

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, July 20, 2010 at 5:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

**MEMBERS PRESENT**

Michael M. Tikoian, Chair  
Paul Lemont, Vice Chair  
Raymond Coia  
Bruce Dawson  
Donald Gomez  
Ronald Gagnon, DEM  
Robert Driscoll

**STAFF PRESENT**

Grover J. Fugate, Executive Director  
Jeffrey M. Willis, Deputy Director  
Laura Ricketson Dwyer, Public Education/Outreach Coord  
  
Brian Goldman, Legal Counsel

**1. CALL TO ORDER**

Chair Tikoian called the meeting to order at 5:00 p.m. and made opening statement. Chair Tikoian thanked the Council members for arranging their schedules to be able to meet earlier.

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

Chair Tikoian stated that there were two sets of minutes that needed approving, the first set dated for Tuesday, June 22, 2010. Mr. Driscoll motioned, seconded by Vice Chair Lemont, to approve minutes for the June 22, 2010 meeting. Motion to approve June 22, 2010 meeting minutes carried on a unanimous voice vote. Chair Tikoian stated that the second set of minutes were from the Friday, June 25, 2010 meeting. Mr. Coia motioned, seconded by Vice Chair Lemont to approve minutes for the June 25, 2010 meeting. Motion to approve June 25, 2010 meeting minutes carried on an unanimous voice vote with Chair Tikoian abstaining from the vote of these minutes as he was not in attendance on June 25, 2010.

**3. SUBCOMMITTEE REPORTS**

Attorney Goldman read out on behalf of Vice Chair Lemont the proposed program changes which will be going out to notice after tonight's meeting as a result of Ocean SAMP subcommittee action on Monday, July 19, 2010. Attorney Goldman stated that the Executive Summary, the Introduction and the SAMP in its entirety, with one caveat, which will allow the Subcommittee to read out Chapter 11 – Policy Section on Thursday, July 22, 2010. Mr. Coia motioned, seconded by Mr. Dawson, to authorize the going out to notice of the chapters. Motion carried on unanimous voice vote. Chair Tikoian stated that on Thursday, July 22, 2010 would be the last Ocean SAMP subcommittee meeting.

**4. STAFF REPORTS**

Mr. Fugate stated that there is an executive order out from President Obama for the National Ocean Policy to form a committee. The executive order puts into plan the framework for the National Ocean Policy Committee and also the framework for the marine spatial planning for the Federal Government. Mr. Fugate stated that over the next several years

regional special planning plans will be done on a regional level and prepared by governance bodies for these regions. Mr. Fugate stated that a \$20 million dollar budget was set up for a competitive grant situation. Mr. Fugate stated the two regions would be selected out of this for the northeast and that Massachusetts and Rhode Island are favored to get approximately \$7 to \$10 million to develop a regional plan within the next year to year-and-a-half.

## **5. Public Hearing on Changes to the RI Coastal Resources Management Program:**

### **Ocean Special Area Management Plan**

**Chapter 4 - Cultural and Historical Resources - The purpose of the Rhode Island Ocean SAMP Cultural and Historical Resources Chapter is to inventory some of these key offshore resources, especially as they relate to pre-contact tribal landscapes and historic shipwrecks, in order to more fully describe their critical value to Rhode Island and its marine ecosystem, and to provide important information for the evaluation of future offshore renewable energy development proposals.**

Mr. Fugate stated that the presentation for this chapter would be the principal author, coordinator/editor, Teresa Creen. Mr. Fugate added that Rick Greenwood from HPHC was available and John Jensen from URI who also authored the chapter.

Ms. Creen introduced herself stated that she was the Coastal Manager at the URI Coastal Resources Center, RI Sea Grant program. Ms. Creen stated that this chapter had input from a very large group of experts from around the state who contributed direct text into the document and along with Dr. Greenwood and Dr. Jensen they pulled the chapter together. Ms. Creen gave mention to all the groups who were involved in the creation of the chapter including the Narragansett Indian Tribe's historic preservation office ethnohistorian, Dr. Ella Sekatau. Ms. Creen stated that they worked directly with Dr. Sekatau to get the tribal history of the Narragansett Indian Tribe incorporated directly into the body of the chapter. Ms. Creen stated that some context of Block Island history was provided by Chip Young. Ms. Creen stated that a technical advisory committee was created to really focus on the municipal historic commissions, Block Island, South County, Newport, Narragansett, Charlestown, and Little Compton. Ms. Creen stated that there were very few comments received other than one positive one regarding school curriculum studies. Ms. Creen gave overview of the chapter stating that the chapter was organized into four main sections; the first section focusing on historic context of the Ocean SAMP study area which was broken down to precontact geological history. The Chapter incorporates the tribal history as told to us from the Narragansett Indian Tribe by taking dictation for their ethnohistorian and incorporated that information as told into the body of the document. The Chapter includes maritime history of the Ocean SAMP study area organizing the information in terms of landscape themes such as military fisheries, marine transportation, recreation and tourism. Ms. Creen stated that the chapter provides all of the data available for the State in terms of submerged archaeological sites, underwater sites and then the on-shore sites because the view shed from those designated historic places are an issue with any type of offshore developments. Ms. Creen stated that in the organization of the data and the presentation of the chapter they paid particular attention to federal and state initiatives particularly the MMS programmatic EIS and to Cape Wind. Ms. Creen summarized each of the chapters using a PowerPoint presentation. Ms. Creen opened the floor for questioning. Mr. Driscoll asked about the lack of input from the Wampanoags and the other tribes in the area and that some of the

information provided by the Narragansett Indian tribes should have referred to the other tribes. Ms. Creen stated that the tribal history was given directly by the Narragansett Tribal Ethnohistorian, Dr. Sekatau and that it was related to them as seen by the Narragansett Tribe. Mr. Greenwood explains that other documentation is available both through the state and federal entities that describes the historic background of the other tribes and their interaction together. Mr. Gomez was concerned about the introduction of the Narragansett Tribal history and asked if it could be clarified. Ms. McCann clarified the introduction of the history and its placement within the chapter.

Chair Tikoian opened the public hearing and asked if there was anyone who wished to comment, ask questions or make recommendations. Ms. Priscilla Brooks, Director of Ocean Conservation Program at Conservation Law Foundation stated that the section on the “towers would become the latest cultural signature” of the area should be toned down as that is an opinion and there is a debate as to the historical significance of whether or not this is a reliable and economical source of energy. Ms. Brooks stated that she would like this statement to be stricken from the paragraph. Mr. Jensen replied that in looking at the paragraph from the viewpoint of an historian and archeologist in historic preservation, the paragraph includes energy and human use from the original inhabitants to the coming of the Europeans and how energy has changed on the island throughout its history. Ms. Brooks stated that their concern was in the language stating that the proposed wind turbines would provide the community with the local sources of energy that is reliable, renewable, and economical. Ms. Brooks stated that it is not very well documented as to how reliable and economical this energy source is going to be. Mr. Driscoll states that instead of using the word “are” in the first sentence to change it to “can be seen as direct continuation of” and then the next sentence starting with “Pursuant to this view”. With no further comments being heard, Chair Tikoian closed the public hearing. Vice Chair Lemont motioned, seconded by Mr. Dawson, to approve the chapter with the change as suggested by Mr. Driscoll. Motion carried on a unanimous voice vote.

**Chapter 9 Other Future Uses -- The purpose of the Rhode Island Ocean SAMP Future Uses Chapter is to explore opportunities for the future uses of the SAMP ocean area—the inner shelf—of Block Island and Rhode Island Sounds, and discuss the potentials of these to help develop further Rhode Island’s ocean and green economies.**

Mr. Fugate introduced Mr. Barry Costa Pierce to present Chapter 9 -- Future Uses. Mr. Fugate stated that Mr. Costa Pierce is the principal author of the chapter. Mr. Fugate stated that within the handouts that were given there were two memos that were prepared by Mr. Costa Pierce addressing comments that were received by the CLF and Save the Bay during the public comment period. Mr. Fugate suggested that Council members use the red-lined version of this chapter as it incorporated the revisions made in response to the comments received. Mr. Costa Pierce made a PowerPoint presentation regarding the potential future uses of the SAMP area mentioning that there would always be a balance between conservation and new potential uses and the environment and our economy. Mr. Costa Pierce pointed out fourteen future uses stating that the universe of ideas will not stop with the end of the SAMP it will continue to evolve, so the stakeholder participatory processes will need to be continued. Mr. Costa Pierce talked first about dredging and the use of foot aggregates. Mr. Costa Pierce talked about LNG and the issue of the pipelines which was originally written using 2003-2004 data but has recently been updated with 2009-2010 data. Mr. Costa Pierce spoke about short sea shipping due to the fact that the roadways are

becoming more and more congested and the congestion as projected in the future will be getting worse. Mr. Costa Pierce stated that many industries are looking into short sea shipping of their goods instead of the use of the roadways. Mr. Costa Pierce stated that the Port of Davisville will play a big part in this. This would help the economy in many ways including long-term employment. Mr. Costa Pierce talked about the controversy regarding the continued development of the SAMP in the future. Mr. Costa Pierce talked about the potential future uses for fisheries enhancement and the positive effects of working with a shellfish harvesting company to produce shellfish that are suitable for human consumption. Mr. Costa Pierce talked uses that have been experimented with in Europe such as units off sides of towers for suspending aquaculture shellfish. Mr. Costa Pierce spoke about other uses for the leased lands such as land based aquaculture or even burial at sea giving the example of the Neptune Memorial Reef. Mr. Costa Pierce closed with stating the educational/experimental aspect of some of the SAMP area being closed off so as to see how a recovered marine ecosystem actually functions. Mr. Gomez raises a question of a pictorial of a Florida LNG operation and it is decided to label the Figure 2 with location and name. Mr. Gomez asked about the inclusion of comments that were received regarding Brown's Ledge. Mr. Costa Pierce stated that they added Brown's Ledge as one of the areas that's been identified as MAFMC habitat science team as an area vulnerable. Mr. Dawson questioned the effects of hurricanes on short sea shipping. Mr. Costa Peirce stated that short sea shipping would not be a vulnerable to hurricanes because if a hurricane were to destroy roadways the short sea shipping could take the place of trucking until the roadways were repaired. Ms. Brooks from the Conservation Law Foundation thanked the SAMP staff for including their comments. Ms. Brooks reiterated CLF's written objection in regards to marine conservation areas as a use stating that they were concerned with this being included in the Future Uses chapter and suggesting that it be discussed either in the Ecology Chapter or another chapter on policy. Mr. Costa Pierce that they would be happy to change the wording from "uses." Mr. Fugate suggested the change in Section 940 to say "Marine conservation areas is a tool for fisheries management." Discussion on changes in Section 940 for marine conservation areas. Chair Tikoian closed the public hearing. Vice Chair Lemont motioned, seconded by Mr. Coia, to approve the chapter with corrections.

**Chapter 10 Existing Statutes, Regulations and Policies -- The purpose of the Rhode Island Ocean SAMP Existing Statutes Chapter is to provide a broad overview of those state and federal regulations which are most relevant to the governance of uses within the Ocean SAMP area, as this area encompasses both state and federal waters. These key statutes, regulations, and policies have associated regulatory provisions that provide policy direction for, and regulation and management of, these ocean resources and uses.**

Mr. Goldman stated that the version of Chapter 10 before the Council is the same version seen in June. Mr. Goldman pointed out that some changes were made due to comments received by the CLF but they were only stylistic and typos. Mr. Goldman stated that per request, he added a section on the Public Trust Doctrine. Mr. Goldman stated that in Section 1020.1, a new section was added (Section 2) which is the provision about Article 1, Section 17 that was right out of the CRMC statute. Mr. Goldman stated that he also added three other criteria to Section 1020.6 about the Energy Facility Citing Board to make it completely in harmony with the statute. Chair Tikoian opened the public hearing on this chapter. Ms. Caroline Karp stated that she filed formal comments on this chapter and did not receive a response to the comments. Ms. Karp stated that she had mentioned the Freedom to Fish &

Marine Conservation Act as an important statute to add to this chapter. Mr. Goldman stated that he felt that the chapter was not meant to be exhaustive and that the chapter covers the general provisions needed. Mr. Goldman stated that the chapter was meant as an overview of some of the most relevant statutes that apply to the SAMP area. Ms. Karp argued that the State Constitution and the State Guide Plan would be key pieces that should be cited. Mr. Goldman stated the State Constitution was added, Article I Section 16, referenced on page three. Ms. Brooks, CLF, thanked the Council for allowing a longer review period for this chapter. Ms. Brooks stated that the CLF would like to see the Deepwater Port Act and the Ocean Thermal Energy Act included in the chapter as they feel they are relevant. Mr. Goldman stated that the inclusion of these two statutes would be going beyond the purpose of the chapter and delving into too much detail. Chair Tikoian stated that CRMC would have to abide by all Federal and State Laws therefore not all have to be listed in the chapter. It was agreed upon to reference Article 56 which states that coastal nations may also act for the protection and preservation of the marine environment. Ms. Brooks stated that CLF recommended that the State include some information in the SAMP on how the MMS distinguishes between competitive and noncompetitive leases. Mr. Goldman stated that the particular language was written by MMS and he felt that it should be included in the SAMP the way they wrote it. Ms. Karp asked for clarification on the response to submitted written comments. Chair Tikoian thanked the URI team and the SAMP team for doing a phenomenal job with the comment review process. Vice Chair Lemont also complimented everyone on such a monumental piece of work. Vice Chair Lemont motioned, seconded by Mr. Coia, for the adoption of the chapter. Motion carried on a unanimous voice vote.

**6. CATEGORY “A” LIST**

Accepted as presented.

**7. ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Coia, to adjourn meeting. Motion carried on unanimous voice vote. Meeting adjourned

Respectfully submitted,

Lisa A. Mattscheck