

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, February 23, 2016 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, DEM Rep
Raymond Coia
Tony Affigne
Jerry Sahagian
Joy Montanaro
Paul Beaudette
Mike Hudner

Staff Present

Grover J. Fugate, Executive Director
Jeffrey Willis, Deputy Director
David Reis, Spv Environmental Scientist
Caitlin Chaffee, Coastal Policy Analyst

Brian Goldman, Legal Counsel

Members Excused: Don 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.

Vice Chair Lemont motioned for the approval of the minutes from the February 9, 2016 Semimonthly meeting; seconded by Mr. Coia. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS:** None heard.

4. **STAFF REPORTS**

Mr. Fugate reported on the following items:

- The Director stated that the CRMC signed a contract with URI to work on a project, the Coastal Environmental Risk Index (CERI) pilot project that will involve the Town of Charlestown and the City of Warwick as the two pilot communities to test CERI. The project is being funded through 200K HUD grant. This is the first of its kind in the nation.

Mr. Goldman reported on the following items:

- Superior Court case on LaBreche vs CRMC which involved the CRMC Mercurio case. The court ruled that there were not enough findings in the decision that specifically addressed of all the variance criteria and the matter was remanded back to CRMC for an expansion and explanation of the decision with additional findings of fact justifying why it required a variance. Case needs to be heard by CRMC within 60 days. A record will be put together and the seven members who were present would be the ones to entertain it, particularly those four who voted in favor of it need to explain on the record why we meet the variance criteria. Court is asking for Council to make further findings of fact consistent with its decision. Mr. Goldman explained that it was a contentious case and that with a more clarified decision, it will go back to Court where they will make a final decision.

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

2015-03-028 HARBOR VIEW HOLDING CO, LLC & HARBOR LIGHT MARINA (Phil Noel) -
-Establish and maintain: A limited view restoration project. The project proposes to restore a view from an existing clubhouse building associated with a country club which originally opened in 1967. To restore the view, the applicant proposes to remove trees and prune shrubs to a maintained height of 4-5 feet within 77,706 square feet (SF) of coastal (forested freshwater) wetland and 9,787 S.F. of wetland buffer zone. Invasive species management will be performed throughout the managed area and within a portion of the adjacent brackish marsh which is dominated by Phragmites. As compensation, 394,969 S.F. of wetland and adjacent upland areas will be placed within a Conservation Easement and public access will be provided to consist of six (6) public parking spaces and a kayak launching facility. The area managed for a view will be maintained primarily as shrub swamp consisting of native wetland shrubs, a salt marsh fringe bordering Warwick Cove and a native shrub upland buffer bordering the country club. Located at plat 378, lot 14-16; 200 Gray Street, Warwick, RI.

Mr. Reis gave a brief overview of the application to the Council explaining that the applicant was asking for a limited restoration project via 210.3 of RICRMP to restore an historic view of country club which would include pruning trees and shrubs within approximately 2 acres of the coastal wetland buffer zone and to compensate 10 acres of nearby wetlands will be placed in a conservation easement, and a public kayak launch w/6 parking spaces will be provided for mitigation. Mr. Reis stated that staff recommends approval.

Mr. Sahagian asked if Mr. Reis had discussed the 10 staff stipulations with the applicant. Mr. Reis confirmed that he discussed the staff stipulations with Scott Rabideau, the applicant's consultant. Mr. Sahagian stated that if the applicant was in agreement with the staff stipulations he would like to motion for approval. Chair Livingston stated that she would like to hear more about the application.

Mr. Goldman suggested for the record that the surveyor testify that the graphics depicted on the map of which the final lots that are being dedicated are comport with the meets and bounds descriptions that are attached to the easement.

Phil Noel was present along with Joe Noel, both in charge of the two family companies. Also present was Sam White, Garofalo & Associates, Scott Rabideau, Natural Resource Services, and Ed Lessiter, Councilman in Ward 5 where facility of located.

Mr. White was sworn in and identified himself for the record as a professional land surveyor with Garofalo & Associates. Mr. White confirmed that the deed descriptions put on file matched up with the plan that's Exhibit A.

Mr. Beaudette stated that it was difficult to read the printed document as it was too small. Mr. Beaudette also asked about the parking area for the kayak boat access. Mr. Noel stated that the parking was at the corner of Chatfield and Meadow View. It was established a second time that the information on Exhibit A was correct and what would be recorded.

The motion made by Mr. Sahagian, was reiterated and seconded by Vice Chair Lemont. Motion carried on a unanimous voice vote.

6. **Report – Deepwater Wind, LLC -- update from Ted Hofbauer, CVA presentation and Review and Approval of FIR 2015 and FDR 2016**

Mr. Hofbauer thanked the Council for having them there to give the update and introduces Tom Adams as the Vice President of power group in Houston for ABS. Also present for DWW was Jeff Grybowski, CEO and Chris vanBeek, President.

Mr. Hofbauer gave a status update regarding the summary of 2015, the Facility Design Report, the Fabrication and Installation Report for 2016, the manufacturing status and the installation status.

Jeff Grybowski gave a presentation on status of manufacturing and installation planning/scheduling. Mr. Gryboswki also spoke about the FIR and FDR reports.

Mr. vanBeek's presentation involved the remainder of the work from last season, the cable installation, the manufacturing of the nacelles in France, outfitting the towers in ProvPort, turbine installation and an explanation of how, when and where it all comes together.

It was determined that Mr. Hofbauer would inform Grover when all the documentation is ready for Council approval.

7. **Coastal Habitat Restoration Trust Fund Applications before the Council for Review and Decision:**

The projects recommended for full funding are:

- 1. RIDEM Excavator Purchase (\$5,000)**
- 2. Grinnell's Beach Coastal Adaptation Project (\$3,750)**
- 3. Oyster Monitoring, Assessment, and Development of aRI Oyster Restoration Guidance Document (\$25,377)**
- 4. Manton Pond Dam Nature-Like Fishway (\$110,873)**
- 5. Improving Fish Passage at Bradford Dam (\$70,000)**

The project recommended for partial funding is:

- 1. Taylor Point Restoration Project (\$10,000)**

The projects not recommended for funding are:

- 1. Cocumscussoc Brook and Meadow Brook Wetlands Restoration**
- 2. Experimental removal of upland buffer vegetation to facilitate salt marsh migration**
- 3. Barrier Beach Protection and Plant Community Restoration on Social Trails at Napatree Point**
- 4. Restoration of Diamondback Terrapin Nesting Habitat on the Potowomut River**
- 5. Build-out of intensive Tier 3 monitoring in RI**

In addition, the committee has created a contingency list of projects to be funded in the event that a project recommended for funding is unable to go forward or the requested funds are not needed due to unforeseen circumstances.

2015-2016 Contingency List:

- 1. Experimental removal of upland buffer vegetation to facilitate salt marsh migration (\$20,308)**
- 2. Barrier Beach Protection and Plant Community Restoration on Social Trails at Napatree Point (\$23,800)**

- 3. Build-out of intensive Tier 3 monitoring in RI (\$18,000)**
- 4. Improving Fish Passage at Bradford dam (remainder needed for construction)**

Ms. Chaffee presented this year's recommendations for estuarine habitat restoration trust fund. Ms. Chaffee explained that the Technical Advisory Committee was recommending six projects for funding – five for full funding and one for partial funding. Ms. Chaffee explained that the \$110,000 funding recommendation for the Manton Pond dam fishway project on the Woonasquatucket River, if approved, would allow them to start this year and would cover their entire shortfall of construction costs. Ms. Chaffee briefed the Council on the other projects which are: two fish passage projects, two smaller scale shoreline vegetation restoration projects and the other major project would be the oyster monitoring and assessment effort by RIDEM which is getting federal funding and looking for a state match. Discussion on funding DEM project, and Ms. Chaffee explained how CRMC and DEM work together on CRMC marsh restoration projects.

Ms. Chaffee briefly explained that some project that were not recommended for approval were based on problems with the proposals or they did not fit the parameters for consideration.

Vice Chair Lemont motioned to approve project recommended for funding. Mr. Beaudette seconded the motion. Mr. Gagnon recused himself from voting due to the RIDEM project.

Motion to approve carried on a unanimous voice vote.

8. **ADJOURN**

Mr. Affigne motioned, seconded by Vice Chair Lemont, to adjourn.
Motion carried on unanimous voice vote. Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary