In The Matter Of:

Coastal Resources Management Council

Semi-Monthly Meeting

Semi-Monthly Meeting

November 22, 2022

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STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

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IN RE: SEMIMONTHLY MEETING

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Date: November 22, 2022
Time: 6:00 p.m.
Place: Administration Building
One Capitol Hill
Conference Room A
Providence, RI

MEMBERS PRESENT
Raymond Coia, Chairman
Donald T. Gomez
Lindsay McGovern
Catherine Robinson-Hall
Stephen Izzi
Ronald Gagnon, DEM

Anthony DeSisto, Esquire, Legal Counsel
Mark Hartmann, Esquire, Legal Counsel

STAFF PRESENT
Jeff Willis, Executive Director
Kevin Sloan
David Ciochetto
Justin Skenyon
Lisa Turner, Recording Secretary

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I N D E X

REVIEW AND ACTION REGARDING APPLICATION REQUIRING PUBLIC HEARING AND SPECIAL EXCEPTION:

(MEETING COMMENCED AT 6:13 P.M.)

CHAIRMAN COIA: Good evening, everyone. Thanks for your patience. We waited a little bit because people are coming through security downstairs, and it's my understanding, everyone that wanted to come in is now here.

So I will call to order the semi-monthly meeting of the State of Rhode Island Coastal Resources Management Council to order. Today is Tuesday, November 22, 2022. I'd ask that the record reflect the Council members and staff that are present here this evening.

We have one matter that's on our agenda, it's a continuation of 2021-07-005, Revolution Wind. But prior to that matter, the first matter on our agenda would be the approval of the minutes of the previous meetings. We have two of them. Tuesday, November 1, 2022, have been disseminated to Council members. I would ask if the members are in a position to make a motion to accept those as presented?

MR. GOMEZ: I will accept them and move -- do you want them one at a time?

CHAIRMAN COIA: Yeah, we'll do November 1

first. So a motion has been made to accept that. Is there a second?

MR. GAGNON: Second.

CHAIRMAN COIA: Motion and seconded. Any discussion?

(NO RESPONSE)

CHAIRMAN COIA: Hearing none, all in favor say, "aye."

(WHEREUPON, A VOICE VOTE WAS TAKEN)

CHAIRMAN COIA: Anyone opposed?

(NO RESPONSE)

CHAIRMAN COIA: That motion carries.

(MOTION PASSED)

CHAIRMAN COIA: Next on our agenda is review and approval of the minutes of November 9, 2022. I'd ask for a motion pertaining to those.

MR. GOMEZ: Move approval.

CHAIRMAN COIA: Motion's been made to approve. Is there a second?

MS. McGOVERN: Second.

CHAIRMAN COIA: Motion made and seconded. Any discussion?

(NO RESPONSE)

CHAIRMAN COIA: Hearing none, all in favor say, "aye."

(WHEREUPON, A VOICE VOTE WAS TAKEN)

CHAIRMAN COIA: Anyone opposed?

(NO RESPONSE)

CHAIRMAN COIA: That motion carries.

(MOTION PASSED)

CHAIRMAN COIA: Any subcommittee reports?

MR. WILLIS: Yes, Mr. Chair, there is one subcommittee report. The Planning and Procedure Subcommittee met at its November 15th meeting and is seeking Council concurrence to begin rulemaking on a joint regulation change with the Rhode Island Infrastructure Bank and Rhode Island Department of Environmental Management to jointly adopt the Ocean State Climate Adaptation and Resilience Fund, commonly referred to as the OSCAR fund.

The three parties would be administering that fund in a review capacity, primarily being run by the Infrastructure Bank, yet, the three agencies need to promulgate these regulations simultaneously. This is CRMC's rulemaking part in that process. So we're just looking for Council concurrence to begin rulemaking on that.

CHAIRMAN COIA: So is there a motion from the Council related to that?

MR. GOMEZ: I'll move approval on that. I'm on the subcommittee, and I'm very familiar with that, and I think that we should bring it forward since it's ready to be brought forward.

CHAIRMAN COIA: A motion has been made. Is there a second?

MS. McGOVERN: Second.

CHAIRMAN COIA: Motion's made and seconded. All in favor say, "aye."

(WHEREUPON, A VOICE VOTE WAS TAKEN)

CHAIRMAN COIA: Anyone opposed?

(NO RESPONSE)

CHAIRMAN COIA: It passes unanimously.

MR. WILLIS: Thank you.

CHAIRMAN COIA: Any other subcommittee reports?

MR. WILLIS: No other subcommittee reports.

CHAIRMAN COIA: Staff reports?

MR. WILLIS: Yes. There is just one -- two items on the staff report, Mr. Chair. I mentioned at the last meeting that Water Place Park

was being dredged and overseen by CRMC and the Nature Conservancy. That is going quite well. A lot of the material has found its way to the south quay. It is being put in those geotextile bags for dewatering, amended while it's being done so. Once it's dewatered, it will be used as construction fill material later on in another project on that site. Right now, the dredging operations have ceased for the Thanksgiving holiday. They'll resume again on Monday.

And then, the one other item is, while we're here for the Category B application for Revolution Wind, we also have the federal consistency review of the larger offshore project for Revolution Wind.

As you remember, we had a December 27th, I believe, deadline for a federal consistency decision on that, and we and the Revolution Wind team have mutually agreed to another stay agreement to have that decision be put off until February. So thank you to the Revolution Wind team for that. That gives us some more time as staff to engage with the Fishermen's Advisory Board, other stakeholders on that particular project over the next couple of

months, rather than having to rush it before the end of December. That's it, Mr. Chair.

CHAIRMAN COIA: Any questions of Mr. Willis from Council members before we begin?

(NO RESPONSE)

CHAIRMAN COIA: Hearing none, we will be back on the record with 2021-07-005, Revolution Wind. As I indicated, the matter was previously heard here on November 1, 2022. Attorney Robin Main for Revolution, along with Attorney Christine Dieter, if I said it correctly. The description of the project has been read into the record -- it's lengthy on my agenda -- it's been read into the record. It is part of the application and our record, so I won't reread it in.

MR. DeSISTO: That's correct, yes.

CHAIRMAN COIA: So, Attorney Main, the floor is yours.

MS. MAIN: Thank you, Mr. Chair. Good evening, Council members. We appreciate, again, the opportunity to be before you tonight to present the remaining parts of the Revolution Wind application.

And what I would like to accomplish

tonight is, if the Council would allow, is to put on our witnesses pertaining to the mitigation requirements under the OSAMP, and then we have two requests for relief, a variance and a special exception presumptive approval to also argue. And at some point, I would like to make a very brief closing at the close of the applicant's matter. So without further ado, I could call up the first witness, if you would like, on the mitigation aspects.

CHAIRMAN COIA: Okay. Please proceed.

MS. MAIN: Thank you. I'd like to call up Dr. Kite-Powell. And maybe you can guide us on the best spot to stand, if you'd like.

MR. MOORE: You can have him stand either right next to the table, or if he wants to sit down at the table, he can do that, too.

MR. KITE-POWELL: I don't need to sit down, but I don't want to block anyone's view of the screen, that's my main problem, and I really don't want to turn my back to anyone either, but I think that may be unavoidable. Sorry.

MS. SAVAGE: Oh, you can turn your back to me.

MR. KITE-POWELL: So is it okay if I stand here? Can everyone see okay?

MS. MAIN: Is this okay for you?

MR. CIOCHETTO: You -- Robin, you may want to move a little bit.

MS. MAIN: Does that work?

MR. CIOCHETTO: That's better.

MS. MAIN: Tony, you want to swear in the witness.

MR. DeSISTO: I beg your pardon. Please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. KITE-POWELL: I do.

MR. DeSISTO: Please state your name and spell it for the record.

MR. KITE-POWELL: My name is Hauke Kite-Powell. H-A-U-K-E, is the first name, K-I-T-E, hyphen, P-O-W-E-L-L, is the last name.

MS. MAIN: Great. Thank you, Dr. Kite-Powell.

EXAMINATION

BY MS. MAIN:

Q. Dr. Kite-Powell, where do you work?

A. I work at the Woods Hole Oceanographic Institution on Cape Cod.
Q. And how long have you worked for -- may I call it Woods Hole for short?
A. Of course.
Q. Okay. How long have you worked for Woods Hole?
A. I first came there as a student in 1985, and I've been there full-time since 1992.
Q. And what is your position at Woods Hole?
A. My title is research specialist in the Marine Policy Center at the Oceanographic Institution.
Q. And could you briefly give the Council a description of your educational background.
A. Sure. I have an undergraduate degree in marine engineering and Naval architecture, and I did graduate work in technology, policy, and economics, and management.
Q. And your Ph.D.?
A. My Ph.D. is in ocean systems management from MIT.
Q. Great. And prior to joining Woods Hole, briefly describe your professional background, meaning the job you held before Woods Hole.
A. I have been at Woods Hole really my whole life. So my job before that was student. That's probably

the best way to describe it.
Q. And, Dr. Kite-Powell, are you familiar with the project Revolution Wind?
A. I am.
Q. Okay. Have you performed any work for Revolution Wind?
A. Yes, I have.
Q. And please describe briefly -- and we'll get into more details about the specific nature of the work -- but just describe, in an overview, what work you've done for Revolution Wind.
A. The work that I did for Revolution Wind, with my colleagues from Woods Hole, is to examine the data on fisheries landed value generated from fishing in and around the Revolution Wind areas and then to estimate what portion of that value in the future might be exposed to the development of that project.
Q. We're going to hear that word, "exposed." Can you just describe what you mean by, "exposed to the project."
A. Yeah. By, "exposed," I mean the value that may be foregone to the fishing industries as a result of the development of the project. If you assume, in the baseline scenario where the project isn't

developed, that fisheries value continues to be generated the way it has been and with the project, there may be some loss of that value, that difference is the exposure, what I call the exposure.

Q. Okay. And is another word for that impact, as well, on the project?

A. You can call it impact, yes. When we use impact in our analysis, we typically mean not just the landed value of the fish but also the induced and indirect economic effects that that landed value generates in the state of Rhode Island, and I'll talk more about that later.

Q. Great. Thank you. And, Dr. Kite-Powell, could you please give the Council a description of the other members of the Woods Hole group who worked with you on the Revolution Wind project.

A. Sure. My colleagues, Dr. Di Jin -- Di Jin is here with us this evening -- and Dr. Michael Weir, both also at the Marine Policy Center, worked with me on the analysis directly. Dr. Di Jin is a marine resource economist and has been working at Woods Hole I think almost as long as I have, and Michael Weir is a more junior economist who

recently joined us.
Q. Thank you. And so they worked on your -- the presentation that you're making tonight, correct?
A. They did, yes.
Q. Okay. And, Dr. Kite-Powell, have you worked on any other wind farm projects?
A. Yes. We did similar work for the South Fork Wind project, and we are currently engaged in work also for the Sunrise project.
Q. And are you familiar with the area of Narragansett Bay where Revolution Wind will be located, both, you know, the export cables going through state waters and then out to federal waters?
A. I am. Actually, I've been sailing in these waters probably almost as long as I've been working at Woods Hole so I know the area well.
Q. All right. And have you done any work in that area of Rhode Island Sound where the export cables will be located?
A. Yes, for this project --
Q. Right.
A. -- I've been working there.
Q. So let's turn specifically to the work that you did

for Revolution Wind's analysis of the export cables in state waters in Rhode Island. Did you prepare any written work product?

A. We did. We prepared a report describing the baseline values that we estimated and the exposure.

Q. Okay. Would you walk us through your report on the baseline values and the exposure as you've defined it previously for Revolution Wind in state waters.

A. Sure.

Q. And I think you've got some demonstratives that may help you with that.

A. I do. As I mentioned, I worked on this together with Dr. Di Jin and Michael Weir from the Woods Hole Oceanographic Institution. And the fundamental question that we tried to address, as we've already mentioned, is what are the baseline values, the historical values of fisheries activities around the state waters portion of the Revolution Wind export cable and how might those values change in the future with the development of that project.

We want to do this analysis in a way that can be replicated by others, and so we want to rely on data that are publicly available, that are

readily accessible. There are two sources of data on commercial fishing that we use. One is NOAA. The other is the Rhode Island DEM. And I'll talk more about both of those.

We also needed data on for-hire charter fishing in the area, and that information is not available in any publicly accessible data set, so we actually conducted a survey of charter captains to get that information. And as I mentioned, we then took the values that came out of that analysis and estimated the induced and indirect impacts that those activities have in the state of Rhode Island.

And what we mean by that is, if you take the landed value of the fish that are caught in these areas, those fish are brought ashore in Rhode Island. The economic impact of that is not just the value of those fish that are landed but also the ancillary activities that are supported by that. And that includes things like the purchases of ice and other expendables by the fishing boats. It includes things like the expenditures that the crew on these boats make in businesses in Rhode Island. All of that is linked to the value of the fish that are landed, and so that's an

important part of the total impact estimation.

And once we had the baseline values, we then went through a process of estimating the exposure, looking at construction effects, possible effects during operations, and effects during decommissioning of the cable. And I'll talk more about each of those.

This is the overall project map that I think everyone here is very familiar with. The part that we're concerned with is just this purple section of the export cable route in state waters. So this is the state-federal waters boundary.

And so our first question is, what are the baseline commercial values of fish caught around that cable route in state waters? If you look at the NOAA data, the NOAA data set we were able to obtain is for the entire export cable route. So starting all the way at the project site through federal waters and through state waters. And those data suggest that the value of landings around that cable route are something on the average, on the order of $5,000 per square kilometer per year. That's for the entire route in the NOAA data.

MR. GOMEZ: Excuse me, but that was per

kilometer or per --

THE WITNESS: Per square kilometer.

MR. GOMEZ: Okay. Thank you.

A. And we believe that that is an underestimate of the value of landings from the state waters portion because the NOAA data doesn't include landings from vessels that carry only state permits. They focus only really on the federal vessel permit landings. The NOAA data are better for estimating landings from federal waters and less complete when it comes to state waters.

So we looked at, also, data from the Rhode Island Department of Environmental Management. DEM collects fisheries data for a large region called Area 539. That's roughly sketched here. And that area includes the cable route, but it also includes a lot of other waters. In fact, it extends further to the south than this map does, and it extends all the way up to the northern reaches of the bay up here.

If you look at that data set, the average value of landings from that entire area is about $47,000 per square kilometer per year. So ten times the value that the NOAA data suggests for the

cable route. But that's also both for state waters and federal waters in this area. And we think, again, that is likely also an underestimate of the value from the state waters portion of the cable route.

We think the best way to get at that is to assume that the NOAA data are reflective of what's being caught in the federal waters portion of the cable route and then to assume that that value applies to the federal waters portion of Area 539 also on a per square kilometer basis, and then calculate from that how much has to come from the state waters portion of Area 539 and the RIDEM data.

We have to go through this process because, unfortunately, it's not possible to disaggregate the RIDEM data spacially. RIDEM doesn't have information about how that landing is distributed over Area 539. But when we take the approach that I've described, we come to a value for landings from the state waters' portion of the cable route of just over $100,000 per square kilometer per year. And that is the baseline value on which we think these data allow us to settle with some degree of confidence.

If you then take that per square kilometer value and apply it to the export cable corridor, which we define here as two, 180-meter wide lanes, one for each of the two export cables, you get a baseline estimate of $1.41 million per year in 2020 dollars as the average landed value in Rhode Island from commercial fishing in these two corridors over the last ten years or so. And that is what we assume to be the baseline value also for the future, what would continue to happen if the project were not developed.

For a wider working area that we define for purposes of thinking about exposure, a 1.6 kilometer-wide working area around the export cable routes, that value is $6.28 million per year. And if you include, on top of the 1.4 million from the export cable corridors, the indirect and induced effects in the state of Rhode Island, you have total baseline annual impacts of just over $3 million per year from landings from those export cable corridors.

We think this is a conservative estimate because, in reality, the two export cables are not always more than 180 meters apart, and so the

actual area that is affected by the cables is less than what we use in this calculation. So that's our baseline assumption for commercial fishing, about 3 million in annual impacts from the export cable corridors.

For charter fishing, as I mentioned, there is no data set we can refer to. So Revolution Wind agreed to support a survey of charter captains that we conducted from Woods Hole, an online survey, and it allowed charter captains to provide information about where they fish in this area and how often. And you can see on this map image some of the fishing locations they've identified in and around the cable corridor in state waters.

They also provided information about how many people were on those fishing trips. And we have information from NOAA on the average revenue from charter fishing per angler for these operations. So with that and a scale factor that reflects how many total boats we think operate in this area, compared to how many responded to the survey, we can calculate the annual impact associated with charter fishing around the cable routes. And this estimate is actually for the

entire yellow area that you see in this map image here. So it's a much bigger area than just the cable corridors themselves.

That total annual impact, including a multiplier of the same sort of induced and indirect effect multiplier as we used for commercial calculations, leads to an annual impact from charter fishing, at the high end, of about $340,000 per year. So that is the baseline annual charter fishing impact we estimate for that yellow area around the export cable.

So just to sum up the baseline numbers one more time, commercial fishing Rhode Island landings from the state waters' portion of the export cable corridor, about 1.4 million per year, with the induced and indirect effects associated with those landings, it's 3.06 million in economic impact each year in Rhode Island. And, for charter, fishing it's about 211,000 in revenue and about 342,000 in total economic impact.

So then the question is, if that's the baseline, what fraction of that could we expect to see affected somehow by the development of the project? And to estimate that, we consider a

number of different effects. There are effects associated with construction, there are effects associated with operations, and there are effects associated with decommissioning. And I'll talk about each of those in more detail, so I don't have to read this whole table.

The work on the export cable is scheduled for a period of about six months, mainly in the second half of 2024. And we assume that, during that work period, there will be two kinds of effects. One is that, in the vicinity of the working vessel on the cable route, there will be periods when fishing boats can't access the area in the immediate vicinity of the cable vessel. So we call that access constraint.

The second effect is that because of the activities of that vessel, some finfish will be displaced from the area. They'll leave because of the vessel activity. And some shellfish may be lost to fishing because of the way the bottom is disturbed and the cable is deployed and so on. And so there are two categories of effects.

For the first, for that constrained access, we assume two things. We assume that

during the entire six-month window of construction activity for the cable, at any given time, 5 percent of that cable route length is being worked on, and, for a width of 1.6 kilometers across that cable route, that 5 percent area is unaccessible to fishing. That's for a period -- a total period of six months.

In addition to that, we also assume that for two months there's effectively no fishing on the export cable corridors, the narrow corridors themselves where the cables are. That's probably redundant. I think one could argue that the first effect alone really accounts for all of the access constraint, but as in all cases, we try to be conservative and, if anything, err on the side of overestimating the exposure. So that's the access constraint.

For availability, we assume that the shellfish that are in the -- on the bottom in the cable corridors are lost to fishing in the way described here. That is mobile species, like lobster and crab, 25 percent reduced for one year, and nonmobile shellfish for four years because it takes them longer to repopulate. And we also

assume that, for the entire 1.6 kilometer-wide working area, there's a 10 percent reduction in all landings for one year around the construction period.

We don't expect any effects during operations because, in our assessment of the way the cable is being deployed, fishing should be able to resume normally after construction is finished for the duration of the operation of the project. For decommissioning, we assume a similar set of effects as during construction but less severe and, of course, further out into the future, and so the present value of those effects is smaller.

So if you go through the calculation implied by those assumptions, you get these numbers here. The construction activities result in a loss of landed value on the order of $854,000. The decommissioning activities add another 112,000. These are both discounted to 2020 dollars from the years in which those activities take place. So that's $966,000 in present value of lost fisheries landings, which translate to 2.09 million in impacts if you add the induced and indirect effect.

The charter fishing assumptions here,

based on taking the baseline values I showed before and assuming that those are lost for a period of six months -- in fact, that's probably an overestimate because the construction activity is mainly in the second half of the year, in the winter, when there is less charter fishing than earlier in the year; but, again, it's a conservative assumption.

So the total estimated exposure, including induced and indirect effects, is 2.26 million in 2020 dollars. I think that is the last of my slides.

Q. Thank you, Dr. Kite-Powell. Just a few more questions to wrap up. Your report discusses potential impacts to commercial fishing and for-hire charter fishing. Did Woods Hole do any analysis of the private recreational fishing that may be exposed for Revolution Wind? And by, "private recreational fishing," I mean, you know, people going out on the weekend in their own private boat to either fish or do other activities. Was that considered?

A. Yes, we did think about that as well. Private recreational fishing is important in the state of

Rhode Island, just as it is in Massachusetts and elsewhere around the coast. There are thousands and thousands of private fishing trips that take place every year in these waters, and it contributes to the economy of the state in a significant way.

But if you look at the fraction of those thousands and thousands of trips that coincide with the export cable corridor, that's a much smaller number. And if you then look at the fraction of those that are potentially impacted, because during this six-month period, there is a vessel operating somewhere along that route, that number gets very small.

And then, it's also the case that the people who maybe wanted to fish exactly where that cable operating boat is on that given day have other places they can go instead. That may not be their preferred choice, but it's not the case that they can't go fishing somewhere else.

And so trying to estimate with any sort of confidence that very small fraction of exposure to recreational fishing, I think is fraught and extremely uncertain. My own estimate is that the

impact of that is far below $100,000 per year for the state as a whole.

Q. And does that estimate, of far below $100,000 per year, take into consideration at all the time of year when Revolution Wind will be doing its work in the west passage in Rhode Island Sound?

A. It does, yeah. And it's mainly in the fall and winter, and so the number of private fishing trips likely affected by that is miniscule compared to the total of trips that take place in Rhode Island.

Q. Thank you. And, Dr. Kite-Powell, did you receive any feedback from others in the fishing community to the work that you presented today?

A. We did, from several different sources. And I want to acknowledge this because it helped us improve our analysis, I think, in many ways. We had direct input from fishermen who we spoke to primarily in telephone interviews. We had very constructive interactions with Todd Gilcoose (phonetic) and indirectly with the FAB, in going back and forth on some of the assumptions in helping us improve our estimates. And we had very helpful reviews of our reports by two fisheries experts who are also in the room today, Rob Griffin and Steve Cadrin. And

I think all of that review and feedback really helped us gain more confidence in the work that we represent.

Q. Great. Thank you.

MS. MAIN: I have no further questions for Dr. Kite-Powell.

CHAIRMAN COIA: Any questions from Council members of the witness? Mr. Gomez.

MR. GOMEZ: That was an eye chart for me. I don't know. I've got 20/15 vision, but I have problems with it, I think.

We heard at the last session, I believe, that we talked about how quickly the bottom would basically start to recover, and it was a very short time. The way -- the information I get from you is that you're considering, I think, a much longer time. Do you have any idea on the recovery time that we're talking about? And the other question, how many kilometers of cable are we worried about relative to Rhode Island? Is it 23 from the site? What's the --

MS. MAIN: It's 23 miles.

MR. GOMEZ: Twenty-three miles?

THE WITNESS: Yeah, 30-odd kilometers.

MR. GOMEZ: The other thing, I mean, you've got some big numbers there, and it just seems that, you know, as you're putting this in you've got some speed of getting it there so it's only going to be probably a small segment, maybe small, segment of the bottom being disturbed at any point in time. And, in my opinion, that would reduce your numbers considerably, but, you know, I'm not ready to think that way yet. I know the fishermen are very upset and things. But between the last briefing we had with the -- you know, the sediment settling pretty quickly and if you've done all the pre-surveys on rocks and submerged objects and things, the numbers just seem very large to me given the actual circumstances. And I don't know -- I guess I'm allowed to talk about stipulations or not, am I, in the staff report at this point?

MR. DeSISTO: It's premature at this point.

MR. GOMEZ: Okay. Thank you.

THE WITNESS: If I may just respond briefly. I think I want to emphasize, again, that whenever we had a range of values that we thought

were reasonable to consider -- for example, for how long it might take for an area to be repopulated by lobster or something like that -- we always tried to err on the side of conservative. That is, overestimating. And so you're right, I think, some of these assumptions about duration are probably excessive; but, again, we tried to err on the side of overestimating exposure.

MR. GOMEZ: Okay. You know, I just -- I was able to follow it along pretty well. I just thought we were getting -- you were very conservative.

THE WITNESS: We tried to be, yes. That was intentional.

MR. GOMEZ: Thank you.

CHAIRMAN COIA: Any other questions? Yes, Ms. Hall.

MS. ROBINSON-HALL: I have a question and just a point of clarification. In your report, on Page 19, you talk about the construction schedule. And it says here it will take place during the third and fourth quarters of 2024. And I think you may have just said before that it would occur in the fall and the winter. So I'm just -- maybe a

point of clarification, I don't know if those are -- I'm pretty sure -- I may have misheard you.

THE WITNESS: Maybe I misspoke, too. Fall and winter are not precise terms, but I think the precise construction schedule has been spelled out by the project developer, and I believe it begins with work sometime in September and extends to January. So it's more or less the third and fourth quarter with a little bit of overlap into January.

MS. ROBINSON-HALL: So when you say in the report that it will take place in the third and fourth quarters, you're saying now, like, the very end of the third quarter, September? Because I'm just going back to your figure with the seasonality question and the seasonality of the highest landings. I just want to understand relative to those landings being exceedingly high, in that third quarter in particular and going into the fourth quarter, how that factors into your analysis relative to exposure.

THE WITNESS: Yeah. So the third quarter, as you note, September is at the end of the third quarter. It's really mostly the fourth quarter that's relevant. So we did not try to estimate the

seasonal component of the RIDEM data because the RIDEM data is what we really base our values on here, and we don't have consistent seasonal information for that data set like we do for NOAA. So the NOAA data does have seasonal information. We think that's mainly relevant for what's going on in federal waters. And so for the analysis here, we did not assume any seasonal difference.

MS. ROBINSON-HALL: Okay. Thank you.

CHAIRMAN COIA: Any other questions? Yes, Mr. Izzi.

MR. IZZI: Yeah, I just want to focus on your exposure numbers. That's a number that takes into account the exposure of about 25 years in time and reduces it to present value 2020 dollars; is that correct?

THE WITNESS: Yes. It -- yes. It discounts the values from the construction year and the decommissioning year back to 2020 dollars. That is correct.

MR. IZZI: Okay. There's a big gap in between during that gap of 23 or 24 years. Were you assuming that there would be no exposure?

THE WITNESS: That's correct.

MR. IZZI: Because there was no activity?

THE WITNESS: There was no activity, and our assumption is that fishing can go on more or less the way it did before during that time period.

MR. IZZI: So is there any way to break out the initial exposure during construction and give us a number for that period and then the -- and exposure for the decommissioning process?

THE WITNESS: So that's what I tried to do here. So this 854,000 is the exposure associated with construction. And the 112,000 is the exposure associated with decommissioning, but they look very different because the decommissioning value is discounted from far in the future to the present dollar. Otherwise, they'd be much closer together. And in the report, we have it broken down in finer detail also.

MR. IZZI: And I just want to make sure, you're comfortable with the charter fishing value of 340,000 a year?

THE WITNESS: Yes, we are. I think that given the area that it reflects, it's a small portion of the total Rhode Island charter fishing extent. And if you look at the information on the

total value of Rhode Island charter fishing, I think that fraction makes sense, generally speaking. But we didn't try to estimate it that way. We tried to estimate it from what the charter captains actually told us they were doing.

MR. IZZI: All right. Thank you.

CHAIRMAN COIA: Anything else?

MR. GOMEZ: Just for purposes of discussion, you know, it's my experience, and I'm very familiar with the Sakonnet River region and the fishermen over there, and they do come over but usually not in the bay here, out at Cox's and things like that, but the whole fishing industry has changed so drastically because of climate change, in the last four or five years even. I mean, lobsters are getting to be nonexistent in the Sakonnet River, and the black sea bass has taken over. And I don't know the commercial value. We do have traps set over there for fish. But I don't think -- I know you have them off of Newport. I don't think you have any over in that area.

So, again, I think it's pretty conservative because I think the fishing -- with the exception of oysters and, you know, the muscle

farms and the kelp farms and those types of farms, which as I look through the material don't appear to be that close to where the cable lay is. So, again, I guess, I see it as being conservative. You know, in a 25-year bite, it's just changing so fast, which I'm sure you're aware of. And I don't know what -- the commercial market now is becoming the oysters and the kelp and muscles. And even the muscles have trouble with birds and other things stripping them and storms and things, so I keep getting back to it's really, really conservative, what I'm looking at. I would expect you would agree with me because it's to your benefit to do that but --

THE WITNESS: It is what we tried to do. And I think you're right, it's very difficult to try to forecast what the true baseline is for the next 30 years of fisheries landings.

MR. GOMEZ: It's going to be real big changes.

THE WITNESS: Climate change, fisheries management changes, you know, all kinds of things, seafood market.

MR. GOMEZ: The thing is, the other

fisheries that are coming in to take the place of what we consider the norm at this point and getting back to things like the kelp farms, and they're coming up with different things that they are trying to farm in aquaculture that we need to have a little foresight in that and try not to ruin those best areas. But I think you're pretty much coming up through the middle of the area there. It looks like it's been mapped out fairly well.

THE WITNESS: Yes, I think that's true. If you look at the areas of Rhode Island waters where aquaculture is growing rapidly, this is not in the way of those.

MR. GOMEZ: Just an observation.

CHAIRMAN COIA: There are no more questions of Council members.

MS. MAIN: Thank you. Thank you, Dr. Kite-Powell. We have three more witnesses, two are very short, and then we'll wrap up with our mitigation proposal to the Council.

CHAIRMAN COIA: Okay.

MS. MAIN: Okay. My partner, Christine Dieter, will present the next two witnesses.

MS. DIETER: Mr. Chair, if I may, I'll call our next witness, Dr. Ben Cotts.

MR. DeSISTO: Please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MR. DeSISTO: Please state your name and spell it for the record.

THE WITNESS: My name is Benjamin Cotts. That's B-E-N-J-A-M-I-N, C-O-T-T-S.

EXAMINATION

BY MS. DIETER:

Q. Dr. Cotts, where do you work?

A. I work for Exponent in the electrical engineering and computer science practice.

Q. And what's your position at Exponent?

A. I am a principal engineer.

Q. Could you briefly describe for the Council your relevant educational and professional background.

A. Certainly. I have an electrical engineering degree from the University of Portland, as well as a master's and a doctorate in electrical engineering, which I received from Stamford University. Since I

graduated and joined Exponent, I have been working primarily in my area of speciality, which is electromagnetics. That involves electromagnetic evaluations from anything from medical devices to U.S. military and, obviously, electric and magnetic fields from transmission lines such as the Revolution Wind project.

Prior to joining Exponent, I was an international science outreach manager, and my role there was to support the International Heliophysical Year and International Space Weather Initiative, a program sponsored under the auspices of the United Nations and NASA. As part of that project, my role was to help bring the science of electromagnetics to developing countries. And I was cofounder of an international conference series with that purpose, and I cofounded that and attended those conferences as an official representative of NASA and the UN.

Q. Did you perform any work for Revolution Wind?

A. Yes, I did.

Q. Could you describe that work.

A. Certainly. I performed the electrical engineering modeling of the magnetic fields from the export

cable and the inter-array cables from the transmission line.

Q. What does your modeling involve?

A. In general, it takes the input data from the transmission line, looking at the cable parameters, the size of the cable, how much current is going to be flowing on the cable, putting that together into an engineering model to calculate the magnetic field levels that are going to be coming from the transmission line, which are measured in units called milligauss.

Q. What did your modeling find?

A. There are two main findings from the modeling. The first is, intentionally, was that we develop it to be very conservative. So the field levels are relatively conservative compared to what would actually be out there.

The two evaluations in particular were over the portion of the route, which is covered by a concrete mattress. The maximum magnetic field level at maximum loading would be about 1,025 milligauss, similar to what Mr. Skenyon cited in the testimony previously.

We also did a calculation of the field

levels where the cable would be buried to a depth of one meter, which is conservatively low compared to the four to six feet specified for the project. And at that location the magnetic field level was 82 milligauss. I bring that up, because as Mr. Skenyon described it in his report, this is a level at which there were a significant reduction in all potential theoretical impacts.

The second aspect of the modeling that this showed is that the field levels decrease very rapidly with distance. So that even for this case where you're looking at just a one-foot thick covering of the mattress, by the time you get approximately three to three-and-a-half feet to the side of that -- of the center of the cable, the field level has decreased from the 1,025 milligauss down to about 82 milligauss, similar to what it would be for the burial case.

One other thing, if you go even further away, as you go about ten feet to the side of the mattress or ten feet to the side of the cable, the calculated magnetic field levels, whether buried to a depth of one meter or covered by the concrete mattress, the magnetic field level is about half a

milligauss or so.

Q. So if I can recap that. What you first described is when you're at peak loading, which in this case would be about 704 megawatts, and you're right on top of the cable, that's when you're getting that maximum value that you described?

A. That's correct. And that's also assuming that it's just got the one foot thick mattress covering on top of it.

Q. And whether it's buried or covered by the mattress, once you're about three-and-a-half feet from the center of the cable to the side, you're seeing reduced readings to about 82 milligauss?

A. That's correct.

Q. And then, when you get out to ten feet on either side of the cable, you're saying, at that point, you've reduced it to under one milligauss?

A. That's correct.

Q. And you mentioned before that I think your modeling was intended to be conservative. Are there factors that it didn't account for?

A. Yes. The first aspect is that, as I mentioned before, for the buried portion of the cable, we modeled it at a one meter burial depth to the top

of the cable compared to the four to six feet as part of the project. So that will reduce the magnetic field levels over the portion of the cable where it's buried.

In addition, there is an armoring around the outside of the cable, a steel armoring, and that armoring will, in fact, reduce the magnetic field level from the cable. That was also not included in the modeling. It should reduce the magnetic field of everything I said by about a factor of two or so.

And then the last aspect, as you pointed out, is that this modeling that was cited was done for the maximum output of the wind farm, the peak loading. So every turbine is generating the maximum amount of power all at the same time. That's not going to happen most of the time. A more typical average loading is going to be on the order of 50 to 75 percent of that.

So if you take that 1,025 milligauss number that I talked about, a one-foot thick mattress, and include these other factors, such as the reduction from the armoring and the reduction from the loading of the cable, you're probably

looking at a maximum number that's closer to maybe 250, 350 milligauss compared to that 1,025.

Q. Dr. Cotts, are you able to describe whether the milligauss levels you've just walked us through will affect fish and crustacean behaviors in Narragansett Bay?

A. That's an excellent question, and as an electrical engineer, I'm not the right person to answer that. Fortunately, my colleague, Dr. Palmquist, has a specialization in that area.

MS. DIETER: Mr. Chair, if I may, I would call our next witness, Dr. Katherine Palmquist. And then I can leave them both here if the Council has any questions after she's testified?

CHAIRMAN COIA: That's fine. Any questions of Dr. Cotts right now from anyone?

MR. GOMEZ: I have some, but --

CHAIRMAN COIA: Do you want to wait?

MR. GOMEZ: -- I don't know if we need to wait, relative to issues that we just went through. Do you want us to wait?

CHAIRMAN COIA: Sure. Let's have the next witness testify.

MS. DIETER: If I could have Dr. Katherine

Palmquist.

MR. DeSISTO: Please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

MR. DeSISTO: Please state your name and spell it for the record.

THE WITNESS: It's Katherine Palmquist, K-A-T-H-E-R-I-N-E, P-A-L-M-Q-U-I-S-T.

EXAMINATION

BY MS. DIETER:

Q. Dr. Palmquist, where do you work?

A. I work for Exponent in the eco sciences practice.

Q. And what's your position with Exponent?

A. My position is senior managing scientist.

Q. Could you describe your relevant background for the Council.

A. Sure. I have undergraduate degrees in entomology and communications from Washington State University. I did my doctoral research at Oregon State University in ecotoxicology. I have 15 years' experience in conducting ecological risk assessments and natural resource damage

assessments, with the past eight years looking at EMF issues.

Q. And are you familiar with the Revolution Wind project?

A. I am.

Q. Did you work with Dr. Cotts on --

A. I did.

Q. -- the project?

Can you answer the last question I posed for Dr. Cotts, and I'll repeat it for you. Are you able to describe whether the milligauss levels, that Dr. Cotts referred to, will cause any effect to fish and crustacean behaviors in Narragansett Bay?

A. I can. There are no predicted effects to fish and crustaceans in the bay.

Q. And why is that?

A. Yeah, so based on all of the available research with AC EMF, the levels modeled by my colleague Ben, do not -- are not detectible by fish or crustaceans. And this is because these organisms can detect the geomagnetic field, which is static and zero hertz, the same way a DC field is zero hertz. They do this because they have tiny

magnetic particles in their bones and organs, and they interact with the geomagnetic field and the DC field, kind of like a compass. So just like you can take a compass out in your neighborhood and walk all under the AC lines and still detect geomagnetic north, the AC fields do not interact with these particles the way the DC fields do. And that's borne out by the research where fish and crustaceans have been exposed to these field levels of around a few hundred milligauss to 1,100 milligauss and higher.

Q. You referred to something called, "AC EMF." What did you mean by that?

A. So the proposed cable for the Revolution Wind is alternating current so it oscillates at 60 hertz, and that's -- that is a frequency that is not found in nature, whereas the frequency of DC cables is zero hertz, same as the geomagnetic field. So there's a lot of similarities there, and they interact with those particles the same way. The 60-hertz fields don't.

Q. So when you refer to the geomagnetic fields, that's referring to DC cables?

A. Well, it's the field that the earth produces that

these fish and crustaceans evolve to detect and help guide migration.

Q. At the field levels we've been discussing, will there be any population level effects to fish and crustaceans?

A. No.

Q. Why not?

A. So, again, there's no behavioral effects so the distribution will remain the same. There have also been studies looking at effects on very sensitive life stages, primarily the embryonic life stages, and there's no impact on embryonic survival at the field levels predicts, even at peak loading along the cable routes.

Q. Now, the Fishermen's Advisory Board has cited to some articles as part of their comments on export cables. Are you familiar with those articles and studies?

A. I am.

Q. Are those studies relevant to the Revolution Wind export cables?

A. Not this cable, no.

Q. Why not?

A. So the publications cited in that report kind of

fall into two categories. The first are DC cable studies. And like I said, those are not relevant because of the differences in the nature of the magnetic field and how they interact with those particles. And then the second part were review articles, which are too general for this type of assessment.

Q. So are there any AC or alternating current studies that you would find particularly relevant to the Revolution Wind export cable?

A. Yeah, there have been a series of studies conducted off the coast of California at 60 hertz AC cable sites. Two studies looking specifically at crustacean behavior relative to the AC cables and one looking at the population of fish, invertebrate, and other marine species along the cable sites.

So the first two use caged crab and looked to see whether the crab distribution relative to the cable change and whether they could cross the cable based on the energized state. So these studies looked at anywhere from 400 to 1,100 milligauss and found no impact on crab behavior. They were neither more likely to be near the cable

or less likely to be near the cable, and they could cross with ease, which led the authors to conclude that there was no effects on trapping.

The third study was a multi-year survey of the populations at the cable, looking specifically at whether the energized state of the cable changed the species that were present or the numbers, and they found no effects on any of the fish or invertebrate species.

Q. And are you familiar with the 2006 study of the Nysted Wind Farm by dena that the FAB has referenced?

A. I am.

Q. And what did that study find?

A. Well, specifically that study did not find population level effects on the important species that they surveyed at the site. So they went out prior to the construction of the wind farm, took population surveys, and then did that again while the wind farm site was operating. And there was no difference in the catches from prior to after the operation. And they did look at EMF, but that section was entitled, "No Proven Effects in EMF."

Q. So I want to turn a little closer to home now and

talk for a minute about the Block Island Wind Farm. You worked on the Block Island Wind Farm project?

A. I did.

Q. If you were to hear reports that as soon as the power was turned on at the Block Island Wind Farm, fishermen couldn't catch fish there anymore, what would your reaction to that be?

A. That is not in line with the research that's been conducted there.

Q. Can you describe that for the Council, what you mean by that.

A. Yeah. So there have been population surveys conducted at the Block Island Wind Farm, and similar to the previous studies that I just mentioned, looked at populations before and after. The surveys were also conducted in the vicinity of some of the cabling, the areas of high EMF, and there were no adverse impacts of any aspect of the wind farm on the population so they remained stable.

Q. And is there any possibility of getting that kind of behavioral effects that I've described of fish fleeing the area entirely from an AC cable?

A. Based on my review of the literature, there's only

been one time where a fish has been shown to react to a 60 hertz AC magnetic field, and that was a field level of 1.6 million milligauss generated in the lab.

Q. And how does that level of milligauss compare to what we expect to see at the Revolution Wind cable?

A. I believe it is somewhere on the order of 20,000 times higher.

Q. Is there any possibility of either the Block Island Wind Farm or the Revolution Wind Farm export cables generating 1.6 million milligauss?

A. No.

MS. DIETER: Thank you. I have no further questions for either of these witnesses.

CHAIRMAN COIA: Any questions for either witness? Mr. Gomez.

MR. GOMEZ: Since you're there, you mentioned that was one of the questions. In fact, this is 60 hertz that we're dealing with.

MS. PALMQUIST: Yes.

MR. GOMEZ: Is that liable to have any harm on it? I think what I'm hearing you say is that any -- there's a wide range of frequencies that don't produce a problem basically.

MS. PALMQUIST: Yeah.

MR. GOMEZ: And I didn't know -- I had somebody approach me regarding harmonics and if they were going to be present. Obviously, it depends on whether we have clean signals or not and whether they would have impact. My guess, and what I told him was, that since it's higher frequency, it would probably attenuate faster.

MS. PALMQUIST: Yeah. And like the research I mentioned off the West Coast, that would have incorporated any of that, and there's no evidence that that impacted any of the species in the vicinity.

MR. GOMEZ: Not to be insulting, but it sounds like you have a reasonable amount of hands-on at sea tests and things?

MS. PALMQUIST: No. This is a risk-assessment calculation so it's --

MR. GOMEZ: No, but I mean, your own background, you get to sea often or not?

MS. PALMQUIST: Not as much I'd like.

MR. GOMEZ: I get seasick, so. Underwater is not bad.

MS. PALMQUIST: Most of my work has been

done -- I think the last time I was out it was on a river.

MR. GOMEZ: I had a lot of contracts out at the University of Washington --

MS. PALMQUIST: It is great out there.

MR. GOMEZ: -- so I'm jealous. At any rate, I'll switch over to the harmonics -- not the harmonics, but at the last briefing we had, I was told there was no shielding. Now you're indicating there is shielding, and it is steel. Is that steel, in itself, contained? Is there something over the seal to prevent, you know, cathodic reactions with the saltwater and stuff? So I guess maybe we can wander down that a little bit.

MR. COTTS: Yeah, absolutely. So the construction of the cable has three phase conductors that are actually carrying the power. Outside that, there is insulation, and there are a couple of additional layers. And, at the very outside of the cable, there is this ring of steel wires that's there for the armoring. And then immediately outside of that is a cross-linked polyethylene or XLPE layer that encapsulates the entire cable.

MR. GOMEZ: Okay. That clears up some issues for me. I don't think I've got anything else. Shielding, blah, blah, blah. Okay. I'm done. Thank you.

CHAIRMAN COIA: Mr. Izzi -- oh, no, whose hand is up?

MR. IZZI: Katherine's.

CHAIRMAN COIA: All right. Ms. Hall. All I saw is a hand. Ron was in the way.

MS. ROBINSON-HALL: On the 60 hertz AC cables in the case that you referenced in California, what were the cables for in California?

MS. PALMQUIST: I believe they were going out to some offshore platforms. So they were powering some -- I want to say they were offshore oil platforms. But the frequency is the same, still 60 hertz, and the magnetic fields are the same as what would be produced at the Revolution Wind cables based on the modeling.

MS. ROBINSON-HALL: In that comparison regarding that, is there a difference in the depth of water between there and here?

MS. PALMQUIST: Yeah. I don't know off the top of my head. The primary difference is that

those cables were not buried. So what they had to look at were -- was sediment unenergized cables and energized cables. Because the most significant effect they found is the physical structure affected the cable. But when they compared the two cables, the energized and the distant unenergized, there was no effect of those EMF. I do know that there were similar species. There was the crab, they had some bottom fish, they had a flounder. And so it was -- it was a relatively similar -- you know, there was some species that were similar.

MS. ROBINSON-HALL: When you say, "the crab" --

MS. PALMQUIST: Rock crab.

MS. ROBINSON-HALL: Rock crab. But the depth of water would be just incomparable, right, just relative to the continental shelf?

MS. PALMQUIST: It could be deeper because the continental shelf is --

MS. ROBINSON-HALL: By a wide margin, right?

MS. PALMQUIST: Potentially.

MS. ROBINSON-HALL: It's pretty significant.

MS. PALMQUIST: Yeah, it depends on how close to shore they were.

MS. ROBINSON-HALL: Does that impact at all with respect to -- it may not be a major impact relative to the impact of that on nonmobile shellfish, but it might on more mobile finfish and shellfish; would you agree with that?

MS. PALMQUIST: You mean like a depth plus the EMF?

MS. ROBINSON-HALL: Yeah.

MS. PALMQUIST: No, no. Because they still weren't detecting the EMF at either which way.

MS. ROBINSON-HALL: But as far as a comparison study for what we might see here --

MS. PALMQUIST: No.

MS. ROBINSON-HALL: -- in a totally different environment with respect to the depth.

MS. PALMQUIST: No, no. The --

MS. ROBINSON-HALL: They're completely equal in your mind?

MS. PALMQUIST: The detection of EMF is not depth dependent.

MS. ROBINSON-HALL: Okay. So depth of

water has zero impacts on the impact of EMF on any species?

MS. PALMQUIST: That's correct.

MS. ROBINSON-HALL: Okay. Thank you.

CHAIRMAN COIA: Any other questions?

(NO RESPONSE)

CHAIRMAN COIA: Okay. Thank you.

MS. DIETER: All right. Thank you both. Mr. Chair, we have one more witness to call briefly before Ms. Main turns back to the wrap-up witness. If I may call Dr. Drew Carey briefly.

MR. DeSISTO: Sir, please raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

MR. DeSISTO: Please state your name and spell it for the record.

THE WITNESS: Drew Carey, D-R-E-W, C-A-R-E-Y.

DIRECT EXAMINATION

BY MS. DIETER:

Q. Dr. Carey, you testified at the prior hearing; is that right?

A. That is correct.
Q. So I'm not going to go into your background again, but just to remind the Council, you're the CEO of Inspire Environmental?
A. That is correct.
Q. Have you been involved in any survey work at the Block Island Wind Farm relating to concrete mattressing?
A. Yes, I have.
Q. And what was your survey work involvement?
A. So we were asked to conduct a survey of the location and condition of the mattressing on the export cable of the Block Island Wind Farm one year after installation.
Q. What was the purpose of that survey?
A. We were asked to determine whether there was any fishing gear entangled on the mattresses and if any of the mattresses had moved since installation.
Q. What did the survey find?
A. So we used high-resolution seafloor mapping tools, multibeam and side-scan sonar. We had the precision locations of the mattresses when they were put into place. So as they were lowered to the seafloor, the location was marked. So we went

back, and we mapped the entire cable. We compared the location before or right after installation to the images, and none of the mattresses had moved, and there was no fishing gear entangled on any of the 49 mattresses.

Q. Did you find any evidence relating to trawling on the mattresses in connection with your survey?

A. Yes, we did. The same seafloor imagery allows us to see trawl marks that are left on the seafloor during trawling.

Q. And did you see evidence of that on the mattresses?

A. Well, we saw trawl lines that extended to and over the mattresses in several different locations. So these would have necessarily had to have occurred after the mattresses were put into place since the seafloor had returned. In some cases, we saw sediment that had moved over the mattresses and then trawl marks moving right across them.

Q. I'm going to pull up an image here, and in the top right it says, "BIWF Cable Protection Mat Survey Field Summary Report," and then in the bottom left it says, "Figure 6." Do you recognize this image?

A. Yes, I do.

Q. What is it?

A. Well, we did a field summary report from this survey that I described. This is one of the figures from that summary report. Let's see if I can get the pointer here.

In the upper right there is an inset map of Block Island, the cable, the wind farm is down here on this section. So this particular image is coming from one portion of the cable. A little hard to see from over there, but each of these black rectangles represents a location of a mattress when it was installed. The red rectangle is this inset here.

Each one of those mattresses had a number so they recorded them as they went down. And what you can see on both this side-scan sonar image and this one here are the trawl marks cutting across the cable. There's one up here as well. And you can see that they line up and they come right across a couple of different mattresses.

Q. So how do you interpret that image, and what conclusions do you draw from it?

A. Well, in my career of looking at seafloor marks and images, to me this is consistent with a trawl -- a number of trawls coming across this cable without

any interruption. There's no break in the lines. There's a little bit of seafloor sediment on top of this one. But there's no gear entangled, and there's no indication that, in this particular case, they were interrupted.

Q. Dr. Carey, I'm going to switch to some other work that you've done in connection with Block Island Wind Farm. Did you hear my discussion just a minute ago with Dr. Palmquist?

A. I did.

Q. And I asked her what her reaction would be to reports that, as soon as the power was turned on at Block Island Wind Farm, fish fled the area. Have you been involved in any survey work at Block Island Wind Farm relating to fish populations in that vicinity?

A. Yes, I have. I designed and managed a seven-year survey at the site. That survey was using commercial fishing gear at the location.

Q. And what was the survey designed to investigate?

A. So the scientific design was put into place to assess the use of fish at the site of the wind farm site and the surrounding area and to -- the way we designed it was to distinguish the difference

between any potential wind farm effect and the general environmental change that occurs in any part of the ocean over time.

Q. Did your sampling include the cable area?

A. Yes, it did. So the scientific design was to have an area associated with where the project was going to be built. So we started doing this before it was built. And then two adjacent areas we considered as controlled. Same water depth, same type of bottom. Inside the area around the wind farm, five of the various locations we could tow went directly over cables after they were installed, and in the control areas none of the trawl locations crossed a cable.

Q. What did the trawl survey find?

A. Well, we found no adverse effect on the abundance of fish throughout the entire survey. The biomass, so that would be the weight of the fish, varied very consistently with regional surveys. So the State of Rhode Island and a national program do a similar kind of study, same kind of equipment, a commercial trawl, and they report seasonal biomass, and the numbers varied very consistently with the regional changes.

Q. So, overall, was your conclusion that there were no significant negative effects to fish and invertebrate from the wind farm?
A. That's correct. It's been published in a peer-reviewed -- three peer-reviewed articles. And we had no evidence that fish disappeared from the Block Island Wind Farm as a result of construction or operation.
Q. Thank you.
A. Sure.

MS. DIETER: I don't have any more questions for Dr. Carey.

CHAIRMAN COIA: Any questions of Dr. Carey from the Council?

MS. ROBINSON-HALL: I just have a really quick question about if there is any impact relative to the scouring, I mean, around the placement of these concrete pads in terms of sediment scouring?

THE WITNESS: So the same study and another study that was conducted by a project sponsored by BOEM, we can see evidence of movement of sediment. This is quite common off of Block Island. There's sands and gravels in this

area. You get a storm, they move around. So there are areas near the turbines where you see the sediment moving around as a result of that. This particular area, which you can see where it's located, we didn't see any scour in that area.

MS. ROBINSON-HALL: Thank you.

THE WITNESS: Mm-hmm. Yes.

MR. IZZI: Doctor, have you conducted any studies in your research that found that there was any damage to the concrete mattresses from trawling activity?

THE WITNESS: I haven't seen that. I mean, these -- these measurements for seafloor mapping might be difficult to see that damage. There were diver surveys conducted at roughly the same time, about a year afterwards. I haven't seen any indication that the concrete itself is damaged by trawling.

MR. IZZI: Okay.

CHAIRMAN COIA: Anything else? All right, please proceed.

MS. DIETER: Thank you, Dr. Carey. I'll turn it back over to my partner, Robin Main.

MS. MAIN: I would now like to call

Mr. Jesper Christensen, please.

MR. DeSISTO: Sir, raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

MR. DeSISTO: Please state your name and spell it for the record.

THE WITNESS: Jesper Christensen, J-E-S-P-E-R, last name, C-H-R-I-S-T-E-N-S-E-N.

DIRECT EXAMINATION

BY MS. MAIN:

Q. Thank you. Jesper, where are you employed?

A. I'm employed at Ørsted.

Q. And what is your position at Ørsted?

A. Senior commercial project manager.

Q. And as senior commercial project manager, do you do any work on Revolution Wind?

A. I do.

Q. Briefly describe to the Council what work you do for Revolution Wind.

A. It's a broad role, but primary responsibilities are all aspects of commercial nature within the project development. It also includes, you know, action, discussion, negotiation with external parties,

including state agencies, the fisheries, ports, etc.
Q. And, Jesper, have you worked on the mitigation package for Revolution Wind that's here before the Council tonight?
A. Yes, I have.
Q. Okay. Would you please explain to the Council the work you have done on this mitigation package to address the issues here before the Council tonight on the export cables in state waters, and I think for ease of response, probably doing it chronologically would be helpful.
CHAIRMAN COIA: Can I interrupt. Can you read back the question, please.
(WHEREUPON, THE PENDING QUESTION WAS READ BACK)
CHAIRMAN COIA: I need to ask my counsel. I don't think there's a mitigation package before us this evening, is there?
MR. DeSISTO: We don't have a mitigation package yet.
MS. MAIN: And Mr. Christensen is going to describe that for you.
MR. DeSISTO: Okay.
MS. MAIN: I can certainly rephrase the

question, if that would be helpful.

MR. DeSISTO: I understand what you put on to this point.

MS. MAIN: Yes.

MR. DeSISTO: And I'm not speaking for the Council, it's a Council determination, but my understanding is that negotiations are still ongoing, so this may be premature.

MS. MAIN: Well, let me address that. Based on the work that Woods Hole has done, we have met with the Fishermen's Advisory Board and their representatives numerous times. As a result of that, Revolution Wind has made an offer on mitigation to the Fishermen's Advisory Board to consider. And since that initial offer was made, there has been considerable back and forth with Revolution Wind and the Fishermen's Advisory Board.

And what we intend to show through Mr. Christensen's testimony is the progress of those negotiations, the dollar amounts that have been put on, what those dollar amounts represent, and where we are today with that mitigation package. We have not come to -- and I'll conclude after I say this, and certainly representatives of

the advisory board are here -- we're not here before you tonight with an agreement with the Fishermen's Advisory Board to present. We have not been able to reach agreement.

MR. DeSISTO: Yet.

MS. MAIN: At this time, that's correct, Mr. DeSisto.

MR. DeSISTO: And negotiations haven't concluded.

MS. MAIN: Well, we would like to bring an end to negotiations. And I respect the fact that having adequate time to conduct negotiations is very important, and there's been considerable back and forth, but we do want to progress this project and bring it to a vote. And we can't do that until there's agreement on a mitigation number. So part of our presentation tonight is meant to lay out what we have done so far in mitigation.

MR. DeSISTO: Okay. I actually have a suggestion right now because I'm looking at the stenographer, and she's been going at it for over an hour and a half now. I'm wondering if she needs a break.

COURT REPORTER: I could use a break,

sure. Thank you.

(BREAK TAKEN)

CHAIRMAN COIA: We will reconvene. I'm going to refer to our Attorney DeSisto for a few comments.

MR. DeSISTO: Okay. Mitigation is definitely one of the issues that needs to be addressed on this, but negotiations are still ongoing on the matter. And it's appropriate, I think, at this time, to have the applicants make their argument on the granting of the special exception and the variance.

The issue of mitigation, I think it's something that if there is not to be an agreement on this, that staff would need to take a look and at least make a report out to the Council so an appropriate decision can be had. And, of course, we're hopeful that the negotiations, which I understand they're ongoing, will, in fact, be fruitful, and there will be an agreement on this.

Because we have a limited amount of time in this building, I think it's appropriate to have the applicants go forward on the main issues, and we'll save mitigation to the last. And if there is

no agreement, you can certainly make the presentation that you're going to, as well as the Fishermen's Advisory Board can make their pitch, too, and you can decide on that basis.

There's one final point. Staff did reference the Section 46-23-1 and the role of the General Assembly in approving matters of this nature. I understand that Ms. Main and Ms. Dieter would like to address that issue. I think it's appropriate to do that at this time.

MS. MAIN: Thank you very much, Attorney DeSisto. And let me say to the Council that we agree that mitigation discussions are ongoing. We think that we've made very good progress on the actual claims handling and trust side of it. And so tonight was not meant to jump over that in any way or to present like it was a fait accompli.

So I want to make that clear for the record. It was to talk about the progression and the fact that we have made, with some really helpful input from FAB members, good progress on the trust handling of claims. So I want to make that clear for the Council.

CHAIRMAN COIA: Thank you.

MS. MAIN: So we had, as we mentioned before, a request for a special exception and also a request married to that special exception that the Council also find that Revolution Wind has rebutted the presumption about the area the special exception involves.

I find this gets somewhat complicated, but let me try to boil it down. You heard during the November 1 hearing that the Revolution Wind export cables pass through approximately 10 percent of the recreational area, of particular concern, in Rhode Island Sound. And that recreational area, of particular concern, relates not to fishing but to things like sailboat racing, regattas, and so forth.

Under the OSAMP, development in an area of particular concern, which I'll now call an APC, is presumptively excluded, unless the applicant can rebut that presumption, overcome that presumption, jump over that presumption with evidence, which is what I am going to go through in a moment.

And CRMC has also suggested that another avenue for relief here is a special exception. I

think it could be looked at as a gray area as to whether you should get a special exception or rebut the presumption, and I don't want to have any legal issues arising from this.

So I ask that you find that we rebutted the presumption based on what I'm about to argue and that we also deserve the special exception so that there are no issues from a legal standpoint here. The good news is that the evidence that we've put in and that I'm going to briefly recap cover both, so it won't be a long argument.

So as to this recreational APC, I want to first address the criteria for a special exception, which you're probably familiar with under the Red Book. And under the Red Book, the Council may grant a special exception for an activity that would otherwise be prohibited if it can meet certain requirements. And those are compelling public purpose that benefits the public, including energy projects. Here we have a renewable energy project.

Another element is that it's either a water-dependent activity or a use that generates substantial economic gain to the state. You heard

from Kellen Ingalls' testimony about the substantial economic gain that Revolution Wind will make to the state with the investments and job creation that he put into the record.

Another element of a special exception is that it's an activity that provides access to the shore. Well, here that's really not relevant in any way. This is an offshore wind farm, and the onshore work will not prohibit any access to the shore, and Kellen showed you that shoreline route during his testimony.

Importantly, another element of a special exception is all reasonable steps have been taken to minimize environmental impacts or use conflicts. Ross Pearsall was here on November 1st and gave testimony about the fact that recreation in this area of an APC -- and it's focused on, again, sailboat races, regattas, and so forth -- will not be affected because those types of activities either are not occurring during that time of year or frankly, not even in the calendar year that Revolution Wind expects to be out there. Whether it's the Volvo Race, Newport to Bermuda, and so forth.

Also, as you heard through several of our witnesses, the construction schedule is such that by the time you get to that southern tip of Beavertail and out into the Sound, it's much later in the year, it's October, November. And Megan Eakin testified to that. So, again, there's not going to be a use conflict in this area.

And finally, with a special exception, there has to be no reasonable means of serving the purpose described. And here there isn't. The recreational APC goes across the east and west passage of Narragansett Bay. So there's no other route that could be taken to get the cables up, other than going through the east and west passage to get where the landing site is.

And importantly, the Council should not lose sight of, with all due respect, the fact that this cable route is indeed the cable route that's in the Council's proposed cable charter regulations. We're following that cable route. So that covers the special exception criteria, and as I just described, we can meet every one of them.

In addition, moving over to rebutting the presumption. Again, a somewhat awkward phrase.

And I'll try to set forth as clearly as I can what the regulations require.

Revolution Wind needs to demonstrate that there are no practical alternatives that are less damaging or that the proposed project will not result in a significant alteration to the values and resources of the APC.

As I explained above, you know, when I was talking about the special exception, we are not going to have any impact on the values of the resources of that recreational APC. And I'll also note that the OSAMP gives some latitude as well when it says that underwater cables may be installed within APCs. So the OSAMP recognizes that.

So based on the evidence that I put before you on November 1 with our witnesses and what I just described with the special exception, those same issues carry over to rebutting the presumption. Ross Pearsall's testimony about the lack of these major recreational boating activities not going on when we're constructing, the fact that construction in that area where the APC is located will be much later in the year. And so for those

reasons, those same reasons, we have satisfied the requirement to rebut the presumption about having development in that particular APC, and we ask that the Council grant both the special exception and find that Revolution Wind rebutted the presumption against being in that APC.

Thank you. And I have nothing further on that issue, unless there are any questions.

CHAIRMAN COIA: Any questions from the Council members?

MR. GOMEZ: Just --

CHAIRMAN COIA: Go ahead.

MR. GOMEZ: I'm not a lawyer so -- the difference between the special exception and you were talking about a rebutting presumption, what is a rebutting presumption? See, I'm showing my ignorance.

MS. MAIN: No, no, you're not. I find it's an awkward phrasing. So the way I would try to describe it is development in the areas of particular concern in the OSAMP are presumed not to support development for whatever reason. And there's several APCs, right?

There's APCs that deal in state waters

with glacial moraine. That's a totally different value proposition than what we're talking about with recreation, and there are others that deal with shipwrecks, for example. Again, different value proposition from the others. So they all have their importance to some degree.

But the OSAMP was, I think, carefully constructed to not say with APCs, oh, this is a no-go zone, stay out of it. But what CRMC wisely did was say, in certain circumstances, if you can bring the right information before you -- before us, we can let you be in it. So you're kind of rebutting it and saying, no, you can't throw me out, and I have good reason why you can't throw me out, and I'm going to prove it to you.

And so that's basically what I've done here, and what Christine, my partner, and I have done with our witnesses, is to say here's the evidence that shows we're not going to impact the values of that resource.

MR. GOMEZ: Okay.

MR. DeSISTO: In other words --

MR. GOMEZ: Test tomorrow.

MR. DeSISTO: -- with an APC, there's a

presumption there's an element there that is not good for the environment. They need to present evidence to say that's not the case.

MR. GOMEZ: Okay.

MS. MAIN: And as the Council wishes, we have two more arguments, one of which I will make, and then Christine will make the other.

CHAIRMAN COIA: Okay.

MS. MAIN: Would you like me to start the next one now?

CHAIRMAN COIA: Sure.

MS. MAIN: So the staff report speaks to one stipulation, and it's probably the only stipulation with which we have an issue. And that is going to the General Assembly for a submerged land lease. And we've looked at the CRMC enabling act on this issue. And while we certainly always respect the CRMC's position on its enabling act and the good work that the General Assembly does, we find that the enabling act, which my colleague is going to bring up on the monitor -- and can we expand that at all?

MS. SAVAGE: I don't think so, but hold on, let me try.

MS. MAIN: If not, I can read it. Yeah, here we go. So this top line that's highlighted in yellow -- and I'll read it because it's pretty short -- it says, the legislature, General Assembly, hereby declares that in light of the unique size, scope, and overall potential impact upon the environment of large-scale filling projects involving 25 acres or more, any lease of tidal lands or license to use those lands is subject to the approval, disapproval, or conditional approval by the direct enactment of the General Assembly.

So the General Assembly has taken to looking at projects of 25 acres or more and declaring that's important to the state. We're a small state. That's important. So we're going to need to enact or have special enactments for leases and so forth. But that provision is only triggered by filling.

At the bottom of this particular provision -- if you could scan down to that, Kat, and blow it up a little bit -- there's a definition of fill land, and it means portions of tidal land, meaning land subject to high and low tides and so forth, which have been rendered by the acts of man

to be no longer subject to tidal action. So that's akin to if you've got a piece of property on Allen's Avenue and you want to fill 25 acres or more so that you have more usable land, if you're going to bring that 25 acres or more out into the Providence River, General Assembly wants a say-so on that. That's an important element, right?

It seems as though the stipulation is focusing on that. What the stipulation I don't believe acknowledges, though -- if we could go back to the second, yellow highlighted -- is like with any law there's always exceptions, right? So in the second, yellow highlighted section -- and this is in our prehearing filing that we made on October 21st to CRMC. It says, with the exception of any and all projects to fill land of 25 acres or more. All right.

So that example I gave you in the Providence River, with the exceptions of those types, the General Assembly recognizes and declares that CRMC is delegated the sole and exclusive authority for the leasing of submerged and filled lands and giving licenses for the use of that land. So, again, we believe that that exception covers

our project.

Again, we respect CRMC's view of its own enabling work and the good work of the General Assembly, but I certainly did want to note this for the record on the CRMC stipulation, which, like I said, I believe that the project, otherwise, is in agreement with.

And, again, this argument is also within our prehearing filing, and I'm going to conclude on that note, unless there's any questions.

CHAIRMAN COIA: Any questions from Council members?

(NO RESPONSE)

CHAIRMAN COIA: Okay. There's none.

MS. MAIN: Okay. Thank you. And Christine will present the argument on the variance.

MS. DIETER: Thank you, Mr. Chair. So in addition to the special exception and finding on the rebuttable presumption, Revolution Wind is also requesting a variance from a limited section of the Ocean SAMP, and that section is 11.9.9. And what Section 11.9.9 requires is that the project collect two years of baseline biological assessments of

commercially and recreationally targeted fishing species before construction begins.

You heard the testimony of Kyle Cassidy last time that the project anticipates that the survey in state waters, the ventless trap survey that he described, will begin in about January of 2023, and you heard the testimony of Megan Eakin as well that the project expects cable installation to occur in October and November of 2024. And so what that means is that the project expects to collect about one-and-a-half to one-and-three-quarters years' worth of baseline data prior to construction, rather than the two years required by the Ocean SAMP.

But this request for a variance is really narrow. It's narrow because of the difference between what we expect to collect and the two years required, and it's also narrow because of the geographic area that we're talking about. This is a requirement of the Ocean SAMP which covers from the mouth of the Narragansett Bay out to the three nautical boundary of state and federal waters. This requirement is not in the Red Book and doesn't apply to the Narragansett Bay portion of the

project.

And you also heard Kyle testify that there is preexisting RIDEM survey data that provides a reasonable supplement to the Revolution data that will be collected, Revolution Wind data that will be collected. And that RIDEM survey has been going on for 16 years, and it's collected a wealth of data during that time.

It's important to note that the Ocean SAMP allows applicants to include existing survey program data in their baseline assessment. So it is appropriate under the OSAMP for Revolution Wind to incorporate that preexisting RIDEM data within the baseline assessment that the project intends to do.

What I'd like to do very quickly is run through the six requirements of a variance and just explain briefly how we've met each one of those. The first is that the project -- the proposed alteration conforms with the applicable goals and policies of the Coastal Resources Management program. And the Ocean SAMP considers underwater cables offshore development, and it also identifies the development of offshore renewable energy as

an important policy objective. So we are furthering both of those goals here. You heard Kellen Ingalls' testimony that the Revolution Wind project including these export cables will further these policy goals.

The second requirement is that the proposed alteration will not result in significant adverse environmental impacts or use conflicts. And you have before you the extensive Category B application that Revolution Wind has submitted that describes in detail the reasons why the export cable will not result in significant adverse impacts. And this is consistent with the conclusions within the staff report that there will not be significant adverse impacts.

I'll also note, as Robin did a minute ago, that the cable is located within the proposed cable corridor that the Council put forth in the proposed rulemaking. And just to add a little bit of color on that, in the testimony that you heard the other night, Gareth Ellis testified that there will be a target burial depth of four to six feet for the export cable; Megan Eakin discussed the time of year restrictions that will minimize adverse

impacts to certain species; and you also heard from Ross Pearsall, and Robin just summarized that the project is going to avoid impacts to recreational boating. And so as a result of all of these factors, the project will not result in significant adverse environmental impacts or use conflicts.

The third factor for granting the variance is that, due to the conditions of the site in question, the applicable standards may not be met. This factor is a little bit difficult to apply because we're not talking here about a site in the traditional sense, but bear with me as I try to take you through this.

Again, I want to point you to the testimony that Kyle gave last time, that Revolution Wind has partnered with RIDEM for this ventless trap survey in state waters, and it took time to develop that survey. As a result of this partnership between Revolution Wind and RIDEM, RIDEM engaged in extensive outreach with local fishermen to design the scope of the survey and its layout, and this work was critical to ensuring that the survey is appropriately targeted and that stakeholders have faith in the process. And the

project is incredibly appreciative of the efforts that RIDEM has undertaken on its behalf with respect to this survey. So that's one reason that we have this brief delay in getting started.

The other is there's supply chain issues beyond RIDEM's control that has delayed in getting some of the equipment, specifically some of the pots needed to conduct the survey. So these are the specific reasons relevant to this project as to why we have this brief delay in this instance.

The fourth factor is that the modification requested is the minimum variance to the applicable standard necessary. And really we are talking about a minimal variance here. As I said at the outset, we expect to collect one-and-a-half to one-and-three-quarters years' worth of data as compared with the two required. So, essentially, six out of eight seasons required. So this is very minimal.

And I want to emphasize again the wealth of preexisting data that we have from the RIDEM survey that's been going on since 2006. This survey uses the same methodology as Revolution Wind's survey, and in developing the

Revolution Wind survey, RIDEM itself pointed to this preexisting survey as a reasonable supplement to the proposed Revolution Wind survey.

I want to also highlight something Kyle talked about last time, which is that RIDEM conducted a power analysis of the proposed Revolution Wind survey, and that's essentially how many samples do you need to take in order to get a good survey result. And it's the case that even with this brief delay in getting the survey started, the number of samples that are going to be collected from the Revolution Wind survey significantly outpasses that minimum requirement. So even with this brief delay, there's still going to be more than sufficient sampling data to capture any population changes.

The fifth factor is that the requested variance is not due to any prior action of the applicant. And I've already touched on this. The brief delays are due to the good work of getting the survey up and running and scoped and the supply chain delays that were beyond anyone's control.

And then, finally, the sixth factor is that due to the conditions of the site in question,

the standard will cause the applicant undue hardship. And in this particular case, requiring Revolution Wind to complete the two full years of preconstruction sampling would cause an undue hardship.

And here I want to remind you of the testimony from Kellen Ingalls from night one. The project is on very tight schedules to meet the milestones established by the power purchase agreements. And if you recall of Gareth Ellis from the other night, the cable lay can't start and stop. It has to be a continuous process. So we can't start in one location, collect the data, and then keep going. It has to -- once it gets started, it goes. And so there's a risk here with the time of year restrictions that any delay could cause significant impacts because it would cause the project to miss its time of year construction windows.

And this hardship is particularly evident where we have such good preexisting data from the RIDEM survey dating back to 2006. Again, this characterizes the entire area of Narragansett Bay, the Rhode Island Sound, and so we have a really

good sense from that preexisting data of fish species distribution throughout this area. And as I said at the outset, the OSAMP allows the project to rely on and refer to that preexisting data in developing its baseline assessment.

And so for all those reasons, we do meet those six criteria for a variance, and I would, therefore, ask that the Council grant the project a variance with respect to Section 11.9.9 of the OSAMP.

CHAIRMAN COIA: Thank you. Any questions from the Council?

(NO RESPONSE)

CHAIRMAN COIA: Okay. I didn't see any.

MS. DIETER: Thank you.

CHAIRMAN COIA: Thank you. Anything else, Attorney Main, on the issue of the variance and the special exception?

MS. MAIN: I believe we've covered them. Thank you.

CHAIRMAN COIA: Okay. So what we are inclined to do, at this point, is to conclude the hearing for this evening. At the next hearing get a report back on mitigation. Hopefully, it will be

a favorable one. If not, allow you to -- jump in if I'm misspeaking -- allow you to progress with your mitigation arguments and then allow public FAB or anyone to be involved or anyone else that wishes to speak relative to that issue or any other issues that come before us as part of our decision on this matter. I'm asking Attorney DeSisto, did I miss anything?

MR. DeSISTO: No, that's correct. That would be the public hearing also, public comment also on the Category B application.

CHAIRMAN COIA: Okay.

MR. DeSISTO: And hopefully, the matter concludes at that time.

CHAIRMAN COIA: All right. Anything else to come before us?

(NO RESPONSE)

CHAIRMAN COIA: So I would entertain a motion to adjourn. Did you raise your hand?

MS. MAIN: Excuse me, yes. I'm sorry.

CHAIRMAN COIA: I saw it peripherally.

MS. MAIN: Good job. What would the date for that be? Would that be the next meeting in December?

MR. SLOAN: December 13th.

MR. WILLIS: December 13th is the next hearing date. We do have applications.

CHAIRMAN COIA: Yeah, that works. December 13th. It looks like December 13 will be the next date, from what I'm told. With that, I'd entertain a motion to adjourn.

MR. GOMEZ: So moved.

CHAIRMAN COIA: Is there a second?

MS. McGOVERN: Second.

CHAIRMAN COIA: Motion's made and seconded. Any discussion?

(NO RESPONSE)

CHAIRMAN COIA: Hearing none, all in favor say, "aye."

(WHEREUPON, A VOICE VOTE WAS TAKEN)

CHAIRMAN COIA: Anyone opposed?

(NO RESPONSE)

CHAIRMAN COIA: Motion carries.

(MOTION PASSED)

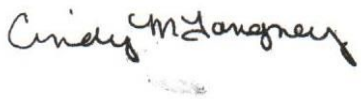
CHAIRMAN COIA: Thank you to everyone. Have a safe Thanksgiving.

(MEETING ADJOURNED AT 8:28 P.M.)

C E R T I F I C A T E

I, Cindy M. Tangney, a Commissioner in and for the State of Rhode Island, hereby certify that the foregoing pages are a true and accurate record of my stenographic notes that were reduced to print through computer-aided transcription.

In witness whereof, I hereunto set my hand this 28th day of November, 2022.



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CINDY M. TANGNEY, RMR

My Commission (RI) Expires on 06/30/2025