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Report of the Ocean Special Area Management Plan

STAKEHOLDERS PROCESS

To the

Rhode Island Coastal Resources Management Council

By Ken Payne

June 30, 2010

Overview of the stakeholders process. Stakeholders processes are broadly recognized as vital to effective, legitimate planning. The RI Coastal Resources Management Council (CRMC) has established practice of convening stakeholder groups when developing special area managements plans (SAMPs). Accordingly a stakeholders process was from the outset an integral part of the work program for preparing the Ocean SAMP.

Rhode Island's use of a SAMP for ocean spatial planning is at the very forefront of planning practice. There are not models from elsewhere on which Rhode Island can draw for guidance and insight.

The east coast of the United States has among the best wind resources globally. As renewable energy has become of increasing interest, the potential for off-shore wind has been given higher levels of attention. In Rhode Island, offshore wind has been recognized as the premier opportunity to meet statutory goals, established in 2004, for obtaining energy from renewable resources.

Building a "wind farm" in the waters off Rhode Island would be a major additional use in the marine environment, and as such would require state and Federal approvals. Applications for approval of major new or additional activities in the marine environment can be evaluated on a case-by-case basis, a process which can be expensive and protracted, and they can be evaluated in the context of duly established plans. In the first instance, the project developer has the leading role in making locational decisions; in the latter instance a public process leads and provides a planning context in which developers subsequently act in proposing developments for specific locations. A function of spatial planning is to optimize the location of activities so that adverse impacts and conflicts can be avoided or, if unavoidable but not unacceptable, mitigated.

The Ocean SAMP Stakeholders Process – Three Phases.

Phase I: Establishing the Process: The Ocean SAMP Stakeholders Process was convened under the aegis of the RI Coastal Resources Management Council by the Ocean SAMP management team. The work to get the stakeholders process up and running commenced in August 2008. The management team asked Kenneth F. Payne if he would chair the process in a voluntary capacity, and he agreed to do so. A first task was to assemble a list of persons to be invited to stakeholder meetings—while persons on the list would be deemed “stakeholders,” all members of the public could participate in stakeholder meetings with no distinction between their participation and that of formal stakeholders. The list of stakeholders (Attachment A) assured that a comprehensive range of parties with an interest in the Ocean SAMP area, the waters off Rhode Island’s shore, would regularly notified of meetings.

The stakeholders process met seventeen (17) times during the twenty (20) month period October 2008 through June 2010. A list of stakeholder meetings is Attachment B.

During the period October 2008 through February 2009, the stakeholders became familiar with the Ocean SAMP and the schedule to produce a draft of the Ocean SAMP for consideration by the RI Coastal Resources Management Council in accordance with the Administrative Procedures Act, concurred in a process for meetings, and received background issues and uses in the Ocean SAMP area.

At the initial meeting of the stakeholders, October 2008, Kenneth Payne stated his position that a basic purpose of the stakeholders process was to bring transparency and fairness to the development of the Ocean SAMP (predominantly a scientific and technical document). The stakeholders process would provide regular, public access to the work being done in the Ocean SAMP and an opportunity to share insights and concerns about what was being done. The stakeholders process would respect the views and concerns of all who participated, recognizing that the presence of conflicting views is reasonable and constructive. It would not be a function of the stakeholders process to subsume minority views in a consensus position on any issue. The process would rather be guided by the principle that all views would be fairly heard and taken into account. The chair of the process would have three functions, first to preside at meetings, second to act as advocate for stakeholders in management committee meetings and with public bodies and other parties, and third to act as an additional point of contact for parties concerned about Ocean SAMP issues.

A general format for meeting was established. Each stakeholders meeting would begin with an update on SAMP activities since the prior meeting, be followed by a presentation on a technical/scientific assessment being undertaken for the Ocean SAMP area, have an open discussion of stakeholder concerns and interests, and conclude with a wrap-up and plan for the next meeting. Stakeholder meetings would routinely be held more or less monthly on Tuesday’s beginning at 6 PM and would last between two and three hours; light food would be provided.

A major concern of the participants in the first several meetings was the legitimacy of the stakeholders process. Would it simply be a rubber stamp of positions already taken? The RI Winds stakeholders process convened by the Office of Energy Resources was directed toward recognizing that offshore wind potential is Rhode Island's premier renewable energy resource. Would the Ocean SAMP stakeholders process be different, or was it simply an offshore wind farm siting study?

A second critical concern during the early meetings was whether the stakeholders would be presented the best, most current analyses being done through SAMP studies of the Ocean SAMP area. Would any parties have access to more current analyses than the stakeholders?

These matters were resolved as follows. The Ocean SAMP was an effort in Ocean spatial planning and analyses; it would not be a siting study -- it was understood that the proposal of specific sites for renewable energy facilities would be made by parties seeking to develop such facilities, and that detailed studies would be needed for proposed sites. Neither the Ocean SAMP nor the stakeholders process was directed at a specific outcome. The stakeholders consistent with the principles of transparency and fairness would have the most current analyses as they were available for external presentation and consideration. Ocean SAMP staff made a commitment to post electronically the most current Ocean SAMP documents. The resolution of these matters was achieved by the February 11, 2009, meeting. Afterwards little concern was expressed about the legitimacy of either the stakeholders process itself or the manner in which it was being conducted.

Phase II: Learning about the Ocean SAMP Area. The period from February through October 2009 was one of learning about the Ocean SAMP area: physical conditions; human uses including fishing, marine transportation, naval activity, recreation and tourism; submerged historic sites; and fauna including birds, marine mammals and turtles, and fish stocks.

Phase II provided participants in the stakeholders a fairly comprehensive overview of conditions in the Ocean SAMP area. The meetings had a regular format: a welcome by the chair, a brief orientation to the Ocean SAMP process by Coastal Resources Center (CRC) staff, a summary from Coastal Resources Management Council executive director Grover Fugate on current Ocean SAMP issues, a presentation of a topic area by a scientist or group of scientists (this was the heart of the meeting), and a review of Ocean SAMP related activities during the next by CRC staff, and a wrap-up by the chair.

Phase III: Reviewing draft Ocean SAMP chapters. The Ocean SAMP is both a process and, importantly a document, which has a legal life with its adoption by the Coastal Resources Management Council. Phase III of the Ocean SAMP stakeholders process commenced in October 2009; the Ocean SAMP subcommittee of the CRMC that month approved a nine step public review process for chapters of the Ocean SAMP (Attachment C). After the preliminary steps of the management team agreeing that a

chapter is ready for public review and the integration of comments on the chapter by a chapter-specific technical review committee, draft chapters of the Ocean SAMP would be presented at a stakeholders meeting and posted to the website for public comment. This was step three in the nine step process and the initiation of the public review process of Ocean SAMP chapters. Given its position in the adoption process, the stakeholders process can be understood as a critical portal through which Ocean SAMP chapters passed from being scientific/technical assessments to being components of a public document.

While CRC staff presented a time line of approximately three months for the review of each Ocean SAMP chapter (Attachment D), several stakeholders expressed concern that given the amount of material to be reviewed, the amount of time for review might be insufficient. Others expressed concern that there was insufficient opportunity to review the Ocean SAMP document as a whole. The stakeholders process was a forum for sharing these concerns with public review process of the Ocean SAMP document with the Ocean SAMP management team and CRMC staff and legal counsel.

Presentations of Ocean SAMP chapters were made at monthly stakeholders meetings by CRC staff and Ocean SAMP scientists from November 4, 2009, through June 1, 2010. The presentations were deeply informative but did not give rise to conflict or disagreement among stakeholders at the stakeholders meeting phase of the public review process with regard to their content or quality of chapters. In sum, stakeholders meetings during Phase III were substantive but not contentious.

Conclusions of the stakeholders process. The absence of contention at stakeholder meetings with regard to the content of the Ocean SAMP chapters gives rise to the reasonable conclusion that the Ocean SAMP is a fair depiction of conditions and activities in the Ocean SAMP area. The notes of the Ocean SAMP stakeholders meetings support this conclusion. Since it was never in the purview of the stakeholders process to formally accept, reject or modified either the Ocean SAMP as a whole or the individual Ocean SAMP chapters; no action for or against the Ocean SAMP was taken. An open and comprehensive stakeholders review was undertaken and completed in the development of an ocean spatial plan.

Beyond providing a public review of the Ocean SAMP as it was being developed, the stakeholders process contributed to resolving how fisheries issues could be handled should there be future development in the ocean area affecting fishing. The Ocean SAMP stakeholders process also provided a means for addressing how the Ocean SAMP would be integrated into the State Guide Plan and made binding for consideration in revisions to local comprehensive plans; essentially it was recognized that the Ocean SAMP and the State Guide Plan would be complementary and would not need to be formally integrated for local planning.

Since people do not occupy the Ocean SAMP area except on a transitory basis for fishing, transportation, and recreation, Ocean SAMP stakeholders participated in the process based on the valuation they placed on activities and conditions, including

ecological conditions, in the Ocean SAMP area. Some of those valuations, especially those of fishers, had the important dimension of a substantial, direct economic interest. What the stakeholders process confirmed is that Rhode Islanders strongly and enduringly value the Ocean SAMP. What takes place in the Ocean SAMP area is important to life in Rhode Island. The Ocean SAMP as a marine spatial plan is a vital expression of those valuations. The Ocean SAMP is more than a scientific and technical document; it is an expression of the interests of the State.

The stakeholders wish to thank the staff of the CRC and the CRMC and the scientists who did the Ocean SAMP analyses for their unstinting contributions to the stakeholders process. These efforts were foundational to the process; the steadiness, the graciousness, and the professionalism of their execution is genuinely appreciated.

This report was presented and discussed at a stakeholders meeting on June 30, 2010. And clarifications to it were made based on that discussion.

The participation in the stakeholders process has been an honor and a privilege; throughout it has been a form of public service. The Rhode Island Coastal Resources Management Council is to be commended for its commitment to having stakeholders processes being an integral part of special area management planning.

Respectfully submitted,

Kenneth F. Payne, Chairperson

CRMC Ocean Special Area Management Plan (SAMP) stakeholder group

Attachment A

Chair: Dr. Kenneth Payne, University of Rhode Island College of the Environment & Life Sciences

Mr. Dan Beardsley	Executive Director, Rhode Island League of Cities and Towns
Mr. Jeff Broadhead	Executive Director, Washington County Regional Planning Council
Mr. Paige Bronk	Director of Planning, City of Newport
Mr. John Brown	Tribal Historic Preservation Officer, Narragansett Indian Tribe
Mr. Chris Brown	President, Rhode Island Commercial Fishermen's Association
Ms. Alison Buckser	Rhode Island Chapter Chair, Sierra Club
Mr. Charlie Cannon	Landscape Architecture Faculty, Rhode Island School of Design
Mr. Jeffry Ceasrine	Town Manager, Town of Narragansett
Capt. Paul Costabile	Captain, Northeast Marine Pilots
Ms. Vicki deAngeli	President, Jamestown Chamber of Commerce
Mr. Lanny Dellinger	President, Rhode Island Lobstermen's Association
Mr. Julio DiGiando	Town Council President, Jamestown Town Council
Mr. Denny Dillon	Rhode Island Party & Charter Boat Association
Ms. Tina Dolen	Executive Director, Aquidneck Island Planning Commission
Ms. Charlene Dunn	Councilor, Charlestown Town Council
Mr. Bernard Fishman	Executive Director, Rhode Island Historical Society
Mr. Richard Fuka	President, Rhode Island Fishermen's Alliance
Ms. Gina Fuller	Appointee representing Westerly Town Council
Ms. Kimberly Gaffett	First Warden, Town of New Shoreham (Block Island)
Ms. Myrna George	President, South County Tourism
Ms. Tricia Jedeke	Vice President of RI Advocacy, Conservation Law Foundation
Mr. Doug Harris	Deputy, Narragansett Indian Tribal Historic Preservation Office
Ms. Debbie Kelso	Executive Director, Narragansett Chamber of Commerce
Mr. Michael Keyworth	Director, Rhode Island Marine Trades Association
Mr. John F. Killoy III	Appointee representing Rhode Island AFL-CIO
Ms. Karina Lutz	Director of Development and Advocacy, People's Power & Light
Mr. Mike Marchetti	Eastern New England Scallopers' Association
Ms. Eugenia Marks	Senior Director of Policy, Audubon Society of Rhode Island
Mr. Gregg Mataronas	Sakonnet Point Fishermen's Association
Mr. Steve Medeiros	President, Rhode Island Saltwater Anglers Association
Mr. Robert Mushen	Town Council President, Town of Little Compton
Mr. Ray Nickerson	Principal Planner, Town of South Kingstown
Dr. Eleftherios Pavlides	Director, Professor, Wind Power RI Project, Roger Williams University
Ms. Margaret Petruny-Parker	Executive Director, Commercial Fisheries Research Foundation
Mr. Ted Platz	Fisherman, Rhode Island Monkfishermen's Association
Mr. David Prescott	Chapter Chairman, R.I. Chapter/Surfrider Foundation
Mr. Michael Ryan	President of Rhode Island Distribution, National Grid
Mr. Paul Sanroma	Administrator, Rhode Island Wind Alliance
Mr. Bill Silkes	Ocean State Aquaculture Association
Mr. Evan Smith	President and CEO, Newport County Convention and Visitors Bureau
Mr. David Spencer	Member, Atlantic Offshore Lobster Association
Mr. Keith Stokes	Executive Director, Newport County Chamber of Commerce
Ms. Darlene Towne Evans	President, South Kingstown Chamber of Commerce
Ms. Kathleen Wainwright	Director of Conservation, The Nature Conservancy
Mr. Russell Wallis	President, Ocean State Fishermen's Association
Ms. Wendy Waller	Staff Environmental Attorney, Save the Bay
Ms. Laurie White	President, Greater Providence Chamber of Commerce
Jessica Dugan Willi	Executive Director, Block Island Tourism Council
Mr. Ronald Wolanski	Town Planner, Town of Middletown

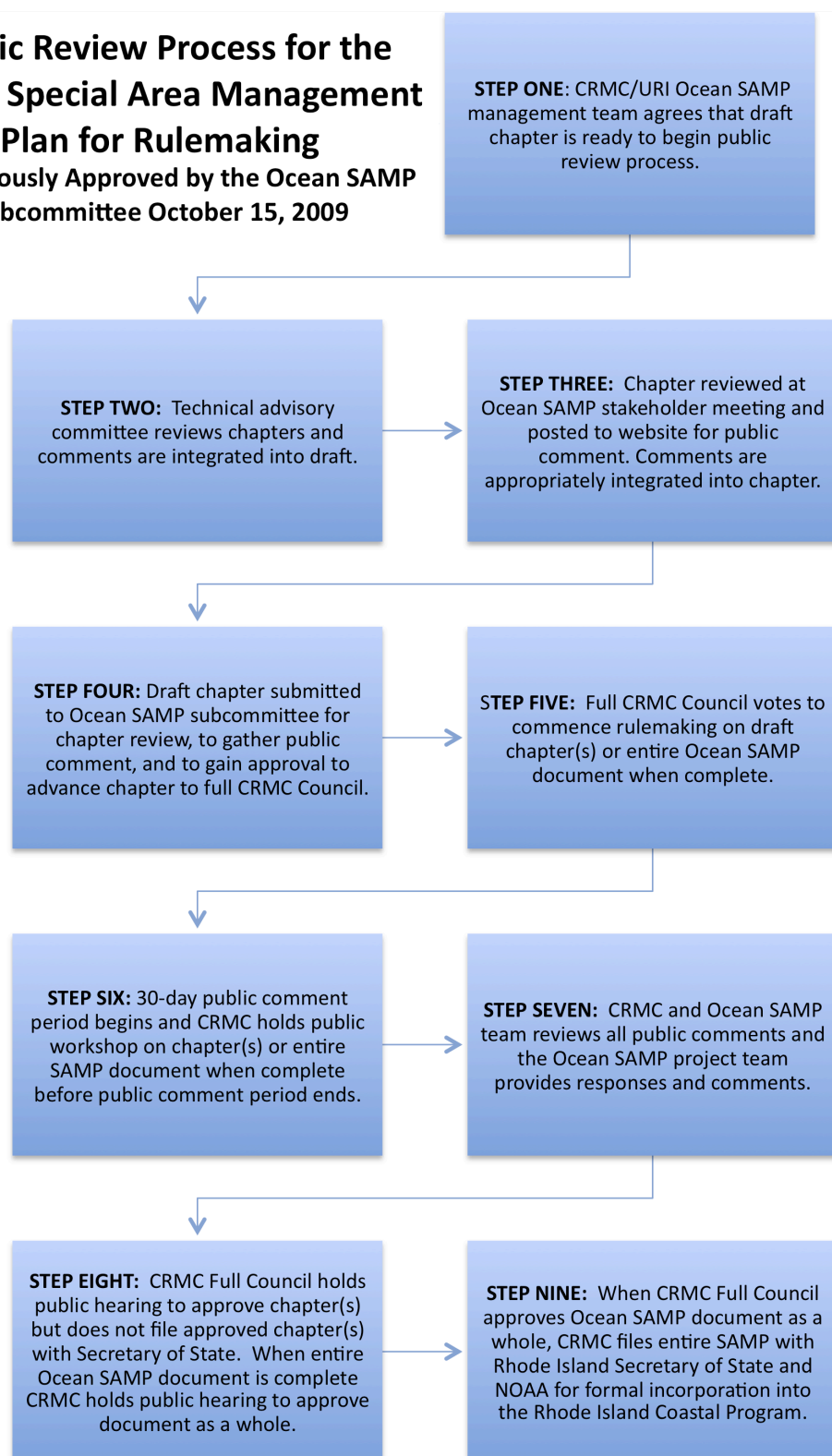
ATTACHMENT B

Ocean SAMP Stakeholder Meetings

DATE	TOPIC	PRESENTER
October 29, 2008	Overview of Ocean SAMP	Grover Fugate
December 2, 2008	Climate Change	Pam Rubinoff
January 6, 2009	Ocean Floor	Jon Boothroyd John King
February 10, 2009	TDI Screening Analysis	Malcolm Spaulding
March 19, 2009	Fisheries Mapping	Dave Beutel
April 7, 2009	Acoustics and Electromagnetics	James Miller
June 30, 2009	Marine Mammals and Sea Turtles	Robert Kenney
November 4, 2009	Introduction Recreational and Tourism	Grover Fugate, Jennifer McCann Tiffany Smythe, Michelle Smythe
December 1, 2009	Transportation, Navigation and Infrastructure	Tiffany Smythe, Michelle Armsby
January 5, 2010	Physical Oceanography	Dan Codiga
February 2, 2010	Existing Statutes Air Quality	Brian Goldman John Merrill
March 2, 2010	Renewable Energy	Michelle Armsby
April 6, 2010	Climate Change Other Future Uses	Jim Tobey Barry Costa-Pierce
May 4, 2010	Fisheries Resources and Uses Effects Section of Renewable Energy	Dave Beutel, Tiffany Smythe, Sarah Smith Michelle Armsby, Sarah Smith
June 1, 2010	Cultural and Historical Resources	Teresa Crean, Jon Boothroyd, Rod Mather, Rick Greenwood
June 30, 2010	Reflection on Stakeholder Process	Ken Payne

Attachment C

**Public Review Process for the
Ocean Special Area Management
Plan for Rulemaking**
Unanimously Approved by the Ocean SAMP
Subcommittee October 15, 2009



Attachment D Public Review Process for the Ocean SAMP Rulemaking (Status: 06/02/10)

	Draft Chapters	Step 1: MT Approval	Step 2: TAC Review	Step 3: Informal Public Review	Step 4: CRMC Review	Step 5: CRMC Council Approves Rulemaking	Step 6: Formal Public Review	Step 7: Public Comments Review	Step 8: Public Hearing/Chpt. Adoption
0	Executive Summary*								
100	Introduction*								
200	Ecology								
300	Global Climate Change								
400	Cultural and Historic Resources								
500	Fisheries Resources and Uses								
600	Recreation and Tourism								
700	Marine Trans., Nav., Infrastructure								
800	Renewable Energy								
900	Other Future Uses								
1000	Existing Policies								
1100	Policies of the Ocean SAMP*								

Notes: *: These chapters will be processed with the full document; Dates reflect when the chapters will be presented at public meetings during specific phase.

<p>Step 1: Management Team (MT) Approval</p> <ul style="list-style-type: none"> MT approves draft chapter to proceed to public comment. <p>Step 2: TAC Review</p> <ul style="list-style-type: none"> Technical Advisory Committee comments on draft chapter. <p>Step 3: Informal Public Review</p> <ul style="list-style-type: none"> Draft chapter presented at stakeholder meeting. Informal public comments on draft chapter. <p>Step 4: CRMC Review</p> <ul style="list-style-type: none"> Draft chapter submitted to Ocean SAMP Subcommittee. Informal public comments/responses presented at Subcommittee meeting. Subcommittee approves draft chapter to advance to full council. 	<p>Step 5: Rulemaking</p> <ul style="list-style-type: none"> Full Council votes to commence rulemaking on draft chapters. <p>Step 6: Formal Public Review</p> <ul style="list-style-type: none"> 30-day comment period takes place. Public workshop held. <p>Step 7: Review</p> <ul style="list-style-type: none"> Public comments reviewed by CRMC and Ocean SAMP team. <p>Step 8: Public Hearing</p> <ul style="list-style-type: none"> Public hearing for draft chapter. Draft Chapter approved by Full Council.
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Once all chapters have completed Steps 1 -8, a public hearing will be held for the entire SAMP document prior to Full Council approval (Step 9).