

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 Monday, July 19 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
David Abedon

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 CRC RISG; Michelle
Armsby, URI CRC; Tiffany Smythe, URI CRC;
Sam De Bow, URI; Dennis Nixon, Associate
Dean URI GSO; Becca Eith, URI; Wendy
Waller, STB

Call to order. M. Tikoian called the meeting to order at 4:06 p.m.

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

M. Tikoian commented on the Governor's press release extending the SAMP deadline, telling the Subcommittee that it has nothing to do with the Subcommittee and that the team and Subcommittee would need to maintain the existing schedule. The Governor's decision, he said, just gives the public more time to review the final document and allows Massachusetts to be involved and act as a stakeholder. It only concerns the adoption of the final product, M. Tikoian said. B. Goldman explained that originally the CRMC was going to have hearings on the SAMP on August 24 and September 14 with a vote on the second night. The public and Massachusetts requested more time. M. Tikoian said that he, in coordination with the Governor, decided to extend the deadline. D. Abedon asked for clarification on the final vote. B. Goldman said the final vote will be at the October 12 meeting. J. McCann asked if there would be an extension on the public comment period as well. M. Tikoian said no, the schedule was still as-is. G. Fugate asked if it would be a 30, 40 or 50-day public comment period. B. Goldman suggested extending the written comment period until September 14. J. McCann suggested September 9 and that by October 5 the team would submit the memo to the public and to the Council on any suggested changes, and that it could go online a week prior. October 12 would be the hearing of the entire SAMP document, she said. B. Goldman said he had received the final chapters and had not had time to go through them. Because of this, he said he was planning to recommend that the Subcommittee report the SAMP out the following day but have one more Subcommittee meeting to make changes to the remaining draft chapters. B. Goldman said that the Subcommittee could ask the Council to allow it to be advertised upon approval by the Subcommittee. J. McCann reminded the Subcommittee

that much of the new policies chapter is from the renewable energy chapter, which the Subcommittee had already seen. B. Goldman said that there was new material in it, though, and that he was not comfortable making a recommendation on this day. P. Lemont asked at what point the Subcommittee would come to closure on the SAMP, and whether the groups objecting to parts of the SAMP would ever be satisfied. D. Gomez said he didn't think so. B. Goldman suggested the Council still have hearings on August 24 and September 13, but that the memo be completed earlier to give the Council more time. If the public comments beyond the September 9 date, he said, the team can get the memo to them on September 24 regarding those comments. J. McCann suggested the team try for September 24 for releasing the memo, though the type and number of comments is still unknown. D. Abedon said there was a request to get the SAMP electronically. G. Fugate said as soon as the final clean version is complete they will be burned on CDs, since that is the version that will be out to notice. Any changes, he said, will be on the memo. M. Tikoian said that the CDs can't be handed out until subcommittee approves the whole SAMP. M. Tikoian suggested scheduling the next Subcommittee meeting to discuss the New Policies chapter and it was decided that Thursday, July 22 at 3 p.m. would be the next one.

J. McCann referenced a document she gave the Subcommittee that had all the versions of the chapters listed. Recreation and Tourism and Marine Transportation chapter versions were approved by the Council, she said, but added that she wanted to discuss it. G. Fugate said that there were some inconsistencies in the policies. They're technical changes, he said, but when the whole SAMP document is sent out to notice it will be a clean version. M. Tikoian said he'd like B. Goldman to see a redline version so that he can determine how significant they are. G. Fugate said that the future uses chapter has revisions, but that the Subcommittee has the clean version. J. McCann said that Sections 600 and 700 would be emailed to B. Goldman so he can examine the changes for the final draft SAMP document. G. Fugate said for example, language in three chapters on one topic was written differently in each, so the writers just standardized it. B. Goldman said it was difficult to determine what the latest version was. M. Tikoian said that he didn't agree with the team making technical revisions to the chapters at this point. B. Goldman commented that the introduction read like a mini-existing policies chapter, and he said he had an issue with that. M. Tikoian asked that the team hold all technical revisions. J. McCann said the goal was just to get the cleanest versions out to notice. M. Tikoian said that the team, however, was making corrections after the Subcommittee had approved the chapters. J. McCann suggested using the version of the chapters that were before the Council and approved, and make note of technical changes at the end in the memo. J. McCann confirmed with B. Goldman that in chapters 6, 7, 8 and 9, changes are underlined and the red track changes are what the Subcommittee approved. J. McCann asked if the date on the new policies chapter should be July 22. B. Goldman said that after Wednesday, everything online is going to be left alone until we go to the Council meeting. Anything else comes to Council as a suggestion, he said. J. McCann said that the Ocean SAMP document would not be touched after that point, and B. Goldman said as of the next day, only one chapter will be in flux - new policies. J. McCann said then that on July 23, the entire SAMP would go out for public comment period, to end on September 9 and the memo submitted to the Council on September 24. The

Subcommittee said yes. After a request from M. Tikoian to make viewing the document easier, J. McCann suggested it be projected on the wall for the Council hearings. It was discussed that the August 24 and September 14 meetings would be public hearings on the full Ocean SAMP document, and that technical changes would be submitted to the Council for the September 14 meeting. The Subcommittee agreed on no paper copies of the SAMP. G. Fugate told the members they'd get the new policies chapter redline version at the Council meeting the next night. J. McCann asked for clarification as to why the introduction, executive summary and new policies chapter 11 have need to have their own public comment process, since the public process for the entire SAMP begins on the same day. B. Goldman said that in the interest of full public disclosure, they need to get out, and asked what the harm would be. J. McCann explained that it might add to the confusion and it would be three fewer public processes that have to be adhered to. B. Goldman said his concern is that the public needs to be notified that there are three new chapters. G. Fugate said it could be worded accordingly in the public notice. G. Fugate said that the CRMC could we put those chapters out at same time but make it a 50-day public notice. B. Goldman said his concern is that people will submit comments just before close of comment period and ask for more time before the hearing. J. McCann suggested moving the public hearing for those three chapters to August 24. G. Fugate asked if there would still be a public hearing on August 24, and B. Goldman said yes. B. Goldman said he didn't think it fair to give all of this to the Council members at once, and said the team had taken two years to develop what the Council would have to deliberate on in a week. J. McCann said the team could stick to the schedule, but that the Council would have six chapters on August 24, and that it was agreed to. B. Goldman confirmed that it was agreed to, and said that the meeting will go for as long as needed on August 24 and then on September 14. In October, he said, P. Lemont says that it's done and there will be a vote. J. McCann said it wasn't a problem to stick to the plan, and added that it had been given and not requested. M. Tikoian said he'd like to offer at the next meeting to buy pizza and soft drinks for everyone.

Item 2. Updates: G. Fugate reported that the only recent update is that Massachusetts has been asking for the Rhode Island bird data. The team, he said, has told them they can have whatever has been made public. G. Fugate said that the team is waiting for the fishery resource data to come in on the Block Island site. In regards to the cable route, G. Fugate said the USACE asked for data through the NMFS. EQC announced their national framework for ocean policy that day, he said, and regarding the Mass Ocean Plan, it looks like the MOA is close to being signed between the two states, which will bring them into the Ocean SAMP process. NROC is formulating their energy plan, which will be part of a regional MSP effort, G. Fugate reported. D. Gomez asked if the proposed DWW project off Block Island is a site that is supported by the SAMP, since the data suggested the other side of the island was better. G. Fugate said that there is a section within the renewable chapter that says within that band, there are two sites that would support it, and that DWW is planning to go toward the southeast. D. Gomez reiterated that what is in the SAMP is based on science and not the whims of DWW. G. Fugate said that it was a business decision on DWW's part where they want to locate. The SAMP, G. Fugate said, explains the science behind the area that's viable. D. Gomez commented that they still have to come to CRMC for permitting. D. Abedon commented that the bird

researchers had said there was some disparity between their results and the ecology chapter. J. McCann said it was going to be fixed; the team had several workshops with the researchers and the technical reports had been submitted and integrated into the chapters.

Item 3. Ocean SAMP Chapter Discussion – Executive Summary, Introduction, Ocean SAMP Policies (Ch. 11):

Executive Summary – P. Lemont cited the first paragraph #1 and #2, and suggested “thousands of years” be taken out because it’s incorrect, and also in the second paragraph. M. Tikoian asked J. McCann if there was anything the team wanted to point out in the summary, and J. McCann said that #8 was important. The Executive Summary is the thing most people will read, she said, and it summarizes this 2,000 page document, so basically this is a snapshot. D. Gomez asked if #8 should be the first paragraph because it puts CRMC obligations right up front. J. McCann said the team would make it first. B. Goldman cited #6 and “...considers aspirations of local communities” and suggested adding “as much as practicable...” P. Lemont said he preferred the existing wording and that it means it was considered. The Subcommittee elected to leave the wording as-is. P. Lemont made a motion to approve the Executive Summary with changes and D. Abedon seconded it. The motion passed unanimously. B. Goldman reiterated that the Council would have public hearings on the full SAMP on August 24, September 14 and October 12.

J. McCann asked for clarification on the chapters that would be presented on August 24 and asked if the Council would want a presentation on fisheries, ecology and renewable energy chapters. M. Tikoian said yes. B. Goldman asked that comments, as they come in, be presented to the Council as soon as possible to address them. G. Fugate asked if the three chapters would be voted on that night. B. Goldman said no, because the public comment period runs until September 9. J. McCann said that if time doesn’t allow for all three chapters to be heard, it can be continued on September 14. B. Goldman said by that time, the public comment period will be closed, and that is when the team can address comments received and submit technical revisions. This will be read out the following night at the full Council meeting, B. Goldman said, and one caveat will be that the new policies section will be delayed until the Subcommittee approval.

Introduction: G. Fugate said that the introduction had been updated from the version that was presented at the beginning of the SAMP development. For example, he said, the map was changed to show the original SAMP boundary. P. Lemont commented on the same wording change as with the Executive Summary for #1 – “...thousands of years.” On page 8, #4, M. Tikoian said he was concerned with the wording associated with the study area, which references #3. B. Goldman said the concept was that this would zone ocean waters. M. Tikoian said that was not the original intent. The Subcommittee agreed to leave the wording as-is for the time being. B. Goldman cited Section 110 on page 3, #2, third to last line, “...within the Ocean SAMP study area,” and suggested the same wording in #3, after the reference to Section 300.3. M. Tikoian cited page 4, #6, last sentence, asking what those mechanisms are. J. McCann said that new policies, the research agenda and a working group with regulators to encourage coordination are the mechanisms. B. Goldman cited Section 130 #1, page 5, last sentence – “ocean-based resources“ and suggested adding “within the Ocean SAMP study area.” B. Goldman cited

Section 130, page 6, #4 (a) and suggested changing “unavoidable, are minimized and mitigated” to “unavoidable, are mitigated and permitted” to make the language consistent with the next paragraph. B. Goldman cited Section 130 item (d) on page 7 and suggested changing “An adopted SAMP” to “The Ocean SAMP will require...” B. Goldman cited Section 140 #2 and asked if that was to demonstrate impact to resources under the CZMA. He asked the Subcommittee if stronger language was wanted there. The Subcommittee agreed to take out “impact” and insert “a reasonable and foreseeable affect on the people of RI...” B. Goldman cited Section 140 #3, page 8 and asked for clarification on what was meant by “land-based activities.” G. Fugate said that it demonstrates that the Ocean SAMP regulates from 500 feet, seaward. B. Goldman suggested rephrasing it to: “for purpose of this document, Block Island land-based activities under the CRMC jurisdiction, Great Salt Pond, and activities 500 feet seaward of Mean High Water are regulated by the CRMC regulatory program.” B. Goldman cited page 10, Section 150 #3, which references the funds committee to the Ocean SAMP, and asked if it was an accurate figure and why it was put in. J. McCann said it was in the first version of the introduction. M. Tikoian suggested deleting the words of the Governor’s support of the proposal and the financial figures. B. Goldman cited page 11, Section 160, #1 and suggested adding the word “applicable” to the first sentence – “all *applicable* sections...” B. Goldman cited #2 on the same page and suggested deleting the article, RIGL 46-5-1.2, and the Rhode Island Constitution and add “*applicable statutes* and restated in the RICRMP.” B. Goldman cited #4 on the same page and asked if NOAA had drafted the language. NOAA had been active in mentions of them in this case, he said, also citing #5 on page 12 for the same reason. J. McCann said it came from the existing introduction, so it might have come from a CRMC document. M. Tikoian asked who did quality control on all the statutes cited in the SAMP, and B. Goldman said he did. T. Smythe said it was taken from a CRMC document. B. Goldman said he would check on it and if changes were needed, he would alert the team. B. Goldman cited Section 160.1 on page 12 and asked why it was needed, given that there is a whole chapter on offshore development. He suggested citing the chapter at least and referencing Section 1000. T. Smythe said the aforementioned language on page 12 #4 and 5 came from the CRMC Findings and Policies document on the 1978 Energy Amendments, as amended in 1982. M. Tikoian asked if it needed to be in the introduction. G. Fugate said the purpose was simply because it’s a CRMC mandate and this was just referencing that authority. B. Goldman cited page 12, Section 160.1 #1 and suggested changing all references of “council” to “Council.” B. Goldman asked where the language in #3 came from, and J. McCann said it was in the renewable chapter and G. Fugate had asked it to be put in, in regards to FERC. B. Goldman suggested adding references to chapter 8 and 10. B. Goldman cited page 14, Section 170 #2 and suggested changing “...actions the CRMC must take to uphold...” to “...actions the CRMC *will* take to uphold...” He also cited page 15, Section 170 #3, last sentence and asked what “...some policies more enforceable than others...” meant. B. Goldman suggested it be reworded to “All Ocean SAMP policies are important to ensure that the Ocean SAMP region is managed in a manner that both meets the needs of the people of Rhode Island, while protecting and restoring our natural environment for future generations.” J. McCann reiterated that the introduction and executive summary would go out for comment ending on September 9 and would be dated July 23. P. Lemont made a motion to approve the introduction with

changes and D. Gomez seconded it. J. McCann asked if the Subcommittee wanted to wait for approval, and B. Goldman said to simply send the redline version and get the whole SAMP out to notice. The motion passed unanimously.

P. Lemont made a motion to ask the Council to let the Subcommittee vote the whole SAMP out for public notice on July 22 and D. Gomez seconded it. The motion passed unanimously. G. Fugate said language would be added in new policies to reflect the state's work with Massachusetts.

The meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Laura Ricketson-Dwyer

DRAFT