

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, June 09, 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
Joy Montanaro
Jerry Sahagian

Staff Present

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
David Reis, Spv Environmental Scientist
David Beutel, Aquaculture Coordinator

Brian Goldman, Legal Counsel

Members Excused

Mike Hudner
Paul Beaudette
Donald Gomez

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. Mr. Coia motioned for the approval of the minutes from the May 26, 2015 Semimonthly meeting; seconded by Vice Chair Lemont. Motion carried on unanimous voice vote.

3. **STAFF REPORTS**

Mr. Fugate informed the Council on the following:

- New England Regional Ocean Planning body met on June 3-4, 2015. Possible Regional Ocean Plan ready for adoption by the Fall of 2016.
- CRMC staff participating in the Metcalf Institute Annual Science Forum which will include 8 journalists from UMass and 2 international participants.
- The Ronald Baird Symposium to be held in October on Marine Spatial Planning and international marine spatial planning. Council invited to participate on October 6th.
- The latest issue of a periodical called Marine Policy had an article evaluating the success of several marine spatial planning programs and RI was one of the programs focused on – it was noted as being highly successful.
- Mr. Fugate gave an update on Spectra and FERC stating that the information provided seemed to indicate that there would be very little impact to the coastal region and we're fighting consistency with that. Letter sent today and cc'd to the Council.

Mr. Goldman informed the Council on the following:

- The first lease payment of \$150,000 was received on June 2, 2016 from Deepwater pursuant to the terms in the submerged lands lease.

4. **SUBCOMMITTEE REPORTS**

None

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

2014-12-056 ANTONIO & JOSEPH PINHEIRO -- a 2.07 acre cage culture oyster farm located in Dutch Harbor, Narragansett Bay, Jamestown.

Mr. Beutel gave a brief overview of the application to the Council stating that the two acre aquaculture site located in the northern part of Dutch Harbor in Jamestown would be in Type 1 waters and growing oysters in cages in shallow water, up to 7 feet deep. Mr. Beutel stated that he did not have issues with the method of aquaculture – trawls and cages. Mr. Beutel stated that there were no objections during the review process but that DEM requested that the site be moved 40’ further offshore which needed to be approved by the Council as the application was already in process. Mr. Beutel stated that he worked with the applicant and DEM to set up new coordinates and RIDEM is okay with them. Mr. Beutel stated that staff had a concern regarding the 100-pound concrete anchor at the end of each trawl line. Mr. Beutel stated he is not convinced that the 100lb anchors are sufficient to hold a trawl of nine cages in really shallow water. Mr. Beutel stated that he would stipulate the new coordinates and also that if the anchors moved during a storm event they would be replaced with screw anchors which are much less likely to move. Mr. Beutel would inspect the site for movement.

Joseph Pinheiro and Justin Pinheiro were sworn in and identified themselves for the record. Mr. Justin Pinheiro stated that his father was Antonio Pinheiro but that he could not be present. Mr. Justin Pinheiro stated that their boat would launch from Fort Getty Pier to service the site. Mr. Justin Pinheiro confirmed that he had a permit to use the Pier.

Vice Chair Lemont motioned, seconded by Mr. Gagnon, for the approval of the application with both of Mr. Beutel’s stipulations.

Motion carried on a unanimous voice vote with one abstention by Mr. Affigne.

2014-12-028 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- Construct segment 1A of the Blackstone River Bikeway. The Blackstone River Bikeway is a continuous eighteen mile public bike path which, upon completion, will run from India Point Park in Providence generally north and west passing through the communities of Providence, Pawtucket, Central Falls, Cumberland, Lincoln, Woonsocket and North Smithfield.

Mr. Reis gave a brief overview of the application to the Council stated that both RIDEM and RIDOT were co-applicants to construct a segment of the Blackstone River Bikeway. Mr. Reis stated that once completed, the contiguous bike path will run from India Point Park in Providence north through Providence, Pawtucket, Central Falls, Cumberland, Lincoln, Woonsocket and North Smithfield. Mr. Reis stated that this portion of the project would require the filling of tidal waters for a 75’ long section of the bikeway – approximately 2500 s.f. of fill in the Seekonk River. Mr. Reis explained that the project required a variance for stormwater treatment standards. Mr. Reis stated that the application may require a special exception for filling of Type 4 waters in a small area of coastal wetland. Mr. Reis stated that staff evaluated the application based on the Special Exception and believes that it meets the

Special Exception criteria because it is a public infrastructure and serves a compelling public purpose. Mr. Reis stated that the applicants worked with staff to minimize all environmental impacts. The Council reviewed the plans. Mr. Reis stated that the staff recommended approval.

Chair Livingston asked if there were objections to the file. Mr. Reis stated that the objections received were in regard to the potential of sea level rise affecting the bike path. Mr. Reis stated that a recent report referenced this area as was within the 100-year flood boundary with the potential to be flooded during larger storms. Mr. Reis stated that staff felt that there would not be a significant impact.

Mr. Reis explained the meeting of the criteria of the special exception citing compelling public purpose and filling in Type 3 waters. Mr. Fugate confirmed that public use of area would qualify the project for a special exception. Mr. Reis explained that there was no other reasonable alternative for the location of the project and that the environmental impact was minimized.

Eugenia Marks from the Audubon Society was sworn in and identified herself for the record. Ms. Marks expressed her concerns regarding the expenditure of public funds but stated that she supported the staff report for the project.

Vice Chair Lemont motioned for the approval of the special exception with a second from Mr. Coia. Roll call vote by Mr. Goldman. Mr. Gagnon and Mr. Affigne abstained from the vote.

Ms. Montanaro	Yes
Mr. Sahagian	Yes
Mr. Coia	Yes
Vice Chair Lemont	Yes
Chair Livingston	Yes

Motion carries with 5 in favor and two abstentions.

Vice Chair Lemont motioned for approval of the project with a second from Mr. Sahagian.

Motion carried on a unanimous vote with two abstentions from Mr. Gagnon and Mr. Affigne.

After a brief recess the meeting was reconvened and Chair Livingston stated that two applications, Sun Farm Oysters and Hang Ten, LLC had requested and were granted continuances.

6. In the matter of CRMC Assent No. B2012-09-065 Deepwater Wind, Block Island, LLC:

Ted Hofbauer gave an update to the Council regarding the Block Island Wind Farm and the current status of the activities related to the verification for the Facilities Design Report and the Fabrication Installation Report.

7. ADJOURN

Vice Chair Lemont motioned, seconded by Mr. Coia, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary