

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, September 22, 2015 at 6:00 p.m. in Conference Room A of the Administration Building, One Capitol Hill, Providence, RI.

Members Present

Anne Maxwell Livingston, Chair  
Paul Lemont, Vice Chair  
Ron Gagnon  
Raymond Coia  
Tony Affigne  
Jerry Sahagian  
Paul Beaudette  
Don Gomez

Staff Present

Grover J. Fugate, Executive Director  
Jeffrey Willis, Deputy Director  
David Reis, Spv Environmental Scientist  
David Beutel, Aquaculture Coordinator  
  
Brian Goldman, Legal Counsel

Members Excused

Joy Montanaro  
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**

Chair Livingston called for approval of the minutes from the previous meeting.

Vice Chair Lemont motioned for the approval of the minutes from the September 8, 2015 Semimonthly meeting; seconded by Mr. Coia. Motion carried on unanimous voice vote. Paul Beaudette abstained.

3. **SUBCOMMITTEE REPORTS**

None heard

4. **STAFF REPORTS**

Mr. Fugate informed the Council on the following:

- Meeting on the 29<sup>th</sup> Stakeholder Presentation “Shored Up” movie documentary
- Marine Spatial Planning Conference at the Graduate School of Oceanography on October 6<sup>th</sup> RI – 3 presentations on the Ocean SAMP – Council Members who want to go let Grover know. Speakers from all over the world, CRMC Co-sponsoring.

Mr. Goldman reported on:

- At meeting on 09-08-2015, the ROW Subcommittee voted to recommend to the Council to approve the designation of the Ferry Road, Bristol ROW

Mr. Beutel reported to the Council on the following:

- He was invited to participate at the Virginia Coastal Zone Management Program where he was invited to work with them and government officials working with their fishermen on their first wind energy area.
- **Sun Farms on Block Island** -- Mr. Warfel was instructed to bring his three acre aquaculture lease located in Trims Pond into compliance. Mr. Beutel met with Mr. Warfel and the Block Island Harbormaster within one week from the prior meeting. Mr. Warfel was clear on what needed to be done. Mr. Beutel made a compliance check 22 days after his meeting with Mr. Warfel and the lease was still not in compliance. Mr. Warfel had two platforms on the lease, one of the platforms larger than approved. Mr. Beutel stated that the gear was neater but not orderly and the corner markers were not in the correct locations. The five other platforms that were relocated were put on his other leases. Mr. Warfel's Harbor Pond lease now has five platforms that are not in compliance dimensionally.
- Mr. Beutel suggested that the Council move to revoke both leases.
- Mr. Goldman explained that he and Mr. Beutel would put together the necessary documentation to bring back before the Council for their review and consideration for revocation.
- Mr. Goldman explained that reasonable notice should be given for the review for. Chair Livingston stated that it seemed like we need to do that as Mr. Warfel has been given substantial warning.

#### **Report – Deepwater Wind, LLC -- update from Ted Hofbauer, CVA**

Mr. Hofbauer, CVA for the Deepwater wind project gave a presentation to the Council updating them on the Deepwater wind project. Mr. Hofbauer stated that since the last meeting, the recommendations for safety procedures had been followed with improvement in safety sweeps, safety representatives on all vessels, and Safety committee meeting regularly. Mr. Hofbauer stated that there was very positive feedback from the crew.

Mr. Hofbauer explained that there was a crane assessment made and it was decided to add the jackup lift boat Robert to the vessels to move forward for a more stable installation vessel. Mr. Hofbauer stated that the Robert was much more suitable for this type of work.

Mr. Hofbauer reported on Safety initiatives:

- The Manitowoc crane needed repair after it was damaged during a lift. They are waiting to see the repair report which will be coming in the near future. Lighting issues on the cranes are being corrected as well.
- The slings on one of the hammers were tested when a hammer hit a soft spot and the pile went in almost nine meters. Working with DWW to make sure the slings are tested.

Rain Byars, Project Manager reported on the following Quality issues:

- Jacket leveling: all installed with preliminary leveling prior to setting piles and then level through the piling process.
- Welding: ABS needs documentation on who is welding on each leg.
  - Preheating – temperature not being measured in the documentation; not being done in accordance with the sensors. A rod oven is not being used to chase the moisture out of the welding material before use. Deviation in process and looking for an explanation as to why. All welds are being 100% UT tested and all welds are perfect; not requiring repair. Questioning

equipment used to test. – Would like more information on this process. Also need documentation on the traceability of the welding rods and what location on the jacket they are being used on. Welds are being ground with grinder leaving a rougher surface rather than a wire brush. Procedures and drawings not available in the office; not available to crew.

- Don Gomez expressed his extreme concern regarding lack of documentation of procedures; and stated that every issue mentioned in a very serious issue especially regarding the welding issues.
- Ms. Byars confirmed that all five jackets are in the water and confirmed that the damaged jacket was fixed properly. Piles have been stabbed on all the jackets but driven only on two. Ms. Byars described the welding process of bottom pile section welded to the middle pile section. Ms. Byars stated that the welds will have no exposure to the environment. Ms. Byars expressed concern for the need for welding documentation. Mr. Fugate stated that the piles are rated for design life which is longer than the twenty years of the project life.

Mr. Hofbauer stated that they were not saying that the documentation does not exist; just haven't seen it and would like to confirm procedural compliance.

Mr. Beaudette questioned why standard procedures are not being adhered to. Ms. Byars stated that the welding procedures are documented in the FIR and that ABS is looking into deviation of procedures.

Mr. Affigne asked if it is normal to have so much key equipment not functioning or not available. Ms. Byars explained again that this information may be documented and they are awaiting the documentation. Ms. Byars stated that when issues arise they do not have the authority to stop the workers unless it is a safety issue.

Mr. Hofbauer stated that the way to alleviate concerns is to be given the correct information so that it can be ascertained; even if documentation is 100% situations can still occur. Welds being verified on the back end. Mr. Hofbauer stated that all the welds are being verified on the back end.

The Council members are concerned that structural issues will come out of not following procedures correctly and ask for recommendations on how to move forward at this point.

Mr. Goldman confirmed that the CRMC has the authority to stop the project in the event that procedures continue to be disregarded which lead to structural issues.

Mr. Affigne clarified that all of the issues were from the Weeks organization's end and asked if there was a problem with management relationship between DWW and Weeks. Mr. Hofbauer could not speak to the management relationship but reiterated the need to make sure the process is being followed properly.

Presentation continued showing the Council the Installation sequence

- Jacket 1 on the way to being completed
- Jacket 2 and 3 ready for platform
- Jacket 4 – runaway pile
- Jacket 5 – on way to being completed

The Council was informed that the Roberts barge is located off of Dutch Island, past the bridges by Mr. van Beek

Ms. Byars talked to the Council about the Wind Turbine Fabrication stating that the components were being manufactured in different locations, Denmark, France, Spain, China, Germany and Belgium. ABS has been asking Alstom for information regarding the fabrication and it has not been received as of yet.

Ms. Byars explained that the Jackets will be completed within the next few weeks and the decks will be welded on top. Ms. Byars stated that there are no issues with the pitch system but there is a documentation issue that is ongoing with Alstom but that DWW has recently hired a quality manager and things have improved. However, the inspections started from the middle of production of the components.

Ms Byars explained that the next steps would be to continue with installation; wind turbine fabrication and cable fabrication. Also, will to continue with the verification of the manufacturing of the turbines.

Mr. Beaudette asked if ABS would continue to make updates to CRMC, to request information and to rely on DWW to resolve these issues. Mr. Hofbauer stated that the contractual relationship is with CRMC not with Alstom or Weeks. Mr. Hofbauer informed the Council that they keep Mr. Fugate informed on a weekly basis and as needed. Mr. Goldman stated that there is a mechanism in place to fix items through CRMC.

Attorney Robin Main was present for Deepwater Wind along with Chris van Beek.

Ms. Main informed the Council to that they are is a lot of interaction with ABS and Deepwater on a constant basis but there is a timing sequence. Ms. Main stated that the welding report had come out that day and they had not had the opportunity to interact and discuss the issues.

Mr. van Beek defended the UT testing for the welding stating that if there were issues there would be cracking and inclusions. Mr. van Beek stated that the welders are certified and have gained their experience in the Gulf of Mexico and that weld procedures have been done and test welded. Mr. Gomez asked him why they were not following process. Mr. van Beek stated that the process is being followed but they are waiting for paperwork to verify which is being worked on.

Mr. Hofbauer clarified that they are not saying that anything is wrong just that the information is not being presented to show the process that is being followed. They are just looking for the FDR and FIR to be adhered to.

Mr. van Beek stated that even though they are not on the site they can be reached at any time and if there is an issue they can stop work right away. Mr. van Beek explained their timeframe stating that they are currently one month behind but that it can easily be absorbed later on in the construction process.

Mr. van Beek stated that Alstom will provide the information required through the quality manager.

Ms. Main confirmed that she is available at any time to answer questions.

## **5. APPLICATIONS REQUIRING PUBLIC HEARING FOR SPECIAL EXCEPTION:**

**2015-04-109 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- Construct and maintain a public recreational boating facility consisting of a 24' x 80' concrete boat ramp, four 6'x 20' groundout floating docks extending adjacent to the ramp, a 6'x 40' fixed pier and 4'x 40'**

**aluminum gangway leading to a 10'x 20' and 6'x 20'float perpendicular to the boat ramp. Utilizing dredged material from the boat ramp construction, approximately 7300 square feet of salt marsh will be restored in the area utilizing a living shoreline technique. In addition, the existing gravel parking area will be paved; a swale and sand filter basin will be installed to treat stormwater runoff. Special Exceptions will be required to CRMP Section 300.9.D.2 (dredging in Type 1 waters), Section 210.3D.1 (alterations to salt marshes abutting Type 1 waters) and Section 300.12.D.1 (alterations to coastal wetlands abutting Type 1 waters). The project is located at plat 206, lot 1; 1095 Ives Road (Goddard Park Boat Ramp) in Greenwich Cove, Warwick, RI.**

Mr. Reis gave a brief overview of the application to the Council stating that the DEM has provided responses to the special exception criteria, demonstrating that it serves a compelling public service, have demonstrated that all reasonable steps have been taken to minimize impacts and that there is no reasonable alternative for servicing a compelling public purpose. Mr. Reis stated that it is an existing facility and staying on the same location. Mr. Reis stated that CRMC staff has no objection to the granting of the special exception or the approval of the application.

Mr. James McGinn, Division of Planning and Development was representing the Department of Environmental Management.

Chair Livingston opened the public hearing for the special exception. With no comments heard, Chair Livingston closed the public hearing.

Mr. Beaudette stated that he found the project acceptable but questioned the paving of the parking area and asked for alternative.

James McGinn was sworn in and identified himself for the record. Mr. McGinn stated that DEM had over the last 15-20 years developed boat ramps in different geographic locations, and developed facilities in our state parks. Mr. McGinn stated that Goddard Park always been the one that has been difficult to develop. Mr. McGinn stated that they decided to dredge after dredging feasibility study was done. Mr. McGinn also stated that all parking started with gravel parking lots which are difficult to maintain and DEM has limited staff. So they decided to pave lots and have had good luck in the past. Mr. McGinn stated that the paving was designed according to stormwater manual so that stormwater will be collected which satisfied CRMC staff and they feel it is designed in accordance with regulations and procedures.

Mr. Gomez stated he was in favor of the application, that it was exceptionally well done and the he thought it was a win win.

Mr. Reis explained that compacted gravel is about as impervious as pavement because gravel becomes impervious. Mr. Reis explained that the stormwater will run into a vegetated swale and then to the boat ramp so as to not run into salt marsh. Mr. Reis state that in his opinion, paving with a slope is a better way to go. Mr. Reis stated that with maintenance of sand filter system there will be pretreatment of 25% of water. Mr. Reis explained that it was easy to maintain the sand filter through excavation which is not needed often because of pretreatment.

Mr. Sahagian stated that with DEM, the applicant, proving compelling public purpose, he motion ed granting of the special exception. Mr. Gomez seconded.

Mr. Goldman called a roll call vote:

Mr. Sahagian                      Yes

Mr. Gomez	Yes
Mr. Beaudette	No
Mr. Gagnon	Abstained
Mr. Affigne	Yes
Vice Chair Lemont	Yes
Chair Livingston	Yes

Mr. Goldman stated five to one in the affirmative with one abstention,

Mr. Gomez motioned to approve of application with all staff stipulations. Vice Chair Lemont seconded.

Mr. Affigne asked for clarification on the treatment filter. Mr. Reis stated that the filter captures the volume of runoff per regulations. Mr. Reis stated that the first inch of runoff contains the pollutants so once the water quality volume is treated, anything beyond the first inch is clean

Motion carried with one opposition from Mr. Beaudette and one abstention from Mr. Gagnon

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

**2015-06-088 CHRISTINA B. STRICKLER -- Install a private residential sewer hookup to an existing sewer line located on Ash Street. The project is a Watershed Activity to be conducted within Lands of Critical Concern of the Narrow River SAMP. Located at plat 43-4, lot 34; 210 Ledge Road, South Kingstown, RI.**

Mr. Reis gave a brief overview of the application stating that the reviewing staff members are ok with the application as is the Town of South Kingstown. Mr. Reis explained that the applicant has the approval from RIDEM for a septic system and it is within 500 feet of an existing sewer line. Mr. Reis stated that based on the applicant meeting all the criteria, staff does not have an objection. Mr. Reis stated that there were a number of objections received during the notice period. Mr. Reis confirmed that CRMC had limited jurisdiction on the project and can review only the sewer line extension. Attorney Marisa Desautel was present representing the applicants. Ms. Desautel reserved presentation until after the objectors spoke.

Objectors were sworn in and identified themselves for the record.

Richard Wallace expressed concern regarding the blasting and runoff during storms. Mr. Reis stated that the area would be restored with vegetation and soil erosion would be controlled by the Town.

Linda Wallace expressed concern regarding the restoration timeframe. Mr. Reis stated that applicant would wait to do the project using proper sediment controls and would wait for growing season.

Ms. Desautel stated that their anticipated start time would be next summer. Ms. Desautel explained that the project was designed by an engineer according to the Stormwater manual. Ms. Desautel assured the abutters that all sediment controls would be used to alleviate runoff – trenches backfilled nightly and hay bales installed to insure flow directed away from trench.

Ms. Desautel stated that the applicant had reviewed CRMC staff recommendations and agree to them. A Deed restriction recorded to ensure future development and subdivision will not take place.

Mr. Reis stated he will stipulate for growing season

Mr. Sahagian motioned approval of application with staff stipulations and that construction will allow for adequate stabilization. Vice Chair Lemont seconded.

Motion carried on unanimous voice vote.

**2013-08-110 CLAMBAKE CLUB OF NEWPORT – Construct slope stabilization for the Clambake Club of Newport. Slope stabilization will consist of armor stone fronted by a small reinforced concrete toe wall to resist sliding of stone. Also, remainder of slope will be planted with vegetation to the top of the coastal bluff. The Clambake Club is recognized as a Historic Building (registration #95001267) and abuts RICRMP designated Type 1 waters (conservation area). Shoreline protection facilities abutting Type 1 waters may be allowed to protect historic structures which are currently in the National Register of Historic Places (ref. RICRMP Table 1, footnote #8). Located at plat 122, lot 139; 353 Tuckerman Avenue, Middletown, RI.**

Mr. Reis gave brief overview of application explaining that the project is to construct slope stabilization for the Clambake Club of Newport consisting of armor stone and structural protection. Mr. Reis stated that there is an exception in the CRMP to protect historic structures that are registered in the National Register of Historic Places. Mr. Reis stated that after working very closely with the applicant and looking at different methods, staff has no objection to the project.

Mr. Sahagian asked the applicant if they agree with staff stipulations. With agreement from the applicant, Mr. Sahagian motioned approval of the application. Vice Chair Lemont seconded.

Motion carried on unanimous voice vote

## 7. ADJOURN

Paul Beaudette motioned, seconded by Vice Chair Lemont motioned, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary