

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, April 28, 2015 at 6:00 p.m. in Cafetorium, Pell Elementary School, 35 Dexter Street, Newport, RI.

Members Present

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

Staff Present

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

Members Excused

Mike Hudner  
Joy Montanaro  
Jerry Sahagian

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 approval of minutes from April 14, 2015; seconded by Mr. Coia. Motion carried on unanimous voice vote.

3. **STAFF REPORTS**

Mr. Fugate informed the Council on the following:

- A Deepwater Wind press event was held that day, as reported in the Providence Journal, for the construction of the pieces that will be fabricated in RI. Mr. Fugate explained that it will be a two part approval process – the first being the Towers installation this summer and then the Mast and Nasal added on in 2016 summer; with the final engineering the next year. Mr. Fugate explained that the Council would be seeing the tower design for approval at the CRMC May 12<sup>th</sup> Semimonthly meeting.
- BOEMRE is holding a meeting in Massachusetts on April 29<sup>th</sup> regarding the area of mutual interest. Mr. Fugate stated that he would be attending and that Deepwater is starting to look at moving to file a Site Assessment Plan. Mr. Fugate stated that deployment of two meteorological buoys would be deployed to gather wind data for three years.

Chair Livingston asked for full participation from Council for May 12<sup>th</sup> meeting.

4. **SUBCOMMITTEE REPORTS**

None

5. **APPLICATION REQUESTING MODIFICATION OF ASSENT BEFORE THE FULL COUNCIL FOR DECISION:**

**2011-02-049 MARK GOERNER – Modification – Addition of floating gear to the current suspended culture aquaculture farm. Located in West Passage, Narragansett Bay, Jamestown, RI.**

Mr. Beutel gave a brief overview to the Council stating that the current 4.8 acre lease contained suspended aquaculture permitting 8 arrays of cages just south of the Jamestown Bridge. Mr. Beutel explained that the aquaculturist, Mr. Goerner, was asking to modify his lease to continue with 2 arrays of the suspended aquaculture but to add floating aquaculture for new arrays on longlines. Mr. Beutel explained that the modification would be labor reducing for the aquaculturist, and would not provide any more of a visual impact than what is already there. Mr. Beutel will stipulate lighting on the black floats for low light conditions. Mr. Beutel stated that one objection was received from RIDEM Enforcement as the boating safety officer regarding the location of the lease in terms of navigation and public use. Mr. Beutel stated that the ACOE and US Coast Guard weighed in on the original lease stating that it was not in the navigational channel and would not negatively affect public use of the area. Mr. Beutel stated that he received a similar response from ACOE regarding the modification to the lease. Mr. Beutel stated that CRMC staff recommended approval of the modification to the current lease with the lighted buoys in the four corners of the lease.

Vice Chair Lemont asked about the durability and size of the lit buoys. Mr. Beutel stated that they were about 12 inches in diameter and that they would last approximately six months and that new ones were on the market with solar charges

Mark Goerner, aquaculturist, was sworn in and identified himself for the record. Mr. Goerner explained that the existing gear was very laborious for keeping oysters clean and shaping has been very intensive and that growth on the gear was time consuming to keep clean. Mr. Goerner stated that the new gear would be less labor intensive as the gear can be flipped in place and oysters will be in air/environment which would kill the fouling agents growing on the oysters. Also, movement of the water through the gear tumbles the oysters and keeps them clean with a more uniform shape. Mr. Goerner stated that he did not mind putting lights on the equipment.

Mr. Gomez asked about the impact of the winter with this type of gear. Mr. Goerner explained that the gear can be lowered into deeper depths in the winter with no damage to the equipment.

Sworn in and identified was Sam Patterson of 23 Fox Run, Jamestown; also the Jamestown Harbormaster testified that only one complaint in three years was recorded regarding navigation hazard near the lease.

Vice Chair Lemont motioned, seconded by Mr. Coia, for the approval of the modification with stipulation of lights. Motion carried on a unanimous voice vote.

5. **APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR DECISION:**

**2015-02-056 HARVEY CATALDO -- Maintain a commercial viability permit for floating and bottom oyster aquaculture. This application is for the second 18 month period for a commercial viability aquaculture permit (the two 18 month periods are permitted separately). Located in Point Judith Pond (East Pond), Narragansett, RI.**

Mr. Beutel gave a brief overview of the application to Council stating that the application was for the second half of the viability permit which required Council review. Mr. Beutel stated that the permit consisted of 1,000 sf of floating oyster bags that are located alongside Mr. Cataldo's dock. Mr. Beutel stated that he had inspected the site and all was in order. No complaints had been received. Mr. Beutel also stated that Mr. Cataldo had submitted a Preliminary Determination for a full commercial lease. Mr. Beutel stated that the PD process was just beginning and that one modification was requested which was the addition of cages to go underneath the floating bags. Mr. Beutel stated that CRMC staff recommended the approval of the second half of the commercial viability.

Mr. Cataldo was sworn in and identified himself for the record. Mr. Cataldo stated that the reason he was requesting the extended viability permit was that it worked so well, the additional timeframe would allow for the processing of the lease application which he submitted for approval. Mr. Cataldo agreed that he would continue with the present stipulations with the allowance of the bottom cages.

Vice Chair Lemont motioned, seconded by Mr. Coia, for the approval of the application.

Motion carried on a unanimous voice vote.

Mr. Beutel gave a staff update on the Sun Farm Aquaculture lease in Block Island stating that it would be scheduled before the Council soon.

**2013-08-012 ONE GOAT ISLAND, LLC -- Construct and maintain a new 25 slip marina that includes a 5' by 94' pile supported fixed pier, a 25' long gangway, 505' of floating dock, a 20'x50 water sports float, 127' of touch and go dockage. The marina will impact 4 City of Newport moorings that will be relocated. Located at plat 46, lot 2; 1 Goat Island, Newport, RI.**

Joseph DeAngelis, Esq. was present representing the applicant along with Bob LaCasse, General Manager of the Hyatt and Augustus Kreuzcamp, PE.

Mr. Reis gave a brief overview to Council stating that the request was to construct a 20-slip marina at the Newport Hyatt property with dock footage, touch and go facility and public dinghy access. Mr. Reis stated that four existing moorings would be relocated at the Hyatt's expense and with the agreement and approval of the Newport Harbor master to within the boundaries of the CRMC-approved Newport Harbor Management Plan. Mr. Reis stated that the project also included a sewage pump-out facility with hydrants and wheel cart. Mr. Reis added that the navigation channel would be slightly modified to maintain navigation to and from Newport Harbor while avoiding the marina. Mr. Reis confirmed that the application has approval from the ACOE and has a RIDEM Water Quality Certificate. Mr. Reis stated that the CRMC staff recommended approval.

Mr. Gomez asked about the variance from CRMP for the pump-out facility. Mr. Reis stated that the applicant proposed a section of facility for touch and go use where pump out is available and given priority

rather than a dedicated slip for pump out. Mr. Reis stated that a Dock master will be there to ensure compliance and signage will be there. Mr. Reis stated that staff agreed with this method.

Mr. Gagnon called attention to the Operations and Maintenance Plan and the recommendation that phosphate-free and biodegradable detergents be used and that other chemical detergents be prohibited. Mr. Gagnon suggested that a Clean Marina Certification be sought. Mr. Beaudette supported the recommendation of prohibiting chemical detergents. Mr. Reis stated that appropriate literature would be given to the attendants but that enforcement of biodegradable detergents would be difficult as it is not prohibited by the regulations.

Mr. DeAngelis introduced Bob LaCasse, General Manager and Gus Kruszcamp, PE who designed the limited marina. Mr. DeAngelis stated that Tim Mills, Newport Harbor Master was also present. Mr. DeAngelis stated that the marina proposal had been approved through the local level incorporating the compromises and concessions reached between the Hyatt and the City of Newport. Mr. DeAngelis stated that there would be 2,300 running feet of public access. Mr. DeAngelis stated that the marina would be for hotel guests with modest boats and not a marina where slips can be rented for the season. Mr. DeAngelis stated that the Hotel would supervise making sure hotel patrons and marina patrons are satisfied. Mr. DeAngelis stated that they were in agreement with all staff stipulations.

Mr. LaCasse was sworn in and identified himself for the record. Mr. LaCasse explained that kayaks and paddle boats will be available for rent primarily for guests but also for the community members as well. Mr. LaCasse talked about the public access available at the hotel as well as available parking and touring of the Island.

Mr. LaCasse answered Mr. Gagnon's request by saying that they would use the word "prohibit" when talking about cleaning products. Mr. LaCasse talked about how the motel was a green hotel and that they will become a green marina and participate in the Clean Marina Program as encouraged by Ron Gagnon, RIDEM representative.

Mr. Beaudette asked about the moving of moorings from safe areas which provided a safer area for boats during storms. Mr. LaCasse was unaware of the topic but stated that during discussions with the City of Newport, Mr. LaCasse talked with them about opening their docks for safe harbor during major storms.

Mr. DeAngelis assured that there would be no loss of moorings just relocations of current moorings.

Objector:

Isabelle Griffith was sworn in and identified herself for the record as living in the "Point" which is the part of Newport that surrounds the water across from the Hyatt. Ms. Griffith expressed concern for people who have boats in small quiet harbor and how that will change with a new marina. Ms. Griffith stated that she hoped the marina will soften the façade of the grim appearance of the hotel. Ms. Griffith is concerned about the significant developments made by the Hyatt and the degree of change in the harbor in recent years. Ms. Griffith also expressed concern regarding number of boats and asked if boat count could be reduced by 15% with the reduction of the number of large boats.

Jon Shea sworn in and identified himself for the record as living in a Condominium at 58 Washington Street, representing five condo association members and being in support of the marina.

Mr. DeAngelis made closing argument stating that this is a good project, good for the State of Rhode Island, especially with the Volvo races coming this year and next year.

Chair Livingston stated that she felt that it was a modest addition to the Hyatt's amenities, that it would not impact navigation and that she was in favor of the project.

Mr. Gomez asked if Staff could stipulate use of "green" cleaning products. Mr. Fugate stated that staff would stipulate it and the marina operator would have to enforce.

Mr. Reis stated that staff could stipulate in the assent the modification to Operations and Maintenance plan on use of cleaning fluid and also stipulate becoming a Clean Marina. Mr. DeAngelis asked that it be stipulated as a goal as he was not aware at the moment of the particulars of the program.

Vice Chair Lemont motioned, seconded by Mr. Gomez, the approval of the application. Motion carried on a unanimous voice vote.

9. **ADJOURN**

Paul Beaudette motioned, seconded by Vice Chair Lemont, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 7:05 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary