

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Monday, July 13, 2009 at 6:00 p.m. in Conference Room B, Administration Building, One Capitol Hill, Providence, RI.

MEMBERS

Michael Tikoian, Chair
Paul Lemont, Vice Chair
Ray Coia
Don Gomez
Bruce Dawson
Michael Sullivan
Robert G. Driscoll

MEMBERS ABSENT

David Abedon

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
David S. Reis, Supervising Environmental Scientist
Jim Boyd, Coastal Policy Analyst
Brian Goldman, Legal Counsel

1. Chair Tikoian called the meeting to order at 6:00 p.m. and made a brief statement on the Council's permitting process. Chair Tikoian also introduced and welcomed a new Council member, Mr. Robert G. Driscoll.

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

Mr. Sullivan motioned, seconded by Mr. Coia, to approve minutes of previous meeting, June 10, 2009. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

Vice Chair Lemont stated that the Policy and Planning Subcommittee met on Tuesday, May 19, 2009 and seeks council's concurrence to begin rule making on the Hazards chapter of the Metro Bay Special Area Management Plan.

4. **STAFF REPORTS**

There were no staff reports.

5. **CHAIR TIKOIAN READ THROUGH THE AGENDA TO SEE WHICH APPLICANTS/ ATTORNEYS WERE PRESENT.**

6. **REQUEST TO RE-PROGRAM COASTAL AND ESTUARINE HABITAT RESTORATION TRUST FUND AWARD:**

Re-programming would be as follows:

2008 Trust Fund Award for WPWA Lower Shannock Falls	\$35,000 (design)
2009 Trust Fund Award for WPWA Lower Shannock Falls	\$50,000 (construction)

**Re-program to the Ten Mile River Project:
2009 Trust Fund Award for Ten Mile River**

\$85,000 (construction)

Jeffrey Willis gave Council a brief overview of the reprogramming of the funds stating that the moving of this money around would help CRMC leverage the additional stimulus funding that was received from the Federal Government under the NOAA Restoration Center Program which would open up additional funding for the Ten Mile River project allowing CRMC to use straight stimulus funding for the Wood-Pawcatuck Watershed Association Lower Shannock Falls project. Vice Chair Lemont motioned approval, seconded by Mr. Dawson. Motion carried on a unanimous voice vote.

7. APPLICATIONS REQUIRING SPECIAL EXCEPTION BEFORE THE FULL COUNCIL:

2007-02-061 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- Reconstruct an existing boat ramp in a new location on the same lot, reconstruct an existing parking area, construct a new parking area, regrade and reconstruct the entrance road, provide storm water management, provide ADA Accessible Ramp at the ramp, provide an overlook area and shade structure and dredge the ramp and adjacent area to provide safe launching of vessels. Located at plat 156C, lot 37; Mount Hope Fishing Access; Annawamscutt Drive, Bristol, RI

Mr. Jay McGinn representing RIDEM. Walter Burke with the Parks and Recreation Dept of the Town of Bristol present. David Reis gave brief overview of the project to the Council also stating that the application requires a special exception because of the improvement dredging. Mr. Reis stated that the application also required a variance for filling within 50-foot of the setback for the handicap accessible ramp. Mr. Reis stated that the CRMC staff has reviewed the project and special exception criteria and believe that it meets the criteria and serves a compelling public service. Mr. Reis stated that the project was also reviewed against the Freshwater Wetland rules and it is believed that it is an insignificant alteration for the freshwater wetlands on the site. Mr. Reis stated that CRMC Staff recommends approval of the project. Mr. McGinn accepted staffs overview to the Council. Mr. Walter Burke, Director of Parks and Recreation with the Town of Bristol spoke in favor of the project. Chair Tikoian opened the public hearing on the special exception. No comments made. Public Hearing closed. Vice Chair Lemont moved approval of special exception, seconded by Mr. Dawson. Roll Call vote:

Mr. Dawson	Yes	Mr. Gomez	Yes
Mr. Coia	Yes	Mr. Driscoll	Yes
V Chair Lemont	Yes	Mr. Sullivan	Abstained
Chair Tikoian	Yes		

Six affirmative and one abstention. Motion carries on special exception.

Vice Chair Lemont motioned, seconded by Mr. Dawson, on the approval of the variance. No discussion. Motion carried with on abstention.

8. APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR DECISIONS.

2009-06-021 DEEPWATER WIND, RI -- Temporarily moor a meteorological barge offshore of Block Island at a potential wind farm location to collect site specific meteorological measurements. This type of site specific measurement is typical for wind farms. The barge is proposed to be in place for 3 months. Off Block Island, New Shoreham, RI.

2009-06-022 DEEPWATER WIND, RI -- Install a vertical LIDAR unit on Plat 1 Lot 1 & 16 in New Shoreham. The LIDAR unit will be temporary; it will be in place for up to two years. The LIDAR is part of the scientific study / site conditions assessment for a potential wind farm in the waters adjacent to Block Island. The LIDAR will be surrounded by a fence during its deployment. All materials shall be removed at the end of the study. Located at plat 1, lot 16; North Lighthouse, New Shoreham, RI.

2009-04-030 DEEPWATER WIND, RI -- Install a meteorological (MET) tower to obtain wind and other scientific measurements, the installation is temporary and is expected to last 2 years subject to stipulations in the lease from the Town of New Shoreham. The tower and all other elements installed (block and fencing) will be removed and the site restored at the conclusion of the measurements. Located at plat 30, lot 10; Coast Guard Road, New Shoreham, RI.

Present is Mr. Clint Plummer, Vice President of Development with Deepwater Wind RI. Chair Tikoian stated that the three applications would be heard at one time with three separate votes taken. Mr. Fugate gave brief overview of the three applications to the Council stating that the applications were scientific studies for meteorological information, oriented to try to find out what the wind resource is within this area. Mr. Fugate stated that the proposal is a small scale project off Block Island. Mr. Fugate stated that the first Deepwater application on the Agenda is for the mooring of a barge off the southern end of Block Island which is intended to collect meteorological data. Mr. Fugate stated that a permit was already received from the Coast Guard. Mr. Fugate stated that the second application deals with the installation of the LIDAR system at the North Lighthouse to consist of a laser device that measures both wind speed and wind sheer which will give a better idea of the wind profile within this particular area. Mr. Fugate stated that the third application is to install a meteorological tower located at the Coast Guard station. Mr. Fugate informed that Council that the MET Tower is to gather wind data so that they can better understand what the wind profiles are. Mr. Fugate stated that Deepwater will combine all three data sources into a meteorological model that will give them a better idea of what the wind resource is and where the placement of the towers potentially might be the best. Mr. Fugate stated that Deepwater has agreed to share the data with us as part of the overall project planning. Mr. Plummer was sworn in. Chair Tikoian inquired as to how the location for the barge was determined. Mr. Plummer stated that Deepwater Wind RI hired AWS Truewind, one of the leading wind resources companies in the world, to help with the barge location. Chair Tikoian inquired as to the sharing of the information and data collected. Mr. Sullivan asked if the information collected becomes a full access database or is it held in a confidential work product agreement. Mr. Fugate stated that the initial data sharing is part of the study and that until the study is completed, the full data set would not be available, but after the study is completed and the SAMP is adopted, the collected information and data will become public information; in the interim, the communication will go to the technical committee. Mr. Plummer explained how the data would be collected via satellite link and the frequency of data collection is unknown at this time. Mr. Plummer stated that the final data set will be compiled at the end of the study but some post-processing sharing will occur. Typographical errors on report corrected.

Chair Tikoian began the voting process on 2009-06-021. Mr. Fugate stated that all three applications would be subject to the same three stipulations one being on data sharing. Mr. Sullivan motioned, seconded by Vice Chair Lemont, approval of application. Motion carried on unanimous voice vote.

Chair Tikoian began the voting process on 2009-06-022. Mr. Sullivan motioned approval of application with the same three stipulations; seconded by Mr. Coia. Motion carried on unanimous voice vote.

Chair Tikoian began the voting process on 2009-04-030. Mr. Sullivan motioned approval of application with the same three stipulations; seconded by Mr. Coia. Motion carried on unanimous voice vote.

9. Public Hearing on Changes proposed to the RI Coastal Resources Management Program:

1. REDBOOK -- Section 300.3 - Residential, Commercial, Industrial, and Recreational Structure Revise Section 300.3.E.1(d)

Mr. Fugate gave overview of the changes to the RICRMP to the Council stating that the Structural Perimeter Limit (SPL) program is similar to the Marina Perimeter Limit (MPL) program where this is a setoff of mooring fields of 50 feet. Chair Tikoian opened the Public Hearing. No comments heard. Chair Tikoian closed the Public Hearing. Mr. Sullivan motioned, seconded by Mr. Coia, approval of program change in Section 300.3. Mr. Dawson asked for clarification on the grandfathering of structures. Mr. Willis clarified stating that the September 1971 date would recognize the structures in place and the SPL would go on the outside of those in-water structures as a buffer that would be in place for activities to occur within; the perimeter limit still needs to be 50 feet away from these other identified activities which in this case would be a mooring field or a navigation channel. Motion on floor carried on unanimous voice vote.

2. GUIDELINES FOR THE DEVELOPMENT OF MUNICIPAL HARBOR MANAGEMENT PLANS Section III - Required Elements of a Harbor Management Plan Add New Section III.B.3(m)

Mr. Fugate gave overview of the changes to the Harbor Management guidelines for municipalities which will limit the transfer of moorings to a one-time transfer to family members rather than have that transfer go on ad infinitum. Mr. Fugate stated that moorings will now become available within the community for nonresidents. Chair Tikoian opened the Public Hearing. Chair Tikoian asked for clarification on the legality of this change. Mr. Willis stated that the change had been vetted through the Attorney General's office and they are okay with it. Grammar change request accepted. Mr. Driscoll asked for clarification on the HMP versus the local policies. Mr. Fugate stated that where communities have a prohibition on the transfer of moorings it is considered to be consistent with the HMP policy. Mr. Dawson asked for clarification on riparian moorings. Mr. Fugate stated that this policy was not intended to effect riparian moorings; it is meant to deal with the mooring fields that the municipalities manage. Chair Tikoian closed the Public Hearing. Mr. Sullivan motioned, seconded by Mr. Gomez, the approval of program change with the changing of the word "to" to "on." Motion carried on unanimous voice vote.

3. SALT POND SPECIAL AREA MANAGEMENT PLAN Revise Section 920.1.A.2(d) Revise Section 920.1.B.2(d) Revise Section 920.1.C.2(a)

Mr. Boyd gave brief overview of the revisions to the Council stating that in May, the council proposed and advertised an amendment to the Salt Pond SAMP to correct an inconsistency between DEM OWTS rules and existing CRMC rules pertaining to denitrification requirements. Mr. Boyd stated that several comments were received and a memorandum was written on July 2, 2009 to propose alternative language to adequately address concerns of the department along with Save the Bay. Mr. Boyd stated that staff concurs with the language and recommend approval. Chair Tikoian closed the Public Hearing. Mr. Sullivan motioned, seconded by Mr. Coia, approval of proposed change. Motion carried on unanimous voice vote.

10. Category "A" List

None were held.

11. Executive Session

Mr. Sullivan motioned to go into Executive Session as appropriately noted pursuant to Rhode Island General Laws 42-46-5.A sub two, Litigation. Vice Chair Lemont seconded.

Roll call vote to go into Executive Session

Mr. Dawson	Yes	Mr. Gomez	Yes
Mr. Coia	Yes	Mr. Driscoll	Yes
V Chair Lemont	Yes	Mr. Sullivan	Yes
Chair Tikoian	Yes		

There being no further business to discuss. The hearing was adjourned at 6:39 p.m.

Respectfully submitted,
Grover Fugate, Executive Director

Reported by Lisa A. Mattscheck