



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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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 Wednesday, January 2, 2013 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
Don Gomez
David Abedon
Tony Affigne
Paul Lemont

STAFF PRESENT

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

OTHERS PRESENT

Jennifer McCann, URI CRC
Michelle Carnevale, URI CRC
Aileen Kenney, Deepwater Wind

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

Item 1. Approval of previous meeting minutes. P. Lemont made a motion to approve; it was seconded by D. Gomez, and the minutes were unanimously approved.

Item 2. Update on the Block Island project. G. Fugate gave the members a brief update on the proposed Block Island wind farm project. The application materials submitted by Deepwater Wind LLC for the proposed Block Island Wind Farm are currently out for public comment. The public comment period is set to end on January 15, 2013. To date, very few comments have been received. Those that have been submitted have focused on the cost of electricity produced by offshore wind and other items not under CRMC jurisdiction. On December 18, 2012, meetings with the HAB and FAB were held to discuss comments on the application materials. This comment period is happening simultaneously with the U.S. Army Corps of Engineers' public comment period. Deepwater Wind will slightly alter some of their original timing proposed for installation based on negotiations with environmental groups and NGOs like the Conservation Law Foundation (CLF). The altered construction schedule is expected to reduce impacts on marine mammals in the area.

Item 3. Discussion of possible public notice extension for Block Island project. G. Fugate told the subcommittee that the CLF recently asked the CRMC to consider extending the public comment period end date from January 15, 2013 to February 4, 2013 as a result of proposed changes to DWW's installation timeline. The CLF told CRMC they would like to issue a letter of support for the project as a result of these changes and reduced wildlife impact, and that an extension would allow for them to do this. G. Fugate said the Army Corps has already extended their public comment period until February 11, and if the CRMC were to extend its comment period, it would allow all comments submitted to CRMC to be shared and incorporated into the Army Corps comments. An extension would not delay staff review of the project, he said, because it has already begun.

The subcommittee members inquired about the issue of the application fee. P. Lemont asked if the decision on whether to waive the fee would be one for the full Council or the subcommittee. B. Goldman advised that it should go before the Council. G. Fugate suggested there be a public workshop on the fee issue. B. Goldman said it makes sense to decide on the fee early in the application process, and *the subcommittee agreed to put the issue on the next meeting agenda.*

G. Fugate recommended to the subcommittee that the public comment period be extended to February 4. *P. Lemont made a motion to the same effect, seconded by D. Gomez. The subcommittee voted unanimously in favor of the motion.*

Item 4. Discussion of memo to be added to the Ocean SAMP appendix. G. Fugate told the subcommittee that this memo was part of the research agenda to be added to the Ocean SAMP document appendices. It was designed so that the appendices of the Ocean SAMP could be periodically updated without going to notice each time, he said. M. Carnevale briefed the subcommittee of the reports contained in the document. Six tasks were funded by the Office of Energy Resources for this project, she said: to help the CRMC complete the federal approval process; to get the GLD approved; to continue avian data collection; to continue to improve ecological index modeling; to develop the research agenda; and to develop a fisheries mitigation report (a background resource for mitigation compensation guidance). Four of the six were presented to the subcommittee; the other two are forthcoming, she said. The Ecological Value Index tells us which areas are ecologically important, M. Carnevale said. CRC used the index as well as a new methodology used in Canada called Habitat Topology. The research agenda is outlined in policies as the next step for the Ocean SAMP, and can be used as a fundraising tool when trying to determine where to put limited research dollars and can be a research proposal-writing tool, M. Carnevale said. The fisheries mitigation report is a review of possible mitigation strategies to compensate impacts to fishermen and fisheries by offshore development, M. Carnevale said. These have been used in the U.S. for offshore oil and gas and also internationally with other wind farm development, she told the subcommittee. The report has been vetted to the HAB and FAB, and the feedback was that mitigation strategies need to be discussed individually, she said.

T. Affigne asked if the memo was a summary of things the CRMC must do to further the Ocean SAMP. M. Carnevale explained that they were not necessarily for action but just for future consideration. G. Fugate clarified that some items have already begun, but other items are beyond CRMC jurisdiction and would require legislative action. The subcommittee members discussed how to best acknowledge the effort behind the contents of the memo. T. Affigne asked if the subcommittee could make a recommendation to adopt three of the items as additions to the Ocean SAMP appendices, refer the research agenda report to the full Council for review, and set aside the mitigation report for revisiting at a later subcommittee meeting. A. Livingston said she was fine with that, and asked if the subcommittee needed to approve the items today. G. Fugate said yes, particularly the appendices additions. *T. Affigne made a motion to add the four reports to the Ocean SAMP appendices and to put the research agenda on the next Council meeting agenda for discussion. D. Gomez seconded the motion, and it was approved unanimously.*

Item 5. Proposed Regulation Change to Ocean SAMP. G. Fugate told the subcommittee that the proposed regulation change is as a result of new BOEM regulations for renewable energy development in the offshore environment using an alternative leasing method to recognize states' interest. Previously, the regulations, using a multi-factor analysis, acknowledged the states' work upfront, trying to balance this with the statutory obligation. Two other states benefited from this system, but when Rhode Island was ready, the regulations changed, G. Fugate said. Now there is an online bidding process and the concern is that the only requirement for a bidder is that it is a corporation incorporated in the U.S. G. Fugate said there is a concern that Rhode Island will end up with projects offshore built by a developer with no

allegiance to the state, and that the power will go somewhere else, providing no benefit to the state. The proposed language is to ensure that there is some benefit to Rhode Island from any offshore project, G. Fugate said. D. Gomez said he supported it. ***T. Affigne made a motion to approve the language, seconded by D. Gomez. The motion passed unanimously.***

D. Gomez made a motion to adjourn, seconded by P. Lemont. The meeting was adjourned at 10:05 a.m.

Respectfully Submitted,

Laura Dwyer

DRAFT