

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, March 4, 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  
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; Kate Manning Butler, URI/CRC; Dennis Nixon, Associate Dean URI GSO; 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:** P. Lemont made a motion to approve the minutes of the previous meeting; it was seconded by D. Gomez. The motion passed unanimously.

**Item 2. Updates:** G. Fugate reported that the avian studies are ongoing; the magnitudes of populations in the SAMP area are three times lower than what they're finding over at the Cape Wind site. The mammal study comments have come in and were received, and the fish habitat maps should be done soon for Block Island, G. Fugate said. The federal area is not done yet but the maps are on-target to be reviewed by USACE and NMFS. There is a meeting next week to look at scope of work for the archaeological work (Section 106), he said. The SAMP team is hoping to have discussions with the Army Corps because the Southeast lighthouse is a listed property (on the National Register of Historic Places) and likely to be an issue, G. Fugate said. MMS has set up a marine board meeting for the end of March to look at the standards for wind tower construction, to be used for the Ocean SAMP, he said.

B. Goldman asked if this board was separate from the task force, and G. Fugate said that yes, it was formed to deal with specific issues, one of which is developing standards. D. Nixon said he had Det Norske Veritas scope if the team wanted to see it. G. Fugate told the subcommittee that MMS is doing extensive commenting on the renewable energy chapter of the SAMP and that the first component of the chapter was discussed at the last stakeholder meeting on March 2. MMS is also commenting on other the climate change, ecology and fisheries chapters, he said. G. Fugate also briefed the subcommittee on the ongoing meetings and discussions with Massachusetts regarding their plan and the overlapping study areas. P. Lemont mentioned that he had seen something in the papers about the governors trying to coordinate efforts of the states so that Rhode Island and Massachusetts worked together. G. Fugate said that there have been a number of efforts

but the Ocean Policy Task Force is talking about developing regional marine spatial planning to get the states to work together. It's a draft policy, he said. One of problems is that there are two states on the East Coast not interested in MSP: Connecticut and New Hampshire. New York is interested, G. Fugate said, and added that he has conference call with the New York coastal program next week, but Connecticut has no desire. It's difficult to have a regional effort with gaps, he said.

G. Fugate said that two chapters were presented at the last stakeholder meeting, and those chapters are currently going through the review process. This will be much more extensive than the last two because they are much more substantial, he said. The fisheries chapter will be about 200 pages long. J. McCann added that the team has been using Science TAC and researchers much more during this time.

P. Lemont asked G. Fugate about the meeting regarding Section 106 issues. G. Fugate said that the meeting is scheduled for Monday, April 8 and that there have been meetings prior to that and a number of issues have been discussed. Two issues are in-water archaeological aspects (marine wrecks, etc.) and the reconstruction of the landscape prior to glaciation to rule out existence of artifacts (Paleo-reconstruction). G. Fugate said that the other major issue is that there are upland sites that are on the National Register, such as the Southeast Light and the Spring House on Block Island. The SAMP team has to bring in the park service because they are a trustee of these places, he said. If you can see it, it's a problem under Section 106. P. Lemont asked if it's accurate then to say that if you can see a turbine from there, it's a problem. G. Fugate said yes, and P. Lemont expressed his concern with this issue.

M. Tikoian said he was looking at the rulemaking timeline and asked if the SAMP is on target. J. McCann said that the ecology chapter will go to the Ocean SAMP management team next week; the global climate change chapter is ahead of schedule but it's a hard chapter so might get bogged down, she said. The cultural chapter is underway and the team is engaging groups for writing it. There was a recent meeting with the fisheries stakeholders on the fisheries chapter, so the team has their comments and this chapter is also on-schedule, she said. The renewable energy chapter is currently being vetted by MMS and the researchers have reviewed certain sections and the TACs are preparing, J. McCann said.

M. Tikoian expressed that within the next 60 days, there is going to be a lot of movement.

J. McCann said yes, and future uses chapter is also going to the management team. The end-date for comments on the chapter on existing policies is 3/10, J. McCann said, adding to B. Goldman that when the chapter is ready it will come to the subcommittee.

B. Goldman said that he made changes and then added two new sections on FERC and the Atlantic Fisheries Council, and apparently there are some comments from DEM. J. McCann said that when B. Goldman receives those comments and incorporates them, the chapter will come to the subcommittee.

M. Tikoian asked why Ames Colt does not sit in on meetings. G. Fugate explained that he is at meetings. M. Tikoian asked if the fisheries council was also present at these meetings. B. Goldman explained that the fisheries chapter is not meant to be an exhaustive explanation on the statutes. G. Fugate added that the SAMP team made it clear that it's not a management chapter. M. Tikoian asked what the objective of the chapter was, then, if not management. G. Fugate said the chapter will describe the fishery

itself, fisheries usage and describe how and when the state intervenes in terms of the area and how it's utilized.

D. Gomez asked how many of the chapters are available. J. McCann said that the introduction, chapter 6, chapter 7, and existing policies are located online on the SAMP web site under documents. Others will be out soon. G. Fugate added that the CRMC just held a public workshop on chapter 7 and no one from the public attended.

M. Tikoian said that when the CRMC had its Section 312 review, someone said there is not enough transparency. This is not our fault, M. Tikoian said, but the person blamed it on the Council. M. Tikoian asked J. McCann what she thought the person was thinking in terms of there not being enough transparency. J. McCann said she was not sure; she listed all of the things concerning the SAMP that are posted online, and said she wasn't sure what else could be made available to increase transparency. M. Tikoian said he agreed.

D. Nixon said that it's almost like it's too open. It's quite an array of meetings, but if we're opening up there's really no issue. M. Tikoian said that it is important to put it on the record that we are being open. It was a comment made and he just wanted to make sure we got it on the record, he said. P. Lemont said he agreed with D. Nixon and added that he thought in some cases the process was too open.

J. McCann added that on all of the SAMP materials, contact information is included, and members of the team speak to the public often. There are even pod casts, she said.

K. Manning Butler also presented a brief financial update for the period as of January 31, 2010 and asked that the subcommittee approve it for submittal to EDC. To date, through 1/31/10 total invoices submitted to RIEDC is \$3,377,059.41 of which \$2,464,084.70 has been paid and leaves an outstanding balance payable to URI in the amount of \$912,974.71. Total project activity is \$4,479,796 which includes both invoices and encumbrances activity for EDC funded activities and DOE funded activities from the inception of the Ocean SAMP project on 8/1/08, she said. The SAMP team also received notice that the DOE funding was awarded and will be reflected in the next report, she said. M. Tikoian asked if when K. Manning Butler discusses invoices that it is as of 1/31. K. Manning Butler said yes. M. Tikoian asked what the difference is between total invoices and invoices and EDC invoices. K. Manning Butler said that it reflects activity for EDC alone and does not include activity for DOE funded activities. The EDC wanted to see it on one report even though the Ocean SAMP activities are funded by separate agencies. M. Tikoian asked about the \$10 million for the SAMP that was reported in the paper. G. Fugate said that the figure includes ARRA funds the Governor's Office is targeting for the Ocean SAMP, but the CRMC and SAMP team haven't been notified or asked to prepare a budget.

P. Lemont asked what the team would do with the funding if it were awarded for the SAMP. G. Fugate said that the \$2 million extra could go toward additional studies, and that the Governor is looking at it for the RFI. There's another in-kind contribution (\$1.25 million) from URI that's also part of that figure, he said.

P. Lemont asked if the team was satisfied that the project is on-target. J. McCann said yes. M. Tikoian said then that the additional monies wouldn't have an impact on the development of the SAMP, and G. Fugate said no. It wouldn't impact the schedule or chapters, he said. D. Gomez asked who applied for the ARRA funding. G. Fugate said that the Governor's energy office had, and the money, if awarded, would flow through

the EDC. D. Gomez asked if the grant was prepared by the Governor's Office and G. Fugate said yes. M. Tikoian said that so when people talk about there being \$10 million for SAMP, that's not really accurate. G. Fugate said that the governor had made a statement about the \$10 million and that he was explaining the source of the funding. D. Gomez asked if there were any showstoppers at this point in the process. G. Fugate said that for the Block Island project, the Section 106 issues that the team is working on are potential hazards. With the potential federal site, it is the conflict between Massachusetts and Rhode Island. D. Gomez asked if more people were gathering in support of the SAMP process. G. Fugate said that the inertia is there and Secretary Salazar is saying Rhode Island and the Ocean SAMP are the way to go. P. Lemont moved approval of the financial update; D. Gomez seconded it, and the motion passed unanimously.

**Item 3. Legal updates:** B. Goldman reported he had given an update on the legal chapter. He told the subcommittee that he discussed the RFI area with people in the Governor's Office and that if the budget increases that they submit any changes here at the subcommittee for approval.

D. Gomez made a motion to adjourn, P. Lemont seconded it, and the meeting was adjourned at 4:50 p.m.

Respectfully submitted,  
Laura Ricketson-Dwyer