

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

VOLUME I, PAGES 1-165

US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
File Number: 200202751

PUBLIC HEARING, held at the Veterans
Memorial Auditorium, Parsons Government Center, 70
West River Street, Milford, Connecticut, on
Wednesday, July 23, 2003, commencing at 7:00 p.m.,
concerning:

MARICULTURE UNLIMITED, LLC
PERMIT APPLICATION

JUSTICE HILL REPORTING
BY MARIANNE KUSA-RYLL, RMR
252 JUSTICE HILL ROAD, P.O. BOX 610
STERLING, MASSACHUSETTS 01564-0610
TELEPHONE (978) 422-8777 FAX (978) 422-7799

1
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7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

SPEAKERS:	PAGE
Kristen Bellantuono.....	12
Dr. John Garofalo.....	14
Attorney General Richard Blumenthal.....	32
Senator Win Smith, Jr.....	34
Representative John Hetherington.....	37
Representative Jim Amann.....	39
First Selectwoman Diane Goss Farrell.....	41
Mayor James Richetelli, Jr.....	43
Ronald Silverman.....	45
Lee Jordan.....	48
Alicia Mozian.....	49
Master Captain Wiesenberg.....	51
Sherman Goosman.....	53
Nancy Helmig.....	55
Ted Fontelieu.....	58
Paul Iffland.....	60
Jay Lurie.....	62
Mark Zimmermann.....	64
Michael Colnes.....	67
Charles Kreitler.....	70

(Continued)

	I N D E X(continued)	
	SPEAKERS:	PAGE
1		
2		
3	Nelson Stephenson.....	72
4	Martin Levin.....	75
5	Peter Ratkiewich.....	77
6	Edwin Rhodes.....	79
7	Fred Fassman.....	81
8	Vincent Gallogly.....	83
9	Paul Myerson.....	85
10	Una Glennon.....	87
11	Lee Weiner.....	89
12	John Gillespie.....	91
13	Kevin Gunther.....	93
14	William Balch.....	95
15	Doris Taylor.....	97
16	Richard Hayes.....	99
17	Dan Murdoch.....	102
18	Karl Dale.....	103
19	Jeff Scanlan.....	105
20	Mark Foster.....	107
21	Robert Kennedy.....	109
22	Eric Robbins.....	110
23		
24	(continued)	

1 I N D E X (continued)

2	SPEAKERS:	PAGE
3	Terrence Kehoe.....	112
4	John Gaynor.....	114
5	Peter Nagle.....	116
6	Bruce Knowles.....	118
7	Daniel Conron.....	119
8	Richard Weisberg.....	121
9	Harrison Valanate.....	123
10	Carol Helms Reichhelm.....	125
11	Halsey Bullen.....	129
12	Christian Jensen.....	131
13	Orvis Yingling.....	132
14	George Reichhelm.....	133
15	Bill Dobensky.....	134
16	T.J. Casey.....	137
17	Allen Bemis.....	138
18	Robert Pimor.....	141
19	Georgiana Silk.....	143
20	Larry Liggett.....	145
21	Tracie Conti.....	147
22	Michael Weinshel.....	148
23		
24	(continued)	

1 I N D E X (continued)

2	SPEAKERS:	PAGE
3	Juliana Garofalo.....	150
4	Jim Salce.....	151
5	Jim Zelich.....	154
6	Charles Proctor.....	155
7	Denis Rickard.....	158
8	Davis Hamm.....	160

9

10

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12

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P R O C E E D I N G S

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MODERATOR ROSENBERG: Good evening.

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Good evening and welcome to this public hearing regarding the permit application submitted by Mariculture Unlimited to install 225 submerged longlines for the rearing of eastern oysters at three state administered shellfish lease areas in the nearshore coastal environment of Long Island Sound.

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14

My name is Larry Rosenberg. I'm the Chief of Public Affairs for the United States Army Corps of Engineers in New England. I will be your moderator and your facilitator this evening.

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Our Hearing Officer this evening is Mr. Robert Byrne, the Deputy District Engineer of the Army Corps of Engineers in New England.

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Should you need copies of the public notice, the hearing procedures, or other pertinent information, it is available at the registration tables located outside this hall. I should point out that the United States Army Corps of Engineers has made no decision regarding this permit.

The agenda for the hearing this evening

1 is, following this introduction, Mr. Byrne will
2 address the hearing.

3 Our Hearing Officer will then be
4 followed by the Connecticut Department of
5 Environmental Protection, Long Island Sound
6 Programs; and lastly, the permit applicant will
7 briefly discuss the permit application before the
8 Corps of Engineers.

9 Before we begin, I would like to remind
10 you of the importance of filling out the cards that
11 were available at the door. These cards serve two
12 purposes.

13 First, they let us know that you are
14 interested in this permit so we can keep you
15 informed.

16 Second, they provide me a list of those
17 who wish to speak this evening. If you did not
18 complete a card, or wish to speak, or receive
19 future information regarding this permit, one will
20 be provided at the registration.

21 For your convenience, an additional
22 stenographer is also available outside near the
23 registration area, should you wish to provide
24 comment on the record without imposed time

1 restrictions, rather than making those formal
2 presentations here. Those statements, along with
3 any written statements received this evening, will
4 receive equal consideration with those comments
5 presented this evening.

6 One additional comment. We are here to
7 receive your comments, not to enter into any
8 discussion of those comments, or to reach any
9 conclusions. All questions should be directed to
10 the record and not to the individuals on this
11 panel.

12 Thank you.

13 Ladies and gentlemen, Robert Byrne.

14 MR. BYRNE: Good evening. I would like
15 to welcome you to this public hearing on a request
16 for permit by Mariculture Unlimited under
17 Section 10 of the Rivers and Harbors Act to install
18 225 submerged longlines for the rearing of eastern
19 oysters at three state administered shellfish lease
20 areas in the nearshore coastal environment for Long
21 Island Sound for a commercial aquaculture operation
22 in waters of the United States.

23 I'd also like to thank you for
24 involving yourself in the environmental review

1 process. Please feel free to bring up any and all
2 topics that you feel need to be disclosed on the
3 record. I assure you that all of your comments
4 will be addressed during this process.

5 I am Bobby Byrne, Acting Deputy
6 District Engineer for the New England District
7 Corps of Engineers. Our headquarters is in
8 Concord, Massachusetts.

9 Other Corps representatives here with
10 me tonight are Christine Godfrey, Chief of our
11 Regulatory Division; Bob DeSista, Chief of Permits
12 and Enforcement Section of our Regulatory Office;
13 and Cori Rose, our Project Manager; and Larry
14 Rosenberg, who just spoke and will be our
15 facilitator for tonight's hearing.

16 Also joining me tonight are Kristen
17 Bellantuono from the Connecticut Department of
18 Environmental Protection, Office of Long Island
19 Sound Program; and David Carey, Director of State
20 of Connecticut Department of Agriculture, Bureau of
21 Aquaculture.

22 Tonight's hearing is being conducted as
23 part of the Corps of Engineers' regulatory program
24 solely to listen to your comments.

1 I'd briefly -- I would like to briefly
2 review the Corps of Engineers' responsibilities in
3 this process.

4 First, the Corps' jurisdiction in this
5 case is Section 10 of the Rivers and Harbors Act
6 that authorizes the Corps to regulate structures
7 and work in navigable waters of the United States.

8 Second, the detailed regulation that
9 explains the procedures for evaluating permit
10 applications and unauthorized work is Title 33,
11 Code of Federal Regulations, Parts 320 and 330.

12 And third, the Corps' decision rests
13 upon several important factors to include, in
14 accordance with those aforementioned regulatory and
15 statutory authorities, our decision to issue a
16 permit will be based on an evaluation of the
17 probable impacts for the proposed activity on the
18 public interest.

19 Our decision will reflect the national
20 concern for both the protection and utilization of
21 important resources.

22 The benefits that may reasonably accrue
23 from the proposal must be balanced against any
24 reasonably foreseen detriments.

1 And all factors which may be relevant
2 to the proposal will be considered prior to our
3 making a decision, and those factors include, but
4 are not limited to: conservation, economics,
5 aesthetics, the environment, fish and wildlife
6 values, navigation, recreation, water supply, food
7 production, and in general the needs and welfare of
8 the American people.

9 Subsequent to our determination, the
10 Corps conducts a broad-based public interest
11 review. This hearing is part of that review. All
12 factors affecting the public will be included in
13 our evaluation. Your comments will help us in
14 reaching a decision.

15 The record of this hearing will remain
16 open, and written comments may be submitted tonight
17 or by mail through August 2nd. All comments will
18 receive equal consideration.

19 Lastly, to date, no decision has been
20 made by the Corps of Engineers with regard to this
21 permit. It is our responsibility to evaluate both
22 the environmental and socioeconomic impacts prior
23 to our decision; and in order to accomplish that,
24 we need your input.

1 Yes, it is indeed crucial to the public
2 process that your voice is heard; and again, I want
3 to thank you for your involvement.

4 MODERATOR ROSENBERG: Ladies and
5 gentlemen, the Connecticut Department of
6 Environmental Protection Office, Long Island
7 Sound's Program.

8 MS. BELLANTUONO: Good evening. My
9 name is Kristen Bellantuono, and I am an
10 environmental analyst for the Connecticut DEP's
11 Office of Long Island Sound Programs.

12 The DEP's role in the regulatory
13 process is explained in detail with the fact sheet
14 that I brought tonight. A copy of that can be
15 found outside on the back table outside the
16 auditorium.

17 Essentially, our involvement is limited
18 to conducting a federal consistency review of the
19 application pending before the Army Corps of
20 Engineers to determine whether or not the proposed
21 activities are consistent with the state's
22 federally approved -- excuse me -- Coastal Zone
23 Management Program. To this end, the US Army Corps
24 of Engineers may not issue a permit for the

1 project, unless a positive consistency
2 determination, or concurrence, is made by our
3 office.

4 In making this determination, we are
5 required to evaluate the proposed activity's impact
6 on a host of criteria, including the following:
7 navigational, recreational and environmental
8 impacts.

9 The DEP deadline for making a
10 consistency determination on this project is
11 September 18th, 2003.

12 As of tonight, the Department has not
13 made a determination regarding the proposed
14 activities. We are here this evening to listen to
15 the concerns of the public and to collect
16 additional information that may be useful in
17 conducting our review.

18 In addition to this forum, the
19 Department is accepting written comments on the
20 proposal until August 2nd, 2003. Should you wish
21 to submit written comments to the Department, for
22 the Department's consideration, you may submit them
23 as indicated on the Fact Sheet provided.

24 Thank you for your participation in

1 this process.

2 MODERATOR ROSENBERG: Thank you.

3 Ladies and gentlemen, Mariculture
4 Unlimited will now present a brief overview of the
5 permit application.

6 DR. GAROFALO: Good evening. My name
7 is John Garofalo, and I would like to start by
8 explaining that the -- I know there has been a
9 little confusion about the so-called compromise
10 proposal that had been published in the newspaper
11 in Westport. That is not what we're talking about.
12 We are presenting the proposal that was originally
13 submitted to the Army Corps.

14 The purpose of this project basically
15 is to apply advanced aquaculture technology so that
16 our shellfish will always be in an optimal
17 environment for growth.

18 Just to give a bit of history about
19 oystering in Connecticut, there has been some very
20 severe fluctuations in oyster production of the
21 last century or so. Oyster production peaked in
22 the 1890s, about two million bushels per year.
23 Unfortunately, it went way down to about 33,000
24 bushels in the 1970s, back up to about 900,000 in

1 1994; but unfortunately, we're way down around
2 56,000 bushels as of 2001.

3 The importance of shellfish aquaculture
4 in Connecticut is both ecological and economic.

5 And at its peak in the mid-'90s,
6 shellfish aquaculture was responsible for
7 approximately \$200 million per year in economic
8 activity.

9 This problem of decreasing production
10 of shellfish products is not limited to our local
11 areas, but in conjunction with the decreasing
12 income from capture fisheries, we've unfortunately
13 seen a trade deficit of approximately \$7 billion on
14 a national level.

15 We believe there is several benefits
16 that projects like ours can provide to the State of
17 Connecticut; and in addition to the economic
18 benefits, there is also ecological benefits and
19 reduction of hypoxia, eutrophication, or nitrogen
20 content of the water, as well as restoration of
21 natural shellfish beds and improvement in water
22 quality.

23 The Long Island Sound study group has
24 identified eutrophication, or excessive nitrogen

1 content in the water, and it's associated with
2 hypoxia as the number one problem facing this
3 waterway. We all know where it comes from.

4 It comes from septic systems, and it's
5 dumped into Long Island Sound at a rate of
6 approximately one billion gallons per day. What
7 oysters can do is to act as an advance to a
8 tertiary nitrogen removal system.

9 Basically what we want to do is we want
10 to take this trend, and we want to replace it with
11 an aquacultural trend, which nationwide has been on
12 the way out.

13 There are three basic phases of our
14 business: hatchery, nursery, and the off bottom
15 grow-out portion, and we do believe strongly in the
16 benefits of off-bottom growing. The first phase
17 everybody loves. This is the hatchery phase where
18 the shellfish are raised, sort of the labor of the
19 delivery of shellfish. This is the nursery phase.
20 And this is in inland or past the marinas. This is
21 where they get to approximately one in size.

22 And the third phase of the grow out is
23 what the -- what is causing the problems at this
24 point in situ. The benefits from off bottom

1 grow-out, as opposed to bottom shellfish culture,
2 are that we can protect these shellfish from
3 predators. They grow out more rapidly, and we see
4 much lower mortality rates related to hypoxia and
5 shellfish diseases, like Dermo.

6 So the options that we looked at over
7 the course of the last two years for off bottom
8 grow-out included all these -- these cages and
9 racks and things I'm going to show you right now.

10 These are what are called Taylor floats
11 that actually are surface floats with the shellfish
12 bags being suspended at the surface of the water.
13 This is taken from a Canadian subsurface system.
14 Again, that's something we do not plan to do.
15 These are rafts, and these are racks that would be
16 placed not on Compo Beach.

17 From the aesthetic point of view, we
18 expect that a system like ours will look something
19 like this. Really all that you will see within the
20 area will be the smaller floats from lobster or
21 lobster-pot-style floats. The condition of that
22 will be the required regulatory buoys along the
23 perimeter. And certainly we know that the boaters
24 in our areas are used to even larger buoys

1 throughout our area. The 99 plus percent of the
2 grow-out system is located on the bottom, and we've
3 got some very heavy holding anchors, helix anchors.
4 The floats that you see across the line here would
5 actually provide the suspension system, and these
6 modules contain the trays in which the shellfish
7 actually grow.

8 This is one option for a cage basket.
9 This is another type that we'd more likely use.

10 I would just like to clarify that this
11 is not an experimental system. Systems like this
12 have been used around the world. They have been
13 very well engineered, and there have been very,
14 very few adverse interactions between other users
15 in the waterway with these systems.

16 This is a chart of the area off of
17 Westport, and the area marked in blue is the area
18 that we hold as self-depleted in Westport. The red
19 cross-hatched area is the proposed shellfish
20 growing area in Westport. I believe that is in
21 approximately 355 acres.

22 This shows a potential thoroughfare for
23 larger commercial boats around the shellfish
24 grow-out area; and let me say at this point that we

1 do not expect that this is going to be an exclusion
2 zone to the passage of recreational boats. The
3 mean -- or I should say the clearance will be
4 approximately 10 -- 10 feet from the surface of the
5 water to the top of these structures at mean low
6 water.

7 This is a -- basically a chart of the
8 area off Westport from the 10 fathom line down to
9 approximately the one fathom line. It's about
10 9,000 acres. We see this as the area in Westport
11 that's available for recreational boating use.

12 This is the area that's used by
13 the -- one of the yacht clubs, racing yacht clubs
14 in Westport. That's approximately 3,800 acres.
15 This is the proposed shellfish grow-out area in
16 Westport of about approximately 350 acres.

17 This is a slide of the proposed area in
18 Milford, and that's an area of about 150 acres.

19 Lastly, this is my daughter
20 water-skiing. I just would like to say that I'm a
21 resident of -- I have been a resident of
22 Connecticut for approximately 20 years now; and we
23 live in Westport; we enjoy the water; and we
24 respect the resources that we are asking to

1 utilize.

2 Thank you very much.

3 (Applause.)

4 MODERATOR ROSENBERG: Thank you, sir.

5 Ladies and gentlemen, it is crucial to
6 this public process that your voice is heard, and
7 we're here to listen, to listen to your comments,
8 to understand your concerns, and to provide you an
9 opportunity to put your thoughts on the record
10 should you care to do so.

11 The hearing tonight will be conducted
12 in a manner that all who desire to express their
13 views will be given an opportunity to do so. To
14 preserve the right of all to express their views, I
15 ask that there be no interruption and no
16 applauding.

17 Furthermore, in order to make any
18 decisions regarding this permit application, we,
19 the United States Army Corps of Engineers, need to
20 have you involve yourself in this environmental
21 review, not just tonight, but throughout the entire
22 process.

23 When you came in this evening, copies
24 of the public notice and the procedures, which is

1 on our orange sheet of paper, that are going to be
2 followed this evening were available. If you did
3 not receive these, they are still available at the
4 registration desk at the entrance. I will not read
5 either of the procedures or the public notice, but
6 they will be entered into this record.

7 A transcript of this hearing is being
8 prepared, and the record will remain open, and
9 written comments may be submitted tonight, or by
10 mail until August 2nd, 2003. All comments will
11 receive equal consideration. Anyone who cannot
12 attend, but still wishes to send written comments,
13 should forward those comments to our headquarters
14 in Concord, Massachusetts.

15 Lastly, I would like reemphasize that
16 the Corps of Engineers has made no decision with
17 regards to this permit. It is our responsibility
18 to fully evaluate Mariculture's -- Mariculture
19 Unlimited's proposed activity and its impact prior
20 to any decision; and in order to accomplish that,
21 we need your input.

22 Again, we are here to receive your
23 comments, not to enter into any discussion of those
24 comments, or to reach any conclusion.

1 Any questions you have should be
2 directed to the record and not the individuals on
3 this panel.

4 Mr. Byrne, if there is no objection, I
5 will now dispense with the reading of the public
6 notice of this hearing and have it entered into the
7 record.

8 Thank you.

9

10 * * * * *

11

12 PUBLIC NOTICE

13 US Army Corps Date: June 19, 2003
14 of Engineers Comment Period Ends: August 2, 2003
15 New England District File Number: 200202751
16 696 Virginia Road
17 Concord, MA 01742-2751

18 In Reply Refer To: Cori M. Rose
19 Or by e-mail: cori.m.rose@usace.army.mil

20

21

22 NOTICE OF PUBLIC HEARING

23

24 MARICULTURE UNLIMITED, 11 SURF ROAD, WESTPORT,

1 CONNECTICUT has requested a Corps of Engineers
2 permit under Section 10 of the Rivers and Harbors
3 Act to install and maintain a total of 225
4 submerged longlines for the rearing of eastern
5 oysters at three state administered shellfish lease
6 areas in the nearshore coastal environment of Long
7 Island Sound. The proposed shellfish rearing areas
8 will encompass a total area of 522.4 acres off of
9 the shoreline of Milford and Westport, Connecticut.

10

11 Site 1a/1b - Westport CT

12 The 366.8 acre rearing area at Lease 602 and 612 is
13 located to the northeast of Cockenoe Reef,
14 southeast of the Saugatuck River entrance, and
15 north of Georges Rock in 24 to 32 feet of water at
16 an orientation of 371 degrees (see attached
17 coordinates). At this site, approximately one
18 hundred sixty-nine 325 foot long longlines, each
19 suspending 50 cage units (4.6' high modules) for
20 the rearing of oysters, is proposed to be submerged
21 10 feet below the water surface, kept afloat
22 between large flotation buoys and anchored by 4
23 terminal helix-style anchors and 6 intermediately
24 placed 200 pound mushroom anchors. Compensation

1 buoys will be used to keep the longline off of the
2 bottom. Tidal currents at the site run 272 degrees
3 on a flood tide, and 84 degrees on an ebb tide.
4 Predicted maximum current velocities for the site
5 are 1.2 knot on a flood tide, and 1.88 knot on an
6 ebb tide.

7

8 Site 2 - Milford CT

9 The 155.5 acre rearing area at Lease 390 is located
10 offshore of Cedar Beach and Laurel Beach in water
11 depths of between 15 and 22 feet at an orientation
12 of 205 degrees (see attached coordinates). At this
13 lease, approximately fifty-six 325 foot long
14 longlines, each suspending 50 cage units (4.6' high
15 modules) for the rearing of oysters, is proposed to
16 be submerged 8 feet below the water surface, kept
17 afloat between large flotation buoys and anchored
18 by 4 terminal helix-style anchors and 6
19 intermediately placed 200 pound mushroom anchors.
20 Compensation buoys will be used to keep the
21 longline off of the bottom. Tidal currents at the
22 site run 250 degrees on a flood tide, and 70
23 degrees on an ebb tide. Predicted maximum current
24 velocities for the site are 0.8 knot on a flood

1 tide, and 1.1 knot on an ebb tide.

2

3 By this notice we are announcing a public hearing
4 and requesting comments in writing, or orally at
5 the hearing, on this application. The purpose of
6 the hearing is to acquire information that will be
7 considered in evaluating the permit application.

8

9 The public hearing will be held on July 23,
10 2003 at the Veterans Memorial Auditorium, in
11 Milford, Connecticut. There will be an
12 applicant sponsored information/poster session
13 from 5:00 pm to 7:00 pm. Registration for
14 oral comment will begin at 6:00 pm. The
15 hearing will begin promptly at 7:00 pm. The
16 applicant will provide a brief presentation of
17 the scope of the proposed project activity at
18 the beginning of the hearing. The Veterans
19 Memorial Auditorium is located at Parsons
20 Government Center, 70 West River Street,
21 Milford, CT and is accessible from 5:00 p.m.

22

23 Deaf and hearing impaired persons wishing to attend
24 this Public Hearing, and requiring an interpreter,

1 may make arrangements by contacting the Public
2 Affairs Office at (978) 318-8237 at least ten
3 working days prior to the Public Hearing.

4

5 Subsequent to the hearing the transcript will be
6 available for review on our web page and/or at our
7 office, or may be purchased directly from the
8 reporter. A copy of our final decision document,
9 including the environmental assessment will be
10 available upon request. Any person shall be able
11 to submit oral or written statements concerning the
12 subject matter of the hearing, to call witnesses
13 who may present oral or written statements, and to
14 present recommendations as to an appropriate
15 decision. Any person may present written
16 statements for the hearing record prior to the time
17 of the hearing record is closed to public
18 submissions, and may present proposed findings and
19 recommendations.

20

21 The decision whether to issue a permit will be
22 based on an evaluation of the probable impact of
23 the proposed activity in the public interest. That
24 decision will reflect the national concern for both

1 protection and utilization of important resources.
2 The benefit, which may reasonably accrue from the
3 proposal, must be balanced against its reasonably
4 foreseeable detriments. All factors which may be
5 relevant to the proposal will be considered,
6 including the cumulative effects thereof; among
7 those are: conservation, economics, aesthetics,
8 general environmental concerns, wetlands, cultural
9 value, fish and wildlife values, flood hazards,
10 flood plain value, land use, navigation, shoreline
11 erosion and accretion, recreation, water supply and
12 conservation, water quality, energy needs, safety,
13 food production and, in general, the needs and
14 welfare of the people. All comments received in
15 response to this notice or as part of the hearing
16 record will be considered, in addition to those
17 comments received on the original Public Notice.
18 Consequently, if you have already submitted
19 comments, there is no need to resubmit them as part
20 of this proceeding.

21

22 WRITTEN STATEMENTS MAY BE MAILED TO: The U.S. Army
23 Corps of Engineers, New England District, ATTN: Ms.
24 Cori Rose, 696 Virginia Road, Concord,

1 Massachusetts 01742-2751. Comments must be
2 received by August 2, 2003. If you have any
3 questions, please contact Cori M. Rose at (978)
4 318-8306 or use our toll free number (800) 343-4789
5 or (800) 362-4367 if calling within Massachusetts.

6

7 NOTIFICATION TO THE PUBLIC THAT THE CONNECTICUT
8 DEP WILL REVIEW THIS PROPOSAL FOR CONSISTENCY WITH
9 THE STATE'S FEDERALLY APPROVED COASTAL ZONE
10 MANAGEMENT PLAN

11

12 The Department of Environmental Protection (DEP)
13 hereby gives notice it has received from the United
14 States Army Corps of Engineers (ACOE) a request for
15 concurrence with a determination of consistency
16 with the enforceable policies of Connecticut's
17 federally-approved Coastal Management Program
18 pursuant to section 307(c)(1) of the Federal
19 Coastal Zone Management Act regarding a proposal by
20 Mariculture Unlimited, LLC to conduct aquaculture
21 activities as discussed in detail, below. Although
22 no hearing is required by law to be held for its
23 concurrence determination, the DEP will be in
24 attendance at this Public Hearing and will receive

1 comments relative to the request received. The DEP
2 proceeding is not a contested case.

3

4 Pursuant to 15 CFR 930.61, all interested parties
5 are also invited to express their views on the
6 State of Connecticut Coastal Zone Management
7 consistency review at the above-referenced hearing
8 or in writing. Written comments must be submitted
9 to the Department no later than August 2, 2003.
10 Comments regarding this notice should be directed
11 to: Peter Francis, CT Department of Environmental
12 Protection, Office of Long Island Sound Programs,
13 79 Elm Street, Hartford, CT 06106-5127 or by email
14 at: peter.francis@po.state.ct.us.

15

16 Robert J. DeSista
17 Chief, Permits & Enforcement Branch
18 Regulatory Division

19

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* * * * *

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24

MODERATOR ROSENBERG: A transcript of
this hearing is being made to assure a detailed
review of all comments. A copy of the transcript

1 will be available in our Concord, Massachusetts
2 headquarters for your review. It will be put on
3 our website in approximately 10 days for your use
4 or download, or you may make arrangements with the
5 stenographer for a copy at your own expense.

6 Individuals speaking will be called to
7 the microphone -- we have two, one on each side of
8 the main -- the center section -- in the order that
9 they signed in and as provided for in that hearing
10 protocol.

11 When making a statement, please come
12 forward to the microphone, either one, state your
13 name and the interest you represent. And as there
14 are many wishing to speak tonight, more than 80,
15 you will be provided two minutes to speak, no more.
16 The traffic signal in the front will indicate the
17 following: The green light will come on indicating
18 two minutes left. I will put that on right after
19 you introduce yourself. The amber light indicates
20 one minute left; and the red light indicates that
21 your time has expired.

22 Please identify if you're speaking for
23 or representing a position of an organization. If
24 you're speaking for yourself, just say so.

1 I want to emphasize that all who wish
2 to speak will have that opportunity to do so.

3 Now, should we run out of time, as we
4 must close this -- yeah, we must be vacant from
5 this facility by 1:00 a.m., so anyway should we run
6 out of time this evening, those who have signed up
7 to speak will be contacted individually by Cori and
8 our Corps' office, and appointments will be made to
9 set up, and we will reconvene this hearing at
10 a -- at a future date.

11 Once again, we have an additional
12 stenographer located outside the hearing room, if
13 you wish to dictate an individual statement for the
14 record. And a reminder, there are no time limits
15 on those individual statements. So if you feel
16 restricted by the two minutes, please go see the
17 stenographer outside and get all your thoughts on
18 the record.

19 We will now begin to receive those
20 comments by our hearing protocol. Again, oral or
21 written statements receive equal consideration in
22 the decision-making process.

23 If you have a lengthy written
24 statement, summarize it to fit the two-minute

1 limitation, enter the entire statement. There is a
2 box provided right up here for the record, or
3 dictate it to the stenographer in the front.

4 Before we begin, I would like to thank
5 Congresswoman DeLauro for sending her aide, Erica
6 Swanson, here this evening; and Congressman Shays
7 for sending his aide, Paul Pimentel, to sit in and
8 listen to your comments.

9 Our first speaker, Attorney General
10 Richard Blumenthal, and he will be followed by
11 State Senator Win Smith, Jr.

12 ATTORNEY GENERAL BLUMENTHAL: Thank
13 you. Thank you, Mr. Hearing Officer, Mr. Byrne,
14 members of the panel, my colleagues from state
15 government, and most important, the citizens of
16 Connecticut, who are here tonight to express their
17 views.

18 I am here on behalf of my office, as
19 Attorney General of the State of Connecticut, to
20 oppose this project at this site. I believe that
21 its impact on recreation, fishing, boating,
22 navigation, make this site clearly unacceptable.
23 The scope of this project at this critical location
24 argue very strongly that there are feasible and

1 practical alternatives. Indeed, there must be such
2 alternative options, and I believe there are that
3 will satisfy the worthwhile goals of this shellfish
4 farming project.

5 Let me just emphasize that I am a
6 steadfast supporter of shellfish farming. The
7 shellfish industry is integral to our state's
8 economy. It is a vital part of our cultural
9 heritage, and indeed, can play a part, as you've
10 heard in providing jobs and other benefits. That
11 is why I believe that we should work together to
12 find a location that avoids the pitfalls and
13 dangers and potential damage to Long Island Sound
14 and to those vital recreational fishing commercial
15 interests that are at stake, and I want to pledge
16 my willingness, my personal willingness, to work
17 with our Department of Agriculture, our Department
18 of Environmental Protection, and the members of the
19 public, who are interested in this project, along
20 with the proponents of this proposal to find an
21 alternative site that is truly a win-win. As the
22 saying goes, location, location, location. I
23 believe there is a feasible and practicable, a much
24 more preferable and viable location for this

1 project somewhere in Long Island Sound.

2 Thank you very much.

3 MODERATOR ROSENBERG: Thank you, sir.

4 (Applause.)

5 MODERATOR ROSENBERG: Our next speaker
6 is Senator Will Smith -- Win Smith. I'm sorry.
7 Will you come forward.

8 He will be followed by State
9 Representative John Hetherington.

10 SENATOR SMITH: Thank you.

11 I want to note, too, that I signed up
12 Representative Jim Amann. I don't think he is in
13 your batting order there. I may not have put
14 "State Representative" on his blue sheet. He is
15 good.

16 I'm the State Senator from Milford.
17 Like the Attorney General, I, too, have concerns
18 about this project. I fully support traditional
19 Connecticut shellfishermen. Milford has -- Milford
20 has always been a center for shellfishing. I mean
21 it has a history of supporting commercial
22 shellfishing.

23 Commercial shellfishermen, however, by
24 and large have their beds much further off from

1 shore. They don't bother anyone. They don't
2 interfere with other users out on Long Island
3 Sound. The application that you're considering
4 here appears to me to be of a very different type.

5 I also have a professional background
6 with a number of different shellfishing companies,
7 and I know their operations very well. The
8 equipment that I have seen here is nothing like
9 anything that the -- the traditional shellfishermen
10 in Connecticut use, at least nothing that I have
11 ever seen. In fact, your applicant here refers to
12 their program as a pilot program, and it is, I
13 think, cutting-edge technology. I guess we're here
14 at least in part to say that Milford's shoreline is
15 one of its greatest assets. We're asking you not
16 to use one of our greatest assets as a test
17 laboratory.

18 Location is important, as the Attorney
19 General said. Not necessarily here though. Pick a
20 different spot, even in Milford Harbor, but out
21 deeper. Don't do it -- don't do it in this close.

22 Also, the shellfishing industry has
23 taken a number of what I'll call PR hits, public
24 relations hits. Look at the folks here.

1 Shellfishing is a good thing for the State of
2 Connecticut and a good thing for Milford, and here
3 we are turning out a whole group of people adverse
4 to the industry. I can tell you, as a legislator,
5 that is going to turn into adverse public policy
6 decision and legislation. The industry doesn't
7 need this.

8 And I'd also -- I would like to note,
9 too, that there was some reference here to
10 overfishing. I really think that's insulting to
11 the shellfishing industry in the State of
12 Connecticut and the other shellfishermen. They
13 haven't overfished the industry. They have had,
14 as was noticed, some environmental problems that in
15 a six-, seven-year cycle they're beginning to
16 rebound now. So some of those charts, I don't
17 think, are a fair representation of the economic
18 vibrance of shellfishing in Connecticut.

19 Ah, I see my time is up here. Note in
20 their charts that their shellfishing they talk
21 about all species are way up, and shellfishing are
22 down. They are mixing apples and oranges.

23 Finally, if you can just as well, if
24 they do go out of business, who is going to take

1 this stuff out of there? If people are dredging or
2 trolling, they're going to catch up with these
3 nets. They are way too far in shore on this.

4 Thank you very much time for your time
5 here, and I hope to address more of my comments to
6 you later.

7 MODERATOR ROSENBERG: Thank you, sir.

8 (Applause.)

9 MODERATOR ROSENBERG: Our next
10 speaker -- please hold all applause. Thank you.

11 Our next speaker is State
12 Representative John Hetherington.

13 He will be followed by State
14 Representative Jim Amann.

15 REPRESENTATIVE HETHERINGTON: Thank you
16 very much.

17 I represent the 125th District in the
18 State Legislature, which is New Canaan and part of
19 Wilton. We do not border the Sound, but the
20 concern is such that my constituents have taken
21 particular notice of this, because the Sound is
22 regarded as an extremely precious resource. So
23 much that as it regards as a precious resource that
24 the legislature in its wisdom this year has banned

1 for a year any progress on utility line crossings,
2 and that is only talking about one line. Here, we
3 have an entire area of 368 acres. That's not
4 small. That is about the length of a Navy
5 destroyer. Now, if we were going to sink three or
6 four Navy destroyers side-by-side, they wouldn't
7 consider that a small matter. In fact, I think the
8 Corps in its diligence, historic diligence, would
9 probably insist that those wrecks be removed.

10 It seems to me that this is a -- an
11 intrusion upon the traditional recreational use of
12 this waterway, and I have some concern about what
13 happens if this experiment fails, who removes all
14 those potential obstructions to navigation.

15 Finally, the recreational boating and
16 fishing industry is a very important economic
17 source of wealth for these shore communities; and
18 if anything we do, which destroys or lessens the
19 viability of that industry, impacts a lot of
20 people, people in boatyards, people who supply the
21 boaters in one way or another. So from both from
22 an environmental point of view, from respect for
23 our Sound and from the practical sense of
24 preserving a very necessary industry for coastal

1 Connecticut, I would urge the application be
2 rejected.

3 Thank you very much.

4 MODERATOR ROSENBERG: Thank you, sir.

5 Our next speaker, State Representative
6 Jim Amann.

7 He will be followed by First
8 Selectwoman Diane Goss Farrell.

9 REPRESENTATIVE AMANN: First of all,
10 thank you very much, everybody, for coming here
11 this evening and also to the citizens of -- from
12 Milford and Westport and other areas. Thank you
13 for a great showing.

14 I will bring you and echo most of the
15 stuff that the folks before me have already said.
16 One of the points is that -- first of all, I also
17 want to get on the record that I also support
18 Connecticut's historic shellfish industry. I
19 believe that this proposal, however, is flawed.

20 I hope you take into consideration some
21 of the storms in that area of growing up on the
22 shoreline myself and living in that area for three
23 or four years of my life, 1992, a nor'easter I know
24 what happened to the industry along that area. It

1 was hurt tremendously by that storm. And
2 hopefully, if there is a decision of investment
3 down there, you might want to think twice. Some of
4 the old-timers down there could probably give you a
5 lot of advice of what has happened over the years,
6 you know, the storm of '76 hurricane and others.
7 It is quite accurate for -- for some reason those
8 storms love to congregate in that area, and I know
9 we got out of there moving from one end of the
10 beach to the other that day on the nor'easter of
11 what damage it did to that community.

12 When one considers the location and its
13 proposal, it quickly becomes apparent that this is
14 a very popular area for recreation use. The
15 technology Mariculture wishes to use here would
16 create a vast social conflict. I would hope that
17 Mariculture alone would return to the drawing board
18 and try to use different technologies that would
19 make the proposal less intrusive to the citizens of
20 Milford.

21 I hope you listen quite clearly to the
22 residents. They can tell you much better than any
23 elected official. They live there; they know the
24 area.

1 And, again, thank you for your time and
2 patience with us this evening.

3 MODERATOR ROSENBERG: Thank you, sir.

4 (Applause.)

5 MODERATOR ROSENBERG: The next speaker
6 is First Selectwoman Diane Goss Farrell, who will
7 be followed by Mayor Richetelli from Milford.

8 FIRST SELECTWOMAN FARRELL: Good
9 evening. I do want to speak specifically to the
10 Westport portion, although I'm certain that we
11 are -- we have a commonality of interest here.

12 I thank you certainly to the panelists,
13 and I do want to begin by saying that I think the
14 idea of aquaculture and the concept that has been
15 discussed is a good idea. It's a new technology,
16 although I do know with a little bit of concern
17 that it is as yet untested in New England.

18 However, the location is bad. It is in
19 an active recreational boating area, and I have
20 real concerns about safety, as well as general
21 enjoyment on the part of boaters.

22 I do want to thank Dr. Garofalo and
23 Mariculture, because they have expressed a great
24 deal of cooperation in looking to alternatives;

1 however, unfortunately your process does not allow
2 for changes midstream, so to speak. And as a
3 result, I would suggest that you give serious
4 consideration to denying the applications before
5 you without prejudice and allow time for us to work
6 with the applicant to find a proper place that will
7 work for all of the interests, both of the -- the
8 water level as well as at the bottom. And the Town
9 of Westport certainly stands committed to doing
10 that, and just this last 48 hours, I've had the
11 opportunity to speak with a number of you about
12 alternatives and possibilities, and you've
13 definitely given me hope that there are other
14 options out there that would work to the mutual
15 benefit of the entire interest of the community
16 boaters, as well as to aquaculture.

17 Beyond that, I would like you to think
18 an even bigger picture. If this technology is
19 adopted as something that becomes more common, then
20 as you're looking at the various shellfish permits
21 and locations, clearly this is an issue that will
22 come up with each of these applications, and
23 perhaps it's a good opportunity for all of you to
24 step back, take a look at what this technology

1 means and how you should prepare for the future as
2 it relates to reviewing individual applications.

3 Again, thank you for your
4 consideration. I look forward to hearing comments
5 from citizens. And I do want to thank all those
6 Westport folks who came up to Milford, and I do
7 want to thank Mayor Richetelli for hosting all
8 this.

9 Thanks again.

10 MODERATOR ROSENBERG: Thank you, ma'am.

11 (Appause.)

12 MODERATOR ROSENBERG: The next speaker
13 is Mayor Richetelli, who will be followed by Dr.
14 Ronald Silverman, Chairman, Westport Shellfish
15 Commission.

16 MAYOR RICHETELLI: Good evening. And I
17 want to thank very much the Army Corps of Engineers
18 and the panel for coming here tonight. I certainly
19 want to thank the good people of Milford for coming
20 out to express your opinions, and a very warm
21 welcome to all of our friends from Westport for
22 being here this evening.

23 (Appause.)

24 MAYOR RICHETELLI: I have been

1 contacted by many Milford residents, who are
2 concerned with this application, specifically the
3 safety hazard. We believe that this is too close
4 to our Milford shores.

5 Somebody just asked a question of me,
6 and I didn't know the answer. We can get the
7 answer, I'm sure, but 150 acres off the Milford
8 shore doesn't seem like an awful lot for other
9 commercial boats and recreational boats to go
10 around, but there are other areas -- there are
11 other shellfishermen in this area, who may even be
12 applying in the future. And when you say yes to
13 one, don't you have to say yes to the others? And
14 sooner or later, we have areas that are much more
15 congested than they are now.

16 But on behalf of the citizens of
17 Milford in the Cedar Beach area, the Laurel Beach
18 area, I would request that you take another look at
19 this application, deny this application, because we
20 do believe there are alternatives further out in
21 this town and in other areas that are safer.

22 So, again, thank you for your time here
23 this evening, and I look forward to public comments
24 from the citizens of Milford.

1 Thank you.

2 MODERATOR ROSENBERG: Thank you, sir.

3 (Applause.)

4 MODERATOR ROSENBERG: Our next speaker,
5 Dr. Ronald Silverman, who will be followed by Mr.
6 Lee Jordan, also from the Westport Shellfish
7 Commission.

8 And I would like to thank State
9 Representative Richard Roy for coming this evening;
10 and although he will not be speaking, he will be
11 listening to your comments.

12 Dr. Silverman.

13 RONALD SILVERMAN: Okay. My name is
14 Ron Silverman. I am chairman of the Westport
15 Shellfish Commission.

16 On April 1st, 2003, we had a meeting.
17 The Commission voted to formally request that your
18 agency conduct a public hearing to be held in
19 Westport, and it was held in Milford so that the
20 understanding of the site conditions may be
21 realized and analyzed.

22 The overall sentiment was that despite
23 the support for aquaculture initiatives, the
24 longlines in this particular location pose too

1 great a threat to navigation, and boater safety,
2 and also health, and we offered some comments.
3 You've already received a copy of this.

4 One of the things that was not
5 mentioned by Dr. Garofalo is this encompasses
6 six-tenths of a square mile, 377 acres, 169 long
7 lines, each one 325 feet long, and I assume the DEP
8 is going to ask for floatation.

9 The Westport Marine Police were also
10 concerned. I don't know if they are going to be
11 here.

12 Also, what I would like to submit is I
13 have a paper here, and it has -- it's "The
14 Environmental Impacts of Aquaculture," a White
15 Paper prepared by the National Oceanic and
16 Atmospheric Administration and Marine Sanctuaries
17 Division. And basically it's a study of
18 aquaculture as we see it. I just want to read some
19 excerpts of it. In response to this expansion of
20 aquaculture activities, there has been an
21 increasing need for review and evaluation of
22 aquaculture proposals to ensure adequate protection
23 for the environment, wild populations, safe food
24 production and compatibility with other users. And

1 this document addresses two needs: to assist
2 resource managers in understanding the basics of
3 aquaculture through a discussion of the major areas
4 of concern and also relating to culturing
5 activities; secondly, to provide guidance.

6 Under aquaculture basics, we're dealing
7 with shellfish aquaculture is the propagation of
8 relatively nonmobile shellfish in some type of
9 enclosed or stationary system, which includes
10 either cages on the sea floor, the exclusive use of
11 specific reefs or bottom areas that are leased for
12 culture and propagation. Shellfish aquaculture can
13 have many impacts similar to those from open-water
14 facilities. These are very close to shore.

15 Regardless of the type of facility --

16 MODERATOR ROSENBERG: Thank you.

17 RONALD SILVERMAN: Is it up?

18 MODERATOR ROSENBERG: Yes, sir. Thank
19 you.

20 Please -- please submit the entire
21 statement for the record.

22 Thank you, sir.

23 Our next speaker -- our next speaker,
24 Mr. Lee Jordan, also Westport Shellfish Commission,

1 followed by Alicia Mozian -- it's a very tough
2 one -- from the Town of Westport.

3 LEE JORDAN: Lee Jordan, the Shellfish
4 Commission in Westport.

5 As a Commissioner, I am very much in
6 favor of this experiment; however, the location is
7 absolutely terrible. It couldn't be in a worse
8 place. Whether you're going north or not north,
9 but east-west, or south out of Westport, you have
10 to go right through this mind field of about 350
11 floats; and anybody who has ever tangled with a
12 lobster pot float knows the trouble. It can catch
13 on your keel. It can catch on your rudder. It can
14 catch on your propeller. And a lot of times you
15 have to go overboard to free it.

16 Now, 350 of these things on a Sunday
17 afternoon with races going on and everything, it's
18 going to be absolutely impossible, and I strongly
19 oppose it.

20 Thank you.

21 MODERATOR ROSENBERG: Thank you, sir.

22 (Applause.)

23 MODERATOR ROSENBERG: The next speaker,
24 Alicia M-O-Z-I-A-N, Conservation Director, Town of

1 Westport, who will be followed by Master Captain
2 James Wiesenberg, Connecticut Conservation
3 Commission.

4 ALICIA MOZIAN: Good evening. Alicia
5 Mozian, Conservation Director, Town of Westport.

6 I won't reiterate what Ms. Farrell said
7 and Dr. Silverman that it's really the location and
8 not the fact that we don't support aquaculture,
9 because the town does have a lot of history of
10 supporting that venture, that profession.

11 Aquaculture, I believe, is the wave of
12 the future, no pun intended, but with an
13 exponential population growth rate on the planet
14 and diminishing arable land, we are all going to
15 start looking to biotech and aquaculture for our
16 food supplies. And we're going to see more and
17 more of these types of applications popping up.

18 In an article that the Department of
19 Agriculture, Connecticut Department of Agriculture,
20 published in July of 2002, they estimate that
21 oyster farming is expected to be among the top
22 10 growth industries in the United States and is
23 currently the nation's fastest growing agricultural
24 business.

1 That being said, I with my plea to the
2 Corps and to those legislators here in the audience
3 tonight is to look at the larger picture and do it
4 now rather than later. And I would like to suggest
5 that we apply the same kinds of strategies that we
6 do to land use to the water. Just like we have a
7 master plan for a town and its growth and
8 development and a zoning map, why not use those
9 same kind of methods for our water. So instead of
10 just like you wouldn't put an industrial zone next
11 to a residential zone, why would you put the use of
12 intensive longlines into a busy harbor.

13 So I ask that the Corps and Connecticut
14 look to maybe getting together and trying to come
15 up with a kind of a master plan for Long Island
16 Sound, because it's a very densely populated water
17 body, and I think we ought to address the issue
18 now, rather than later.

19 MODERATOR ROSENBERG: Thank you.

20 ALICIA MOZIAN: And thank you for
21 holding the public hearing.

22 MODERATOR ROSENBERG: Thank you, ma'am.

23 (Appause.)

24 MODERATOR ROSENBERG: Our next speaker,

1 Master Captain Wiesenberg, who will be followed by
2 Sherman Goosman.

3 Sir.

4 MASTER CAPTAIN WIESENBERG: Thank you
5 for your view and consideration.

6 Last evening, July [sic] 22nd, 2003, a
7 newly formed State of Connecticut approved the
8 Marine Advisory Fishing Council, currently an
9 ad hoc committee known as the MAFC of the
10 Connecticut Fishing Advisory Council met at the DEP
11 Marine Headquarters and after a cognitive review
12 and consideration of all available information
13 respectfully submitted the following statement. We
14 are endorsed by the Connecticut Conservation
15 Association as well with this following statement.

16 Aquaculture in principle is recognized
17 and supported as long as there is the process, the
18 due process in any and all permit granting that
19 includes, and is not limited to, timely public
20 input, with consideration -- ah, actually, all
21 other considerations relative to navigational
22 hazards, as well as no water column structures
23 placed so as to limit or otherwise prohibit the
24 traditional recreational and/or commercial coastal

1 waters use. Therefore, we respectfully request
2 denial of the permit as proposed.

3 Personally, I wish to offer a statement
4 of fact. That area in Milford is used regular and
5 routinely so-called customarily. I have a drift
6 either with weight or downriggers for any and all
7 charters in that area. It is cost-effective for me
8 relative to the position of the Browns Marina where
9 I am out at, and I can in addition, as owner of
10 Mountain Meadow Outfitters Charters and Boating
11 Instruction provide c-cad construction, any and all
12 small craft, including personal watercraft, any
13 typically class 1 vessels to deal with man
14 overboard training, as well as emergency anchoring,
15 which is the emergency brake for any vessel. This
16 area has been used traditionally, as a matter of
17 record, for most of the charter guys, who have been
18 around for awhile.

19 So from an instruction and safety
20 standpoint, from a business standpoint, and also as
21 a matter of safety, this is a matter of record.
22 It's regular and retained use.

23 MODERATOR ROSENBERG: Thank you, sir.

24 MASTER CAPTAIN WIESENBERG: Thank you.

1 MODERATOR ROSENBERG: Thank you.

2 The next speaker, Sherman Goosman,
3 followed by Nancy Helmig.

4 SHERMAN GOOSMAN: My name is Sherman
5 Goosman. I live in Fairfield.

6 And I come to speak on this as a mater
7 of disenfranchisement of everybody, who is not
8 involved in Mariculture, Inc.

9 There are thousands and thousands of
10 boats in the State of Connecticut. They all use
11 the inshore waters. Where the boaters boat, they
12 boat less than 2,000 feet off the shore, and this
13 structure is being raised right in that area.

14 I live on Fairfield Beach. The
15 aquaculture school in Bridgeport has a small
16 structure similar to this off of Fairfield Beach.
17 Nobody, but nobody, boats over the top of it.
18 Nobody in their right mind would do it, because
19 they are worried about the fowl.

20 In addition, the structure takes on a
21 size that is at least three to five times its
22 actual size as people avoid these areas.

23 I'd further say that, and I observed
24 this on a regular basis. I sit there and watch

1 what's going on out there. This is being done
2 without a plan. There is a whole of Long Island
3 Sound out there. We have got one of these
4 structures up in -- up in I guess near Niantic. We
5 had a pound net two years ago down in the Norwalk
6 Islands. There is no plan out there. Aquaculture
7 may be the coming thing, but you need a plan. And
8 how many of these things are going to sneak in in a
9 back door manner so that no one ever gets anything
10 unless it looks like some of the bays in Japan
11 where you can walk from one structure to the next.

12 I urge that you reject this structure;
13 that you go back to the drawing boards; that you
14 create a plan for the whole of Long Island Sound
15 for integrated use that recognizes everyone's need.
16 Please reject this now, go back to the drawing
17 board, and get something good that we can all agree
18 upon.

19 Thank you.

20 MODERATOR ROSENBERG: Thank you, sir.

21 (Appause.)

22 MODERATOR ROSENBERG: Our next speaker,

23 Nancy Helmig, who will be followed by Ted
24 F-O-N-T-L-L or E-L.

1 NANCY HELMIG: Good evening. I have
2 been a member of Cedar Point for 22 years and am a
3 past commodore.

4 From its inception in 1887, Cedar Point
5 Yacht Club has been organized to conduct races and
6 regattas. Our club has none of the amenities that
7 the public often associates with "yacht clubs." We
8 have only a simple serviceable wooden structure as
9 our clubhouse with no fancy accoutrements, no
10 dining room, no plush upholstered furniture, no
11 pool or tennis courts. Our entire focus has always
12 been the pursuit of sailboat racing.

13 Our regular racing season runs from
14 late April into the end of September. During these
15 20 weeks, about 500 people participate on our race
16 course each and every week and have done so for
17 decades.

18 The Wednesday night series draws boats
19 from the entire Westport area and routinely
20 attracts over 200 sailors from all over Fairfield
21 County.

22 About 40 skippers and crews race
23 Vanguard 15s on Thursday nights.
24 On Saturdays, races are held for

1 lightnings and Thistles, both small centerboard
2 boats, and Stars and Atlantics, which have keels.
3 Close to 120 skippers and crew participate.

4 Approximately 250 people race on
5 Sundays, including those in the Atlantic and
6 Vanguard fleets, as well as three divisions of the
7 larger cruising class boats. Cruising class boats
8 are the only type of boats that are equipped with
9 an engine. All of our other fleets rely on the
10 wind to transport them to and from the race course.

11 In addition to our very active regular
12 racing schedule, we are asked to host between 10
13 and 17 major regional, national and international
14 championships. Last year, 186 optimists competed
15 on our racing circle for the New England
16 Championship. This year for the Vanguard 15
17 National Championship, we expect 80 to 100 boats
18 and for the Lightning North Americans we anticipate
19 400 sailors.

20 In 2004, we will be hosting the Laser
21 North American Championship. Since this is the
22 continental championship where the -- for an
23 Olympic year, we expect about 200 of the best
24 dinghy sailors from around the world to attend,

1 along with their boats. The number of requests we
2 receive to host these regattas is testament to our
3 superb location, which is within 45 minutes of our
4 racing area and our superior race committees, who
5 are members who volunteer week after week.

6 For more than 70 contiguous years,
7 Cedar Point members have had a tradition of
8 conducting and participating in sailboat racing in
9 our racing circle.

10 The proposed application for
11 aquaculture within our racing area would
12 significantly impact these activities and our
13 ability to pass on our passion for sailboat racing
14 to the next generation.

15 MODERATOR ROSENBERG: Thank you, ma'am.

16 NANCY HELMIG: Thank you.

17 (Applause.)

18 MODERATOR ROSENBERG: Please give us
19 your statements, if possible. Or just a reminder,
20 if you have a lengthy statement, leave it in the
21 box right over here, please.

22 My friend Ted will provide the next
23 statement.

24 He will be followed by Paul Iffland.

1 TED FONTELIEU: Good evening. My name
2 is Ted Fontelieu. I have lived in -- by the way, I
3 have got to say, I had the opportunity of listening
4 to everyone before me very carefully. I deleted
5 four paragraphs in this. It has already been said.

6 I have lived in Westport for 42 years
7 and have been a member of Cedar Point, Cedar Point
8 Yacht Club, all of that time.

9 One of the assignments given me each
10 spring by the club is placement of nine fixed marks
11 in a circular pattern. They form our racing and
12 sailing areas. I locate them by GPS or Loran for
13 accuracy, and they seem to be. Marks have been in
14 these positions for 50 years and are freely shared
15 with the sister clubs in our area, who choose to
16 race in these waters.

17 I have taken the recent opportunity to
18 study the feasibility of relocating the sailing
19 circle in order to avoid the hazards that would be
20 presented to our fleets by the Mariculture
21 structure and have found the following:

22 If we move to the west, we are blocked
23 by Cockenoe Island and Cockenoe Reef. Also this
24 would encroach on the commercial boat traffic using

1 the Saugatuck River channel.

2 If we move to the north, we're too
3 close to the recreational beaches. In fact, we
4 would be on the beaches.

5 If we move to the east, it would
6 encroach on waters used by other clubs and greatly
7 increase sailing time to and from our club, which
8 in emergencies could become a serious safety issue.

9 If we move it to the south, it
10 encroaches on the navigational waters of Long
11 Island Sound, and it's highly unlikely the United
12 States Coast Guard would allow this, or would
13 approve it.

14 We, therefore, hope that you will not
15 allow the intrusion of a commercial enterprise that
16 would jeopardize the public recreational activities
17 in this area, which have been here for over a
18 hundred years.

19 Thank you very much thank.

20 MODERATOR ROSENBERG: Thank you, sir.

21 (Applause.)

22 MODERATOR ROSENBERG: Thank you.

23 The next speaker, Paul Iffland, will be
24 followed by Jay Lurie.

1 PAUL IFFLAND: Good evening. My name
2 is Paul Iffland, and I've been sailing at Cedar
3 Point for 25 years; and with this experience, I'm
4 periodically asked to serve as race chairman and
5 naturally conduct the races.

6 I want to share briefly with you
7 tonight what's involved with conducting these
8 races, because that is the core problem why
9 we -- it's virtually impossible for us to coexist
10 with the applicant's oyster structure.

11 To start a day of racing, the committee
12 boat must anchor directly downwind from the first
13 turning mark of the course. This is not optional.
14 The wind alone dictates where the starting line has
15 to be. So the potential starting lines equal
16 360 degrees of a compass. You've got to be able to
17 go where the wind dictates.

18 As soon as the committee boat has
19 positioned and anchored itself, then a chase or
20 rescue boat has to come in, and it drops the anchor
21 for the starting pin perpendicular to the rhumbline
22 of the wind direction. Okay. That starting mark
23 and committee boat forms the starting line, but if
24 the wind shifts at least five degrees, that chase

1 boat has to come in and drag the starting mark
2 either forward or backward to square up the line to
3 create a level playing field. It's a matter of
4 fairness and -- and, actually, safety for
5 the -- the participants.

6 After we start the races and start all
7 of the divisions, then the chase boat must up
8 anchor, the committee boat must up anchor and go to
9 the windward mark to the course. There we again
10 monitor wind direction and wind speed, and we
11 change course as necessary, and then signal the
12 boats.

13 If the wind dies, then the committee
14 boat must up anchor and go to one of the turning
15 marks and create a finish line, a shortened finish
16 line. All of these activities cannot be done on
17 top of 360 acres of a complex cable network. It
18 just can't be done.

19 Thank you.

20 MODERATOR ROSENBERG: Thank you, sir.

21 (Applause.)

22 MODERATOR ROSENBERG: The next speaker,

23 Jay Lurie, followed by Mark Zimmermann.

24 By the way, a reminder, the additional

1 stenographer is available near the registration
2 area should you wish to provide that comment
3 without the imposed time restrictions. She is
4 right outside, and I know she has some time to take
5 care of your needs.

6 Sir.

7 JAY LURIE: Good evening. Thanks to so
8 many of you for turning out here. Here goes the
9 two-minute version.

10 My name is Jay Lurie. I'm the fleet
11 captain for the Cedar Point Vanguard 15 fleet. I
12 wish to briefly address the critical safety issues
13 that the Mariculture application would present to
14 our program.

15 Put simply, our concerns are twofold.
16 Cedar Point is primarily a small boat racing club
17 and: One, small sailboats frequently capsize; and,
18 two, sailboats that are racing, and even ones that
19 aren't, occasionally need to anchor. First, let me
20 address capsize risk.

21 All small sailboats capsize
22 occasionally, and all of the classes of small
23 centerboarders raced at Cedar Point have masts,
24 which are taller than the 10 foot suggested

1 clearance. On breezy days, capsize occurrences
2 range from occasional to widespread. When boats
3 capsize they also frequently "turtle" or turn
4 completely upside down. All the sailors end up in
5 the water. Rigging, including masts, booms,
6 shrouds, spreaders and ropes could easily snag in
7 the oyster apparatus and be damaged. There is also
8 an unacceptable risk of injury to participants
9 since anyone attempting to free their boat could
10 potentially become ensnared themselves.

11 Another important safety feature, which
12 would be jeopardized by this proposal is a
13 sailboat's ability to anchor either while racing or
14 while in the vicinity of the course. For our
15 fleets, the majority of which don't have engines,
16 the most common use of anchoring is during severe
17 thunderstorms, which can approach rapidly. At such
18 times to maintain control, sailboats may be
19 required to lower their sails, drop anchor, and
20 ride out the storm. As you can see, sailboats
21 don't always have the flexibility to determine
22 where and when they must anchor. Anchoring within
23 the oyster farm boundary could easily result in the
24 loss of one's anchor and tackle, damage to the

1 apparatus itself, or negatively impact the holding
2 properties of an anchor.

3 Each year, Cedar Point runs hundreds of
4 races for thousands of sailors. Sooner or later we
5 will be caught out in a big blow. Racing small
6 sailboats is potentially risky enough just as
7 surely as small safety precautions can result in
8 vastly improved safety margins by removing or
9 limiting known practices or by adding risks, the
10 balance tips dramatically away from competitors.
11 Sharing our racing area with this equipment would
12 be inconsistent with prudent race management and
13 basic common sense. If this proposal is approved,
14 it will jeopardize the excellence of our sailing
15 program, and even worse, expose our sailors to
16 unnecessary risk and harm.

17 Thank you very much for your time.

18 MODERATOR ROSENBERG: Thank you, sir.

19 (Applause.)

20 MODERATOR ROSENBERG: The next speaker
21 is Mark Zimmermann, who will be followed by Michael
22 Colnes.

23 MARK ZIMMERMANN: Good evening. My
24 name is Mark Zimmermann. I am an attorney with the

1 firm of Updike, Kelly & Spellacy in Hartford. We
2 represent Cedar Point Yacht Club in its opposition
3 to Mariculture's proposal on the Westport
4 coastline.

5 As you heard from prior speakers, as
6 well as someone that follows, Cedar Point is a very
7 unique local treasure. It appreciates the
8 opportunity to get its comments on the record.

9 I would like to just briefly highlight
10 the concerns that Cedar Point has about the
11 Mariculture proposal. The Westport portion of the
12 Mariculture proposal is proposed to be located
13 right in the middle of the Cedar Point standard
14 racing course. Mariculture's operation will
15 inhibit racing participants and spectators from
16 anchoring and present a severe threat of personal
17 injury and property damage to capsized racers and
18 boats.

19 Cedar Point races have been held at
20 this location for over 70 years. There is no
21 reasonable alternative location available.

22 When considering Mariculture's
23 application, pursuant to 33 CFR Part 320, the Corps
24 is charged with evaluating and balancing the many

1 significant, and often competing, uses, including
2 amongst them, aquaculture and recreational uses,
3 such as boating and racing.

4 Similarly, under Connecticut's Coastal
5 Management Act, Section 22a-92, the DEP is required
6 to evaluate the Mariculture proposal for its
7 consistency with coastal policies and for its
8 adverse impact on coastal resources and
9 water-dependent uses.

10 When considering these competing
11 factors, it has been clear that the Mariculture
12 proposal falls far short of consistency with many
13 of these coastal policies, among which are state
14 policy that the interests of commercial fishing and
15 recreational boating are equivalent. Approval of
16 Mariculture's application would improperly favor
17 the interests of the oyster industry over that of
18 recreational boating. Also state policy encourages
19 recreational boating and improvement of coastal
20 navigation. Mariculture's location, its acreage,
21 the depth, and the length of longlines would
22 probably hinder the navigation of vessels,
23 including the boats that compete in club-sanctioned
24 races and other activities.

1 Mariculture's proposal does not address
2 all these competing state uses. Given the Army
3 Corps' need to balance the competing interests, it
4 is clear that a long history of sailboat racing and
5 recreational use in this location should take
6 precedence over Mariculture's conflicting
7 operation.

8 MODERATOR ROSENBERG: Thank you, sir.

9 Our next speaker, Michael Colnes,
10 followed by Charles Kreitler.

11 MICHAEL COLNES: My name is Michael
12 Colnes. I am the governor of Cedar Point Yacht
13 Club responsible for the racing program.

14 You just heard from several people,
15 who described for the record how the extensive
16 sailboat racing activity in Westport is impacted by
17 the proposed structure. I would like to tie these
18 comments together so the record can effectively
19 reflect the reasons for our opposition.

20 First, despite the size of our racing
21 program, Cedar Point doesn't exclude others from
22 the enjoyment of the public waters near Westport.
23 We run races over 180 days each year, but don't try
24 to exclude nonparticipating vessels from the racing

1 area. We are mindful that many of our neighbors
2 enjoy these waters and try to reduce the
3 interference to an absolute minimum.

4 In addition to the club racing program,
5 and it's enjoyed by so many of our local residents,
6 the racing area we are talking about is a
7 destination venue for major national and
8 international championships that regularly bring
9 racers to Westport from all over the world. As a
10 result, Westport has become one of the top
11 locations for sailboat racing in the entire U.S.
12 It would be a tragedy to put this local achievement
13 at risk.

14 Our opposition to the pending
15 application is based entirely on the safety and
16 practical implications of placing a large complex
17 structure 10 feet below the surface in the middle
18 of this active racing area.

19 As you have heard, the proposed
20 longlines structure will make the anchoring of
21 essential race committee boats and marks impossible
22 and is a safety threat to the small boats racing
23 when they either capsize or need to anchor in an
24 emergency.

1 We can't move our circle due to
2 interference with navigation and have other adverse
3 impacts. Under the statutes that govern the
4 agency's action on this application, both the DEP
5 and the Army Corps are required to conduct a
6 balancing of interests among the various legitimate
7 uses for the public waters we all share.

8 Recreational boating interests to be
9 balanced here are extensive. The racing activities
10 bring an average of 500 people a week to the area
11 in which the applicant seeks its permit.

12 The waters covered by the application
13 in Westport have one of the highest rates of
14 recreational use along the entire Connecticut
15 coastline. If this public use doesn't meet the
16 statutory minimum standard to outweigh the
17 interests of a private commercial enterprise, then
18 I submit that there is no balance of interest at
19 all, which may be contrary to both statutes.

20 Thank you.

21 MODERATOR ROSENBERG: Thank you, sir.

22 (Applause.)

23 MODERATOR ROSENBERG: The next speaker,
24 Charles Kreitler, followed by Nelson Stephenson.

1 CHARLES KREITLER: Good evening. I am
2 speaking on behalf of the Thistle Class Association
3 as the Governor of the Long Island Sound District.
4 My name is Charlie Kreidler.

5 The Thistle is a 17-foot motorless
6 sailing dinghy designed in 1945. The Thistle Class
7 Association is a national organization with over
8 1,800 members, whose purpose is to encourage the
9 racing of Thistles. We're a family organization
10 with members ranging from 8 to 80 years old, and
11 it's not uncommon to have three generations of
12 sailors racing the same boat.

13 Cedar Point Yacht Club is a very
14 important venue to the members of the Thistle Class
15 Association. Thistle Fleet 99, chartered in 1961,
16 races at Cedar Point Yacht Club and is one of the
17 five largest Thistle fleets in the country. It has
18 also produced six Thistle National Champions.

19 The Thistle National Championship is an
20 essential function of the Thistle Class
21 Association. It's an annual event that several
22 hundred sailors from around the country compete in.
23 Cedar Point Yacht Club has hosted the Thistle
24 National Championships on two occasions and has

1 expressed an interest in hosting them again in the
2 future.

3 The proposed oyster nursery off
4 Westport conflicts with this extremely important
5 venue to Thistle Class Association members. This
6 proposal would create an exclusion zone to sailboat
7 racing that affects Cedar Point Yacht Club and
8 racing Thistles in particular.

9 Here are our concerns:

10 First, the mast of a Thistle is
11 24 feet, 8 and 3/4 inches above its deck, and it is
12 not uncommon for them to capsize during racing.
13 The proposed oyster nursery, constructed of a
14 network of cables is suspended 10 feet below the
15 water surface, presents a severe hazard to capsized
16 boats and their sailors.

17 Second, anchoring is essential in
18 sailboat racing. The proposed oyster nursery
19 structures will prevent anchoring of any kind,
20 because of the risk of entanglement. Within the
21 proposed area, race committee and spectator boats
22 will not be able to anchor or set marks for racing.
23 Competitors will not be able to anchor in case of
24 an emergency, nor will they be able to anchor in

1 light winds, as provided for in the Racing Rules of
2 Sailing.

3 Therefore, the proposed oyster nursery
4 will deprive the Thistle Class Association of a
5 venue that is essential to our members and the
6 sport of sailing. The Thistle Class Association is
7 strongly opposed to the proposed aquaculture
8 project off the coast of Westport, and we ask that
9 the permit not be granted.

10 Thank you very much.

11 MODERATOR ROSENBERG: Thank you, sir.

12 (Appause.)

13 MODERATOR ROSENBERG: The next speaker,
14 Nelson Stephenson, will be followed by Martin
15 Levine.

16 NELSON STEPHENSON: Good evening. My
17 name is Nelson Stephenson. I'm the president of
18 the Mumm 30 Class Association and an active member
19 of the US Sailing One Design Class Council.

20 Our sailboat happens to be a seven-foot
21 keel, and I'd just like to point out in the process
22 of racing our own 30, we achieve speeds up to 20
23 knots in conditions that blow 15 to 20 miles an
24 hour. In a three-foot surge, we will greatly

1 exceed the 10-foot depth that is being described
2 under many conditions.

3 Can you imagine a 9,000 pound boat with
4 a crew of eight, surfing down a wave, and catching
5 one of these traps would be disastrous for the race
6 course and also the support boats that are trying
7 to help the people that are in jeopardy.

8 I would like to point out that the
9 project we're talking about creates an exclusion
10 zone for racing. We shouldn't underestimate that.
11 In an area that racing has been commonly conducted
12 for over 100 years, I want to make it clear that
13 we're not opposed to commercial utilization of this
14 area. In fact, our fleets and many of our racers
15 have coexisted with lobstermen, fishermen and other
16 economic interests in the area, and we coexisted
17 well for the past century.

18 It's clear to us that there is an
19 economic loss involved here to the boating
20 community, and this is a noncompatible use of the
21 site. We're not against environmental use of
22 water. We're not against fishing or shellfishing.
23 We're just against being excluded from the area
24 that we've used for common racing over the period

1 of the last century.

2 Also, I want to point out that Cedar
3 Point is not an average club. Last year, the award
4 recipient of the One Design club of the year, it
5 was recognized as the most outstanding racing
6 venue. If you look up and down Long Island Sound,
7 this is a unique sight. This is not just a sight
8 that is an everyday use of this particular venue.
9 So you will be taking, with approval of this
10 application, an extremely valuable resource of
11 sailboat racing around the United States, certainly
12 on the eastern seaboard and many of the national
13 regattas that have been discussed.

14 I would personally like to recommend
15 that the exclusion of racing from the site would be
16 far, far more detrimental than would be apparent in
17 the presentation I saw Mariculture make just a few
18 minutes ago. So I would strongly recommend you
19 consider the fact that this excludes racing from
20 the site. This is a noncompatible use; and
21 certainly, I would encourage you to reject the
22 application.

23 Thank you very much.

24 MODERATOR ROSENBERG: Thank you, sir.

1 (Applause.)

2 MODERATOR ROSENBERG: The next speaker,
3 Martin Levin, followed by Peter R-A-T-K-I-E-W-I-C-Z
4 or C-H. Sorry.

5 MARTIN LEVIN: Yeah. My name is Marty
6 Levin. I live on Laurel Beach representing myself
7 and Milford Yacht Club.

8 The Milford Yacht Club wholeheartedly
9 supports those views expressed by the Cedar Point
10 Yacht Club.

11 Now, just a couple quick points here.
12 With respect to the handout entitled Proposed
13 Shellfish Containment Area Number 2, Milford. The
14 soundings here are not terribly accurate. This
15 area is heavily silted, and I suggest and request
16 that Mariculture get current soundings and submit
17 those instead of the soundings that are expressed
18 in this chart.

19 Secondly, this area in Milford, as has
20 been said, local fishermen, sailing, and this area
21 is used by upwards of 100 boats on one occasion,
22 the Fourth of July, to view the fireworks from
23 south -- Short Beach in Stratford. This whole
24 project in both Westport and Milford, and I have

1 lived in both communities, and I sailed in both
2 bodies of water, is an accident waiting to happen.

3 Next, anchoring. It's almost
4 impossible to anchor in a situation with this
5 project, regardless of what they say. You have got
6 100 feet of line, 150 feet of line. The boat
7 swings because of the weather, because of the wind,
8 because of the current. The line will get
9 entangled. There is no question about that. And I
10 see people having problems anchoring without this
11 kind of a project.

12 (Laughter.)

13 MARTIN LEVIN: If it's approved -- I'm
14 just wondering if Mariculture will seek to add to
15 these existing lines, and I -- I suggest that if
16 it's approved that they be restricted from adding
17 any additional lines.

18 MODERATOR ROSENBERG: Thank you, sir.
19 Please, please take the time and see the
20 stenographer so we can get all your thoughts on the
21 record.

22 Mr. Peter Ratkiewich --

23 PETER RATKIEWICH: Ratkiewich.

24 MODERATOR ROSENBERG: -- will be

1 followed by Edwin Rhodes.

2 Sir.

3 PETER RATKIEWICH: Peter Ratkiewich,
4 fleet captain of Housatonic Boat Club and Milford
5 resident. I'd like to register my objections to
6 the application on a number of bases that you have
7 already heard, so I won't reiterate them, but
8 navigational obstructions, anchoring obstructions,
9 fishing obstructions.

10 More specifically, the application
11 itself, the schematics that are provided do not
12 reflect wave action in the bay of the Milford area
13 and probably in the Westport area as well. The
14 eight-foot depth in the Milford area is of extreme
15 concern. The average depth of the keels in the
16 Milford area is probably around six feet. If you
17 have a simple eight-foot depth in still water and
18 add a three-foot chop, the keel of the average
19 sailboat is going to run into just as was described
20 earlier, run into these cables.

21 A three-foot chop is a fairly easy
22 thing to realize in the area in Milford with a
23 simple southerly breeze of 10 to 15 knots. You can
24 pick up a good two to three foot chop very, very

1 quickly.

2 As well in the application materials
3 that are on the Corps' website, there is a
4 statement that says there is no known recreational
5 activity in the area. Housatonic Boat Club has
6 been using this area for sailing and sailboat
7 racing for about 116 years.

8 To coin a phrase that Dr. Garofalo has
9 been passing around, "Smart boaters know their
10 water." The obstruction, or underwater obstruction
11 navigational markers is equivalent to saying no
12 anchorage. This has been reiterated.

13 The sighting and the size of this farm
14 make a huge difference, and I would like to support
15 the concept that an overall plan up and down the
16 entire Connecticut coast be made for this type of
17 application before many more of these applications
18 arise. It's fairly obvious to see that
19 this -- this technology, if successful, will be
20 expanded upon by the many operators in both the
21 Milford Bay, the Westport Bay, and any other
22 shellfishing areas in the state.

23 Thank you for the opportunity to
24 comment.

1 MODERATOR ROSENBERG: Thank you, sir.

2 (Applause.)

3 MODERATOR ROSENBERG: Our next speaker,
4 Edwin Rhodes, followed by Fred Fassman.

5 EDWIN RHODES: Thanks. Good evening.
6 My name is Ed Rhodes. I'm a marine biologist. I
7 have a 40-year career in aquaculture, most of that
8 in shellfish, and a lot of that right here in
9 Milford at the National Marine Fishery Service Lab.

10 For four years ending in 2001, I was
11 the National Aquaculture Coordinator for them at
12 their Washington -- at Washington, D.C.
13 headquarters, and I am currently an aquaculture
14 consultant based here in Milford.

15 I'm here to support the proposal by
16 Mariculture Unlimited and to add to the discussion
17 about shellfish culturing using submerged gear from
18 my own experience.

19 I founded and developed a shellfish
20 company in Chile that grows scallops in net cages
21 hung from suspended longlines similar to those
22 proposed by Mariculture Unlimited.

23 The Chilean company that I founded uses
24 more than 1,000 shellfish lines, each more than 600

1 feet long, except for size, very similar to those
2 proposed by Mariculture Unlimited.

3 In the six years of operation while I
4 was in Chile with this project, we had no
5 entanglements of recreational or fishing boats in
6 that year.

7 In order to further explore the boating
8 safety issue, I recently did an e-mail and phone
9 survey of people I knew involved in shellfish
10 culture lines. Everyone I contacted got back to
11 me. A total of 10 people from the Northeastern
12 U.S., Alaska, Canada and Norway. These people have
13 worked with suspended culture systems for between
14 two and 20 years at each of these sites, and none
15 of them reported any recreational boating accidents
16 involving their gear.

17 A Canadian respondent, on the other
18 side, reported that he knew of at least two
19 occasions where shellfish culture lines were
20 damaged once by a commercial fishing boat that
21 plowed through, and once when an icebreaker's
22 propellers cut two of the lines.

23 My experience in Chile and the results
24 from my survey show that shellfish culture lines

1 pose little or no threat to recreational boating;
2 and when damage does occur, as when large vessels
3 interact with the aquaculture gear, the damage is
4 to aquaculture gear and not to the vessels.

5 Those people I surveyed urged marking
6 areas where the shellfish gear is located more to
7 protect the gear from boats than to protect boats
8 from the gear.

9 And, finally, commercial fisheries
10 based on wild stocks will not meet the growing
11 needs for seafood, and increasingly aquaculture
12 production will be required to fill this gap. The
13 proposal by Mariculture Unlimited is an example of
14 the kind of forward thinking we need to increase
15 the availability of high quality seafood.

16 MODERATOR ROSENBERG: Thank you, sir.

17 EDWIN RHODES: I urge its approval.

18 MODERATOR ROSENBERG: Thank you.

19 (Appause.)

20 MODERATOR ROSENBERG: Our next speaker,
21 Fred Fassman, who will be followed by Vincent
22 Gallogly.

23 FRED FASSMAN: I'm a member of the
24 Cedar Point Yacht Club, but I'm speaking on a

1 personal basis here. And having heard so much fact
2 and numbers and races, I will just make this a
3 personalized thing for myself and family, and I'll
4 give you a little perspective here and then maybe
5 add some color and reality to a lot of numbers and
6 regulations.

7 Let me read you a little bit about July
8 Fourth. So rather than talk about how many, let's
9 just illustrate what happens July Fourth off Compo
10 Beach in this area we're talking about.

11 There are literally hundreds of people
12 on hundreds of boats for the July Fourth fireworks
13 sponsored by Westport. Wall-to-wall boats anchored
14 exactly in this area. Now, I'm not suggesting for
15 one night a year we make a decision or use that as
16 a major decisive factor.

17 What I am trying to illustrate is the
18 magnitude of the number of people in this
19 particular area and that, in fact, there is no
20 where else to go, because if you can move outward,
21 you're in very deep water and can't anchor. So I'm
22 not talking about size factors here other than how
23 big is this population.

24 Now, someone has talked about

1 anchoring, and the liability hasn't been discussed.
2 If we anchor, or if we snag a line, both have been
3 discussed, the question becomes are we financially
4 liable to Mariculture, and how do we protect that
5 liability. So there is a financial implication
6 that I don't understand yet, and I don't understand
7 yet how you are going to protect the safety of the
8 individuals. The rest of this has been discussed
9 so I won't read it again. But I do leave one last
10 statement here.

11 My family and I have been boating in
12 this area since 1992, and we use it extensively on
13 weekends and Wednesday night sailboat racing. We
14 balance our busy lives between work and leisure,
15 and that means to us sharing time on the waters
16 with family. That's another type of balance that I
17 would not like to see lost.

18 MODERATOR ROSENBERG: Thank you, sir.

19 (Applause.)

20 MODERATOR ROSENBERG: The next speaker,
21 Vincent Gallogly. I hope I pronounced that...

22 VINCENT GALLOGLY: It's got a long O,
23 Gallogly.

24 I live in Westport. I'm an active

1 boater and have been there for 30 years. I speak
2 only to sites 1a and 1b.

3 The Corps has a long history of being
4 very proactive and creating and participating in
5 innovative solutions to problems, but it also
6 carefully selects who it goes forward with. It is
7 to that that I want to speak.

8 I have with me the ads appearing in the
9 Westport newspaper and a commentary by the
10 applicant. They are contradictory of the
11 application; and on the other hand, in sync with
12 them. It is hard for me to determine, as an
13 objective reader of these, where the applicant
14 stands. One day he tells us you can moor or anchor
15 within the cages; and on the other, that a fair
16 minded boater knows where not to be, to wit, within
17 this zone of metal snares.

18 The applicant -- the ad headline says,
19 "Save the oyster." One looks at the US EPA
20 threatened and endangered species lists. I cannot
21 find the eastern oyster among them.

22 Finally, within the sailing area, he
23 made a recommendation of placing buoys so that the
24 committee boat and the pin for the starting line

1 may be affixed, and thus we eliminate the need to
2 anchor. We all know that there are two major winds
3 droves in this area, one from LaGuardia Airport,
4 another from Stratford. They tell us the dominant
5 wind is from 240 degrees, plus or minus.
6 Unfortunately, no one told the wind to only come
7 from that direction on race day. It varies. It
8 varies within five minutes. And so the discussion
9 you heard says we have to move to make these
10 alignments.

11 I have the extension of my remarks.
12 Those are the points that are not duplicative of
13 that which you heard earlier from our First
14 Selectman and from the Attorney General. Please
15 give those your undivided attention.

16 MODERATOR ROSENBERG: Thank you, sir.

17 (Applause.)

18 MODERATOR ROSENBERG: Our next speaker,
19 Paul Myerson -- or, yeah, Myerson followed by U-N-A
20 first name; last name, G-L-E-M-M-O-N.

21 PAUL MYERSON: Thank you. I'm Paul
22 Meyerson from Westport and a member of Cedar Point
23 Yacht Club, and I speak tonight not as a sailor,
24 but as the volunteer parent in charge of Cedar

1 Point's junior sailing program.

2 Cedar Point is perhaps the most active
3 club on Long Island Sound in terms of posting
4 junior sailing events for children ages 8 to 18 due
5 to its close by, youth friendly, racing circle.
6 Very few of the 48 clubs affiliated with the Junior
7 Sailing Association of Long Island Sound can host
8 junior regattas with over 100 boats. Cedar Point
9 routinely hosts such events, and as such, serves
10 the junior sailing communities of Fairfield County
11 and New Haven County, Westchester County and the
12 entire north coast of Long Island.

13 To illustrate the increasing vitality
14 of junior sailing racing at Cedar Point, I would
15 like to read the junior sailing regattas hosted by
16 Cedar Point over the past three years: The 2001
17 JSA Optimist Open Regatta with 120 boats and
18 sailors; the 2001 Laser and Club 420 race week, 156
19 boats, 212 junior sailors; the 2002 Blue Jay
20 Nationals, 25 boats, 53 junior sailors; the 2002
21 Optimist New England Championships, 186 boats and
22 sailors from 11 states and Bermuda; the 2003 JSA
23 Optimist Open, 144 boats and 144 junior sailors;
24 and next week we are hosting the 2003 JSA Laser and

1 Club 420 Race Week, 169 boats, 224 sailors and
2 counting.

3 The boats participating in these
4 regattas all have masts for sails that extend more
5 than the 10 feet and thus become -- and could thus
6 become entangled in the submerged longlines as
7 proposed.

8 Moving the race course to avoid this,
9 the longlines, would require eight-year-old
10 sailors, who weigh 60 pounds to sail an additional
11 three-quarters of a mile to reach the race course.
12 As the --

13 MODERATOR ROSENBERG: Thank you. Thank
14 you, sir. Please submit your entire statement for
15 the record.

16 Would you please pronounce your name
17 for everyone.

18 UNA GLENNON: Una --

19 MODERATOR ROSENBERG: Thank you.

20 UNA GLENNON: -- Glennon.

21 MODERATOR ROSENBERG: Thank you, ma'am.

22 UNA GLENNON: I am -- I live at 28th

23 Avenue. I am the alderman representing this
24 district where this project is being discussed.

1 I would like to stand here and say to
2 you I know the tides and I know the boats and I
3 know, you know, all the technicalities of
4 sailboating, but what I'm going to tell you is that
5 I sit on my beach, and I watch our children
6 sailboating up and down very close to this kind of
7 an area. We're very close to this projected area.
8 I see fathers teaching children how to sail a boat.
9 I see big boats with people jumping off them to
10 swim in an area. I have asked questions here this
11 evening about how often you would have to come and
12 pick up these oysters. They said every two weeks.
13 How long will it take? They don't know. It's
14 going to impact our quality of life no matter what
15 you do. And I sit here tonight and listen to these
16 men discussing boats turning over, and I say to
17 myself, if we had a teenager on a sailboat that got
18 caught in these traps and these lines and died
19 would this project be worth it for some man to make
20 a lot of money?

21 Put it someplace else.

22 Thank you.

23 MODERATOR ROSENBERG: Thank you, ma'am.
24 (Applause.)

1 MODERATOR ROSENBERG: The next
2 speaker -- our next speaker, Lee Weiner, followed
3 by John Gillespie.

4 LEE WEINER: Thank you. I am Lee
5 Weiner from Westport, Connecticut. I have been
6 boating in Westport for more than 25 years, and I
7 am representing the Minuteman Yacht Club, Westport
8 Town's Boating Association, and I'm a past
9 commodore.

10 The Minuteman Yacht Club is organized
11 to promote the pleasures of boating and to
12 represent the interests of boat owners in the
13 Westport community in matters affecting safety and
14 boating facilities. We not only
15 represent -- excuse me -- more than 220 Westport
16 boating families, but we are representative of
17 Westport boating. Our members own vessels from 16
18 to 40 feet or more, and as a club participate in
19 all facets of recreational boating, cruising,
20 fishing, racing and just plain relaxing.

21 We believe the system proposed by
22 Mariculture covering a half square mile of waters
23 heavily utilized by recreation boaters represents a
24 hazard to navigation and a risk to any and all of

1 our vessels and persons on board. To ensure their
2 safety in the area, we would have to go off limits,
3 a severe adverse impact on local marine recreation.

4 We also question the seriousness of the
5 application. The representations keep changing,
6 the number of lines, floats, the size of buoys. We
7 believe the application does not provide anything
8 close to the finished engineered document. Recent
9 representations in the ad in the Westport News
10 further amplify our concern.

11 Aquacultures applied for has never been
12 attempted on Long Island Sound. The Mohegan
13 facility is the only recently approved, as yet
14 unproven. The nearest apparent operations of this
15 sort are in the Pacific Ocean. And from the
16 article in the Stratford Advocate April 2, '03,
17 which I've condensed, the Aquaculture Bureau only
18 recently approved proposals to raise oysters in
19 suspended cages. A quote from Donald Bellman, an
20 environmental analyst from the Department of
21 Agriculture said, I would like to see how this
22 works. Applicant reported that -- has reported
23 that Mariculture is a hobby for him with the
24 prospect of limitations and/or dangers to

1 recreational boating. This added to his work as
2 whimsical and frivolous for agencies at the federal
3 and state governments to give any serious
4 consideration, and we firmly request that the
5 application be denied.

6 Thank you.

7 MODERATOR ROSENBERG: Thank you, sir.

8 (Applause.)

9 MODERATOR ROSENBERG: The next speaker,
10 John Gillespie, followed by Kevin Gunther.

11 JOHN GILLESPIE: Good evening. John
12 Gillespie, Westport, Connecticut, spokesperson for
13 Keep Westport Waterways Open. We represent
14 bathers, beachgoers and boaters that use the
15 beaches and waters of Westport, Connecticut. I
16 have several points to make.

17 The application is proposed for the
18 wrong place. The project, as proposed, is smack in
19 the center of Westport's public main street for
20 boating. As there are no submitted engineering
21 studies, or environmental impact statements to
22 assure the public, why would the Corps place this
23 oyster raising project with its projected mortality
24 rate of 875,000 oysters off one of the most popular

1 and scenic public town beaches on Long Island Sound
2 and less than a mile from the state beach at
3 Sherwood Island?

4 This application creates a dangerous
5 hazard to navigation. This subsurface factory
6 creates an artificial mechanical reef roughly
7 one-half the size of New York's Central Park
8 obstructing the public channel leading to the
9 safety of the harbor. 169 longlines, hundreds of
10 surface and subsurface buoys, holding up 8,450
11 cages lurk to collide with boats, snag their
12 anchors and fishing lines generally creating a
13 no-boating zone in the middle of Westport's
14 traditional waterway main street.

15 The traditional 100-year-old sailboat
16 racing grounds of Cedar Point Yacht Club will be
17 severely and adversely impacted by this project.
18 This project adversely impacts thousands of public
19 boaters to the benefit of one man's publicly quoted
20 statement that this is his hobby. Westport voters
21 pay hundreds of thousands of dollars on annual fees
22 to the state for the traditional use of the
23 proposed permit areas for recreational boating.
24 The use of this permit area for other than its

1 historic and paid for by the public above bottom
2 use is for recreational boating. The Army Corps is
3 charged with protecting the public trust, which is
4 not served by the Mariculture plan.

5 And, finally, I believe echoing Diane
6 Farrell and Attorney Blumenthal, the state needs to
7 develop a long-range plan to accommodate all
8 interests.

9 Thank you very much.

10 MODERATOR ROSENBERG: Thank you, sir.

11 (Applause.)

12 MODERATOR ROSENBERG: The next speaker,
13 Kevin Gunther, followed by William Balch.

14 KEVIN GUNTHER: My name is Kevin
15 Gunther, address number 2 Milford Point Road, Cedar
16 Beach.

17 Mr. Rosenberg, Mr. Byrne, the board, I
18 have to state that I am opposed to this proposed
19 longline oyster farming project on a number of
20 reasons.

21 I feel that these suspended cages would
22 be an impedence to navigation, particularly deep
23 draft sailboats of which there are many in the
24 Housatonic River area. I also know that the

1 project would, if approved, virtually close these
2 waters to the public, approximately 155 acres of
3 public water. This would virtually eliminate
4 fishing in this area. I have personally pursued
5 schools of bluefish, albacore and the striper in
6 this very area, and I don't fear -- I don't feel
7 that access to these should be lost.

8 I also question the effect of current
9 on these longlines. Also the effect of storms, in
10 particular winter northeast storms when wave
11 heights can surpass four, five and six foot in this
12 area, and the occurrence can exceed the point 8
13 knot and the point 1.1 knots. There are a number
14 of days now when the oyster boats are restricted
15 from working on these beds, because the area is too
16 rough, and the conditions are too poor.

17 At the present time, it was confirmed
18 tonight by Joe that Mariculture Unlimited now has
19 approximately 600 cages on the ground suspended
20 sitting on the ground in the northern section of
21 this property. They show up very easily on
22 fishing -- fish finders, and it seems that
23 Aquaculture [sic] Unlimited hopes to get the
24 suspended -- these cages off the ground and also

1 suspended, which would effectively double the size
2 of this farm.

3 I would also note that these oysters on
4 the bottom are doing fairly well. I don't argue
5 with the theory that growing oysters in cages is
6 probably more efficient and protects the crop from
7 oyster drills and starfish and other predators, but
8 I don't believe it's worth giving up access to
9 public waters. I think you have to remember that
10 these beds are leased from the State of
11 Connecticut, and they are not owned by Mariculture
12 Unlimited.

13 Thank you.

14 MODERATOR ROSENBERG: Thank you, sir.

15 (Appause.)

16 MODERATOR ROSENBERG: The next speaker,
17 William Balch.

18 Did I pronounce that correctly, sir? I
19 doubt it. And you -- sir, you will be followed by
20 Doris Taylor.

21 WILLIAM BALCH: Good evening. My name
22 is William Balch. I am a Westport resident, a
23 boater, a member of the Westport Harbor Commission
24 and past commodore of Saugatuck Harbor Yacht Club,

1 but I am here speaking for myself as an individual.

2 A few weeks ago, a member of our club
3 was returning to Saugatuck Harbor from a cruise on
4 his 40-foot sailboat. His sails were furled, and
5 he was motoring past Georges Rock buoy in the area
6 of the proposed oyster farm when his engine
7 suddenly stopped. Because there was a stiff
8 northeast wind blowing him towards the rocks of
9 Cockenoe Reef, Ben dropped his anchor and proceeded
10 to fix his engine problem before starting it up
11 again and continuing up the channel.

12 It scares me to think what would happen
13 if Ben's anchor were to drop on one of the proposed
14 325 foot longlines that would already be sustaining
15 thousands and thousands of pounds of tension from
16 the current acting on some 350 cages suspended from
17 just one of the 169 proposed lines.

18 Is it possible that the boat's 20,000
19 pound weight might cause the helix anchors holding
20 the line to pull free?

21 Now what happens when Ben's boat and
22 the now failed longline drags down on the next line
23 and the next with a cascading catastrophic topping
24 out of scores of lines with thousands of oyster

1 trays and millions of oysters?

2 The same might be worthy of a Dan
3 Ackroyd and Adam Sandler movie, but it certainly
4 doesn't deserve to exist as a real life threat to
5 our boaters and beaches.

6 I urge you in the name of navigational
7 safety to deny this application.

8 MODERATOR ROSENBERG: Thank you, sir.

9 (Applause.)

10 MODERATOR ROSENBERG: The next speaker,
11 Doris Taylor, will be followed by Richard Hayes.

12 DORIS TAYLOR: Hi. I'm Doris Taylor.
13 I live at 21 1/2 Milford Point Road, Cedar Beach,
14 Milford. I have lived on Cedar Beach and sailed
15 small boats in this area for nearly 20 years.

16 This area is heavily used by
17 nonorganized, small boat, recreational people. I
18 see sailors, fishermen, sail boarders and power
19 boaters anchoring and swimming off their boats, as
20 well as jet skis and water-skiers right in front of
21 my house all the time. It's a common practice for
22 people to come anchor right up where they're
23 talking about with their families and their small
24 children and jump off and swim in the water and

1 play. You see people fishing out there all the
2 time.

3 I have sailed and capsized my Hobycat
4 right where they are planning on putting this farm.
5 I have also recently anchored my larger sailboat
6 right by the spot. I saw the DEP boat doing
7 soundings in the area, or some kind of testing the
8 other day.

9 There is already a dense field of
10 floats marking the baskets on the bottom right out
11 near there, and what they're proposing with 52
12 lines is another 112 floats right in that area.
13 And if you look at their chart, again, somebody
14 else mentioned that the depths on the chart on the
15 proposal are not accurate. I sail out there with a
16 depth sender all the time, and I can tell you that
17 it's not as deep as they claim it is. It also
18 continues to shoal up every single year. So if
19 there is marginally enough depth this year, it will
20 probably not meet those depths that they are
21 claiming next year.

22 So you're -- you're talking about
23 hanging these baskets eight feet below the water.
24 Maybe they will be seven or eight feet at extreme

1 low tide. And then if you do have a little bit of
2 a chop, you're -- you're five or six feet, and
3 sailors will hit their keels on that apparatus.

4 I also would suggest that the reason
5 that these people that have had other shellfish
6 farms claim that they've never had recreational
7 boaters run into them is because they were so
8 clearly marked recreational boaters couldn't go
9 there. I'd like that not to happen.

10 MODERATOR ROSENBERG: Thank you, ma'am.
11 Thank you.

12 (Applause.)

13 MODERATOR ROSENBERG: The next speaker,
14 Richard Hayes, will be followed by Dan Murdoch.

15 RICHARD HAYES: Good evening. My name
16 is Richard Hayes. I'm from Stratford, Connecticut.
17 I am a member of the Housatonic Boat Club and one
18 of its past commodores. I'm also a member of the
19 Lightning Class Association.

20 Back on April 8th, 2003, I wrote to
21 both Peter Francis and Cori Rose in opposition to
22 this proposal. Specifically, the area designated
23 as between the Housatonic River and Charles Island.
24 I have had the pleasure, privilege and

1 responsibility of boating, racing, anchoring and
2 swimming in this area for the past 59 years.

3 The continuous restricting of the
4 access of the water areas either from land and now
5 from water to the general public and the boating
6 public needs to be stopped. This proposal
7 generates far too many boating, swimming and
8 fishing safety issues. This proposal restricts
9 public access to a prime recreational water
10 activity area. I have heard no discussion on
11 removal of equipment from the property when the
12 project fails.

13 Anchoring. Anchoring is a function of
14 wind, current, depth of water, not direction of
15 proposed lines. In 20 feet of water, and a five to
16 one anchoring ratio, there is a high probability of
17 snagging this proposed gear and at hundreds of
18 dollars for anchors, this would be a high cost
19 impact to the boater.

20 Sailboats to turtle may have masts as
21 long as 28 feet and would have a high probability
22 of snagging proposed lines and modules.

23 As far as modules are concerned at the
24 Stratford/Milford area, it looks like there would

1 be 2,800 modules, which is an awful lot of modules.
2 The area at the Stratford/Milford site should be
3 checked for the water depth, because a lot of
4 silting has occurred in this area on both sides of
5 the breakwater, the Stratford breakwater that is
6 leading up to the Housatonic River.

7 As a matter of fact, there are many
8 comments now about one has to move the sand bars
9 out there.

10 As far as Cedar Point Yacht Club is
11 concerned, I have spent many weekends at Cedar
12 Point Yacht Club racing ladies, and I concur with
13 their comments regarding this proposal.

14 One last thought I guess is it just so
15 happens that a member of my family is also a member
16 of the Lightning Class Association and has the
17 responsibility for site selection for many of their
18 major regattas. This particular year we're going
19 to be at the Cedar Point Yacht Club bringing in
20 hundreds of boats -- at least a hundred boats, and
21 I think it was mentioned 400 families.

22 I also then concur with the comments
23 from Cedar Point Yacht Club members.

24 Thank you.

1 MODERATOR ROSENBERG: Thank you, sir.

2 (Applause.)

3 MODERATOR ROSENBERG: Our next speaker,
4 Dan Murdoch, will be followed by Karl Dale.

5 DAN MURDOCH: Good evening. My name is
6 Dan Murdoch. I'm the Chairman of the Boating
7 Advisory Committee for the Town of Westport,
8 Connecticut.

9 As you have gathered, the waters off of
10 Westport are heavily used. They are used by oyster
11 men, lobstermen, commercial charter boats,
12 recreational fishermen, pleasure boats, both sail
13 and power; and as you certainly know by now, fleets
14 of racing sailboats.

15 The interesting thing is this has been
16 going on for over a century, and everybody has been
17 able to coexist in the same area. Oysters have
18 been gathered in these waters while all this other
19 activity has gone on.

20 The point I think that's important that
21 hasn't been made yet is that by denying this
22 application, which I urge you to do, does not
23 prohibit the applicant from still harvesting
24 oysters on his lease areas. He can use it, still

1 do it by traditional means. It sounds like a great
2 compromise. It already exists for an existing
3 area. This would also give enough time for the
4 applicant to search for a more viable site for his
5 project. The First Selectmen -- the First
6 Selectwoman has promised to work with him on this.
7 We would encourage that, and we'd give the state
8 time to come up with a plan, which has been talked
9 about quite a bit tonight. So on that basis, I
10 urge you to reject this.

11 MODERATOR ROSENBERG: Thank you, sir.

12 (Applause.)

13 MODERATOR ROSENBERG: Our next speaker
14 is Karl Dale. Following Mr. Dale, Bobby, the
15 stenographer is giving me the sign she needs to
16 change the tape. So if I could propose a 15 or so
17 minute break following Mr. Dale.

18 Thank you.

19 KARL DALE: Good evening. I'm Karl
20 Dale. I live in Trumbull. I am a boat owner and
21 avid recreational angler. I support Mariculture
22 Unlimited's project as a fisherman, a fish-related
23 structure. This will provide some excellent
24 structure for fish. It will also help to clean our

1 waters, which we definitely need with phosphates
2 and nitrogen, and hypoxia is an issue in Long
3 Island Sound.

4 The oysters are filters that will help
5 to assist in that effort. Mariculture Unlimited's
6 project is not a navigational hazard to the average
7 boater. The Army Corps of Engineers, Coast Guard,
8 and the DEP are going to require the gear be
9 adequately marked and maintained, and submerged
10 lines will be countersunk at least to 10 feet and,
11 therefore, will allow the greater percentage of
12 vessels going through the area to pass through.

13 It's also an excellent opportunity as a
14 former restaurateur, one of the things we like to
15 do in our restaurant is to provide local fresh
16 products; and in that effort, I would be highly
17 interested in the restaurant field to have some
18 local oysters to offer, and I think a lot of other
19 restaurateurs would also welcome that.

20 Thank you.

21 MODERATOR ROSENBERG: Thank you, sir.

22 (Appause.)

23 MODERATOR ROSENBERG: Ladies and
24 gentlemen, we will take a short recess and

1 reconvene here about five after 9:00.

2 You are reminded if you need to
3 make -- if you would like to make a statement, a
4 stenographer is available to take that statement
5 during the break.

6 Members of the media are invited to
7 check in with Mr. Tim Dugan outside. And I will
8 see you all in about 15, 20 minutes.

9 Thank you.

10 (Whereupon, there was a short break
11 taken.)

12 MODERATOR ROSENBERG: Ladies and
13 gentlemen, our next speaker will be Jeff Scanlan,
14 who will be followed by Mark Forest -- Foster.

15 JEFF SCANLAN: Good evening. My name
16 is Jeff Scanlan. I am commodore of Saugatuck
17 Harbor Yacht Club of Westport. I represent 210
18 boating families. We are sailors, fishermen,
19 racers and cruisers; and for a half a century, our
20 members have shared a common passion, our love of
21 boating and Long Island Sound.

22 In 1840, the Town of Westport allotted
23 underwater land and comparable funds for oyster
24 planting. That, it is believed, marked the

1 beginning of commercial oyster cultivation in our
2 local waters, and it expanded into the Sound.

3 In the ensuing 163 years, Westport
4 boaters and oyster men have existed -- coexisted
5 peacefully. We are not opposed to aquaculture,
6 but we are opposed to the application before you.
7 It is simply not in the public interest.

8 To support one man's hobby, thousands
9 of areas boaters will be required to navigate
10 around and through what essentially would be a
11 mechanical reef occupying an area the equivalent of
12 350 football fields right in the middle of our
13 channel to and from the Sound.

14 By the applicant's own admission to the
15 DEP, the project could require 338 floating marker
16 buoys in our main boating thoroughfare, turning it
17 into an obstacle course. Boating is hazardous
18 enough when weather conditions turn treacherous.
19 Approval of this application will make boating in
20 Westport more dangerous.

21 Surely, there are safer places along
22 Long Island Sound to construct an oyster farm than
23 in Westport's most vital boating channel, and we
24 urge you to reject the Mariculture application.

1 Thank you very much.

2 MODERATOR ROSENBERG: Thank you, sir.

3 The next speaker, Mark Foster, followed
4 by Robert Kennedy.

5 MARK FOSTER: Good evening. I am Mark
6 Foster, commodore of Cedar Point Yacht Club in
7 Westport.

8 I wish first to thank the Army Corps of
9 Engineers for providing us this opportunity for the
10 public to express their views and providing this
11 venue with great air conditioning.

12 Cedar Point Yacht Club, having
13 encouraged and supported sailboat racing for over a
14 century, has developed a sailing culture that has
15 become well established in Westport. This culture
16 has flourished largely due to the accessibility of
17 our facility to those willing to participate. We
18 structured our programs so as to encourage
19 motivated sailors of all income levels to become
20 members, but the majority of our participants,
21 their sailing programs are not members. These
22 include crew members, who sail in members' boats;
23 or boat owners, who come to Westport for regattas;
24 junior sailors, who take sailing lessons; youth

1 sailors, who represent area high schools; and
2 guests who attend their special events. All
3 regattas go in a program, and many of our club
4 races are open to the public. All one has to do to
5 participate is to show up, register, and go
6 sailing.

7 Cedar Point Yacht Club provides a
8 precious foothold to the sport of sailboat racing
9 in Westport. This value -- this is valued and
10 recognized by a range of sailing organizations, a
11 number of which have submitted letters to the state
12 and federal agencies in opposition to the proposed
13 oyster farm in Westport, as they all share a
14 concern about the potential impacts, specifically
15 to the sport of sailboat racing.

16 Cedar Point Yacht Club is opposed to
17 longline oyster farming in Westport, in summary,
18 because we realize that it creates a no-race zone.
19 The longlines would conflict with anchoring of
20 movable marks, essential race support boats,
21 spectator boats, as well as competing sailboats.
22 Furthermore, the longlines and the oyster gear
23 would conflict with masts, sails and rigging of
24 capsized racing dinghies.

1 Unfortunately, we cannot realistically
2 relocate our activities to avoid the proposed
3 oyster farm. Therefore, with this project we face
4 a threat to the sailboat racing culture that has
5 long been a tradition in Westport.

6 So our suggestions are that the Army
7 Corps and state reject the application.
8 Furthermore, I suggest the Commissioner of the DEP
9 ask that a conservation development plan be
10 prepared to guide the state regulatory actions so
11 that aquaculture can be targeted applications,
12 which are appropriate. Pending such a plan, the
13 state should place a moratorium on longline
14 aquaculture projects.

15 Thank you.

16 MODERATOR ROSENBERG: Thank you, sir.

17 The next speaker, Robert Kennedy,
18 followed by Burt Boersma.

19 ROBERT KENNEDY: Good evening. My name
20 is Robert Kennedy. I am the commodore of Minuteman
21 Yacht Club, and I have been sailing Long Island
22 Sound for over 33 years. My family has sailed for
23 three generations.

24 This evening, I'm not speaking on

1 behalf of Minuteman Yacht Club, but I'm speaking on
2 behalf of my two daughters.

3 Two years ago, after a day of sailing
4 with my family, we suffered a mechanical failure on
5 our way into the harbor. If it wasn't for the
6 ability to drop an anchor, my boat with my family
7 would have ended up on Conckenoë Reef. Surely,
8 surely, we shouldn't put our families in danger of
9 some man's hobby. I should be able to pass on the
10 tradition of sailing to my daughters, as it was
11 passed on to me by my father.

12 Thank you, and have a good evening.

13 MODERATOR ROSENBERG: Thank you, sir.

14 The next speaker, Burt Boersma,

15 B-O-E-R-S-M-A.

16 Eric Robbins.

17 Mr. Robbins will be followed by

18 Terrence Kehoe, Kehoe. Terrence Kehoe.

19 ERIC ROBBINS: My name is Eric Robbins
20 representing the International Laser Class
21 Association, and I live in Norwalk.

22 I have been sailing small tipsy boats
23 on the waters off Westport for 17 years, in a
24 30-foot keel boat for four years. The 367 acre

1 suspended oyster farm proposed by the applicant
2 will put a private commercial structure in a place
3 that will compromise my safety in using the public
4 waters.

5 Every boat leaving Saugatuck Harbor
6 heading south or west would have to go over this
7 structure. Although his diagram and presentation
8 show a narrow corridor that could avoid his
9 structure, that is not realistic. The tides and
10 winds will force most boats over the structure,
11 never mind the racing sailboats. The structure is
12 340 surface buoys will be almost impossible to
13 avoid, especially at night or in rough weather.

14 Yes, most boats could safely pass over
15 the applicant's structure; however, if and when my
16 small boat capsizes, as it often does, there is the
17 very real risk that my 18-foot mast will become
18 lodged under one of the longlines. This will put
19 my safety at risk.

20 If the motor on my larger boat dies, I
21 may have to anchor for safety, as I have had to do
22 twice in the last four years. It is probable that
23 if I have to anchor over the structure that I will
24 not be able to haul my anchor back up, compromising

1 the safety of everyone in my boat.

2 Next June, I will be the principal race
3 officer for the Continental Championship of the
4 largest Olympic class, the Laser. If the wind
5 shifts towards the oyster structure, I will not be
6 able to allow the race to continue for the 200 plus
7 contenders.

8 Finally, if these boards reject the
9 applicant's private commercial structure, which
10 would conflict with the public recreational uses of
11 these waters, then the applicant can still use his
12 leases to raise oysters using traditional
13 nonconflicting methods.

14 Please do not allow one man's hobby to
15 compromise the safety of thousands of recreational
16 boaters.

17 MODERATOR ROSENBERG: Thank you, sir.

18 (Applause.)

19 MODERATOR ROSENBERG: The next speaker,
20 Terrence Kehoe.

21 He will be followed by Dorothy Kehoe.

22 TERRENCE KEHOE: I live on Laurel
23 Beach. I look out into the area in Milford, which
24 is close to this. I have three points that have

1 not been brought up yet tonight. We look out every
2 morning and see -- every morning and see this boat
3 come out there now, taking the baskets off the
4 bottom. The noise from the boat is there and
5 evident every day that he's out there. Especially
6 on foggy days, it's quite noisy, and we hear the
7 radios, as well as the fishermen speaking when
8 we're rising at sunrise in the morning.

9 The second point is we -- we have mini
10 storms that come in, as you know, from the
11 northeast, and particularly in the winter, and I'm
12 concerned about how well secured and well
13 engineered the project is in terms of the baskets
14 coming loose. I know all of these anchors, so many
15 of them out there, are not going to all stay secure
16 and all stay down. These things are going to end
17 up on our beach, and we're going to have to deal
18 with them somehow.

19 And the third point that hasn't been
20 brought up. I know that the gentleman told me a
21 part of the process is they have to raise the
22 baskets and clean them and clean all of the debris
23 that grows on them, and that will end up being
24 washed back into the water and washed up on our

1 beach and probably, I would speculate, in a smelly,
2 stinky mess.

3 We enjoy -- we have many people that
4 enjoy just being on the beach and, you know,
5 looking out at the beautiful view out there that's
6 now not obstructed with hundreds of buoys and
7 baskets that might wash up and so forth.

8 Thank you.

9 MODERATOR ROSENBERG: Thank you, sir.

10 The next speaker, Dorothy Kehoe, who
11 will be followed by Stephanie Harrigan.

12 Mrs. Kehoe. No.

13 Stephanie Harrigan.

14 John Gaynor.

15 Mr. Gaynor will be followed by Peter
16 Nagle.

17 JOHN GAYNOR: My name is John Gaynor.
18 I live on 60 Seventh Ave. I represent, oh, about
19 200 families in the Laurel Beach Association as
20 their chairman this year.

21 Several have called to oppose this
22 structure being right off our beach, and we would
23 like you to give conversation to the impact of the
24 storms. We understand that it's protected from the

1 southwest winds; however, historically our beach
2 damage and seawall damage and even home damage have
3 been done from northeasters.

4 Right here in Milford in 1985 was the
5 last time we had a hurricane. It was Gloria, and
6 we had two of our marinas merge in the harbor. So
7 these structures do and can come undone.

8 We would like you to consider safety
9 also. Any time you have 15,000 feet of line 1,700
10 feet from shore, I think it has a potential danger
11 for certainly boaters, swimmers, and divers. We
12 have -- many, many times you'll see diving flags
13 out there. So I think there is a group of fellows
14 that do dive.

15 Also the placement of this structure
16 between Milford Harbor and Housatonic River, it is
17 a very heavy recreational boating area, and it was
18 brought up before, but I would like to point out an
19 example, the depth has drastically changed in the
20 areas off Cedar Beach. There is an island there
21 that didn't exist 30 years ago. It's not on the
22 chart. Unfortunately, it's a lot of sand from our
23 beach, but it is -- that is silting in that area
24 off Cedar Beach very quickly.

1 Thank you.

2 MODERATOR ROSENBERG: Thank you, sir.

3 (Applause.)

4 MODERATOR ROSENBERG: Peter Nagle. He
5 will be followed by Bruce Knowles.

6 PETER NAGLE: Good evening. My name is
7 Peter Nagle. I live in Laurel Beach. I am also a
8 member of the board of Laurel Beach representing
9 over 200 families.

10 This structure would be good placed
11 right outside our beach, and it's essentially
12 between the breakwater and our beach. It's kind of
13 a dead end area. So we would both have, from an
14 aesthetic standpoint, we would have to view it
15 continually; and my opposition -- our opposition is
16 based upon both aesthetics, our recreational
17 boating activities and navigational hazards that
18 might be created by this -- by this structure.

19 This is a delicate, heavily populated
20 area with massive sand shifts every year because of
21 storms. Its heavy traffic with recreational
22 boating both traverse the area and anchor in the
23 area. I am a boater myself, and I can tell you
24 that my biggest fear has been expressed before a

1 number of times. I personally would stay away from
2 an area that had so many buoys in it. There are
3 already a large number of fishery buoys in this
4 area now. It's difficult to run a boat through
5 areas like that as it is and with a permanent
6 structure underneath the surface, which you can't
7 see from the surface. It's going to create an
8 exclusionary zoning. That's what will happen.

9 You won't be able to anchor there. And
10 this particular area that we're talking about is
11 primarily used for anchoring to go off in the
12 evening, to have dinner, et cetera, with your
13 family. That's what it's used for. So it's going
14 to completely eliminate that. It's as if you took
15 an open space park and made it into a commercial
16 area, if you allow such a thing. So our opposition
17 is based upon this being essentially a commercial
18 activity being introduced into a residential area.
19 In my mind, it's a little bit like putting a truck
20 stop in the middle of Central Park.

21 Thank you.

22 MODERATOR ROSENBERG: Thank you, sir.

23 The next speaker, Bruce Knowles, who
24 will be followed by Daniel Conron.

1 BRUCE KNOWLES: My name is Bruce
2 Knowles. I'm speaking for myself. I live at
3 Laurel Beach on the waterfront.

4 I oppose this application on several
5 fronts, mainly recreation, safety, and storms. I
6 moved here from Westport 15 years ago so I'm
7 familiar with both sites. These sites are in
8 highly populated areas, highly used recreational
9 waters. Many marinas and yacht clubs are present.
10 It would seem to me that such an operation, as the
11 one proposed, would be much better suited in less
12 populated areas.

13 On the safety front, I am a sailor. I
14 have a Hoby 16, which has a 25-foot mast.
15 God forbid if I capsized or get blown into this
16 proposed mass of lines. Accidents happen, and this
17 proposal would only increase the likelihood of such
18 accidents.

19 My boat is small, and I never sailed
20 more than a mile or so from the shore or along the
21 shore. I quite often sail in the proposed area and
22 do not look forward to 112 buoys and the hidden
23 dangers under the water.

24 Concerning storms, I'm very concerned

1 about storms and the power that they harness. In
2 1992, we had the nor'easter storm then. We had
3 strong winds blowing for two or three days
4 straight. Waves hit the second story windows of
5 our home. If approved, I would not be surprised to
6 find 112 buoys and the accompanying lines and cages
7 on our beaches after one of these storms. God
8 forbid we have a hurricane.

9 I ask that you please deny this
10 application.

11 Thank you.

12 MODERATOR ROSENBERG: Thank you, sir.

13 The next speaker, Daniel Conron,
14 followed by Ed G-A-R-G-I-U-L-L, I believe.

15 DANIEL CONRON: Good evening. Thank
16 you very much for this opportunity. I am Dan
17 Conron from Saugatuck Harbor Yacht Club. I have
18 been active down there, past commodore, one of the
19 early commodores for a good number of years, 40
20 years, I think.

21 What we have done, what Cedar Point
22 particularly has led the parade in doing is to
23 develop some decor and some dignity in training the
24 many kids, the many kids that are trained in the

1 disciplines of sailing, the respect of the water,
2 and the respect of nature. That's one of the
3 biggest accomplishments I think that we can say
4 that we have all accomplished. We've got to
5 preserve that. You can't get that in school,
6 church, whatever it may be, but if you have got a
7 well organized program and a good number of kids
8 that will listen, you can develop them into not
9 only sailors, but respectable citizens.

10 I want to make another point. I've
11 sailed to Nova Scotia in 1995, I guess it was.
12 They started to put these new oyster strings,
13 hanging them from rafts, in the Begor lakes
14 (phonetic spelling). It was quite a surprise to
15 see them trying to fetch oysters, and they do fetch
16 their oysters that way up there. Believe you me, I
17 sailed 250 miles across the ocean to Nova Scotia
18 without any difficulty. I walked in there to the
19 Begor lakes, and by God, the first thing I do is
20 hook my propeller on some of these rafts that are
21 dingling the strings down for it.

22 Other than that, I just feel very
23 strong that the -- how the degradation of our
24 water, Long Island Sound, will develop if this

1 commercialized type of activity comes in and takes
2 over these good areas, nice areas where today we
3 are training and teaching and doing the very best
4 we can and very successful in bringing our kids
5 along.

6 Thank you.

7 MODERATOR ROSENBERG: Thank you, sir.

8 The next speaker, Ed Gargiulo,

9 G-A-R-G-I-U-L-O.

10 Richard Weisberg. Mr. Weisberg will be
11 followed by Harrison Valante.

12 RICHARD WEISBERG: I'm the state chair
13 for the legislative committee of the Recreational
14 Fishing Alliance of Connecticut, and we have been
15 informed by recreation fishers, who observe the
16 Mohegan gear fields, particular in Niantic Bay that
17 the surface structures alone are absolutely
18 impenetrable, not to mention the subsurface
19 structures, which are even more dense, and please
20 keep in mind that recreational fishing is primarily
21 subsurface activity.

22 This is a completely preclusive
23 proposal, which will oust the public -- the public
24 trust waters, and public trust activities will have

1 a huge array of adverse impacts, including adverse
2 economic impacts. Recreational fishing is one of
3 the major contributors to coastal economies. The
4 recreational expenditures are a function of
5 recreational opportunities. Fishing opportunities
6 are diminished by excluding recreational fishes
7 from their traditional grounds, which includes both
8 of these sites.

9 So, granting this permit will
10 unquestionably have adverse economic impacts of an
11 unknown magnitude, because I don't believe either
12 the Corps or all this has conducted a study, and
13 you may have to rectify that omission if you want
14 to grant this permit.

15 In addition, we support what other
16 speakers have said that the -- in terms of your
17 cumulative impact analysis, you should look at
18 prospective cumulative impacts due to proliferation
19 of this type of operation. If allowed to
20 proliferate, the impacts are going to be absolutely
21 severe both from an economic and cultural
22 prospective. And we suggest that the regulatory
23 agencies have to consider those prospective impacts
24 now and not later.

1 Finally, in terms of your alternatives
2 analysis, a lot of people have suggested that
3 perhaps an alternative site, if appropriate, we
4 certainly agree, but we'd also suggest that in
5 terms of long-term planning, and looking at the
6 broader picture, others have suggested you consider
7 perhaps in many cases constraining shellfish
8 mariculture to land-based facilities, a practice
9 that we know is being successfully done right now
10 in Groton by the No Anchor Aquaculture Cooperative.

11 Thank you.

12 MODERATOR ROSENBERG: Thank you, sir.

13 The next speaker --

14 RICHARD WEISBERG: I have a --

15 MODERATOR ROSENBERG: Yes, sir, there
16 is a box right next to the stenographer.

17 Thank you.

18 Harrison Valante will be followed by
19 Carole Helms Reichhelm.

20 HARRISON VALANTE: I'm Harrison
21 Valante, Past Squadron Commander of Saugatuck River
22 Sail and Power Squadron. Also past District 2
23 Commander of the United States Power Squadron. And
24 at the present time, I'm safety officer of

1 District 2, which is from the Long Island Sound to
2 the Hudson River to the Canadian border.

3 We were asked by the local boards to
4 offer an expert opinion on specific navigational
5 points and circumstances related to the area, and
6 we are ready to share these with you.

7 Since I lecture for Saugatuck River
8 sailing -- Sail and Power Squadron on adverse
9 weather conditions and boating safety, I'm going to
10 concentrate this evening on anchoring in the Long
11 Island Sound.

12 The purposes of anchoring are multiple.
13 You have heavy weather. All of these,
14 incidentally, are very much present in Long Island
15 Sound. Your current excessive windage, engine
16 failure, and if any of these were to happen to your
17 boat without anchoring, you would be sliding into
18 the rocks on the coast of Connecticut.

19 In the packet that I have also handed
20 to you are illustrations of my remarks. The rode
21 of an anchor, this is the line which attaches from
22 the boat to the anchor, should be strong and long.
23 It's only in this, the length of that that gives
24 the horizontal pull and gives the anchor its

1 strength and effectiveness. We -- we base that on
2 a ratio of 7 to 1. For every one foot of rise, or
3 depth, we need seven foot of line.

4 An example of this is 20 feet of water
5 with seven feet tide plus three foot boat freeboard
6 with a ratio of seven feet would be you would need
7 210 feet of rode, and this we teach in our courses,
8 and this is taught national. With a circumference
9 of 360 degrees, the circumference would be 420
10 feet. In this proposal, there are every 50 feet is
11 a support.

12 Now, prudent navigation principles,
13 prudent and safe seamanship principles indicate to
14 avoid navigating over an area affected by submerged
15 objects. Objects can dangerously fell anchoring
16 rodes and the conclusion, the navigatable area
17 engaged in this project for prudent seamanship is
18 very dangerous over a complex of lines and cages.

19 I think that summarizes my remarks, and
20 I thank you for the opportunity to talk to you.

21 MODERATOR ROSENBERG: Thank you, sir.

22 The next speaker, Carol Helms

23 Reichhelm.

24 CAROL HELMS REICHHELM: That's me.

1 MODERATOR ROSENBERG: Followed by
2 Halsey Bullen.

3 CAROL HELMS REICHHELM: My name is
4 Carol Reichhelm, and I am a member of Cedar Point
5 Yacht Club, as well as an unpaid volunteer helping
6 Mariculture Unlimited, and I can assure you this is
7 a vicariously challenging position to be in, both
8 things.

9 I grew up cruising on a 42-foot sloop,
10 and I raced on my husband's Atlantic for 10 years.
11 I live on the water in Westport, and I've collected
12 a lot of oysters, plants, and mussels on our
13 shoreline, and I've served them up to an awful lot
14 of yacht club members. I understand the issues.

15 One might consider that I sit between a
16 rock and a hard place. Which should my husband and
17 I give up, oystering or boat racing?

18 What a ridiculous thought. We don't
19 have to give up either. However, both pleasures
20 will require change to survive.

21 As a volunteer, I help with this
22 project not because I am altruistic, or even
23 because I think this project alone will save the
24 oyster, but because I think it's the right thing to

1 do. I do not believe that this is an argument
2 about safety or losing gear or ruining yacht
3 racing.

4 I believe that there is discontent
5 about John's project, because it represents change,
6 and it's in all of our nature to fear change. The
7 oyster, however, is not some obscure tree frog. It
8 is a part of our New England heritage, and it is
9 indeed threatened. It will require some compromise
10 and some change from all of us to ensure its
11 survival in our waters. It will also require new
12 technologies.

13 No one wants to hurt oystering, but
14 they don't want saving it to begin in their own
15 backyard.

16 If this oyster farm application is not
17 approved here in Westport then for what location
18 will you approve it?

19 Where the water is too deep for oysters
20 to grow?

21 Where the state will not allow other
22 leases?

23 Where the water is too busy?
24 Where.

1 Most regattas -- here are a few facts.
2 Most regattas take place outside the CPYC race
3 course. Cedar Point Yacht Club racers use the
4 actual race course on average 40 days of the year,
5 a total of some 200 hours per year. Per year. And
6 they can continue to do so. They can race over
7 this area all they want unimpeded. When all is
8 finished, and this project is approved, if it's
9 approved, compromises will be made. Racing and
10 boating notices will be sent out, and racing and
11 oyster farming will go on and find a way to
12 coexist. Most recreational boaters know that this
13 is possible. But in their defense it is also their
14 job to pry up and make their wheels squeak loudest.
15 That does not mean, however, that they represent
16 the majority. I do not care if you approve
17 Mariculture's proposal or its compromise proposal,
18 or ask them to structure something in between, but
19 you must approve some aspect of this project, or a
20 precedent will set that is wrong.

21 Thank you.

22 MODERATOR ROSENBERG: Thank you.

23 (Applause.)

24 MODERATOR ROSENBERG: Our next speaker,

1 Halsey Bullen, who will be followed by Christian
2 Jensen.

3 HALSEY BULLEN: Good evening. My name
4 is Halsey Bullen. I like oysters, too. I like
5 them on the half shell, and I like them in their
6 traditional location on the bottom of the Sound.

7 But I also race a small boat called a
8 Laser, which leads me to oppose this application.
9 I race for my own, primarily at the Cedar Point
10 Yacht Club where I am an officer, and I will
11 receive the Laser Racing Program. A few facts
12 about that program.

13 Over 90 people race Lasers with us in
14 the fall and spring, as many as 50 at a time on a
15 Sunday. Our youngest competitor is about 12 years
16 old. Our eldest is 63, even older than me, and
17 they usually race pretty close to each other. So
18 it's a great activity in that regard.

19 While some of the Laser racers are
20 members of our Cedar Point Yacht Club, most are
21 not. They are members of the public. They pay
22 less than \$10 per racing day to race with us.
23 Anyone can do this. We race on waters that are the
24 subject of this proposal. And while Lasers draw

1 only three feet of water while right side up;
2 despite our best efforts, they sometimes turn
3 upside down, turn turtle, and as someone pointed
4 out earlier, the masts extend 18 feet well into the
5 depth range of this proposal.

6 Even the world class sailors, who race
7 Lasers in the Olympics, some of whom are expected
8 to attend our championships, North American
9 Championships next year, capsize and turn turtle
10 occasionally. I'm very concerned that if we race
11 over the proposed structure, a capsized Laser mast
12 might become entangled, risking damage to the boat,
13 damage to the structure, serious injury, or worse,
14 to the competitor. Our alternative to avoid these
15 routes somehow is to avoid racing in these hundreds
16 of acres right in the middle of our best sailing
17 area.

18 Your alternative, ladies and gentlemen,
19 is to reject this application, and I urge you to do
20 that.

21 Thank you.

22 MODERATOR ROSENBERG: Thank you, sir.

23 The next speaker, Christian Jensen,
24 followed by Orvis Yingling.

1 CHRISTIAN JENSEN: Good afternoon, or
2 good evening. My name is Christian Jensen, just
3 for the record, but anyways, I've wanted to attack
4 this from a slightly different point of view.

5 We have talked a lot about in theory
6 about anchoring and safety and things like that,
7 which I fully agree with. I just want to give you
8 an example that was very real, and I'm glad that I
9 can actually tell about this, and that we didn't
10 have oyster lines out there this spring.

11 I was out sailing. It was a nice
12 breeze of 25, 30 knots, good brisk conditions, and
13 my sailboat has about a 30-foot mast. We turned
14 the boat turtle. I had myself and my crew with me.
15 It was in the exact area where these oyster lines
16 are proposed, and it was in a total depth of about
17 35 feet of water. So my mast would for sure have
18 been entangled in this gear, with about two knots
19 of current out there, and a mast stuck in a
20 structure like that, the boat would have gone down.
21 We would not have been able to take the sails out
22 and right the boat up and sail back in a safe
23 manner. We would maybe not have been here today.
24 Thank you.

1 MODERATOR ROSENBERG: Thank you, sir.

2 The next speaker, Orvis Yingling,
3 followed by George Reichhelm.

4 ORVIS YINGLING: Good evening. My name
5 is Orvis Yingling. I have been racing sailboats
6 for nearly 40 years along the Saugatuck River and
7 have the learned the following:

8 First, that the channel is not wide and
9 fairly shallow in certain places. It is not
10 unusual to see larger keel boats that ground in and
11 out of the channel.

12 Next, there are many sailboat regattas
13 every summer with skippers from all over the United
14 States, who are not familiar with local conditions.
15 They sometimes end up far out of the racing area.

16 Thirdly, in stormy weather, sailboats
17 will scatter and drop anchor wherever they can.
18 Smaller wind designed boats may capsize and end up
19 with masts sticking in the bottom. For these and
20 other reasons, there will be problems interfering
21 with any Mariculture cables and cage units, and it
22 will be much better to use another area with less
23 boat traffic.

24 Thank you.

1 MODERATOR ROSENBERG: Thank you, sir.

2 The next speaker, George

3 Reichhelm -- I'm not sure.

4 GEORGE REICHHELM: It's Reichhelm, and

5 I'm married to that lady that read so quickly

6 there.

7 MODERATOR ROSENBERG: Thank you, sir.

8 GEORGE RICHHELM: I have fished and

9 sailed in these waters -- fished for 55 years,

10 sailed on them for 35 years; and for the next

11 minute and a half, I'll probably be a member of the

12 Cedar Point Yacht Club. After that, we'll see.

13 I support this proposal. I don't want

14 to support this proposal, because -- but it's the

15 only proposal on the table. I believe in what

16 Dr. Garofalo is trying to do. I feel that it is

17 compatible with sailboat racing. Nothing changes

18 without causing change. I know no one -- I wish I

19 did -- that owns a boat and draws more than

20 10 feet, because I would like to be on it in the

21 Mediterranean about now.

22 My point is this. My experience,

23 personal experience says to me that the proposal

24 can be made to be compatible with the use of the

1 water out there. I'll be interested in the
2 compromise.

3 Thank you.

4 MODERATOR ROSENBERG: Thank you, sir.

5 The next speaker --

6 (Applause.)

7 MODERATOR ROSENBERG: -- Erik

8 Haakonsen, H-A-A-K-O-N-S-E-N.

9 Bill Dobensky.

10 BILL DOBENSKY: Yes.

11 MODERATOR ROSENBERG: Mr. Dobensky will
12 be followed by T.J. Casey.

13 BILL DOBENSKY: My name is Bill
14 Dobensky, and I'm commodore of the Housatonic Boat
15 Club in Stratford.

16 On behalf of our club, I strongly urge
17 the Army Corps to completely reject this oyster
18 farm proposal. The Housatonic Boat Club was
19 founded in 1887, and we are currently the oldest
20 active boating club in the State of Connecticut.
21 We have over 330 members with the vast majority
22 residing in the towns of Milford, Stratford,
23 Shelton, and Trumbull.

24 For our constitution, two-thirds of our

1 club is comprised of sailboats, and one-third is
2 comprised of motor boats. This proposed oyster
3 farm area off of Milford is in the heart of the
4 Housatonic Boat Club's traditional boating and
5 sailboat racing grounds. Club documentation
6 history shows that our club members have been
7 boating in this area for as long as the club has
8 been in existence, 116 years.

9 Every year we hold numerous club
10 sailboat races, along with invitational races open
11 to other clubs in the area, that regularly attract
12 over 40 boats. My club also runs a junior sailing
13 program every summer that is open to the entire
14 community. This program is usually attended by at
15 least 40 children. Our junior sailing program uses
16 this proposed area for the sole reason that it
17 offers a quick refuge back into the river in the
18 event of sudden storms or high wind conditions.

19 Additionally, we have fishermen in our
20 club, who troll these waters, and it is a prime
21 area for bluefish and striped bass.

22 We also have recreational boaters in
23 our club, who also use this area for swimming,
24 tubing and water-skiing. If this oyster farm is

1 about to proceed, it will pose a severe safety and
2 navigational hazard to our members and our junior
3 sailors. Relocating our traditional boating
4 grounds and our traditional junior sailing grounds
5 to another area would not be feasible, as it would
6 require a much longer commute to get to any other
7 area. It would put our junior sailors at risk by
8 exposing them to very serious safety conditions due
9 to rougher offshore waters and longer distances
10 back to refuge.

11 While I realize that people have a
12 right to make a living, they do not have a right to
13 make a living at the detriment of others by closing
14 down the waters that others have been using for
15 over 100 years. Because of the adverse safety,
16 navigational and recreational reasons I have
17 mentioned, along with the fact that this proposed
18 area has been at the heart of the Housatonic Boat
19 Club's traditional boating grounds for 116 years,
20 the Housatonic Boat Club strongly urges the Army
21 Corps to respect the rights and interests of our
22 members in our communities and completely reject
23 this oyster farm proposal.

24 MODERATOR ROSENBERG: Thank you, sir.

1 The next speaker, T.J. Casey, who will
2 followed by Donald Budde.

3 T.J. CASEY: I am T.J. Casey. I live
4 at 59 Green Street in Milford. I'm a lifelong
5 resident of the city.

6 We have owned a piece of property on
7 Cedar Beach for over 50 years. That's our
8 playground. You know, I mean that's 155 acres that
9 we play in for 50 years. I grew up playing there.
10 You put us at risk with these longlines. 56
11 325 feet long, they will be a problem. They are a
12 potential hazard to me. They are a potential
13 hazard to my children. They are a potential hazard
14 to every resident that is on the Laurel Beach and
15 Cedar Beach coastline that use it as their
16 playground. It's heavily recreationally use, and I
17 hope and urge you have the ability in order to
18 realize that what has been said here by Mayor
19 Richetelli, by Representative Amann, by Senator
20 Smith, by Rosa Devora and Christopher Shays for
21 encouraging you to be here. These are good ideas
22 in the wrong place. Find the wrong place, work
23 with your legislators, and maybe we could do
24 something on behalf of the Mariculture industry.

1 This is not the right time, nor the location for
2 it.

3 Thank you.

4 MODERATOR ROSENBERG: Thank you, sir.

5 The next speaker is Donald Budde.

6 Allen Bemis. Mr. Bemis will be
7 followed by Robert -- I believe it says Palmer.

8 Thank you.

9 ALLEN BEMIS: Good evening. Thank you
10 for the opportunity to speak. One of the reasons
11 we have public hearings is chartered in the code of
12 Federal Regulations CFR Title 33, navigation in
13 navigable waters, a 100 and some odd page document
14 that I downloaded off the U.S. Army Corps of
15 Engineers' website. I'll give the link available
16 to those who would like to read it someday. There
17 are some interesting things in here. This is the
18 document that dictates the presentations, and
19 public hearings and decisions and guidelines this
20 body is going to use in judging the merits of this
21 proposal. Some interesting items in here that I've
22 selected, and I'll briefly go through it.

23 It states that there is regulatory
24 authority for this body to judge this permit. It

1 also states that there are certain definitions
2 having to do with this project, specifically the
3 term structure, which includes boats, docks, ramp,
4 wharves, rip raps, jetties, artificial islands,
5 permanent mooring structures, power transmission
6 lines; and interestingly enough, any other obstacle
7 or obstruction. I think after listening to
8 tonight's presentation I discovered that there are
9 a lot of concerns about the obstacles and
10 structural potential of this project.

11 This is in Section 322.2, called
12 definitions, subparagraph B.

13 In 322.2, paragraph G, there is an
14 interesting term here called, and I'll quote, the
15 term artificial reef means a structure which is
16 constructed or placed in the navigable waters of
17 the United States or in the waters outlying the
18 Continental Shelf for the purpose of enhancing
19 fishery resources in commercial and recreational
20 fishing opportunities. I think that the term
21 artificial reef fits very well to our project that
22 we are discussing this evening.

23 And I would ask that the committee look
24 at the term artificial reef, its definitions and

1 how it's used in 33 CFR.

2 In Section 322.5, there is a regulation
3 on how we treat artificial reefs and the
4 responsibilities of those involved. The
5 responsibilities of the applicant as detailed in
6 33 CFR, this regulation requires the applicant to
7 address the issues under CFR 322.5, specifically,
8 minimizing the conflicts among competing uses of
9 the navigable waters, minimizing the risks to
10 personal health and property, minimizing the
11 conflicts to other marine usages, preventing
12 unreasonable obstructions to navigation,
13 unambiguous ownership of the structure,
14 demonstration of financial responsibility and
15 available assets of the applicant. In addition,
16 the District Engineer must assure title of the reef
17 is unambiguous. The District Engineer must assure
18 responsibility for maintenance is clearly
19 established. The District Engineer must
20 assume -- assure financial ability to assume
21 liability from all damages that may arise; and the
22 District Engineer must assure financial
23 responsibility and available assets to meet any
24 liability responsibilities.

1 I oppose this proposal.

2 MODERATOR ROSENBERG: Thank you, sir.
3 Thank you very much.

4 The next speaker, Robert Pimor,
5 followed by Georgiana Silk.

6 ROBERT PIMOR: Hi. I am Robert Pimor,
7 and I'm vice president of Professional Sea Service.

8 We do the diving for most of the
9 oystermen and lobstermen in this area; and due to
10 the traditional way of lobstering -- and a lot of
11 these things haven't been brought up tonight --
12 lobstering has failed here in the last four to five
13 years. We've lost 50 percent of our clients.
14 Luckily, some of them have become clammers and
15 oystermen, and we are counting on Mariculture for
16 future revenue. And we do have children, and I'm a
17 past commodore and still a 12 year veteran officer
18 of Cedar Point Yacht Club, which is the oldest
19 unbroken charter yacht club in the United States.

20 The Healey coil system that they
21 propose to use is fantastic. Otherwise, the City
22 of Milford would not have gone to it and removed
23 all their mushroom anchors out of their harbor this
24 year. They have switched to the Healey coil,

1 because of the strength and that they do not rot
2 out and fall apart, as your mushroom anchors do.

3 And the waterfront owners, I read in
4 the comments here, as far as having their own
5 private moorings have to go through their local
6 harbor masters, and no harbor master in this state
7 would put a local person in jeopardy.

8 I run a commercial tug boat out of
9 Branford. I see no problem running over any of
10 these structures, and our tug boats are much more
11 than these sailboaters. And I have a lot of
12 respect for the people and their comments here
13 tonight and the sailboats. I have no disrespect.

14 I think this project will work, because
15 of the way the oysters are going to have a chance
16 to grow and not be killed off like the lobstering
17 industry has been killed off in the State of
18 Connecticut.

19 And as far as emergency anchoring is
20 concerned, ask the people who vote in New Haven
21 Harbor if there was a lot of consideration for
22 emergency anchoring when they put a power cable
23 down the middle of our channel. So you might as
24 well throw all your time on emergency anchoring out

1 the window.

2 Thank you.

3 MODERATOR ROSENBERG: Thank you, sir.

4 (Applause.)

5 MODERATOR ROSENBERG: My next speaker,
6 Georgiana Silk, who will be followed by Larry
7 Liggett.

8 GEORGIANA SILK: Hi. My name is
9 Georgiana Silk. I am from Weston, Connecticut. I
10 grew up in Westport learning to sail as a young
11 child with my parents on our homemade Sailfish.
12 When I was about 12, I started racing sailboats and
13 participating in the Junior Sailing Program with my
14 older brother. My father meanwhile was also
15 competing in sailboats. He raced a 31-foot boat
16 called an Atlantic. In the winter, I raced with my
17 father in small dinghies called Super Sprites in
18 the "Frostbiting" series. I raced 14-foot-long
19 Blue Jays, 18-foot-long Lightnings and 17-foot-long
20 Thistles at one time or another, through junior
21 high, high school and college.

22 When I returned to the area after
23 further schooling, I returned to competitive
24 sailing. I married another second generation

1 Thistle sailor, and all three of our children have
2 been in the same Junior Sailing Program that I
3 participated in during the 1960s. None of the
4 boats I have sailed and raced have been large
5 boats. They have all had the capacity to capsize
6 and turtle. They have all, except the Super
7 Sprites been raced on the waters above where this
8 proposed oyster bed would lie. All of their masts
9 are longer than 10 feet.

10 I am concerned that these smaller
11 competitive sailboats will not be able to use this
12 historically long used area if the beds are
13 created. I do not believe that it would be safe or
14 logical for them to sail above this construction.
15 Masts caught in the wires would make for any boat
16 continuing in the race impossible. If you take it
17 a step further, the people who can't right their
18 boats will be stuck in the water hanging onto the
19 slippery bottom of the boat. There is not too much
20 to hang onto on an upside down boat. Also, if the
21 water is cold, the danger increases dramatically if
22 they can't get out of the water.

23 I remember leaning into the boat
24 instead of hiking out to avoid being hit by an

1 occasional oyster stick as we sailed upwind to the
2 windward mark. It wasn't too bad. It sort of
3 added to the adventure. It didn't drastically
4 interfere with the sailboat racing that my family
5 has enjoyed so much over the last 48 years in
6 Westport.

7 I am afraid this oyster bed design will
8 make racing sailboats there a thing of the past.

9 Thank you.

10 MODERATOR ROSENBERG: Thank you, ma'am.

11 The next speaker, Larry Liggett. He
12 will be followed by Dr. Neil Rattan.

13 LARRY LIGGETT: Hello. My name is
14 Larry Liggett. I am from Weston, Connecticut,
15 representing myself.

16 Thank you for having this hearing.

17 For the past 35 years, I have been
18 sailing and powering boats for a variety of
19 activities: Pleasure sailing, racing, fishing all
20 over the Sound, predominantly within the proposed
21 oyster farming area. During that time, I have
22 capsized several different types of sailboats,
23 ranging from Thistles to my son's Optimist Pram, on
24 an average of one to two times per year.

1 Several of these capsizes have been
2 mast-down turtles, the most annoying and dangerous.
3 Twice I have had to anchor the capsized boat and
4 abandon it for later recovery by myself or by
5 others.

6 About 10 years ago, I had a friend lose
7 his life in a sailing incident. What I have
8 learned from my experience all these years on the
9 water and from being a firefighter for the last
10 11 years is that no matter the level of your
11 knowledge, your training, your preparing or your
12 experience, nature can and will challenge you with
13 the unexpected. To compound the potential for
14 property damage, personal injury, or even death by
15 the construction of such a complex underwater
16 system in an area trafficked by hundreds of people
17 involved in numerous activities is not in the
18 public's best interest.

19 Thank you.

20 MODERATOR ROSENBERG: Thank you, sir.

21 The next speaker, Dr. Neil Rattan.

22 Margery Silk.

23 Tracie Conti.

24 Ms. Conti will be followed by Philip

1 Simmons.

2 TRACIE CONTI: My name is Tracie Conti.
3 I'm a Milford resident. Believe it or not, I have
4 taken the time to read the Army Corps of Engineers
5 environmental assessment and statement of findings
6 on the Mohegan Aquaculture Project. It's my
7 understanding that the Mariculture Unlimited
8 proposal is based on the same engineering that the
9 Army Corps has already permitted for the Mohegan
10 Mohegan Project. I'd like to outline some of the
11 positive effects listed in this statement of
12 findings.

13 Positive effects on finfish and
14 plankton will be -- will have been due to the
15 increased habitat diversity. There will be
16 positive effects on shellfish populations due to
17 the source of seed provided by the cultured
18 oysters. There will be positive effects on the
19 economy, due to the work the operation will provide
20 to the local area and support and distribution
21 industries. There is a positive effect on the
22 needs and welfare of the people, because state and
23 local governments have already determined that the
24 development of aquaculture is in the national

1 interest to offset overharvest and to implement
2 sustainable fishery practices.

3 There will also be positive effects on
4 food production, because the culture of shellfish
5 will enhance aquaculture opportunities in
6 Connecticut and may help to reduce U.S. trade
7 deficit in fisheries products, augment traditional
8 commercial harvest, and produce a renewable fishery
9 resource.

10 The Mariculture Unlimited project will
11 have the same positive effects that have already
12 been -- that are in the permitted project that is
13 already in place, or will be in place in the
14 eastern portion of our state.

15 Thank you.

16 (Applause.)

17 MODERATOR ROSENBERG: Thank you, ma'am.

18 The next speaker, Philip Simmons.

19 Lisa Simmons.

20 Michael W-E-I-N-S-H-E-L.

21 Sir, would you please pronounce your
22 name and spell it for the record. Thank you.

23 MICHAEL WEINSHEL: I will. My name is
24 Michael Weinschel, and I actually live in Fairfield,

1 and I am the accountant for Mariculture, which
2 obviously makes me somewhat biased. However, I do
3 believe that the benefits of this proposal far
4 outweigh any detriments.

5 With that said, I will end my comments
6 on behalf of Mariculture and begin my comments
7 personally. I'm a boater, and I am a fisherman,
8 and I will tell you that I have gone aground in the
9 waters mentioned in that harbor. I've tied into
10 many lobster pots, and the hazards are out there,
11 and you need as a boater to know what those hazards
12 are.

13 I have navigated the waters all the way
14 from Greenwich probably to Stonington, and I will
15 tell you that I have heard many people say, Find
16 an alternate location that's not quite as busy.
17 Well, I will tell you that if you propose this off
18 Fairfield, or you propose it off Stonington, or any
19 of those waters, you would have the same roomful of
20 people from that territory.

21 We have learned that both the
22 commercial aquaculture industry and our
23 recreational boaters can coexist, and I urge this
24 commission to find a way, because this proposal

1 does have merit to let Mariculture do the project
2 in some way that will not jeopardize and allow both
3 the recreational industry and the commercial
4 industry to coexist, as it has done in the past.

5 MODERATOR ROSENBERG: Thank you, sir.

6 The next speaker, Dennis Anderson.

7 Juliana Garofalo.

8 She will be followed by Jim Salce.

9 JULIANA GAROFALO: Hi. Some of you
10 might recognize me from the photo earlier. I was
11 the water-skier. So as you can tell, I have been a
12 recreational boater off both the coast of Westport
13 and Old Saybrook for the past 13 years, but I'm not
14 going to tell my whole life story. All you need to
15 know is that I am a recreational boater. I got my
16 boater's license as soon as I turned 12 years old.

17 And what I've noticed on every Saturday
18 and Sunday afternoon, and weekday afternoons when I
19 enjoy going boating with my friends and my family,
20 I need to avoid the Cedar Point Yacht Club's
21 sailboats all the time when they are racing. I
22 need to get out of their course, and I think that,
23 yes, they have been around for a century. A lot of
24 yacht clubs have been around for a very long time,

1 but it's time to start thinking towards the future.
2 And it is 2004 now. It's not the beginning of the
3 1900s any more, and the natural resources on this
4 planet are, as everyone knows, really starting to
5 diminish. So we need to figure out a way for all
6 of us to coexist and to allow for shellfish to grow
7 in the way that they need to, because growing on
8 the bottom now is just not working as well as it
9 used to.

10 I also think that life for the people
11 at the Cedar Point Yacht Club have said, and
12 Milford residents as well, this is a big Long
13 Island Sound. I think that all of us can find a
14 way to coexist, but no one wants it in their
15 backyard. So when and where? I mean now is the
16 time to take advantage of this opportunity and to
17 start thinking towards the future.

18 So thank you.

19 MODERATOR ROSENBERG: Thank you, ma'am.

20 (Applause.)

21 MODERATOR ROSENBERG: The next speaker,
22 Jim Salce, who will be followed by Mrs. George
23 Silk.

24 JIM SALCE: Good evening. My name is

1 Jimmy Salce.

2 Forgive me for using some profanity,
3 but I'm a commercial fisherman.

4 I believe in aquaculture. It's the
5 wave of the future, maybe not as a hobby, but I
6 don't believe this is a hobby. With the amount of
7 investment that is involved in this venture, it's
8 certainly no hobby.

9 I think these gentlemen are on a course
10 that's the beginning of the future in this state.
11 This state has been behind the times in aquaculture
12 for 30 years. I believe we should give them some
13 leeway, maybe rearrange things a little bit so it's
14 a little safer for your boaters, and for
15 sailboaters. My uncle was a sailboater. He was an
16 oysterman, and he used to sail on a gaff rig, not a
17 Marconi rig, when that is all they had with no
18 power. And they learned many ways to get around
19 different things and around rocks, which are out
20 there. And they didn't have the charts that they
21 have today, but they -- they managed to work around
22 things. And then sometimes you have to work around
23 things and coexist with your commercial fishermen,
24 the few that are left.

1 I think that's about all, but I know
2 it's pretty hard for everybody to look at a
3 commercial fisherman. They always want to say not
4 in my backyard, not in my neighborhood, but the
5 oyster industry has been around for 150 years, not
6 116, not 110. It's -- it has been depleted. The
7 marsh land has been depleted. In the Fairfield
8 town area it has gone from depletion of almost 60
9 to 70 percent. Now, that's what feeds the fish and
10 feeds the oysters and feeds the clams, that marsh
11 land. The sewage that has come up throughout the
12 years, the Housatonic has had two sewer plants.
13 Now it has five. Nobody looks at the commercial
14 fisherman's end of it. They just want to have a
15 nice house on a nice beach. It's unfortunate.

16 I -- I can't speak for Westport. I can
17 speak for Milford. That area is where he is
18 proposing those -- the venture isn't as high
19 traffic, and the sailboats mainly it's on a weekend
20 that they do have their race, and they have to go
21 through Charles Island, a mile and three quarters
22 or two miles to the west for the race. Housatonic
23 Boat Club has to go two miles down the river to
24 race in this area.

1 MODERATOR ROSENBERG: Thank you, sir.

2 Thank you very much.

3 (Appause.)

4 MODERATOR ROSENBERG: The next speaker,

5 Mrs. George Silk.

6 Jim Zelich. Did I get that correct?

7 JIM ZELICH: Jim Zelich. I live here
8 in Milford, past commodore at East End Yacht Club
9 in Richport, and I am on the Commodore's Council of
10 Fairfield County.

11 This proposal, the word is in Milford,
12 is in a high density area for recreational boating.
13 In the summertime, you have a lot of younger
14 adults, teenage kids boating up there, and they
15 don't pay attention. They try to anchor in this
16 area or water-ski in this area. Yeah, you say it's
17 10 feet below. They are showing in there now, and
18 that area is a bad area for this particular
19 project. If they can move it to another area, or
20 compromise, and get a standard plan throughout the
21 state and then come back, I think the people would
22 take it, but the way it is now, it's too dangerous.
23 It's a navigational hazard to the area, and I go on
24 record and oppose it until they come up with a

1 better system as far as doing it equally for
2 everybody.

3 Thank you.

4 MODERATOR ROSENBERG: Thank you, sir.

5 The next speaker, Jim Goodrich.

6 Julien B-E-R-E-S-F-O-R-D. Okay.

7 Fred Frillici.

8 Daniel Sullivan.

9 Edward Sullivan.

10 Mr. or Mrs. Gaynor, 60 Seventh Avenue.

11 Charles Proctor.

12 CHARLES PROCTOR: I'm

13 Charles Proctor of Southport, Connecticut, and I'm
14 a member of Cedar Point Yacht Club and an employee
15 of North Sails here in Milford, Connecticut.

16 I am hopeful that any negative impact
17 the applicant's project will have on the sailboat
18 racing course area will be seriously considered.
19 It is likely to affect not only the leisure
20 activity my family and I love to participate in,
21 but also will have a serious impact on my
22 livelihood.

23 I am a long -- a lifelong sailboat
24 racer. For the last 20 years, I have regularly

1 enjoyed racing in the area that the applicant's
2 activity is likely to impact. My two teenage sons
3 now enjoy racing sailboats in this area, also. The
4 area covered by the application is proven to be a
5 superior location for a race course. It's
6 protected from Long Island Sound current by
7 Cockenoe Island and the adjacent reef. Access is
8 afforded by a short sail from the CPYC launch and
9 storage facility. The applicant's proposed large
10 number of marker buoys over a large portion of the
11 racing area will create obstructions to racing
12 boats, a point that really hasn't been brought up.

13 Also the underwater structures will
14 limit the ability of support boats to anchor
15 quickly as is often required to run a quality race.
16 There is also the added complication that a
17 capsized boat will entangle its mast or other
18 rigging the applicant's equipment.

19 So I urge you to consider any negative
20 impact the applicant's project will have on this
21 unique racing area.

22 As a profession, I am employed by North
23 Sails located here in Milford, Connecticut. North
24 Sails' main business is making sails for racing

1 sailboats. North supplies sales to most of the
2 sailboat racers at CPYC. Most racers replace some
3 or all of their sails annually. So this is also a
4 concern of mine regarding any negative impact the
5 applicant's project would have on this unique
6 racing area. It would also affect not only our
7 clients that race every weekend in this area, but
8 numerous others, who annually come to Westport to
9 compete for various regional or national
10 championships.

11 We employ 86 people in our Milford
12 facility. Deterioration of the racing area may
13 reduce the level of sailboat racing activity
14 nationally and with it the number of our people
15 employed here in Milford, Connecticut. The impact
16 on the local economy in Southern Connecticut will
17 be considerable. There will be a considerable
18 impact on my leisure and professional activities.

19 Thanks for your careful consideration
20 to this matter.

21 MODERATOR ROSENBERG: Thank you, sir.

22 The next speaker, Thomas Birds.

23 Bob Zannetti.

24 Arthur Bogen.

1 Richard E-L-D-H.

2 Larry Williams, 68 Alexander Drive.

3 Frank Garofalo, 426 Beldin Hill Road.

4 Craig Conoscenti.

5 Marilyn Cormach.

6 Ron and Lynn Myrick.

7 Bob Grace.

8 Peter Nagle.

9 Julie Carpenter.

10 Denis Rickard.

11 Nancy Bruno.

12 Sir, please state your name.

13 DENIS RICKARD: Yes. Good evening. My

14 name is Denis Rickard, the commodore presently of
15 the Fayerweather Yacht Club. We represent about a
16 thousand boat owners in this area. We are in the
17 Black Rock Harbor area, which is in the middle of
18 both the facilities, obviously, to the east and the
19 west, and our concern is definitely towards
20 recreational boating. And we feel at this time
21 that this is going to affect recreational boating
22 severely both in Westport and the Norwalk area, as
23 well as in the Milford area.

24 We are also concerned with the fact

1 that if this is put in willy nilly, as we may say,
2 as it seems to appear, that it may happen, yes, in
3 Black Rock Harbor and yes in Bridgeport Harbor.

4 So at this point in time, I feel that
5 the members of our yacht club, the members of the
6 Commodores Council of Fairfield County are
7 definitely against this.

8 Also I ask one question of the Army
9 Corps of Engineers: Are you in the marine
10 construction business?

11 Each and every time we present any type
12 of presentation for construction in any of these
13 areas, it's always asked to us what is the highest
14 and best use of this facility as related to the
15 water. And in this case, ladies and gentlemen, I
16 feel that the highest and best use is to leave
17 these properties to the use of the public and the
18 local fishermen. We are opposed to it.

19 Thank you.

20 MODERATOR ROSENBERG: Thank you, sir.

21 Nancy Bruno.

22 Michael K-I-R-M-N-I-E-R, 181 Cedarhurst
23 Lane.

24 Dennis Hamm.

1 Is there anybody here that has filled
2 out a card, and I did not call their name?

3 Sir, please come up to the microphone
4 and state your name and your address.

5 DAVID HAMM: Good evening. My
6 name is David Hamm, and I live in Westport,
7 Connecticut.

8 I am a recreational and a racing
9 sailor. I have lived in Westport and have been
10 sailing the proposed oyster growing area for more
11 than 30 years.

12 My family also enjoys the sport,
13 participates in sailing programs throughout the
14 week, not just during the weekends. Primarily
15 during the summer and fall seasons.

16 Sailing is a widely-enjoyed sport.
17 It's a recreational sport among adults and children
18 at the coastal Fairfield County area. Sailing is
19 also an Olympic sport, and many world class
20 competitors sail directly off Westport's Compo
21 Beach, directly near the -- in the proposed oyster
22 harbor's facility.

23 Also my concern is that it's not rare
24 for sailboats, dinghie-type boats to capsize. Some

1 other people mention they do it a couple of times a
2 year. I do it a couple of times a year. I have
3 done it in boats that turtled upside down.

4 On my way in tonight, I saw a woman
5 named Jocelyn Pollak, who was involved in a boating
6 mishap last year where her boat tipped over, and
7 she was stuck under the boat, attached to the boat.
8 Had the boat not righted, she could have drowned.
9 It was reported in the Westport News about a year
10 ago that this incident had happened. Had her mast
11 got stuck in a -- some sort of a cage or a line,
12 perhaps she wouldn't have been able to get out of
13 the boat and could have drowned. My concern is
14 basically safety.

15 I brought some photographs in here,
16 which I will leave behind, of boats that have
17 tipped over or have turtled. I think it's
18 interesting. And by the way, in case you don't
19 know what turtling is, it's when a boat turns
20 completely upside down, its mast goes straight
21 down. Many of the boats we sail have masts over 18
22 feet, and it's not uncommon that they get -- that
23 they touch the sea floor.

24 In summary, you know, people do get

1 hooked on boats. It is a danger, and if someone
2 was caught underneath the boat they could not right
3 it because they were stuck in lines, they would be
4 gravely in danger.

5 I am opposed to this proposal, because
6 I think the safety among many, many recreational
7 boaters and racing sailors is in jeopardy. The
8 area is heavily used, and I think that the danger
9 of losing someone's life, or many, many people
10 being in danger of losing their lives if something
11 went wrong, which it commonly does on a boat, it
12 outweighs the interest of some of the commercial
13 fishermen, who are for this project.

14 Thank you.

15 MODERATOR ROSENBERG: Thank you, sir.

16 Is there anyone here who has not spoken
17 but wishes to at this time?

18 Ladies and gentlemen, Mr. Robert Byrne,
19 our Hearing Officer.

20 MR. BYRNE: We've had a great many
21 thoughtful articulate statements this evening.
22 Careful analysis of these remarks will be required
23 before a determination can be made and a decision
24 rendered.

1 Written statements can be submitted to
2 the Corps of Engineers until the 2nd of August, as
3 we had mentioned earlier. They will receive equal
4 consideration with those presented here tonight.

5 Each question or issue raised will be
6 addressed in our statement of findings on the
7 Corps' determination regarding the Mariculture
8 permit application.

9 We at the Corps of Engineers extend
10 our sincere appreciation to all who took the time
11 to involve themselves in the public review process.

12 Finally, before I conclude this
13 hearing, I would like to extend our appreciation to
14 the City of Milford, the Veterans Memorial
15 Auditorium, the Parsons Government Center for the
16 use of this facility tonight and to the Milford
17 Police and Fire Departments for their support at
18 this hearing.

19 I personally appreciate your patience,
20 respect for the time limits that we set, the
21 professionalism and demeanor in hearing those
22 remarks by others. I would like to thank you all
23 for taking the time to provide us your thoughts,
24 your comments and your concerns.

1 Thank you and good night.

2 (Applause.)

3

4 (Whereupon, at 10:21 p.m., the hearing

5 was adjourned.

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C E R T I F I C A T E

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I, Marianne Kusa-Ryll, Registered Merit Reporter, do hereby certify that the foregoing transcript is a true and accurate transcription of my stenographic notes taken on July 23, 2003.

Marianne Kusa-Ryll
Registered Merit Reporter
Certified Shorthand Reporter