

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, July 24, 2012 at 4:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

Anne Maxwell Livingston, Chair
Paul Lemont, Vice Chair
Raymond Coia
Ronald Gagnon
David Abedon
Tony Affigne
Jerry Sahagian

Staff Present

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
David Reis, Spv Environmental Scientist
Jim Boyd, Coastal Policy Analyst

Brian Goldman, Esq.

Members Excused

Don Gomez
Guillaume de Ramel
Mike Hudner

1. CALL TO ORDER

Chair Livingston called the meeting to order at 4:00 p.m.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Mr. Coia motioned, seconded by Vice Chair Lemont, approval of the minutes from the June 26, 2012 Semimonthly meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

Vice Chair Lemont read out the following changes for rule making:

RI Coastal Resources Management Program (“Red Book”)

(1) Section 100 – Water Type Matrices/Table 1 – add new activity in the matrix and new footnote in Table 1; *Purpose: To add “limited recreational boating facilities” to the water type matrices and footnote 11 regarding boat launching ramps in Type 2 waters to reflect existing policy in Sections 210.2.C and 300.4.D.6.*

(2) Section 210.2 – Barrier Islands and Spits – modify Sections 210.2.C and 210.2.D, add new Section 210.2.E, and reformat existing Table 4.; *Purpose: To provide new policy and standards for “limited parking areas,” modify prohibitions regarding vehicles and walkover structures on barriers, and reformat Table 4 - list of CRMC-designated barriers.*

(3) Section 300.4 – Recreational Boating Facilities – modify Section 300.4.A, add new definition 300.4.A.4, modify Table 1, and modify Sections 300.4.B.2, 300.4.C, 300.4.D, 300.4.E.3 and 300.4.E.3. *Purpose: To provide for a new category of recreational boating facility within Section 300.4 to be known as “limited recreational boating facilities” on parcels zoned as open space or institutional by a local municipality.*

4. STAFF REPORTS

There were none.

Chair Livingston went through the Agenda for applicant attendance.

5. **Applications Which Have Been Out-to-Notice for 30 days and are Before the Full Council for Decision:**

2012-04-048 CARL JACOBSON -- Construct and maintain a residential boating facility consisting of a 4' x 97'+/- fixed timber pier that leads to a 3' x 18' ramp that leads to a 7.5' x 20' (150 sf) terminal float. The proposed facility is to extend 98' seaward of the cited Mean Low Water mark and therefore a 48' variance to RICRMP Standard 300.4.E.3.1 is sought. Located at plat 69-2, lot 32; 307 Winchester Drive, South Kingstown, RI.

Carl Jacobsen was present. Mr. Reis gave brief overview of the application to the Council stating that the applicant was requesting to build a residential boating facility in Point Judith Pond which required a 48' length variance. Mr. Reis stated that there were no objections or comments received during the public notice period; that there was 3' of water at mean low water which is necessary for the size of boat Mr. Jacobson owned; and that CRMC staff believed the proposed facility to be consistent with the existing docks in the area, and therefore, recommended approval of application. Vice Chair Lemont motioned, seconded by Mr. Coia, approval of the application. Motion carried on a unanimous voice vote.

2012-05-034 RHODE ISLAND FAST FERRY -- Construct and maintain: revision to existing Fast Ferry berthing facility consisting of (1) new 12' x 90' "North Pier" 18' x 20' landing pier, and 8' x 50' gangway to existing 32' x 132' barge; (2) new 8' x 480' timber pier "South Pier"; (3) dolphin pile clusters. Located at plat 186, lot 12; 1347 Roger Williams Way, North Kingstown, RI.

Charles Donadio was present and was represented by Joseph DeAngelis, Esq. Also present was Laura Ernst, Consultant, Russell Titmus, Bourne Engineering, and from QDC, Katherine Trapani and Ed Spinard, PE. Mr. Reis gave brief overview of the application to the Council stating that the applicant was requesting to modify a permit approved in January 2012 to the existing Fast Ferry berthing facilities to consist of one new 12' x 90' "North Pier" with an 18' x 20' landing pier, and an 8' x 50' gangway to the existing 32' x 132' barge (removing the existing 30' x 90' barge); also adding a new 8' x 480' timber pier "South Pier"; and adding dolphin pile clusters. Mr. Reis stated that Mr. Donadio also requested a modification in one the stipulations of his permit granted in January 2012 on discharge of sewage. Mr. Reis informed the council that RI Fast Ferry was attempting to minimize or eliminate ocean discharge of sewage and explained that RI waters extended to the Federal waters which is 3 miles out in the ocean and that discharge of sewage in Federal waters is allowed. Mr. Reis explained the difficulty that the RI Fast Ferry vessels were having as the passenger capacity facility use sometimes overloaded the system prior to the completion of the return trip to Quonset and therefore was asking to be able to discharge on a minimal basis just what was necessary to get them back to the pumpout station. Mr. Reis explained the discharge practices of the Block Island Ferry and suggested the same for the RI Fast Ferry. Mr. Reis stated that the pumpout facility is operational and being used by both RI Fast Ferry boats.

Mr. DeAngelis addressed the Council explaining that Mr. Donadio was requesting a modification to the current assent and for a revision of the assent stipulations by removing the words "limited number of". Mr. DeAngelis stated that as there is no pumpout facility on Martha's Vineyard, during the return trip it is

necessary for the boat to discharge in federal waters to eliminate overflow. Mr. DeAngelis explained RI Fast Ferry procedures of pumpout, levels being monitored by the boat Captains, and reporting back to CRMC, periodically, the coordinates of discharge. Chair Livingston and Vice Chair Lemont both commended Mr. Donadio for his willingness to work with the Council and affect change for the environment. Vice Chair Lemont motioned, seconded by Mr. Coia, for approval of modification with language change as suggested by Mr. DeAngelis. Mr. Gagnon suggested removing original stipulation of RI Fast Ferry needing to update the Council in October, 2012. Mr. Affigne asked for clarification on monitoring of pumpouts and ocean discharges. Motion carried on a unanimous voice vote.

2012-04-063 RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION -- Dredging between piers 1 & 2 to -32' MLW, dredging the approach channel to -32' MLW and along the bulkhead south of pier 1 to -25' MLW. A total of approximately 260,000 CY will be dredged with disposal proposed at the RISDS (offshore). Locate at plat 192, lot 3 & plat 193, lot 4; Pier 2 and approach channels to Davisville at Quonset Business Park, North Kingstown, RI.

Edward Spinard and Evan Matthews were present for Quonset Davisville Corporation. Mr. Goulet gave a brief overview of the dredging project to the Council stating that the dredge material was suitable for offshore disposal at Rhode Island Sound disposal site but not suitable for beach nourishment. Mr. Goulet stated that he included five stipulations in staff report to be included in the assent. Mr. Goulet informed the Council that the QDC has already begun the process of shellfish removal as part of the Water Quality Certification. Mr. Goulet stated that the CRMC staff recommended approval of the application. Mr. Sahagian asked if the applicant was in agreement to staff stipulations. Mr. Spinard stated that they agreed with staff stipulations. Mr. Sahagian motioned, seconded by Vice Chair Lemont and Mr. Coia, for approval of the application with staff stipulations. Motion carried on a unanimous voice vote.

6. Public Hearing on Changes to the Rhode Island Coastal Resources Management Program:

RI Coastal Resources Management Program – Management Procedures:

Revise Section 4.3 – Schedule of Fees; add new Section 4.3.10 as follows:

4.3.10. Transatlantic Cables: Consistent with RIGL 46-23 et. seq. and specifically 46-23-1(f)(2), the fee for transatlantic cables making landfall in Rhode Island shall be set at:

- (a) Forty thousand dollars (\$40,000) per annum per active cable; and,
 - (b) Two thousand five hundred dollars (\$2,500) one time fee per inactive cable.
- (1) The annual fee for existing active cables shall be assessed by the CRMC immediately upon enactment and pro-rated to the calendar year. All such subsequently CRMC-approved active cables shall be assessed at the time of approval and pro-rated to the calendar year. Inactive cable fees are due in full upon enactment.
 - (2) The annual fee shall be due on January 1 of each year.
 - (3) The fee schedule shall be re-evaluated every five (5) years.
 - (4) For purposes of this regulation a transatlantic cable is one that spans or crosses the Atlantic Ocean from Rhode Island to another country other than Canada or Mexico. It resides in, on or over Rhode Island's submerged lands within the state's three-mile limit.

- (5) As further defined herein, an active transatlantic cable is a cable functioning and operating for its intended purposes. An inactive transatlantic cable is a cable which is not active and intended by its record owner to be permanently inactive. Inactive does not include temporary periods of inactivity for maintenance, repairs, replacement or other similar purposes.
- (a) The record owner of an active transatlantic cable that makes landfall in Rhode Island shall provide written notice to CRMC of the record owner's termination of activity of an active submerged transatlantic cable that makes landfall in Rhode Island. Such notice shall be provided to CRMC within 10 days of such termination. Once a cable is considered inactive, the one-time fee shall become applicable in the next calendar year; and,
- (b) The record owner of an inactive transatlantic cable that makes landfall in Rhode Island will provide written notice to CRMC of the record owner's reactivation of an inactive submerged transatlantic cable that makes landfall in Rhode Island. Such notice shall be provided to CRMC within 10 days of such reactivation.
- (c) If there is a change in ownership the record owner shall notify CRMC of the change in ownership and who the new record owner is within 30 days of the change.

Purpose: To require an annual fee for active transatlantic cables making landfall in Rhode Island in accordance with R.I.G.L. § 46-23-1(f)(2).

RI Coastal Resources Management Program - Redbook

Revise Section 210.1.C Coastal Beaches/Policies; add new Section 210.1.C.4(b)(10) as follows :

4(b)(10) - Vehicles are prohibited from entering areas which have been closed through signage and/or roped-off for the protection of beach nesting bird species including Federally-protected Piping Plover and State listed Least Tern. Such closures may occur on a temporary basis from April through August and are established on an as-needed basis by the U.S. Fish and Wildlife Service based on nesting activity in the area. Information regarding such closures may be obtained by calling the US Fish and Wildlife Service at (401) 364-9124 or the CRMC at (401) 783-3370. Vehicles are also prohibited from entering areas closed through signage and/or roped-off to promote dune restoration, invasive species control and dune or beach revegetation efforts.

Purpose: To add vehicular management requirements on coastal beaches in coordination with the U.S. Fish and Wildlife Service management and protection efforts for federally-protected beach nesting bird species, specifically Piping Plovers and Least Terns.

Revise Section 210.2.C Barrier Islands and Spits/Policies; add new Sections 210.2.C.10 and 11 as follows:

10. All policies contained in RICRMP Section 210.1 Coastal Beaches regarding beach vehicle use on coastal beaches shall apply to beach vehicle use on barrier islands and spits.

11. The CRMC does not require annual beach vehicle permits on the barrier spits of Seapowet Marsh and Point Fishing Area and Fogland Beach; both in Tiverton. Both spits are composed primarily of beach cobble and are excluded from an annual beach vehicle permit requirement.

Purpose: To cross-reference management policies for vehicular use on coastal barriers as provided in other sections of the coastal program and clarify where annual beach vehicle permits are required.

Mr. Boyd gave brief overview of the programs changes to the Council. Chair Livingston opened the public hearing on each program change and hearing no comment, closed the public hearing on each program change. Mr. Sahagian motioned, seconded by Mr. Coia, approval of revising CRMC Management Procedures Section 4.3. Motion carried on a unanimous voice vote. Mr. Coia motioned, seconded by Vice Chair Lemont, approval of revise RICRMP Section 210.1.C Coastal Beaches/Policies and adding new Section 210.1.C.4(b)(10). Motion carried on a unanimous voice vote. Mr. Coia motioned, seconded by Mr. Sahagian, the approval of changes to RICRMP Section 210.2.C Barrier Islands and Spits/Policies; adding new Sections 210.2.C.10 and 11. Motion carried on a unanimous voice vote.

7. CATEGORY “A” LIST/ ENFORCEMENT REPORT

None were held.

8. ADJOURN

Vice Chair Lemont motioned, seconded by Mr. Coia, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 4:50 p.m.

Respectfully submitted,
Lisa A. Turner, Recording Secretary