

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 27, 2015 at 6:00 p.m. in Conference Room B 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
Mike Hudner

Staff Present

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

John Longo, Esq., Legal Counsel

Members Excused

Joy Montanaro

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 October 10, 2015 Semimonthly meeting; seconded by Mr. Gomez. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

None heard

4. **STAFF REPORTS**

Mr. Fugate informed the Council on the following:

- State Geologist and URI Professor, Dr. Jon Boothroyd passed away. The Beach SAMP will be dedicated to Dr. Boothroyd.
- Mr. Fugate gave a presentation on sea level rise and Beach SAMP to the State House Commission on Sea Level Rise and Storm Surge. The commission is looking at the economic impacts of three areas – Westerly, Newport and Port of Providence.
- Storm Tools will be part of a national conference being held in Boston (week of 11-03-2015) called the Rising Seas which will focus on Sea Level Rise. CRMC will be making presentations at conference on Storm Tools and a Course on sea level rise and adaption.
- Council received money working cooperatively with URI through one of the HUD grants from SANDY to help update our shoreline maps and do some work on Storm Tools. As part of grant, CRMC will be working with Washington County Towns to show what is available to them regarding storm adaptations.

- In November, two presentations will be given to the State Planning Council and their technical committee and the other to the State Planning Council on Storm Tools and Beach SAMP.

5. **REPORT** – Deepwater Wind, LLC -- update from Ted Hoffbauer, CVA

Mr. Hoffbauer updated the Council on installation status from September 22-October 27.

- Jackets are continuing to be installed as per the FDR, FIR and 2016 Fabrication piece.
- Regarding the safety recommendations from August, things have moved forward quite a bit especially since the inception of the Robert's vessel, the safety committees and the new safety personnel. This area will still have continuous management and that issues will continue to be addressed.
- Weld recommendations made based on previous report were incorporated and being done. The recommendations include proper rod storage, preheating of the weld procedure and volt meters being checked, verified and accuracy of welding machines being certified. Mr. Hoffbauer clarified for Chair Livingston that the cold weather is not so much of an issue but if work can be completed between the days when welding cannot be done. Mr. Hoffbauer stated that communication is in much better shape now, and things being done according to the process.
- All of the jackets are on the sea bed and all piles on each jacket have been driven to depth with their location and orientation confirmed. The leveling process has commenced on 1 and 4.
- Remaining – 52 days per schedule which will involve leveling jackets and cutting pile tops; setting and leveling decks; grouting and finish work.
- Issue – in fixing the damaged jacket, they cut too low in making the repair, and that meant the weld was going to have to be in an area with a thicker wall (different point on pile) which created the potential for misalignment. The situation was reassessed from an engineering standpoint to make sure the weld connection wouldn't impact the life of the jacket to less than its 25-yr design life. Mr. Hoffbauer stated that it should not be an issue.
- Installation equipment – The LB Robert is still on site and the W526 is assisting; the 533 and the Wotan are no longer on site.
- Wind Turbine fabrication is going better and inspections are being scheduled for this year.
- Draft FDR received from DWW related to the 2016 turbine phase.
- We are planning for the completion of the 2015 season which will include conditioning structures for wintering, grouting, deck installation or storage, make ready with navigational aids. The wind turbine fabrication will continue with fabrication verification. Also, we are still reviewing the draft 2016 FDR and awaiting the 2016 FIR; Both the 2016 FDR and FIR are needed for the Cable fabrication.

Mr. Grybowski from Deepwater responded to several of the topics that Mr. Hoffbauer brought up.

- The installation of the jackets and pile driving is phase I of this part of the project with installation of decks and phase II of this part of the project. This pile driving was critical as there was a hard completion date of October 31st due to marine mammal issue. The siting of a humpback whale in the area caused a short delay but phase I (jackets and pile driving) was completed and the goal is to get the decks up before the end of this season. The possibility of some of the finish work (painting, etc...) could be finished next season.

Mr. van Beek briefly explained that the decks will be installed in a few days which will be completed by late November, early December, and then it will be determined if we get to grouting or wait until next year. Mr. van Beek explained that welding can be done as long as it's dry and there's no wind, but painting can wait until April or May. One of our risk mitigation was to have a 2-phase installation, which is why we feel good that we're doing this now, so that in May when the cable comes, they will have access.

Mr. Affigne expressed appreciation to DWW for completing the safety work that ABS recommended and CRMC endorsed.

Mr. Grybowski also expressed his condolences for the passing of Dr. Boothroyd stating that he was an important information sources during the pile driving aspect of the project and will be missed.

6. APPLICATION BEFORE FULL COUNCIL HEARING FOR SPECIAL EXCEPTION:

2015-04-075 TOWN OF NARRAGANSETT – Middlebridge Marina -- The installation of a seasonal (September to May) 4' wide x 49' long aluminum access ramp leading to a 10' wide x 86' long floating dock. The purpose of the facility is to service the University of Rhode Island (URI) Crew Team. Included in the project is a 30' wide x 66' long fabric storage shelter for crew boats and equipment. Parking will be provided on existing gravel and grassed surfaces. The project will require expansion of the Town's marina perimeter for the existing "Middlebridge Marina" which is "grandfathered" in Type 2 waters. **Expansion of the marina perimeter and/or the construction of a commercial dock are both activities which are prohibited in Type 2 waters thereby requiring a Special Exception (ref. RICRMP Section 130).** The town proposes to meet the Special Exception criteria by allowing public access to the seasonal dock when not in use by the URI Crew Team.

Mr. Reis gave a brief overview of the application stating that the dock would service the University of Rhode Island crew team which would include fabric storage shelter for the crew boats and equipment. Mr. Reis stated that parking was proposed on existing gravel and grass surfaces on the site. Mr. Reis explained that the project required the expansion of the Town of Narragansett's marina perimeter with the Middlebridge Marina. Mr. Reis explained that a Special Exception was required because either a marina expansion in Type 2 waters or a commercial dock in Type 2 waters is prohibited. Mr. Reis explained that the Town proposed to meet the special exception criteria by allowing public access to the seasonal dock when not in use by the URI crew team. Mr. Reis confirmed that the staff agrees that it meets the special exception criteria. Mr. Reis explained that the facility will only be in the water during the academic school year from September to May and that public access will only be provided during the period when the dock is in the water. Mr. Reis stated that the Town has minimized the impact of the submerged aquatic vegetation bed and

the salt marsh by avoidance. Mr. Reis stated that there did not seem to be a reasonable location for serving the project needs. Mr. Reis stated that CRMC staff has no objections to the project and recommends approval of the application.

Mr. Gomez asked about water depth. Mr. Reis answered that the water depth at low tide was shallow – 12-18 inches which is okay for a paddle situation.

Mr. Beaudette asked for clarification on public access availability. Mr. Reis stated that there would be a stipulation in the assent that the Town of Narragansett would have to develop rules of use that will be posted at the facility and coordinated with URI staff. Mr. Reis stated that CRMC staff understands the public access to be that when the URI crew team is not using the dock it is available to the public.

Present for the applicant is John Lawless, PE, Town of Narragansett and Shelagh Donohoe, Head Rowing Coach at URI. Both were sworn in and identified themselves for the record.

Coach Donohoe stated that the crew team would use the facility during practice from 4:45 a.m. til 9:00 a.m. which would allow for public access after practice hours.

Chair Livingston opened the special exception public hearing and called for comment. After hearing none, the public hearing was closed.

Vice Chair Lemont motioned approval of the special exception, which was seconded.

Mr. Longo called a roll call vote.

Mr. Hudner	Yes
Mr. Sahagian	Yes
Mr. Gomez	Yes
Mr. Coia	Yes
Vice Chair Lemont	Yes
Mr. Affigne	Yes
Mr. Gagnon	Yes
Mr. Beaudette	Yes
Chair Livingston	Yes

Motion carried unanimously.

Mr. Sahagian motioned for approval of the application, seconded by Mr. Coia and Mr. Hudner. The motion to approve carried on a unanimous voice vote.

7. CRMP SECTION 320 REVIEW WAIVER OF ASSENT BEFORE THE COUNCIL FOR DECISION:

2015-08-055 EMERA ENERGY/TIVERTON POWER LLC – Proposed facility upgrades. Located at plat 108, lot 105; 304 Progress Road, Tiverton, RI.

Mr. Fugate explained to the Council that CRMC jurisdiction allows us to capture certain projects statewide if there is a probability of impact with the coastal environment. Mr. Fugate explained that if the facility is well outside CRMC jurisdiction or if the modification to the facility is small, the entity can apply for a waiver meaning that CRMC would agree to waive any further regulatory review for that particular project. Mr. Fugate explained that the upgrades were internal modifications to the plan which will increase the overall operational efficiency resulting in additional megawatts being produced. Mr. Fugate clarified that there were no alterations to the physical parameters of the building, and therefore, in staff's opinion, it would have no impact to the coastal region and no further necessary regulatory review would be necessary. Mr. Fugate explained that the Council would sign off on the staff recommendation. Mr. Hudner stated that it would increase output and decrease emissions. Mr. Sahagian motioned to adopt staff's recommendations. Mr. Hudner seconded the motion.

Mr. Affigne questioned where the particulate matter goes and if it ends up deposited in the marine area. Mr. Willis referenced the application package Page 7 stating that because the Tiverton facility is solely powered by natural gas, deposition of air pollutants is not a concern, depositional model is not required as part of the air permitting process which is being handled by RIDEM. Mr. Gagnon stated that RIDEM is working on a minor permit at that time. Mr. Affigne continued to question the deposition of particulates in the marine area. Mr. Willis again referred to the air quality review by RIDEM. Mr. Fugate confirmed that the review by RIDEM for emissions and depositions was mandated through the CZMA.

Mr. Sahagian's motion was still on the table.

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

8. ENFORCEMENT CASE BEFORE THE FULL COUNCIL FOR CONSIDERATION OF RESTORATION ORDER:

C&D 14-0036 FRANK and PATRICIA NOONAN – Restoration of site due to unauthorized filling of freshwater wetland and cutting of buffer vegetation. Located at plat176 lot 98 192 Poppasquash Road, Bristol, RI.

Mr. Willis briefed that Council stating that at the previous council meeting, staff had asked that the Agenda item be postponed because positive talks were continuing between property owner and CRMC staff. Mr. Willis explained that a plan was received that morning that staff felt was fairly close to being acceptable and staff thinks a resolution is forthcoming. Mr. Willis explained that a restoration order may not be needed at this time. Chair Livingston suggested that the matter be held for a month in the event that things don't go as expected.

Mr. Beaudette questioned how much longer the property owner would continue along this line of noncompliance as it had been two years already. Mr. Willis stated that the plan received that morning was fairly close to being in compliance with the original restoration order and that was translated to the applicant's attorney today. Mr. Willis cited the Consent Agreement which stated that a complete restoration of all areas of disturbance on the plan that was dated in conformance with the previous CRMC application number that had a restoration order included in it. Mr. Willis agreed that keeping it before the Council for restoration was acceptable in the event an agreement cannot be made. Mr. Beaudette began a discussion on timeframe for the plans to be received prior

to their next scheduled appearance before the Council and suggested 48 hours prior to the meeting. Vice Chair Lemont asked about the Council's 5-day rule as written in the Management Procedures. Mr. Hudner suggested that we set a stance that we have an agreement by the next scheduled meeting or there will be no agreement at all. Mr. Willis stated he thought staff would be in agreement to that.

Chair Livingston agreed to having a plan that is acceptable to staff by the next meeting or scheduled for restoration order.

9. PUBLIC HEARING ON PROGRAM CHANGES:

Summary of Proposed Amendment to Management Procedures – Section 4.3:

The purpose of the proposed regulation change to Section 4.3 Schedule of Fees of the CRMC Management Procedures is to provide a fixed application filing fee of \$1000 for Section 320 Waiver Requests. The proposed rule change would significantly reduce the filing fee for such waiver requests and be consistent with the existing commercial and industrial Preliminary Determination application filing fee of \$1000, as established in subsection 4.3.1(b). Otherwise under current rules applicants for Section 320 Waiver Requests are required to pay a more expensive application filing fee as established in Subsection 4.3.2(e) that is based on the estimated project cost.

Mr. Willis briefed the Council on the proposed change stating that is would add a fee in the schedule for Section 320 waiver requests which would be similar to a commercial fee waiver. Mr. Willis stated that the change had been duly advertised.

Chair Livingston opened the public hearing. Hearing no comment, the public hearing was closed.

Mr. Beaudette motioned, seconded by Vice Chair Lemont, to approve the program change. Motion carried on a unanimous voice vote.

8. ADJOURN

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

Respectfully submitted,

Lisa A. Turner
Recording Secretary