

Semi-Monthly Meeting - June 12, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL

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IN RE: SEMIMONTHLY MEETING

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Date: June 12, 2018
Time: 6:00 p.m.
Place: Administration Building
One Capitol Hill
Conference Room A
Providence, RI

MEMBERS PRESENT

Jennifer Cervenka, Chairwoman
Raymond Coia, Vice Chairman
Patricia Reynolds
Ronald Gagnon
Donald T. Gomez
Jerry Sahagian
Lisette Gomes
Michael Hudner
Michelle Collie

MEMBERS ABSENT: Joy Montanaro

Anthony Desisto, Esquire, Legal Counsel
John Longo, Esquire

STAFF PRESENT

Grover Fugate, Executive Director
Jeffrey Willis, CRMC Deputy Director
Danni Goulet, CRMC Dredge Coordinator
Jim Boyd, Coastal Policy Analyst
David Beutel
Richard Lucia

ORIGINAL

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2018-02-025 Brown University.....	15
Beach SAMP, 57	

1 to be approved. This is one person. There is four in
2 the file. One, is an avid water skier. I get it. So
3 what does it take? If it is a numbers piece, what's the
4 tipping point? Potters Pond has over 150 letters of
5 objection, so the bar has to be set pretty high, I would
6 imagine.

7 CHAIRWOMAN CERVENKA: So the standard we
8 use is a significant impact on a conflicting use. So
9 that's, what we're looking at and from what I'm hearing
10 just with respect to your use of this area, there is not
11 a significant impact on just your particular use, is
12 that accurate to say?

13 MR. CAPALDI: That is correct. But, it
14 would be foolhardy to think, as Ninigret reaches
15 five percent, that if you have six acres of deepwater
16 access, that you would not amend the permit within three
17 months as past practice from East Beach Farm in 2013 and
18 '14 and occupy the entire water column.

19 CHAIRWOMAN CERVENKA: So your concern
20 is, going forward is, what could be done in the future,
21 too?

22 MR. CAPALDI: That's right. That's
23 right.

24 MR. FUGATE: Madam Chair, I can respond

1 to a couple of these things. One of the things that is
2 embedded, and there's only two application types that
3 will actually require this, aquaculture and marina
4 expansions require what's called a pre-application as a
5 mandatory process that we have to go through, and a
6 pre-application process could be conducted with the Town,
7 it's conducted with State water groups that are
8 typically representative of the commercial fishery, the
9 recreational fishery, Harbor Commission and those types,
10 and it is a process to go through, so if that project is
11 in a decent location, or should it be relocated or
12 conditions placed on that project with less than the
13 impacts associated with it. So all aquaculture
14 applications go through that, and there is a suggestion
15 that I know that, for instance, the Saltwater Anglers
16 Association is typically invited to those if they have
17 issues with them, and they are -- if they do rise to the
18 level of no objection, they're usually discussed with
19 the association to see what could be done to try weigh
20 in against. So that's one thing.

21 The eelgrass survey is conducted by Mr. Beutel,
22 but it's also conducted in accordance, or usually with
23 additional staff. Our biological staff, who are very
24 concerned about SAV, also usually participate in some

1 way in the level of review, and our biological staff are
2 intimately familiar with the policies. They're on it
3 all the time. Some of our staff are on those ponds
4 almost daily, so they're very familiar with it. So it
5 is not something that's done with the applicant. It is
6 an independent review that's conducted by us.

7 In terms of the SAV, yes, we are aware of the
8 issues of decline in Quonni. We're also aware that
9 Winnapaug is virtually no SAV in terms of form of
10 eelgrass right now. There are losses that are
11 occurring, and we're trying to figure that out, and as
12 part of the restoration work that the Council is doing
13 sort of on the other side, that the Council is spending
14 a lot of money on.

15 We also, as staff saw our concern on our own part
16 where we were approving bottom culture applications, and
17 then subsequent to that, because the floating bag
18 operation has become extremely popular, will want to
19 come back and try to bring those into a floating bag
20 situation. We have developed new guidelines
21 specifically as a result of this concern that we had for
22 that, because when you go from a bottom culture with
23 virtually no impact to a floating bag operation, where
24 there are the potential for impacts, we won't go through

1 a whole new process. So, we indicate within the permits
2 and it can indicate within the permit that it would not
3 be subject to a -- this lease will never be converted to
4 that, or would at least, according to the regulations,
5 at least require a full-blown brand new review as a
6 result of elevating that to a floating bag operation
7 because of the potential for conflicts.

8 So we've tried to address a lot of this within our
9 process, and when I say we are perfect, no, we're not
10 perfect, but we try to do what we can to bring the
11 concerns forward. As all of the Council members are
12 aware, we're a balancing agency. We're constantly
13 trying to balance the interests of the property owners
14 that are around the pond, the people that recreate on
15 that pond as well as the people that want to use that
16 pond for other purposes. So we try to balance those as
17 best we can, so.

18 CHAIRWOMAN CERVENKA: Thank you,
19 Mr. Fugate. Mr. Gagnon.

20 MR. GAGNON: At which stage in the
21 process do we observe public notice, like when does the
22 public --

23 MR. FUGATE: So what happens is --

24 MR. GAGNON: -- get a chance to weigh

1 in?

2 MR. FUGATE: That's a good point, and
3 it's after the pre-application process, if the applicant
4 decides to go forward with that location, in a formal
5 process that would trigger a 30-day public notice, and
6 the 30-day public notice usually goes to the town list,
7 anybody else that's requested to be where the general
8 mailing list, for instance, anybody that wants to get on
9 that can also get a notice. The problem that you have
10 with aquaculture is most of our applications go out to
11 notice are direct abutters, and in many of the
12 aquaculture applications there are no direct abutters.
13 So trying to notify that and other people, if they are
14 not directly on this site but use the site, it could,
15 other than the Town participating in the process, or
16 requesting to be on the general mailing list,
17 individuals may not be aware of it, but they do go out
18 to a 30-day public notice as soon as they hit the formal
19 stage.

20 MR. GAGNON: Do notices go on the CRMC
21 website?

22 MR. FUGATE: Yes, they can also monitor
23 the website, yes.

24 CHAIRWOMAN CERVENKA: Okay. Any other

C E R T I F I C A T E

I, Rebecca J. Forte, a Notary Public in and for the State of Rhode Island, hereby certify that the foregoing pages are a true and accurate record of my stenographic notes that were reduced to print through computer-aided transcription.

In witness whereof, I hereunto set my hand this 9th day of July, 2018.

REBECCA J. FORTE, NOTARY PUBLIC

My Commission (RI) Expires on 7/15/21
My Commission (MA) Expires on 1/24/25