

In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Ocean Special Area Management Plan (SAMP) subcommittee, a meeting of the subcommittee was held on Thursday, Sept. 3, 2009 at 4 p.m. at the University of Rhode Island (URI) OSEC Room 115 in Narragansett, R.I.

**MEMBERS PRESENT**

Michael M. Tikoian, Chairman  
Paul Lemont  
David Abedon

**STAFF PRESENT**

Grover Fugate, CRMC Executive Director  
Laura Ricketson-Dwyer, CRMC Public Educator  
and Information Coordinator  
Brian Goldman, CRMC Legal Counsel

**Others present:** Jen McCann, URI/Coastal Resources Center and RI Sea Grant; Dennis Nixon, Associate Dean URI GSO; Sam De Bow, URI GSO; Tricia K. Jedele, RI Conservation Law Foundation; Eugenia Marks, Audubon Society of RI; Susan Farady, Roger Williams University

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**Call to order.** M. Tikoian called the meeting to order at 4:11 p.m.

**Item 1. Approval of minutes from August 13, 2009 meeting:** The subcommittee approved the minutes of the previous meeting as submitted.

**Item 2. Updates:** G. Fugate provided the subcommittee with a number of research and meeting updates. There are a number of studies underway, including avian, meteorological, and waves. The NOAA R/V Thomas Jefferson is conducting side scan sonar work, and the SAMP team will obtain that data. The R/V Bold is also doing physical oceanography work. The R/V Endeavor has completed two cruises and has covered a number of areas off the coast, within the SAMP area, in state and federal waters. G. Fugate said that meetings with the federal agencies are ongoing. Avian plans will be submitted by CRMC and DWW to the USFWS at a Sept. 18 meeting with the USFWS, Army Corps, MMS (on conference call) and CRMC in Massachusetts. G. Fugate explained that in order to keep a firewall between CRMC and DWW, the only time the two groups meet is with the federal agencies present. There are ongoing discussions with the Tribe and the R.I. Historic Preservation and Heritage Commission on Section 160 issues. There is also a meeting planned with NOAA on essential fish habitat, which will facilitate eventual potential siting, G. Fugate said. D. Abedon asked when the data from the met towers would be available to the CRMC, and G. Fugate said it's collected monthly and then the SAMP team will insert the data into our own models to verify it.

G. Fugate reported that the MMS has approved a task force for Rhode Island, is drafting a charter for it and will be meeting soon. There have been a number of meetings with the fisheries groups and the SAMP team has the parameters for sight selection and mitigation methods. D. Abedon asked for an example and G. Fugate said the groups want a liaison

between them and the developer to monitor activities (they also consider this mitigation). P. Lemont said he has seen a number of newspaper articles but that it seems the matter is still confusing to many; it sounds like DWW could go and start a project anytime, and the role of the SAMP is still unclear. M. Tikoian said no lines have been drawn and that the tone of the article is determined by the reporters and how objective they are. The CRMC is in SAMP mode, he said, and any stories about DWW are parallel to what we're doing. Subcommittee members reviewed the scheduled meeting list for the remainder of the year, and M. Tikoian said that Robert Driscoll, a newer Council member, might be joining.

**Item 3. Staff presentation on Ocean SAMP rulemaking process:** B. Goldman said he had met with G. Fugate and J. McCann and there is a draft outline of the process, which will be posted on the SAMP web site and then will be sent to stakeholders. B. Goldman went through the process outlined in the draft. M. Tikoian said that the rulemaking process will be the same as it is with any other CRMC matter; that the subcommittee was outlining it so that there was no confusion. J. McCann added that this is the same process as the CRMC has taken with other SAMPs. P. Lemont said that the CRMC would devote a lot of time to this process versus its other duties, and B. Goldman said yes but that it might be possible to adopt two or three chapters at a time, depending on when they were ready and the public comments. M. Tikoian asked for comments from those in attendance.

T. Jedele asked for additional time to submit comments on the rulemaking process, adding that it might prompt more comprehensive comment. She asked how the SAMP management team decides when a chapter is ready and will it be based on final data. G. Fugate said that some studies, the federal permitting entities have said, are in support of federal permits but others will continue throughout the process and because of the CRMC's use of adaptive management, some final data will be added later and some other work will continue up to seven years post-SAMP adoption. T. Jedele told the subcommittee she was attempting to understand what the Ocean SAMP was meant to be – ocean management zoning tool, a method of streamlining federal permitting or both – and G. Fugate said it is both and more. He said the CRMC is trying to understand how the area is being used now and plan for the future also. T. Jedele asked how, if chapters are released to the public one at a time, would the public and other groups put them all into context, and how would that show how the chapters will be used in state versus federal waters. B. Goldman said that most of the chapters would be scientifically-based with the last chapters for policies and recommendations. M. Tikoian said the stakeholder process brings all of it together, and that because the SAMP will be a living document, the CRMC could make changes as needed. T. Jedele suggested that the chapters be made as final as possible. She said that the rulemaking and public review process is a legal process, and there are expectations associated with it. She suggested that there at least be a disclaimer that the data is not final and that the CRMC accept comments on changes at a later date.

E. Marks asked what the timeframe for the process was, and M. Tikoian said August, 2010. She asked if it were possible to go through the step in the rulemaking process where the CRMC and SAMP team reviews all public comments and the project team provides responses and comments, and let chapters accumulate at that point, and then let

the Council adopt it all together. M. Tikoian said the subcommittee would consider that option, since the public would have plenty of opportunity to comment. After additional discussion, the subcommittee agreed to allow the public to comment on the rulemaking procedure and submit comments to the SAMP team by October 3. The request for public comment would be posted online, and the SAMP team would collect the comments and the matter would be revisited at the October 15 meeting of the Ocean SAMP subcommittee.

**Item 4. Legal updates:** B. Goldman reported that he was meeting with S. Farady of RWU to discuss the students, and that there had been no legal task force meeting.

**ADJOURN.** The subcommittee adjourned the meeting at 5:25 p.m.

*Respectfully submitted by  
Laura Ricketson-Dwyer, CRMC public educator and information coordinator*