

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, October 1, 2009 at 4 p.m. at the University of Rhode Island (URI) OSEC Room 115 in Narragansett, R.I.

MEMBERS PRESENT

Paul Lemont
Don Gomez

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

Call to order. P. Lemont called the meeting to order at 4:10 p.m.

Item 1. Approval of minutes from the previous meeting: The minutes were approved unanimously with one minor correction to the name of the R/V Thomas Jefferson (incorrectly worded as the R/V Roosevelt).

Item 2. Research updates: G. Fugate gave the subcommittee a summary of research updates and meetings that had taken place and were ongoing. There was a meeting between the SAMP team and DWW regarding the data from the met tower on Block Island. D. Gomez asked about turbine technology. G. Fugate said avian study meetings are ongoing; the team met with USFWS, USACE and DWW on sampling protocol. USFWS agreed that one year's data would be acceptable for permitting, with the condition that DWW continue to monitor as they are now after that time. Also, bats do not seem to be utilizing offshore waters, and the south end of Block Island has shown a large number of birds. The team will be looking at migratory patterns now for consideration of the International Migratory Bird Act. The team is still in the process of acquiring fisheries data. G. Fugate also said that habitat mapping for the Block Island location and the federal location is underway, and the fisheries sampling report was sent to DEM for comment (the team is still awaiting their comments). B. Goldman told the subcommittee that there needs to be a discussion on a possible confidentiality/non-disclosure agreement with some of the fisheries data from NOAA, since it is NOAA enforcement data. G. Fugate reported that Ken Payne had met with fishing industry and that they had a good understanding of a favorable site. The mapping for the federal site has been completed by the R/V Endeavor and is being analyzed (an area of 52 square miles). The fishing industry representatives have indicated that they are pleased with the SAMP process thus far, especially in comparison with their experience working with Massachusetts. G. Fugate said also that MMS officials have assured the SAMP team that the state boundary lines mean nothing. B. Goldman expressed his concern for them, since

they exist in the public realm, and G. Fugate said that MMS is going to send a letter to Rhode Island officials to that effect. Regarding Section 106 issues, G. Fugate reported that consultations with the Narragansett Tribe are ongoing, as required by NOAA, MMS and the USACE. The Tribe has asked to be involved in all aspects of the SAMP development. The team offered to have them on board the R/V Endeavor but the timing was not right. A meeting between SHPO, the Tribe, the state geologist, the Army Corps, MMS, the historical team and DWW is in the works. G. Fugate told the subcommittee that he expects the biggest hurdle with Section 106 will be land-based viewsheds of any turbines at the Block Island site. P. Lemont asked what the viewshed was from the Tribe's standpoint, and G. Fugate said the issue is that from the northeastern side, they want a historically accurate and unobstructed view of the sunrise. P. Lemont expressed his concern that the Section 106 issues could bring the project to a halt. B. Goldman said the issue was one for the federal government; the state does not have a requirement to consider these issues, but he and G. Fugate reminded the subcommittee that in order to get federal approval on the SAMP, it would need to be addressed.

G. Fugate also reported that the maps for the recreational chapter will be going to the technical advisory committee soon, and then to the stakeholders. P. Lemont asked G. Fugate if he felt satisfied that things were still on-track, and G. Fugate said that yes, they were, so far. P. Lemont also asked about the schedule of chapters to be viewed by the subcommittee, and G. Fugate said that the Chairman had expressed a desire to hold the first chapters until the public process had been vetted. The first chapter is due to be released in October, he said. G. Fugate also reported that there had been a meeting with USACE and EPA regarding clarification on the need for an EIS. There was some confusion that the SAMP team had informed others that an EIS would not be necessary for the federal site, and this is not the case. The team assured both agencies that no one had claimed that, and that in fact, the federal regulations always contained an EIS but that the SAMP chapters would shorten the process. All parties were satisfied with this outcome and agreed that the team would keep Ocean, 404 and NEPA staff informed of any developments. The Council on Environmental Quality was in Rhode Island last week and it went well, G. Fugate said. It was their only East Coast visit and officials took them on a field trip Friday to highlight MSP efforts in RI. The Task Force was impressed, G. Fugate said, and has requested continued input from CRMC staff on MSP policy and they develop the federal MSP framework. G. Fugate reported that the Massachusetts Ocean Plan is out for public comment. MOP has also approached MMS to enter into a non-objection agreement, G. Fugate said, adding that the team is awaiting word on this. Massachusetts has received approval from the MMS Task Force. MMS has sent the SAMP team the charter for the Task Force and has suggested a meeting in early November. There has been no word on a regional MMS office, G. Fugate said. Delaware has a task force meeting in late October and New Jersey has one slated for early November. The USACE is working to set up consultations on Section 7, EFH, Migratory Waterfowl and Section 106 in preparation for application in 2010, G. Fugate said. B. Goldman reported that the public comment period on the Ocean SAMP public process will be extended until October 9 to allow some groups to comment. J. McCann said that CLF and possibly TNC were planning to submit comments. She added that Peter Paton was conducting avian research and that cruises continue to collect data. She presented the subcommittee with a list of recent meetings and also highlighted a report produced in

summary of year one accomplishments. Representatives of the fishing industry have registered for the Baird Symposium, she said.

D. Gomez said that the Ocean SAMP web site was looking much more organized and user-friendly, and that he was finding the list serve to be quite helpful.

P. Lemont said he'd like to hear more about the problems and successes.

G. Fugate said that the biggest potential issue right now is the Section 106 concerns, but that the MSP community and larger public are now seeing the SAMP as the best example of MSP. What we don't want, he said, is for people to fear all MSP if another state's plan doesn't go smoothly.

Item 3. Progress update on MMS: G. Fugate referred to his research report for that information. D. Gomez asked for the status of the MSP effort in Maine. G. Fugate said their project is completely in state waters, and does not even look at federal waters. Water depth there is more than 60 meters and the technology available now stops at that depth. G. Fugate reiterated that the MMS Task Force in Massachusetts was approved and that the state is still pushing for a joint RFI with Rhode Island. MMS is also still undecided on whether to open a regional office, but they said they would designate one person for Rhode Island; G. Fugate said whether this will happen remains to be seen. P. Lemont said that one of the questions from the informational SAMP meeting on Block Island in September had to do with consolidation of MSP efforts between states. Are we going to reinvent the wheel in Massachusetts and Rhode Island, he asked. G. Fugate said that the general consensus among the states is that each would like to get its own plan developed. D Gomez asked how much the SAMP team was keeping Rhode Island legislators updated on developments, to keep it on the forefront of their minds. B. Goldman said that there will likely be much more of that this year, and that there is communication with them informally. G. Fugate suggested sending the year one status report.

Item 4. Legal Updates: B. Goldman reported that attorney Dennis Esposito of Roger Williams University will be taking the place of Megan Higgins in working with the SAMP team. He added that he has a meeting scheduled with Susan Farady tomorrow.

Item 5. Discussion: G. Fugate said that as SAMP chapters are completed and go to the technical advisory committee, they will also go to B. Goldman.

ADJOURN. The subcommittee adjourned the meeting at 5:10 p.m.

Respectfully submitted by

Laura Ricketson-Dwyer, CRMC public educator and information coordinator