

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, July 22, 2010 at 3 p.m. at CACS Room 108 at the University of Rhode Island (URI) Bay Campus 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:

Michelle Armsby, URI CRC; Tiffany Smythe,
URI CRC; Sam De Bow, URI GSO; Becca Eith,
URI; Wendy Waller, STB

Call to order. M. Tikoian called the meeting to order at 3:12 p.m.

Item 1. Approval of previous meeting minutes: B. Goldman told the Subcommittee members they needed to make a motion to extend the posting of the minutes, and to take them up at next meeting, which would be an August Council meeting. M. Tikoian said the July 22 meeting minutes would be voted on then as well. P. Lemont made a motion for this, and D. Gomez seconded it. The motion was approved unanimously.

Item 2. Ocean SAMP Chapter Discussion – The Policies of the Ocean SAMP (Ch. 11) – G. Fugate said that a number of NGOs have asked about research post-SAMP, so the team is hoping to post a research agenda soon. Things like that are discussed in the new policies chapter, he said. All of the general policies are in one area, the regulatory policies in another, but they're mostly arranged by topic, G. Fugate said. B. Goldman commented that the chapter seems repetitive. For example, he said, page 35, Section 1160.5, regarding the construction standards, they're verbatim from the Renewable Energy Chapter (8); B. Goldman asked why there was a need. G. Fugate explained that several groups have asked that we centralize these policies into one area to be user-friendly, and that NOAA was one of them. This chapter includes all of the policies and regulations out of the chapters, he said. M. Tikoian asked if NOAA put the request in writing. G. Fugate said he believed so. B. Goldman said he didn't have a problem with the repetition. M. Tikoian asked if the content had been taken out of the chapters, subsequently. G. Fugate said no, and that the format was similar for the Greenwich Bay and Salt Ponds SAMPs. It was agreed that any changes made to Chapter 11 would also be reflected in the other respective chapters. M. Tikoian commented that all the technical changes would come before the Council on September 14. P. Lemont asked when and how amendments would be made to the SAMP document. G. Fugate said it's expected within the first few months following adoption of the SAMP, there will be amendments and that it would follow the normal CRMC regulatory process. B. Goldman clarified that the changes could go before the Subcommittee instead of the Planning and Procedures Subcommittee. D. Abedon asked if the goal of the SAMP was to permit wind farms. G.

Fugate said that the majority of Chapter 8 (Renewable Energy) is geared toward major ocean developments but much more information beyond that is included in the SAMP. M. Armsby and T. Smythe referenced the Areas of Particular Concern and G. Fugate said areas of preservation are also a major focus. B. Goldman asked for clarification on whether there was any other form of renewable energy beyond wind in Rhode Island. G. Fugate said that in terms of viable, renewable utility-grade energy, that yes, wind was it. B. Goldman commented that the SAMP looks at all forms of alternative energy, though. D. Abedon asked if there would be a glossary and G. Fugate said some of the terms have been defined in the document, but that there had been discussion on a glossary. D. Abedon said he thought it might be helpful with some of the more technical terms. B. Goldman cited a typo in the table of contents – Section 1120 begins on page 5, not 4. B. Goldman suggested that on page 3, Section 1100, #2 regarding the first sentence, “...in the SAMP area” be added to the end. D. Abedon asked for a definition of “eco-system-based” and “adaptive management,” terms used in Section 1110, page 4. T. Smythe explained that the terms are defined later in the chapter. It was agreed that a “see page...” be added. B. Goldman cited Section 1110 # 2 on page 4 and said it should read 1978 Energy Amendments and that hereby is spelled wrong. B. Goldman cited #3 on that page and suggested deleting the RIGL reference and adding a reference to the Rhode Island Constitution applicable statutes, and the RICRMP. In the next sentence, he said, there is typo and it should read lands. He noted that Public Trust Resources should be lowercase. D. Abedon suggested adding a comma after the word “addition” for #1 on that page. T. Smythe noted that in the same #1 the mention of RICRMC should instead be *RICRMP*. She also suggested “successfully” be deleted from the last sentence in #4. D. Abedon cited page 5, Section 1120, #3 item (i), and suggested adding “...the SAMP...” B. Goldman cited page 6, #3 and suggested adding “...by the CRMC...” to the first sentence. D. Abedon cited page 6, #4 item (3) within the paragraph and said it should read “state’s.” B. Goldman cited page 6 #6 and asked if the forum should happen annually. G. Fugate said the forum would allow CRMC and URI to present the latest research, any work going on, and to keep people updated, much as the Greenwich Bay forums are handled. D. Abedon asked for clarification on the two-year work plan mentioned on page 6, #6. G. Fugate said it was for the implementation of the SAMP, as described in #4. M. Tikoian asked how it would be funded. G. Fugate said that Sea Grant would develop a research agenda and do public education and the remainder would be taken on by CRMC staff at that point. M. Tikoian said he was uncomfortable with the sentence in #6 regarding the work plan, and asked about the timing of the two years. G. Fugate said it would be two years from adoption, and that the research initiative is to identify gaps and list of things to do when funding becomes available. B. Goldman suggested rewording it to “future work plan” and delete “two-year.” T. Smythe said that #4 discusses the work plan and #6 explains it (page 6). B. Goldman suggested using “work plan.” M. Tikoian cited page 6, #6 second sentence from the end and suggested ending it after “year” and deleting the rest of that sentence. T. Smythe cited the last sentence and suggested deleting “throughout the year.” D. Abedon cited page 6, #5 and suggested adding “from adoption” to the reference of the five years. M. Tikoian said that the CRMC should go through the normal process for this. P. Lemont agreed. G. Fugate said the language was in an effort to work with the federal five-year funding window. The Subcommittee agreed on B. Goldman’s language of “Although the Ocean SAMP

may continue to be amended through the administrative process” and “...every five years from adoption.” B. Goldman cited page 7, Section 1140 #1 item (i) and suggested adding, “The Council shall, *to the maximum extent practicable*...” and also in item (iii). D. Abedon referenced the same item and asked what kind of conflicts were being referenced. T. Smythe said it was meant to imply use conflict and to summarize policies that appear later in the chapter. She suggested adding “use” to item (iii) and changing advice to *advise* in item (iv). D. Abedon cited item (iv) and suggested adding “...including but not limited to” instead of “...findings of current climate...” D. Abedon cited item (v) and asked why the NGOs needed to be named. B. Goldman suggested keeping Sea Grant and then replacing the other names with “*environmental organizations*.” B. Goldman cited the same item to add “The Council shall, *to the maximum extent practicable*.” D. Abedon suggested adding “and/or” to the last sentence of item (v). B. Goldman cited Section 1150, #1 on page 8 and asked for a definition of “precautionary principle.” G. Fugate said it is a theory that you take a conservative approach to potential situations. For example, he said, potential impacts of wind energy and impact on marine mammals – we don’t know what the impacts will be exactly, so we air on the side of caution, he said. G. Fugate said a definition could be added. The Subcommittee agrees to delete the wording. D. Abedon cited #1, seven lines down needed commas, and in the last line of #1, to delete “amazing.” B. Goldman cited #1, four lines from the bottom “policies more enforceable than others,” and suggested adding, “...but all Ocean SAMP policies are important to ensure that...” T. Smythe said the Introduction also uses “amazing” and asked if the Subcommittee wanted that deleted also. The Subcommittee said yes. D. Abedon cited Section 1150.1. #1 and said the wording was not quite the same as the CRMC legislation, and that it should mirror the statute. T. Smythe said these changes would have to also be done in the other chapters where the policies and regulations are located, and that they would have to be technical changes in the memo. This item, T. Smythe said, was also in Section 110 of the introduction. The Subcommittee agreed to change the wording to mirror the CRMC statute to read, “The Council recognizes that the preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alteration of coastal resources will be measured. Impacts from future activities shall be avoided and, if they are unavoidable, minimized and mitigated.” B. Goldman cited Section 1150.2 page 10 #6 and suggested “supports” instead of “endorses.” B. Goldman cited Section 1150.2 page 10 #5 & 6 and suggested “supports” instead of “endorses.” D. Abedon cited Section 1150.4 #5 on page 11 and S. De Bow suggested “encourage” instead of “support.” T. Smythe reminded the Subcommittee that the particular change would have to be conducted in four SAMP chapters. M. Tikoian said to keep the language as it was. D. Abedon cited Section 1160.1 #1 (i) (a) and questioned “up to.” G. Fugate said it should be “within 2 km.” B. Goldman said that all technical changes could be noted in a memo and the Council could vote on them in one motion. D. Abedon cited page 19, Section 1160.1 #5 item (viii), last sentence and suggested “timely manner” be reworded. G. Fugate suggested “in a timeframe specified by the Council.” P. Lemont made a motion to approve the chapter as amended; D. Gomez seconded. The motion passed unanimously.

M. Tikoian said that he would like to have letter at beginning from him thanking the Subcommittee, B. Goldman and URI, CRC, and RISG. M. Tikoian said he was meeting with the Governor soon, and asked if a letter from the Governor as well would be problematic. T. Smythe said the team would work on the letter from M. Tikoian. P. Lemont said to M. Tikoian that he wanted the Governor to praise everyone on their effort; much time has been spent by the Subcommittee and others. M. Tikoian said he was considering asking the Governor to attend the Council meeting where the SAMP is adopted.

The meeting adjourned at 4:34 p.m.

Respectfully Submitted,

Laura Ricketson-Dwyer

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