

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 19, 2010 at 5:00 p.m. in the Boardroom, Narragansett Bay Commission, One Service Road, Providence, RI.

MEMBERS PRESENT

Michael Tikoian, Chair
Paul Lemont, Vice Chair
David Abedon
Michael Sullivan
Donald Gomez
Robert Driscoll
Ray Coia

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
Laura Ricketson Dwyer, Public Education/Outreach Coord
David Beutel, Aquaculture Coordinator

Brian Goldman, Legal Counsel

1. CALL TO ORDER

Chair Tikoian called the meeting to order at 5:00 p.m.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

Chair Tikoian called for approval of the minutes from the previous meetings. Vice Chair Lemont, seconded by Mr. Coia, motioned to approve the minutes of the previous meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

No reports

4. STAFF REPORTS

No reports.

Chair Tikoian requested that everyone speaking state their name and affiliation for court stenographer purposes.

Mr. Fugate introduced the Team Members of the Ocean Special Area Management Plan: Sam De Bow, Malcolm Spaulding, Dennis Nixon, Tiffany Smythe, Jennifer McCann, Kate Manning, Sarah Smith Teresa Creen, John Boothroyd and David Beutel

Chair Tikoian stated that the full Ocean SAMP was available on disc.

Chair Tikoian explained the procedures for the evening stating that there were four packets of information: two sets of proposed changes dated 9-14-2010 pages 1 of 16; packet 1 of 2; and dated 9-28-2010 pages 1 of 47 packet 2 of 2; two sets of Technical changes dated 9-14-2010 pages 1 of 9; packet 1 of 2; dated 9-28-2010 pages 1 of 89; dated 9-29-2010.

Chair Tikoian stated that all comments received on the changes both Technical and Proposed were reviewed by CRMC Legal Counsel Brian Goldman.

5. Approval of the Period 8 Progress Report of the RI Ocean SAMP:

Chair Tikoian explained that usually the OSAMP Progress reports are submitted to the Ocean SAMP Subcommittee but that since the Subcommittee would not be meeting the Full Council could approve the Progress Report. Ms. Manning gives brief explanation of the Period 8 Progress report. Vice Chair Lemont motioned, seconded by Mr. Coia, approval of the submitted report. Motion carried on unanimous voice vote.

6. Public Hearing: The Rhode Island Ocean Special Area Management Plan (Ocean SAMP) in its entirety

- 1) Review and consideration of proposed and technical changes recommended by CRMC Executive Director in response to public comments;**
- 2) Review and/or consideration of Ocean SAMP chapter(s) 1-11;**
- 3) Review and/or adoption of Ocean SAMP document as a whole.**

The purpose of the Ocean Special Area Management Plan (Ocean SAMP) is to serve as a regulatory, planning and adaptive management tool of the Rhode Island Coastal Resources Management Council (CRMC) to uphold its regulatory responsibilities. Using the best available science and working with well-informed and committed resource users, researchers, environmental and civic organizations, and local, state and federal government agencies, the Ocean SAMP provides a comprehensive understanding of this complex and rich ecosystem.

Chair Tikoian opened the public hearing and asked OSAMP Team Coordinator Mr. Fugate to explain the changes based on comments received. Mr. Fugate systematically explained the changes to each section based on the four packets distributed to Council. Presentation of changes and the packets involved were also shown projected so the audience could see.

Mr. Fugate explained all of the proposed changes to the Introduction Section, Executive Summary, and the Ecology Chapter of the OSAMP by section. Chair Tikoian asked for questions of Council members. Mr. Gomez suggested to the OSAMP Team on the membership of the Fisheries Advisory Board and the Habitat Advisory Board stating that the boards should cross pollinate perhaps semiannually. Also, a change in language was suggested from the Council “establishing” the committees to the Council “appointing” the committees.

Chair Tikoian opened the meeting to Public Comment. Ms. Tricia Jedele of the Conservation Law Foundation opened her comments stated that she had submitted her comments in writing but wanted to reiterate a few points such as the avoidance language for areas of particular concern. Mr. Fugate answered that the language used in the OSAMP was consistent with language used in federal statutes and in particular Freshwater Wetland regulations. Mr. Fugate pointed out that the OSAMP is a living document that will be

revised with the held of environmental agencies and that within the next few months amendments to the document will be submitted.

Mr. Fugate continued his explanation of proposed changes to **Chapter 3** – Global Climate Changes, Section 300 Introduction and Section 350.1 which would also require a pairing change in Chapter 11 Section 1150.2. Chair Tikoian offered opportunities for questions from both Council and Public. No questions.

Mr. Fugate explained proposed changes to **Chapter 4** – Cultural and Historic Resources; Section 440 #7 which would also require a pairing change in Chapter 11 Section 1150.3. Chair Tikoian offered opportunities for both Council and Public. No questions.

Mr. Fugate explained proposed changes to **Chapter 5** – Commercial and Recreational Fisheries; Section 560.1 General Policies, #6 which would also require a pairing change in Chapter 6, Recreation and Tourism, Section 660.1, #6; Chapter 7, Marine Transportation, Section 770.1, #5; Chapter 8, Renewable Energy and other Offshore Development, Section 860.1, #9 and Chapter 11, Policies of the Ocean SAMP, Section 1150.7, #8. Chair Tikoian offered opportunities for Council to speak. Mr. Sullivan offered suggestion that “fishermen” should be changed to “fishers” to be gender neutral. Mr. Goldman stated that the term “fishermen” could stay as is for the time being. Greg Mataronas of the Sakonnet Point Fishermen’s Association spoke in regards to the Fishermen’s Advisory Board (FAB) and the addition of the Habitat Advisory Board (HAB) asking that the new information added to the FAB should also be added to the HAB so that the language mirrors one another. Mr. Mataronas added that 3 members of the FAB should be Massachusetts fishers containing two commercial fishers and one recreational fisher. Mr. Fugate agreed with both points.

Mr. Fugate explained proposed changes to **Chapter 8** – Renewable Energy and Other Offshore Development; Section 850.1, #3; Section 850.4.1; Section 850.9 #3, 5, and 6; Section 860.2. These changes will require a pairing change in Chapter 11 – Policies of the Ocean SAMP, Section 1150.7, Section 1160, Section 1160.1, 1160.2 and Section 1160.3. Chair Tikoian offered opportunities for Council to speak. Chair Tikoian stated that the language in Section 860.2.2.3 sounded more like a prohibition as the series of burdens set up for applicant seems daunting. Mr. Fugate stated that the series of burdens gives the applicant the process to demonstrate the need. Chair Tikoian also stated that the term “qualified Professional Engineer” might be redundant. Mr. Spaulding explained that the reason the team used that term is that the certification qualifications for professional engineer varies from state to state and felt that the language should stay in. Chair Tikoian also felt that language should change from “if federal government approves Ocean SAMP” to “when federal government approves Ocean SAMP” giving it a more positive spin. Mr. Nixon, with agreement from Sam De Bow) explained that the using the term “if” might send a presumptuous connotation and that the language should remain “when”. Mr. Fugate stated that language was changed to clarify “micrositing”. Mr. Fugate stated that the flow chart for permitting process for state waters was added. Chair Tikoian in agreement with the flow chart finding it beneficial to the Council. Trisha Jedele, Conservation Law Foundation, stated that on two separate occasions CLF had asked for a delay between the public hearing and the vote to approve the SAMP so that OSAMP Team can respond to comments received from NOAA on October 15. Mr. Fugate stated that the comments from NOAA had just been received and that they had previously reviewed the document with NOAA prior to subcommittee and that the amendment process will be a public process. Mr. Goldman stated

that the amendment process would be pursuant to the Administrative Procedures Act. Mr. Fugate explained the federal process. Mr. Sullivan asked that the federal consistency process become a part of Council review. Caroline Karp asked the OSAMP Team about what makes the OSAMP a routine change? Mr. Fugate stated an enforceable policy and further explains that the Council has an existing program the change is really just to provide more data to the existing policy. Mr. Fugate stated that NOAA is looking at RI as having the most sophisticated program in the United States currently. Ms. Karp expresses that she also would like the vote to be delayed on the approval of the OSAMP. Mr. Fugate stated that during his conversations with many NOAA groups, they did not express any major concerns on the document. Ms. Karp asked about public leasing of public trust land. Mr. Fugate stated that after a permit decision is made, a bond and lease process begins. Ms. Karp suggested that now would be the time to make leasing a policy. Chair Tikoian stated that the language should stay as is for now. Ms. Jedele clarified that CLF was not questions Council's transparency policy but wanted to understand what the amendment process would be. Chair Tikoian asked Mr. Fugate if the policies just reviewed were his recommendations for the Council. Mr. Fugate stated that they were. Wendy Waller, Save the Bay, also asked the Council to delay the official vote of the OSAMP. Mr. Nixon stated that approving the OSAMP prior to going through the federal process sends a stronger message to the Federal Agency saying that the State is behind the program and could speed up process. Eugenia Marks with the Audobon Society submitted written comments to Mr. Fugate regarding Chapter 11. Vice Chair Lemont motioned, seconded by Mr. Coia and Mr. Sullivan, approval of changes to Chapters with corrections. Mr. Goldman stated that he had kept tract of the changes. Mr. Sullivan amended Vice Chair's motion to include language that the OSAMP Federal Consistency certifications would be concurred with or objected to by full Council. Mr. Gomez seconded amendment to motion. Amendment to motion carried on unanimous voice vote. Motion with amendment approved on unanimous voice vote.

Chair Tikoian called for five minute break.
Meeting resumes at 7:16 p.m.

Mr. Fugate presented Technical changes to the Council. One suggestion from the public, Ms. Marks of the Audobon Society, stating that in the technical change of Section 330, Section 330.1.2 paragraph 2, the term harmful algal blooms (HAB) should not have the same initials as the Habitation Advisory Board (HAB). It was decided that the (HAB) would be removed after harmful algal blooms. Mr. Mataronas asked for a change regarding the temperature in which shell disease is prevalent. Chair Tikoian asked for motion from Council to approve Technical changes to the OSAMP. Vice Chair Paul Lemont motioned including Mr. Sullivans language from the previous motion, seconded by Mr. Driscoll, to approve Technical changes. Motion carried on unanimous voice vote.

Chair Tikoian presented the Council with the Ocean Special Area Management Plan document as a whole. There were no comments heard. Mr. Sullivan stated that with pride for the accomplishment, he motioned to accept plan as State regulation. Motion seconded by Vice Chair Lemont. Mr. Coia congratulated the OSAMP Team and thanks them for a great presentation. Chair Tikoian stated that letters would be forth coming from himself and the Governor to be incorporated into the OSAMP document. Chair Tikoian also thanked the OSAMP Team and the Members of the University of Rhode Island that worked with CRMC so diligently on the project for the past two years stating that CRMC is fortunate to have URI

as a partner. Chair Tikoian also thanked the CRMC Council members for their input and participation in the process.

Chair Tikoian called for a roll call vote on the motion:

Mr. Goldman asked:

Mr. Abedon	Yes
Mr. Sullivan	Yes
Mr. Driscoll	Yes
Mr. Gomez	Yes
Mr. Coia	Yes
Vice Chair Lemont	Yes
Chair Tikoian	Yes

Motion carried unanimously.

7. **ADJOURN**

Mr. Sullivan motioned, seconded by Vice Chair Lemont, for the adjournment of the meeting. Motion carried on unanimous voice vote. Meeting adjourned.

Respectfully submitted,

Lisa A. Mattscheck