

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, November 19, 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

**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; Tiffany Smythe,  
URI/CRC; Michelle Armsby, URI/CRC, RISG;  
Wendy Waller, Save The Bay

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**Call to order.** M. Tikoian called the meeting to order at 4:10 p.m.

**Item 1. Approval of previous meeting minutes:** The minutes from the November 5, 2009 subcommittee meeting were approved unanimously.

**Item 2. Updates:** G. Fugate provided the subcommittee with a research and meeting update. The MMS Task Force met on Tuesday and federal and state agencies attended. No municipalities attended even though they were invited, he said. G. Fugate referenced different federal process options given to the SAMP team by MMS. The task force also discussed sites that would be least problematic for fishermen, G. Fugate said. The CRMC representatives went through the data for the potential farm site; MMS asked if the CRMC wanted the MMS to proceed with a request for interest (RFI), and it was determined that it would be the next step, G. Fugate said. MMS said they will be posting it within the federal register sometime in December. The RFI is a tool the MMS uses to judge level of competitive interest in an area, G. Fugate explained. They locate an area on a map, ask developers if willing to bid on blocks and if so which ones. It's analyzed and if there is interest need to go through competitive analysis. At end, an award is made to a developer for whatever lease blocks were under consideration. The process would take six months; by that time the SAMP should be completed and the state can move into a formal leasing process, G. Fugate said. M. Tikoian asked if it will take the MMS that long to go through the process and if it will be done at same time as the SAMP. G. Fugate said that the MMS agreed not to award the final bid until the SAMP is finished. B. Goldman told the subcommittee that this timetable is considerably faster than what the MMS regulations state. The MMS was excited with the progress we've made, and wanted to move quickly, B. Goldman said. G. Fugate said that MMS informed the task force members that Rhode Island has caught up with New Jersey and Delaware, despite

both states beginning their process more than a year before Rhode Island. G. Fugate also reported that Massachusetts is running into problems with their constituencies; he suggested that the state does not want to be caught in that with a joint RFI. M. Tikoian asked if the SAMP team had provided lease block areas for the Block Island site, as well as the small federal area. G. Fugate said that the lease blocking selection is a different process and that the US Army Corps of Engineers is well underway with that process. He explained that the MMS would prefer not to do a separate review when the USACE has done one already; the MMS will rely on the NEPA analysis that the Army Corps is doing, with some possible changes to supplement the data. B. Goldman that regarding this issue, the Army Corps and MMS need to work a few issues out, but that it was underway at the end of the task force meeting.

Regarding the meeting with the USACE and MMS on the Block Island issues, G. Fugate said the small area in between the offshore site and the shore remains a concern; the MMS plans to designate the area as a right-of-way. They will take the step forward on that to eliminate competitive issue there, G. Fugate said. There is also a lack of design/construction standards for offshore wind farms in the U.S., G. Fugate told the subcommittee. The MMS has agreed to go to the Marine Board, a non-profit, (*the Marine Board of the National Research Council, which is now part of the Transportation Research Board*) to look at potential design standards. G. Fugate said they plan to fly in experts and come up with a set of standards for the state and MMS. M. Tikoian asked if these standards would be incorporated into the SAMP. G. Fugate said that they would. D. Nixon said that the issue with working with the board is one of timeliness and asked if they would work quickly. G. Fugate said that they could and that the MMS has the funds to facilitate quick development of standards. M. Tikoian asked if the SAMP team could appoint some Rhode Island people to this board. D. Nixon answered that the board is part of the National Academy of Sciences; they answer to no one. M. Tikoian asked if another meeting had been set to work on the standards; G. Fugate said not yet. B. Goldman said that G. Fugate is providing the coordinates for the potential sites and that MMS will circulate the draft to the RI task force members; the SAMP team has 10 days to respond and sign off, and then the MMS will begin the formal process.

M. Tikoian said he wished to address discussions during the previous subcommittee meeting. M. Tikoian said he spoke forcefully regarding the RI task force; that his comments were based on information he had at the time, and that the MMS had changed its membership a bit preceding the first meeting. M. Tikoian said that the state may expand the RI task force as it progresses. B. Goldman said that Tim Costa (Governor's office) and Fred Hashway (EDC) were there, and that the MMS said to expect members of the RI task force to be flexible. B. Goldman said that he asked if the Governor wanted to expand the membership, could he, and the MMS said yes; a letter would need to be written to [Secretary of the Interior Ken] Salazar. B. Goldman said that on the issue of possibly expanding the task force to non-governmental members that MMS decided that it would remain governmental only.

Regarding a legal matter, B. Goldman said he received, from Roger Williams University, a draft of the chapter on the existing federal, state and regulatory policies. B. Goldman said he expects it will be finished in December and he will get it to the SAMP team.

**Item 3. Introduction Chapter discussion:** J. McCann said that the introduction chapter was vetted to the public at the last stakeholder meeting, then here before the subcommittee and then it stops. In the spring the team will review it again. J. McCann said that the chapter defines goals and principles of the SAMP but after we get the legal chapter we might want to add things; we might also discover things from now until next spring that will need to be added.

The Recreation and Tourism Chapter is ready to go, she said. J. McCann told the subcommittee that there were seven sets of comments received on the Intro Chapter; four of them were from federal and state agencies and three from two organizations and one citizen. There was an overall request to highlight the CRMC's charge in the Intro Chapter. It was the first goal we highlighted – ecosystem-based management is vital here, J. McCann said. Another comment was regarding the CRMC state and federal requirements and jurisdictions, she said. M. Tikoian asked if the SAMP team will reference the federal register or just tell people to go to a certain place to review it. B. Goldman said it would be too much material to include the whole thing in the SAMP document. J. McCann said the document would include some information but not whole thing. M. Tikoian asked what would be best in terms of approval or holding it the Intro Chapter. G. Fugate suggested that the subcommittee wait until the legal chapter is done. M. Tikoian decided to hold the chapter.

**Item 4. Recreation and Tourism Chapter discussion:** T. Smythe and M. Armsby gave the subcommittee a brief overview of the chapter. T. Smythe asked the subcommittee how the members would like them to go through suggested policies, and M. Tikoian said one by one. M. Tikoian referenced Section 660 and asked if some of the information contained in the chapter would be part of a prohibition section if it's highly used by an entity. G. Fugate said that because the activity is ocean-based, the CRMC doesn't get structures typically proposed for these areas; that doesn't mean we never will. There might be a use that's only for a certain part of the year and wouldn't be a conflict, he said. G. Fugate said that the Council will have a policy now to deal with it, to determine if there will be an impact and then make a decision. M. Tikoian said he recalled the Tier 1 Analysis and the area 1 km offshore; nothing can go there, correct? G. Fugate said that the area is Type 1 waters to 500 feet offshore so there can't be any activities. B. Goldman said that there is a difference between prohibitions (which trigger a special exception) and if an activity is in conflict with our program. That could prompt a denial, he said. G. Fugate said he couldn't think of any projects out there aside from aquaculture, and this plan gives the offshore area even more protection. M. Armsby said that the first seven policies in the chapter deal with the findings; the subsequent policies have to do with offshore marine construction. G. Fugate said that the lack of access restriction is important because the fishermen are concerned that the Council will restrict access around any offshore structures at some point. The USCG and MMS and ACE have said they won't restrict other than navigational caution, he said, and the SAMP will state that

as well. G. Fugate told the subcommittee that the Renewable Energy chapter will address the wind farm issue and coordination and information once construction starts. Things will be posted and available online so that everyone knows what's going on and if any operational restrictions are in place, G. Fugate explained.

**Item a. Renewable Energy Excerpt:** T. Smythe gave a brief overview of the chapter. G. Fugate commended T. Smythe and M. Armsby for their work on these chapters. M. Tikoian commented that the cruise ship data is not very current, and asked where it came from. M. Armsby said that it was the most current information that they could collect from the state convention and visitors bureau. M. Tikoian said it was apparent that the two did a lot of work, including taking stakeholder comments into consideration. J. McCann said that the comments from the technical advisory committee were very helpful. M. Tikoian asked how the chapter was received at the stakeholder meeting. G. Fugate said very well.

M. Tikoian expressed that he wanted to accept the chapter and move it to the next stage in the regulatory process (bring to full Council to begin rulemaking). P. Lemont made a motion to approve the chapters as amended; it was seconded by M. Tikoian. M. Tikoian had one comment: a concern about the sailboat routes that intersect with lease areas. G. Fugate said that race officials said they were flexible and that spacing between the turbines would provide plenty of room. M. Tikoian asked T. Smythe and M. Armsby if they would be willing to present this before the full council. Both said yes. The subcommittee voted unanimously to forward to the full Council.

P. Lemont made a motion to adjourn; it was unanimous to adjourn.

The meeting adjourned at 5:05 p.m.

Respectfully submitted,

Laura Ricketson-Dwyer