In The Matter Of:

Coastal Resources Management Council

Workshop - Perry Raso Application
March 8, 2021

Rebecca J. Forte
Certified Professional Court Reporters
33 Rollingwood Drive
Johnston, RI 02919
(401)474-8441

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
SUBCOMMITTEE HEARING

* * * * * * * * * * * * * * * * *
IN RE:
CRMC File No. 2017-12-086
In the matter of Perry Raso

WORKSHOP
* * * * * * * * * * * * * * * * *

                                    Date: March 8, 2021
                                    Time: 10:00 a.m.
                                           Place: Via Zoom
                                           Rhode Island

MEMBERS PRESENT
Jennifer Cervenka, Chair
Raymond C. Coia, Vice Chair
Donald T. Gomez
Patricia Reynolds

STAFF PRESENT
Anthony DeSisto, Esquire, Legal Counsel
Jeff Willis, Executive Director
James Boyd, Deputy Director
Lisa Turner, Secretary
Ryan Moore, Moderator
Ben Goetsch, Aquaculture Coordinator

              Rebecca J. Forte Court Reporting
            Certified Professional Court Reporters
                   33 Rollingwood Drive
                   Johnston, RI 02919
                     (401) 474-8441

1   MONDAY, MARCH 8, 2021

2   [COMMENCING AT 10:15 A.M.]

3   CHAIRWOMAN CERVENKA: Good morning, everyone.

4   It's Monday, March 8, 2021. This is a Subcommittee

5   meeting of the Rhode Island Coastal Resources Management

6   Council. We have been convened to hear the matter of

7   Perry Raso, 2017-12-086, for a three-acre aquaculture

8   lease in Segar Cove and Potter Pond. This is a workshop

9   for Subcommittee members to deliberate.

10   At the end of this, it's our job to render a

11   recommendation that we would then present to the full

12   Council at a subsequent meeting.

13   I'll first do a roll call of Subcommittee members.

14   Starting with myself, Jennifer Cervenka, Chair; Vice

15   Chair Ray Coia?

16   VICE CHAIRMAN COIA: Ray Coia is here.

17   CHAIRWOMAN CERVENKA: Don Gomez?

18   MR. GOMEZ: Don Gomez here.

19   CHAIRWOMAN CERVENKA: Patricia Reynolds?

20   MS. REYNOLDS: Patricia Reynolds here.

21   CHAIRWOMAN CERVENKA: South Kingstown

22   representative Vin Murray?

23   MR. MURRAY: Vin Murray is here.

24   CHAIRWOMAN CERVENKA: We also have staff. Our

1 executive director, Jeffrey Willis.

2   MR. WILLIS: Here, Madam Chair.

3   CHAIRWOMAN CERVENKA: Our deputy director, Jim

4 Boyd.

5   MR. BOYD: Here, Madam Chair.

6   CHAIRWOMAN CERVENKA: Our former aquaculture

7 coordinator, Dave Beutel.

8   MR. BEUTEL: I'm here.

9   CHAIRWOMAN CERVENKA: Ben Goetsch, our current

10 aquaculture coordinator?

11   MR. GOETSCH: Here, Madam Chair.

12   CHAIRWOMAN CERVENKA: Our chief legal counsel,

13 Tony DeSisto?

14   MR. DeSISTO: Yes, Madam Chair, I'm here.

15   CHAIRWOMAN CERVENKA: Lisa Turner our recording

16 secretary?

17   MS. TURNER: Here, Madam Chair.

18   CHAIRWOMAN CERVENKA: Ryan Moore our moderator?

19   MR. MOORE: Here, Madam Chair.

20   CHAIRWOMAN CERVENKA: And Lisa Reis our court

21 reporter?

22   COURT REPORTER: Here, Madam Chair.

23   CHAIRWOMAN CERVENKA: Before we start, I just

24 wanted to thank everyone who has been with us for the

1   last several months. We've had a very long process here,

2   and I want to thank the Applicant, the interveners, the

3   counsel that represented them, and all the members of the

4   public who came forward during the public comment period.

5   We've had a robust discussion of applicable

6   standards of relevant facts, and it's been very helpful

7   to me personally to hear what everyone had to say. I was

8   particularly happy about the public comment section. I

9   had asked people to keep their comments to five to ten

10   minutes and focus on their personal knowledge and use of

11   Segar Cove and Potter Pond. I think for the most part

12   everyone did that. It took a long time to get through

13   because there was a lot of people, but I thought people

14   were respectful of time and concise in their comments.

15   I want to thank Dave Beutel for coming out of his

16   retirement to be with us, and I appreciate that. And

17   then, you know, all the staff at CRMC that help put this

18   process together and keep the public informed.

19   So with that, I don't know if any Subcommittee

20   members want to say anything in addition to that before I

21   kind of outline the process for this morning, but I'll

22   give you opportunity if you do.

23   [NO RESPONSE]

24   CHAIRWOMAN CERVENKA: Okay. So, moving on.

 1   For this workshop I thought we would, or I propose that

 2   we do it in the following fashion.

 3   First, I wanted to review what we all believe are

 4   applicable policies, regulations, relevant ordinances,

 5   and want to make sure that we get the proper lay of the

 6   land of the legal standards that we're looking at. If

 7   anyone has questions, we can discuss those and maybe put

 8   them to our legal counsel.

 9   Second, I want to move into the testimony, evidence,

10   documents that were admitted to talk about what

11   Subcommittee members believe are relevant, if they want

12   to discuss it and, again, if they have questions. And

13   you know, some of the areas I thought that we would want

14   to talk about is, you know, what activity happens on

15   Segar Cove and at what level, how Segar Cove is unique,

16   how will activities be impacted, what is the layout of

17   the farm.

18   Fourth, I want to talk about how we applied those

19   facts to the legal standards. So that's when we'll be

20   talking about, you know, whether or not various burdens

21   have been met.

22   And then finally, I want to arrive at a motion that

23   would be a recommendation either to approve or deny the

24   application as presented.

1   So that's my proposal for how we move through this

2   workshop. Does anyone want to comment on that, have

3   questions on it? Have I missed anything that you would

4   want to discuss as far as topics?

5   [NO RESPONSE]

6   CHAIRWOMAN CERVENKA: Okay. So let's start

7   first with a review of what the applicable legal

8   standards are and relevant ordinances.

9   Everyone has had an opportunity to review the staff

10 report and then the post-hearing briefs that lay out all

11 the legal authorities. Everyone knows that our authority

12 does come from the Aquaculture Act, so that's Rhode

13 Island General Laws 20-10-1 and that gives us the

14 authority to approve aquaculture applications.

15   There's a couple of provisions in the declaration of

16 intent and public policy that have been highlighted that

17 I'll just read to you. Again, this is from 20-10-1 of

18 the Rhode Island General Laws:

19   "Whereas the process of aquaculture should only be

20 conducted within the waters of the state in a manner

21 consistent with the best public interest, with particular

22 consideration given to the effect of aquaculture on other

23 uses of the free and common fishery navigation and the

24 compatibility of aquaculture with the environment of the

1   waters of the state."

2   Also again quoting from this section:

3   "It is the public policy of this state to preserve

4   the waters of the state as free and common fishery. The

5   health, welfare, environment and general well being of

6   the people of the state require that the state restrict

7   the uses of its waters and the land thereunder for

8   aquaculture. And in the exercise of the police power,

9   the waters of the state and land thereunder are to be

10   regulated under this chapter."

11   There are a number of provisions in Chapter 20-10

12   that I'm not going to read to you. I'm just highlighting

13   certain portions. Does anyone want to talk about

14   anything in this chapter, what our authority is, the

15   provisions that I've just read?

16   MR. GOMEZ: Madam Chair?

17   CHAIRWOMAN CERVENKA: Yes, Mr. Gomez.

18   MR. GOMEZ: Going through the Red Book, I just

19   want to make sure -- I've been using the Red Book mostly,

20   not the Rhode Island statute that you just read. They

21   are pretty much -- the Red Book is very much compliant

22   with what you just read, is it not?

23   CHAIRWOMAN CERVENKA: Yes. That's my view. So

24   what I read to you is from declaration of intent and

1 public policy. That is the reasoning, I guess, behind

2 the authority given to the CRMC to award aquaculture

3 leases.

4 And so as I view it, and we can check with our legal

5 counsel, the regulatory standards that we need to review

6 in the Red Book are the expression of that intent and

7 public policy.

8 In other words, if you measure whether or not we're

9 meeting this best public interest, we go to the specifics

10 in the Red Book.

11 MR. DeSISTO: That's correct, Don.

12 Specifically, Section 20-10-3 gives the CRMC authority to

13 grant permits throughout aquaculture pursuant to the

14 regulations that are promulgated in the Red Book.

15 MR. GOMEZ: Thank you.

16 CHAIRWOMAN CERVENKA: Any other questions or

17 discussion about the statute?

18 [NO RESPONSE]

19 CHAIRWOMAN CERVENKA: So as a segway for

20 Mr. Gomez, under the Red Book we want to ensure that the

21 Applicant has met his burden on a number of factors. And

22 that's 1.3.1(a) of the Red Book, and that's Category B

23 requirements. And as you've seen in the post-hearing

24 briefs, these are iterated, but I will read them not in

1 full, but somewhat paraphrasing of this and we can have

2 discussion.

3   So under this section the requirements for

4 Category B assent are necessary data and information for

5 the purposes -- hold on.

6   "All persons applying for a Category B assent are

7 required to, one, demonstrate the need for the proposed

8 activity or alteration;

9   B, demonstrate that all applicable local zoning

10 ordinances, building codes, flood hazard standards and

11 all state -- fire codes and environmental requirements

12 have or will be met;

13   C, describe the boundaries of the coastal waters and

14 land areas that is anticipated to be effected;

15   D, demonstrate that the alteration or activity will

16 not result in significant impacts on erosion and/or

17 deposition processes along the shore and in tidal waters;

18   E, demonstrate that the alteration or activity will

19 not result in significant impacts on the abundance and

20 diversity of plant and animal life;

21   F, demonstrate that the alteration will not

22 unreasonably interfere with, impair, or significantly

23 impact existing public access to, or use of, tidal waters

24 and/or the shore.

1   G, demonstrate that the alteration will not result

2 in significant impacts to water circulation, flushing,

3 turbidity and sedimentation.

4   H, demonstrate that there will be no significant

5 deterioration in the quality of the water in the

6 immediate vicinity as defined by DEM.

7   I, demonstrate that the alteration or activity will

8 not result in significant impacts to areas of historic

9 and archaeological significance;

10   J, demonstrate that the alteration or activity will

11 not result in significant conflicts with water-dependent

12 uses and activities such as recreational boating,

13 fishing, swimming, navigation, and commerce;

14   And K, demonstrate that measures have been taken to

15 minimize any adverse scenic impact.

16   Any questions or discussion of these requirements

17 under the Red Book for Category B assents?

18   MS. REYNOLDS: Madam Chair, I do have a

19 question.

20   CHAIRWOMAN CERVENKA: Ms. Reynolds and then

21 Mr. Gomez.

22   MS. REYNOLDS: For all of those requirements,

23 do we need to make a positive finding, or can we do sort

24 of substantial compliance that it complies with most of

 1 those Category B requirements?

 2   CHAIRWOMAN CERVENKA: Mr. DeSisto?

 3   MR. DeSISTO: Well, I don't really see a

 4 distinction, Patricia. If you're going to make a

 5 positive finding, that means that you have to -- when you

 6 weigh it out there's more positive. For lack of a better

 7 way to explain, there are more positives than negatives.

 8 So to me --

 9   MS. REYNOLDS: So some of those things maybe we

10 feel are -- we can't make a positive finding on, but the

11 overall -- if we find overall that it's consistent, it's

12 okay? I am just trying to judge how compliant it needs

13 to be in order for us to recommend.

14   MR. DeSISTO: What you have to do is make --

15 you have to make positive findings of fact on all of

16 those factors that apply to this application.

17   MS. REYNOLDS: Okay.

18   MR. DeSISTO: In other words, if you don't --

19 if you can't make a positive finding of fact on one of

20 the factors, that's fatal to the application.

21   MS. REYNOLDS: Okay. Thank you. That's what I

22 needed to know.

23   MR. DeSISTO: Yes.

24   CHAIRWOMAN CERVENKA: Mr. Gomez?

1   MR. GOMEZ: Yeah, the last issue, the scenic

2   impact, I thought that was a category that CRMC really

3   didn't get involved in. And subjective, to get back,

4   it's extremely subjective. I look at the initial

5   winter -- call them ugly and in a month I think they're

6   fine. It changes with time, and I'm not sure what the

7   definition of a scenic impact is.

8   CHAIRWOMAN CERVENKA: Okay. I just wanted to

9   point out that all we need to find is that measures have

10   been taken to minimize it as opposed to saying we think

11   this is scenic or not because I agree with you, I think

12   that's highly subjective. So we just need to look at,

13   did the Applicant take certain measures to reduce the

14   overall appearance such as like low profile cages.

15   Mr. Murray?

16   MR. MURRAY: Yes. Observation, it seems that

17   the repetition of the word "significant" is significant

18   and that's the judgmental aspect. It's not that there be

19   no conflicts per say, but it's whether or not they are

20   significant or not. I guess that's -- well, I mean, it's

21   repeated in almost every one for the purpose I take it.

22   CHAIRWOMAN CERVENKA: Yeah, and if you're just

23   talking in general throughout these requirements that the

24   standard is that significant, that's the threshold for a

1 number. Yes, I agree.

2   MR. MURRAY: Okay.

3   MR. DeSISTO: My only final point on it, just

4 to follow up, is that some of these standards might not

5 apply. For instance, the historic and archaeological

6 significance. If there are no historic or archaeological

7 components to the application at hand, that's something

8 that you make a finding of fact on, that it's

9 inapplicable to this type of an application.

10   So I think that's one of the things you have to

11 determine also.

12   CHAIRWOMAN CERVENKA: Okay, thank you. Any

13 other comments, questions, about the Category B

14 requirements?

15   [NO RESPONSE]

16   CHAIRWOMAN CERVENKA: Okay. Another standard

17 which is also found in the aquaculture provisions in the

18 Red Book that there was much discussion on is this

19 so-called five percent rule. I just want to read to you

20 where it's presented in the Red Book. This is where I

21 need Jim Boyd --

22   MR. BOYD: Madam Chair, that's

23 Section 1.3.1(k)4F. It's under the --

24   CHAIRWOMAN CERVENKA: And there's another

1   provision, too, at 520. So I'm just going to read both

2   of those. And, thank you, I can always count on you to

3   get the specifics. This is 4(f).

4   "In the coastal salt ponds the area occupied by

5   commercial aquaculture shall not exceed five percent of

6   the total open water surface area of the coastal pond

7   below MLW."

8   So that's one place where it appears. Also it is at

9   subpart 520.

10   "The maximum area occupied by aquaculture leases in

11   the coastal salt ponds is five percent of the total open

12   water surface area of the salt pond below MLW. This

13   limit is established based upon the current knowledge of

14   ecological carrying capacity models."

15   So on this, I think everyone agrees that there is a

16   five percent rule, and there's some discussion about what

17   that rule represents. The section I just read, it says

18   that it's based upon ecological carrying capacity, and

19   there's been some suggestion that it might be beyond

20   that, social carrying capacity.

21   So I guess what I would like to do, I have a view of

22   it, but I'd like to ask Dave and Ben what that five

23   percent represents. Mr. Beutel?

24   MR. BEUTEL: The five percent rule was actually

 1   read for the overall amount of aquaculture for a coastal

 2   pond in mean low water. It was based on ecological

 3   carrying capacity knowledge at the time, and I think you

 4   all heard Dr. Byron and Dr. Rowe talk about how five

 5   percent is significantly below the ecological carrying

 6   capacity. So it is based on ecological knowledge, but

 7   the fact is that it has been used as a social carrying

 8   capacity. That has been how it has been applied.

 9   CHAIRWOMAN CERVENKA: Okay. Mr. Goetsch, do

10   you have anything to add to that?

11   MR. GOETSCH: Yeah, it is regularly referred to

12   as a social carrying capacity, but no where in the Red

13   Book is it referred to as -- in the very beginning of the

14   case, the chapter for aquaculture, 1A, it says CRMC --

15   the Council recognizes the possibility of setting

16   scientifically defensive limits on aquaculture leasing in

17   a particular water body. I believe that the five percent

18   rule complies under this policy statement and that it was

19   originally -- current knowledge shows that it might be

20   more like 40 percent; however, no intention to change the

21   five percent. I think because there's been at least a de

22   facto recognition that it is a social carrying capacity

23   which is something that hasn't been studied but I don't

24   think specifically defined five percent.

1   CHAIRWOMAN CERVENKA: As I'm understanding both

2   of you, it has been understood as a de facto social

3   carrying capacity, the five percent?

4   MR. GOETSCH: Yes. That was I think the result

5   of Dr. Byron's studies. Again, it's not mentioned or

6   referred to as a social carrying capacity in the Red

7   Book.

8   CHAIRWOMAN CERVENKA: Just to clarify, the five

9   percent represents a ceiling, so you can't have more than

10 five percent of a particular coastal pond that's occupied

11 by aquaculture leases; however, if you're below the five

12 percent, you could still be denied an aquaculture

13 application if you don't meet the Category B

14 requirements; is that correct?

15   MR. GOETSCH: That's correct, yes.

16   CHAIRWOMAN CERVENKA: Okay. Does anyone else

17 have questions about the five percent rule if you want to

18 discuss it?

19   MR. MURRAY: I wonder if the staff would opine

20 as to whether they view the five percent as a very

21 conservative limit to compare?

22   CHAIRWOMAN CERVENKA: A very conservative limit

23 to -- did you say ecological or social carrying capacity?

24 I didn't hear the question.

1   MR. MURRAY: Social carrying capacity is kind

2   of a more fussy term not agreed to or defined by probably

3   the people assembled here. I just wonder if the five

4   percent -- I guess it is an accommodation on a

5   conservative basis for aquaculture in an effort to

6   minimize conflicts with other uses of the coastal

7   recourses ponds.

8   MR. GOETSCH: The number was originally arrived

9   from using data from a New Zealand study from Bob Rowe

10 with the aquaculture working group. It did have a mutual

11 study of what level of aquaculture would not have an

12 effect on the ecology of the pond. Five percent was kind

13 of anyone's best guess at that time. There was a study

14 that was done after that, that determined that the

15 numbers were much higher. But the numbers of the working

16 group, which is a multi-state group, agreed that five

17 percent was a number that all parties could live with.

18   I would ask Dave Beutel to elaborate on this, as he

19 was I believe party to those conversations.

20   MR. BEUTEL: It is the working group on the

21 five percent rule based on the ecological knowledge at

22 the time. And as Mr. Goetsch just mentioned, subsequent

23 knowledge came in that the ecological carrying capacity

24 was significantly higher than five percent, but the

1   aquaculture working group agreed to continue to use the

2   five percent amount for regulation.

3   CHAIRWOMAN CERVENKA: Mr. Gomez?

4   MR. GOMEZ: I think I talk too much, but based

5   on the presenters' objections, which we heard many, it

6   would appear to me that the social recreational capacity,

7   which I don't know what that number should be, but has

8   certainly been exceeded and probably will get further

9   exceeded. And I just want to be able to, in my own mind,

10 separate the social carrying capacity versus the

11 aquaculture carrying capacity.

12   So when I look at this question, I'd like to look

13 exclusively at the five percent rule. Is that correct,

14 that we need to do something in between?

15   CHAIRWOMAN CERVENKA: You want to look at the

16 five percent rule only as it applies to ecological

17 carrying capacity?

18   MR. GOMEZ: Yes, yes.

19   CHAIRWOMAN CERVENKA: Yes.

20   MR. GOMEZ: Even given that it appears that the

21 recreational carrying capacity based on presentations of

22 objectors has probably exceeded a number of moorings, a

23 number of skiers go on and on and on. So there's a

24 conflict there which is evident because of the presenters

1   that objected, and the five percent rule to me applies to

2   the aquacultural permit within that pond. That's what I

3   would like to make my judgment on as opposed to the fact

4   that the other uses interfere with that capacity or

5   apparently interfere with that capacity, five percent.

6   I don't know. I mean, I just don't know. I tend to

7   favor the five percent rule because it's so conservative.

8   I think all the conditions are pretty much met relative

9   to the water quality, the carrying capacity of the oyster

10   farm, or the shellfish farm. It seems like a pretty good

11   spot. It's tucked in, it's more or less out of the way,

12   and then we have the town noting, in fact, the past I

13   guess ordinance stating high speed craft need to set back

14   from the shoreline which further reduced, in my mind, the

15   social recreational carrying capacity of that area

16   because of the setback.

17   So I've taken that into consideration also, but I'm

18   just trying to separate out the social carrying capacity,

19   the number of people that want to use that waterway

20   versus a small section of that being identified within

21   CRMC limits of the five percent rule. If any of that

22   makes sense.

23   CHAIRWOMAN CERVENKA: Yes. I understand where

24   you're going with that. For me, the way that I'll view

1   it on the five percent rule is that it represents

2   ecological carrying capacity. I think it's ambiguous as

3   to whether or not it represents social carrying capacity,

4   and so I'm going to try not to base my decision on five

5   percent as applied to social carrying capacity because it

6   seems somewhat arbitrary to me to just five percent

7   equals okay.

8   I'm going to focus on the very specific Category B

9   requirements, and I'm satisfied that we don't go over

10 five percent for the pond so that per our regulations, it

11 appears to satisfy the ecological portion.

12   MR. GOMEZ: That's what I'm in agreement with,

13 yes. Thank you.

14   CHAIRWOMAN CERVENKA: Okay, good. Anyone else

15 want to talk about the five percent rule or have

16 questions about it?

17   Mr. Boyd?

18   MR. BOYD: Madam Chair, just to the point of

19 discussion just now on the ecological carrying capacity,

20 if I may, the very first policy in the aquaculture

21 section 1.3.1(k)1A speaks to the fact that as any human

22 activity can have adverse environmental effects, the

23 Council recognizes the possibility of setting scientific

24 defensible limits on aquaculture leasing in any

1 particular water body.

2   The CRMC also recognizes that in the framework of

3 adaptive management protocols, research into the ecology

4 of coastal waters and our understanding of ecosystem

5 carrying capacities is constantly evolving and improving.

6   So that policy speaks essentially to the ecological

7 carrying capacity and in no way mentions the societal

8 carrying capacity here. And so the five percent rule is

9 entirely focused for purposes of the regulation on the

10 ecological carrying capacity.

11   CHAIRWOMAN CERVENKA: Okay. Thank you for that

12 clarification.

13   Anyone else, or are we done with this topic?

14   [NO RESPONSE]

15   CHAIRWOMAN CERVENKA: There has also been

16 identified and discussed with the expert testimony this

17 Section 4.8 of the South Kingstown Boats and Waterways

18 Ordinance. The ordinance itself is not a CRMP regulation

19 or requirement and it's been identified, I believe, to

20 demonstrate whether or not there's more or less conflict

21 with existing uses.

22   I'm going to read it and tell you how I view it, and

23 we can get counsel to weigh in on this.

24   "Section 4.8 which governs waterskiing, swimming and

1   personal watercraft, and then in parens jet skis et

2   cetera:

3   Subpart 1, no waterskiing will be allowed in the

4   narrows upper Point Judith Pond, Potter Pond channel or

5   in the designated areas of acreages or moorings. No

6   waterskier or his or her boat shall approach any

7   stationary or moving object closer than 200 feet except

8   as may be incidental to starting or finishing a run; nor

9   shall any waterskier ski within any designated channels."

10   So that has been discussed by both the Applicant and

11   the interveners. There's also Subpart 6 which has been

12   identified for context which is:

13   "No person shall operate a personal watercraft

14   within 200 feet of swimmers, divers, shore, or board

15   vessels except at headway speed."

16   So I just want to ask first, Mr. DeSisto, if it's

17   correct that this local ordinance is not binding upon

18   this Subcommittee, but it may be relevant in our

19   evaluation of conflicts or how the proposed farm fits

20   within the cove?

21   MR. DeSISTO: That's correct, yes. Not

22   binding, but certainly relevant to your discussion.

23   CHAIRWOMAN CERVENKA: Okay, thank you.

24   Anyone want to comment on this, have a question

 1   about it?

 2   [NO RESPONSE]

 3   CHAIRWOMAN CERVENKA: Okay. I believe that

 4   sets forth the general authorities that we are working

 5   within. Have I missed anything, Mr. DeSisto, or any

 6   Subcommittee members that you would like to add?

 7   MR. DeSISTO: No. I think that was an

 8   excellent summary to get the deliberations going.

 9   CHAIRWOMAN CERVENKA: Okay. Again, you know,

10   there's other provisions of the Red Book and of the

11   statute. I haven't read everything in its entirety, but

12   it's my opinion that these are the most relevant policies

13   and standards to focus on for our deliberations.

14   So we have before us two configurations. The

15   proposed farm came in as Configuration A, and then

16   through discussions with our aquaculture coordinator and

17   feedback from stakeholders, the Applicant agreed that

18   there could be this Configuration B that takes off some

19   of the western edge of I'll call it a rectangle, or an

20   initial rectangle, and then the Configuration B is now

21   what we have been referring to as a polygon.

22   The preference, as I understand it, from the staff

23   report is for Configuration B, but we still have those

24   two in front of us for discussion.

1   Mr. Beutel, is that correct?

2   MR. BEUTEL: That is correct, Madam Chair.

3   CHAIRWOMAN CERVENKA: Is there anything else

4   that you want to add on the Configuration B?

5   MR. BEUTEL: The only thing I can add is that a

6   rectangle from a farmer's point of view is easier to work

7   than a five-sided polygon.

8   CHAIRWOMAN CERVENKA: Okay, thank you. Let's

9   talk now about testimony, admitted documents that go to

10 the -- I'll just put out the first topic, what activity

11 occurs in Segar Cove or the pond as a whole. I want to

12 kind of get together what we believe, you know, according

13 to the preponderance of the evidence and what is that

14 activity that we're going to have to look at to determine

15 any conflicting uses.

16   Can I just ask, and I'll just start with you,

17 Mr. Murray being the South Kingstown representative, if

18 you want to comment upon what you viewed as the activity

19 either as to type or frequency or both?

20   MR. MURRAY: I think in general Potter Pond is

21 a more quietly used pond than others, other salt ponds

22 that are more readily accessible. There was a bit of

23 discussion about the rights-of-way providing access to

24 the pond, but I think those -- none of those

1 rights-of-way really have supportive parking, for

2 example, so the general public doesn't have as ready

3 access as people who live on the pond.

4   Water street, for example, there's been a dispute as

5 to whether that's a public access or not. I think the

6 people that live in Matunuck Point have rights to it, but

7 there was a big dust up last summer as a matter of fact

8 over that, that probably isn't resolved.

9   I've got probably almost 60 years association with

10 living in Matunuck. I grew up at Mary Carpenter's Beach.

11 My family still owns a house there. I lived in East

12 Matunuck for the last 25 years at this point and, you

13 know, I used the pond quite a bit. I've actually

14 waterskied in the pond, although not for several decades,

15 and it seems to me that that's the use characteristic of

16 the pond.

17   I think waterskiing is probably a smaller slice of

18 the pie than other uses that occur there, fishing,

19 shellfishing, kayaking, for example. So, you know, I

20 don't think the use characteristics are as dramatic as

21 some folks had said during the course of the hearings or

22 as limited as the Applicant's photographic record.

23 Probably somewhere betwixt and between. It's

24 weather-dependent, time of the year dependent, but I

1   think it's a fairly quiet pond if you compare it to

2   others in the state.

3   CHAIRWOMAN CERVENKA: Yeah, I -- I viewed the

4   Applicant's photographic record as limited. Obviously,

5   because it was a snapshot in time in a noon hour for a

6   period of time, and it's hard to draw conclusions about

7   whether or not there was activity at other times during

8   the day. So I think it has -- it's some evidence, but

9   it's on the more limited evidence side in my view.

10   I thought the collective testimony of those who live

11   on the cove and use the cove and the pond, in my view,

12   the preponderance of the evidence was that there is

13   regular activity on the pond and it's a variety of

14   different uses, the waterskiing and more passive

15   recreational uses of the kayaks and small craft and

16   paddle boarders and that type of thing.

17   I did come away with the understanding that there is

18   regular seasonal use, particularly in the summer, the

19   more higher regular use of that cove and that there's

20   certain patterns that have developed as far as the fast

21   lane and the slow lane where the recreational -- the more

22   passive recreational uses are going closer to the farm

23   area. The deep middle is, if you're going to have

24   waterskiing, that's where you'll see the waterskiers. So

1   that's what I got from kind of the collective testimony

2   on that.

3   Mr. Gomez, would you like to comment?

4   MR. GOMEZ: Yes. Again, the waterskiing seemed

5   to come up quite frequently. When I put that with the

6   relevant ordinance, it seemed to have minimal impact, and

7   at some point we were talking about maybe one more skier

8   could use the area.

9   The passive, if you will, kayaking and things like

10   that, there may be some impact. I toyed with the idea of

11   moving I think it was ten feet from mean low water or

12   something, the edge of the pond. There was testimony

13   that said transit lanes through the farm and the area

14   along the shore would accommodate the kayaks and things.

15   The one question maybe that we should discuss is,

16   there were several parties that thought the farm

17   restricted access to the cove because of its location in

18   a boat from the main body of the pond, and I'm not sure

19   if that's really true or not, but there were several

20   people that said, you know, trying to navigate especially

21   a sailboat, a small sailboat, into the pond might be

22   impacted by the farm.

23   I don't know if we want to get into it now or not,

24   but there might be some modifications. One of the

 1   restrictions on the pond is that you'll flag the corners.

 2   The deep water part of the pond is bottom shellfishing,

 3   and I'm not sure we need flags right to the edge of the

 4   bottom shellfishing. Maybe the flags could be back a

 5   little bit. So just some thoughts that maybe we can

 6   discuss later on that.

 7   So I don't see a major impact to the recreational

 8   use. I just -- people deal with kayaks and small canoes

 9   and things like that around the ponds around the farms on

10   a regular basis. The impact of the high speed

11   waterskiing, if one follows the ordinance in that

12   location, seems to be minimal. And that would be my

13   thoughts.

14   CHAIRWOMAN CERVENKA: Okay. Ms. Reynolds,

15   would you like to comment upon activity in the cove and

16   pond?

17   MS. REYNOLDS: You know, I'm happy to follow

18   Don because a lot of what he says I also agree with. For

19   me, there was obviously a lot of very heartfelt testimony

20   from lots of people who live near and use the pond. For

21   me, there's clearly no doubt that having the aquaculture

22   there impacts water-dependent uses or activities. Letter

23   B in the requirements.

24   But to me it's really the extent of that impact, how

1 significant that impact is. So with the farm there, to

2 me, it prohibits all recreation in that specific area.

3 It's not safe to swim. Paddling is probably not a good

4 idea. And clearly any kind of motorized sports is not

5 safe in that area, so it does preclude it. But because

6 of the setbacks for the zoning, for the town, that

7 limited area becomes even less significant to me. And

8 also the fact that there are very few opportunities in

9 that area to waterski anyway, also again, makes that a

10 bit less significant to me.

11   So I think there's a way for all of these rules to

12 be balanced on the pond, that the existence of the

13 aquaculture could stay, and that because of the limited

14 impact to all other water-dependent uses, they can

15 continue to occur on other areas of the pond.

16   So for me, I don't find the farm being there, the

17 proposed farm, to be a significant impact on recreation.

18   CHAIRWOMAN CERVENKA: Because it's been brought

19 up a couple times now -- well, maybe I should ask my

20 vice-chair if you want to comment first, and then I want

21 to talk about the buffers.

22   VICE CHAIRMAN COIA: I will, Madam Chair.

23 First thing, unrelated but related, when you made your

24 introduction, you thanked staff and everyone that

1 participated, is almost verbatim what I had. I just

2 wanted to add, I want to thank you as our Chair because

3 this was a difficult application and procedure, putting

4 everything together. I want to thank everyone that you

5 thanked, and I want to thank you as well for running the

6 meetings.

7   Now to the question at hand. Similar to you, when I

8 look at the evidence put forth by the Applicant, and I

9 had in quotation marks, and it was something you said,

10 it's a snapshot in time. So we look at a snapshot in

11 time as it relates to evidence put forth by the

12 Applicant.

13   What I needed to rely on was the local residents and

14 recreators who have more of an intimate knowledge of the

15 cove and its uses. You know, Vin has been there. He's

16 done things on the water. I didn't have that benefit so

17 I rely on the local residents and everything that they

18 said.

19   Staff report way back said the significance of the

20 effect is debatable. So that's the whole purpose of the

21 hearing, hearing both sides over here. Similar to what's

22 been said, I do feel that placement of that aqua farm

23 there creates an issue, and my concern is that placement

24 of the plan there will compress the water activity to the

1 center of the pond and create more of a safety issue.

2   So maybe unlike some of you, and I don't mean this

3 downplaying what you guys said, I find that there is a

4 safety issue and that's what is going to sway me. Maybe

5 I'm showing my hand here. As counsel has said, a

6 non-positive factual finding is fatal to the application.

7 And when I look at everything, I do feel, and I'm of the

8 opinion, that there is a significant impact on existing

9 public use, water use, recreational activity and that.

10   So while I apply all of the evidence, expert lay

11 testimony, all that to each and every criteria that you

12 succinctly delineated for us, and I think every one of

13 them is met except I do feel, and I hold the opinion,

14 that the evidence to me reflects that there is a

15 significant impact.

16   CHAIRWOMAN CERVENKA: Thank you, Mr. Coia. So

17 that's a good segway. Back to the buffers, because I've

18 heard a couple times now that the buffers already

19 significantly restrict what can be done in that area. I

20 want to make sure that we're all on the same page as to

21 what can be restricted in that the 200-foot buffer.

22   So the prohibition of the 200 feet relates to

23 waterskiing. So this is waterskiing only within the

24 200 feet if I'm reading this correctly -- well,

1   waterskier or his or her boat that is towing the water

2   skier. And I want to make sure, Mr. DeSisto, that that's

3   how you view that ordinance, that it relates to one of

4   the uses of the pond.

5   MR. DeSISTO: Right, yes.

6   CHAIRWOMAN CERVENKA: Okay. Then you have the

7   waterskier or his or her boat have to stay away from the

8   stationary or moving objects. So if you have the

9   200 feet, the farm occupies 200 feet out from the shore,

10   and then anything that is stationary within that farm you

11   would have to measure another 200 feet into the cove.

12   Is that correct?

13   MR. DeSISTO: Yes.

14   CHAIRWOMAN CERVENKA: Okay. And then it's also

15   been raised whether or not the 200 feet for the

16   waterskier, that buffer, actually measures from the shore

17   or measures or doesn't. Because another provision that I

18   read earlier, it actually identifies the shore, that a

19   200-foot buffer from the shore. Shore was not used in

20   this section, and so an argument has been made that there

21   is no restriction from the shore for the waterskiers.

22   So I guess the way that I would view that is that a

23   waterskier could be using what's the proposed farm area

24   as a buffer that it currently is available. I think I

1   understood the argument to be that.

2   So we should discuss that. What do we believe this

3   200-foot buffer restricts? Does it restrict waterskiing

4   from the shore? Does it restrict waterskiing from the

5   edge of the farm? Both? You know, I'd like to hear

6   discussion on that. Mr. Gomez?

7   MR. GOMEZ: Here I go again. In my mind I was

8   using that number from the shore. The 200 feet from a

9   stationary object I would expect would include things

10   like the moorings and if anybody has any lobster pots out

11   or anything like that. So in my own internal

12   deliberation I considered the 200 feet from the shore,

13   not the fixed asset such as a flag on the farm.

14   You brought up a good point. I'm not sure whether I

15   need to change my thinking and make it 200 feet from the

16   further most stationary object in the pond. An

17   additional 200 feet I guess would take it out another

18   maybe 500 feet from the shore or so, maybe more, which is

19   pretty restrictive.

20   But again, we go back to the separation of the five

21   percent rule and the recreational carrying capacity

22   which, you know, at some point we might have to admit

23   that the carrying capacity of that small area has been

24   exceeded. There's nothing we can do about that. People

 1   go and use the water.

 2   So I'm still listening to deliberation before I make

 3   a final decision, is I guess all I can say.

 4   CHAIRWOMAN CERVENKA: I mean, I think the way

 5   that I read this ordinance is that you could, without the

 6   farm being there, you could have a waterskier or a boat

 7   be in the proposed farm area if it's a start or a finish

 8   of a run because it says "except as may be incidental to

 9   starting or finishing a run."

10   So the way that I view it is, just assume that it

11   is 200 feet from shore, just assume that interpretation,

12   the boat and the waterskier can still be there if they

13   are getting ready, they are starting up the boat or

14   finishing the boat or, you know, they are finishing their

15   run and another waterskier comes in. They can be in that

16   area just to get out of the water type of thing.

17   So to me, that is clear that they can be in the

18   proposed farm area depending on what the activity is.

19   They can't be in there for full throttle potentially, but

20   at the beginning and the end.

21   Does anyone disagree with that?

22   [NO RESPONSE]

23   CHAIRWOMAN CERVENKA: Okay. Then this setback,

24   the 200 feet, is not -- let's assume that it's from

1   shore. It doesn't relate to other activities. Do we all

2   agree on that? This is waterskiing specific.

3   [NO RESPONSE]

4   CHAIRWOMAN CERVENKA: So the other activities

5   we've talked about with kayaking and paddle boarding and

6   sailing and whatever, something other than the

7   waterskiing, you can be within the 200 feet from shore,

8   assuming that's the interpretation.

9   Does anyone disagree with that?

10   [NO RESPONSE]

11   MR. DeSISTO: No, Madam Chair, and if I may,

12   that's the plain reading of the ordinance. I think it

13   applies to one activity, but not others.

14   CHAIRWOMAN CERVENKA: Okay. Then we also have

15   this Subpart 6:

16   "No person shall operate a personal watercraft

17   within 200 feet of swimmers, divers, shore or moored

18   vessels except at headway speed."

19   I think that's pretty clear that personal

20   watercraft -- I don't know if that's more than jet skis.

21   It's defined in the ordinance as "jet skis, et cetera."

22   So I know it applies to jet skis and they can't be within

23   200 feet of shore under this except if they are, I guess,

24   slowing down and just getting out of the way, out of the

1 fast lane.

2   Does that seem like a reading, Mr. DeSisto, that you

3 would support?

4   MR. DeSISTO: Yes. You know, I'm not going to

5 say I'm an expert on personal watercraft, but I don't

6 know what it encompasses other than the jet skis.

7   CHAIRWOMAN CERVENKA: Yes, okay. So,

8 Ms. Reynolds, I know you were talking about the buffer

9 before. In this discussion, does that change any of what

10 you were saying, or is that how you understood the

11 buffers to work? Again, this is my interpretations. I'm

12 happy to discuss anything.

13   MS. REYNOLDS: It does. I was thinking that it

14 was also from the shore as a stationary object, so it

15 does sort of open up the level of impact for -- a

16 different interpretation of those buffers does allow --

17 from the proposed farm.

18   I also, as part of this, too, I want to talk to

19 Ray's issue of safety. So what I think about that,

20 obviously safety is a really important component to just

21 any kind of law or ordinance. I'm thinking about the

22 Category B assent requirements where it mentions that it

23 needs to be D, where it talks about it's applicable to

24 all safety codes. But a lot of what we heard, and I know

1   that the people who live on the pond are recognized sort

2   of as experts in their area, so their testimony about

3   safety was really important and relevant. But did we

4   hear anything -- I'm trying to remember from anybody

5   about any, from a harbormaster kind of person if there's

6   somebody like that, that actually could testify to safety

7   issues? Because I do think it's important, but I'm not

8   sure how to weigh that in consideration of these assent

9   requirements.

10   CHAIRWOMAN CERVENKA: Yeah, I mean, that was

11   brief. The harbormaster did comment on it. I'm

12   paraphrasing. He said that he didn't view there to be

13   safety issues to weigh that against the Waterfront

14   Advisory Commission that said that there were.

15   In my view, it's not clear that there was an expert

16   specifically on safety. There were experts on both sides

17   that I think commented upon that, but just to answer your

18   specific question, the harbormaster did comment on that.

19   MS. REYNOLDS: Okay.

20   MR. GOMEZ: Madam Chair, I'm not talking as an

21   expert in this area, but I have taken a number of boating

22   course classes with the state with various grandchildren

23   and friends and things. The jet ski issue, in the State

24   of Rhode Island you cannot operate a jet ski without

1 getting a safety certification that you are qualified to

2 operate such. And the same is true with a speed motor

3 craft, skiing and things. So all of these people have to

4 have a safety -- have to have passed a course relative to

5 operation of those recreational platforms and safety with

6 them.

7   So, you know, the safety issue theoretically is

8 supposed to be engrained in the people and, you know,

9 running a jet ski through an oyster farm or something

10 like that or running it too fast along the shore and

11 things like that is kind of a prohibited activity from a

12 safety standpoint in accordance with the boating course

13 that's given by DEM.

14   CHAIRWOMAN CERVENKA: Okay, yeah, and I did

15 note that looking at the full ordinance that there were

16 such requirements for operation of motorboats and jet

17 skis. That's consistent with what I saw in the

18 ordinance.

19   Mr. Coia?

20   VICE CHAIRMAN COIA: Thank you, Madam Chair.

21 Talking about the delineation of the markers, the

22 200-foot buffer, my rationale and interpretation was that

23 it's 200 feet from the closest fixed object which would

24 be something that's in the field, the aquaculture field

1   or farm. And that's why I said that I think placing it

2   there compresses the activity more towards the middle.

3   You know, there's been some discussion about fishing

4   and kayaking through the farm, but my concern is more of

5   a high velocity physical moving, i.e., a person on skis

6   and/or the vessel pulling them.

7   I don't know about everyone else, but I learned some

8   physics of waterskiing during this whole hearing about

9   the arch of the curve that it makes, the boat can turn

10   this fast, and I'm going like that, people can see me,

11   but the skier does a much bigger tail. And because of

12   that, the driver and the skier has to be cognizant of the

13   area that they can operate within.

14   So, again, my concern is on the safety, especially

15   with the waterskiers because the velocity in which they

16   are moving versus a kayaker. Not to say that someone

17   can't get hurt kayaking if something happens, but my

18   safety concerns are more of the moving vehicles and the

19   moving person being pulled.

20   As I said, I think obviously prohibiting them, and

21   there's a prohibition, but also a commonsense prohibition

22   for them to waterski throughout an aquaculture farm.

23   You're putting them more toward the middle so that when

24   there are other skiers there, and there has been

1 testimony that there has been more than one at one time,

2 there is now more of a chance that they are in each

3 other's way.

4   So that's my rationale for that. So my

5 interpretation is that it's 200 feet from a marker or the

6 delineation point in the aquaculture farm.

7   CHAIRWOMAN CERVENKA: I do agree with you that

8 I think that's the way to read the buffer. It's a moving

9 or stationary object. So we know that the proposed farm

10 does take up 200 feet of the buffer and then it goes a

11 little bit beyond that. So 75 percent in the buffer,

12 25 percent -- I think I'm saying this correctly --

13 outside of the buffer the goal outside that 25 percent

14 can then measure from there to more feet into the cove.

15   There were some depictions of I think Mr. Whitney's

16 report of what that would look like and then, you know,

17 there were buffers around the farm 200 feet out. It also

18 looked at work boats being parked there. Those being

19 also stationary or moving objects that you would have to

20 measure 200 feet from. So that would be additional

21 bump-outs where those boats are parked.

22   So I agree with how you're viewing it. That's how I

23 viewed it. And I think with respect to the skiers,

24 there's been much to be on whether or not the elimination

1   of one of two or three skiers is significant. It's a

2   small number, right? But it also is -- if it's two, it

3   would be a 50 percent reduction in that activity that

4   will make -- one skier would be able to do the run at any

5   given time.

6   There was discussion about how people park and wait

7   so that they can get in a run after someone else is

8   finished. They've eliminated one from two being able to

9   do it simultaneously, and you also have those waiting.

10 So I think cumulatively, on any given day, if you have

11 eight hours of a day and then you have seven days a week

12 during the summer season, that could result in hundreds

13 of skiers not being able to ski in the cove even though

14 it's just one at any given time, but I think cumulatively

15 it's bigger impact.

16   I also think that the more passive recreational

17 users will get pushed more towards what's been referred

18 to as the meaty middle, outside of the farm, more in the

19 deep water area. They can go around the farm. We've had

20 testimony about that. There's going to be at its

21 narrowest .10 feet, so they could go around the farm near

22 the shore but, you know, would they? Or would they feel

23 uncomfortable with that? I don't know. I think

24 practically it will put more into the middle, and I don't

 1   think you'll have passive recreational users based on the

 2   testimony that I've heard going through the farm.

 3   You know, I guess you could navigate through the

 4   farm, but I haven't heard anyone in this proceeding

 5   indicate that they would be comfortable doing that

 6   because they could fall, or the wind would blow them, and

 7   they don't want to get caught in the lines.

 8   So I think the combination of bumping out the buffer

 9   zone, you know, assuming that that would be in effect at

10   the time the farm is constructed, and then shoving more

11   activities into the smaller condensed area does present a

12   significant impact. I can't see it any other way,

13   really, because of the condensing of the space and the

14   testimony about the deep water being at a premium, you

15   know, two areas of the pond, the northern basin and Segar

16   Cove. And so it's not like there's 97 percent more of

17   the pond to use for waterskiing. It's just two places.

18   And the northern basin is already crowded with skiers.

19   So I do think cumulatively there is an impact on

20   existing uses, that if constructed it would be

21   significant. I agree, I think it poses safety issues.

22   MR. GOMEZ: Madam Chair?

23   CHAIRWOMAN CERVENKA: Yes, Mr. Gomez.

24   MR. GOMEZ: You mentioned work boats. They are

1 there on a temporary basis. They probably could be

2 scheduled. The Applicant could probably schedule those

3 to be away from peak hours when people would be skiing,

4 but if you're going to do the hundred, 200 limit on the

5 flag that is set out in the scallop area, you could raft

6 the boats during the summer especially around the Fourth

7 of July weekend, Labor Day weekend. You've got anchored

8 boats that sometimes anchor for fishing or quahogging,

9 sailboats moving extremely slow or stopped. Even bass

10 fishing, as people have mentioned, it's great bass

11 fishing water. People normally drift for bass fishing.

12 Those are all stationary objects. Then you start putting

13 the 200 foot around them and then you shut down the whole

14 cove.

15   So I think we can carry this to extremes, again,

16 getting back to the fact that maybe the recreational use

17 has gone past its carrying capacity. That's why I

18 question the separation of the farm from the

19 recreational. I'm still there and still thinking, but

20 you made some good points.

21   Safety issue, when I went through all the material,

22 safety issue was the first thing I wrote down. I did

23 consider the 200 feet from the shore and the idea that

24 you lost one skier at a time. It seemed to be the math,

 1 that's the way the math worked. That did not seem

 2 significant to me, but I'm not a skier. I'm a fisherman.

 3 So those are my points.

 4   CHAIRWOMAN CERVENKA: Okay. Mr. Coia?

 5   VICE CHAIRMAN COIA: Just to follow up on that,

 6 I think what we need to take into consideration and focus

 7 on is that the existing use right now is the recreation.

 8 That's there. It's been there for a long time. So the

 9 Applicant is now looking to inject an aquaculture farm

10 into an area that already has an existing use.

11   I know Don said well, maybe the recreational use has

12 a maximum of --

13   MR. GOMEZ: Yeah.

14   VICE CHAIRMAN COIA: -- but to me you can't

15 take it away. We're not adding recreational use, we're

16 not putting more boaters there, we're not putting more

17 skiers there. We're trying to protect what's already

18 there. I think, again, I keep going back to the language

19 of our standard of review. Is there a significant

20 impact? And we have to look at, well, what's there, how

21 is the use currently, how has the use been for the last

22 50 years, however long, and then would the addition of

23 this farm have a significant impact? That's all I'm

24 looking at. I'm looking at what's already there and what

1   the evidence showed all the uses that everyone has been

2   doing for all the years. So I just wanted to follow up

3   on what Don had said.

4   CHAIRWOMAN CERVENKA: Okay. Thank you.

5   Mr. Murray or Ms. Reynolds, would you like to comment on

6   any of that?

7   MS. REYNOLDS: I'm thinking to ask you, we did

8   the review of the dumplings, and one of the things that

9   we should have talked about was a balance of uses there.

10   When you look at the proposed aquaculture and what

11   we've all agreed is a very conservative limit on

12   aquaculture in the total pond at five percent, and the

13   fact that the pond still falls below that five percent

14   with the addition of this new three-acre farm, does that

15   sort of talk to the balance of uses?

16   And when I think about the potential impact to the

17   recreation from the farm, so it's the towed water sports

18   is a subset of sort of the total recreation package, I

19   still -- I don't think that the limit on the waterskiing

20   or the tubing in that specific area is the significant

21   impact, but I do think danger to even one person being in

22   that area is significant.

23   So if we do interpret that buffer as being something

24   that needs to be extended for safety, that would

1012

1   definitely factor into how I start to think about the

2   safety issue. And that, for me, would sort of trump all

3   of the other things.

4   CHAIRWOMAN CERVENKA: You know, I just point

5   out that the ordinance, again, it's not a CRMC

6   requirement. We're not looking at this and checking off

7   the box and saying is it met or not. We are just looking

8   at it as assuming that it is enforced by the town, what

9   does it do as far as conflict with existing uses if the

10 farm goes in?

11   So I just want to make that clear. But I agree, you

12 know, that waterskiing is just one subset and there's

13 some debate as I'm hearing as to whether or not the

14 impact would be significant on waterskiing. But just

15 take into consideration that the other uses, they are not

16 going to be displaced entirely, but they will somewhat.

17 They can kind of hug the edges by the shore, or they go

18 on the other side near where there's the waterskiing.

19 They don't have that three acres unless they want to

20 navigate through the farm, and they likely won't do a lot

21 of that.

22   So all those uses are not going to be -- I think

23 someone described it in the testimony, they won't be in

24 the slow lane. They won't have that slow lane anymore,

1 and then the waterskier is the deeper water. So you have

2 the slow lane and the fast lane being put into one more

3 narrow space.

4   These town ordinances, the Waterways Ordinance, is,

5 you know, the 200 feet. That's a safety ordinance. So

6 presumably it's there for a reason, right, to keep people

7 away from each other. Again, the waterskiers have to

8 stay 200 feet away from others. Jet skiers have to stay

9 -- you know, there are so many things to maintain a

10 buffer on and then you're putting them in the same place.

11   So the overall activity that can occur in the

12 reduced water sheet becomes much smaller because if you

13 have waterskiing there, maybe you're not going to have

14 much of anything else unless those more passive

15 recreational users want to go along the more kind of

16 narrow edge of the shore.

17   MR. MURRAY: Madam Chair, I think Ms. Reynolds

18 raised some very good points about balance of use of the

19 public resource. Although, I would concur that the

20 safety issue is a thornier one, and even one injury would

21 be one too many. So it's kind of hard to get by.

22   I have a wonderment, a question in my mind, about

23 three acres is the max. Is that indeed the maximum size

24 of the lease that can be sought?

1   CHAIRWOMAN CERVENKA: Yes.

2   MR. MURRAY: Okay. Just a question. Would a

3 reduction in the size of the farm mitigate appropriately

4 the safety issues that have been raised? Although there

5 was no indication of any accidents per say, wasn't that

6 question asked during the course of the hearing and there

7 were no reports from DEM regarding people being hurt or

8 what have you? I just wonder.

9   CHAIRWOMAN CERVENKA: I mean, I think the

10 answer is kind of a lawyer's answer, but it depends. It

11 would depend on the resulting size, it would depend on

12 the configuration, the resulting configuration. I don't

13 know what you're proposing, but --

14   MR. MURRAY: I'm not proposing anything. It's

15 a question I have in my own mind because you look at the

16 two configurations, the rectangle or the polygon, and I

17 think the polygon was I guess an effort in some respects

18 to try to accommodate some of the concerns that had been

19 raised in the initial travel of the application.

20   I do think that ten feet to shore is too close in my

21 mind, but there's been a lot of life to this. I guess

22 there's good reason for that. I don't have a magic

23 answer to any of the questions that are lingering.

24   CHAIRWOMAN CERVENKA: Okay, understood.

1   Mr. Gomez?

2   MR. GOMEZ: I think we do need to remember that

3   half of this farm is submerged under water, no floats on

4   top with the exceptions of the mandated anchors at the

5   corners. So we're talking three acres, but the deep

6   water part of it is also -- I'm not sure if the

7   application restricts it to submerge for scallops, but I

8   think that would be one of the stipulations I think we

9   could put on a permit, that there would be no floating

10   bags out in the outer half, if you will, of the pond.

11   The ten feet, I had considered maybe eliminating one

12   row along there because I agree that ten feet is not a

13   very significant amount of space, especially even with a

14   kayak or something. And if you eliminated one row along

15   the shore, you'd get more distance. I do think that the

16   ten feet is for mean low water, which only occurs for a

17   small portion of the time. So, therefore, it is greater

18   than ten feet for the majority of the tidal cycles.

19   All of that comes into play so we start talking

20   about, you know, very small pieces of this puzzle, and

21   I'm not sure -- again, I'm really concerned about safety

22   myself. I don't like to see problems, but I spent my

23   whole life at Sakonnet Point going around traps and going

24   around lobster pots. Sometimes they are marked and

1   sometimes they are not. It is just something you have to

2   deal with and get used to.

3   I don't see a three-acre farm, half of which is

4   submerged, is a really big problem. But, again, I

5   understand the safety aspects. We're in a mindset that

6   even though these people have certified safety

7   certificates to operate doesn't mean that they follow

8   them. The Town has ordinances. I guess it doesn't mean

9   they follow them. So foolish people end up in a jamb

10   sometimes.

11   Again, those are just things going through my mind

12   to deliberate the final outcome.

13   CHAIRWOMAN CERVENKA: Yes, I mean, they either

14   won't follow them or they will follow them and it will

15   just eliminate a lot of activity. So they are either not

16   going to observe it and there will be a problem, or

17   everyone will observe it and then you can't do a bunch of

18   things you used to do on the cove, or somewhere in

19   between those two.

20   MR. GOMEZ: I think in between, yeah.

21   CHAIRWOMAN CERVENKA: Mr. Gomez, we can ask

22   Mr. Beutel, just on the submerged part of the proposed

23   farm, can you describe how deep that submerged and what

24   the infrastructure is in the submerged area? I guess

1 that's the scallop area with the suspended gear.

2   MR. BEUTEL: The proposed scallop gear was

3 suspended lantern nets. So that would require buoys on

4 the surface of the water to suspend those lantern nets.

5 It appears to me that there would be three to four feet

6 of water above the top of the lantern net.

7   CHAIRWOMAN CERVENKA: And how many buoys are

8 required for that?

9   MR. BEUTEL: It depends. Here is your lawyer's

10 answer. It depends. It depends on the weight of the

11 lantern net. So as the scallops grew, additional

12 flotation would have to be added. It may still be one

13 float per lantern net, but the size of the float would be

14 increased.

15   CHAIRWOMAN CERVENKA: Okay. But you wouldn't

16 be able to get rid of the buoys because you need that for

17 the scallop infrastructure to grow them. You can't get

18 rid of the buoys that support --

19   MR. BEUTEL: You have to be able to access the

20 lantern nets. You could put a buoy in the top of the

21 lantern net so that you didn't see it from the surface,

22 but then your ability to access it would be diminished.

23   CHAIRWOMAN CERVENKA: Okay. Mr. Gomez, does

24 that answer some of your question on the submerged

 1 | portion?

 2 | MR. GOMEZ: It makes it more complicated for

 3 | me.

 4 | CHAIRWOMAN CERVENKA: Yeah. Any other

 5 | questions about the infrastructure that would be required

 6 | for this farm?

 7 | [NO RESPONSE]

 8 | CHAIRWOMAN CERVENKA: Just to clarify,

 9 | Mr. Beutel, the outward edge or edges of this farm would

10 | have infrastructure on them, right?

11 | MR. BEUTEL: Correct. The corners, yes, the

12 | corners should be marked.

13 | CHAIRWOMAN CERVENKA: So it's a stationary or

14 | moving object, I guess, stationary object?

15 | MR. BEUTEL: It should be anchored. It

16 | shouldn't move except with the tide and wind, but the

17 | anchor part shouldn't. The float part will.

18 | CHAIRWOMAN CERVENKA: Okay. Is there anything

19 | else that we want to discuss just about Segar Cove, how

20 | it's shaped, how it's used, how it compares to other

21 | areas of the pond that is relevant to our discussion

22 | here?

23 | Do people believe that testimony was clear that the

24 | uses typically happen in the middle of the cove as

 1   opposed to where the mooring area is in the south or the

 2   very north where you have the docks? Does everyone view

 3   it that way? Mr. Murray?

 4   MR. MURRAY: Yes, generally speaking. I mean,

 5   the mooring areas are much shallower so the deeper

 6   portions in the cove, it's relative. It's based on the

 7   chart I have is five or six feet of depth, a more active

 8   area of the pond, of Segar Cove.

 9   CHAIRWOMAN CERVENKA: Anyone else want to

10   comment on the geography and features of the Segar Cove?

11   [NO RESPONSE]

12   CHAIRWOMAN CERVENKA: Before we go through the

13   Category B requirements, does anyone want to talk about

14   any other evidence that came in that would relate to any

15   of these requirements that we need to make a finding on?

16   MR. GOMEZ: Madam Chair, I just wrote down, I

17   had written down just two other areas that popped up a

18   lot. One was noise and the other was pollution. I think

19   we all agree that pollution is not a problem. The noise

20   impact, I didn't see it as a problem either. I'm not

21   sure we need to get into deep discussion on it. I just

22   present two more factors that came up during all the

23   presentations, noise and people indicating that there

24   would be pollution. That's the only reason I mention it.

1   CHAIRWOMAN CERVENKA: Yeah, and maybe we can

2   discuss this when we go through the Category B

3   requirements, but I agree with you that I don't think

4   that there's a pollution problem that's proposed that

5   would be caused by the proposed farm. And I think any

6   noise issues that could be caused by the farm can be

7   controlled through operational control.

8   I know the Applicant had proposed, you know, not

9   using tumblers or power washers and radios and having

10   restriction on hours. All those things, I think, would

11   eliminate some of the more odious aspects from a noise

12   perspective of a farm.

13   You know, I mean, depending on where I ended up, I

14   was going to propose also, you know, no tours that you

15   bring from the restaurant, that type of thing. So I

16   didn't see those as impediments.

17   MR. GOMEZ: Thank you.

18   MS. REYNOLDS: Madam Chair, I just wanted to

19   ask about that also. So I thought as part of the public

20   testimony there were some people that got up in favor of

21   the farming, the aquaculture. And one person actually,

22   he got up and said he preferred it because the amount of

23   noise and pollution from the boats and the water, the

24   existing motorboats there, he thought should have

1 outweighed the impacts of the farm.

2   When I look at the assent requirements, mostly it

3 talks in terms of potential negative effects of the farm.

4 But how do we factor in the evidence that we heard about

5 the fact that the farm actually cleans the water and

6 weigh that against extra pollution created by recreation?

7 Is there a balance between that or do we not consider

8 that?

9   CHAIRWOMAN CERVENKA: I mean, I think we can

10 consider what the existing pollution might be in the cove

11 and when we go through the Category B requirement about

12 impact from the farm, I think that can be considered at

13 that time. Does it help clean up the pond? And so if

14 there is boat activity, and it takes away some of the

15 pollution because they are filter feeding organisms, then

16 that goes into that factor. I think that's the answer.

17   Mr. DeSisto, does that sound right?

18   MR. DeSISTO: It does. It is definitely a

19 factor that can be considered on this, in the Category B.

20   CHAIRWOMAN CERVENKA: Okay. All right. So

21 let's go through the Category B requirements.

22   The first requirement is to demonstrate the need for

23 the proposed activity or alteration. What I'll do is go

24 around to everyone. I'll start with A and just get your

1022

1   feedback on that.

2   I do think that the Applicant has demonstrated a

3   need for this operation, that he's maxed out on his

4   existing lease and wants to grow the business. I think

5   that's a threshold that is, not as a low threshold, but

6   it's an easy thing to meet particularly where you have a

7   maxed out existing lease. And I think the policy behind

8   that is to ensure that it's not a speculative type

9   project.

10   I'll just ask anyone of the staff if you would

11   comment on that if I'm wrong on that, but that's how I

12   view it.

13   Anyone? Mr. Goetsch or Mr. Beutel?

14   MR. BEUTEL: I would agree with your assessment

15   that his current farm is maxed out. He had tried a

16   number of times to expand the current farm in its

17   location, but the rules about eelgrass have prevented

18   that location from being expanded; hence, his desire to

19   move into Segar Cove.

20   CHAIRWOMAN CERVENKA: Okay.

21   MR. BEUTEL: He has met that burden.

22   CHAIRWOMAN CERVENKA: Okay. Thank you,

23   Mr. Beutel, Mr. Coia, any further comment on need?

24   VICE CHAIRMAN COIA: Madam Chair, the way I

1   looked at it was, and I look at the notes I wrote down,

2   need versus want. Is it something that is needed by this

3   individual? Is it something that's needed by the public?

4   Is it something mainly what the Applicant wants?

5   I have absolutely no disagreement that he's maxed

6   out where he is, so then the question is, all right, does

7   he need it because he wants it? And does a need apply to

8   this particular parcel?

9   You know, a lot of times when we talk about need in

10 our standard of review, it's a property owner and they

11 want to do something on their property. Obviously, they

12 need it there because that's their property. They can't

13 walk somewhere else. So maybe unlike some other

14 individuals, I'm looking at it, that this is not his

15 property per say. He's looking to go put it there.

16   So, yes, he needs it to grow his business, but is it

17 needed to be there? That's part of my deliberation. You

18 know, it is a want versus a need, and who benefits from

19 the need? So that's where I was going with it.

20   CHAIRWOMAN CERVENKA: I agree that he wants it.

21 I mean, of course, he applied. I don't know if it sounds

22 like it's more subjective in your mind as to what need

23 is, and you don't know if it's related to the particular

24 farm.

1   Either Mr. Goetsch or Mr. Beutel, can you shed any

2   light on what we evaluate when we look at need?

3   Mr. Beutel, you already addressed it. Mr. Goetsch, do

4   you have anything further to add?

5   MR. GOETSCH: I don't think so. I think

6   Mr. Beutel's comments, if it wasn't for -- eelgrass the

7   Applicant would have applied for an expansion where it

8   is. Because of those restrictions, he needed to apply

9   elsewhere.

10   CHAIRWOMAN CERVENKA: Thank you. Mr. Murray?

11   MR. MURRAY: I would agree with the Chair's

12   perspective that he met the standard.

13   CHAIRWOMAN CERVENKA: Ms. Reynolds?

14   MS. REYNOLDS: I agree that he has met the

15   standard. I'm thinking about want versus need,

16   definitely. He's a business person, and he wants this.

17   But I think that overall, I'm looking at a bit more

18   globally. I think that we need to be able to produce

19   food, and we need to be able to provide jobs. So I think

20   it benefits not only Perry, but it also benefits us as a

21   community. So I think that he has met that standard of

22   need.

23   CHAIRWOMAN CERVENKA: Thank you. Mr. Gomez?

24   MR. GOMEZ: Yes, I agree with Ms. Reynolds.

1   Going back to the Red Book, we do promote aquaculture

2   quite extensively at CRMC. I think this is an extension

3   of that. I think the need has been met. I think he's

4   met the requirement for need.

5   The other issue is getting back to the idea of

6   balance. It appears if we deny this application, and the

7   idea of balance goes strictly to the people that want it

8   for recreation. So, yes, he has met the need.

9   CHAIRWOMAN CERVENKA: Okay. Moving on then to

10   1B: Demonstrate that all applicable local zoning

11   ordinances, building codes, flood hazards, standards, and

12   all safety codes, fire codes, environment requirements

13   have or will be met. Then it talks about local

14   approvals.

15   I don't think there is any issues here of applicable

16   -- there's local waterway ordinances. I don't think that

17   the proposed farm would be inconsistent with that. It

18   would just be subject to it.

19   Mr. DeSisto, is that a correct way to view it?

20   MR. DESISTO: It is, yes, because that

21   ordinance regulates actually another use other than this

22   one. And the ordinance couldn't regulate this use

23   because by state statute authority to regulate is

24   conferred on CRMC and not the local communities. This is

 1   what I was referring to earlier in this meeting. This

 2   standard goes to those codes that are more for upland

 3   uses as opposed to water uses.

 4   CHAIRWOMAN CERVENKA: Right, so it would be an

 5   inapplicable requirement.

 6   MR. DeSISTO: That's correct, yes.

 7   MR. GOETSCH: I would add it does mention

 8   1.3.1K, the amount of freshwater aquaculture conducted on

 9   land. You have this as a prerequisite for application to

10   CRMC, freshwater land based --

11   CHAIRWOMAN CERVENKA: Okay, and that's what

12   it's meant to address?

13   MR. GOETSCH: I believe so, yes.

14   CHAIRWOMAN CERVENKA: All right. I'm just

15   going to ask if all agree that this is not applicable to

16   this proposed farm. Mr. Gomez?

17   MR. GOMEZ: Yes, I agree.

18   CHAIRWOMAN CERVENKA: Ms. Reynolds?

19   MS. REYNOLDS: Yes, I agree.

20   CHAIRWOMAN CERVENKA: Mr. Murray?

21   MR. MURRAY: I agree.

22   CHAIRWOMAN CERVENKA: And Mr. Coia?

23   VICE CHAIRMAN COIA: Yes. Based upon the

24   evidence that I reviewed, I agree.

1   CHAIRWOMAN CERVENKA: All right. Moving on to

2   1C: Describe the boundaries of the coastal waters

3   and land area that is anticipated to be effected.

4   I believe that that requirement has been met through

5   the application materials and the testimony provided by

6   the Applicant and his experts.

7   Mr. Coia?

8   VICE CHAIRMAN COIA: I concur.

9   CHAIRWOMAN CERVENKA: Mr. Murray?

10   MR. MURRAY: I have a question. There are two

11 concepts. Are we talking about the polygon or the

12 rectangle?

13   CHAIRWOMAN CERVENKA: Yes, I guess we have to

14 be talking about both. I mean, the Applicant -- the

15 rectangle and then there was an alternative that was

16 developed with sten or the polygon, and both have been

17 depicted in our application materials.

18   MR. MURRAY: I agree. I understand the polygon

19 is preferred, so-called, by the Applicant at this point.

20   CHAIRWOMAN CERVENKA: I think the polygon is

21 preferred by staff. I don't know where the -- I thought

22 the Applicant preferred the rectangle but would be okay

23 with the polygon.

24   MR. MURRAY: Back in geometry class, I guess,

1 right?

2   CHAIRWOMAN CERVENKA: Right. Ms. Reynolds?

3   MS. REYNOLDS: Yes, I agree.

4   CHAIRWOMAN CERVENKA: Mr. Gomez?

5   MR. GOMEZ: Agree.

6   CHAIRWOMAN CERVENKA: Okay.

7   1D: Demonstrate that the alteration or activity

8 will not result in significant impacts on erosion and/or

9 deposition processes along the shore and in tidal waters.

10   I believe through the testimony provided by the

11 Applicant that they satisfied this. There's no issue

12 here, and in fact, I think it could actually help prevent

13 some erosion by breaking up the waves generated by

14 various activities on the water. So I think that this

15 was satisfied that there would be no significant impacts.

16   Mr. Gomez?

17   MR. GOMEZ: Agreed.

18   CHAIRWOMAN CERVENKA: Ms. Reynolds?

19   MS. REYNOLDS: Agreed. The Applicant has met

20 that requirement.

21   CHAIRWOMAN CERVENKA: Mr. Murray?

22   MR. MURRAY: Agreed.

23   CHAIRWOMAN CERVENKA: Mr. Coia?

24   VICE CHAIRMAN COIA: I agree. The Applicant

1 has met that burden, and I don't recall or have

2 recollection of any contradictory evidence by any of the

3 objectors that would persuade that.

4   CHAIRWOMAN CERVENKA: Thank you.

5   1E: Demonstrate that the alteration or activity

6 will not result in significant impacts on the abundance

7 and diversity of plant and animal life.

8   As I recall, DEM indicated that there would not --

9 that the impact here would be minimal. There was also

10 the Fisheries Council that was split. Some said, I

11 believe, that there would be an impact and some that did

12 not. Cumulatively, and in addition combined with the

13 testimony of the Applicant, I don't believe that if there

14 is an impact that it would rise to the level of

15 significant, is my view, and that this criterion has been

16 satisfied.

17   Mr. Coia?

18   VICE CHAIRMAN COIA: Madam Chair, I believe

19 that the evidence submitted by the Applicant would

20 support that he has met that criteria.

21   CHAIRWOMAN CERVENKA: Mr. Murray?

22   MR. MURRAY: I would agree as well.

23   CHAIRWOMAN CERVENKA: Ms. Reynolds?

24   MS. REYNOLDS: I would agree as well.

1   CHAIRWOMAN CERVENKA: And Mr. Gomez?

2   MR. GOMEZ: I agree.

3   CHAIRWOMAN CERVENKA: Okay.

4   1F: Demonstrate that the alteration will not

5 unreasonably interfere with, impair, or significantly

6 impact existing public access to, or use of, tidal waters

7 and/or the shore.

8   I want to have a little bit of discussion on this

9 because it appears that it's twofold. It talks about

10 significant impact on existing public access, and then it

11 talks about significant impact to existing use which is

12 kind of like J, that it has us evaluate whether or not

13 there's significant conflicts with water-dependent uses.

14   So I see it as a little bit redundant of another

15 criterion, but it does have this additional I guess

16 evaluation of whether or not it's impacting public access

17 to the tidal waters or shore. I'm just going to speak to

18 the public access part of it, and then I'm going to

19 combine the use of the impact on use when we talk about

20 the conflicts criterion.

21   So for public access to the tidal waters or to the

22 shore, I do -- there are public access points. They are

23 not in the area of the proposed farm, so that's not

24 impacted. It does restrict some of the access in the

1 area where the farm hugs the shore, but it doesn't

2 entirely impede it. So in my view, based on that, I

3 don't think that there's a significant impact on public

4 access.

5   Mr. Gomez?

6   MR. GOMEZ: I agree with that. I think the

7 word "unreasonably," you know, it states that it in fact

8 is reasonable. I would agree, it does not present

9 detriment to the public access.

10   CHAIRWOMAN CERVENKA: Okay. Thank you.

11 Ms. Reynolds?

12   MS. REYNOLDS: I agree that it does not

13 significantly impact public access.

14   CHAIRWOMAN CERVENKA: Mr. Murray?

15   MS. REYNOLDS: Unreasonably.

16   CHAIRWOMAN CERVENKA: Sorry. Thank you.

17   MS. REYNOLDS: Sorry.

18   CHAIRWOMAN CERVENKA: Mr. Murray?

19   MR. MURRAY: I would concur that it doesn't

20 reasonably interfere with access to the shore, although,

21 I had noted earlier I think I guess the eastern side of

22 the proposal.

23   CHAIRWOMAN CERVENKA: Yeah, I agree it makes it

24 a little more difficult in that area, but overall not

 1 unreasonable in my view.

 2   Mr. Coia?

 3   VICE CHAIRMAN COIA: I would be of the opinion

 4 that there is an impact, but I do not believe it to be a

 5 significant impact.

 6   CHAIRWOMAN CERVENKA: All right.

 7   "1G: Demonstrate that the alteration will not

 8 result in significant impacts to water circulation,

 9 flushing, turbidity and sedimentation."

10   Based on the expert testimony that I heard, I

11 believe that this burden has been satisfied that there

12 will not be a significant -- there would not be a

13 significant impact proposed by the proposed farm to water

14 circulation, flushing, turbidity and sedimentation.

15   Mr. Coia?

16   VICE CHAIRMAN COIA: Madam Chair, I agree. I

17 don't think there's any evidence put forth that would be

18 contradictory to that.

19   CHAIRWOMAN CERVENKA: Mr. Murray?

20   MR. MURRAY: I would agree as well.

21   CHAIRWOMAN CERVENKA: Ms. Reynolds?

22   MS. REYNOLDS: I'm in agreement as well.

23   CHAIRWOMAN CERVENKA: Mr. Gomez?

24   MR. GOMEZ: Yes, I agree.

1   CHAIRWOMAN CERVENKA: "1H: Demonstrate that

2   there will be no significant deterioration in the quality

3   of the water in the immediate vicinity as defined by

4   DEM."

5   Again, I think there was a lot of testimony put

6   forward that the proposed farm would actually have the

7   effect of improving the water quality. I think it's even

8   stated in the Red Book. It says in K-1-A, "The CRMC

9   recognizes that responsible shellfish aquaculture has a

10 net positive effect on the environment."

11   There's been some determination already by the

12 agency that aquaculture improves the water body, and this

13 particular proposal I don't think is any different. I

14 think it's consistent with that general finding and based

15 on the evidence submitted.

16   Mr. Gomez?

17   MR. GOMEZ: I agree, no significant degradation

18 to the water quality.

19   CHAIRWOMAN CERVENKA: Ms. Reynolds?

20   MS. REYNOLDS: I agree that there's been

21 adequate science on the fact that aquaculture positively

22 impacts water quality, and that it could also potentially

23 positively have an impact on the diversity of plant and

24 animal life.

1   CHAIRWOMAN CERVENKA: Yes, that's true. Got

2   that, too.

3   Mr. Murray?

4   MR. MURRAY: I would concur with that point of

5   view.

6   CHAIRWOMAN CERVENKA: And Mr. Coia?

7   VICE CHAIRMAN COIA: Madam Chair, I would

8   concur and state that I believe the evidence put forth by

9   the Applicant supports that and reflects that he meets

10   that criteria, and that there was nothing put forth by

11   any objectors to contradict that.

12   CHAIRWOMAN CERVENKA: Mr. Beutel, just a

13   question for you on this point because this criterion

14   does talk about as defined by DEM. I know that there's a

15   letter from DEM that says minimal impacts. I don't know

16   if it goes to quality of water or, you know, diversity or

17   abundance of plant and animal life.

18   Could you comment on that?

19   MR. BEUTEL: Yes, I can. There's a letter from

20   the DEM Office of Water Resources that comments on the

21   water quality, and that letter says that the water

22   quality will not be negatively impacted.

23   CHAIRWOMAN CERVENKA: And what exhibit is that?

24   MR. BEUTEL: I don't remember. It's in the

 1   packet.

 2   CHAIRWOMAN CERVENKA: Okay. You read it and

 3   were satisfied that that was as defined by DEM for

 4   purposes of this criterion?

 5   MR. BEUTEL: Yes.

 6   CHAIRWOMAN CERVENKA: Thank you.

 7   Does anyone disagree with that as explained by

 8   Mr. Beutel?

 9   [NO RESPONSE]

10   CHAIRWOMAN CERVENKA: Hearing none, onto next.

11   "1-I: Demonstrate that the alteration or activity

12   will not result in significant impacts to areas of

13   historic and archaeological significance."

14   There is a letter in the staff report that is from

15   the Rhode Island -- I forget the acronym -- but the

16   historic commission, I'll just shorten it, that

17   essentially speaks to this point that there's no historic

18   or archeological significance with the area in which the

19   proposed farm would go. So based on that, I would say

20   that this is satisfied.

21   Mr. Coia?

22   VICE CHAIRMAN COIA: I concur.

23   CHAIRWOMAN CERVENKA: Mr. Murray?

24   MR. MURRAY: I would agree.

 1   CHAIRWOMAN CERVENKA: Ms. Reynolds?

 2   MS. REYNOLDS: I would agree that the letter

 3   from Rhode Island Historic Preservation and Heritage

 4   Commission indicates that there is no negative effect on

 5   the historic resources.

 6   CHAIRWOMAN CERVENKA: Thank you. And

 7   Mr. Gomez?

 8   MR. GOMEZ: I concur.

 9   CHAIRWOMAN CERVENKA: All right. "1-J:

10   Demonstrate that the alteration or activity will not

11   result in significant conflicts with water-dependent uses

12   and activities such as recreational boating, fishing,

13   navigation, and commerce."

14   This is the burden that the Applicant has that we've

15   all been talking about previously, you know, what are the

16   existing uses, how will the proposed farm affect the

17   uses. And as I've stated, I believe that there will be

18   significant conflicts with existing water-dependent uses

19   for everything that I explained earlier. I don't believe

20   that the Applicant is able to satisfy this burden because

21   of a combination of the town buffers, 200-foot buffers,

22   which get measured from either the shore and/or the

23   stationary or moving objects and condenses a multitude of

24   activities in the center of the cove and presents, in my

1 | view, unreasonable and too significant conflicts.

2 | Mr. Coia?

3 | VICE CHAIRMAN COIA: Madam Chair, I would like

4 | to incorporate all of my prior comments so I don't

5 | reiterate them in this, but I am truly of the opinion

6 | that I do believe there is a significant impact. It

7 | pushes everything towards the middle. And to me, that's

8 | where a safety concern arises.

9 | So this one is the one so far where I feel the

10 | Applicant has not met his burden in our requisite

11 | criteria.

12 | CHAIRWOMAN CERVENKA: Thank you. Mr. Murray?

13 | MR. MURRAY: I guess this is the thorniest of

14 | the criteria, and it's kind of a gray thing -- I mean,

15 | the safety issue that's been discussed this morning, or

16 | the potential safety issues, I think perhaps rise to the

17 | level of significance, or could rise to the level of the

18 | significance.

19 | So I guess, somewhat reluctantly, I would agree with

20 | the position of the Chair and the Vice Chair.

21 | CHAIRWOMAN CERVENKA: Do you want to have

22 | further discussion on it?

23 | MR. MURRAY: Well, it seems like at least

24 | 40 percent of the die is cast, so to speak, and the

1 position is taken. So I'm not sure if discussion would

2 lead to clarity. It's a potential issue, and safety is

3 an overriding concern with any regulatory consideration

4 for permitting or zoning or land use or water use or what

5 have you. I guess it's an issue.

6   CHAIRWOMAN CERVENKA: Okay. Thank you.

7 Ms. Reynolds?

8   MS. REYNOLDS: So I agree with Vin. This is,

9 you know, where the rubber sort of hits the road, and I

10 think -- I don't think based on the evidence presented

11 that there's a significant impact, but I do think that

12 safety, the safety issue is tantamount.

13   I do have a question about the interpretation of the

14 zoning ordinance. Is that how the zoning official for

15 South Kingstown interprets that boundary, that it's from

16 the farm, do we know that? Or does the zoning official

17 interpret it from the shore?

18   CHAIRWOMAN CERVENKA: Ms. Reynolds, I'll let

19 Mr. DeSisto speak to it, but I don't think we have that

20 interpretation that's before us. I think that the

21 language is clear. Let me just read it one more time.

22 This relates to waterskiing. "No waterskier or his or

23 her boat shall approach any stationary or moving object

24 closer than 200 feet except as may be incidental to

1 starting or fishing a run."

2   So I think we heard that at least the buoys that

3 mark the edges are stationary. So I don't know if the

4 zoning officer would take a different interpretation, but

5 I view the buoys as stationary and the infrastructure and

6 the farm as stationary. Mr. DeSisto?

7   MR. DeSISTO: I agree with that. There's no

8 opinion, at least I didn't see, from the zoning official

9 on the interpretation of the ordinance or any official

10 from South Kingstown. However, I do think the ordinance

11 is clear and the fixed object would be the buoy, and you

12 have to measure it from that 200 feet. I don't see how

13 any official of the Town of South Kingstown would

14 interpret that differently.

15   MS. REYNOLDS: Then I think that that standard

16 is not -- because of the safety issue and the fact that

17 it would then compress the existing uses into too small

18 of a combined area of the water sheet.

19   CHAIRWOMAN CERVENKA: Ms. Reynolds, you were

20 saying something and then you went mute and came back so

21 we didn't hear exactly what you said.

22   MS. REYNOLDS: So I would agree that it doesn't

23 meet that standard, that part of the standard, because

24 the compression of the water -- I am sorry, my phone

1   keeps ringing, I turned it off -- that the safety issue,

2   the fact that it would be interpreted so that it would

3   compress the area of the water sheet will lead to a

4   non-satisfactory condition for safety.

5   CHAIRWOMAN CERVENKA: Thank you, Ms. Reynolds.

6   Mr. Gomez?

7   MR. GOMEZ: As I said several times, I guess,

8   I'm really in favor of a balance. I think the Applicant

9   really has no other options within the pond from what

10   I've seen. The other area where there's some deep water

11   is more heavily used than this one. We are still talking

12   about one skier, but I had based my initial thoughts on a

13   200 foot from the shore.

14   I guess I have to agree with all the other members

15   of the Subcommittee that due to the South Kingstown

16   ordinance, there is a significant impact to the conflict

17   with other uses, and my rationale is strictly because of

18   the ordinance. We have to, I guess, forego balance in

19   this particular pond. Thank you.

20   CHAIRWOMAN CERVENKA: Thank you, Mr. Gomez.

21   Finally, "1-K: Demonstrate that measures have been taken

22   to minimize any adverse scenic impact."

23   So as we've discussed previously a little bit, I

24   believe that measures have been taken by this Applicant

1   that would have the effect of minimizing the adverse

2   scenic impact with its low profile cages, in particular,

3   and a portion of the farm being submerged except for

4   buoys. So I think that he's done what he could do to

5   minimize those impacts.

6   Mr. Coia?

7   VICE CHAIRMAN COIA: Madam Chair, I believe

8   that the Applicant has put forth sufficient evidence to

9   support a finding that he has met that criteria.

10   CHAIRWOMAN CERVENKA: Thank you. Mr. Murray?

11   MR. MURRAY: I believe this criteria has been

12   met.

13   CHAIRWOMAN CERVENKA: Ms. Reynolds?

14   MS. REYNOLDS: I agree that the Applicant has

15   met this criteria.

16   CHAIRWOMAN CERVENKA: And Mr. Gomez?

17   MR. GOMEZ: The Applicant has met this

18   criteria.

19   CHAIRWOMAN CERVENKA: All right. We've gone

20   through all the Category B requirements, and I will ask

21   Mr. DeSisto, do we need to make a finding on the five

22   percent rule?

23   MR. DeSISTO: I'd appreciate it if you did.

24   CHAIRWOMAN CERVENKA: Okay. All right, so as

1 we've discussed earlier, there is a rule that the

2 aquaculture in any coastal pond cannot exceed five

3 percent of the total open water surface area below MLW.

4 Based on the staff report and all the evidence, this

5 criterion has been satisfied in my mind.

6   Mr. Gomez?

7   MR. GOMEZ: I concur that the Applicant is

8 within the five percent rule.

9   CHAIRWOMAN CERVENKA: Ms. Reynolds?

10   MS. REYNOLDS: I agree. The Applicant is

11 within the five percent ecological carrying capacity.

12   CHAIRWOMAN CERVENKA: Mr. Murray?

13   MR. MURRAY: I would agree as well. It's below

14 the five percent capacity.

15   CHAIRWOMAN CERVENKA: And Mr. Coia?

16   VICE CHAIRMAN COIA: Madam Chair, I believe the

17 evidence submitted supports that the Applicant is in the

18 five percent.

19   CHAIRWOMAN CERVENKA: Thank you. Mr. DeSisto,

20 are there any other standards that we need to review that

21 I have not articulated and gone through with the

22 Subcommittee members?

23   MR. DeSISTO: No.

24   CHAIRWOMAN CERVENKA: Okay. I think at this

1   point we're ready for a recommendation, a motion on a

2   recommendation to the full Council that will be delivered

3   at a subsequent Council meeting.

4   Mr. Willis, do we know when that will be?

5   MR. WILLIS: We will need the written

6   recommendation of the Subcommittee prior to scheduling

7   it, but at this point it's probably April at the

8   earliest.

9   CHAIRWOMAN CERVENKA: Okay, thank you. So I

10   will entertain a motion.

11   Mr. Coia?

12   VICE CHAIRMAN COIA: Thank you, Madam Chair.

13   Based upon all the evidence presented on both sides, by

14   the Applicant and the objectors, and applying all of that

15   evidence, expert testimony, lay testimony, demonstrative

16   evidence, scientific evidence, to our requisite criteria

17   as we just enumerated, going criteria by criteria, I

18   believe that the evidence finds and supports a finding of

19   a significant impact on the water use, existing water

20   use, recreational use, to incorporate the exact language

21   in my motion, and as such, I believe that because of this

22   finding that there is a significant impact and that the

23   Applicant did not meet that criteria. It is fatal to the

24   application, and I would move to make a recommendation to

1   the full Council that because of that, the application

2   not be approved and be denied.

3   CHAIRWOMAN CERVENKA: Thank you. Is there a

4   second? I'll second the motion. Any further discussions

5   before I do a roll call?

6   [NO RESPONSE]

7   CHAIRWOMAN CERVENKA: Okay. Mr. Coia?

8   VICE CHAIRMAN COIA: I vote aye on the motion.

9   CHAIRWOMAN CERVENKA: Mr. Murray?

10   MR. MURRAY: I would vote aye on the motion

11   based upon the issues relating to Criteria J under the

12   Category B assent requirement.

13   CHAIRWOMAN CERVENKA: Thank you. Ms. Reynolds?

14   MS. REYNOLDS: I will vote to approve based on

15   issues of safety concerns.

16   CHAIRWOMAN CERVENKA: Approve the motion?

17   MS. REYNOLDS: Approve the motion.

18   CHAIRWOMAN CERVENKA: Okay. Mr. Gomez?

19   MR. GOMEZ: I will support the denial of the

20   application due to significant impact conflict with other

21   uses of the water.

22   CHAIRWOMAN CERVENKA: Okay. And for myself, I

23   vote aye in favor of the motion based on the failure of

24   the Applicant to carry the burden on 1.3, 1A, 1J.

1   So based on that, we're unanimous. The motion to

2 recommend denial carries. And, Mr. DeSisto, you're going

3 to prepare a written recommendation to the Council?

4   MR. DeSISTO: That's correct, and I'll work

5 with staff on that, Madam Chair.

6   CHAIRWOMAN CERVENKA: Okay. Is there anything

7 further that we need to do?

8   MR. DeSISTO: My only question is, once the

9 recommendation, the written recommendation, is prepared

10 can it be forwarded directly to the full Council, or

11 would this Subcommittee like to review it first and pass

12 on the written recommendation?

13   CHAIRWOMAN CERVENKA: Anyone want to comment on

14 that? Subcommittee members, do we want to look at how

15 it's written up before it gets transmitted to the full

16 Council?

17   MR. GOMEZ: Madam Chair, I would not object to

18 getting the reading on it, but I will concur with all the

19 members of the Subcommittee on what they wish to do.

20   CHAIRWOMAN CERVENKA: Thank you. Mr. Coia?

21   VICE CHAIRMAN COIA: I would just like to look

22 at it quickly just to make sure. I think due diligence

23 that we should to make sure it correctly depicts our

24 findings.

1   CHAIRWOMAN CERVENKA: Okay. Ms. Reynolds?

2   MS. REYNOLDS: I agree. I'd like to take a

3   look at it first.

4   CHAIRWOMAN CERVENKA: Mr. Murray?

5   MR. MURRAY: Yeah, why not. This process was

6   great length and breath. That would not require another

7   meeting, would it? Would it be a review of an email if

8   there's any comments or what have you, or what would be

9   the story on that?

10   MR. DeSISTO: Well, actually --

11   CHAIRWOMAN CERVENKA: We --

12   MR. DeSISTO: I don't think it's going to take

13   long, but we have to meet publicly.

14   MR. MURRAY: It would be another meeting?

15   CHAIRWOMAN CERVENKA: It probably wouldn't be a

16   three-hour meeting, but --

17   MR. MURRAY: I imagine it wouldn't be.

18   CHAIRWOMAN CERVENKA: Okay, yeah. I would like

19   to take a look at the written recommendations so I agree

20   with everyone. It sounds like, Mr. Willis, we have a

21   couple steps. First writing up the recommendation, then

22   us considering that at a further Subcommittee meeting,

23   which I guess would be a continuation of the workshop.

24   MR. WILLIS: That's what I would recommend,

```
 1  Madam Chair.

 2          CHAIRWOMAN CERVENKA:  All right.  Then whatever

 3  we come up with or approve at that meeting, that would be

 4  then be forwarded to the full Council and a meeting that

 5  might be then in late April or early May, sounds like it

 6  will push it out a little.

 7          MR. DeSISTO:  Correct.

 8          CHAIRWOMAN CERVENKA:  Anything else from

 9  Mr. Willis, Mr. DeSisto?

10          MR. DeSISTO:  No.

11          MR. MURRAY:  I have a question.  When this

12  matter goes before the full Council, is it required that

13  myself as representative from the Town be present for

14  that Zoom meeting?

15          MR. WILLIS:  Madam Chair, I can answer that.

16          CHAIRWOMAN CERVENKA:  Please.

17          MR. WILLIS:  Yes, Mr. Murray, your attendance

18  and presence is required through the vote.

19          MR. MURRAY:  Okay.

20          MR. DeSISTO:  What we're going to try and do,

21  Mr. Murray, is to make it so you have to go to all of our

22  Zoom meetings.

23          MR. MURRAY:  Well, thank you for that.

24  Retirement was too comfortable for me, apparently.
```

1   CHAIRWOMAN CERVENKA: Just to clarify,

2   Mr. Murray, he will vote with the full Council. Is that

3   true? He's not voting with us, or he is voting with us?

4   MR. WILLIS: I believe he is, and I would defer

5   to legal counsel on that. But the way the statute reads

6   is that the alternate member, when there is no one

7   representing the Town in a contested case, sits through

8   until the vote of the full Council.

9   CHAIRWOMAN CERVENKA: So if there's eight of

10   us, then for this particular application we will have

11   nine?

12   MR. WILLIS: Yes, correct.

13   CHAIRWOMAN CERVENKA: Okay. Then you're in,

14   Mr. Murray.

15   MR. MURRAY: Volunteerism is often punished

16   apparently, so...

17   CHAIRWOMAN CERVENKA: All right. Well, again,

18   thank you everyone for your time, for the Applicant's and

19   interveners' excellent presentations and post-hearing

20   briefs, and for all the public comment on this.

21   If that's all, then I would move to adjourn if I can

22   get a second.

23   MS. REYNOLDS: Don't we need to continue it,

24   continue the workshop or not?

1   CHAIRWOMAN CERVENKA: Mr. DeSisto?

2   MR. DeSISTO: It's not necessary, but you can

3   if you want.

4   MS. REYNOLDS: No motion.

5   CHAIRWOMAN CERVENKA: All right. All those in

6   favor to adjourn, say aye.

7   [UNANIMOUS VOTE TAKEN]

8   CHAIRWOMAN CERVENKA: Thank you, everyone. See

9   you soon.

10   MR. DeSISTO: Take care now.

11   [ADJOURNED AT 12:35 P.M.]

12

13

14

15

16

17

18

19

20

21

22

23

24

C E R T I F I C A T I O N

I, Lisa M Reis, hereby certify that the foregoing

Pages 968 through 1049, inclusive, are a true and

accurate transcript of my stenographic notes of the

proceedings, via Zoom, which occurred on the

above-entitled dates, to the best of my ability.

_____

LISA M. REIS, RPR
Court Reporter/Notary Public
My Commission expires on 7/27/24

Sworn to and subscribed before me,
This 22nd day of March, 2021

1017:1;1019:1,8;
1027:3;1030:23;
1031:1,24;1035:18;
1039:18;1040:3,10;
1042:3
areas (10)
971:13;975:14;
976:8;988:5;995:15;
1008:15;1018:21;
1019:5,17;1035:12
argument (2)
998:20;999:1
arises (1)
1037:8
around (10)
994:9,9;1006:17;
1007:19,21;1009:6,
13;1015:23,24;
1021:24
arrive (1)
971:22
arrived (1)
983:8
articulated (1)
1042:21
aspect (1)
978:18
aspects (2)
1016:5;1020:11
assembled (1)
983:3
assent (6)
975:4,6;1002:22;
1003:8;1021:2;
1044:12
assents (1)
976:17
assessment (1)
1022:14
asset (1)
999:13
association (1)
991:9
assume (3)
1000:10,11,24
assuming (3)
1001:8;1008:9;
1012:8
attendance (1)
1047:17
authorities (2)
972:11;989:4
authority (6)
972:11,14;973:14;
974:2,12;1025:23
available (1)
998:24
award (1)
974:2
away (7)
992:17;998:7;
1009:3;1010:15;
1013:7,8;1021:14

aye (4)
1044:8,10,23;
1049:6

B

---

back (12)
978:3;985:13;
994:4;996:19;997:17;
999:20;1009:16;
1010:18;1025:1,5;
1027:24;1039:20
bags (1)
1015:10
balance (8)
1011:9,15;1013:18;
1021:7;1025:6,7;
1040:8,18
balanced (1)
995:12
base (1)
986:4
based (23)
980:13,18;981:2,6;
983:21;984:4,21;
1008:1;1019:6;
1026:10,23;1031:2;
1032:10;1033:14;
1035:19;1038:10;
1040:12;1042:4;
1043:13;1044:11,14,
23;1045:1
basin (2)
1008:15,18
basis (3)
983:5;994:10;
1009:1
bass (3)
1009:9,10,11
Beach (1)
991:10
becomes (2)
995:7;1013:12
beginning (2)
981:13;1000:20
behind (2)
974:1;1022:7
below (7)
980:7,12;981:5;
982:11;1011:13;
1042:3,13
Ben (2)
969:9;980:22
benefit (1)
996:16
benefits (3)
1023:18;1024:20,
20
best (3)
972:21;974:9;
983:13
better (1)
977:6

betwixt (1)
991:23
Beutel (28)
969:7,8;970:15;
980:23,24;983:18,20;
990:1,2,5;1016:22;
1017:2,9,19;1018:9,
11,15;1022:13,14,21,
23;1024:1,3;1034:12,
19,24;1035:5,8
Beutel's (1)
1024:6
beyond (2)
980:19;1006:11
big (2)
991:7;1016:4
bigger (2)
1005:11;1007:15
binding (2)
988:17,22
bit (9)
990:22;991:13;
994:5;995:10;
1006:11;1024:17;
1030:8,14;1040:23
blow (1)
1008:6
board (1)
988:14
boarders (1)
992:16
boarding (1)
1001:5
boat (11)
988:6;993:18;
998:1,7;1000:6,12,13,
14;1005:9;1021:14;
1038:23
boaters (1)
1010:16
boating (4)
976:12;1003:21;
1004:12;1036:12
Boats (7)
987:17;1006:18,21;
1008:24;1009:6,8;
1020:23
Bob (1)
983:9
body (4)
981:17;987:1;
993:18;1033:12
Book (16)
973:18,19,21;
974:6,10,14,20,22;
976:17;979:18,20;
981:13;982:7;989:10;
1025:1;1033:8
both (10)
980:1;982:1;
988:10;990:19;
996:21;999:5;
1003:16;1027:14,16;

1043:13
bottom (2)
994:2,4
boundaries (2)
975:13;1027:2
boundary (1)
1038:15
box (1)
1012:7
Boyd (6)
969:4,5;979:21,22;
986:17,18
breaking (1)
1028:13
breath (1)
1046:6
brief (1)
1003:11
briefs (3)
972:10;974:24;
1048:20
bring (1)
1020:15
brought (2)
995:18;999:14
buffer (14)
997:21;998:16,19,
24;999:3;1002:8;
1004:22;1006:8,10,
11,13;1008:8;
1011:23;1013:10
buffers (8)
995:21;997:17,18;
1002:11,16;1006:17;
1036:21,21
building (2)
975:10;1025:11
bumping (1)
1008:8
bump-outs (1)
1006:21
bunch (1)
1016:17
buoy (2)
1017:20;1039:11
buoys (7)
1017:3,7,16,18;
1039:2,5;1041:4
burden (8)
974:21;1022:21;
1029:1;1032:11;
1036:14,20;1037:10;
1044:24
burdens (1)
971:20
business (3)
1022:4;1023:16;
1024:16
Byron (1)
981:4
Byron's (1)
982:5

C

cages (2)
978:14;1041:2
call (4)
968:13;978:5;
989:19;1044:5
came (6)
970:4;983:23;
989:15;1019:14,22;
1039:20
can (42)
971:7;974:4;975:1;
976:23;980:2;986:22;
987:23;990:5,16;
994:5;995:14;997:19,
21;999:24;1000:3,12,
15,17;1001:7;1005:9,
10,13;1006:14;
1007:7,19;1009:15;
1012:17;1013:11,24;
1016:21,23;1020:1,6;
1021:9,12,19;1024:1;
1034:19;1045:10;
1047:15;1048:21;
1049:2
canoes (1)
994:8
capacities (1)
987:5
capacity (35)
980:14,18,20;
981:3,6,8,12,22;
982:3,6,23;983:1,23;
984:6,10,11,17,21;
985:4,5,9,15,18;
986:2,3,5,19;987:7,8,
10;999:21,23;
1009:17;1042:11,14
care (1)
1049:10
Carpenter's (1)
991:10
carries (1)
1045:2
carry (2)
1009:15;1044:24
carrying (32)
980:14,18,20;
981:3,5,7,12,22;
982:3,6,23;983:1,23;
984:10,11,17,21;
985:9,15,18;986:2,3,
5,19;987:5,7,8,10;
999:21,23;1009:17;
1042:11
case (2)
981:14;1048:7
cast (1)
1037:24
Category (17)
974:22;975:4,6;

985:8
conducted (2)
  972:20;1026:8
conferred (1)
  1025:24
Configuration (7)
  989:15,18,20,23;
  990:4;1014:12,12
configurations (2)
  989:14;1014:16
conflict (5)
  984:24;987:20;
  1012:9;1040:16;
  1044:20
conflicting (1)
  990:15
conflicts (9)
  976:11;978:19;
  983:6;988:19;
  1030:13,20;1036:11,
  18;1037:1
conservative (5)
  982:21,22;983:5;
  985:7;1011:11
consider (3)
  1009:23;1021:7,10
consideration (6)
  972:22;985:17;
  1003:8;1010:6;
  1012:15;1038:3
considered (4)
  999:12;1015:11;
  1021:12,19
considering (1)
  1046:22
consistent (4)
  972:21;977:11;
  1004:17;1033:14
constantly (1)
  987:5
constructed (2)
  1008:10,20
contested (1)
  1048:7
context (1)
  988:12
continuation (1)
  1046:23
continue (4)
  984:1;995:15;
  1048:23,24
contradict (1)
  1034:11
contradictory (2)
  1029:2;1032:18
control (1)
  1020:7
controlled (1)
  1020:7
convened (1)
  968:6
conversations (1)
  983:19

coordinator (3)
  969:7,10;989:16
corners (4)
  994:1;1015:5;
  1018:11,12
correctly (3)
  997:24;1006:12;
  1045:23
Council (15)
  968:6,12;981:15;
  986:23;1029:10;
  1043:2,3;1044:1;
  1045:3,10,16;1047:4,
  12;1048:2,8
counsel (7)
  969:12;970:3;
  971:8;974:5;987:23;
  997:5;1048:5
count (1)
  980:2
couple (4)
  972:15;995:19;
  997:18;1046:21
course (6)
  991:21;1003:22;
  1004:4,12;1014:6;
  1023:21
court (2)
  969:20,22
Cove (26)
  968:8;970:11;
  971:15,15;988:20;
  990:11;992:11,11,19;
  993:17;994:15;
  996:15;998:11;
  1006:14;1007:13;
  1008:16;1009:14;
  1016:18;1018:19,24;
  1019:6,8,10;1021:10;
  1022:19;1036:24
craft (3)
  985:13;992:15;
  1004:3
create (1)
  997:1
created (1)
  1021:6
creates (1)
  996:23
criteria (14)
  997:11;1029:20;
  1034:10;1037:11,14;
  1041:9,11,15,18;
  1043:16,17,17,23;
  1044:11
criterion (6)
  1029:15;1030:15,
  20;1034:13;1035:4;
  1042:5
CRMC (12)
  970:17;974:2,12;
  978:2;981:14;985:21;
  987:2;1012:5;1025:2,

24;1026:10;1033:8
CRMP (1)
  987:18
crowded (1)
  1008:18
cumulatively (4)
  1007:10,14;
  1008:19;1029:12
current (5)
  969:9;980:13;
  981:19;1022:15,16
currently (2)
  998:24;1010:21
curve (1)
  1005:9
cycles (1)
  1015:18

D

danger (1)
  1011:21
data (2)
  975:4;983:9
Dave (4)
  969:7;970:15;
  980:22;983:18
day (4)
  992:8;1007:10,11;
  1009:7
days (1)
  1007:11
de (2)
  981:21;982:2
deal (2)
  994:8;1016:2
debatable (1)
  996:20
debate (1)
  1012:13
decades (1)
  991:14
decision (2)
  986:4;1000:3
declaration (2)
  972:15;973:24
deep (8)
  992:23;994:2;
  1007:19;1008:14;
  1015:5;1016:23;
  1019:21;1040:10
deeper (2)
  1013:1;1019:5
defensible (1)
  986:24
defensive (1)
  981:16
defer (1)
  1048:4
defined (7)
  976:6;981:24;
  983:2;1001:21;
  1033:3;1034:14;

1035:3
definitely (3)
  1012:1;1021:18;
  1024:16
definition (1)
  978:7
degradation (1)
  1033:17
deliberate (2)
  968:9;1016:12
deliberation (3)
  999:12;1000:2;
  1023:17
deliberations (2)
  989:8,13
delineated (1)
  997:12
delineation (2)
  1004:21;1006:6
delivered (1)
  1043:2
DEM (9)
  976:6;1004:13;
  1014:7;1029:8;
  1033:4;1034:14,15,
  20;1035:3
demonstrate (21)
  975:7,9,15,18,21;
  976:1,4,7,10,14;
  987:20;1021:22;
  1025:10;1028:7;
  1029:5;1030:4;
  1032:7;1033:1;
  1035:11;1036:10;
  1040:21
demonstrated (1)
  1022:2
demonstrative (1)
  1043:15
denial (2)
  1044:19;1045:2
denied (2)
  982:12;1044:2
deny (2)
  971:23;1025:6
depend (2)
  1014:11,11
dependent (1)
  991:24
depending (2)
  1000:18;1020:13
depends (4)
  1014:10;1017:9,10,
  10
depicted (1)
  1027:17
depictions (1)
  1006:15
depicts (1)
  1045:23
deposition (2)
  975:17;1028:9
depth (1)

1019:7
deputy (1)
  969:3
describe (3)
  975:13;1016:23;
  1027:2
described (1)
  1012:23
designated (2)
  988:5,9
desire (1)
  1022:18
DeSisto (43)
  969:13,14;974:11;
  977:2,3,14,18,23;
  979:3;988:16,21;
  989:5,7;998:2,5,13;
  1001:11;1002:2,4;
  1021:17,18;1025:19,
  20;1026:6;1038:19;
  1039:6,7;1041:21,23;
  1042:19,23;1045:2,4,
  8;1046:10,12;1047:7,
  9,10,20;1049:1,2,10
deterioration (2)
  976:5;1033:2
determination (1)
  1033:11
determine (2)
  979:11;990:14
determined (1)
  983:14
detriment (1)
  1031:9
developed (2)
  992:20;1027:16
die (1)
  1037:24
different (4)
  992:14;1002:16;
  1033:13;1039:4
differently (1)
  1039:14
difficult (2)
  996:3;1031:24
diligence (1)
  1045:22
diminished (1)
  1017:22
directly (1)
  1045:10
director (2)
  969:1,3
disagree (3)
  1000:21;1001:9;
  1035:7
disagreement (1)
  1023:5
discuss (10)
  971:7,12;972:4;
  982:18;993:15;994:6;
  999:2;1002:12;
  1018:19;1020:2

discussed (5)
987:16;988:10;
1037:15;1040:23;
1042:1
discussion (19)
970:5;974:17;
975:2;976:16;979:18;
980:16;986:19;
988:22;989:24;
990:23;999:6;1002:9;
1005:3;1007:6;
1018:21;1019:21;
1030:8;1037:22;
1038:1
discussions (2)
989:16;1044:4
displaced (1)
1012:16
dispute (1)
991:4
distance (1)
1015:15
distinction (1)
977:4
divers (2)
988:14;1001:17
diversity (4)
975:20;1029:7;
1033:23;1034:16
docks (1)
1019:2
documents (2)
971:10;990:9
Don (6)
968:17,18;974:11;
994:18;1010:11;
1011:3
done (5)
983:14;987:13;
996:16;997:19;
1041:4
doubt (1)
994:21
down (6)
1001:24;1009:13,
22;1019:16,17;
1023:1
downplaying (1)
997:3
Dr (3)
981:4,4;982:5
dramatic (1)
991:20
draw (1)
992:6
drift (1)
1009:11
driver (1)
1005:12
due (3)
1040:15;1044:20;
1045:22
dumplings (1)

1011:8
during (8)
970:4;991:21;
992:7;1005:8;
1007:12;1009:6;
1014:6;1019:22
dust (1)
991:7

E

earlier (5)
998:18;1026:1;
1031:21;1036:19;
1042:1
earliest (1)
1043:8
early (1)
1047:5
easier (1)
990:6
East (1)
991:11
eastern (1)
1031:21
easy (1)
1022:6
ecological (15)
980:14,18;981:2,5,
6;982:23;983:21,23;
984:16;986:2,11,19;
987:6,10;1042:11
ecology (2)
983:12;987:3
ecosystem (1)
987:4
edge (6)
989:19;993:12;
994:3;999:5;1013:16;
1018:9
edges (3)
1012:17;1018:9;
1039:3
eelgrass (2)
1022:17;1024:6
effect (8)
972:22;983:12;
996:20;1008:9;
1033:7,10;1036:4;
1041:1
effected (2)
975:14;1027:3
effects (2)
986:22;1021:3
effort (2)
983:5;1014:17
eight (2)
1007:11;1048:9
either (7)
971:23;990:19;
1016:13,15;1019:20;
1024:1;1036:22
elaborate (1)

983:18
eliminate (2)
1016:15;1020:11
eliminated (2)
1007:8;1015:14
eliminating (1)
1015:11
elimination (1)
1006:24
else (11)
982:16;986:14;
987:13;990:3;1005:7;
1007:7;1013:14;
1018:19;1019:9;
1023:13;1047:8
elsewhere (1)
1024:9
email (1)
1046:7
encompasses (1)
1002:6
end (3)
968:10;1000:20;
1016:9
ended (1)
1020:13
enforced (1)
1012:8
engrained (1)
1004:8
ensure (2)
974:20;1022:8
entertain (1)
1043:10
entirely (3)
987:9;1012:16;
1031:2
entirety (1)
989:11
enumerated (1)
1043:17
environment (4)
972:24;973:5;
1025:12;1033:10
environmental (2)
975:11;986:22
equals (1)
986:7
erosion (3)
975:16;1028:8,13
especially (4)
993:20;1005:14;
1009:6;1015:13
essentially (2)
987:6;1035:17
established (1)
980:13
et (2)
988:1;1001:21
evaluate (2)
1024:2;1030:12
evaluation (2)
988:19;1030:16

Even (9)
984:20;995:7;
1007:13;1009:9;
1011:21;1013:20;
1015:13;1016:6;
1033:7
everyone (17)
968:3;969:24;
970:7,12;972:9,11;
980:15;995:24;996:4;
1005:7;1011:1;
1016:17;1019:2;
1021:24;1046:20;
1048:18;1049:8
evidence (27)
971:9;990:13;
992:8,9,12;996:8,11;
997:10,14;1011:1;
1019:14;1021:4;
1026:24;1029:2,19;
1032:17;1033:15;
1034:8;1038:10;
1041:8;1042:4,17;
1043:13,15,16,16,18
evident (1)
984:24
evolving (1)
987:5
exact (1)
1043:20
exactly (1)
1039:21
example (3)
991:2,4,19
exceed (2)
980:5;1042:2
exceeded (4)
984:8,9,22;999:24
excellent (2)
989:8;1048:19
except (9)
988:7,15;997:13;
1000:8;1001:18,23;
1018:16;1038:24;
1041:3
exceptions (1)
1015:4
exclusively (1)
984:13
executive (1)
969:1
exercise (1)
973:8
exhibit (1)
1034:23
existence (1)
995:12
existing (18)
975:23;987:21;
997:8;1008:20;
1010:7,10;1012:9;
1020:24;1021:10;
1022:4,7;1030:6,10,

11;1036:16,18;
1039:17;1043:19
expand (1)
1022:16
expanded (1)
1022:18
expansion (1)
1024:7
expect (1)
999:9
expert (7)
987:16;997:10;
1002:5;1003:15,21;
1032:10;1043:15
experts (3)
1003:2,16;1027:6
explain (1)
977:7
explained (2)
1035:7;1036:19
expression (1)
974:6
extended (1)
1011:24
extension (1)
1025:2
extensively (1)
1025:2
extent (1)
994:24
extra (1)
1021:6
extremely (2)
978:4;1009:9
extremes (1)
1009:15

F

fact (17)
977:15,19;979:8;
981:7;985:3,12;
986:21;991:7;995:8;
1009:16;1011:13;
1021:5;1028:12;
1031:7;1033:21;
1039:16;1040:2
facto (2)
981:22;982:2
factor (4)
1012:1;1021:4,16,
19
factors (4)
974:21;977:16,20;
1019:22
facts (2)
970:6;971:19
factual (1)
997:6
failure (1)
1044:23
fairly (1)
992:1

fall (1)
1008:6
falls (1)
1011:13
family (1)
991:11
far (4)
972:4;992:20;
1012:9;1037:9
farm (69)
971:17;985:10,10;
988:19;989:15;
992:22;993:13,16,22;
995:1,16,17;996:22;
998:9,10,23;999:5,13;
1000:6,7,18;1002:17;
1004:9;1005:1,4,22;
1006:6,9,17;1007:18,
19,21;1008:2,4,10;
1009:18;1010:9,23;
1011:14,17;1012:10,
20;1014:3;1015:3;
1016:3,23;1018:6,9;
1020:5,6,12;1021:1,3,
5,12;1022:15,16;
1023:24;1025:17;
1026:16;1030:23;
1031:1;1032:13;
1033:6;1035:19;
1036:16;1038:16;
1039:6;1041:3
farmer's (1)
990:6
farming (1)
1020:21
farms (1)
994:9
fashion (1)
971:2
fast (5)
992:20;1002:1;
1004:10;1005:10;
1013:2
fatal (3)
977:20;997:6;
1043:23
favor (5)
985:7;1020:20;
1040:8;1044:23;
1049:6
features (1)
1019:10
feedback (2)
989:17;1022:1
feeding (1)
1021:15
feel (6)
977:10;996:22;
997:7,13;1007:22;
1037:9
feet (38)
988:7,14;993:11;
997:22,24;998:9,9,11,

15;999:8,12,15,17,18;
1000:11,24;1001:7,
17,23;1004:23;
1006:5,10,14,17,20;
1007:21;1009:23;
1013:5,8;1014:20;
1015:11,12,16,18;
1017:5;1019:7;
1038:24;1039:12
few (1)
995:8
field (2)
1004:24,24
filter (1)
1021:15
final (3)
979:3;1000:3;
1016:12
finally (2)
971:22;1040:21
find (4)
977:11;978:9;
995:16;997:3
finding (12)
976:23;977:5,10,
19;979:8;997:6;
1019:15;1033:14;
1041:9,21;1043:18,22
findings (2)
977:15;1045:24
finds (1)
1043:18
fine (1)
978:6
finish (1)
1000:7
finished (1)
1007:8
finishing (4)
988:8;1000:9,14,14
fire (2)
975:11;1025:12
first (13)
968:13;971:3;
972:7;986:20;988:16;
990:10;995:20,23;
1009:22;1021:22;
1045:11;1046:3,21
Fisheries (1)
1029:10
fisherman (1)
1010:2
fishery (2)
972:23;973:4
fishing (9)
976:13;991:18;
1005:3;1009:8,10,11,
11;1036:12;1039:1
fits (1)
988:19
five (45)
970:9;979:19;
980:5,11,16,22,24;

981:4,17,21,24;982:3,
8,10,11,17,20;983:3,
12,16,21,24;984:2,13,
16;985:1,5,7,21;
986:1,4,6,10,15;
987:8;999:20;
1011:12,13;1019:7;
1041:21;1042:2,8,11,
14,18
five-sided (1)
990:7
fixed (3)
999:13;1004:23;
1039:11
flag (3)
994:1;999:13;
1009:5
flags (2)
994:3,4
float (3)
1017:13,13;
1018:17
floating (1)
1015:9
floats (1)
1015:3
flood (2)
975:10;1025:11
flotation (1)
1017:12
flushing (3)
976:2;1032:9,14
focus (4)
970:10;986:8;
989:13;1010:6
focused (1)
987:9
folks (1)
991:21
follow (8)
979:4;994:17;
1010:5;1011:2;
1016:7,9,14,14
following (1)
971:2
follows (1)
994:11
food (1)
1024:19
foolish (1)
1016:9
foot (2)
1009:13;1040:13
forego (1)
1040:18
forget (1)
1035:15
former (1)
969:6
forth (7)
989:4;996:8,11;
1032:17;1034:8,10;
1041:8

forward (2)
970:4;1033:6
forwarded (2)
1045:10;1047:4
found (1)
979:17
four (1)
1017:5
Fourth (2)
971:18;1009:6
framework (1)
987:2
free (2)
972:23;973:4
frequency (1)
990:19
frequently (1)
993:5
freshwater (2)
1026:8,10
friends (1)
1003:23
front (1)
989:24
full (12)
968:11;975:1;
1000:19;1004:15;
1043:2;1044:1;
1045:10,15;1047:4,
12;1048:2,8
further (9)
984:8;985:14;
999:16;1022:23;
1024:4;1037:22;
1044:4;1045:7;
1046:22
fussy (1)
983:2

G

gear (2)
1017:1,2
General (8)
972:13,18;973:5;
978:23;989:4;990:20;
991:2;1033:14
generally (1)
1019:4
generated (1)
1028:13
geography (1)
1019:10
geometry (1)
1027:24
gets (1)
1045:15
given (7)
972:22;974:2;
984:20;1004:13;
1007:5,10,14
gives (2)
972:13;974:12

globally (1)
1024:18
goal (1)
1006:13
goes (7)
1006:10;1012:10;
1021:16;1025:7;
1026:2;1034:16;
1047:12
Goetsch (14)
969:9,11;981:9,11;
982:4,15;983:8,22;
1022:13;1024:1,3,5;
1026:7,13
Gomez (61)
968:17,18,18;
973:16,17,18;974:15,
20;976:21;977:24;
978:1;984:3,4,18,20;
986:12;993:3,4;
999:6,7;1003:20;
1008:22,23,24;
1010:13;1015:1,2;
1016:20,21;1017:23;
1018:2;1019:16;
1020:17;1024:23,24;
1026:16,17;1028:4,5,
16,17;1030:1,2;
1031:5,6;1032:23,24;
1033:16,17;1036:7,8;
1040:6,7,20;1041:16,
17;1042:6,7;1044:18,
19;1045:17
Good (9)
968:3;985:10;
986:14;995:3;997:17;
999:14;1009:20;
1013:18;1014:22
governs (1)
987:24
grandchildren (1)
1003:22
grant (1)
974:13
gray (1)
1037:14
great (2)
1009:10;1046:6
greater (1)
1015:17
grew (2)
991:10;1017:11
group (5)
983:10,16,16,20;
984:1
grow (3)
1017:17;1022:4;
1023:16
guess (27)
974:1;978:20;
980:21;983:4,13;
985:13;998:22;
999:17;1000:3;

1001:23;1008:3;
1014:17,21;1016:8,
24;1018:14;1027:13,
24;1030:15;1031:21;
1037:13,19;1038:5;
1040:7,14,18;1046:23
guys (1)
997:3

H

half (3)
1015:3,10;1016:3
hand (3)
979:7;996:7;997:5
happen (1)
1018:24
happens (2)
971:14;1005:17
happy (3)
970:8;994:17;
1002:12
harbormaster (3)
1003:5,11,18
hard (2)
992:6;1013:21
hazard (1)
975:10
hazards (1)
1025:11
headway (2)
988:15;1001:18
health (1)
973:5
hear (6)
968:6;970:7;
982:24;999:5;1003:4;
1039:21
heard (9)
981:4;984:5;
997:18;1002:24;
1008:2,4;1021:4;
1032:10;1039:2
hearing (6)
996:21,21;1005:8;
1012:13;1014:6;
1035:10
hearings (1)
991:21
heartfelt (1)
994:19
heavily (1)
1040:11
help (3)
970:17;1021:13;
1028:12
helpful (1)
970:6
hence (1)
1022:18
Heritage (1)
1036:3
high (3)

985:13;994:10;
1005:5
higher (3)
983:15,24;992:19
highlighted (1)
972:16
highlighting (1)
973:12
highly (1)
978:12
historic (8)
976:8;979:5,6;
1035:13,16,17;
1036:3,5
hits (1)
1038:9
hold (2)
975:5;997:13
hour (1)
992:5
hours (3)
1007:11;1009:3;
1020:10
house (1)
991:11
hug (1)
1012:17
hugs (1)
1031:1
human (1)
986:21
hundred (1)
1009:4
hundreds (1)
1007:12
hurt (2)
1005:17;1014:7

I

idea (5)
993:10;995:4;
1009:23;1025:5,7
identified (4)
985:20;987:16,19;
988:12
identifies (1)
998:18
ie (1)
1005:5
imagine (1)
1046:17
immediate (2)
976:6;1033:3
impact (46)
975:23;976:15;
978:2,7;993:6,10;
994:7,10,24;995:1,14,
17;997:8,15;1002:15;
1007:15;1008:12,19;
1010:20,23;1011:16,
21;1012:14;1019:20;
1021:12;1029:9,11,

14;1030:6,10,11,19;
1031:3,13;1032:4,5,
13;1033:23;1037:6;
1038:11;1040:16,22;
1041:2;1043:19,22;
1044:20
impacted (4)
971:16;993:22;
1030:24;1034:22
impacting (1)
1030:16
impacts (14)
975:16,19;976:2,8;
994:22;1021:1;
1028:8,15;1029:6;
1032:8;1033:22;
1034:15;1035:12;
1041:5
impair (2)
975:22;1030:5
impede (1)
1031:2
impediments (1)
1020:16
important (3)
1002:20;1003:3,7
improves (1)
1033:12
improving (2)
987:5;1033:7
inapplicable (2)
979:9;1026:5
incidental (3)
988:8;1000:8;
1038:24
include (1)
999:9
inconsistent (1)
1025:17
incorporate (2)
1037:4;1043:20
increased (1)
1017:14
indeed (1)
1013:23
indicate (1)
1008:5
indicated (1)
1029:8
indicates (1)
1036:4
indicating (1)
1019:23
indication (1)
1014:5
individual (1)
1023:3
individuals (1)
1023:14
information (1)
975:4
informed (1)
970:18

infrastructure (5)
1016:24;1017:17;
1018:5,10;1039:5
initial (4)
978:4;989:20;
1014:19;1040:12
inject (1)
1010:9
injury (1)
1013:20
instance (1)
979:5
intent (3)
972:16;973:24;
974:6
intention (1)
981:20
interest (2)
972:21;974:9
interfere (5)
975:22;985:4,5;
1030:5;1031:20
internal (1)
999:11
interpret (3)
1011:23;1038:17;
1039:14
interpretation (9)
1000:11;1001:8;
1002:16;1004:22;
1006:5;1038:13,20;
1039:4,9
interpretations (1)
1002:11
interpreted (1)
1040:2
interprets (1)
1038:15
interveners (2)
970:2;988:11
interveners' (1)
1048:19
intimate (1)
996:14
into (19)
971:9;985:17;
987:3;993:21,23;
998:11;1006:14;
1007:24;1008:11;
1010:6,10;1012:1,15;
1013:2;1015:19;
1019:21;1021:16;
1022:19;1039:17
introduction (1)
995:24
involved (1)
978:3
Island (7)
968:5;972:13,18;
973:20;1003:24;
1035:15;1036:3
issue (19)
978:1;996:23;

997:1,4;1002:19;
1003:23;1004:7;
1009:21,22;1012:2;
1013:20;1025:5;
1028:11;1037:15;
1038:2,5,12;1039:16;
1040:1
issues (9)
1003:7,13;1008:21;
1014:4;1020:6;
1025:15;1037:16;
1044:11,15
iterated (1)
974:24

J

jamb (1)
1016:9
Jeffrey (1)
969:1
Jennifer (1)
968:14
jet (10)
988:1;1001:20,21,
22;1002:6;1003:23,
24;1004:9,16;1013:8
Jim (2)
969:3;979:21
job (1)
968:10
jobs (1)
1024:19
judge (1)
977:12
judgment (1)
985:3
judgmental (1)
978:18
Judith (1)
988:4
July (1)
1009:7

K

K-1-A (1)
1033:8
kayak (1)
1015:14
kayaker (1)
1005:16
kayaking (5)
991:19;993:9;
1001:5;1005:4,17
kayaks (3)
992:15;993:14;
994:8
keep (4)
970:9,18;1010:18;
1013:6
keeps (1)
1040:1

kind (15)
970:21;983:1,12;
990:12;993:1;995:4;
1002:21;1003:5;
1004:11;1012:17;
1013:15,21;1014:10;
1030:12;1037:14
Kingstown (7)
968:21;987:17;
990:17;1038:15;
1039:10,13;1040:15
knowledge (8)
970:10;980:13;
981:3,6,19;983:21,23;
996:14
knows (1)
972:11

L

Labor (1)
1009:7
lack (1)
977:6
land (8)
971:6;973:7,9;
975:14;1026:9,10;
1027:3;1038:4
lane (7)
992:21,21;1002:1;
1012:24,24;1013:2,2
lanes (1)
993:13
language (3)
1010:18;1038:21;
1043:20
lantern (7)
1017:3,4,6,11,13,
20,21
last (5)
970:1;978:1;991:7,
12;1010:21
late (1)
1047:5
later (1)
994:6
law (1)
1002:21
Laws (2)
972:13,18
lawyer's (2)
1014:10;1017:9
lay (4)
971:5;972:10;
997:10;1043:15
layout (1)
971:16
lead (2)
1038:2;1040:3
learned (1)
1005:7
lease (4)
968:8;1013:24;

1022:4,7
leases (3)
974:3;980:10;
982:11
leasing (2)
981:16;986:24
least (4)
981:21;1037:23;
1039:2,8
legal (8)
969:12;971:6,8,19;
972:7,11;974:4;
1048:5
length (1)
1046:6
less (4)
985:11;987:20;
995:7,10
Letter (6)
994:22;1034:15,19,
21;1035:14;1036:2
level (6)
971:15;983:11;
1002:15;1029:14;
1037:17,17
life (6)
975:20;1014:21;
1015:23;1029:7;
1033:24;1034:17
light (1)
1024:2
likely (1)
1012:20
limit (6)
980:13;982:21,22;
1009:4;1011:11,19
limited (5)
991:22;992:4,9;
995:7,13
limits (3)
981:16;985:21;
986:24
lines (1)
1008:7
lingering (1)
1014:23
Lisa (2)
969:15,20
listening (1)
1000:2
little (7)
994:5;1006:11;
1030:8,14;1031:24;
1040:23;1047:6
live (6)
983:17;991:3,6;
992:10;994:20;
1003:1
lived (1)
991:11
living (1)
991:10
lobster (2)

999:10;1015:24
local (8)
975:9;988:17;
996:13,17;1025:10,
13,16,24
location (4)
993:17;994:12;
1022:17,18
long (5)
970:1,12;1010:8,
22;1046:13
look (20)
978:4,12;984:12,
12,15;990:14;996:8,
10;997:7;1006:16;
1010:20;1011:10;
1014:15;1021:2;
1023:1;1024:2;
1045:14,21;1046:3,19
looked (2)
1006:18;1023:1
looking (10)
971:6;1004:15;
1010:9,24,24;1012:6,
7;1023:14,15;
1024:17
lost (1)
1009:24
lot (10)
970:13;994:18,19;
1002:24;1012:20;
1014:21;1016:15;
1019:18;1023:9;
1033:5
lots (1)
994:20
low (6)
978:14;981:2;
993:11;1015:16;
1022:5;1041:2

M

Madam (32)
969:2,5,11,14,17,
19,22;973:16;976:18;
979:22;986:18;990:2;
995:22;1001:11;
1003:20;1004:20;
1008:22;1013:17;
1019:16;1020:18;
1022:24;1029:18;
1032:16;1034:7;
1037:3;1041:7;
1042:16;1043:12;
1045:5,17;1047:1,15
magic (1)
1014:22
main (1)
993:18
mainly (1)
1023:4
maintain (1)

1013:9
major (1)
994:7
majority (1)
1015:18
makes (5)
985:22;995:9;
1005:9;1018:2;
1031:23
Management (2)
968:5;987:3
mandated (1)
1015:4
manner (1)
972:20
many (4)
984:5;1013:9,21;
1017:7
MARCH (2)
968:1,4
mark (1)
1039:3
marked (2)
1015:24;1018:12
marker (1)
1006:5
markers (1)
1004:21
marks (1)
996:9
Mary (1)
991:10
material (1)
1009:21
materials (2)
1027:5,17
math (2)
1009:24;1010:1
matter (3)
968:6;991:7;
1047:12
Matunuck (3)
991:6,10,12
max (1)
1013:23
maxed (4)
1022:3,7,15;1023:5
maximum (3)
980:10;1010:12;
1013:23
may (9)
986:20;988:8,18;
993:10;1000:8;
1001:11;1017:12;
1038:24;1047:5
maybe (17)
971:7;977:9;993:7,
15;994:4,5;995:19;
997:2,4;999:18,18;
1009:16;1010:11;
1013:13;1015:11;
1020:1;1023:13
mean (18)

978:20;981:2;
985:6;993:11;997:2;
1000:4;1003:10;
1014:9;1015:16;
1016:7,8,13;1019:4;
1020:13;1021:9;
1023:21;1027:14;
1037:14
means (1)
977:5
meant (1)
1026:12
measure (5)
974:8;998:11;
1006:14,20;1039:12
measured (1)
1036:22
measures (7)
976:14;978:9,13;
998:16,17;1040:21,24
meaty (1)
1007:18
meet (5)
982:13;1022:6;
1039:23;1043:23;
1046:13
meeting (12)
968:5,12;974:9;
1026:1;1043:3;
1046:7,14,16,22;
1047:3,4,14
meetings (2)
996:6;1047:22
meets (1)
1034:9
member (1)
1048:6
members (10)
968:9,13;970:3,20;
971:11;989:6;
1040:14;1042:22;
1045:14,19
mention (2)
1019:24;1026:7
mentioned (4)
982:5;983:22;
1008:24;1009:10
mentions (2)
987:7;1002:22
met (23)
971:21;974:21;
975:12;985:8;997:13;
1012:7;1022:21;
1024:12,14,21;
1025:3,4,8,13;1027:4;
1028:19;1029:1,20;
1037:10;1041:9,12,
15,17
middle (7)
992:23;1005:2,23;
1007:18,24;1018:24;
1037:7
might (8)

979:4;980:19;
981:19;993:21,24;
999:22;1021:10;
1047:5
mind (9)
984:9;985:14;
999:7;1013:22;
1014:15,21;1016:11;
1023:22;1042:5
mindset (1)
1016:5
minimal (4)
993:6;994:12;
1029:9;1034:15
minimize (5)
976:15;978:10;
983:6;1040:22;
1041:5
minimizing (1)
1041:1
minutes (1)
970:10
missed (2)
972:3;989:5
mitigate (1)
1014:3
MLW (3)
980:7,12;1042:3
models (1)
980:14
moderator (1)
969:18
modifications (1)
993:24
MONDAY (2)
968:1,4
month (1)
978:5
months (1)
970:1
Moore (2)
969:18,19
moored (1)
1001:17
mooring (2)
1019:1,5
moorings (3)
984:22;988:5;
999:10
more (47)
977:6,7;981:20;
982:9;983:2;985:11;
987:20;990:21,22;
992:9,14,19;993:7;
996:14;997:1;999:18;
1001:20;1005:2,4,18,
23;1006:1,2,14;
1007:16,17,18,24;
1008:10,16;1010:16,
16;1013:2,14,15;
1015:15;1018:2;
1019:7,22;1020:11;
1023:22;1024:17;

1026:2;1031:24;
1038:21;1040:11
morning (3)
968:3;970:21;
1037:15
most (4)
970:11;976:24;
989:12;999:16
mostly (2)
973:19;1021:2
motion (12)
971:22;1043:1,10,
21;1044:4,8,10,16,17,
23;1045:1;1049:4
motor (1)
1004:2
motorboats (2)
1004:16;1020:24
motorized (1)
995:4
move (6)
971:9;972:1;
1018:16;1022:19;
1043:24;1048:21
moving (16)
970:24;988:7;
993:11;998:8;1005:5,
16,18,19;1006:8,19;
1009:9;1018:14;
1025:9;1027:1;
1036:23;1038:23
much (11)
973:21,21;979:18;
983:15;984:4;985:8;
1005:11;1006:24;
1013:12,14;1019:5
multi-state (1)
983:16
multitude (1)
1036:23
Murray (58)
968:22,23,23;
978:15,16;979:2;
982:19;983:1;990:17,
20;1011:5;1013:17;
1014:2,14;1019:3,4;
1024:10,11;1026:20,
21;1027:9,10,18,24;
1028:21,22;1029:21,
22;1031:14,18,19;
1032:19,20;1034:3,4;
1035:23,24;1037:12,
13,23;1041:10,11;
1042:12,13;1044:9,
10;1046:4,5,14,17;
1047:11,17,19,21,23;
1048:2,14,15
mute (1)
1039:20
mutual (1)
983:10
myself (4)
968:14;1015:22;

1044:22;1047:13

N

narrow (2)
1013:3,16
narrowest (1)
1007:21
narrows (1)
988:4
navigate (3)
993:20;1008:3;
1012:20
navigation (3)
972:23;976:13;
1036:13
near (3)
994:20;1007:21;
1012:18
necessary (2)
975:4;1049:2
need (39)
974:5;975:7;
976:23;978:9,12;
979:21;984:14;
985:13;994:3;999:15;
1010:6;1015:2;
1017:16;1019:15,21;
1021:22;1022:3,23;
1023:2,7,7,9,12,18,19,
22;1024:2,15,18,19,
22;1025:3,4,8;
1041:21;1042:20;
1043:5;1045:7;
1048:23
needed (6)
977:22;996:13;
1023:2,3,17;1024:8
needs (4)
977:12;1002:23;
1011:24;1023:16
negative (2)
1021:3;1036:4
negatively (1)
1034:22
negatives (1)
977:7
net (5)
1017:6,11,13,21;
1033:10
nets (3)
1017:3,4,20
New (2)
983:9;1011:14
next (1)
1035:10
nine (1)
1048:11
noise (6)
1019:18,19,23;
1020:6,11,23
none (2)
990:24;1035:10

non-positive (1)
997:6
non-satisfactory (1)
1040:4
noon (1)
992:5
nor (1)
988:8
normally (1)
1009:11
north (1)
1019:2
northern (2)
1008:15,18
note (1)
1004:15
noted (1)
1031:21
notes (1)
1023:1
noting (1)
985:12
number (13)
973:11;974:21;
979:1;983:8,17;
984:7,22,23;985:19;
999:8;1003:21;
1007:2;1022:16
numbers (2)
983:15,15

O

object (11)
988:7;999:9,16;
1002:14;1004:23;
1006:9;1018:14,14;
1038:23;1039:11;
1045:17
objected (1)
985:1
objections (1)
984:5
objectors (4)
984:22;1029:3;
1034:11;1043:14
objects (4)
998:8;1006:19;
1009:12;1036:23
Observation (1)
978:16
observe (2)
1016:16,17
Obviously (5)
992:4;994:19;
1002:20;1005:20;
1023:11
occupied (3)
980:4,10;982:10
occupies (1)
998:9
occur (3)
991:18;995:15;

1013:11
occurs (2)
990:11;1015:16
odious (1)
1020:11
off (3)
989:18;1012:6;
1040:1
Office (1)
1034:20
officer (1)
1039:4
official (5)
1038:14,16;1039:8,
9,13
often (1)
1048:15
once (1)
1045:8
one (39)
975:7;977:19;
978:21;979:10;980:8;
993:7,15,24;994:11;
997:12;998:3;
1001:13;1006:1,1;
1007:1,4,8,14;
1009:24;1011:8,21;
1012:12;1013:2,20,
20,21;1015:8,11,14;
1017:12;1019:18;
1020:21;1025:22;
1037:9,9;1038:21;
1040:11,12;1048:6
only (9)
972:19;979:3;
984:16;990:5;997:23;
1015:16;1019:24;
1024:20;1045:8
onto (1)
1035:10
open (4)
980:6,11;1002:15;
1042:3
operate (6)
988:13;1001:16;
1003:24;1004:2;
1005:13;1016:7
operation (3)
1004:5,16;1022:3
operational (1)
1020:7
opine (1)
982:19
opinion (6)
989:12;997:8,13;
1032:3;1037:5;
1039:8
opportunities (1)
995:8
opportunity (2)
970:22;972:9
opposed (4)
978:10;985:3;

1019:1;1026:3
options (1)
1040:9
order (1)
977:13
ordinance (23)
985:13;987:18,18;
988:17;993:6;994:11;
998:3;1000:5;
1001:12,21;1002:21;
1004:15,18;1012:5;
1013:4,5;1025:21,22;
1038:14;1039:9,10;
1040:16,18
ordinances (7)
971:4;972:8;
975:10;1013:4;
1016:8;1025:11,16
organisms (1)
1021:15
originally (2)
981:19;983:8
others (4)
990:21;992:2;
1001:13;1013:8
other's (1)
1006:3
out (23)
970:15;972:10;
977:6;978:9;985:11,
18;990:10;998:9;
999:10,17;1000:16;
1001:24,24;1006:17;
1008:8;1009:5;
1012:5;1015:10;
1022:3,7,15;1023:6;
1047:6
outcome (1)
1016:12
outer (1)
1015:10
outline (1)
970:21
outside (3)
1006:13,13;
1007:18
outward (1)
1018:9
outweighed (1)
1021:1
over (3)
986:9;991:8;996:21
overall (7)
977:11,11;978:14;
981:1;1013:11;
1024:17;1031:24
overriding (1)
1038:3
own (3)
984:9;999:11;
1014:15
owner (1)
1023:10

owns (1)
991:11
oyster (2)
985:9;1004:9

P

package (1)
1011:18
packet (1)
1035:1
paddle (2)
992:16;1001:5
Paddling (1)
995:3
page (1)
997:20
paraphrasing (2)
975:1;1003:12
parcel (1)
1023:8
parens (1)
988:1
park (1)
1007:6
parked (2)
1006:18,21
parking (1)
991:1
part (11)
970:11;994:2;
1002:18;1015:6;
1016:22;1018:17,17;
1020:19;1023:17;
1030:18;1039:23
participated (1)
996:1
particular (10)
972:21;981:17;
982:10;987:1;1023:8,
23;1033:13;1040:19;
1041:2;1048:10
particularly (3)
970:8;992:18;
1022:6
parties (2)
983:17;993:16
party (1)
983:19
pass (1)
1045:11
passed (1)
1004:4
passive (6)
992:14,22;993:9;
1007:16;1008:1;
1013:14
past (2)
985:12;1009:17
Patricia (3)
968:19,20;977:4
patterns (1)
992:20

peak (1)
1009:3
people (28)
970:9,13,13;973:6;
983:3;985:19;991:3,
6;993:20;994:8,20;
999:24;1003:1;
1004:3,8;1005:10;
1007:6;1009:3,10,11;
1013:6;1014:7;
1016:6,9;1018:23;
1019:23;1020:20;
1025:7
per (5)
978:19;986:10;
1014:5;1017:13;
1023:15
percent (50)
979:19;980:5,11,
16,23,24;981:5,17,20,
21,24;982:3,9,10,12,
17,20;983:4,12,17,21,
24;984:2,13,16;985:1,
5,7,21;986:1,5,6,10,
15;987:8;999:21;
1006:11,12,13;
1007:3;1008:16;
1011:12,13;1037:24;
1041:22;1042:3,8,11,
14,18
perhaps (1)
1037:16
period (2)
970:4;992:6
permit (2)
985:2;1015:9
permits (1)
974:13
permitting (1)
1038:4
Perry (2)
968:7;1024:20
person (8)
988:13;1001:16;
1003:5;1005:5,19;
1011:21;1020:21;
1024:16
personal (6)
970:10;988:1,13;
1001:16,19;1002:5
personally (1)
970:7
persons (1)
975:6
perspective (2)
1020:12;1024:12
persuade (1)
1029:3
phone (1)
1039:24
photographic (2)
991:22;992:4
physical (1)

1005:5
physics (1)
1005:8
pie (1)
991:18
pieces (1)
1015:20
place (2)
980:8;1013:10
placement (2)
996:22,23
places (1)
1008:17
placing (1)
1005:1
plain (1)
1001:12
plan (1)
996:24
plant (4)
975:20;1029:7;
1033:23;1034:17
platforms (1)
1004:5
play (1)
1015:19
Please (1)
1047:16
PM] (1)
1049:11
point (19)
978:9;979:3;
986:18;988:4;990:6;
991:6,12;993:7;
999:14,22;1006:6;
1012:4;1015:23;
1027:19;1034:4,13;
1035:17;1043:1,7
points (4)
1009:20;1010:3;
1013:18;1030:22
police (1)
973:8
policies (2)
971:4;989:12
policy (8)
972:16;973:3;
974:1,7;981:18;
986:20;987:6;1022:7
pollution (8)
1019:18,19,24;
1020:4,23;1021:6,10,
15
polygon (9)
989:21;990:7;
1014:16,17;1027:11,
16,18,20,23
Pond (46)
968:8;970:11;
980:6,12;981:2;
982:10;983:12;985:2;
986:10;988:4,4;
990:11,20,21,24;

991:3,13,14,16;992:1,
11,13;993:12,18,21;
994:1,2,16,20;995:12,
15;997:1;998:4;
999:16;1003:1;
1008:15,17;1011:12,
13;1015:10;1018:21;
1019:8;1021:13;
1040:9,19;1042:2
ponds (5)
980:4,11;983:7;
990:21;994:9
popped (1)
1019:17
portion (4)
986:11;1015:17;
1018:1;1041:3
portions (2)
973:13;1019:6
poses (1)
1008:21
position (2)
1037:20;1038:1
positive (7)
976:23;977:5,6,10,
15,19;1033:10
positively (2)
1033:21,23
positives (1)
977:7
possibility (2)
981:15;986:23
post-hearing (3)
972:10;974:23;
1048:19
potential (4)
1011:16;1021:3;
1037:16;1038:2
potentially (2)
1000:19;1033:22
pots (2)
999:10;1015:24
Potter (4)
968:8;970:11;
988:4;990:20
power (2)
973:8;1020:9
practically (1)
1007:24
preclude (1)
995:5
preference (1)
989:22
preferred (4)
1020:22;1027:19,
21,22
premium (1)
1008:14
prepare (1)
1045:3
prepared (1)
1045:9
preponderance (2)

990:13;992:12
prerequisite (1)
1026:9
presence (1)
1047:18
present (5)
968:11;1008:11;
1019:22;1031:8;
1047:13
presentations (3)
984:21;1019:23;
1048:19
presented (4)
971:24;979:20;
1038:10;1043:13
presenters (1)
984:24
presenters' (1)
984:5
presents (1)
1036:24
Preservation (1)
1036:3
preserve (1)
973:3
presumably (1)
1013:6
pretty (5)
973:21;985:8,10;
999:19;1001:19
prevent (1)
1028:12
prevented (1)
1022:17
previously (2)
1036:15;1040:23
prior (2)
1037:4;1043:6
probably (12)
983:2;984:8,22;
991:8,9,17,23;995:3;
1009:1,2;1043:7;
1046:15
problem (5)
1016:4,16;1019:19,
20;1020:4
problems (1)
1015:22
procedure (1)
996:3
proceeding (1)
1008:4
process (5)
970:1,18,21;
972:19;1046:5
processes (2)
975:17;1028:9
produce (1)
1024:18
profile (2)
978:14;1041:2
prohibited (1)
1004:11

prohibiting (1)
1005:20
prohibition (3)
997:22;1005:21,21
prohibits (1)
995:2
project (1)
1022:9
promote (1)
1025:1
promulgated (1)
974:14
proper (1)
971:5
property (4)
1023:10,11,12,15
proposal (3)
972:1;1031:22;
1033:13
propose (2)
971:1;1020:14
proposed (24)
975:7;988:19;
989:15;995:17;
998:23;1000:7,18;
1002:17;1006:9;
1011:10;1016:22;
1017:2;1020:4,5,8;
1021:23;1025:17;
1026:16;1030:23;
1032:13,13;1033:6;
1035:19;1036:16
proposing (2)
1014:13,14
protect (1)
1010:17
protocols (1)
987:3
provide (1)
1024:19
provided (2)
1027:5;1028:10
providing (1)
990:23
provision (2)
980:1;998:17
provisions (5)
972:15;973:11,15;
979:17;989:10
public (27)
970:4,4,8,18;
972:16,21;973:3;
974:1,7,9;975:23;
991:2,5;997:9;
1013:19;1020:19;
1023:3;1030:6,10,16,
18,21,22;1031:3,9,13;
1048:20
publicly (1)
1046:13
pulled (1)
1005:19
pulling (1)

1005:6
punished (1)
1048:15
purpose (2)
978:21;996:20
purposes (3)
975:5;987:9;1035:4
pursuant (1)
974:13
push (1)
1047:6
pushed (1)
1007:17
pushes (1)
1037:7
put (16)
970:17;971:7;
990:10;993:5;996:8,
11;1007:24;1013:2;
1015:9;1017:20;
1023:15;1032:17;
1033:5;1034:8,10;
1041:8
putting (6)
996:3;1005:23;
1009:12;1010:16,16;
1013:10
puzzle (1)
1015:20

Q

quahogging (1)
1009:8
qualified (1)
1004:1
quality (9)
976:5;985:9;
1033:2,7,18,22;
1034:16,21,22
quickly (1)
1045:22
quiet (1)
992:1
quietly (1)
990:21
quite (3)
991:13;993:5;
1025:2
quotation (1)
996:9
quoting (1)
973:2

R

radios (1)
1020:9
raft (1)
1009:5
raised (4)
998:15;1013:18;
1014:4,19

Raso (1)
968:7
rationale (3)
1004:22;1006:4;
1040:17
Ray (2)
968:15,16
Ray's (1)
1002:19
read (18)
972:17;973:12,15,
20,22,24;974:24;
979:19;980:1,17;
981:1;987:22;989:11;
998:18;1000:5;
1006:8;1035:2;
1038:21
readily (1)
990:22
reading (4)
997:24;1001:12;
1002:2;1045:18
reads (1)
1048:5
ready (3)
991:2;1000:13;
1043:1
really (12)
977:3;978:2;991:1;
993:19;994:24;
1002:20;1003:3;
1008:13;1015:21;
1016:4;1040:8,9
reason (3)
1013:6;1014:22;
1019:24
reasonable (1)
1031:8
reasonably (1)
1031:20
reasoning (1)
974:1
recall (2)
1029:1,8
recognition (1)
981:22
recognized (1)
1003:1
recognizes (4)
981:15;986:23;
987:2;1033:9
recollection (1)
1029:2
recommend (3)
977:13;1045:2;
1046:24
recommendation (11)
968:11;971:23;
1043:1,2,6,24;1045:3,
9,9,12;1046:21
recommendations (1)
1046:19
record (2)

991:22;992:4
recording (1)
969:15
recourses (1)
983:7
recreation (7)
995:2,17;1010:7;
1011:17,18;1021:6;
1025:8
recreational (20)
976:12;984:6,21;
985:15;992:15,21,22;
994:7;997:9;999:21;
1004:5;1007:16;
1008:1;1009:16,19;
1010:11,15;1013:15;
1036:12;1043:20
recreators (1)
996:14
rectangle (7)
989:19,20;990:6;
1014:16;1027:12,15,
22
Red (16)
973:18,19,21;
974:6,10,14,20,22;
976:17;979:18,20;
981:12;982:6;989:10;
1025:1;1033:8
reduce (1)
978:13
reduced (2)
985:14;1013:12
reduction (2)
1007:3;1014:3
redundant (1)
1030:14
referred (4)
981:11,13;982:6;
1007:17
referring (2)
989:21;1026:1
reflects (2)
997:14;1034:9
regarding (1)
1014:7
regular (4)
992:13,18,19;
994:10
regularly (1)
981:11
regulate (2)
1025:22,23
regulated (1)
973:10
regulates (1)
1025:21
regulation (3)
984:2;987:9,18
regulations (3)
971:4;974:14;
986:10
regulatory (2)

974:5;1038:3
Reis (1)
969:20
reiterate (1)
1037:5
relate (2)
1001:1;1019:14
related (2)
995:23;1023:23
relates (4)
996:11;997:22;
998:3;1038:22
relating (1)
1044:11
relative (3)
985:8;1004:4;
1019:6
relevant (10)
970:6;971:4,11;
972:8;988:18,22;
989:12;993:6;1003:3;
1018:21
reluctantly (1)
1037:19
rely (2)
996:13,17
remember (3)
1003:4;1015:2;
1034:24
render (1)
968:10
repeated (1)
978:21
repetition (1)
978:17
report (6)
972:10;989:23;
996:19;1006:16;
1035:14;1042:4
reporter (2)
969:21,22
reports (1)
1014:7
representative (3)
968:22;990:17;
1047:13
represented (1)
970:3
representing (1)
1048:7
represents (5)
980:17,23;982:9;
986:1,3
require (3)
973:6;1017:3;
1046:6
required (5)
975:7;1017:8;
1018:5;1047:12,18
requirement (9)
987:19;1012:6;
1021:11,22;1025:4;
1026:5;1027:4;

1028:20;1044:12
requirements (21)
974:23;975:3,11;
976:16,22;977:1;
978:23;979:14;
982:14;986:9;994:23;
1002:22;1003:9;
1004:16;1019:13,15;
1020:3;1021:2,21;
1025:12;1041:20
requisite (2)
1037:10;1043:16
research (1)
987:3
residents (2)
996:13,17
resolved (1)
991:8
resource (1)
1013:19
Resources (3)
968:5;1034:20;
1036:5
respect (1)
1006:23
respectful (1)
970:14
respects (1)
1014:17
RESPONSE] (13)
970:23;972:5;
974:18;979:15;
987:14;989:2;
1000:22;1001:3,10;
1018:7;1019:11;
1035:9;1044:6
responsible (1)
1033:9
restaurant (1)
1020:15
restrict (5)
973:6;997:19;
999:3,4;1030:24
restricted (2)
993:17;997:21
restriction (2)
998:21;1020:10
restrictions (2)
994:1;1024:8
restrictive (1)
999:19
restricts (2)
999:3;1015:7
result (12)
975:16,19;976:1,8,
11;982:4;1007:12;
1028:8;1029:6;
1032:8;1035:12;
1036:11
resulting (2)
1014:11,12
retirement (2)
970:16;1047:24

review (10)
971:3;972:7,9;
974:5;1010:19;
1011:8;1023:10;
1042:20;1045:11;
1046:7
reviewed (1)
1026:24
Reynolds (57)
968:19,20,20;
976:18,20,22;977:9,
17,21;994:14,17;
1002:8,13;1003:19;
1011:5,7;1013:17;
1020:18;1024:13,14,
24;1026:18,19;
1028:2,3,18,19;
1029:23,24;1031:11,
12,15,17;1032:21,22;
1033:19,20;1036:1,2;
1038:7,8,18;1039:15,
19,22;1040:5;
1041:13,14;1042:9,
10;1044:13,14,17;
1046:1,2;1048:23;
1049:4
Rhode (7)
968:5;972:12,18;
973:20;1003:24;
1035:15;1036:3
rid (2)
1017:16,18
right (21)
994:3;998:5;
1007:2;1010:7;
1013:6;1018:10;
1021:17,20;1023:6;
1026:4,14;1027:1;
1028:1,2;1032:6;
1036:9;1041:19,24;
1047:2;1048:17;
1049:5
rights (1)
991:6
rights-of-way (2)
990:23;991:1
ringing (1)
1040:1
rise (3)
1029:14;1037:16,
17
road (1)
1038:9
robust (1)
970:5
roll (2)
968:13;1044:5
row (2)
1015:12,14
Rowe (2)
981:4;983:9
rubber (1)
1038:9

rule (19)
979:19;980:16,17,
24;981:18;982:17;
983:21;984:13,16;
985:1,7,21;986:1,15;
987:8;999:21;
1041:22;1042:1,8
rules (2)
995:11;1022:17
run (7)
988:8;1000:8,9,15;
1007:4,7;1039:1
running (3)
996:5;1004:9,10
Ryan (1)
969:18

S

safe (2)
995:3,5
safety (38)
997:1,4;1002:19,
20,24;1003:3,6,13,16;
1004:1,4,5,7,12;
1005:14,18;1008:21;
1009:21,22;1011:24;
1012:2;1013:5,20;
1014:4;1015:21;
1016:5,6;1025:12;
1037:8,15,16;1038:2,
12,12;1039:16;
1040:1,4;1044:15
sailboat (2)
993:21,21
sailboats (1)
1009:9
sailing (1)
1001:6
Sakonnet (1)
1015:23
salt (4)
980:4,11,12;990:21
same (3)
997:20;1004:2;
1013:10
satisfied (8)
986:9;1028:11,15;
1029:16;1032:11;
1035:3,20;1042:5
satisfy (2)
986:11;1036:20
saw (1)
1004:17
saying (5)
978:10;1002:10;
1006:12;1012:7;
1039:20
scallop (4)
1009:5;1017:1,2,17
scallops (2)
1015:7;1017:11
scenic (6)

976:15;978:1,7,11;
1040:22;1041:2
schedule (1)
1009:2
scheduled (1)
1009:2
scheduling (1)
1043:6
science (1)
1033:21
scientific (2)
986:23;1043:16
scientifically (1)
981:16
season (1)
1007:12
seasonal (1)
992:18
Second (4)
971:9;1044:4,4;
1048:22
secretary (1)
969:16
section (11)
970:8;973:2;
974:12;975:3;979:23;
980:17;985:20;
986:21;987:17,24;
998:20
sedimentation (3)
976:3;1032:9,14
seem (2)
1002:2;1010:1
seemed (3)
993:4,6;1009:24
seems (6)
978:16;985:10;
986:6;991:15;994:12;
1037:23
Segar (10)
968:8;970:11;
971:15,15;990:11;
1008:15;1018:19;
1019:8,10;1022:19
segway (2)
974:19;997:17
sense (1)
985:22
separate (2)
984:10;985:18
separation (2)
999:20;1009:18
set (2)
985:13;1009:5
setback (2)
985:16;1000:23
setbacks (1)
995:6
sets (1)
989:4
setting (2)
981:15;986:23
seven (1)

1007:11
several (5)
970:1;991:14;
993:16,19;1040:7
shall (6)
980:5;988:6,9,13;
1001:16;1038:23
shallower (1)
1019:5
shaped (1)
1018:20
shed (1)
1024:1
sheet (3)
1013:12;1039:18;
1040:3
shellfish (2)
985:10;1033:9
shellfishing (3)
991:19;994:2,4
shore (36)
975:17,24;988:14;
993:14;998:9,16,18,
19,19,21;999:4,8,12,
18;1000:11;1001:1,7,
17,23;1002:14;
1004:10;1007:22;
1009:23;1012:17;
1013:16;1014:20;
1015:15;1028:9;
1030:7,17,22;1031:1,
20;1036:22;1038:17;
1040:13
shoreline (1)
985:14
shorten (1)
1035:16
shoving (1)
1008:10
showed (1)
1011:1
showing (1)
997:5
shows (1)
981:19
shut (1)
1009:13
side (3)
992:9;1012:18;
1031:21
sides (3)
996:21;1003:16;
1043:13
significance (7)
976:9;979:6;
996:19;1035:13,18;
1037:17,18
significant (50)
975:16,19;976:2,4,
8,11;978:17,17,20,24;
995:1,7,10,17;997:8,
15;1007:1;1008:12,
21;1010:2,19,23;

1011:20,22;1012:14;
1015:13;1028:8,15;
1029:6,15;1030:10,
11,13;1031:3;1032:5,
8,12,13;1033:2,17;
1035:12;1036:11,18;
1037:1,6;1038:11;
1040:16;1043:19,22;
1044:20
significantly (6)
975:22;981:5;
983:24;997:19;
1030:5;1031:13
Similar (2)
996:7,21
simultaneously (1)
1007:9
sits (1)
1048:7
six (1)
1019:7
size (4)
1013:23;1014:3,11;
1017:13
ski (5)
988:9;1003:23,24;
1004:9;1007:13
skier (8)
993:7;998:2;
1005:11,12;1007:4;
1009:24;1010:2;
1040:12
skiers (8)
984:23;1005:24;
1006:23;1007:1,13;
1008:18;1010:17;
1013:8
skiing (2)
1004:3;1009:3
skis (7)
988:1;1001:20,21,
22;1002:6;1004:17;
1005:5
slice (1)
991:17
slow (5)
992:21;1009:9;
1012:24,24;1013:2
slowing (1)
1001:24
small (9)
985:20;992:15;
993:21;994:8;999:23;
1007:2;1015:17,20;
1039:17
smaller (3)
991:17;1008:11;
1013:12
snapshot (3)
992:5;996:10,10
so-called (2)
979:19;1027:19
social (14)

980:20;981:7,12,
22;982:2,6,23;983:1;
984:6,10;985:15,18;
986:3,5
societal (1)
987:7
somebody (1)
1003:6
someone (3)
1005:16;1007:7;
1012:23
sometimes (4)
1009:8;1015:24;
1016:1,10
somewhat (4)
975:1;986:6;
1012:16;1037:19
somewhere (3)
991:23;1016:18;
1023:13
soon (1)
1049:9
Sorry (3)
1031:16,17;
1039:24
sort (7)
976:23;1002:15;
1003:1;1011:15,18;
1012:2;1038:9
sought (1)
1013:24
sound (1)
1021:17
sounds (3)
1023:21;1046:20;
1047:5
South (8)
968:21;987:17;
990:17;1019:1;
1038:15;1039:10,13;
1040:15
space (3)
1008:13;1013:3;
1015:13
speak (3)
1030:17;1037:24;
1038:19
speaking (1)
1019:4
speaks (3)
986:21;987:6;
1035:17
specific (5)
986:8;995:2;
1001:2;1003:18;
1011:20
Specifically (3)
974:12;981:24;
1003:16
specifics (2)
974:9;980:3
speculative (1)
1022:8

speed (5)
985:13;988:15;
994:10;1001:18;
1004:2
spent (1)
1015:22
split (1)
1029:10
sports (2)
995:4;1011:17
spot (1)
985:11
staff (12)
968:24;970:17;
972:9;982:19;989:22;
995:24;996:19;
1022:10;1027:21;
1035:14;1042:4;
1045:5
stakeholders (1)
989:17
standard (11)
978:24;979:16;
1010:19;1023:10;
1024:12,15,21;
1026:2;1039:15,23,23
standards (10)
970:6;971:6,19;
972:8;974:5;975:10;
979:4;989:13;
1025:11;1042:20
standpoint (1)
1004:12
start (8)
969:23;972:6;
990:16;1000:7;
1009:12;1012:1;
1015:19;1021:24
Starting (5)
968:14;988:8;
1000:9,13;1039:1
state (13)
972:20;973:1,3,4,6,
6,9;975:11;992:2;
1003:22,23;1025:23;
1034:8
stated (2)
1033:8;1036:17
statement (1)
981:18
states (1)
1031:7
stating (1)
985:13
stationary (16)
988:7;998:8,10;
999:9,16;1002:14;
1006:9,19;1009:12;
1018:13,14;1036:23;
1038:23;1039:3,5,6
statute (5)
973:20;974:17;
989:11;1025:23;

1048:5
stay (4)
995:13;998:7;
1013:8,8
sten (1)
1027:16
steps (1)
1046:21
still (11)
982:12;989:23;
991:11;1000:2,12;
1009:19,19;1011:13,
19;1017:12;1040:11
stipulations (1)
1015:8
stopped (1)
1009:9
story (1)
1046:9
street (1)
991:4
strictly (2)
1025:7;1040:17
studied (1)
981:23
studies (1)
982:5
study (3)
983:9,11,13
Subcommittee (14)
968:4,9,13;970:19;
971:11;988:18;989:6;
1040:15;1042:22;
1043:6;1045:11,14,
19;1046:22
subject (1)
1025:18
subjective (4)
978:3,4,12;1023:22
submerge (1)
1015:7
submerged (7)
1015:3;1016:4,22,
23,24;1017:24;
1041:3
submitted (3)
1029:19;1033:15;
1042:17
subpart (4)
980:9;988:3,11;
1001:15
subsequent (3)
968:12;983:22;
1043:3
subset (2)
1011:18;1012:12
substantial (1)
976:24
succinctly (1)
997:12
sufficient (1)
1041:8
suggestion (1)

980:19
summary (1)
989:8
summer (4)
991:7;992:18;
1007:12;1009:6
support (5)
1002:3;1017:18;
1029:20;1041:9;
1044:19
supportive (1)
991:1
supports (3)
1034:9;1042:17;
1043:18
supposed (1)
1004:8
sure (15)
971:5;973:19;
978:6;993:18;994:3;
997:20;998:2;999:14;
1003:8;1015:6,21;
1019:21;1038:1;
1045:22,23
surface (5)
980:6,12;1017:4,
21;1042:3
suspend (1)
1017:4
suspended (2)
1017:1,3
sway (1)
997:4
swim (1)
995:3
swimmers (2)
988:14;1001:17
swimming (2)
976:13;987:24

T

tail (1)
1005:11
TAKEN] (1)
1049:7
talk (15)
971:10,14,18;
973:13;981:4;984:4;
986:15;990:9;995:21;
1002:18;1011:15;
1019:13;1023:9;
1030:19;1034:14
talked (2)
1001:5;1011:9
talking (12)
971:20;978:23;
993:7;1002:8;
1003:20;1004:21;
1015:5,19;1027:11,
14;1036:15;1040:11
talks (5)
1002:23;1021:3;

1025:13;1030:9,11
tantamount (1)
1038:12
temporary (1)
1009:1
ten (7)
970:9;993:11;
1014:20;1015:11,12,
16,18
tend (1)
985:6
term (1)
983:2
terms (1)
1021:3
testify (1)
1003:6
testimony (23)
971:9;987:16;
990:9;992:10;993:1,
12;994:19;997:11;
1003:2;1006:1;
1007:20;1008:2,14;
1012:23;1018:23;
1020:20;1027:5;
1028:10;1029:13;
1032:10;1033:5;
1043:15,15
thanked (2)
995:24;996:5
theoretically (1)
1004:7
therefore (1)
1015:17
thereunder (2)
973:7,9
thinking (6)
999:15;1002:13,21;
1009:19;1011:7;
1024:15
thornier (1)
1013:20
thorniest (1)
1037:13
though (2)
1007:13;1016:6
thought (9)
970:13;971:1,13;
978:2;992:10;993:16;
1020:19,24;1027:21
thoughts (3)
994:5,13;1040:12
three (5)
1007:1;1012:19;
1013:23;1015:5;
1017:5
three-acre (3)
968:7;1011:14;
1016:3
three-hour (1)
1046:16
threshold (3)
978:24;1022:5,5

throttle (1)
1000:19
throughout (3)
974:13;978:23;
1005:22
tidal (7)
975:17,23;1015:18;
1028:9;1030:6,17,21
tide (1)
1018:16
times (6)
992:7;995:19;
997:18;1022:16;
1023:9;1040:7
together (3)
970:18;990:12;
996:4
Tony (1)
969:13
took (1)
970:12
top (3)
1015:4;1017:6,20
topic (2)
987:13;990:10
topics (1)
972:4
total (5)
980:6,11;1011:12,
18;1042:3
tours (1)
1020:14
toward (1)
1005:23
towards (3)
1005:2;1007:17;
1037:7
towed (1)
1011:17
towing (1)
998:1
town (9)
985:12;995:6;
1012:8;1013:4;
1016:8;1036:21;
1039:13;1047:13;
1048:7
toyed (1)
993:10
transit (1)
993:13
transmitted (1)
1045:15
traps (1)
1015:23
travel (1)
1014:19
tried (1)
1022:15
true (4)
993:19;1004:2;
1034:1;1048:3
truly (1)

1037:5
trump (1)
1012:2
try (3)
986:4;1014:18;
1047:20
trying (5)
977:12;985:18;
993:20;1003:4;
1010:17
tubing (1)
1011:20
tucked (1)
985:11
tumblers (1)
1020:9
turbidity (3)
976:3;1032:9,14
turn (1)
1005:9
turned (1)
1040:1
Turner (2)
969:15,17
two (12)
989:14,24;1007:1,
2,8;1008:15,17;
1014:16;1016:19;
1019:17,22;1027:10
twofold (1)
1030:9
type (6)
979:9;990:19;
992:16;1000:16;
1020:15;1022:8
typically (1)
1018:24

U

ugly (1)
978:5
unanimous (1)
1045:1
uncomfortable (1)
1007:23
under (9)
973:10;974:20;
975:3;976:17;979:23;
981:18;1001:23;
1015:3;1044:11
understood (4)
982:2;999:1;
1002:10;1014:24
unique (1)
971:15
unless (2)
1012:19;1013:14
unlike (2)
997:2;1023:13
unreasonable (2)
1032:1;1037:1
unreasonably (4)

975:22;1030:5;
1031:7,15
unrelated (1)
995:23
up (22)
979:4;991:7,10;
993:5;995:19;999:14;
1000:13;1002:15;
1006:10;1010:5;
1011:2;1016:9;
1019:17,22;1020:13,
20,22;1021:13;
1028:13;1045:15;
1046:21;1047:3
upland (1)
1026:2
upon (9)
980:13,18;988:17;
990:18;994:15;
1003:17;1026:23;
1043:13;1044:11
upper (1)
988:4
use (35)
970:10;975:23;
984:1;985:19;991:15,
20;992:11,18,19;
993:8;994:8,20;
997:9,9;1000:1;
1008:17;1009:16;
1010:7,10,11,15,21,
21;1013:18;1025:21,
22;1030:6,11,19,19;
1038:4,4;1043:19,20,
20
used (8)
981:7;990:21;
991:13;998:19;
1016:2,18;1018:20;
1040:11
users (3)
1007:17;1008:1;
1013:15
uses (33)
972:23;973:7;
976:12;983:6;985:4;
987:21;990:15;
991:18;992:14,15,22;
994:22;995:14;
996:15;998:4;
1008:20;1011:1,9,15;
1012:9,15,22;
1018:24;1026:3,3;
1030:13;1036:11,16,
17,18;1039:17;
1040:17;1044:21
using (5)
973:19;983:9;
998:23;999:8;1020:9

V

variety (1)