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, January 14, 2010 at 4 p.m. at the University of Rhode Island (URI) Coastal Institute large conference room in Narragansett, R.I.

MEMBERS PRESENT

Michael M. Tikoian, Chairman
Paul Lemont
David Abedon
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; Michelle Armsby, URI/CRC, RISG; Kate Manning Butler, URI/Coastal Resources Center; Wendy Waller, Save The Bay; Megan Higgins, ENE; Evan Matthews

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Call to order. P. Lemont called the meeting to order at 4:10 p.m. M. Tikoian and B. Goldman were absent.

Item 1: **Approval of previous meeting minutes:** the minutes were approved unanimously.

Item 2 Updates: G. Fugate reported that avian overflights will start this month. January through March are heavy months for flights; we will begin to see flight distribution now, he said. G. Fugate advised the subcommittee that when they look at Accounts for this time period, they will see a lot of draw-downs because of that.
P. Lemont referenced comments made by Eugenia Marks of Audubon Society of RI at a CRMC Council meeting the night prior and asked if they would be addressed. G. Fugate said that the same concerns had been raised at the stakeholder meeting and that the SAMP team is well aware of the issue - birds flight paths to Block Island. He said that the team has been trying to avoid delving too deeply into marine-oriented but land-based activities. The team has responded to her, he said. The marine mammals and turtle report been commented on, including NMFS, G. Fugate reported, and the SAMP team is now waiting for the development plan from DWW so the team can determine how the turbines could impact populations now that we know where the natural resources are. Underwater mapping studies are wrapping up; the team has the maps now, he said. They will be submitted to NMFS as well. DWW is doing the mapping for the cable routes and have had coordination with NMFS, G. Fugate said. D. Abedon asked what constituted non-essential fish habitat? G. Fugate said habitat that is cobble, has very little relief and is a

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monoplane of an area. Moraines are considered essential because of their irregular structure – it's all very good habitat. The team is still working with the fishermen on the southerly alignment and southeast alignment, G. Fugate said. They do a lot of fishing in those areas and are afraid of disruption at the southern end. Discussions are ongoing and inquiries with federal agencies have been made to determine if the fishermen can go into federal waters during construction, G. Fugate said. Section 106 consultations are ongoing with the Narragansett Tribe, he said. The Tribe said they're going to reach out to Wampanoags on this issue, as well as the Mashana Pequot tribe.
M. Tikoian and B. Goldman arrive.
P. Lemont asked at what point the SAMP team determines that all of the concerns raised by the tribes have been satisfied. G. Fugate said that the team will only know as it goes through this process. DWW is supposed to give us visual simulations and sightlines for the two sites and then the Tribes need to disclose to the USACE what the ceremonial sites are (this would be kept confidential between them) and determine if there could be any impact, G. Fugate explained. The Tribe will also write their oral history – the first time this will happen - to be integrated into the SAMP, he said. B. Goldman will make a presentation at next stakeholder meeting on legal issues, G. Fugate said; B. Goldman agreed. The SAMP team held meetings with EPA on air quality before the holidays. Rhode Island has an air-quality problem (noxious and PACs), G. Fugate explained, and DWW has to account for all of their emissions during construction. DWW cannot exceed the allowance; if they do they would have to lower emissions or purchase credits. D. Gomez suggested credits could possibly come from another state. D. Abedon asked how this issue figures in with the Ocean SAMP. G. Fugate said that it doesn't directly, but it concerns part of the project as a whole and is a permitting matter. The Ocean Policy Task Force (out of the President's Office of CEQ) is still monitoring Rhode Island and Massachusetts to determine which model is better, G. Fugate said. Because Rhode Island is considered the more inclusive plan, we're likely to be overwhelmed once the Executive Order comes out in March from President's office; the SAMP team and CRMC could be overwhelmed by federal agencies wanting to know how we did it, he said. Comments are being collected for the Massachusetts Ocean Plan now; it still has to go through the legislative process, G. Fugate said. MMS came out yesterday with a new grant opportunity for monitoring activities; seems pretty Rhode Island-targeted: it has to be off RI's federal waters, G. Fugate said. CRMC and URI are putting a team together now. The USACE is working to finalize Section 7 consultations, all in anticipation of an application in September, he said.
B. Goldman asked who will be putting together a proposal for the MMS grant. G. Fugate said that the grant is looking for industry, academia and state and federal agencies to be involved. The SAMP team is putting a group together with URI, CRMC and possibly fishing industry representatives and/or DWW as part of it as private entities, G. Fugate said. D. Nixon said the deadline is tight and this will be the first effort to study impacts of a project like this. We've learned so much doing this; now the grant would examine what happens after we put the turbines up, he added. B. Goldman said he wants to make sure there is distinction between agencies. D. Abedon asked how much funding the grant would provide. J. McCann said $6.5 million potentially over 5 years.

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M. Tikoian suggested the agenda be rearranged in order to do financial items first (**Items 5 - Latest progress report, and Item 6 – Legal updates**)

Item 5. Latest period progress report: J. McCann reported to the subcommittee that the latest report has two components – financials and a narrative. The report includes a template that was developed with the subcommittee and EDC. K. Manning Butler reviewed the financial figures for October and November 2009. These forms are completed monthly and submitted to EDC after the subcommittee approves it, she said. Each sheet reflects funding invoices and budget and figures are cumulative, K. Manning Butler said. D. Gomez asked how completed task percentages are derived; are they subjective? Does the same rationale hold for each line item? J. McCann said that the SAMP team asks the researchers where they are in their projects, so it is subjective. M. Tikoian said that on the November sheet looking at a figure of $4 million, so was he correct that that sum of $6.6 million has been committed or used, adding encumbrances and total? K. Manning Butler said yes. M. Tikoian commended the team on a good report, and the Subcommittee voted unanimously to approve the report and send it to the EDC.

Item 6. Legal: B. Goldman said he hoped to have the legal chapter completed in December, but he got sidetracked. B. Goldman told the Subcommittee that he plans to have it done and sent to the OSAMP management team sometime next week and maybe combine the technical advisory committee review with the public review. It's only 8 or 9 pages, he said, and he and D. Nixon will work on finalizing it.

Item 3. **Chapter discussion: Marine Transportation, Navigation and Infrastructure:** M. Armsby gave the Subcommittee an overview of the chapter. In summary, the chapter discusses: marine transportation systems; naval operations; navigation; and infrastructure.
- Methodology – reviewed key documents, stakeholder input, literature and data search, data analysis and mapping. The first section in chapter is a brief maritime history of the area – 400 years' worth; then discusses commercial shipping and other maritime activity, M. Armsby said.

- Narr. Bay ports supporting transportation – Providence, Davisville and Fall River, Mass. ; also describes some economic value associated with marine transportation industry
- Infrastructure – cable routes, dredge disposal sites, unexploded ordinance (featured maps)

M. Armsby also briefed the Subcommittee on each of the policies within the chapter. D. Abedon cited one passage in the policy section and raised a concern that the CRMC can't force the federal agencies to consult with us; we need to make it a request. G. Fugate clarified that the CRMC could through federal consistency. There are impingements on other uses, and we need to acknowledge that, G. Fugate said.
G. Fugate said that the SAMP document becomes the filing to give notice, the binding document for federal consistency, to serve as a notice to those agencies. It's worded much like our federal consistency document, he said. B. Goldman voiced his concern over the wording. D. Abedon asked how this concern could be addressed so that it can be

brought back to the SAMP team. B. Goldman suggested the passage be reworded to the following:

1. The Council recognizes the importance of shipping lanes, precautionary areas, recommended vessel routes, pilot boarding areas, anchorages, and Navy restricted areas to marine transportation and navigation activities in the SAMP area. When evaluating proposed future projects, the Council will carefully consider the potential impacts on these transportation areas. Where it is determined that there is a significant adverse impact, the Council may modify or deny activities that significantly detract from these transportation areas. If changes to these areas are proposed by the U.S. Coast Guard, NOAA, the Rhode Island Port Safety and Security Forums, or other entities, the Council has requested through this SAMP document that those proposed changes are made in coordination with the Council.

D. Nixon asked if there has been any experience with fog and is the SAMP team envisioning a recommendation that turbines be equipped with foghorns? G. Fugate said that there are FAA requirements for lights and horns. M. Armsby added that there is an excerpt that will look at that issue (in the renewable energy chapter).
M. Tikoian referenced one of the policies concerning traffic construction alerts and asked how that would be addressed. M. Armsby said that alerts would be posted online. M. Tikoian asked it if would it be the developer's site, and G. Fugate said that it could also be a third party web site. G. Fugate said that the policy aims to place the onus on the applicant to take care of it. G. Fugate said he would pose the policy wording suggestions to David Kaiser.

A motion was made by P. Lemont to accept the chapter and send on to be read out at the next Council meeting; it was seconded by D. Gomez. The action was approved unanimously.

The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Laura Ricketson-Dwyer

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