

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Wednesday, July 17, 2013 at 6:00 p.m. in the Corliss Auditorium, URI Bay Campus, South Ferry Road, Narragansett, RI.

Members Present

Anne Maxwell Livingston, Chair  
Paul Lemont, ViceChair  
Raymond Coia  
David Abedon  
Donald Gomez  
Jerry Sahagian  
Tony Affigne  
Guillaume deRamel  
Michael Hudner  
Ronald Gagnon, RIDEM

Staff Present

Grover J. Fugate, Executive Director  
Jeffrey Willis, Deputy Director  
David Reis, Spv Environmental Scientist  
James Boyd, Coastal Policy Analyst  
  
Brian Goldman, Legal Counsel

Members Excused:

Donald Gomez  
Jerry Sahagian

**1. Call to Order**

Chair Livingston called the meeting to order at 6:00 p.m.

**2. Minutes**

Mr. Coia motioned, seconded by Vice Chair Lemont, for approval of the minutes of the previous meeting. Chair Livingston mentioned one correction on attendance. Motion (with correction) carried on a unanimous voice vote.

**3. Subcommittee Reports**

None

**4. Staff Reports**

Mr. Goldman updated the Council on the High Street Right of Way in Jamestown Order and Judgment of June 25<sup>th</sup> which prompted a 20-day appeal period for petition for cert in Supreme Court. Mr. Goldman stated that if the petition for cert was filed he would inform the Council.

Mr. Fugate updated the Council on the following:

- Shoreline Change SAMP meeting which was well attended and included an update on changes to flood insurance program and what that means for RI residents. Another meeting will be scheduled for September.

Mr. Willis read a letter from staff member Kenneth Anderson, who was retiring. Chair Livingston asked that a letter be sent to Ken thanking him for his service to the Council and State of RI.

**5. RI Coastal Resources Management Program – Salt Pond Region Special Area Management Plan  
Add new Section 980 - Experimental Coastal Erosion Control**

Mr. Fugate updated the Council on a meeting that was held with the Town of South Kingstown and CRMC staff. Mr. Fugate stating that a Memo was generated for the Council with the proposed changes that were agreed upon to satisfy the Town. Mr. Fugate stated that a letter was received by the Town of Westerly and that he would call them to straighten out any misconceptions on the proposed regulations regarding seawalls that predated the Council. Mr. Fugate stated that the Town of New Shoreham was requesting that the Council consider a segment of Corn Neck Road for experimental erosion control measure and that CRMC would work with the Town for inclusion at a future time. Mr. Fugate stated that he believed CRMC was in substantive agreement with the Town of South Kingstown and that the proposed regs now included a portion of the Town of South Kingstown beach. Mr. Fugate stated that there was also a recommendation that a member of each Town to sit on the Technical Advisory Board as members that can participate and bring back any discussion to their communities. Mr. Fugate assured the Council that the TAB town rep would be a non-voting member. Mr. Fugate stated that other changes were that the hybrid structures might include stone and plastic and not necessarily biodegradable sand. Mr. Fugate stated that the changes were substantive enough that they needed to go out to public notice. Mr. Goldman concurred with the 30-day public notice.

Steve Alfred, South Kingstown Town Manager, addressed the Council stating that he agreed that the parties were in substantial agreement and that the meeting with the CRMC staff members was productive.

Vice Chair Lemont motioned approval that the changes go out to public notice. Ella Whaley, South Kingstown Town Council President expressed appreciation to the Council leadership and asked for confirmation that the Town member of the TAB would be appointed by the Town Council. Mr. Fugate confirmed. Ms. Whaley stated that they were all in agreement with the proposed changes that would be put out to notice. Vice Chair Lemont's motion was seconded by Mr. Coia. Mr. Fugate also stated that a member of DEM would be sitting on the Technical Advisory Board as well at the request of Mr. Gagnon. Motion carried on a unanimous voice vote.

**6. Application which has been Out-To-Notice for 30 days and is before the Council for Decision:**

**2013-06-118 DEPARTMENT OF TRANSPORTATION -- Conduct Emergency Maintenance repairs, restoration of, and improvements to, the Cliff Walk in Newport, Rhode Island resulting from the damage caused by Super Storm Sandy. The work includes slope protection measures, repair to structural walls, drainage, walkway and safety improvements, and landscaping. This project begins at The Breakers at Ruggles Avenue and continues to Bailey's Beach at Bellevue Avenue. All work proposed falls within the coastal zone and within the jurisdiction of the CRMC (27 locations, total). The repair work at many of the locations consists of repairs to concrete and stone masonry walls, repairs to replacement of walkways, installation of new decorative railings, and landscaping. At three location (Location 16, 26, and 27), the work also involves placement of an "underwall". The underwall is proposed to repair damage to the existing walls, which has resulted in loss of retained fill and subsequent undermining and failure of the walkway, thus creating a serious level of hazards and unsafe conditions for users of the walk. In addition, at Locations 9, 10, 11, 17 and 18, the existing armor stone which was dislodged by the storm will be supplemented, replaced, or repairs. The previous proposal (file no. 2013-03-001) has been modified substantially based on public and CRMC comments. The current proposal has been deemed to qualify for an emergency/maintenance permit by the CRMC. Located at the "Cliff Walk" Ruggles Avenue, Newport, RI.**

Mr. Reis gave a brief overview of the application to the Council stating that the RI DOT applied to the CRMC to conduct emergency maintenance repairs to the Cliff Walk in Newport in 27 areas between Bailey's Beach and Ruggles Avenue resulting from Hurricane Sandy. Mr. Reis explained that an application had been submitted by RIDOT that generated a large volume of objections from the public and the DOT withdrew their application and reapplied for a maintenance application with a very scaled down approach to reconstruction of the Cliff Walk. Mr. Reis stated that a previous concern of the project was construction access and specifications which were addressed by RIDOT in their new application. Mr. Reis stated that would no longer be building buffer dams and using access location primarily from land and will have ramp and timber cribbing for access to shore from land. Mr. Reis stated that barges would not be allowed to anchor for long periods of time and would be moved off the shoreline each day. Mr. Reis stated that staff reviewed the application and deemed it maintenance activity and recommended approval of the project.

David Capalbo, Project Manager of the RI Department of Transportation, thanked the Council for their time and stated that they had several public meetings to alleviate concerns by the public. Mr. Capalbo stated that he would answer Council questions.

Mr. deRamel asked for confirmation that the concerns regarding the Ruggles Ave portion of the project have been alleviated. Mr. Capalbo stated that the armor stone within the tidal area had been removed from the project scope. Mr. deRamel asked about maintenance easements from owners throughout the Cliff Walk. Mr. Capalbo stated that there were two private access temporary use agreements (Rough Point and Rosecliff) that were given for the original project. Mr. Capalbo stated that RIDOT had not approached any other parties regarding access. Mr. deRamel asked if the funding being used for the construction would not be available at a later date if other work that was necessary was not done at this time, specifically maintenance work in the vicinity of the property called Miramar. Mr. Capalbo stated that there would be opportunities using the Federal Highway funding in the near future and for the next few years. Mr. deRamel talked specifics of the Miramar project with Mr. Capalbo regarding the knee-high timber retaining wall, passage rights for construction and the possibility of funding in the future if the project was not incorporated into this maintenance application. Mr. deRamel stated his concern that the Cliff Walk was a big economic impact to the City of Newport and was hoping to explore all areas that could potentially be incorporated into the scope of the project. Mr. Reis stated that he understood what the issue was and offered to the Council that maintenance permits could be issued as needed to address some of the other areas. Mr. Reis stated that if the project is on the landward side of the walk, the property owner would have to be the applicant or would have to grant an easement to the property which is a lengthy process and could not be included with this project. Mr. deRamel asked that it be investigated further. Mr. Fugate offered to contact RIDOT Director Michael Lewis the following day to see if there are funds available for other Cliff Walk maintenance projects. Mr. deRamel stated that he would like to see RIDOT increase the scope of the Cliff Walk project.

Mr. Drew Carey, Newport resident and a marine geologist and ecologist, was sworn in and identified himself for the record. Mr. Carey addressed the Council representing the Clean Ocean Access organization which objected to the use of armor stone on bedrock to protect a natural trail.

Chair Livingston thanked everyone for their participation and asked for a motion. Mr. Coia motioned approval of the project with a second from Mr. Hudner. Motion carried with a 5 to 1 vote (Mr. deRamel opposed) and one abstention (Mr. Affigne).

## **7. Public Hearing on Changes to the Rhode Island Coastal Resources Management Program:**

### **RI Coastal Resources Management Program - Ocean Special Area Management Plan (SAMP)**

**Revise Section 560.1.8 in Chapter 5 - Commercial and Recreational Fisheries (Section 560 Policies and Standards) & Revise Section 1150.4.8 in Chapter 11 - The Policies of the Ocean SAMP (Section 1150 General Policies)**

Mr. Boyd gave a brief overview of the proposed changes to the Council stating that the two changes were identical and would clarify the composition of the Fisheries Advisory Board and their voting procedures. Mr. Boyd stated that the changes were requested by the Fisheries Advisory Board. Mr. Boyd stated that the rule change went out to public notice on June 3, 2013 with not comments received. Mr. Boyd stated that CRMC staff recommended approval of the changes. Hearing not comments from public or Council, Mr. Coia motioned to close the public hearing with a second from Vice Chair Lemont. Motion carried. Mr. Coia motioned, with a second from Vice Chair Lemont, for approval of the program changes. Motion carried on unanimous voice vote.

**Management Procedures: Add New Section 15 – Access to Public Records**

Mr. Goldman gave an overview of the proposed changes to the Management Procedures stating that the addition of the new Section for Access to Public Records was in response to changes made during the Legislative session of 2012 requiring to have written policies in place. Mr. Goldman stated that the policy was written by John Longo, CRMC Legal Counsel, and was modeled after a policy from the Attorney General's office. Mr. Goldman stated that it was wise of the Council to follow the Attorney General's guidance in approving this policy. Chair Livingston asked if staff would receive training in the APRA procedures. Mr. Willis stated that the Attorney General holds a training seminar once or twice a year for officials to implement the regulations. Mr. Coia motioned to close public hearing with a second from Mr. Hudner. Motion carried on unanimous voice vote. Mr. Coia motioned to adopt changes, seconded by Mr. Hudner. Motion carried on unanimous voice vote.

**3. ADJOURN**

Vice Chair Lemont motioned to adjourn, seconded by Mr. Coia. Motion carried on a unanimous voice vote. Meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary