



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

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 Tuesday, October 16, 2012 at 8:30 a.m. at the Offices of the Rhode Island Coastal Resources Management Council, Stedman Government Center, 4808 Tower Hill Road, Wakefield, R.I.

MEMBERS PRESENT

Anne Maxwell Livingston, Chair
David Abedon
Paul Lemont
Tony Affigne
Russ Chateaufneuf, RIDEM

STAFF PRESENT

Grover Fugate, CRMC Executive Director
Brian Goldman, CRMC Legal Counsel
Danni Goulet, CRMC

Call to order. A. Livingston called the meeting to order.

Item 1. Overview of Deepwater Application:

G. Fugate gave Subcommittee members an overview of the Deepwater Wind application that was recently received by the CRMC. Deepwater Wind (DWW) is currently remedying a few errors in their application. Those issues concern wetland issues associated with the substation, G. Fugate said, where both the CRMC and RI Department of Environmental Management (RI DEM) have jurisdiction.

A number of studies are continuing in association with the Ocean Special Area Management Plan (OSAMP), including avian and fisheries. G. Fugate discussed some of the information being collected in the fisheries studies. P. Lemont asked about the avian studies and whether it was the same one members of the Subcommittee visited on Block Island a few years ago. G. Fugate said that the URI study is being completed, but that it looked at two years prior to the SAMP and two years after. DWW, he said, did the geotechnical studies three years ago.

D. Abedon asked for clarification on the location of the Block Island site. G. Fugate said the issue was with recreational fishing groups, and their concern over pile-driving during their season. The second site, the one chosen as the most suitable, he said, is farther east off Block Island and would have much less impact. DWW has also changed their pile-driving proposal, G. Fugate said, from collars around piles to a method where the piles would be driven through the legs, which would reduce the acoustic signals. The construction phase is also shorter because of the small number of turbines proposed, he said.

P. Lemont asked how the review of the application would proceed, and what the role of the subcommittee was in this case. G. Fugate said that if the application moves into hearings, this subcommittee is the body to hear that. P. Lemont asked for clarification on what control the subcommittee has in the process and ultimate fate of the application. B. Goldman explained that like all subcommittees, this one can recommend to approve, modify or reject the application. T. Affigne asked how the subcommittee will receive staff reports, and G. Fugate said that there will be a biological report, a technical report, a fishery report and the executive director's report. A. Livingston asked what the timeline

would be. G. Fugate said that DWW submitted the application three weeks ago, and after the matter of the wetlands and substation issue is resolved, the application will go out to notice. G. Fugate said some have asked already for more time on the typical 30-day public notice. The U.S. Army Corps of Engineers extended their notice to 45 days, he said. CRMC staff is going this week to meet with the Corps to better understand their timeline and how they're working with other agencies during this process.

G. Fugate reminded the subcommittee that the purpose of the review process is to determine if DWW meets the criteria of the Renewable Energy Zone, not the merits of the zone itself. B. Goldman said that the subcommittee should assume this will be a contested case, and that everything must be either on the record, public or disclosed.

A. Livingston said it would be best to get the public notice out as soon as possible so a meeting schedule can be determined. B. Goldman said the CRMC will have to determine which objections are substantive and then a pre-hearing conference might be beneficial to publically determine objectors and to set up a schedule of hearings, a list of witnesses, etc. P. Lemont asked if a timeline, similar to the one developed for the OSAMP process, could be done for the application process. A. Livingston asked what timeline DWW was hoping for, and G. Fugate said the developer was looking at end of 2013, beginning of 2014. G. Fugate then reminded the subcommittee of the Certification Verification Agent (CVA) process, which still has to occur, and then explained it to the members.

D. Abedon asked if there was a method to track whether the OSAMP has shortened or will shorten the process, and G. Fugate said that yes, most likely after the application process is complete. The Block Island project, he said, is being treated like a pilot, and will give BOEMRE the best look at what the federal project will be like. A. Livingston asked for clarification on the timeline, and if the subcommittee would be listening to objectors at hearings in early 2013 (spring), and then vote. G. Fugate clarified that first the subcommittee would vote to approve, modify or reject the Construction and Operation Plan (COP), and that the CVA phase may start before the end of the previous one.

P. Lemont expressed his concern with the increased workload and its effects on the CRMC and its staff during this process, and asked if there was going to be a budget for the process. G. Fugate said that there is no budget, and it falls under what's considered the CRMC's normal operations, but said that was why the CRMC is asking the General Assembly for level funding and to keep existing staff positions.

A. Livingston asked for a motion to extend the public comment period to 60 days, and T. Affigne made the motion. It was seconded by D. Abedon and passed unanimously. T. Affigne asked G. Fugate to alert the subcommittee when the application is complete and then a meeting could be scheduled to get the approval for the public notice. G. Fugate said that also, simultaneously to the subcommittee review, the OSAMP HAB and FAB will be reviewing the application and providing their comments, which will flow to the subcommittee. G. Fugate told the subcommittee that DWW has separated the transmission cables and towers themselves as two applications, but the CRMC has assigned one file number and is treating it as one application (as long as two assents are issued).

After a question regarding a possible need for the HAB and FAB to sign off on the application in the OSAMP, G. Fugate said he would check on that.

The meeting was adjourned at 9:52 a.m.

Respectfully Submitted,
Laura Dwyer