

**Amended minutes as approved at May 20, 2010 Ocean SAMP Subcommittee meeting.*

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, May 6, 2010 at 4 p.m. at the University of Rhode Island (URI) Coastal Institute Hazard Rooms A & B 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
David Beutel, CRMC

Others present:

Jen McCann, URI CRC RISG; Kate Manning
Butler, URI CRC; Tiffany Smythe, URI CRC;
Sarah Smith, URI; Barry Costa Pierce, Director,
RISG

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 previous meeting minutes; D. Gomez seconded. They were approved unanimously.

Item 2. Updates: K. Manning Butler provided a brief financial update, including activity through the end of March. Ocean SAMP project expenditures for the month of March for the EDC totaled \$320,186; encumbrances were \$665,634; total invoices to EDC to-date were \$3,954,329; total payments were \$3,634,143; and the outstanding balance is \$190,921, she told the Subcommittee. DOE expenditures totaled \$21,226 and

encumbrances were \$190,921. Total Ocean SAMP activity was \$4,950,926 and \$6,634,080, respectively, K. Manning Butler said.

P. Lemont asked if the financial issues with EDC had been taken care of, and K. Manning Butler said yes. M. Tikoian added that he had contacted Fred Hashway of EDC *regarding the financial issue*.

G. Fugate reported that bird studies have shown that wind farms in areas with large populations of diving ducks cause permanent habitat loss; the birds never return. This will not pose a problem in Rhode Island, however, he said, because the sites being evaluated are all in excess of 20 meters in depth. BMPs for acoustic issues are in development, and the essential fish habitat maps will be completed soon, he said. G. Fugate said the RFI will be submitted to MMS and then it will be put in the register. No change with EPA or EQC. G. Fugate told the Subcommittee that the Massachusetts Ocean Partnership is part of an MOU that has been proposed between Massachusetts and Rhode Island. Massachusetts would have input on Ocean SAMP, and the SAMP team would have to go and present it to them, he said. No change with the USACE, he said.

Item 3. Chapter Presentations: B. Costa Pierce

Other Future Uses – B. Costa Pierce gave the subcommittee a brief presentation on this SAMP chapter, outlining future uses of the SAMP area, aside from wind farms, including aquaculture, underwater cemeteries and possible LNG infrastructure and uses.

P. Lemont asked what kind of infrastructure this included, present natural gas infrastructure? G. Fugate said that Save The Bay would like to relocate Fall River's infrastructure to an offshore buoy system. M. Tikoian said that it had been made clear that Rhode Island doesn't have a shoreline for that, and voiced his concern that the chapter might encourage it, in the case that it's not favorable. B. Costa Pierce said it was quite favorable, in fact. B. Costa Pierce discussed the use of the tower structures for aquaculture, shellfish harvest and artificial reefs. M. Tikoian asked about mussels growing in deep water, and B. Costa Pierce said they actually live in deep water and grow quite well there. B. Costa Pierce said the chapter will also touch on ecotourism, including

underwater cemeteries, and research and development opportunities (for aquaculture, marine technologies, water quality monitoring, etc.). B. Goldman said the chapter was referred to as a report and that it contains no policies, and suggested wording be added to reflect that it contained no standards or policies. B. Goldman also asked if the chapter would be amended to reflect an eventual Weaver's Cove LNG decision, and G. Fugate said yes, and that material in some of the chapters would need to be updated to stay current. D. Gomez commented that it is a living document and that he would like to see chapters being cross-referenced. G. Fugate said that the SAMP team and CRMC have made it clear that the Ocean SAMP will not change the regulatory process that the CRMC already has.

P. Lemont made a motion to accept the chapter with B. Goldman's wording suggestions. It was seconded by D. Gomez. The motion passed unanimously.

Commercial and Recreational Fisheries – T. Smythe, D. Beutel and S. Smith

T. Smythe gave a presentation to the Subcommittee on the chapter, and said it would address managing ocean space, and within that space, managing existing resources and uses within the context of potential future uses. T. Smythe said that there had been much input from the industry, stakeholders, federal and state agencies and a large amount of data compiled. Topics included in the chapter are: marine fisheries resources; fish habitat, commercial and recreational fisheries; economic impacts on fishing; impacts on fisheries; standards and policies. M. Tikoian, referencing the map of fixed and mobile gear, commented that the maps *show* that lots of areas have both mobile and fixed gear users. D. Beutel said yes, but not at the same time. The data was extremely hard to get, he said. S. Smith showed the Subcommittee graphs illustrating the data collection. T. Smythe explained the extensive process the fisheries chapter went through, and told the Subcommittee that the one unresolved item that the team knows of is that they'd like to update the fisheries data through 2008, and is just waiting for NMFS to update their site, which was expected any day. There are also some errors in the 2007 and 2008 data, and T. Smythe said the team didn't want to put the faulty data in the chapter, so the latest data goes through 2006.

(The Subcommittee takes a 5-minute break.)

T. Smythe discussed the policies and standards section, which addresses value of fisheries, the dynamic nature of fisheries, offshore construction, fishing access, site-specific studies for future projects, and important fish habitats and fishing areas.

G. Fugate said that Ken Payne worked closely with the fishermen as their representative, and that they had a lot of input in this chapter and the process and are supportive of it.

The fishermen wanted to continue this open process, G. Fugate said, and formed a fishery advisory board which will help review offshore projects and provide advice. The fishermen wanted to be able to see these projects early as they come in, comment on them and work with people coming through the process, G. Fugate said. D. Gomez asked how the advisory board would translate with the proposed DWW project. G. Fugate said that in that case it would mean that the fishermen wanted to view and approve of the proposed DWW sites. G. Fugate said that in that case it would mean that the fishermen wanted to view and comment on the proposed DWW sites.

M. Tikoian asked if the fishermen would attend the Council meetings and object to the chapter. G. Fugate said that for the most part, they would be in support of it. M. Tikoian *asked*, then, *if* some objectors should be expected, and said to G. Fugate that he'd said the majority was in favor. G. Fugate said he was unaware of any fishermen objecting at this point. T. Smythe clarified that the team had been working with the fishermen on the policies and standards in the chapter, so the team feels confident in the industry being supportive. M. Tikoian asked for clarification on the public process and the opportunities for comment. M. Tikoian asked if the Subcommittee's comments and changes could be made at this point. B. Goldman said they could be done at the meeting. D. Gomez said he was glad to see all of the references to other chapters and thanked the authors for that.

B. Goldman made suggested changes to the chapter: on page 146, item 2, there is a typo. Same page, item 3, alternate between shall and will for style, he said. G. Fugate said that NOAA mandates the use of shall because these are regulations. B. Goldman suggests "shall appoint" instead of "form." "Shall be comprised of six members," he added. M. Tikoian asked how the Council would provide information on any activities it is aware of to the fisheries advisory board. G. Fugate said in the form of a report, just to keep them informed, even if there is nothing to report at that time. M. Tikoian asked for an example of what would go in the report, and G. Fugate said, for instance, that FERC had

discussions with the Council on LNG traffic in and out of the port. M. Tikoian asked for clarification on the pre-application meeting wording, and asked if that pertained to any application within the SAMP area. T. Smythe said it pertains to large-scale offshore development and said it was defined in the chapter. B. Goldman suggested adding language on large-scale projects. B. Goldman said that on Page 147 suggested a wording change from “large disruption” to “causes adverse impacts.” B. Goldman voiced his concern of the definition of mitigation used in the chapter, and the other Subcommittee members agreed. *B. Goldman* asked if G. Fugate was in agreement with the wording “make whole,” and G. Fugate said yes, adding that there is additional language explaining it further down in the document. B. Goldman suggesting adding language “to be approved by the Council.” B. Goldman said that the language “legal needs” should be changed to “legal costs” or deleted. *M. Tikoian* asked if G. Fugate agreed with all of the fisheries standards, and G. Fugate said that he agreed with the idea that the fishermen should be compensated somehow for being displaced. After some discussion, B. Goldman suggested the Subcommittee accept it to begin public comment, and vet the issue at the public workshop. P. Lemont pointed out two #5s. B. Goldman suggested that at the end of the new #6, that the word carefully be taken out to read, “council shall consider potential adverse impacts.” B. Goldman questioned the use of “high priority consideration” as language on page 148. G. Fugate said it elevated simple consideration. The Subcommittee elected to leave the wording as-is. B. Goldman questioned the absence of vessel acts, and G. Fugate said that the USCG and MMS said that just a small security zone around the tower perimeter would be needed. B. Goldman questioned wording that the Council notify the federal agencies of these activities, and suggested that the request be to the federal agencies that they be notified. B. Goldman suggested that #10 should read “Council shall require the applicant” instead of the developer. D. Gomez asked if “significant” in #10 was a quantifiable term. B. Goldman said yes. B. Goldman suggested in the standards section, #4 that the wording be changed to “shall designate and fund.” B. Goldman asked if the liaison would be independent or a fisheries person. G. Fugate said it would be a fisherman liaison. M. Tikoian asked how compensation would be determined, and G. Fugate said that it would be negotiated.

B. Goldman said he would discuss the mitigation issue with Ken Payne. M. Tikoian said he'd like to have Dennis Nixon sit in on that discussion. *G. Fugate said that he didn't think D. Nixon was in agreement regarding the exclusive area.*

P. Lemont made a motion to approve the chapter with the suggested changes, and D. Gomez seconded. The motion passed unanimously.

The meeting was adjourned at 6:10 p.m.

Respectfully Submitted,

Laura Ricketson-Dwyer