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1 MASSACHUSETTS OCEAN PLANNING
 2
 3 LISTENING SESSION
 4
 5 MONDAY, OCTOBER 27, 2008
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 11 7:05 p.m. - 8:25 p.m.
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1 and give folks an opportunity to put comments on
 2 the record as we begin the planning process.
 3 I'll talk in a couple of minutes
 4 about the other pieces that we're building into
 5 the information gathering process. But the
 6 public meetings are really just a chance to ask
 7 folks what they think an ocean plan should be,
 8 what it shouldn't be, what it should do, what
 9 are the things that are important to consider,
 10 those kinds of things.
 11 When you came in there were a
 12 bunch of handouts. There is a bunch of
 13 information on there particularly in terms of
 14 web links. We have the ocean planning page on
 15 the EEA web page. We are videoing tonight, so
 16 the videos on the web pages are all up there.
 17 There are technical materials that will continue
 18 to be put up on the web page, opportunities to
 19 comment on-line, a place to sign up so that we
 20 can send e-mails out to folks so that we can
 21 keep you engaged in the process, all that kind
 22 of stuff.
 23 So with that I'm just going to

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1 Okay. Welcome. Good evening,
 2 folks. Thank you for coming tonight. We're
 3 going to do this a little more informally
 4 tonight than we have in previous sessions since
 5 there's the three of us. So I thought what we'd
 6 do is we'll just run through an overview of the
 7 process. And then if you guys have prepared
 8 statements or things that you want to put on the
 9 record feel free to do that. And then we can
 10 just do questions and conversation until we've
 11 hit all the issues if that's okay with folks.
 12 So briefly, my name is Deerin
 13 Babb-Brott. I'm the Assistant Secretary for
 14 Oceans at the Executive Office of Energy and
 15 Environmental Affairs. And on behalf of my
 16 boss, Secretary Ian Bowles, welcome and thank
 17 you for being here this evening.
 18 This is the fifteenth of eighteen
 19 public meetings that we're holding statewide.
 20 We'll be doing Lowell and Springfield and
 21 Pittsfield for the rest of this week and that
 22 will wrap up the public meetings. And the
 23 purpose here is really to collect public input

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1 jump in and do an overview of the planning
 2 process and then we can start.
 3 So the Ocean Plan is designed to
 4 be a plan to guide the use, protection and
 5 development of our ocean waters that addresses
 6 uses and developments that are incompatible with
 7 each other, that are incompatible or compatible
 8 with natural resources.
 9 Overall the purpose of the plan is
 10 to balance, use, protection and development.
 11 Importantly, the Ocean Plan will not be its own
 12 regulatory layer, but it will have regulatory
 13 teeth in that state permits and other state
 14 approvals will have to be consistent with the
 15 plan. So if the DEP issues a permit or a
 16 license for something they have to find that
 17 that license is authorizing activity that is
 18 consistent with what we played out in the Ocean
 19 Plan.
 20 The Ocean Plan is directed by the
 21 Oceans Act of 2008 that recognizes that the
 22 ocean is a public resource and it belongs to all
 23 of us. And it lists fifteen stipulations that

5

1 the Act is designed to address. Those are
 2 described in detail in one of the handouts and
 3 I'll talk a little bit in summary about those.
 4 But essentially the Oceans Plan, through the Act
 5 is required to define balance, as I said, of
 6 use, protection and development.

7 The Act was signed in the Spring
 8 of 2008 and directs the Secretary of Energy and
 9 Environmental Affairs with the assistance of an
 10 Ocean Advisory Commission and a Science Advisory
 11 Counsel to develop the comprehensive Ocean
 12 Management Plan. In short, the Act directs the
 13 Ocean Plan to set forth the Commonwealth's
 14 goals, siting priorities and standards for
 15 proper stewardship of its ocean waters held in
 16 trust for the benefit of the public. So the
 17 overall gist is that the ocean belongs to
 18 everybody. As far as allocations of use,
 19 protection and ongoing activities, everybody's
 20 got a role in how we build this going forward.

21 The Act also directs that we
 22 foster sustainable uses that capitalize on
 23 economic opportunity without significant

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1 detriment to the ecology or the natural beauty
 2 of the ocean. And kind of a centerpiece of the
 3 Act is that we are required to identify
 4 appropriate locations and performance standards
 5 for activities, uses and facilities allowed
 6 under the Ocean Sanctuaries Act.

7 One thing that the Oceans Act does
 8 is amend the Oceans Sanctuaries Act to allow and
 9 to remove what was perceived as some ambiguity
 10 in terms of what uses or activities were or
 11 weren't allowed in the ocean sanctuaries which
 12 are pretty much all the waters of the
 13 Commonwealth except for the swathe of water
 14 outside of Boston Harbor essentially

15 So the Act says for activities
 16 like -- it's basically structural development,
 17 gas pipelines, renewable energy facilities, deep
 18 water aquaculture, land mining areas for beach
 19 nourishment, those kinds of activities are
 20 allowable in the ocean sanctuaries provided that
 21 number one, they are consistent with the Ocean
 22 Plan and secondly for renewable energy
 23 facilities, that they are of appropriate scale.

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1 Appropriate scale is not
 2 something that the Act defines. So defining
 3 appropriate scale is going to be a key piece of
 4 what we're doing. And we're hearing a lot of
 5 different kinds of comments on how folks think
 6 we should define that. And that's a very
 7 important piece of this obviously because
 8 appropriate scale could be subjective. What
 9 should it be based on.

10 Importantly, the Oceans Act
 11 directs that commercial recreational fishing
 12 shall be allowable uses subject to the exclusive
 13 jurisdiction of DMF. So it's not a fisheries
 14 management plan. It's not going to be fisheries
 15 regs. It directs that DMF will have sole
 16 responsibility for development of fisheries
 17 management plans or fisheries regs.

18 That notwithstanding, we're trying
 19 to invest a lot of time and energy in talking
 20 with fishing groups so that we understand where
 21 they fish, what they fish for, when they fish.
 22 So as we start to think about where we may want
 23 to -- where we think it may be appropriate to

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1 locate facilities under the Ocean Sanctuaries
 2 Act we need to know what the potential impact of
 3 what that might be to fishing communities.

4 For schedule and product, by
 5 December 31 of 2009 we are required to have an
 6 ocean plan promulgated along with any regs that
 7 may go with it. What that really means is that
 8 by June 30 we have to have a draft plan ready
 9 for legislative review and for formal public
 10 hearings. So June 30 we'll have a draft plan
 11 that identifies the kinds of things that I've
 12 just described but will also have a formal road
 13 map for a longer term planning process.

14 The Act requires that we review
 15 and update the plan at least every five years.
 16 And also because we recognize we have such a
 17 short time to put the plan together, there are
 18 going to be a lot of things that we just simply
 19 can't begin to address yet and we need to lay
 20 out specifically what those are, what kind of
 21 information we need to get in order to get after
 22 those questions, lay out things like how we want
 23 to review the effectiveness of the plan, decide

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|---|--|
| <p style="text-align: center;">9</p> <p>1 how it should be modified over time, those kinds 2 of things. So we want to make sure we build in 3 how does this stay relevant and ongoing. 4 We're building the plan itself in 5 three ways. The first step is gathering 6 information. That's the process we're in now. 7 We're collecting public information, public 8 comment. We're talking with stakeholder groups, 9 whale watch groups, fishing groups, yacht clubs, 10 NGOs, ferry terminals, anybody who works or is 11 professionally involved in ocean activities. We 12 want to understand from them what would be 13 important to them to see in an ocean plan, what 14 are the issues we should be addressing, what are 15 their major concerns. Also as I mentioned we 16 want data. You know, where do you go out there, 17 what do you do, so that we understand as we 18 start to figure out where lines might go, what 19 the impact of that might be. 20 So starting that process with the 21 public and with stakeholder groups we're also 22 working with the agencies and with work groups. 23 We started with state agencies divided into six</p> | <p style="text-align: center;">11</p> <p>1 States which mostly have been centered on marine 2 protected areas or single issue kind of 3 management. Oregon, Rhode Island, are now doing 4 more broad based planning but there still are 5 not a lot of tools out there for us. And it's 6 not a matured discipline, so we're looking 7 around the world to see what kind of models 8 might be appropriate for us to use here 9 Once we have all of that done 10 which will be by the end of January we'll start 11 the second phase which runs February through 12 April. And that will be to begin to pull all of 13 this information together and identify where we 14 have areas of compatibility, where we have 15 issues of conflict between different kinds of 16 uses, between uses and resources. It's the 17 first rough cut of what the planning -- what the 18 data tells us 19 At that point we'll start putting 20 together rough approaches to reconciling those 21 kinds of conflict. Once we do that we'll go 22 back out into the world in working meetings and 23 put the maps up on the wall and say alright, in</p> |
| <p style="text-align: center;">10</p> <p>1 work groups including things like fishing, 2 habitat, management, navigational and cultural 3 recreational. And there's one other, renewable 4 energy. 5 The agencies have collected all 6 the information that was available at the state 7 level. We expanded the work groups to pick up 8 other people out there that agency staff knew 9 through NGOs or industry or federal government 10 or local government, again, kind of expanding 11 that information base. 12 The third circle around that is 13 going to be the stakeholder groups and then 14 picking up information from the public as well. 15 So all of that together is going to form the 16 first cut out of the information we have to work 17 with. 18 The last piece we're working on 19 now is we're looking around the world at eight 20 or ten models that have been done 21 internationally that have done some kind of 22 ocean management. It's something that really 23 hasn't been done very much, a few in the United</p> | <p style="text-align: center;">12</p> <p>1 this part of the state waters we wanted to see 2 or the data suggests we can do alternative 3 energy, but we have this kind of fishing and we 4 have this other thing here. We've got this 5 thing over here which could be protected but 6 here are three different ways that we could 7 organize how those uses happen. It could all 8 happen at the same time. We could require that 9 they stay separated. What does this tell us and 10 what might it look like. Just start moving the 11 lines around with everybody, all the 12 stakeholders and all the folks who want to tell 13 us I'm here in the water and if you put your 14 line there that's going to be the impact. 15 So we get that information. We'll 16 work it some more. We'll do that process again. 17 Essentially the whole process is designed to 18 take a lot of information and a lot of different 19 perspectives and gradually try to find the place 20 that more or less allows us to equitably and 21 defensively, based on the data, make a decision 22 about what's the best way to think about what 23 happens where. So that's step two.</p> |

1 And step three is May and June
2 which is designed right now to be the kind of
3 final public version. In that second step we
4 have gone through the process of really trying
5 to get it down to something, to a draft plan so
6 then we have something that we think we're
7 pretty close on. We'll go back out there again
8 and say here's the direction we're heading, what
9 do folks think.

10 And then the fourth step is July
11 through December and that's the time that we
12 have formal public hearings and legislative
13 review. And then we go off onto promulgation.

14 So that's an overview of the Act
15 and the planning process. And now I'll just
16 have you guys -- if you have prepared comments
17 that you'd like to make and then do questions or
18 discussion and we can do it that way or you can
19 just jump in. The first time you have something
20 to say just say who you are, who you're with and
21 we'll go from there. Over to you.

22 MS. DURKIN: Thank you. My name
23 is Barbara Durkin. I'm a private citizen. I'm

1 a little disappointed that we don't have a crowd
2 here tonight because I consider this to be a
3 discussion about the wild west of our ocean
4 waters where there are so many uses right now,
5 competing uses, and so many historic uses that
6 this is all new.

7 And I don't I guess understand
8 where Senator O'Leary is coming from when he
9 says that this is a simple piece of legislation
10 based on the presentation that you've just
11 provided to us. I don't think there's anything
12 simple about this. I think that there is much
13 to be discussed.

14 I would ask you to comment on the
15 Cape Wind project specifically because I think
16 that this is a very large scale project which I
17 don't know if that would fall into the
18 definition of appropriate scale or if you're
19 looking at it as though it's out of the barn so
20 to speak so that this would not be under your
21 purview as an advisory commission.

22 As we go along I have a number of
23 other things that I'd like to present to you and

1 to offer for your consideration. But I will
2 refrain from doing that for now and continue the
3 discussion. But it's fascinating. It's very
4 important and I appreciate being able to
5 participate in this.

6 MR. BABB-BROTT: Great. Thanks.

7 MR. BARRETT: My name is Ed
8 Barrett. I'm a commercial fisherman. I own two
9 boats. One is in Green Harbor and the other one
10 is in Plymouth, Mass. I tend to fish almost
11 throughout the state waters. I fish as far
12 south as Nantucket and as far north as off of
13 Gloucester. I'm also the president of the Mass
14 Bay Ground Fish Association which represents
15 about forty individuals both with federal and
16 state permits and different gear types. And
17 those would be fishermen that are fishing for
18 ground fish, which would be cod, flounders, etc.

19 I guess as I've said before in
20 another working group that I was a part of, it's
21 been my experience over thirty years of being a
22 fisherman that we have a tremendous amount of
23 zoning in Massachusetts waters. I think what

1 the public doesn't realize is that it's been a
2 process that's evolved over a number of years,
3 certainly before I was part of fishing. And
4 that the product we have now is not, you know,
5 it's not the wild west out there. It's very
6 orderly or disorderly, but it definitely has
7 rules and regulations that affect everything
8 that goes on now. There are some things that
9 are coming into it that are different, but we
10 have been dealing with rules and regulations
11 that have had profound effects on fishing
12 communities for thirty years now.

13 So I guess what I'd like to do is
14 just kind of go forward and maybe ask questions
15 and clarify a few things and go on from there.

16 MR. BABB-BROTT: Great. Thank
17 you. Where would you like to start?

18 MR. BARRETT: I was thinking that
19 maybe we could just for starters go through, as
20 you have on the handout, the key elements of the
21 Oceans Act and maybe go through those bullets
22 one at a time.

23 MR. BABB-BROTT: Sure.

1 MR. BARRETT: I guess the first
2 bullet is comprehensive management of
3 Massachusetts waters. I'm confused I guess at
4 what comprehensive science based planning, and
5 how that hasn't been happening and how it might
6 happen in the future that would be a change from
7 what we have now.

8 MR. BABB-BROTT: I think I will
9 answer that in a couple of ways. The Act
10 establishes the Science Advisory Council and
11 specifies that the purpose of the Science
12 Advisory Council is to assist the Secretary in
13 developing the science baseline for the ocean
14 plan.

15 The way we're interpreting that
16 and working with the council and beginning to
17 draft the baseline is to reach out into all of
18 the work including what you have described in
19 terms of the tremendous amount of time and
20 energy and research that's gone into the
21 fisheries management components and habitat
22 issues associated with that, and try to put them
23 together in one place that just tells one

1 comprehensive beginning, middle and an end
2 characterization of the Mass ocean environment.
3 Certainly it's been done before in numbers of
4 different places.

5 I think the intent is not to
6 replicate other kinds of habitat
7 characterizations or ocean characterizations
8 that have been done, but it's for the purposes
9 of thinking about different kinds of management
10 in addition to fisheries. What are the social,
11 economic and environmental features of the
12 Massachusetts state waters.

13 MR. BARRETT: When we talk about
14 baselines, what are going to be the reference
15 points? You know, I mean as I've seen it, you
16 know, from a fishery -- from someone involved in
17 fisheries, we've had -- we've had a lot of
18 different levels of fishing out there and a lot
19 of different levels of fishery resources in
20 terms of environments. How are you going to
21 define that whole thing out?

22 MR. BABB-BROTT: I don't know yet.
23 A lot of the answers for you guys this evening

1 may be I don't know yet because a lot of this we
2 don't know yet. One angle to the question may
3 be, and tell me if I'm heading in the right
4 direction here, the science baseline is going to
5 be existing conditions across the board. But
6 we've got a number of questions that I think go
7 to yours.

8 Angela, for example, in Gloucester
9 had the first comment along these lines saying
10 that we should be identifying historic fishing
11 grounds on the logical theory that if it once
12 was it may be again and it wouldn't make any
13 sense to allocate a place that was historically
14 used for some other purpose when if it comes
15 back then you've got something in your way when
16 you try to go there.

17 So that's one example of the way
18 we're starting to think about it. In terms of
19 what are the benchmarks across the board, we
20 don't have those yet, but we're working with the
21 science council. And it's not a question
22 exclusive to them. Anybody who has thoughts we
23 want to hear along those lines. And if you or

1 your guys have thoughts on those that's exactly
2 the kind of information we want to receive.
3 What should we be thinking about. You tell us.

4 MR. BARRETT: Well, from a fishing
5 point of perspective in state waters, there was
6 dramatic change when they instituted the night
7 closure. And a lot of people don't even think
8 of that. The night closure came into effect in
9 the early 90's. Basically what that meant was
10 that if you were a mobile gear fisherman, that
11 pretty much halved your time available to fish
12 in state waters. It had a large economic effect
13 on the communities that surrounded Cape Cod Bay;
14 Provincetown, Plymouth, Sandwich, Wellfleet,
15 Marshfield, Green Harbor. That's I guess just
16 an example of what was then, what is now.

17 Are we rebuilding to what is now
18 or rebuilding to what was then? I mean it
19 encompasses that whole question of benchmarks.
20 You know, certainly in recognition of historical
21 grounds, I think if you go to many of those
22 fishing communities that's the first thing
23 they're going to talk about. Most people are

1 going to talk about the fact that gear fishing
2 now has night closure in state waters which it
3 doesn't in federal waters which it did change
4 things. I guess, you know, that's going to be a
5 question for us all.

6 MR. BABB-BROTT: True.

7 MS. DURKIN: This is almost
8 overwhelming. When you talk about the Science
9 Advisory Council have they been -- these
10 advisors, been identified as of this time?

11 MR. BABB-BROTT: Oh, yeah.

12 MS. DURKIN: Do you have an
13 ability to name them?

14 MR. BABB-BROTT: Sure. I'll try
15 to do that in my head. I think they are on-line
16 also. The Act establishes for both the Science
17 Advisory Council and the Ocean Advisory
18 Commission, the Act said here are the groups
19 from whom people need to be selected. And on
20 the Science Advisory Council it is members of or
21 professors at the University of UMass Dartmouth,
22 UMass Boston, a scientist nominated by the
23 Gloucester Fisherman's Partnership, the Mass

1 While they are not mandatory I wish that they
2 would be, as we have endangered species
3 identified, migratory flyways identified by the
4 Department of Interior, U.S. Fish and Wildlife
5 as places that are not suitable for the
6 placement of industrial scale wind turbines as
7 one consideration.

8 So it would seem to me to be
9 counterintuitive to put wind turbines up in
10 areas where there are migratory flyways,
11 endangered species habitats, when mitigation
12 which I think is an overused term is not
13 possible according to ABC, Doctor Fray's,
14 testimony to Chairman Bordello of the Oceans
15 Committee because we don't have the technology
16 according to Fish and Wildlife Service's
17 comments on any of the draft environmental
18 impact statements produced by Minerals
19 Management Service to count bird carcasses over
20 water.

21 So it's a very serious
22 consideration that we would not be able to
23 mitigate the deaths of endangered species if we

1 Fisherman's Partnership. Now I'm blocking on
2 other folks.

3 It's basically academia, someone
4 from commercial fishing, from DMS and from CZM,
5 SMass, UMass Boston, Conservation and Law
6 Foundation. They're named in the Act as an
7 environmental advocate. And there are nine
8 overall. I'll get the specifics for you
9 tomorrow.

10 MS. DURKIN: Okay. I'm wondering
11 is Mass Audubon considered within --

12 MR. BABB-BROTT: Mass Audubon is
13 not on the Science Advisory Council.

14 MS. DURKIN: Okay. Thank you. I
15 think that if I can continue, I'd like to state
16 that it's imperative that unbiased information
17 is considered within the context of endangered
18 species.

19 And one of the points I'd also
20 like to make is that the Department of Interior
21 U.S. Fishing and Wildlife Service has created
22 interim wind turbine siting guidelines that I
23 would hope that would be considered followed.

1 can't count the actual mortality that would be
2 caused by them. And in fact, one of the most
3 significant locations in the United States is in
4 California. They are not even able to mitigate.
5 In fact, bird mortalities have increased there
6 as a result of many mitigation efforts that have
7 been attempted.

8 So even with a land base ability
9 that we have to count bird carcasses through
10 adaptive management, the increase has been cited
11 by the California Energy Commission as well as
12 by Doctor Fray of the mortalities post
13 mitigation measures that have been tried.

14 So I think that's not only
15 relevant in terms of observance of federal law,
16 but I guess what kind of society are we if we
17 don't observe laws that protect endangered
18 species or the wisdom that has provided the
19 foundation for the interim guidelines
20 established by DOI Fish and Wildlife.

21 MR. BABB-BROTT: Thank you.

22 MR. BARRETT: I guess as a segue
23 maybe we could jump down to the third bullet and

1 talk about what appropriately scaled renewable
2 energy means.

3 MR. BABB-BROTT: You tell me.

4 MR. BARRETT: I have no idea what
5 that means.

6 MR. BABB-BROTT: Some of the
7 comments that we've gotten out there have been
8 things like renewable energy and appropriate
9 scale should be defined by the extent of
10 environmental impacts associated with the
11 project. It should be defined as some sort of
12 relative proportion between the scale of the
13 project and the size of the municipality that
14 it's close to. It should consider economics as
15 part of it. Those are the three that jump out.

16 MR. BARRETT: When we talk about
17 economics, are we talking about economic impacts
18 or the economics of the project itself?

19 MR. BABB-BROTT: I think the
20 context for the recommendation of economics was
21 somebody arguing that by the economics of the
22 project itself.

23 MR. BARRETT: I guess my question

1 then would be, as many of these projects -- as
2 the financial climate changes radically as we
3 speak, the economics on many of these projects
4 is going to change radically. A lot of these
5 things have been compared to costs of oil,
6 financing, production.

7 There have been questions, for
8 instance, Cape Wind. The Cape Wind project is
9 predicated on a 3.6 megawatt turbine that
10 General Electric does not make, that does not
11 exist right now in a manufacturers' world. How
12 are we going to hit the baseline on that then?
13 Not specifically on Cape Wind, but maybe another
14 question would be with the ability to get
15 financing.

16 These projects, although they
17 looked good a year ago or seven years ago, in
18 today's business climate might not be able to
19 get financing. Are we going to go spending
20 public funds, spending a lot of time and effort
21 developing something that might never have an
22 economic viability. I guess these are just
23 questions that I'm asking, kind of myself. I

1 mean, I guess --

2 MR. BABB-BROTT: If you're asking
3 yourself then I won't intrude.

4 MR. BARRETT: I'll give my own
5 answer. So I guess again, as in the fisheries
6 issues, where are the baselines? Where are we
7 going? The scale, I would have to -- if we're
8 talking about economics of the projects
9 themselves I would think we'd have to talk about
10 the economic impact.

11 It's my experience in state
12 waters, there's not a lot of area out there that
13 doesn't get used in some way, shape, manner or
14 form. And that to talk about new projects, I
15 think you're talking about displacing someone.
16 And when you displace someone I think there's an
17 economic impact to it. And then my question is
18 how do you prioritize those impacts?

19 MR. BABB-BROTT: Those are our
20 questions too. And those are questions that the
21 Act asks. The prioritization aspect is not
22 going to happen until the overview that I ran
23 through. Once we get all the information on the

1 table and we start seeing where those kinds of
2 displaced uses might occur based on what we've
3 gotten out there, that's the stuff that we start
4 in February.

5 We don't know how we're going to
6 break those down and quantify what the extent of
7 the impacts might be. We're developing, we're
8 looking at a range of different kinds of
9 economic analysis tools so that once we see
10 areas of overlap, conflict or displacement we
11 can try to quantify what the impact of that will
12 be.

13 We're trying to develop the tools
14 now that will let us make those quantitative
15 assessments so that as we have the maps up on
16 the wall, we're able to talk not just in terms
17 of I'm there and you're going to hurt me if you
18 put something else there, but try to break that
19 down. Beyond that we don't know how we're going
20 to do that yet.

21 MR. BARRETT: So who's going to
22 be -- but at some point like the Sustainable
23 Fisheries Act --

1 MR. BABB-BROTT: We're going to
2 lay out a process. We're not going to just
3 shoot blind. In the next couple months --

4 MR. BARRETT: So I guess, who will
5 be -- at some point baselines are going to have
6 to be established and objectives are going to
7 have to be established, whatever they are. Who
8 is going to be responsible for that, this Ocean
9 Advisory Commission?

10 MR. BABB-BROTT: The Ocean
11 Advisory Commission is -- the short answer is
12 yes. We're going to be breaking down the
13 information coming back from the public
14 information meetings, from the stakeholder work
15 groups and from the consultant products in terms
16 of the different kinds of tools that we'll use.

17 We'll be presenting that to the
18 Ocean Advisory Commission. And one of the
19 specific things we're asking for is are taking
20 those one through fifteen that the Act lays out
21 that we're supposed to do, what should be the
22 planning principals that guide how we make those
23 kinds of decisions.

1 Going from the very general, the
2 plan should facilitate renewable energy, except
3 that it shouldn't hurt ecological or appearance
4 values of the ocean. What does that really mean
5 when we have to look at the maps. How do we
6 break that down.

7 So the Ocean Advisory Commission
8 is going to help us with developing principles
9 which are then going to be the principles,
10 objectives. It's basically the same thing.
11 It's what are the guidelines for the planing
12 process.

13 MS. DURKIN: You brought out a
14 really great point. The 3.6 megawatt wind
15 turbine, just in consideration of the Cape Wind
16 review, there are seventeen agencies reviewing
17 the project at this time. FAA is just one that
18 has issued a presumed hazard based on Cape
19 Wind's representation of the availability of the
20 3.6 megawatt wind turbine that GE states is
21 discontinued according to the University of
22 Delaware. I will send to you at least seven or
23 eight references that I have of GE's

1 discontinuance of its wind turbine.

2 MR. BABB-BROTT: Help me tie that
3 to the Ocean Plan which is not Cape Wind.

4 MS. DURKIN: Economics. When
5 you're looking at for example, alternative
6 energy as wind turbine as a renewable project,
7 the big picture is that that's the world's
8 largest, which is quoted in the -- world's
9 largest wind turbine manufacturer. It was just
10 quoted in the Boston Globe stating that he is
11 scratching his head over the presentation of the
12 proposal for Cape Wind offshore because it's a
13 double -- it would produce energy at double the
14 current wholesale cost. That's also echoed by
15 MNSDAF Appendix F.

16 But that does not consider public
17 subsidies. That does not consider bonding for
18 the project. It does not consider performance
19 bonding. It doesn't consider upgrades to
20 existing infrastructure. It doesn't consider
21 upgrades to transmission lines.

22 MR. BABB-BROTT: It may not
23 consider a lot of things, but help me make that

1 relevant to what we're trying to do here by, is
2 the comment going towards appropriate scale, is
3 it going -- the Legislature has said find places
4 for alternative -- for renewable energy. So
5 whether we do or don't, that policy has been set
6 by the legislature and our job is to look out
7 here and try to understand intelligently what's
8 going on so that we put those places where they
9 are in least conflict with other things.

10 MS. DURKIN: I guess my point is,
11 at some point the buck has to stop someplace.
12 And the big picture is that world experts are
13 saying this is cost prohibitive in terms of
14 Vestas. We're manufacturers let's say. Vestas.
15 You want to put it offshore. We're saying, no,
16 we don't have the cranes and the installation
17 vessels in order to complete the job. We have
18 to invest in those first. This product will be
19 twice the cost currently. But yet all of these
20 other considerations are not encompassed, the
21 bonding, performance, transmission upgrades,
22 infrastructure. The list goes on.

23 At some point someone, I would

1 think, should be playing the role of an
 2 information gathering source or point person
 3 within the council who can say, okay, well, my
 4 job is the big picture. I'm to read the
 5 international news and keep abreast of what's
 6 going on because as we're laying out the areas
 7 that are suitable or not suitable for industrial
 8 scale wind, we best understand that in our
 9 function and our role, there's no practical
 10 application which the public can afford as a
 11 result of our actions taken that will in many
 12 cases compete with existing competing use that's
 13 not compatible.

14 MR. BABB-BROTT: So industrial
 15 scale is really the crux of where you're going
 16 with that. Economics -- understanding the
 17 economic implications --

18 MS. DURKIN: I use the term
 19 industrial scale loosely as I'm commenting
 20 because that was not a word that was used by the
 21 chief of Vestas, the world's largest
 22 manufacturer of wind turbines.

23 So I guess my point is also that

1 as you have seventeen agencies reviewing the
 2 Cape Wind project, it seems ludicrous to me as a
 3 private citizen that the left hand doesn't know
 4 that the right hand is evaluating a project with
 5 specific specifications provided by a developer
 6 for a product that does not exist because a test
 7 trial which was done offshore in Ireland was
 8 seven land based wind turbines modified by Cape
 9 Wind specifications. And that project did not
 10 conclude with phase two. It was interrupted.

11 And there's another Gun Fleet
 12 Sands project. That project was scheduled to
 13 use a GE 3.6 megawatt turbine and it's not.
 14 They are using a Siemens products. Siemens is
 15 not interested in exporting to the United
 16 States.

17 So I guess my concern is the
 18 practical application. The big picture has to
 19 be considered as we do all of this groundwork
 20 and you make all of your efforts to provide for
 21 a technology, these are serious considerations.
 22 But I think it should be observed and that
 23 someone should be a point person on gathering

1 this information that keeps you on par with what
 2 is actually practically possible and
 3 economically feasible.

4 From the public perspective at
 5 what point -- will the developers get a power
 6 purchase agreement and be able to obtain
 7 financing. How do you get customers to pay a
 8 green premium at double the current wholesale
 9 price of energy. You better find the customers
 10 before we move ahead and create this policy and
 11 see where these projects go. It would seem to
 12 be a futile effort.

13 MR. BABB-BROTT: I'm taking a leap
 14 here and I'm going to hazard a guess that you
 15 don't want to be marked down in support of
 16 renewable energy in state waters column. But
 17 I'm not trying to make a funny.

18 I want to ask the question, do
 19 your thoughts about renewable energy and its
 20 appropriateness in terms of where it happens,
 21 the scale it happens, if we're in federal waters
 22 and we're deeper out there, does that change
 23 equations? Are there things that are

1 appropriate out here that are not likely to be
 2 because of proximity to resources or folks?
 3 MS. DURKIN: I haven't conducted
 4 enough investigation of the existing offshore
 5 technology used in the oil industry which I have
 6 been reading about most recently that does not
 7 require the monopoles being driven into the sea
 8 bed. And I'm told, which I haven't had the time
 9 to evaluate myself by reading enough information
 10 about this, that that is less cost prohibitive
 11 as an option.

12 And I'd like to stress that I
 13 recognize that in all likelihood I will be --
 14 and you're right I don't -- you have to show me.
 15 I'm from Missouri so to speak. If you're saying
 16 we need alternative energy I want to understand
 17 that that's true as opposed to I'm not afraid of
 18 not appearing to be green and embracing new
 19 technology, I just have seen in my research too
 20 many indications that we just can't give a carte
 21 blanche to that.

22 So the first order of business to
 23 me would be to designate those areas which have

1 archeological sensitivity like level four
 2 Nantucket Sound as has been determined by PAL
 3 etc., etc., where fishermen fish, where
 4 navigators navigate and really observe the
 5 testimony that's being provided by the people
 6 most familiar with those areas, the users.

7 And they need to be reached out
 8 to, the Steamship Authority, Hi Line cruises.
 9 If they're saying that there's a problem with
 10 their navigation, I would hope and pray for the
 11 safety sake of citizens who three million of
 12 which are moving back and forth annually from
 13 the mainland to the islands, that their word is
 14 golden. Because I consider that if I am going
 15 to board a ferry from the mainland to Nantucket,
 16 that there should be a disclaimer based on what
 17 I've heard and seen and read from those ferry
 18 operators who are transporting three million
 19 passengers.

20 They should be able to say to me,
 21 if you wish to disembark for your own personal
 22 safety at this time, do so, because there are
 23 wind turbines out there and we've said all along

1 that this presents a significant hazard to safe
 2 navigation and the users of this waterway.

3 MR. BARRETT: I guess what I'd
 4 like to add to this discussion is I don't think
 5 anyone is against alternative energy. People
 6 aren't against finding better ways to heat their
 7 homes and power their stuff. But at some place
 8 the rubber has to meet the road. And as we move
 9 towards displacing things, if this thing is just
 10 really a whimsy as we speak, then I think we
 11 have to do some serious economic calculations to
 12 decide if it in fact is worth going down that
 13 road.

14 Is it in fact worth spending
 15 public funds developing these places if the
 16 reality is, you know, you're putting the turbine
 17 out there. It's got 9,000 working parts. And
 18 unless you're building it out of 3/16ths
 19 stainless which these are not, then I can tell
 20 you they're going to fail. These things are not
 21 going to survive four years never mind
 22 twenty-five years.

23 So personally, not against wind

1 energy, not against renewable energy, but let's
 2 be dealing with reality. I think the current
 3 economic climate has brought the whole United
 4 States down to that level of saying we have to
 5 deal with reality. We can't be dealing with
 6 derivatives. We can't be dealing with what ifs.
 7 We can't be dealing with maybe it could be. We
 8 have to be dealing with what it's going to be
 9 costing us now because that's the reality of the
 10 economic and political climate today.

11 MR. BABB-BROTT: Okay. Listen,
 12 I've got the economic stuff down pretty solidly
 13 as issues and concerns and I've Cape Wind kind
 14 of stuff down. What are the other pieces?

15 MR. BARRETT: I'm still having a
 16 little -- I'm still having a hard time trying to
 17 discern where the Division of Marine Fisheries
 18 and its regulations are going to be different,
 19 are going to be its own entity and its own
 20 regulatory area, and where the Commission is
 21 going to be overshadowing that possibly.

22 I guess the example I would think
 23 in my mind would be that as we go forward with

1 this zoning or planning, we start to look at
 2 areas and someone decides well, I think we need
 3 a marine protected area there. So then what?
 4 Does it become the Division's charge to make
 5 that particular area or is it -- or say this
 6 area is going to be an industrial use area or an
 7 aquaculture area.

8 Where does the Commission then
 9 decide it's appropriate and tell the Division
 10 that this is what they have to do. Is that the
 11 process or is it going to be Division -- or is
 12 this all something that's going to have to be
 13 vetted through the Massachusetts Fisheries
 14 Advisory Commission and then become a DMF
 15 regulation? I'm just still not -- I just see
 16 these overlapping areas and I just don't know
 17 who's going to be the dog and who's going to be
 18 the tail.

19 MR. BABB-BROTT: Sure. DMF is
 20 going to be the dog. I guess there's a couple
 21 of ways to answer it. First of all, a member of
 22 DMF has a position on the Commission. There are
 23 also folks in the legislature who are careful to

1 look out for DMF's interests. And the plan has
2 to go up to the legislature for its review at
3 the end of process.

4 The Act is, as I read out,
5 explicit that DMF does fisheries management.
6 DMF does fisheries regs. Nothing in the Act
7 gives us the ability to change that or pushes us
8 in the direction of changing that.

9 If somebody recommended, I want an
10 MPA or I want to think about deep water -- for
11 example, there are a couple of places proposed
12 for mid-water column mussel aquaculture right
13 down off one of the islands. DMF is going to
14 continue to review that and do the regulatory
15 process as they would for any project whether or
16 not that plan happens.

17 MR. BARRETT: Well, at what point
18 say if we have the Commission saying -- I don't
19 know whether there are twelve members, seventeen
20 members --

21 MR. BABB-BROTT: Seventeen.

22 MR. BARRETT: So we have seventeen
23 members. And we have a seventeen to four vote

1 that says they want an MPA someplace. Let's
2 says it's Cape Cod Bay. And let's say the
3 Division is in opposition to that. One of the
4 four that did not feel that this was
5 necessary --

6 MR. BABB-BROTT: It would require
7 a change in fisheries management regs in order
8 to create an MPA. And the Act says only DMF has
9 the ability to do that. So it could be 157 to
10 one. And DMF is not obligated to change the
11 regs to accommodate a marine protected area.
12 Okay.

13 MR. BARRETT: Yeah. If that's how
14 it's going to work.

15 MS. DURKIN: I don't want to come
16 across as being anti-renewable energy which I
17 fear that I may have come across as.

18 MR. BABB-BROTT: I'm not sitting
19 in judgment. I'm interested in the merits of
20 the conversation.

21 MS. DURKIN: What I'm concerned
22 about is the tacit approval of renewable energy
23 for the sake of approval of renewable energy

1 without the serious consideration of the various
2 aspects of economic, environmental,
3 archeological, historic impacts.

4 MR. BABB-BROTT: I have it.

5 MS. DURKIN: So I want to make
6 certain that you understand that I am embracing
7 renewable technology if I can see the road to
8 the practical application of that in the
9 consideration of all of the variables that have
10 to be considered as far as I'm concerned in
11 order for us to all see a successful end result.

12 MR. BABB-BROTT: Okay.

13 MR. BARRETT: Well, we'll take a
14 break.

15 MS. DURKIN: Okay. Now that I was
16 nice I have something else that's more
17 contentious to address that I feel encumbered to
18 address, and that is the appointment of Jack
19 Clark of Mass Audubon to the Advisory
20 Commission.

21 MR. BABB-BROTT: I'm happy to hear
22 your comments but I will let you know I think
23 you're heading out of bounds on this. He was

1 appointed and the position defined in our
2 legislature. And he was appointed by the
3 Governor. If you have objections I think that's
4 a comment or letter to the Governor with due
5 respect. I'm not going to have anything
6 constructive to respond to.

7 If you feel that you have to take
8 some time to put your comments on the record
9 you're welcome to do that, but I'd ask that you
10 keep it respectful and very brief please.

11 MS. DURKIN: Okay. I have
12 addressed this with several government agencies
13 and I will continue to address this, and that is
14 my concern relative to the wind industry
15 employing a large percentage internationally of
16 ornithologists. And we get into that area that
17 I had asked you to consider and that is the
18 unbiased information and the concern that I have
19 for endangered species relative to the same.

20 The Cape Wind project is being
21 reviewed --

22 MR. BABB-BROTT: I really need to
23 cut this off because this is not about Cape

1 Wind. This is not about any of the dynamics
2 associated with it. There are aspects that are
3 important to understand how it played, but this
4 is not about Cape Wind or what's going on out
5 there. And it's not about Audubon's role out
6 there and it's not about any of the players'
7 role out there.

8 The Act established who will be on
9 the Ocean Advisory Commission and the Science
10 Council. The Governor made the nominations to
11 the council. We made the nominations -- on the
12 flip side. We made the nominations to the
13 council. It just is what it is. And there's
14 really not a constructive dialogue to have over
15 who are the membership on those now

16 More importantly I think that we
17 have been responsive to the Act. We've got
18 folks on there. We're conducting a transparent
19 process that folks are going to have an
20 opportunity to participate in now and in the
21 working sessions as we put materials out there.
22 And we're going to lay out our assumptions as we
23 go forward. We're going to lay out the

1 assumptions of any decisions we make

2 Not everybody is likely to agree
3 with all of them, but we will try to be clear
4 about here's the information we used, here are
5 the thoughts and the assumptions we applied and
6 here's where that took us. And I think that's
7 where I want to focus the conversation, not on
8 individual membership or what perspectives may
9 or may not have come into play in terms of that
10 process.

11 MS. DURKIN: I feel that I'm being
12 censored.

13 MR. BABB-BROTT: I recognize that.
14 I'll accept your criticism.

15 MS. DURKIN: It's imperative that
16 an unbiased approach to environmental concerns
17 has to be incorporated within your --

18 MR. BABB-BROTT: Certainly I agree
19 with that entirely.

20 MS. DURKIN: But I have reason to
21 believe --

22 MR. BABB-BROTT: And that part is
23 not germane to the conversation. As far as an

1 overall structure, the salient comment here that
2 is completely important and we received it from
3 a number of places is how do you ensure that the
4 most objective, highest order decision makers
5 are helping to make the final decision. I think
6 that's a constructive way to frame the question
7 and express the concern you have which I don't
8 discount. I just don't want this to be about
9 people. This is about a process that we're
10 trying to do out here.

11 MS. DURKIN: Okay. But the nature
12 of my concern is specifically related to a
13 member of the Commission.

14 MR. BABB-BROTT: I understand but
15 it's not on the table yet. The Governor made
16 the nomination, made the recommendation.

17 MS. DURKIN: So my impression of
18 what you're saying is that it's not relevant to
19 you if I have information that I consider is
20 something that compromises someone's ability to
21 perform in an objective and protective manner of
22 issues -- related to issues that pertain to
23 endangered species.

1 MR. BABB-BROTT: I think the best
2 way to answer the question and then I do want to
3 leave this now is that Jack Clark's
4 qualifications were carefully reviewed and
5 vetted by us, by the Governor's Office in making
6 the recommendation, and by the legislature in
7 working to develop the Act.

8 I'm not excepting your concern.
9 You're certainly welcome to have concerns about
10 different perspectives brought to the project,
11 but his position and participation on the Ocean
12 Advisory Commission is settled and we're happy
13 to have him. We think he represents the
14 environmental community just fine.

15 MS. DURKIN: As a member of the
16 public I dispute that --

17 MR. BABB-BROTT: I appreciate your
18 dispute.

19 MS. DURKIN: No, you don't. You
20 won't allow me to speak my dispute. You will
21 not allow me to express specifically what my
22 objection is.

23 MR. BABB-BROTT: If you want

1 thirty seconds to run through, but this is
2 not -- there's really no point --

3 MS. DURKIN: Thank you for thirty
4 seconds. My concern is that Jack Clark and Mass
5 Audubon have a condition of their support for
6 Cape Wind published in Challenge press release,
7 that is the acceptance by agencies of the
8 adaptive management plan which I focussed on
9 earlier --

10 MR. BABB-BROTT: I've read the
11 challenge

12 MS. DURKIN: -- and that
13 mitigation adaptive management is handled by
14 service contract. The value of that service
15 contract has been established by the President
16 of Californians for Renewable Energy, Michael
17 Boyd, party of the Ultimate Loss Group that is
18 worth, over the term described by Mass Audubon
19 in Challenge, eight million dollars, payable by
20 Cape Wind as defined by Mass Audubon. And
21 they're involved in the review process of Cape
22 Wind. So there's a future financial benefit
23 described by Mass Audubon as a condition of

1 their support for Cape Wind. Thank you.

2 MR. BABB-BROTT: Okay. Thanks.
3 Can you bring us back to the --

4 MR. BARRETT: I guess -- I
5 think -- we have a timeline. We have a work
6 group. I guess I'm still a little confused. So
7 we have a timeline and we're going to be
8 printing out drafts in February of these --
9 January, February?

10 MR. BABB-BROTT: February, March,
11 April.

12 MR. BARRETT: March, April.
13 You're going to be doing outreach --

14 MR. BABB-BROTT: Yep.

15 MR. BARRETT: -- of shareholders?
16 That will be November, December?

17 MR. BABB-BROTT: Of stakeholders,
18 yes. Now essentially.

19 MR. BARRETT: That outreach will
20 be through public hearings again or through more
21 of a direct outreach to specific --

22 MR. BABB-BROTT: Straight out to
23 specific groups.

1 MR. BARRETT: Is there a way that
2 the fishing industry through -- and I would
3 suggest as an outreach would be Mass Fisherman's
4 Partnership being an umbrella organization for
5 nineteen fishing associations in the state, so
6 that you have the geographic and gear specific
7 outreach that you're going to need in
8 considering the wide variety of ecosystems that
9 you actually have in the state of Massachusetts.

10 MR. BABB-BROTT: Yeah. We're
11 trying to hit whatever -- we have Mass
12 Fisherman's Partnership already scheduled. As
13 we've talked about, we're going to be scheduling
14 something with you guys. We're going to be down
15 there with the Cape Cod Hook and Line Fishermen.
16 We're looking at the other list of folks. If
17 there are other folks the Fisherman's
18 Partnership wants to recommend that we go talk
19 to we're happy to do that.

20 We've also presented up at the
21 Fisheries Management Council. So we've asked
22 them for their input on this. DMF's got a list
23 for us of twenty-five or thirty potential folks.

1 The point is to be out there and talk to whoever
2 the organizations are that have membership that
3 can give us the input. And obviously geographic
4 representation is really important. So we'll be
5 out on Martha's Vineyard I think the 7th for a
6 night meeting out there. Warren Doherty is
7 pulling together a bunch of folks.

8 MR. BARRETT: How about Nantucket?

9 MR. BABB-BROTT: We've actually
10 already talked to some of the folks on
11 Nantucket.

12 MR. BARRETT: I know. How many
13 people were at that meeting?

14 MR. BABB-BROTT: I don't know how
15 many people were at the Nantucket site. John
16 did that one. I did Martha's Vineyard.

17 MR. BARRETT: John Poppalardo?

18 MR. BABB-BROTT: No, I'm sorry, my
19 colleague at EEA, John Webber. Martha's
20 Vineyard was twenty-five maybe, twenty-five or
21 thirty folks. It wasn't the fishing guys, that
22 was just --

23 MR. BARRETT: Yeah. How is the

1 Ocean Partnership going to interact with this
2 whole project?
3 MR. BABB-BROTT: The Ocean
4 Partnership is, they've got their own strategic
5 plan on where they want to go which is based
6 primarily on the Oceans Management Task Force of
7 2004 and 2005 which laid out a goal of getting
8 after comprehensive ocean management and
9 particularly getting after the science necessary
10 to be able to make their decisions because one
11 of the key things that came up in the OMTF stuff
12 you've got is they have to be defensible
13 decisions. It's got to be a science based
14 process. And there's just a tremendous amount
15 of information that we don't understand about
16 the ocean.

17 So while the recommendation to do
18 legislation was kind of bumping its way through
19 the legislature in the form of different acts,
20 the Ocean Partnership was formed and you know
21 who they are, just fishing groups, NGOs, states
22 on there, feds on there. Academics are on
23 there. They came together and applied to the

1 Gordon and Betty Moore Foundation and got this
2 substantial grant of eight to nine million bucks
3 and they're applying that based on a strategic
4 plan moving forward essentially based on
5 creating and figuring out how best to apply good
6 information and good tools

7 As far as we're concerned, we're
8 working with the Partnership to develop scopes
9 of work for the kinds of things I described
10 earlier on to help collect and analyze existing
11 data, plan framework tools, the economic tools,
12 the kinds of technical support that is harder
13 for the state to pull people off other jobs and
14 plug them in on this. And also because this is
15 brand new to us in a lot of respects we don't
16 have the technical capacity to do this stuff.
17 We haven't done this before.

18 So for example, the Partnership
19 has hired a contractor who is doing that
20 analysis of international planning models and
21 coming back to us with what are the pros and
22 cons associated with all of them so that we can
23 look at them and say I think that works here,

1 that may work here, that doesn't work here.
2 Take that to the Ocean Advisory Commission and
3 say here are the three models that we think kind
4 of make sense to work with. What do you guys
5 think.

6 So that's the relationship with
7 the Partnership, primarily providing technical
8 support. They're not involved in plan
9 development, not involved in policy development,
10 not involved in regulatory planning.

11 MR. BARRETT: I mean I just --

12 MR. BABB-BROTT: The Secretary
13 writes the plan with the assistance of the Ocean
14 Advisory Commission and the Science Advisory
15 Council period.

16 MR. BARRETT: But MOF is only
17 going to be bringing technical data to the
18 table?

19 MR. BABB-BROTT: Technical data,
20 how do we think strategically about different
21 kinds of plans. All of it revolves around what
22 are the technical materials associated with
23 planning discipline and how do we get there.

1 MOF is going to help if we need to get folks
2 around the table to think about specific issues
3 they'll provide a forum for that discussion.
4 The folks on the partnership represent a pretty
5 good cross section. So we can use them as a
6 sounding board. But they are not involved in
7 writing the plan. Writing the plan is the
8 Secretary of EEA period.

9 MR. BARRETT: There's been some --
10 did CZM do some charting? Had CZM --

11 MR. BABB-BROTT: Yes.

12 MR. BARRETT: I guess was it CZM?
13 Is it under CZM purview or I don't know who else
14 it would be under I guess --

15 MR. BABB-BROTT: The Ocean Plan?

16 MR. BARRETT: No. They had been
17 doing specific charting or at least contracted
18 out --

19 MR. BABB-BROTT: CZM did a couple
20 of other projects after the OTF. They did ocean
21 use analysis and they did an economics piece
22 that actually I haven't seen. It's up on the
23 CZM web page.

1 MR. BARRETT: So you can get that
2 on the CZM web page?
3 MR. BABB-BROTT: Yeah.
4 MR. BARRETT: I thought they did
5 some work like what had been done on the Still
6 Wagon as far as charting --
7 MR. BABB-BROTT: They're doing
8 habitat characterization is what CZM is doing.
9 They're working with USGS and they're doing side
10 stand sonar --
11 MR. BARRETT: So they're doing
12 that through USGS?
13 MR. BABB-BROTT: They're doing it
14 in a cooperative product, it's a cooperative
15 venture with USGS with the geological survey.
16 MR. BARRETT: I know when they did
17 the Still Wagon, USGS, they contracted it out to
18 a Canadian company. When will that project be
19 done?
20 MR. BABB-BROTT: Some of it is
21 being processed now and some of it's done. I
22 would go on the CZM web page and look for that
23 stuff.

1 MR. BARRETT: You wouldn't know
2 offhand the project head for that?
3 MR. BABB-BROTT: I don't know who
4 the actual -- call me tomorrow.
5 MR. BARRETT: I'll look on the
6 website.
7 MR. BABB-BROTT: It's either got
8 to be -- Dan Sampson does the GIS or it may be
9 Tony. It may be -- the Assistant Director,
10 Bruce Carlisle can certainly give you the
11 information.
12 MR. BARRETT: So as far as getting
13 back to say charting the fishing grounds or
14 something like that, again, that's going to come
15 out of the shareholders and not necessarily out
16 of DMF.
17 MR. BABB-BROTT: We're going to
18 take information from wherever we get it. In
19 terms of habitat characterization, that's work
20 that's essentially new to everybody. So you've
21 got this ongoing mapping thing and the issue is
22 doing habitat characterization.
23 MR. BARRETT: How are you defining

1 habitats, as geophysical?
2 MR. BABB-BROTT: That's going to
3 be a question for the habitat guys. Bruce gave
4 a better answer at Still Wagon than I can give
5 you here. They split it up into biotic and
6 antibiotic. There are different thoughts on how
7 they should be characterizing it. I don't think
8 everybody is going to agree at the end of the
9 day necessarily on the full habitat
10 characterization.
11 I think what they're probably
12 going to do is put out, here is how we agreed to
13 characterize different kinds of habitats out
14 there. There are pros and cons to the
15 approaches we considered here. There are pros
16 and cons associated with this approach and
17 here's what we came up with as far as maps.
18 Beyond that I can't answer the question because
19 I'd be talking gobbledygook. I'm not a
20 scientist. And I'm not a habitat guy.
21 MS. DURKIN: I have a question
22 about the appropriate scale renewable energy.
23 The Ocean Sanctuaries Act is amended to allow

1 offshore renewable energy. This is very
2 specific language and I'm wondering, does it
3 encompass actions that you will take? Do they
4 encompass aquaculture? Do they encompass
5 floating casinos?
6 I gather that these activities
7 would not be under your purview or considered
8 beyond appropriately scaled renewable energy?
9 I'm confused by that.
10 MR. BABB-BROTT: Let me tell you
11 what I think the question is. I'll take a shot
12 at the answer and we'll go from there. The Act
13 requires that we identify locations for
14 renewable energy which can be sited if they are
15 of appropriate scale. So part of our charge is
16 identify locations but also to define
17 appropriate scale.
18 For the other kinds of things that
19 would be located in ocean sanctuaries,
20 aquaculture, that kind of thing, appropriate
21 scale is not applied by the Act in terms of what
22 it would be. They would be covered by all the
23 existing regulations that are out there now.

1 MS. DURKIN: So there isn't -- I
2 guess my question is, your authority is not
3 going to be expanded beyond appropriate scale
4 renewable energy to regulate aquaculture,
5 floating casinos or whatever someone's
6 imagination might come up with in terms of
7 privatization of public waterways?

8 MR. BABB-BROTT: See, we can get
9 at those through the existing regs. The issue
10 here was there was ambiguity in the previous
11 Ocean Sanctuaries Act over whether or not
12 renewable energy facilities at all were allowed.
13 So what this does is it modifies, removes any
14 ambiguity and says they're allowed, but they
15 have to be of appropriate scale. That was
16 recognizing the kind of conflict that we spent a
17 lot of time talking about tonight that's derived
18 out of the Cape Wind project.

19 There's going to be some -- there
20 has to be consideration made for are these
21 things the right size for the places that
22 they're proposed in

23 As a first order limitation on

1 what they might be, we could get at the size of
2 a project through project review, particularly
3 for the other kinds of facilities based on
4 environmental impacts. It's a different way of
5 measuring or defining what appropriate scale is.
6 I guess we can leave it at that.

7 MS. DURKIN: I don't want to get
8 caught on the appropriate scale. I guess it's
9 just --

10 MR. BABB-BROTT: It's an important
11 piece.

12 MS. DURKIN: Specific to -- I
13 recognize that entirely. But I'm being more
14 specific on the ocean renewable energy
15 facilities. I guess I'm still unclear on does
16 this give you purview even while it specifies
17 renewable energy projects over aquaculture, over
18 other types of uses, privatization of the ocean?

19 MR. BABB-BROTT: This language
20 doesn't because it's specific to renewable
21 energy, but we have purview over those other
22 kinds of uses through other means.

23 MS. DURKIN: As the body Ocean --

1 as authorities over the Ocean Act?

2 MR. BABB-BROTT: Existing through
3 primarily Chapter 91, Water Quality Cert on the
4 Federal Side, Section 10.

5 MS. DURKIN: Okay. Thank you.

6 MR. BABB-BROTT: We've got to be
7 out of here in ten or fifteen minutes.

8 MR. BARRETT: I guess as we talk
9 about state fisheries and what's commonly
10 referred to as the doughnut hole in Nantucket
11 Sound which is an area where although it's
12 outside of the three miles of state -- state
13 three mile boundary, it is the one exception of
14 state jurisdiction management. The state does
15 still manage fisheries within Nantucket Sound
16 throughout the Horseshoe Shoal. How if any is
17 that going to be reconciled in this?

18 MR. BABB-BROTT: I don't think
19 it's going to be reconciled. I think it's a
20 decision of the U.S. Supreme Court.

21 MR. BARRETT: Well, I guess I
22 won't bring up specific projects, but if there
23 were other projects within that where it's still

1 state managed and still a state fishery, the
2 jurisdiction will still just be only under
3 DMF and not under --

4 MR. BABB-BROTT: The fisheries
5 management regulations, yeah.

6 MR. BARRETT: Just under that.
7 And this act will not --

8 MR. BABB-BROTT: As far as the
9 jurisdiction of the Act, it's just --

10 MR. BARRETT: It's just the three
11 miles.

12 MR. BABB-BROTT: Yeah. We can't
13 get there.

14 MR. BARRETT: Okay.

15 MR. BABB-BROTT: Thank you guys
16 for coming out tonight.

17 (The meeting was adjourned at 8:25
18 p.m.)

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