



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, February 6, 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, Esq., CRMC Legal Counsel

**OTHERS PRESENT**

Jeff Grybowski, CEO, Deepwater Wind  
Terence Tierney, Esq.

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

**Item 1. Approval of previous meeting minutes** – P. Lemont made a motion to approve; D. Gomez seconded. The motion carried unanimously.

**Item 2. Discussion of objections received** – Members received comments on the application (received as of that date) at the meeting. B. Goldman recommended to the subcommittee that Deepwater Wind should have an opportunity to respond before the subcommittee decides what is substantive or not. If the subcommittee were to grant a motion to intervene, then there would be pre-conference hearings, he said. Deepwater has agreed that twenty (20) days is sufficient to respond, so the subcommittee could schedule another meeting after that time. B. Goldman said that the DWW application is moving into a contested case phase, so the subcommittee is now more of an adjudicatory subcommittee than a policy one. There must be a notice list devised for hearings, he suggested. G. Fugate also suggested that since the subcommittee has a dual role, that it keep Ocean SAMP matters separate from the application matters somehow. T. Affigne asked if there is a need to identify people who are observing the meetings, and B. Goldman said there might be objections to things and a need to hear arguments from other parties at that point. Today is the day to switch to a new track, he said. G. Fugate said that the meetings from this point on would require a stenographer. ***B. Goldman reiterated his recommendation to give DWW twenty days to respond to comments received, and five days for anyone else to respond. A. Livingston set the next subcommittee meeting for March 6 at 8:30 a.m.***

**Item 3. Discussion of Deepwater Wind fee waiver request** – B. Goldman told the members that they've just received the comments and objections that will be part of DWW's response, and that it is a decision the full Council has to make, regarding the fee waiver request. The applicant must show undue hardship to request a fee waiver, he said. B. Goldman asked the subcommittee members if they want to make a recommendation as a subcommittee, or if they want to wait until the responses come in to make a recommendation? P. Lemont said he wanted to hear the matter at the subcommittee level, and that most of

it should be conducted at this level. **B. Goldman said that process would begin at the next subcommittee meeting. At the March 6 meeting, one of the items will be argument and recommendation on the fee waiver, B. Goldman said.** Then the subcommittee would make a recommendation and then put it on full Council agenda, he said. T. Affigne asked if there is a summary document on renewable energy policy in RI available. J. Grybowski informed the subcommittee that the Office of Energy Resources has an online resource of all the state policies. T. Affigne asked if the subcommittee would discuss the packet of comments today, and B. Goldman clarified that because the subcommittee just received them, and suggested the members take time to review them after today and give DWW time to respond. G. Fugate said that many of the comments are concerning the Public Utilities Commission, and that it's outside CRMC purview. Others have to do with the suitability of the proposed project site, but that was addressed in the Ocean SAMP. T. Affigne asked if it would be the subcommittee's duty or staff's to determine which comments to consider, and B. Goldman said both. G. Fugate said that staff will group comments into categories. B. Goldman said that the subcommittee can discuss the merits of the fee waiver, discuss comments received, and a list of possible witnesses and determine if there is a need to go to pre-hearing conference or not (and just go ahead with public hearings). G. Fugate said that the CRMC is coordinating with the Army Corps to get comments from US Fish & Wildlife and National Marine Fisheries Service. In response to D. Abedon's question of having meetings in different locations, G. Fugate said the CRMC has had requests to have all meetings on Block Island, some in Narragansett, and in other locations.

**Item 4. Ocean SAMP Fisheries Mitigation Report** – G. Fugate summarized the report, saying it was a compilation of mitigation attempts made by other states dealing with offshore oil and gas. DWW has undertaken discussions with the fishing groups to work out a mitigation package which they will at some point present to Council for approval, he said. T. Affigne asked if the subcommittee should review this and put it on the next meeting. G. Fugate said that it's just background for the subcommittee to have and review. T. Affigne said that the mitigation is going to be one of the more controversial issues, so the subcommittee needs to be well-versed on the options. There was discussion of how to address the report properly, and T. Affigne said he would submit a memo to the members on it. There was additional discussion on the content of the report, and D. Gomez, D. Abedon and A. Livingston voiced their support of the report, and said they were ready to move it to the full Council for approval. **D. Gomez made a motion to accept the report and send it to the full Council for consideration; D. Abedon seconded it. The motion was approved with T. Affigne abstaining.** G. Fugate asked T. Affigne to send the memo the staff so it could be incorporated into the other related items for the next Council meeting. G. Fugate told the subcommittee that he sent letters to the Congressional delegates on the leasing process in the AMI area, and that there was a BOEM public workshop a couple of weeks ago. The subcommittee also decided that any DWW-related articles given to Council members in the press clippings packets would also have to be added to the DWW application file.

**T. Affigne made a motion to adjourn, seconded by P. Lemont. The meeting was adjourned at 10:10 a.m.**

Respectfully Submitted,

Laura Dwyer