

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Wednesday, June 13, 2012 at 6:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

Paul Lemont, Vice Chair
Raymond Coia
Ronald Gagnon, RIDEM
Mike Hudner
Tony Affigne
David Abedon
Guillaume deRamel

Staff Present

Grover J. Fugate, Executive Director
Jim Boyd, Coastal Policy Analyst
Brian Goldman, Esq.

Members Absent

Anne Maxwell Livingston, Chair
Donald T. Gomez
Bruce Dawson

1. CALL TO ORDER

Vice Chair Lemont called the meeting to order at 6:00 p.m. Vice Chair Lemont announced that Jerry Sahagian had been reappointed to the Council as a replacement for Bruce Dawson. Vice Chair Lemont asked for a motion for Mr. Fugate to send a letter thanking Mr. Dawson for his untiring service to the Council. Mr. Coia motioned, seconded by Mr. Abedon, to send letter on behalf of the Council from Chair Livingston and Mr. Fugate. Mr. Goldman stated that Mr. Dawson would continue to sit on the Anne Street Pier Subcommittee until a recommendation is made to the Full Council.

2. SUBCOMMITTEE REPORTS

Vice Chair Lemont reported out the following changes to the program for public notice purposes which had been discussed at the Policy and Planning Subcommittee Meeting on May 22, 2012:

Management Procedures Section 4.3 – Schedule of Fees – adding a new section; Section 4.3.10 to require an annual fee for active Transatlantic cables making landfall in Rhode Island

RICRMC Section 210.1 – Coastal Beaches – adding a new section; Section 210.1.C.4(b)(10) to add vehicular management requirements on coastal beaches in coordination with the US Fish and Wildlife Service management and protection efforts for federally-protected beach, nesting birds such a plovers and terns.

RICRMP Section 210.3 – Barrier Islands and Spits – adding a new section; Section 210.C.10 and 11 to cross-reference management policies for vehicular use on coastal areas provided in other sections of the coastal program and to clarify where annual beach vehicle permits are required.

3. STAFF REPORTS

Mr. Fugate reported to the Council on various items:

Roger Williams University published a magazine in which a review was done of the Ocean SAMP and its impact to the nation which indicated that it was a national model for others states to follow in terms of proactive planning.

Rhode Island Seagrant publication was discussed which involved a collaborative project on climate habitation regarding City Park in Warwick. Mr. Fugate stated that CRMC, the City of Warwick, Save the Bay and URI have been working on this restoration project to make City Park more resilient to storms and sea level rise. Mr. Fugate stated that the City reconfigured the beach to make it less erosive.

To fulfill a requirement in the OSAMP, a stakeholder meeting will be held at URI, to discuss the progress of working with researchers to compile a series of projects that potentially are necessary to fill in information gaps that we see in terms of our ability to manage this area. Mr. Fugate informed the Council that the meeting would be on Thursday, June 21st at the Coastal Institute from 6-8 p.m.

4. RATIFICATION BY THE COUNCIL OF THE CRMC STAFF REPORT ON CAD CEL STUDY

Vice Chair Lemont asked for questions/comments regarding the report. Mr. Gagnon stated that he had provided written comments to Mr. Fugate from the RIDEM Water Quality Program and RIDEM Division of Fish and Wildlife. Mr. Fugate stated that the DEM comments would be incorporated into the report and then the report will be sent out. Mr. Hudner motioned, seconded by Mr. Coia, to approve/ratify the report. Motion carried on a unanimous voice vote.

Vice Chair Lemont confirmed attendance of the applicant's for the agenda items. Mr. Chris Feeney was present to represent RIDEM. Mr. Goldman explained to the Council that he had received a request for continuance on the Rhode Island Airport application due to their need to change their proposal. Mr. Goldman stated that after talking to Mr. Fugate and Chair Livingston, it was agreed to hear application at the next Council meeting and to extend the Federal Consistency period in writing.

5. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Mr. Coia motioned, seconded by Mr. Hudner, approval of the minutes from the May 8th Semimonthly meeting. Motion carried on unanimous voice vote.

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

2012-02-080 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – Allow 4 floating docks with tie off piles on the south side of the Alofsin dock (Ft. Adams) and the 1 floating dock on the north side of the pier that were permitted as temporary docks to become permanent. The docks were installed as part the Americas Cup race series and other park improvements. The project includes a modification to the Marina Perimeter Limit to include the new structures. Located at plat 47, lot 2; Harrison Avenue, Newport, RI

Mr. Chris Feeney of Louis Berger Group present for RIDEM. Mr. Gagnon informed the Council that he would be abstaining from the vote for this application. Mr. Feeney was sworn in and identified himself for the record. Mr. Feeney explained that the application was to set up for the America's Cup World Series and that a temporary application to install docks and piers was submitted. Mr. Feeney stated that this application was to leave docks and piles in place long term for the Ford Adams facility, specifically installation of four floating timber docks south of the south pier and one north of the north

pier dock. Mr. Boyd gave a brief overview of the application stating that there would be no obstruction with the navigational channel or any of the other mooring areas. Mr. Boyd stated that CRMC staff had no objections and had recommended approval of the application. Mr. Affigne asked for clarification of the table of essential fish habitat. Mr. deRamel asked for clarification on long term usage. Mr. Feeney stated that Sail Newport had leasehold on the area and the added dockage would be beneficial for future events. Mr. Boyd explained that the facility was a multi-use facility that will benefit the public as a whole. Mr. Feeney confirmed that the facility was not classified as a marina but as a special events facility and that overnight stay is not encouraged but is allowed upon special agreement with DEM for larger events. Mr. Coia motioned, seconded by Mr. Hudner, to approve application. Motion carried on unanimous voice vote.

7. PUBLIC HEARING ON CHANGES TO THE RHODE ISLAND COASTAL RESOURCES MANAGEMENT PROGRAM:

Narrow River Special Area Management Plan (SAMP)

The Council is considering amending Chapter 9 of the Narrow River SAMP in its entirety. Specifically, the prohibition in Section 940.C.1(b) is being amended to provide for development on parcels with available sewer line in cases where limited wetland filling is needed to gain access to the parcel. In addition, a number of technical corrections are proposed for outdated existing text.

Mr. Boyd gave a brief overview of the program changes to the Council stating that the bulk of the changes are housekeeping to bring everything up to contemporary acronyms such as OWTS instead of ISDS. Mr. Boyd stated that the one major change is to allow hook up to a sewer line in lieu of needing to have a septic system approved for a lot to meet the sewage treatment criterion necessary to meet the definition of a buildable lot. Mr. Boyd stated that comments were received from Save The Bay in response to the public notice mailed on March 15th. Mr. Boyd stated that he responded to Ms. Austin of Save The Bay and did not receive further comment. Ms. Rachel Calabro of Save The Bay was sworn in and identified herself for the record as a community advocate for Save The Bay. Ms. Calabro stated that Save The Bay was concerned about the changes as they felt it would open up areas to development that are currently not open to development especially in areas considered lands developed beyond carrying capacity. Mr. Fugate stated that CRMC staff shares Save The Bay's concerns but that it is difficult to uphold a regulation that requires a septic system rather than allowing the use of a sewer system that is far superior in the treatment of pathogens. Mr. Boyd clarified that the proposal as written rarely impacts lands developed beyond carrying capacity as there are few remaining undeveloped lots within these areas.

Vice Chair Lemont closed the public hearing and asked for a motion. Mr. Coia motioned, seconded by Mr. Hudner, for approval of program changes. Motion carried on unanimous voice vote.

8. CATEGORY "A" LIST/ ENFORCEMENT REPORT

None were held.

8. ADJOURN

Mr. Coia motioned, seconded by Mr. Hudner, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 6:30 p.m.

Respectfully submitted,
Lisa A. Turner, Recording Secretary