

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 14, 2014 at 6:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

Anne Maxwell Livingston, Chair
Paul Lemont, Vice Chair
Ronald Gagnon, RIDEM
Don Gomez
Joy Montanaro
Jerry Sahagian
Paul Beaudette

Staff Present

Grover J. Fugate, Executive Director
Jeff Willis, Deputy Director
David Beutel, Aquaculture Coordinator
Brian Goldman, Legal Counsel

Members Excused:

Raymond Coia
Mike Hudner

1. CALL TO ORDER

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Vice Chair Lemont motioned, seconded by Don Gomez, for the approval of the minutes of the meeting of September 23, 2014. Motion carried on a unanimous voice vote.

3. SUBCOMMITTEE REPORTS

Mr. Goldman reported on the Kevin and Suzanne Delane Subcommittee recommendation (CRMC File No. 2013-10-026) on a regulatory rule change to the SAMP lands of critical concerns. Mr. Goldman asked that it be scheduled on a subsequent agenda. Vice Chair Lemont motioned, seconded by Mr. Gagnon, to have it scheduled on an upcoming agenda. Motion carried on a unanimous voice vote.

4. STAFF REPORTS

Mr. Fugate informed the Council of the following:

October 20, 2014 there will be a meeting with the Director of National Ocean Council in RI to discuss the Ocean SAMP as the document has become the lead program in the country that other states will follow. The meeting will be at the URI Bay Campus.

November 17, 2014 there will be a function covering the shellfish management plan which is a joint effort between the CRMC, CRC and DEM. Mr. Beutel will notify the members of the specifics.

October 22, 2014 there will be a Beach SAMP Stakeholder meeting to discuss sea level affecting salt marsh (Impacts to Salt Marshes)

Governor Chaffee declared October as Salt Marsh month recognizing CRMC efforts in salt marsh management.

Mr. Goldman informed the Council of the following:

CRMC received a favorable decision in the case of Save The Bay vs. CRMC and 420 Corp. The CRMC decision to allow the moving of the house on the property was appealed by Save The Bay and on September 29, 2014 the Court affirmed the CRMC decision to allow him to move the house.

Mr. Goldman updated the Council on the Misquamicut Beach ROW court process and the Matunuck Beach case.

5. Applications which have been Out-To-Notice and are before the Full Council for Decision:

2014-05-095 BARRINGTON YACHT CLUB – Expand the existing Marina Perimeter Limit by “rounding off” the existing MPL and to reconfigure the berthing within the MPL. The expanded MPL will be approximately 3.3 Acres (versus 3.0 currently approved) and the requested increase in the number of vessels will be 105 from the currently authorized 85. Located in the Barrington River at plat 27, lot 91; 25 Barton Avenue, Barrington, RI.

Mr. Willis gave a brief overview of the application to the Council explaining that the yacht club was requesting to expand the existing marina by 1/3 of an acre which would include the reconfiguration of the marina perimeter limit and a change in boat count to 105. Mr. Willis explained that the staff asked the yacht club to not two of the boats bringing the boat count down to 103. With the boat count down to 103 in the boat count increase is less than a 25% percent increase making a public access plan not required. Mr. Willis stated that a variance to the pump out facility was being requested. Mr. Willis explained that in the CRMC regulations two pump out facilities were required for a boat count of 101 to 200 but staff felt that two extra boats did not seem such a hardship and an additional pump out may not be necessary. Mr. Willis explained that staff recommended approval of application with changes. Mr. Willis confirmed for Mr. Affigne that the main change would be to turning the dinghy docks into more conventional docks for larger boats and moving the dinghies to back. The marina perimeter line does not change much.

Robert Manchester was sworn in and identified himself on the record as the Commodore of the Barrington Yacht Club. Mr. Manchester explained the project and the difficulty in providing public access.

Chair Livingston asked about the Audubon Society’s letter regarding the pump-out station. Gus Kreuzcamp, of Harbor Engineering, was sworn in and identified himself for the record. Mr. Kreuzcamp explained that there was a pump out facility at the marina and that 36-37 of the boats have holding tanks themselves and that there were other pumps in the area.

Mr. Sahagian motioned, seconded by Vice Chair Lemont, for the approval of the modified application with staff stipulation and a vessel count of 103.

2014-04-106 BENJAMIN and DIANE FRANFORD -- Construct and maintain: a 1.55 acre oyster aquaculture farm west of Jonathan Island in Point Judith Pond using three methods: bottom plant; cages; and rack and bag. Located in Point Judith Pond, 1 Jonathan Island, Narragansett, RI.

Mr. Beutel gave a brief overview of the 1.55 acre oyster aquaculture application to the Council explaining that the preliminary determination had received objections from fishermen so the applicants modified the area to address the objections of the fishermen. Mr. Beutel stated that the open shellfish areas could still be accessed even with the aquaculture lease area. Mr. Beutel stated that in their assessment of the site, they found a low shellfish count as did DEM; so he did not feel the lease would have an affect on wild harvest. Shellfish Panel and the Marine Fisheries Council found that there would be no affect on wild harvest fisheries. Mr. Beutel explained the main points of the objection stating that it was felt that the lease would inhibit use of shellfish grounds for wild harvesting and that the cages would provide a navigational hazard. Mr. Beutel stated that if the farm was moved to the west a bit, it would still provide access for wild harvesting. Mr. Beutel explained that the applicant's adjusted their aquaculture methods with the water depth which was from 8' to a 1.5'.

Diane Franford and Ben Franford were sworn and identified themselves for the record stating that they lived on Jonathan Island on the weekends and not at all during December, January and February. The Franfords stated that they had received their RI Shellfish License and certification through Roger Williams University and are active in shellfishing. Mrs. Franford stated that they area active in the Roger Williams OGRE program which allows for shellfish growth under their dock for shellfish revitalization.

Douglas DeSalvo and Steve Yankocy were sworn in and identified themselves for the record as licensed RI shellfishermen. Both men were objecting to the lease due to the location and the limitation it would cause to the wild harvesting of shellfish. Both men were concerned as there was a limited amount of hard bottom in the area which is the best for shellfishing and even though the site was not a heavy producer of shellfish at the time, historically it is a good area.

Mr. Beutel confirmed that less than 3.3% of Point Judith Pond was used for aquaculture. Mr. DeSalvo was concerned that a large portion of the aquaculture in the pond uses a large amount of the hard bottom workable areas.

Mr. Affigne suggested that the line closest to the shore me move more west to give more access. There was discussion on the best areas in the pond and best methods to use for aquaculture; such as shallow water and the benefit of sunlight.

The Franford's agreed to modify the lines of their aquaculture lease.

Vice Chair Lemont motioned, seconded by Mr. Affigne, for the approval of the application as modified and with stipulations as submitted by staff.

Motion carried on a unanimous voice vote.

6. IN RE: DEEPWATER WIND BLOCK ISLAND, LLC – CRMC FILE NO. 2012-09-065
Discussion and/or acceptance of submerged land lease and escrow agreement

Mr. Goldman explained that there were still terms that needed to be ironed out and therefore asked for continuance to discuss in Executive Session.

- 7. Executive Session** pursuant to RIGL 42-46-5(a)5 – Leasing of public property
Mr. Beaudette motioned, seconded by Vice Chair Lemont, to go into Executive Session. Motion carried unanimously on a roll call vote.

Respectfully submitted,
Lisa A. Turner, Recording Secretary