

Act that was adopted and passed by the legislature back

7

in the spring of this year, our office has been

8

mandated by that legislation to develop an ocean plan.

9

So that is why we are here tonight.

10

What I was going to do is just quickly go

11

over the presentation that you have in front of you.

12

It will be quick because you and I have

13

already talked about some of this. And then after that

14

you said you had some questions.

15

I'll be happy to have a conversation about

16

that, and then finally if there are specific things

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that you would like to get on the record, your

18

feelings about what the ocean plan should be, what

19

issues there are that should be addressed, that sort of

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thing, feel free at the end.

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And if there are other comments that you

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would like to make as well, that is great. I don't

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mean to limit you.

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We have talked about kind of what is an ocean plan. What does that mean.

It is a potentially sort of mind-numbing, at least to me anyway, term, and we talked a little bit about it out in the hall about this idea of conflicts or particular uses out there that may conflict with other uses.

For example, a wind energy project, depending on where that site is may conflict with other uses.

Fishing that occurs out there may conflict with other uses.

There may also be conflicts between particular uses and natural resources.

And one of the ideas of this plan is to take a look at all of that and figure out ways to start resolving some of those conflicts.

So there is an idea of balancing use protection development that is inherent in the legislation that in general is going to set the stage for this ocean plan.

So the ocean as we were talking about earlier as well, the ocean plan, the fundamental basis of that

1 ocean plan is going to be scientific information,  
2 environmental information, also socio-economic  
3 information that is in the process of being gathered  
4 now.

5 And there is different ways of saying sort of  
6 what I've already said about this idea of balancing and  
7 conflict resolution.

8 It is an attempt to, and this is the first  
9 bullet, rationally organize uses of ocean space and the  
10 interactions between those uses.

11 So the word rational is kind of the key word  
12 there, because right now there is a feeling I think  
13 among some that it already is controversial.

14 That is not necessarily -- that is one way of  
15 thinking rationally, but there are others.

16 It begs the question of why do we need an  
17 ocean plan.

18 I guess the most fundamental thing about this  
19 is that the ocean is a state resource, it is a public  
20 resource. So it belongs to all of us.

21 It is very different than on land where most  
22 land is privately held. So there is a fundamental  
23 difference.

1           There are also some more sort of immediate or  
2 practical considerations: We need to protect and  
3 enhance the ocean environment.

4           We also need to use the ocean at times:  
5 Fishing, other uses that have formed the socio-economic  
6 back-bone of much of the coast, if not all of the  
7 coast, going back centuries.

8           When I say we need to use the ocean, it  
9 includes that sort of idea.

10           And again as I spoke to you the ocean plan  
11 will look to seek a balance, as we move forward,  
12 particularly with the emerging uses and emerging  
13 technologies that we have been talking about.

14           And it is not just in the energy sector.  
15 There are innovations that are going on, for example,  
16 in aquaculture.

17           There are other things that I can't even  
18 think of off the top of my head that may be emerging  
19 uses, and that is one of the things that the ocean plan  
20 attempts to do.

21           It is a crystal ball a little bit into the  
22 future and think about where some of these things  
23 should or should not go.

1           So a little bit about the Oceans Act, which  
2 was signed into law in June.

3           As I said it directs my boss, the head of  
4 Energy and Environmental Affairs, Secretary Ian Bowles,  
5 to develop this plan.

6           There is a couple of other bodies and entities  
7 that have been through the Oceans Act set up to help us  
8 do that.

9           The Oceans Act does a couple of other things  
10 beside mandate an overall ocean plan.

11           It requires that the ocean plan look to  
12 coordinate particular uses that may cross federal,  
13 state and local jurisdictions.

14           And by that, as an example, I mean that there  
15 could be a project in federal waters, such as the Cape  
16 wind project, but that has a cable connection across  
17 state waters and ultimately emerges on shore some place  
18 and has a local regulatory review through the Wetlands  
19 Protection Act and other reviews.

20           So that involves multiple jurisdictions and  
21 multiple layers of government, and one of the things  
22 that the Oceans Act seeks to do is to coordinate  
23 across those layers of government.

1           And we were talking a little bit out there for  
2           example starting a conversation with the federal  
3           government agencies that are involved in issues in  
4           federal waters.

5           That is an example.

6           Finally what the Oceans Act does, it  
7           clarifies a little bit existing law, as we talked  
8           about, that states that certain activities, uses and  
9           facilities can now be allowed in the ocean, if they are  
10          consistent with the ocean plan.

11          And then further, and more specifically, in  
12          terms of renewable energy such projects also have to be  
13          consistent with the ocean plan, but they must also be  
14          appropriately scaled and that term, appropriately  
15          scaled, is in the Ocean Act itself. It is not  
16          defined.

17          So one of the things that the ocean plan will  
18          seek to do will be to define that term, what should  
19          that mean.

20          And if you have ideas on that, I am very  
21          interested in hearing about that.

22          One last thing I say about the Oceans Act in  
23          terms of the substance of it is that it is not a

1 fisheries management bill.

2 Fisheries management right now occurs in  
3 state waters under the State Division of Marine  
4 Fisheries.

5 The Oceans Act states that that shall remain  
6 the case.

7 So there is no change in terms of commercial  
8 and I should say recreational fishing in terms of how  
9 that is regulated at the state level.

10 So fisheries management plans, quotas, all  
11 those sorts of things, will still be under the system  
12 as it exists now through the Division of Marine  
13 Fisheries.

14 With that said, you cannot think about  
15 anything in ocean waters without thinking about  
16 commercial and or recreational fishing.

17 So information on those subjects is being  
18 acquired right now through an agency work group type  
19 of effort, and that will be fed into the ocean plan.

20 So the ocean plan will consider that, but in  
21 terms of overall how such issues are regulated, that  
22 the Oceans Act is not a fisheries regulation bill.

23 So a little bit about the schedule because the

1 schedule is important.

2 The Oceans Act mandates that a draft of the  
3 ocean plan be submitted to the legislature by June  
4 30th of 2009, which is very soon, and a final  
5 version -- at that point then the legislature will  
6 hold public hearings all with an eye toward meeting  
7 another requirement of the Oceans Act, which is that  
8 the ocean plan be finalized by the end of December of  
9 2009.

10 So the clock is ticking.

11 With an eye towards that we are -- there are  
12 three main steps that we see to get us to the point of  
13 where we submit a draft to the legislature.

14 We are in the middle of the first one now.  
15 That is essentially the information gathering stage.  
16 That is taking shape in three main ways:

17 Scientific and geographic information systems  
18 data, socio-economic data is being accumulated and put  
19 into a GIS system that will allow us to take a look at  
20 this data in a systematic way.

21 That is occurring now. That is being done by  
22 a series of agencies that I have already mentioned, the  
23 fisheries work group. There are a couple of others

1 that are sort of organized by subject area.

2 So we try to put our arms around scientific  
3 information.

4 The second thing we are doing is going out to  
5 the public and asking folks what they think about what  
6 an ocean plan should do.

7 That is the purpose or one of the main  
8 purposes of having a meeting now, having a series of  
9 meetings at this point in time as we are just beginning  
10 the process of developing a plan.

11 The third thing is that this type of thing  
12 has happened about in eight to ten to twelve, something  
13 like that, places around the world, and we are taking a  
14 look at what other places have done, just to see what  
15 lessons we can learn from that, what has worked, what  
16 hasn't, and how what was done somewhere else could be  
17 translatable to the specifics of Massachusetts in terms  
18 of the issues that are out there, the environment, the  
19 ecology or what the Oceans Act specifies.

20 So three main avenues are gathering  
21 information. That step goes now through approximately  
22 January of 2009, so for the next two, three months.

23 All of that then will be used, all the

1 information that is gathered will be used to help us in  
2 step two.

3 And in step two, that is to put together a  
4 draft plan.

5 That will include taking a look at all this  
6 data that we are gathering, sort of overlaying the  
7 data on top of each other to see where there are areas  
8 of conflict as well as areas of opportunity or issues  
9 that need to be addressed.

10 That will also occur in some sort of public  
11 setting. We are not exactly sure how yet. But most  
12 likely there will be a series of workshop or similar  
13 type settings, maybe be a little longer than the  
14 meeting tonight where we really roll up ours sleeves  
15 and get to work, in taking a look at what is all this  
16 telling us, what are the opportunities, what do we  
17 know, what don't we know, that sort of thing.

18 All of that then will be used in helping us  
19 develop a draft plan as I said in roughly February,  
20 March, April ish as a timeframe. So over a period of a  
21 couple of months.

22 At that time or after that point we will have  
23 some form of draft plan that we will take back out to a

1 wider set of public meetings along the lines of what we  
2 are doing now, a series of public meetings up and down  
3 the coast and inland.

4 And basically we are going to say we came and  
5 talked to you in the fall of 2008. Here is the input  
6 that we heard, here is what you told us what the plan  
7 should be.

8 Some of you have been involved since then in  
9 putting together a draft plan, but, you know, for those  
10 who weren't, how did we do, what do you think?  
11 Does this achieve what you were hoping the ocean plan  
12 would do.

13 That happens in roughly May or June and then  
14 with enough time left in there for us also then to  
15 take the results of that conversation, those  
16 conversations back, make changes to the plan as need  
17 be, before we submit it to the legislature at the end  
18 of June, 2009.

19 At that point then that will be sort of  
20 morphed into the plan process of developing the plan,  
21 it will change into a sort of series of more formal  
22 public hearings through the legislature.

23 They tend to serve an important purpose, but

1           they are not necessarily a working type meeting,  
2           conversational type meeting. It is more a very formal  
3           hearing type of setting.

4                        So that is basically an overview of sort of  
5           where we are right now. L

6                        We are in the middle of that  
7           information-gathering stage and in general, given the  
8           schedule and the issues that we have to deal with, how  
9           we see this moving ahead.

10                      So you see the last box there is just a couple  
11           of -- kind of your comments and participation. It is  
12           just a couple of different ideas if you want to make  
13           comments.

14                      I know you said you had some questions. I'll  
15           be happy to chat with you about those.

16                      MR. CARROLL: What are the states that you  
17           know that have started this type of comment?

18                      Is it several or is it --

19                      MR. WEBER: There is a couple. Rhode  
20           Island is doing something right now.

21                      Rhode Island is very focused on wind energy  
22           and siting a wind energy project.

23                      They also think that they may be looking at

1 things from also a conservation type of focus.

2 So they have kind of have a narrower world  
3 than what we are operating under.

4 The Oceans Act directs us to be comprehensive  
5 and look at a wider range of issues than what Rhode  
6 Island is doing.

7 With that said, we have been in touch with  
8 them because they are on roughly the same schedule and  
9 timeframe as we are.

10 We are talking with them frequently and often  
11 and will be more so in the future, in part because they  
12 are a neighbor and the two neighboring states need to  
13 talk with each other.

14 Also to learn from each other, how are you  
15 addressing this issue and that issue and just to  
16 coordinate with each other.

17 And both Rhode Island and Massachusetts are  
18 also very interested in coordinating with folks at the  
19 federal level.

20 So there is also a commonality in that.

21 California has done some work in general  
22 looking at this primarily from a conservation focus.

23 They need to develop a system of marine protected

1 areas, marine sanctuaries off the California coast.

2 So that is primarily what they have focused  
3 on.

4 And Oregon has also similarly been looking at  
5 both looking at things both from a conservation focus.  
6 They also have some proposals for some fairly large,  
7 meaning industrial sized, wave energy project.

8 So the wave energy issue is going to be a hot  
9 button item there.

10 The other one that comes to mind is Florida.  
11 There is a portion of the Florida Keys that is actually  
12 a national marine sanctuary, and they, about ten,  
13 fifteen years ago, went through a process of actually  
14 zoning the area of their sanctuary.

15 That is a little bit different than what we  
16 are looking at, just because it is already, all that  
17 area they are looking at is already designated as  
18 sanctuary.

19 So it has a -- it starts from a very  
20 conservation, environmental protection oriented focus.

21 So our feeling is that Massachusetts is unique  
22 in part because the environmental ecology of  
23 Massachusetts is different between these areas, and

1 also from the sort of the fact that this is really  
2 intended to be comprehensive and multi-issue.

3 These are the states that I am most familiar  
4 with.

5 There are a couple of other states, Delaware,  
6 New York and New Jersey that are very interested in  
7 siting off-shore wind projects.

8 So there is that.

9 Recently Virginia has expressed an interest  
10 in oil and gas exploration, so they are looking at  
11 that.

12 MR. CARROLL: One thing that came to mind  
13 is Woods Hole.

14 Are they involved with this? Obviously that  
15 is a federally-funded operation.

16 Are they involved with mapping the ocean  
17 floor around Massachusetts?

18 MR. WEBER: Yes.

19 There is several entities down there in the  
20 Woods Hole community and they are involved in a couple  
21 of different ways.

22 The U.S. Geological Survey is working very  
23 closely with us on the actual mapping.

1           They are the ones that are going out in the  
2 boat with the equipment and doing the mapping.

3           However, there is much more than that that is  
4 also going on.

5           There is -- the Oceans Act also requires a  
6 science advisory committee to assist in the development  
7 of the plan and in particular in ensuring that the plan  
8 is scientifically based, using the best available  
9 scientific information.

10           There are folks that are representing the WHOI  
11 community, Woods Hole Oceanographic Institute  
12 community, who are on that scientific committee.

13           So at that level.

14           And then there are, I think I mentioned, a  
15 series of agency workers that are trying to get their  
16 arms around the best available existing information,  
17 and personnel from WHOI are involved in that.

18           So the quick answer is yes and on multiple  
19 levels.

20           MR. CARROLL: We are lucky to have them.

21           MR. WEBER: Yes, we are very lucky to have  
22 them.

23           There are world-renowned folks down there and

1 we would not have the information and the level of our  
2 understanding.

3 One of the reasons why I think Massachusetts  
4 is able to approach things from a more comprehensive  
5 level is because we have that right here. We have  
6 folks who know these areas.

7 So we are very lucky. That is a big leg up  
8 for the state.

9 MR. CARROLL: Mass Audubon, are they  
10 involved with this project also? I would guess they  
11 would be.

12 MR. WEBER: Yes, in two different ways  
13 primarily.

14 There is a representative from Mass Audubon  
15 who sits on another -- there is another entity that was  
16 created through the Oceans Act, called the oceans  
17 advisory commission.

18 They have a little bit of a different mandate  
19 under the Oceans Act in terms of helping us develop  
20 this ocean plan.

21 They have more of an overall policy level  
22 type of mandate to the Oceans Act, and there is a  
23 representative from Mass Audubon who sits on that

1 body.

2 Mass Audubon is also working with the, in  
3 particular there is a work group that is looking at  
4 habitat, and included in that is bird habitat.

5 So they are working closely with us, providing  
6 us data that they have, counts that they have done,  
7 information that they have, studies they have done on  
8 Nantucket Sound in particular, but not just Nantucket  
9 Sound.

10 So a couple of different ways.

11 And I guess I will mention a third way that  
12 both WHOI and Audubon are involved, and that is:  
13 In addition to these public meetings that we are having  
14 right now, we are also meeting with different groups  
15 every day.

16 I think we are up to about fifty-five, maybe  
17 sixty different interest groups, non-governmental  
18 organizations, advocacy groups, user groups, such as  
19 fishermen associations, folks like the Steamship  
20 Authority that operates the ferries to Martha's  
21 Vineyard and Nantucket, representatives from the  
22 pilots from some of the ports, tug representatives,  
23 shipping representative, folks who are out there

1 right now on the water doing stuff and who are  
2 folks who have an interest and expressed an  
3 interest.

4 We are meeting with them also to have a  
5 conversation kind of like this to ask what are your  
6 issues, what are your concerns, what would you like to  
7 see the plan do.

8 And that includes folks from the WHOI  
9 community as well as Audubon.

10 MR. CARROLL: I am kind of a novice at  
11 this.

12 The more I think about it, the more I could  
13 probably come up with a whole page of questions, but I  
14 kind of -- I just figured I just come in and see what  
15 was going on and here we are.

16 Do you -- there is a couple of organizations I  
17 belong to.

18 Are you local? Do you live in the Springfield  
19 area?

20 MR. WEBER: I do not. I live in  
21 eastern Massachusetts.

22 Are there organizations that you know of that  
23 would have an interest in this that maybe we



1           have had to, have tried to organize something in  
2           western Mass or have you tried before?

3                       This is the first time I heard of this.

4                       MR. WEBER: For this particular project  
5           this is the first round of meetings that we've had,  
6           period.

7                       We started in Boston a little over a month  
8           ago and have done eighteen since then.

9                       And the other night we were in Pittsfield and  
10          Worcester and Springfield.

11                      So you know, I think it was to try to be in  
12          some place that is as convenient for folks to get to as  
13          possible.

14                      MR. CARROLL: Okay.

15                      Well, that is all I have right now. I can't  
16          think of anything else.

17                      MR. WEBER: Okay.

18                      Thanks very much for coming out. I appreciate  
19          that.

20                      I think we are done.

21

22                      (The hearing concluded at 8:00 p.m.)

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3 C E R T I F I C A T E

4 I, HELGA RAGLE, Court Reporter for  
5 the County of Hampden do hereby certify that the  
6 foregoing is a true and accurate transcript of the  
7 proceedings as taken by me on October 30, 2008, in  
8 the Ocean Management Plan Development Listening  
9 Session held at Springfield Technical Community College  
10 in Springfield, Massachusetts.

11  
12 \_\_\_\_\_  
13 Helga Ragle  
14 Court Reporter

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16 DATED: November 2, 2008  
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