



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 Shoreline Change Special Area Management Plan (Beach SAMP) subcommittee, a meeting of the subcommittee was held on Thursday, February 11, 2016 at 4 p.m. at CRMC offices, Oliver Stedman Government Center, Tower Hill Road, Wakefield, R.I.

MEMBERS PRESENT

Anne Maxwell Livingston, Chair
Don Gomez

STAFF PRESENT

Grover Fugate, CRMC Executive Director
Brian A. Goldman, Esq. CRMC Legal Counsel (former)
James Boyd, CRMC

OTHERS PRESENT

Teresa Crean, URI CRC

Call to order. A. Livingston called the meeting to order at 4:15 p.m.

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

Item 2. Discussion of Beach SAMP Chapter 6 – G. Fugate told the subcommittee that Chapter 6 will be the meat of the SAMP, and much of the chapter was inspired by the California plan. G. Fugate said he wants to check in with the subcommittee and make sure the members are okay with the direction the team is headed in with this. He referenced page 4, which shows a flowchart, and said storm surge will be dictated by the Rhode Island building code, which calls for using a 100-yr event anyways. G. Fugate explains the proposed steps for permitting in the chapter, and said that unlike the Red Book, which is yes or no, this is more planning, more subjective (in terms of permitting). This document would run parallel with the current application process, he said; it would force applicants – either applying for a new build or significant rebuild – to go through a process where they address the Red Book but show they've looked at the issues presented in the SAMP, and how they'll address them. D. Gomez asked what the output would be. G. Fugate said that applicants would provide CRMC with an analysis of how they examined and addressed those issues. It's informative for the applicant to go through this process, G. Fugate said, and it makes them aware of the risks they're willing to take. By choosing a design life, they choose the risk they're willing to take, he said. If you want a higher design life, then you jump to those higher scenarios. Based on the NOAA models, we're looking at 7 feet of sea level rise for 2100, G. Fugate told the subcommittee, so with that scenario, it would be very difficult for many people to build. B. Goldman asked if, at the end of the analysis, if the design life is 15 years, would the CRMC give them a 15-yr permit? G. Fugate said it could be built into the assent. The CRMC could also lay out what the applicant's analysis and assumptions were in the assent, and it would carry to the next owner, G. Fugate said. B. Goldman said this goes back to the liability issue – we want to be able to reference all of that information (the analysis and terms of the permit) once the homeowner is facing the impacts of sea level rise. G,

Fugate reminded the subcommittee that none of the models as yet address the impact of wind on any of these situations.

B. Goldman said they need to know that, and should. J. Boyd told the subcommittee that the team had discussed putting language in the chapter that says the applicant has used STORMTOOLS and is aware of the projections. G. Fugate said the language could help in bolstering the program in challenging applications. The design life of most houses is upwards of 100 years, so using that as design life, that's 7 ft of sea level rise, he said. A. Maxwell Livingston said she was wary of getting ahead of FEMA flood insurance analysis, G. Fugate said it would be in the state's best interest to provide this information. B. Goldman discussed the issue of takings in relation to post-storm rebuilding and permitting, and litigation resulting from that in the future. With the information and policies in the document, he said people going to court to claim property, to rebuild post-storm, the CRMC will have a better argument against that. G. Fugate said the information would also transfer to the next owner, and said he hopes that with time, as more become aware of the risks, the market will signal a change.

D. Gomez asked about the issue of safety, and is there something within that area that can get the public's attention. G. Fugate told the subcommittee of a case in Scituate, Massachusetts where officials banned certain building in V zones because they don't want to risk a first-responder's life. G. Fugate added that the SAMP team is trying to train municipalities on these tools so they'll see what's going to flood, and where they need to place their emergency response equipment. A. Maxwell Livingston commented that the real estate industry would not like this, and G. Fugate said the team worked with the industry on the Coastal Property Guide, which they were in complete support of.

G. Fugate said, regarding the language in the chapter, that as the CRMC has the time to put this in place and allow an adjustment period for staff and the public, it could be adjusted and those policies could be made, but we're not there yet. D. Gomez said this is a great start.

D. Gomez brought up the issue of wind, and asked if anything would be done to address it. G. Fugate briefly explained the Coastal Environmental Risk Index (CERI). G. Fugate told the subcommittee that once we have the first floor elevation of each structure in an area, CERI can derive a damage function for the structure, according to a 100-yr storm and 100-yr storm with flooding, and sea level rise, and wind is also being added to the calculations. G. Fugate said that the SAMP has a grant from HUD to do this on a community level, so there are pilots for CERI in Warwick and Charlestown, with the hope to do the rest of the state soon. The US Army Corps of Engineers is also examining at-risk structures in Rhode Island, and plans to offer grant monies to pay for half of the cost of elevating a number of them. B. Goldman commented that this is also a way to avoid being held liable in the future for some of these cases where properties are lost.

A. Maxwell Livingston wanted to know what could be done to get people in Rhode Island to be supportive of this, and J. Boyd suggested a workshop; B. Goldman suggested an education series before the Council, and G. Fugate said the team wants to go to the building community first, and also suggested a stakeholder meeting in the future. T. Crean told the subcommittee that for the full Beach SAMP report, the SAMP team expected to have all 8 chapters written by the end of this year. The subcommittee and G. Fugate discussed timing and methods for best rolling out SAMP chapters as they are developed, possibly like the Ocean SAMP was done.

The meeting was adjourned at 5:35 p.m.

Respectfully Submitted,
Laura Dwyer