

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, January 22, 2008 at 6:00 PM at the Narragansett Bay Commission Boardroom – One Service Road, Providence, RI.

MEMBERS

Mike Tikoian, Chair
Paul Lemont, Vice Chair
Ray Coia
Bruce Dawson
Dave Abedon
Neill Gray
Don Gomez
Ron Gagnon (DEM), representing Director Sullivan
Jerry Zarrella
Joe Shekarchi (Left at 6:45 p.m.)

MEMBERS ABSENT

Tom Ricci

STAFF PRESENT

Grover Fugate, CRMC Deputy Director

Jim Boyd, CRMC Policy Analyst
Ken Anderson, CRMC Senior Engineer
Caitlin Chaffee, CRMC Coastal Policy Analyst

Brian Goldman, Legal Counsel

1. Chair Tikoian called the meeting to order at 6:05 p.m.

2. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:**

Mr. Coia, seconded by Mr. Gray moved approval of the minutes of the January 15, 2008 meeting. The motion was carried on a unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

4. **STAFF REPORTS**

Mr. Fugate reminded Council members that tomorrow and Thursday they would be having a certification program for basic control of invasive species down at URI.

Vice Chair Lemont informed council members that Godfrey “Unk” Allen, a real champion of the bay passed away recently. Chair Tikoian called for a moment of silence in Mr. Allen’s memory.

5. **CONTINUANCES:**

2007-04-007 MTM INVESTMENT GROUP, LLP -- construct and maintain: a residential boating facility consisting of a 4' x 210.5' fixed pier with a 4' x 20' "L" section fixed pier. The facility will extend 50' beyond mean low water to a water depth of one foot. Also the facility will extend into an approved mooring field. Therefore variances are required to the water depth standard of 1.5' (Ref. RICRMP 300.4.E.3.a Table 3) and the required 50' setback from approved mooring field, (Ref. RICRMP 300.4.E.3.(m)). Located at plat 142, lots 1 and 2; 221 Sauga Avenue, North Kingstown, RI

Chair Tikoian stated that the applicant had asked for a continuance on the application because they were not able to line up their witnesses. Chair Tikoian stated that the continuance was requested pursuant to the rules and that the continuance had been granted.

6. Ms. Field read a brief statement of clarification on the council's permitting process.

7. **APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR DECISION:**

2005-09-014 CHARLES FABER -- Rehearing due to Public Re-Notice. Construct and maintain: a residential boating facility consisting of a 4' x 110' fixed timber pier, and two (2) tie-off piles. The proposal requests two variances: a 25' variance to RICRMP Section 300.4.E.3(k) (length), and a 105' variance to Section 300.4.E.3(l) (mooring field offset). Located at plat 142, lot 35; 45 Sauga Avenue, North Kingstown, RI.

Charles Faber, the applicant was present. Donald Packer, the applicant's attorney and Herb Sirois, the applicant's engineer were also present on behalf of the applicant. Paul Plunkett, attorney for the objector, Steven Baker an abutter, was also present. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that this is a unique application. Mr. Anderson explained that the application was approved by the Council two years ago on 1/10/06. Mr. Anderson said this was an application for a residential pier, ramp and required a length variance and mooring offset variance, which was approved by the council. Mr. Anderson during construction they received an inquiry from the abutter regarding the dock. Mr. Anderson said it was determined that neither abutter had received notification of the dock application because incorrect information was received from the applicant. Mr. Anderson stated that the Executive Director felt the application needed to be renoticed and was renoticed on June 2006 and an objection had been received from the abutter. Mr. Anderson said the objection was in the council's packet. Mr. Anderson said the objection was for navigational issues and encroachment issues. Chair Tikoian asked what was noticed and what was built. Mr. Fugate replied that the dock that was noticed is for the dock construction that was built. Mr. Fugate said the problem came in when the applicant's engineer gave them the wrong abutter's list and when they discovered the error based on the complaints from the abutters they renoticed the application. Mr. Coia asked if it was a wrong list or an incomplete list. Mr. Fugate replied it was a wrong list. Chair Tikoian asked when the correct abutters received the information, if it was after the dock was built or before the dock was built. Mr. Anderson said during the construction of the dock. Chair Tikoian said the discussion is on the issue of notification and not the issue of the dock being built correctly or incorrectly. Chair Tikoian said the Council already approved the dock based on its specifications. Mr. Anderson replied yes. Mr. Fugate also stated that the assent was not issued at the time construction started. Mr. Packer stated that the issue raised by the neighbor is the length of the dock and the 25' length variance from the 50' maximum length that was approved by the council. Mr. Packer said the dock was built in conformance with the assent. Mr. Packer passed out a packet of photographs taken by Dr. Faber and submitted them as

evidence. Mr. Coia asked what the primary issues they were dealing with: 1) if they submitted the wrong abutters list does this void the assent; and 2) if the applicant acted without the assent card is he in violation. Mr. Coia asked if lack of public notice to the abutters wipe it out and they hear the application de novo. Mr. Goldman replied that they would hear the application de novo. Mr. Goldman said if the objector did not receive notice and if it was incorrect information submitted by the applicant that the application is back before the council to hear de novo. Mr. Plunkett stated that since the abutter, Mr. Baker, never received notice of the application requested that the council hear the application de novo. Mr. Fugate recommended that the assent be revoked and that the council hear the application de novo. Mr. Goldman said the council needed to take up the matter of the recommendation to hear the application de novo and then they could take up the application as a new application. Vice Chair Lemont wanted to make sure the application had been properly noticed before they hear the application. Mr. Goldman replied that the abutter is present and has actual knowledge of the application. Mr. Gomez, seconded by Mr. Dawson moved to accept the recommendation of the executive director to revoke the assent and hear the application de novo. The motion was carried on a unanimous voice vote. Mr. Packet submitted 5 photographs as exhibits. Chair Tikoian asked what was done about the fact that the dock was built without the issuance of the assent. Mr. Fugate replied that a C&D order was issued and is in place at this time. Chair Tikoian asked Mr. Packer to address the C&D issue. Mr. Packer replied that the written assent was never issued by CRMC and that the applicant never received the orange assent card which the applicant would address. Mr. Packer said the dock had been built and a violation had been issued and has been pending until this hearing. Mr. Packer said the dock was built according to the plans that were submitted and there were no engineering or biological objections by staff. Mr. Packer said the only issue raised by the abutter was a navigational issue. Dr. Faber addressed the issue of the dock being built before the assent was issued. Dr. Faber explained that after the council approved the dock he got a call a few months later from RI Mooring saying they heard the dock was approved and they said they could start construction. Dr. Faber said he did not receive a letter from CRMC but had assumed that Mr. Sirois, his engineer did, but this was incorrect. Dr. Faber said he followed every process on the application and was floored when the dock was built and neither Mr. Sirois nor RI Mooring received the assent card. Mr. Coia asked what the normal procedure was for the turnover of the assent card and who receives the assent card. Mr. Fugate explained that the application goes through a PGP process which is meetings with the Army Corps and CRMC. Mr. Fugate said he thinks the final assent was held pending water quality certification. Mr. Coia asked how the assent is issued and if it is mailed to the applicant. Mr. Fugate replied the assent is mailed out to the applicant and the applicant has to register it with the Land Evidence Records once they receive it. Mr. Fugate said an assent is typically sent out to the applicant two weeks after the council meeting. Mr. Coia asked the applicant if he received the assent. Dr. Faber replied no and that he built the dock 2 ½ to 3 months after the council approved the dock. Dr. Faber said he thought the assent had been issued. Mr. Goldman explained that after the approval of an application he writes a written decision which is given to staff and the assent is issued. Mr. Zarrella stated that the applicant is saying that he waited three months to build his dock and never received an assent card. Mr. Zarrella stated that the applicant was not aware of this until an objector came forward to complain about the dock. Mr. Zarrella asked where the assent was. Mr. Fugate replied the assent was never issued because the objector came forward and a C&D was issued. Mr. Fugate said the violation is still in place. Mr. Packer stated that he had no new evidence to add to the application. Dr. Faber described the five photographs that he had taken last fall of his dock taken from his seawall from the east which depicted large rocks to the north of his dock; a photograph of the rocks taken a low tide, a photograph taken along the seawall looking south from his property which shows Mr. Baker's seawall; and a photograph taken at high tide which showed Mr. Baker's house. Dr. Faber stated that the objector was concerned with navigation because of the rocks. Dr. Faber stated that at the 50' length he has 18-19 inches of water and that the 25' additional length adds another 1 inch of water depth. Dr. Faber noted

that the abutter sails out from the south side of his property. Mr. Gomez asked what tide the picture of the rocks was taken at. Dr. Faber replied it was taken at high tide. Mr. Gomez noted that a majority of the rocks were underwater at high tide. Dr. Faber replied yes they are 6" underwater. Mr. Gray had a question on the photographs and asked the applicant what delineates his property line between the abutters. Dr. Faber referred to photograph #5 which showed Mr. Baker's seawall and said where the seawall ends is where his property line begins. Mr. Gray asked where the property line was in photograph #1. Dr. Faber replied where the white skiff is in the bottom right hand corner, the tip of the skiff which is another foot sits right on his property line. Mr. Dawson asked about the abutter's sailing and asked if he ever sailed where the dock is. Dr. Faber replied no because of the rocks. Mr. Dawson said that sailing goes by the wind direction. Dr. Faber replied yes. Mr. Plunkett referred to photograph #1 and asked if the only rocks in the vicinity of the dock were to the north. Dr. Faber replied yes. Mr. Plunkett asked if there were other rocks along the shoreline. Dr. Faber replied not near his property. Chair Tikoian wanted to know what his objection was. Mr. Plunkett replied he wanted to cross-exam the applicant and that his client would testify regarding the objection. Mr. Plunkett asked if the applicant had reviewed the application before he signed it. Mr. Plunkett asked about the list of abutters. Mr. Packer stated that they have already acknowledged error in the notice to the abutters.

OBJECTORS

Mr. Baker, the objector, stated that he has lived in his home for 25 years, raised his family and sails. Mr. Baker said he has dealers, friends and fellow racers come over occasionally and they sail at the house. Mr. Baker said he has two sunfish sailboats, two escape sailboats, a sailing dinghy and six windsurfers in addition to kayaks and rowboats. Mr. Baker felt the dock was a hazard and in the way and put a restriction on the use of his property. Mr. Plunkett submitted a packet of 9 photographs to the council as exhibits. Mr. Baker described the photographs. Mr. Goldman noted that photographs 1 through 5 are part of the CRMC packet pages 34-38 and photographs 6-11 are new. Mr. Baker stated that photograph #4 shows where the stakes were put in the ground and he called CRMC when he saw the dock going out. Mr. Baker felt that the dock was a navigational hazard when he sails from his property. Mr. Baker felt that a shorter dock would make it easier for him to get in and out to sail. Mr. Baker described wind currents and how it affects his sailing. Mr. Baker was concerned about the protruding boats and cross beam with sharp protrusions and felt that it could harm people sailing. Mr. Baker said he did not object to the dock in the beginning because he thought he missed the mailing. Mr. Baker said he never had an opportunity to address anyone regarding this dock. Mr. Baker stated that he thought the dock would end at the sixth set of stakes and he never objected until he saw the ninth set of stakes and realized that the dock was going straight out. Chair Tikoian asked Mr. Dawson to explain how the town reviews a local docks and notification. Mr. Dawson replied that the town would have used the same list given to CRMC for the notification and that the Town gets its notice from CRMC of a pending hearing, and asking for comments and a copy of the application. Chair Tikoian said they look at the application after it is filed with CRMC. Mr. Dawson replied yes. Mr. Baker described the rest of the photographs and the dates they were taken. Vice Chair Lemont asked what the objector wanted the council to do deny the applicant the right to have a dock so that he can sail across the applicant's right-of-way. Mr. Baker said he was concerned with possible erosion caused by the dock because the sand in front of his house has gone down two to three feet since he's owned and the effect it would have on his seawall. Mr. Baker said his objection was that he never got to testify on this application. Mr. Plunkett asked that given the dock is already in place what could be done to mitigate his concerns. Mr. Coia noted that they were hearing the application de novo and that there is no dock there. Mr. Baker stated that he objected to the length of the dock and wanted the dock reduced 25' back to the 50' length. Mr. Baker stated that in a staff memo dated 1/4/2007 if the dock was shortened to 50' at mean low water the applicant would lose 1.5 inches of water depth. Mr. Baker wanted the dock to be at the normal length allowed of 50' at mean low water but not if it interferes with the

navigational activity in the area. Mr. Baker felt this would give them a chance to tack beyond the end of it and get in and out more easily. Mr. Baker wanted the protrusions shortened to flush so they don't protrude beyond the pilings and the cross bars that are sharp on the bottom flattened and rounded off. Mr. Baker also wanted lighting on the dock to aid in navigation. Mr. Baker wanted the boat tied off on the other side of the dock because the tie-off pilings are in the way of his house. Mr. Zarrella felt this was a love thy neighbor dispute. Mr. Zarrella said they have a right to the water and that abutter has a right to windsurf. Mr. Zarrella felt the applicant did nothing wrong and waited three months after he received approval from the council to build his dock. Mr. Zarrella said he is not going to ask the applicant to take his dock down. Mr. Zarrella felt the council should lift the violation, let the dock stay the way it is and try to make the dock safer for both of them. Mr. Gray stated that he has concerns on both sides. Mr. Gray stated that when he saw the objectors photographs of shallow water and 19-inches of water in this area and he could not believe that a person who is a professional and expert in this type of sport would allow anyone who does not have the ability to windsurf do it in such shallow water. Mr. Gray said it was his opinion that any objection from nearby property owners or users of the bay should be strongly considered. Mr. Gray noted that people could complain when Mr. Baker has all those people in the water sailing if he is trying to come through with his kayak and said they would become the obstruction. Mr. Gray said he did not find anything in the dock exceptionally hazardous but did have some concerns for the applicant. Mr. Gray was concerned about the 1-½ inches of water at the additional 25' length. Mr. Gray felt this was an issue of two individuals who have a problem with each other and are having a hard time dealing with each other. Mr. Gray said he couldn't support reducing the dock length, rounding off members and cutting bolts. Mr. Plunkett replied that no one is going to be sailing in 19 inches of water and that the tide varies. Mr. Plunkett said they would be sailing at high tide when the water is higher. Mr. Plunkett felt that shortening the dock 25 feet it would make it safer and easier for ingress and egress. Mr. Plunkett felt that this was a reasonable request to shorten the dock by 25' and they would still get 19 inches of water instead of 21 inches of water. Mr. Gray noted that this was not an area for beginner surfers. Vice Chair Lemont referred to photograph #7 and noted the rock at the end of the pier was the same rock in photograph #1 labeled highest rock. Vice Chair Lemont felt that whether there was a dock there or not the rocks would still be there and they would sail into them. Mr. Gomez stated they are talking about 21 inches of water at the end of a 75' dock. Mr. Gomez said they are looking at low water at 21 inches and asked how often this happens. Mr. Baker replied in the winter. Mr. Gomez said it looks like they did a good job with the dock and did not see a reason for shortening the dock 25 feet. Mr. Plunkett felt it was a reasonable request that the dock be allowed to be 25 feet shorter. Mr. Gomez asked staff how the water depth changes at 50 feet and if there was sufficient water depth at 50 feet and are you going out to get past the rocky area. Mr. Anderson replied that the dock was approved at the dock subcommittee and the 25' length variance was what they could grant a variance administratively. Mr. Gomez was not sure what you were gaining by going out 25 feet. Mr. Fugate replied that they have a minimum depth of 18" for a dock and if they put in tie-off pilings it takes up approximately 20 feet and his guess was they were going out the additional length to accommodate for the pilings and get the minimum 18 inches of water depth. Mr. Dawson felt that the application did nothing of his own volition to keep the notice out and wanted to know how the mistake happened. Chair Tikoian replied it was made by the applicant's engineer. Mr. Dawson did not see any reason for pulling the dock back 25 feet. Mr. Baker felt if the council heard his objection they may have ruled differently. Mr. Gray stated that he was on the dock subcommittee when this application was heard and one of his concerns was that the dock did not have an adequate lateral access area and asked that the applicant raise the section of the dock for a 5' clearance under the dock. Mr. Gray noted that this was not done as part of the stipulations as the assent had not been issued which was stipulation E1 on page 51 in the packet. Mr. Gray said he had a problem with the work being done without an assent. Mr. Gray felt the professionals should have known better. Mr. Gray wanted to have a 5' clearance under the dock for lateral access. Claire Duva, an objector, has a problem with the issue of being able to walk along the shore and felt there was irreparable damage done because

of their was not proper notification to the abutters. Ms. Duva said the town was never notified of the dock application. Chair Tikoian replied the town was notified of the application and signed off on it. Chair Tikoian also noted that they would not be able to traverse this area at high tide. Ms. Duva replied she traverses the area at mid-tide. Chair Tikoian asked what the height was underneath the dock at low tide. Mr. Packer replied 8 feet. Mr. Anderson said when the tide is out at low tide there is 8 feet under the dock. Chair Tikoian said that traversing laterally can only be done when the tide is low. Chair Tikoian noted that Mr. Gray is the biggest advocate for lateral access. Ms. Duva asked why the town was not brought in on the application so there could have been one joint hearing. Mr. Goldman explained that the town has no jurisdiction to permit docks in tidal waters and that it is the council's jurisdiction. Mr. Goldman said the Town's role is advisory and CRMC takes into consideration the town's comments. Mr. Goldman said CRMC has exclusive jurisdiction to permit docks.

Chair Tikoian asked for closing comments.

Mr. Plunkett requested that the council delay action on the application until the Town of North Kingstown had a chance to properly notice the application and hear the matter. Mr. Plunkett felt that notice should go out to all the abutters within 1000 feet. Mr. Plunkett requested that the council not grant the 25' length variance for the dock and keep it at 50' beyond mean low water because there would be no significant gain in water depth. Mr. Plunkett said his client objected to the dock because he felt it was a hazard to navigation for him and his guests. Mr. Plunkett asked the council to consider this in their decision. Mr. Packer noted that the abutter wanted the ability to sail to the outside of this dock and said that even if the dock was not there the rocks would be there. Mr. Packer did not feel the dock was a hindrance to navigation at all. Mr. Packer said this was a neighborhood hassle. Mr. Packer requested that the council stick by its original decision to approve the dock. Mr. Packer agreed to the 8' lateral access clearance at mlw. Chair Tikoian believed the council had acted accordingly on the application. Chair Tikoian said what concerned him was that this is a battle amongst neighbors and it was too bad they could not work out their differences. Chair Tikoian noted the objector's requests for lighting, to cut bolts back, move the take-off pilings and reduce the length of the dock by 25 feet. Chair Tikoian stated that the dock was built in conformity to the plan and did not want to set a precedent on how the cross members are set and how the bolts are exposed. Chair Tikoian stated that there was a request to send the application back to the local community for review one more time and that the decision was up to the council. Chair Tikoian said the local authority had no jurisdiction on the dock and felt this was just a delay tactic. Chair Tikoian stated that the dock was built and did not know if the delay tactic would have an impact. Mr. Zarrella, seconded by Mr. Dawson moved approval the application as filed for the dock with no stipulations to do any work on the dock and lift the violation. Mr. Dawson stated that he did not want to put any precedence on this dock and wanted them to work out the issues on their own. Mr. Gray stated that he did not support shortening the dock and the construction concerns were not a problem. Mr. Gray had a problem with the lateral access and said it was in the record twice for lateral access and felt that if there was no lateral access they were supporting non-conformance. Chair Tikoian stated that the council will dismiss the C&D. Chair Tikoian requested that the executive director look at the notification process and make sure there is a notification error will not occur in the future. Mr. Abedon stated that the lack of lateral access issue bothers him. Mr. Packer stated that they would raise the height of the dock for lateral access. Mr. Zarrella, seconded by Mr. Dawson amended the motion to approve the dock application as filed with a stipulation that the stringers will be lifted up a 1 ½ feet for lateral access of 5' at mean high water. The motion was carried on a unanimous voice vote.

Mr. Zarrella left the meeting at 8:00 p.m.

Chair Tikoian called for a recess at 8:00 p.m. Chair Tikoian called the meeting back to order at 8:10 p.m.

9. COASTAL HABITAT RESTORATION TRUST FUND APPLICATIONS BEFORE THE FULL COUNCIL FOR REVIEW AND DECISION:

Full Funding

- Woonasquatucket River Paragon Dam Fish Passage, Providence (\$40,000)

Partial Funding

- Ten Mile River Fish Passage: Omega Pond Dam, Hunts Mills Dam and Turner Reservoir Dam, East Providence (\$100,000)
- Pawcatuck River Lower Shannock Falls Fish Passage, Richmond (\$35,000)
- Blackstone River Fish Passage, Pawtucket, Central Falls, Cumberland and Lincoln (\$35,000)
- Silver Creek Salt Marsh Restoration, Bristol (\$10,000)

Contingency List of Projects

1. Remainder of funding request for Ten Mile River Fish Passage (\$50,000)
2. Remainder of funding request for Blackstone River Fish Passage (\$15,000)
3. Remainder of funding request for Shannock Falls Fish Passage (\$20,000)
4. Gooseneck Cove Salt Marsh Restoration, Newport (\$50,000)
5. Integrated Restoration of South County's Coastal Ponds, Charlestown and Westerly (\$30,000)

Chair Tikoian explained these are applications the council does annually that the General Assembly provides \$250,000 for the OSPAR monies for habitat restoration projects. Chair Tikoian stated that the council will go through the habitat restoration applications and evaluate them on the recommendations to the council for approval of them. Ms. Chaffee said the Technical Advisory Committee met on January 9th to review the full proposals that were submitted. Ms. Chaffee said they received 12 full proposals. She said they are recommending that two of the proposals be approved for funding at the full amount requested and four of them be approved for partial funding of what they requested. Ms. Chaffee said they have four fish passage projects, restoration projects, one saltmarsh restoration project and an equipment request from DEM for their mosquito abatement program. Chair Tikoian stated that this was a habitat restoration project and asked why they would give \$5000 for DEM equipment. Ms. Chaffee replied that this was something that was funded in the past. She said they have low-pressure ground vehicles that do excavation for saltmarsh restoration and this equipment is basically made available to projects throughout the state. Ms. Chaffee said this has been an important part to a lot of the projects that come through the fund. Chair Tikoian asked what the intent of the legislation was and if it was the intent of the legislation to bar another state agency to use the funds. Ms. Chaffee replied they are allowed through the legislation to allocate some of the fund for administrative costs and equipment necessary to carry out the restoration program throughout the state. Chair Tikoian asked about the contingency list of projects. Ms. Chaffee replied they received a high number of strong proposals this year and there were a number they could not fund because they did not have enough funds to go around. Ms. Chaffee gave a brief summary on the Coastal Habitat Restoration Trust Fund Application process and what happens with the funds. Chair Tikoian asked out of this money how much is being matched for Federal funds. Ms. Chaffee replied the match is over \$3 million. Mr. Gomez asked if they lost any matching funds by reducing the recommended funding for the restoration projects. Ms. Chaffee replied no. Chair Tikoian stated that CRMC has mapping, eelgrass beds, mapping some of the areas of habitat along the coastline and felt they could use the \$5000 and had some concerns that the intent was not to buy equipment for DEM. Chair Tikoian felt the funds should be poured back

into the community for habitat restoration, not buy equipment for another agency. Ms. Chaffee suggested that in the future they handle the equipment requests as a separate proposal and make a separate budget request to the council so they can review them independently of the whole restoration package requests. Chair Tikoian called for public comment. There was no public comment. Vice Chair Lemont, seconded by Mr. Coia moved approval of the coastal habitat restoration trust fund applications. The motion was carried on a unanimous voice vote.

10. PUBLIC HEARING ON CHANGES TO THE Rhode Island COASTAL RESOURCES MANAGEMENT PROGRAM:

Proposed water type changes:

- 1. Quonochontaug Quadrangle**
- 2. Wickford Quadrangle**
- 3. Wickford and Prudence Island Quadrangle**
- 4. Bristol Quadrangle**

Chair Tikoian stated that these are proposed water type changes. Chair Tikoian opened the public hearing. Ms. Chaffee explained that this changes were before the P&P Subcommittee in August 2007 and they are proposed water type changes from Type 2 to Type 1 waters in areas where those waters are adjacent to conservation lands. Ms. Chaffee noted that they did receive one comment from the Charlestown Pond Management Commission requesting they move one of the proposed boundary changes in Ninigret Pond which they did. Chair Tikoian called for public comment. There was no public comment. Chair Tikoian closed the public hearing. Vice Chair Lemont, seconded by Mr. Coia moved approval proposed water type changes in Quonochontaug Quadrangle, Wickford Quadrangle, Wickford and Prudence Island Quadrangle and Bristol Quadrangle from type 2 to type 1 waters. The motion was carried on a unanimous voice vote.

GREENWICH BAY SAMP

- **Revise: 680.1A**
- **Add New 680.1A.2:**
- **Add New Section: 680.1B Standards**
- **Revise: 940.1A**
- **Add New 940.1A2**
- **Add New Section: 940.1B Standards**

Chair Tikoian stated that this change part of the Greenwich Bay SAMP to revise Sections 680.1A, add 680.1A.2, add 680.1B, revise 940.1A, add new 940.1A2 and add new 940.1B. Chair Tikoian opened the public hearing. Mr. Boyd stated that these proposed changes are to implement one of the priority tasks in the Greenwich Bay SAMP. Mr. Boyd said when the council adopted the Greenwich Bay SAMP in 2005, the policy said that CRMC would identify and grandfather existing quahog facilities on Greenwich Cove which have been in existence since

2000. Mr. Boyd said the grandfather permits will be issued to those facilities as long as 75% of the facility is used by commercial fisherman. He said once the facility falls below the 75% commercial fishing occupancy, the permit will be null and void. Mr. Boyd said the docks they have identified are in a 3-page memorandum in the council's packet. Mr. Boyd said the RI Shellfisherman's Association is in support of these proposed changes and had worked with staff on them. Mr. Dawson clarified that they changed quahog facilities to commercial facilities. Mr. Boyd said they are basically quahog docks but some fisherman hold multi-purpose commercial licenses so they maintain the viability of commercial fishing. Chair Tikoian called for public comment. Michele Komar, said she participated in a majority of the Greenwich Bay SAMP Plan meeting when it was being prepared and she is also the local coordinator at the URI Watershed Watch. Ms. Komar said she was not opposed to CRMC grandfathering commercial fishing docks. Ms. Komar said she was opposed to the way it is presently written. Ms. Komar said she is concerned with public safety and welfare. She said under item #6 you do not have to meet the provisions of Section 3004. and they are considered temporary structures which means they do not have to comply with other dock standard. Ms. Komar stated that residential docks have to comply with FEMA, flood hazard requirements and other building code requirements. Ms. Komar said this was an issue in the City of Warwick. Ms. Komar said in the last few years there have been complaints about debris found in the head of Greenwich Cove from docks and other debris. Ms. Komar wanted to have the docks identified. Ms. Komar was not in favor of docks being a potential public safety and hazard that another entity has to pay the tab to clean up later. Ms. Komar noted that the City Council passed a resolution asking the General Assembly to enact legislation to keep the coastline clean and read it into the record. Ms. Komar was concerned with the proposed language under new section 680.1B Standards which says that the CRMC approved commercial fishing docks may be subject to other State and Federal permits. Ms. Komar felt it was the applicant's responsibility to obtain any other applicable permits. Ms. Komar felt CRMC should set the requirements and put together a grandfather package that is viable for the shellfisherman. Ms. Komar stated that part of the Greenwich Bay SAMP Plan requirements was that an implementation team would be established and wanted to have the implementation team up and running. Chair Tikoian replied that the letters for the implementation team went out a long time ago. John Williams, Warwick Cove Marina, said that most fisherman start work in the early morning and come back to their boat by 2:00 p.m. in the afternoon. Mr. Williams said he tried working with DEM to write a grant so they can put a plastic insert that goes into a five-gallon bucket but that it did not go over because the shellfisherman did not want it. Mr. Williams felt the facilities needed to be brought in as marinas requiring them to have mandatory port-a-potties for the summer months. Mr. Boyd address Ms. Komar's concerns regarding public safety and welfare and said there is no question that there is debris around the bay but there is no way to determine who is responsible for it. Mr. Boyd said there are a lot of illegal docks around the state and this policy effort is an opportunity to legalize structures that are out there now without the benefit of a CRMC permit. Mr. Boyd stated that he reported on the SAMP implementation at the December 11th meeting and he is in the process of putting together the implementation report of Greenwich Bay detailing the 118 priority tasks. Mr. Boyd said before the Greenwich Bay implementation team can meet they need to know what tasks have been implemented. Mr. Boyd felt Mr. William brought up a good point about the port-a-potties and said that most fisherman take care of business before they go out on the boat. Chair Tikoian called for additional further public comment. There was no public comment. Chair Tikoian closed the public hearing. Vice Chair Lemont, seconded by Mr. Coia moved approval of the change to the Greenwich Bay SAMP to revise Sections 680.1A, add 680.1A.2, add 680.1B, revise 940.1A, add new 940.1A2 and add new 940.1B. The motion was carried on a unanimous voice vote.

11. Enforcement Report – December 2007

There were none held.

12. Category "A" List

There were none held.

There being no further business to discuss. The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Grover Fugate, Executive Director

Reported by Lori A. Field