

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 15, 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
Don Gomez
Paul Lemont

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; Tricia K. Jedele, RI Conservation Law Foundation; Eugenia Marks, Audubon Society of RI; Wendy Waller, Save The Bay

Call to order. M. Tikoian called the meeting to order at 4:05 p.m.

Item 1. Approval of minutes from the previous meeting: The minutes were approved, with M. Tikoian abstaining because he was not at the last meeting.

Item 2. Research updates: G. Fugate gave the subcommittee a summary of research updates and meetings that had taken place and were ongoing. Peter Paton made his presentation on the avian studies at the October stakeholder meeting, and the essential fish habitat studies are underway, he said. The fishermen will have a meeting with Dr. Andrew Gill from the UK on November 5, and the group expressed interest in attending the Baird Symposium in November. The SAMP team was able to give them two open slots for free, G. Fugate said. An offer was also made to the Tribe. J. McCann added that someone from the RI Saltwater Anglers and Block Island First Warden Kim Gaffett would also be attending. M. Tikoian expressed concern that some groups might feel slighted if they were not offered spots. G. Fugate explained that because the fishermen were the group that would potentially be impacted the most by the SAMP, that they should be afforded a few slots at the symposium. J. McCann reminded the subcommittee that the slots were offered to everyone at the stakeholder meeting as well. G. Fugate said there is a Section 106 meeting on October 20. The Draft Recreation and Tourism Chapter are out to the technical advisory committee (TAC) now and the document will be vetted at the November 4 stakeholder meeting and then will go on to the subcommittee. MMS has tentatively scheduled a task force meeting for November 17, G. Fugate said. M. Tikoian asked for a brief explanation of the Massachusetts Ocean Plan (MOP), and G. Fugate provided the subcommittee with background information. P. Lemont asked who would resolve the issue of Massachusetts looking to develop a wind farm in Rhode Island's federal expansion waters, and G. Fugate said MMS would but is hoping the states can resolve it themselves. M. Tikoian asked where the MOP is in process and G.

Fugate said they are holding public hearings. B. Goldman asked if the MOP was relying on the MMS administrative boundaries, even though MMS had said they were meaningless in terms of planning. G. Fugate said he was unsure. B. Goldman said the problem with MMS claiming they were meaningless is that they've promulgated them as part of a rule. B. Goldman and D. Nixon said they would look into a court case concerning a similar issue. M. Tikoian suggested they obtain this information before the task force meets.

Item 3. Discussion of Ocean SAMP public review process: B. Goldman said he presented the public review process at the October stakeholder meeting, and also received public comments. B. Goldman addressed the comments.

- ***Regarding the issue of if the CRMC promulgates and adopts chapters in pieces, people won't be able to comment on the whole SAMP and would be held to comments submitted earlier in the process:*** M. Tikoian said he stated at the previous meeting that the public would be able to comment for the entire SAMP at the end of the process, before it's adopted.
- ***The issue of whether the CRMC and SAMP are bound to the Governor's joint development agreement:*** B. Goldman said that the CRMC made a conscious effort not to be a part of the joint development agreement, and that all it says is that the CRMC will develop the SAMP and sets up a framework for funds to be distributed and repaid. He added that as M. Tikoian said, we have a firewall and the SAMP will be science-driven.
- ***Regarding the RI WINDS study and the Ocean SAMP and whether potential wind farm sites are determined by that study or something else:*** G. Fugate said that the group that conducted the study had no authority to site potential wind farms; only the Council can do that. G. Fugate said that the SAMP team went through the information in that study and found numerous errors and that everything done on the SAMP was done independent of the study. M. Tikoian asked whether it was correct that most of their study was focused within the three-mile limit, and G. Fugate said that it was based on monopole structures so it just considered 20 meter depths; all of the sites from the study have since been dismissed, he said. The criteria set by CRMC, MMS and the USACE is what's driving the SAMP, G. Fugate said. T. Jedele explained that the CLF made that comment because the state had set this in motion, and all there was to rely on as principles or criteria was the RI WINDS study; it was all that was available in terms of documentation. E. Marks said that it was good to have clarification and that the CRMC should make the distinction clean before the chapters come out. People assumed the Office of Energy Resources had the authority, she said. G. Fugate said that the goals and principles of the SAMP will be online.

The subcommittee discussed the steps in the public review process. After some suggestions from subcommittee members and the public in attendance, and taking the public comments into account, the subcommittee made the following changes to the public process that was put out to notice: Step Five – the full CRMC Council votes to commence rulemaking on draft chapter(s) or entire Ocean SAMP document when complete; Step Six – 30-day public comment period begins and the CRMC will hold a public workshop on chapter(s) or entire SAMP document when complete before the

public comment period ends; Step Eight – full CRMC Council holds a public hearing to approve chapter(s) but does not file the approved chapter(s) with the R. I. Secretary of State. When the entire Ocean SAMP document is complete, the CRMC holds a public hearing to approve the document as a whole; Step Nine: when the full CRMC Council approves the Ocean SAMP document as a whole, the CRMC files the entire SAMP with the Secretary of State and NOAA for formal incorporation into the Rhode Island Coastal Program. The subcommittee decided to leave open the amount of time for the final review of the entire SAMP document. G. Fugate said that questions might surface as chapters are released, but the hope is that by working with stakeholders and trade groups during the chapter creation process, that any issues would be worked through and the adoption process would be made easier because of it.

T. Jedele asked if the CRMC would designate areas off-limits before the adoption of the SAMP. G. Fugate said that the maps were being created, so yes. M. Tikoian expressed that he understood T. Jedele's concern: that the CRMC would be adopting chapters that would result eventually in a wind farm, but that the CLF and others might not agree to the sites. D. Gomez asked if it were possible to provide the public with a map now that could be changed as information was gathered; G. Fugate said that a map will be completed soon. T. Jedele said that the CLF wants to feel like their comments are guiding the process; if the zones have already been picked she questioned why they're commenting. She added that it was much more important for CLF to comment on the whole SAMP formally at the end than the individual chapters, but that the informal process is great so keep doing that. P. Lemont commented that this is a living document, so the public comment period is a moot point; if people need more time, that's fine. If for instance chapter five is completed and put aside and a new chapter is started and then something needs to be added to chapter five, it goes in. Nothing is set in stone, he said. M. Tikoian said the CRMC has done this before (in developing six other SAMPs) but never quite like this, so he wanted to make sure as many details as possible were made clear. P. Lemont made a motion to approve the public review process as amended, and the vote was unanimously in favor.

Item 4. Legal Updates: B. Goldman reported there were no updates at this time.

Item 5. Discussion: M. Tikoian said that the EDC is finalizing the budget format, and asked that it be put on the next subcommittee meeting agenda for discussion. M. Tikoian also asked that G. Fugate give the full Council an update on the Ocean SAMP at the next Council meeting (November 10). M. Tikoian also mentioned at some point possibly cutting back the subcommittee meetings to once a month.

ADJOURN. The subcommittee adjourned the meeting at 5:45 p.m.

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