

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, April 15, 2010 at 4 p.m. at the University of Rhode Island (URI) Coastal Institute large conference room in Narragansett, R.I.

MEMBERS PRESENT

Paul Lemont
Don Gomez

Others present:

STAFF PRESENT

Grover Fugate, CRMC Executive Director
Laura Ricketson-Dwyer, CRMC Public
Educator and Information Coordinator
Brian Goldman, CRMC Legal Counsel

Jen McCann, URI CRC RISG; Dennis Nixon,
Associate Dean of the URI GSO; Sam De Bow,
URI GSO; Kate Manning Butler, URI CRC;
Pam Rubinoff, URI CRC; Jim Tobey, URI; Alan
Desbonnet, Assistant Director of RISG;
Michelle Armsby, URI; John King, URI; Scott
Nixon, URI; Dawn Kotowicz, URI

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

Item 1. Approval of previous meeting minutes: D. Gomez made a motion to approve the previous meeting minutes; P. Lemont seconded. They were approved unanimously. B. Goldman told the subcommittee that M. Tikoian had a medical issue and would not be attending the meeting.

Item 2. Updates: K. Manning Butler provided a brief financial update, including activity through the end of February. Expenditures for the period for EDC funding was \$257,084 and total DOE expenditures were \$20,655. Total invoices were \$3,634,143; total payments were \$2,464,085. The outstanding balance totaled \$1,170,059. The subcommittee unanimously accepted and recommended it be reported to the EDC.

Updates: G. Fugate said that there was no change to marine mammals, and that J. King is working on the essential fish habitat mapping. Meetings are ongoing with the fishing industry and they have asked Ken Payne to represent them, he said. M. Tikoian has been notified of this. P. Lemont questioned whether that would be a conflict of interest. B. Goldman said that his understanding what that K. Payne was filling that role as part of stakeholder process. P. Lemont asked for more clarification on the issue, and B. Goldman said that he would do that. G. Fugate said the team also had a meeting with CLF, updating them on the Ocean SAMP, at their request. J. McCann added that CLF plans to submit formal comments on the fisheries chapter. G. Fugate reported that from the Section 106 meetings, it is still unclear how the U.S. Parks Service will use the Southeast lighthouse in terms of the siting process. Deep Water Wind has generated some simulations for those areas for the parks service, he said, and the U.S. Army Corps of Engineers has also met with DWW on visualizations, and DWW is going to analyze

those to see if it will present a problem, G. Fugate said. MMS is waiting for a state agreement between Massachusetts and Rhode Island before proceeding with the RFI, G. Fugate said. P. Lemont asked how far away that was from happening. G. Fugate said that the draft agreement from Mass. has come in, but that the Governor was interested in getting it done quickly so that RFI can go out. B. Goldman said that it was his understanding that Mass. has responded in last day or two. G. Fugate said that the draft agreement has been sent out and that it came in this afternoon. The ACE met with DEM, DWW and the SAMP team on sediment testing for the directional drill sites they're working on, G. Fugate said. One issue that has presented itself is with barrier beach crossings, he said. DWW has several sites in Narragansett and BI and each of the sites has alternatives involving crossing barrier beaches; the CRMC does not allow this, G. Fugate said. P. Lemont asked if it were an option to directionally drill, and G. Fugate said yes, but that it still comes up through the barrier. The team and the other groups are still looking into other options, G. Fugate said. If there is no alternative, we'll have to look at our regulations, he said. D. Gomez asked if there would be an impact of these issues on the completion and content of the finished Ocean SAMP. G. Fugate said there would be no impact but that these issues would affect the BI project.

D. Gomez asked for a report on the ARRA (stimulus) funds. G. Fugate reported that J. King will be responsible for a majority of the geophysical studies, and Peter Paton for the bird studies. J. King said he planned to do research that is comparable to what has already been done. B. Goldman asked that the team have the MOU or the amended MOU and the budget for next CRMC Council meeting. P. Lemont asked if G. Fugate had any concerns with any of the topics mentioned. G. Fugate said the Section 106 issue is a complete unknown for the BI project, and that there are also other historic sites that could potentially pose problems. The SAMP team recently got the wind data from AWS True Winds and is trying to determine if there is a boundary layer issue off the south end of Block Island, which could pose problems in terms of DWW's siting plans, G. Fugate said. The SAMP will be written on-time, but the project itself and dealings with Mass. are an unknown, G. Fugate said. The SAMP team has been assured by EDC that everything will be worked out, but URI is owed about \$1.2 million, which is stressing the university's financial capabilities, he said. P. Lemont asked if Governor could simply call the EDC and demand it pay the bill. D. Nixon said that (EDC Director) Keith Stokes has assured us he will get on it; he was unaware, he said. P. Lemont questioned whether it was a finance issue on the EDC's part, or if it were an issue of just paying the bill in a timely fashion. D. Nixon said it was the latter, as far as the university was aware. D. Nixon added, however, that the paperwork delay was about to cause a project delay. P. Lemont asked who knew about the problem. G. Fugate said that the governor's office and Keith Stokes were aware. D. Nixon said that another issue is the overhead. There is a 10% cap, EDC said, but the agency can't produce the regulations outlining that, and URI has a 25% overhead. S. De Bow said it took approximately six months to get the previous MOU signed and adopted, so there is concern about the timeframe for this one. B. Goldman said that it just needs to be adopted by the Council and that would be done on April 27. D. Nixon raised concerns about beginning the ARRA-funded research on time, getting the owed money to URI from the EDC and getting the MOU adopted in the next week or so, in order for there to be no delays. J. McCann said that with the ARRA

funding, the understanding is that URI cannot spend a dime until all the paperwork is completed.

J. McCann distributed the latest chapter timeline for the subcommittee members, and told the subcommittee that the project is on-time and on-budget. The team has identified a meeting schedule for remaining subcommittee meetings, stakeholder meetings and council meetings. Everything counts toward meeting the deadline, she said.

Item 3. Chapter Presentations: Ecology: A. Desbonnet; Renewable Energy: M. Armsby; Global Climate Change: J. Toby; Existing Statutes, Regulation and Policies – B. Goldman

Ecology chapter – Alan Desbonnet

A. Desbonnet gave an overview of the Ecology chapter. This chapter will include ecology within BI Sound and RI Sound and area outside of inner continental shelf. He discussed water currents and temperatures going through the SAMP area, and the species that thrive there. A. Desbonnet discussed the moraines that shape the sound, keep wave heights lower and attract species; geology is very important here, he said. There has been an increase in number of fish that like warm water, he said. A. Desbonnet also asked the subcommittee to consider the chapter with a few possible changes – some of the figures listed would be changing. He listed them for the subcommittee.

P. Lemont asked why the data being used was 15 years old. A. Desbonnet said he might be able to get more recent data but that this data was representative. The SAMP area is on par with some other areas in terms of biodiversity (Narragansett Bay, Cape Cod Bay, etc.) but not as productive, he said. P. Lemont asked what it was attributable to. A. Desbonnet said that the majority of the scientific community says a change in climate, but that there is no agreement on one reason. D. Gomez asked if the SAMP area draws the right whale. A. Desbonnet said for the most part, no; they tend to come here earlier in the spring and stay offshore before heading to Cape Cod. B. Goldman asked with the figure changes would be ready. A. Desbonnet said some had already been done and were included in the draft distributed to the subcommittee. B. Goldman asked if these changes would be reflected by April 27 in the version that would be read out, and J. McCann said yes. D. Gomez asked if there was additional information on wind and waves. J. McCann said there would be an entire appendices dedicated to that. P. Lemont made a motion to approve; D. Gomez seconded. The motion passed unanimously.

Renewable Energy – Michelle Armsby

G. Fugate told the subcommittee this chapter will be broken into two halves for presentation reasons. M. Armsby would to present the first half, and the subcommittee could decide to accept it in pieces or wait for the whole thing to send it to the full Council, he said.

M. Armsby presented an overview of the first part of the Renewable Energy chapter. This chapter discusses one potential future use and because of this, it's unlike the other chapters, she said. M. Armsby said the chapter will provide information on renewable energy and offshore wind energy, and will also describe tools being used in the SAMP area to identify potential sites. The chapter will also cover all potential impacts/effects and policies regarding renewable energy development, she said.

D. Gomez said his understanding was that the least-cost procurement would match up to wind energy. M. Armsby said no, but it is a goal of the legislation (System Reliability and Least-Cost Procurement Act): that if wind energy is less expensive than increasing our generating capacity that the state needs to pursue wind energy. D. Gomez said his understanding was that wind energy is the top choice for alternative energy. She said yes. B. Goldman asked that on a table within the chapter, that the RIGL 46-23 for state assent be added for consistency, he said. P. Lemont asked how landfill gas counts as renewable energy. M. Armsby said that it's agriculture or wood but landfill gas is included because it's a breakdown of refuse. Biomass is different, she said; it is considered renewable energy. G. Fugate clarified that it is being burned and generates electricity at the landfill. P. Lemont said it has a very limited application. G. Fugate agreed. B. Goldman asked if anyone at stakeholder meetings raised concerns that this chapter was focused only on wind energy. M. Armsby said no, and that it was mentioned the chapter focused on large-scale utility grade options. B. Goldman said that at the beginning of the SAMP process, many people said they wanted the SAMP to encompass all forms of alternative energy. P. Lemont asked if it were true that the only viable form is wind. G. Fugate said yes, given current technology. P. Lemont asked if anyone had calculated the mega watts needed to power the state. G. Fugate said yes – 107. The wind farm being proposed meets our needs exactly, he said. D. Gomez said that there were holes in the chapter, and asked if the team expects to have the whole chapter completed by May 20. M. Armsby said yes. P. Lemont said because it was an incomplete chapter, the subcommittee could not approve it, and asked when it might be complete. J. McCann said the approval was up to the subcommittee, and that the plan is to have the rest for the May 20 stakeholder meeting. There are six effects components that are incomplete, she said. The subcommittee agreed to wait until the whole chapter is complete.

Global Climate Change – Jim Tobey

J. Tobey gave a presentation summarizing the Global Climate change chapter of the SAMP. This chapter, he said, will address climate change on a regional and statewide scope, and address science that proves the effects will only intensify over time. GCC, he said, affects many uses of SAMP area, and is more than global warming. Some impacts, he said, are: air temperature; ocean acidification; water temperature; carbon dioxide levels and green house gas levels; sea level rise; storminess; weather changes (more extreme, more precipitation, longer summers, etc.); ecological impacts; impacts to marine transportation, navigation and related infrastructure; recreation and tourism impacts. D. Gomez questioned a graph shown from the chapter, and discussion followed on the source of the graph used. P. Rubinoff and J. Tobey clarified that the models used in the graphs are different and are from sources all over the world. The graphs show the average of the models, P. Rubinoff said. J. Tobey said that all show that the track we're on right now is upward and suggests higher emissions. B. Goldman raised questions on the policy section of the chapter (pg. 55, Section 350.1.3). P. Rubinoff explained that there isn't much out there on climate change, in terms of existing policy. B. Goldman said the point wasn't clear in the chapter, and P. Rubinoff agreed to work with him on the language. P. Lemont said he was skeptical of climate change; he said the issue would undoubtedly be controversial and that it would prompt much discussion. B. Goldman asked about one of the sections, which outlined a scientific advisory committee, and asked if there were any particular parameters for that team. G. Fugate said it was being left broad in scope; a

team had already been convened to help with the first policy, but one of things being examined is how to measure to determine climate change. B. Goldman asked about the wording in the beginning of Section 350.2 - Standards and asked how G. Fugate planned to interpret it. G. Fugate explained that it captured the ACE policy. Any project in the Ocean SAMP requires an ACE permit, so we're trying to be in line with their policy, G. Fugate said. B. Goldman raised wording concerns over using the word "unacceptable" in the chapter, and suggested the term be defined in accordance with NOAA requirements. D. Gomez said the models need to be explained, or cited. The researchers agreed that it might be a language problem, and the issue of blending the models, when there is a debate when models produce different results. D. Gomez made a motion to approve with the changes; P. Lemont seconded. The motion passed unanimously.

Existing Statutes, Regulation and Policies – B. Goldman

B. Goldman reported that he made changes as suggested by DEM and Roger Williams University, and reviewed the changes with the subcommittee. A portion of Section 21.4.5 was drafted by DEM; a new section on the Coordination Team was added to Section 1020.7 P. Lemont asked for clarification on why some of the changes were worded as if they were permanent, and said that nothing would be permanent. B. Goldman agreed. G. Fugate said the only remaining question for the subcommittee is the issue of the aquaculture regulations and only a portion deals with DEM. B. Goldman said that no one had commented, but that he'd add more if needed. B. Goldman said he added a new section in Section 1020.1 at the request of MMS. In Section 1030.2 and 3, MMS made some changes, he said. In Section 1030.6, the ACE added two sections. The legal task force worked together on the changes, B. Goldman said. D. Gomez made a motion to approve, subject to any changes by G. Fugate, and P. Lemont seconded it. The motion passed unanimously.

P. Lemont made a motion to adjourn and it was seconded by D. Gomez. The motion passed unanimously, and the meeting adjourned at 6:30 p.m.

Respectfully Submitted,

Laura Ricketson-Dwyer