

SEMI82410

1
STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS
COASTAL RESOURCES
MANAGEMENT COUNCIL

* * * * *
*
IN RE: SEMIMONTHLY MEETING
* * * * *
*

August 24, 2010

5:12 p.m.

Administration Building

Capitol Hill

Conference Room A

Providence, RI

Date:

Time:

Place:

One

SEMI82410

MEMBERS PRESENT

Michael Tikoian, Chairman
Paul E. Lemont, Esquire, Vice

Chairman

David Abedon
Michael Sullivan
Donald T. Gomez
Bruce Dawson
Robert Driscoll

MEMBERS ABSENT: Raymond Coia

Brian Goldman, Esquire, Legal

Counsel

STAFF PRESENT

Grover Fugate, Executive Director
Jeffrey Willis, CRMC Deputy

Director

Laura Ricketson, Public Education

Coordinator

David Beutel, CRMC staff

IRONS &

ASSOCIATES

CERTIFIED PROFESSIONAL

STENOGRAPHERS

31 Harris

Avenue

Portsmouth, Rhode

Island 02831

SEMI82410

(401)

683-1930

□

2

I N D E X

2012-2016 Capital Budget Request

Public Hearing on Changes to

RICRMP

Chapter 2 - Ecology of the Ocean

SAMP Region

SEMI82410

□

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3

1
5:12 P.M.)

(COMMENCED AT

2

CHAIRMAN

TIKOIAN: So, with that

3

done, at this time we'll call
to order the Council

4

meeting of August 24th, 2010.

5

First, we'll have the
approval of the minutes

6

of the prior meeting. Is
there a motion for that?

7

VICE CHAIRMAN

LEMONT: So moved.

8

CHAIRMAN

TIKOIAN: Is there a

9

second?

10

Second.

MR. DRISCOLL:

11

CHAIRMAN

TIKOIAN: Any discussion?

12

(NO

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RESPONSE)

13 CHAIRMAN
TIKOIAN: All in favor?

14 (VOICE VOTE
TAKEN)

15 CHAIRMAN
TIKOIAN: Opposed?

16 (NO
RESPONSE)

17 CHAIRMAN
TIKOIAN: So carried.

18 (UNANIMOUS)

19 CHAIRMAN
TIKOIAN: Any subcommittee

20 reports?

21 (NO RESPONSE)

22 CHAIRMAN
TIKOIAN: No subcommittee

23 reports. Any staff reports?

24 MR. FUGATE:
Mr. Chairman, there are

□

1 4
the presentation no staff reports other than
tonight

2 on the Ocean SAMP.

3 CHAIRMAN
TIKOIAN: So, if we can

4 just, so we know why we're
here today, it's my

5 understanding that there are
two presentations this

6 evening, is that correct?

7 MR. FUGATE:
That's correct.

8 CHAIRMAN
TIKOIAN: And that would be

9 renewable energy and
fisheries?

10 MR. FUGATE:

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That's correct.

11

CHAIRMAN

TIKOIAN: And then once

12 those presentations are
completed, the entire

13 document is out for public
comment and discussion.

14 Now, there are two
other meeting dates

15 associated with this entire
document, Jenn, correct

16 me, Grover, correct,
September 14th?

17

MR. FUGATE:

That is correct.

18

CHAIRMAN

TIKOIAN: And

19

October 12th, final adoption?

20

MR. FUGATE:

That's correct.

21

CHAIRMAN

TIKOIAN: This document in

SEMI82410

22 its entirety will come before
this body two more

23 times, and the goal here is
to have discussion today

24 for the Council members to
listen to the public on

□

5
1 what they have to say, to
gather those thoughts,

2 review them, come back on the
14th, and with the

3 Ocean SAMP, the team, the
Ocean SAMP team determine

4 whether those comments, your
recommendations to us,

5 whether you would like to
have them incorporated or

6 not, and then the final
adoption will be October

7 12th. Did I get that right,
Jenn? Grover?

8 MR. FUGATE:
That's correct.

9 CHAIRMAN
TIKOIAN: So, the first

10 item, any questions of
Council members?

11 (NO RESPONSE)

12 CHAIRMAN
TIKOIAN: So, the first

13 item is the capital budget
request. Jeff, are you

14 going to handle that?

15 MR. WILLIS:
Yes, I am. Thank you,

16 Mr. Chairman, Council
members. This item is in

17 front of you tonight for your
approval. It is an

18 annual request that the
agency does to the State of

SEMI82410

19 Rhode Island for capital
projects. Most capital

20 projects that this agency
does are habitat

21 restoration and those types
of projects associated

22 with habitat restoration. We
really haven't had any

23 capital projects other than
that type of general

24 project over the years, and
so what you have in

□

6
1 front of you are the
Council's requests to the

2 Department of Administration
for the capital budget

3 plan, which is a five-year

plan request. That will

4 begin next fiscal year, July
1, 2011. The first one

5 with the priority number of
zero is the one at the

6 top of the list, and they are
in a priority order,

7 is the stimulus funding
project that is just being

8 administered by the agency
for six fish ladder

9 projects in the State, three
in the Pawcatuck River

10 system, three on the Ten Mile
River that are

11 administered by DEM. DEM
will actually be carrying

12 out that project. We're just
passing out the money

13 to them for that. The other
is three fish ladders

14 on the Pawcatuck, which that
construction is

SEMI82410

15 actually underway, and
there's been a lot of

16 progress on that to date.
So, this money is just

17 being listed as a first order
of priority that the

18 Department of Administration
has asked us to put in

19 just for accounting purposes.
The money is already

20 in the State and is being
administered to the

21 appropriate agencies. And
then the next couple of

22 projects -- actually, the
next three, the South

23 Coast Restoration Project,
the breachway maintenance

24 and the large rock removal,
are all associated with

□

7
1 one general project, the
South Coast Restoration
2 Project. As you know, for
the past 13 years now
3 actually, since we initiated
this project with the
4 Army Corps of Engineers, the
South Coast Restoration
5 Project is a cost shared
project with the Army Corps
6 of Engineers to remove
sedimentation into the three
7 South County breached coastal
ponds, that is, quite
8 frankly, smothering all the
habitat, the eelgrass
9 inside those breachways, the
State in the 1950's
10 built these breachways for
recreational purposes, to

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11 better enhance the ponds for
boating and other

12 recreational opportunities.
In so doing they

13 changed characteristics of
those ponds from a

14 primarily brackish pond to a
primarily saltwater

15 pond, and in so doing the
habitat that's inside is

16 being compromised by the
construction of the

17 breachways. They primarily
act as big vacuums from

18 the ocean. As the
sedimentation moves from west to

19 east, it gets stuck in the
breachways, it gets

20 pulled into the ponds and it
smothers the eelgrass,

21 a primary and important
habitat for a number of

SEMI82410

22 species in this state, and
this particular project,

23 the South Coast Restoration
Project, is one way to

24 move that sedimentation and
try to manage. The

□

8
1 issue associated with that is
that the State of

2 Rhode Island through this
agency as the local

3 sponsor is on the hook for
30-year long-term

4 maintenance of that project,
to make sure that it

5 remains successful. So,
while there's three

6 breached ponds, and this is
an approved project,

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7 approved capital project,
only one of the breaches,

8 one of the breachways has
been actually dredged,

9 sediment has been removed,
sedimentation basins have

10 been created to collect that
sand as it comes into a

11 pond and eelgrass has been
restored, and that's in

12 Ninigret Pond. About 40
acres of restored eelgrass

13 there, one of the larger
wetland habitat restoration

14 projects in New England.

15 The other two ponds are
moving forward.

16 They're Phases II and III, if
you want to think of

17 it that way with the Army
Corps on the lead on

18 developing those. Winnapaug

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is being completed in

19 the feasibility stage right
now, and Quonnonchontaug

20 would be the third pond that
would be dredged. That

21 pond might not need to go
through the capital plan

22 request project. It's in
here as a hold because

23 there's property owners on
the Quonnonchontaug Pond

24 that are willing to pay to do
the work themselves,

□

9
1 and so there is an active
movement to have the

2 Quonni portion of this
capital project be done

SEMI82410

3 through private funds. If
that comes through, then

4 that will be eliminated from
this request and we

5 only need to work on
Winnapaug next.

6 The breachway
maintenance and the large rock

7 removal from Ninigret are
part and parcel of the

8 largest South Coast
Restoration Project. The

9 breachway maintenance is our
request to the State to

10 be the responsible agent with
a 30-year long-term

11 maintenance of those
breachways to make sure that

12 whatever initial work is done
for sedimentation

13 removal and eelgrass
restoration doesn't get

14 compromised over the long

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term. This project, if

15 approved, would allow us to
go in on a two to

16 three-year cycle, remove the
sedimentation, but it

17 also would allow, if
possible, if a storm comes

18 through and accelerates that
two to three-year

19 maintenance schedule, to go
in earlier and remove

20 the sedimentation that a
storm might have done to

21 that area.

22 The Narrow River
Aquatic Ecosystem Restoration

23 is similar. It is a habitat
restoration project for

24 the lower portion of the
Narrow River. Right now

□

10
1 it's still in the
reconnaissance stage, and the Army

2 Corps Federal money is being
sheltered around. The

3 Army Corps doesn't have
direct funds to do this.

4 So, while, if approved, if
the Army Corps can get

5 its Federal funding, if
approved we would still need

6 to ask the state for match,
that's why it's in here.

7 It probably won't be approved
this year, but maybe

8 next year on the assumption,
when the Army Corps

9 does get its Federal money
and starts to work and is

10 asking the state for its cost
share, it might not be

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11 needed in FY12. It might be
needed in '13 or '14.

12 So, we would work out the
details on that as the

13 Army Corps moves forward with
this project. Brush

14 Neck Cove is also a
restoration project similar to

15 that sedimentation removal.
There is a water

16 quality element to that one
as well. Again, Army

17 Corps in the reconnaissance
phase, very early in the

18 study of how best to
accomplish that particular

19 project. Dredge material
management plan is

20 something that we have been
asking for for a number

21 of years. The legislature
gave the CRMC the lead

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22 responsibility for dredging
for the State. It also

23 said do a dredge material
management plan. We have

24 been asking for the funds to
do that in a capital

□

11
1 request and haven't had much
luck getting that

2 approved.

3 Number seven, the trust
fund is what you see

4 every January and February,
when we have the team

5 come in front of you and ask
for your approval for

6 those projects. That is an
approved project. It

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7 will always be an approved
project. It just has to

8 be included in this list.
Providence River is

9 really just a closeout. We
made the last payment

10 just June, I believe, or the
end of May to finish

11 the cost share
responsibilities to the State, so

12 this is just on there for
accounting purposes as a

13 closeout. I am more than
happy to answer any

14 questions.

15 CHAIRMAN
TIKOIAN: Any questions?

16 MR. GOMEZ:
Jeff, as I go through

17 this, there is an awful lot
of leveraging here, and

18 I know we've been through it
before, but just to get

SEMI82410

19 it out and on the record
again, it looks like a lot

20 of leveraging that we're
looking at. would you

21 comment on that?

22 MR. WILLIS:
well, especially with

23 the RO project, that's a \$3
million project. I

24 don't have the number off the
top of my head, Don,

□

12
1 but it's significant
leveraging on a minimal amount

2 of state funds, getting that
\$3 million in Federal

3 funds.

4 MR. GOMEZ:
How about the \$145,000
5 of Rhode Island capital?

6 MR. WILLIS:
Not a lot exactly, but

7 that's. The other with the
Army Corps range,

8 depending on the phase that
the project is in, the

9 reconnaissance phase is 100
percent Federal money,

10 so there's zero State money.
The next phase is

11 about a 50/50, the
feasibility phase. Then when you

12 go to construction, that's
65/35, and I believe

13 there's some grumblings down
in Congress to maybe

14 change those formulas, but
the leverage is actually

15 pretty good on the entire
project, from a zero cost

SEMI82410

16 share to a 65/35, so it's
actually pretty good for

17 those Army Corps projects.
And, the trust fund that

18 we do every January and
February, we are, and I'm

19 fairly confident in number,
we are about 11-to-1

20 leveraging ratio on the trust
funds on the six or

21 seven years that we have had
that. We have a good

22 return for the state dollars
on the trust fund

23 money. So, yes, it's been
very good overall

24 leveraging of these projects.

□

1 MR. GOMEZ: A
good bang for the
2 buck.

3 CHAIRMAN
TIKOIAN: Mr. Lemont.

4 VICE CHAIRMAN
LEMONT: Jeff, the

5 fish ladder projects, when I
was City manager in

6 East Providence, and that's a
few years ago now, we

7 said that funding would come
from the State and

8 Federal Government and from
the community to make

9 that happen, and every year I
would ask, when is it

10 going to happen, and it
wouldn't happen. We would

11 get, well, next year, next
year, next year. Now I'm

12 looking at this and I see in

SEMI82410

the year 2011 the total

13 expenditure of some \$3
million. Can I take that

14 then that the local community
is not going to be

15 involved in requiring to put
in money, that this is

16 a total stimulus package, the
State isn't involved

17 in it, it's the Federal
Government's money that's

18 going to do it and it's going
to be accomplished in

19 2011?

20 MR. WILLIS:
It may not be

21 accomplished. I am going to
backup and answer your

22 question in reverse. It may
not be accomplished in

23 '11, but when there are State
match requirements for

24 any of these types of monies,
not much of those, or

□

14
1 many of those requirements
need to be met at the

2 beginning of the construction
phase, meaning out to

3 bid. So, in this particular
year, 2012, because it

4 will be a continuation in
2012, some of the moneys

5 need to be forwarded or used
for this project at the

6 very beginning of the
construction stage. So, it

7 might not be an
accomplishment, but it will be along

8 the way some of the monies
needed to be expended.

9

VICE CHAIRMAN

LEMONT: But if you

10 look at the status of most
communities, they don't

11 have discretionary money for
projects like this, so

12 what happens?

13

MR. SULLIVAN:

The only involvement

14 on that project in East
Providence is a match value

15 derived from some community
land. There will be a

16 ground breaking for the 10
mile projects that is

17 already scheduled, I believe
the third week of

18 September, with construction
beginning at that time

19 as well, Mr. Lemont.

20

VICE CHAIRMAN

LEMONT: It will begin

SEMI82410

21 this year?

22
Yes. And DEM is

MR. SULLIVAN:

23 putting up the money.

24
Yes. When this Federal

MR. WILLIS:

□

15
1 stimulus money came along,
the City basically didn't

2 have to put up any money,
because the money could be

3 arranged such that the
Federal Government and State

4 Government through minor
match requirements could do

5 all the work.

6

VICE CHAIRMAN

LEMONT: Thank you.

7

And there's two

MR. SULLIVAN:

8

comments in it. I wouldn't call it a minor match.

9

TIKOIAN: Any other

CHAIRMAN

10

questions? If there are no other questions, motion

11

to approve.

12

LEMONT: So moved.

VICE CHAIRMAN

13

Second.

MR. DAWSON:

14

TIKOIAN: All in favor?

CHAIRMAN

15

TAKEN)

(VOICE VOTE

16

(UNANIMOUS)

17

TIKOIAN: Good job. Thank

CHAIRMAN

18

you, Jeff.

I know I sent you

SEMI82410

e-mails on the one.

19 Is that forthcoming?

20 MR. WILLIS:
We expect to have that

21 in September, October.

22 CHAIRMAN
TIKOIAN: which year is

23 that?

24 MR. WILLIS:
You asked for this

□

16
1 current year's status and
'12, correct?

2 CHAIRMAN
TIKOIAN: Okay. who's up?

3 MR. FUGATE:
Mr. Chairman, we have,

SEMI82410

4 as noted in the first part of
this meeting, we have

5 two presentations tonight.
We have actually,

6 because the remaining
chapters are within your

7 package, there's the
introduction, the executive

8 summary, the renewable
energy, fisheries and ecology

9 and Chapter 11, which is an
amalgamation of all the

10 policies and regulations.
The writing teams for

11 those chapters are here at
the table in case there

12 are any questions tonight
relative to those

13 chapters, they're in your
packet, and then, of

14 course, we have the hearing
on the entire document

15 tonight. But, to start out

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with, there are two

16 presentations. There is one
on fisheries. Tiffany

17 Smythe is going to be making
that presentation. And

18 then the renewable energy,
Michelle Armsby will be

19 making that presentation.

20 we've already heard the
ecology presentation

21 from Allen, but he is here
tonight in case there are

22 any questions on the chapter
itself because that's

23 in your packet, and then the
entire team is here to

24 respond to any questions on
the intro of the

□

17
1 executive summary or the
Chapter 11.

2 CHAIRMAN
TIKOIAN: Now, the

3 renewable chapter and
fisheries chapter have already

4 been presented to us?

5 MR. FUGATE:
They've been presented

6 to the Ocean SAMP
subcommittee but not to the full

7 Council.

8 MR. GOLDMAN:
July 12th, is that

9 when they went out to public
notice?

10 MS. MCCANN:
They have never been

11 presented here to the full
Council.

12 MR. GOLDMAN:

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The 20th of July?

13
The 23rd. However, as

MS. MCCANN:

14 Grover said in the memo, that
you have in front of

15 you, too, discussing the
suggested changes that the

16 Ocean SAMP team has for the
three chapters because

17 there were three comment
periods that were closed

18 during the past several
weeks.

19
TIKOIAN: You're going to

CHAIRMAN

20 have to help me with the memo
that you said is

21 before us.

22
The August 24th memo.

MS. MCCANN:

23
TIKOIAN: Is that in this?

CHAIRMAN

24
It's in the packet.

MR. FUGATE:

□

18
1
Yes.
2
TIKOIAN: I didn't see
3 that.

MS. MCCANN:

CHAIRMAN

4
I believe it's included

MS. SMYTHE:

5 right at the beginning of
where the ecology chapter

6 is.

7
It is. There's the

MR. FUGATE:

8 public notice, and then right
after that is a memo,

9 and the memo basically covers
Page 39

the ecology, renewable

10 energy and fisheries based on
the comments that came

11 in during the comment period.
These are suggested

12 changes to those comments,
with the understanding

13 that the entire plan,
including these chapters, is

14 still out to comment, and
that comment period

15 doesn't close until September
9th.

16 MS. MCCANN:
But we wanted to

17 recognize that these comment
periods did end. We

18 have also put on line all of
the comments and

19 responses on line. They went
on line yesterday.

20 So, for these three chapters
in particular. There's

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21 others for other chapters, so
that we are prepared.

22 CHAIRMAN
TIKOIAN: When you say on

23 line, so the record is clear,
because last time

24 there was some confusion, is
that on line on the URI

□

19
1 website for the Ocean SAMP,
or is that on line for

2 the CRMC or both?

3 MS. MCCANN:
Both.

4 CHAIRMAN
TIKOIAN: Okay.

5 MR. GOLDMAN:
On both of those sites

SEMI82410

6 is there something in big
bold letters saying that

7 the public comment period
closes on September 9th?

8 MS. MCCANN:
Yes, on the home page,

9 the front page.

10 MR. GOLDMAN:
I guess what I'm

11 worried about, because we
wanted it closed on the

12 9th so that you guys can be
able to get into as much

13 of it on the 14th, so I
haven't looked. Maybe we

14 can talk about it after to
make sure there's

15 something really clear to
everybody, that on

16 September 9th your comments
closed so what we have

17 the public hearing you can

talk about the comments

18 submitted before the 9th, but
we don't want more

19 coming in after.

20 MS. MCCANN:
It's right up on the

21 front. It is the same with
the CRMC website.

22 MR. GOLDMAN:
You and I can talk

23 after.

24 CHAIRMAN
TIKOIAN: Okay. I guess we

□

20
1 can go with the presentation
first.

2 MR. FUGATE:
Fisheries. Tiffany

SEMI82410

3 Smythe.

4 MS. SMYTHE:
Thank you. For those

5 of you who haven't met me, I
am Tiffany Smythe. I

6 work at the URI Coastal
Resources Center and Rhode

7 Island Sea Grant. Tonight I
will be presenting to

8 you a very brief overview of
the commercial and

9 recreational fisheries
chapters. I am one of three

10 co-authors of the chapter.
My co-authors are here

11 with me, that is Dave Beutel
from CRMC and Sarah

12 Smith from URI. We're all
available to answer

13 questions if you have them.
I should also

14 acknowledge that this chapter
Page 44

involved a great deal

15 of efforts from a lot of
other folks, including URI

16 researchers, many
stakeholders, including many

17 fishermen who are here
tonight.

18 Just to give you an
overview of what this

19 chapter is about. This
chapter is focused on

20 commercial and recreational
fishing activity. That

21 is the human act of pursuing
fish for business or

22 for pleasure. Accordingly,
our goal was to include

23 in this chapter baseline data
and information on

24 fisheries resources and on
commercial and

□

1 recreational fisheries in the
Ocean SAMP area. 21

2 Second, our goal was to
highlight the

3 economic, social and cultural
importance of both

4 commercial and recreational
fisheries to the state

5 of Rhode Island.

6 And, third, our goal
was to then outline

7 policies and standards to
protect and promote

8 fisheries activities and
resources within the

9 context of future uses.

10 Just to highlight right
now our major

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11 findings. We found that
commercial and recreational

12 fisheries are, indeed, of
great value to the State

13 of Rhode Island. We found
that all of these

14 activities are dependent upon
key finfish, shellfish

15 and crustacean resources and
habitats upon which

16 they rely.

17 Third, we did find that
over the course of a

18 given year the entire Ocean
SAMP area is used at one

19 point or another by
commercial and recreational

20 fishermen.

21 And, finally, existing
and future uses of the

22 Ocean SAMP area may have an
effect on fisheries

SEMI82410

23 resources and activities and
adverse effects must be

24 mitigated, to the extent
possible, through Ocean

□

22
1 SAMP policies and standards.

2 To frame this chapter
we first set out to

3 identify the species that we
needed to focus on in

4 this document.

5 As this was focused on
commercial and

6 recreational fisheries, we
wanted to identify the

7 fish that are targeted by
those industries. So, we

8 reviewed commercial landings

data available from the

9 National Marine Fisheries
service as well as

10 recreational catch and
release data to come up with

11 a list of species, and then
we reviewed that list

12 with stakeholders, including
commercial and

13 recreational fishermen, to
identify what species are

14 actually harvested from the
Ocean SAMP area. The

15 result is this list at 27
species, which we focused

16 on in the chapter. The
chapter includes a great

17 deal of data about those
species, including their

18 life history, their habitat
requirements, their

19 nature of the fishery here in
Rhode Island, and the

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20 current status of the stock
to the extent that that

21 data was available.

22 We did have to include
a couple of other

23 species in this chapter as
well. The NMFS, North

24 East Regional Office
Protected Resources Division,

□

23
1 asked us to address both
threatened and endangered

2 species act and species of
concern designated by

3 NMFS. We did find by working
with them that there

4 are no species, no fish
species currently listed as

SEMI82410

5 threatened or endangered that
are known to occur

6 within the SAMP area. NMFS
did, however, identify

7 ten species of concern that
we discussed in the

8 chapter.

9 Another major part of
the chapter was a

10 baseline characterization.
The goal of this

11 characterization was to
assess the basic

12 distribution of and abundance
of fish resources

13 throughout the SAMP area. To
do this we worked with

14 a team of fisheries
scientists at URI led by

15 Dr. Jeremy Collie. The
baseline characterization

16 was based on existing trawl

survey data sets for a

17 period of ten years, and that
resulted in a great

18 deal of data and maps that
are included in the

19 chapter, and that
characterized the basics of these

20 resources. This is one of
the data products

21 included in the chapter. It
is a map showing the

22 distribution of fish biomass
during fall seasons

23 over that 10-year period, and
it gives you an idea

24 of a lot of other material we
include based on the

□

SEMI82410

1 baseline characterization.

2 We do also include in
the chapter a section on

3 fish habitat. I should point
out here that there is

4 a great deal of information
that we learned about

5 benthic habitat through the
Ocean SAMP process,

6 however, it is included in
the ecology chapter.

7 That's where it most
logically fit. However, in the

8 fisheries chapter we do
discuss in detail habitat

9 importance requirements for
the species of

10 importance that we discuss
here. We also discuss

11 two key regulatory
designations relevant to fish

12 habitat. The first is
critical habitat, which is

SEMI82410

13 designated under the
Endangered Species Act, and we

14 did find there is no critical
habitat for finfish in

15 the SAMP area.

16 Secondly, we worked
with our colleagues at DEM

17 Fish & wildlife to
investigate essential fish

18 habitat designated under the
Magnussen-Stevenson's

19 Act in the SAMP area, and our
colleagues at DEM

20 helped us produce a great
bunch of maps that

21 characterize essential fish
habitat in this area.

22 Another section of the
chapter includes a

23 great deal of information
about commercial and

24 recreational fishing activity

SEMI82410

9 first part of it was talking
directly with

10 fishermen, both commercial
and recreational, about

11 where they fish in the SAMP
area. In doing this we

12 worked both with commercial
fishermen who use mobile

13 gear, and that includes
bottom trawling and scallop

14 dredging, and fixed gear,
which includes primarily

15 gill netting and lobstering,
and then we also worked

16 with recreational fishermen,
and the map that you

17 see here shows all of that
different data on one

18 map, and what is clear from
those picture is that

19 the entire Ocean SAMP area is
used at some point

20 during a given year by either

SEMI82410

commercial or

21 recreational fishermen.

22 We did also create
versions of this map that

23 show variation by gear type
or by season.

24 The second part of our
fisheries mapping

□

26
1 effort was based on
quantitative data available from

2 NMFS, that's fisheries
monitoring data, called

3 vessel trip reports. This is
where fishermen report

4 their rough location for a
trip on a given day. We

5 gathered VTR, vessel trip
Page 57

SEMI82410

reports, VTR from NMFS for

6 commercial activity based out
of Rhode Island for a

7 10-year period and created
maps that looked like

8 this. These maps include the
two types of mobile

9 gear that we were looking at,
both bottom trawling

10 and scallop dredging --
bottom and mid-water

11 trawling, excuse me, as well
as gill netting, but

12 these maps do not include
lobstering because

13 lobstering is not included on
these data sets,

14 however, I need to point out
that lobstering is

15 still very important here to
the State.

16 These maps show that
there is a great deal of

SEMI82410

17 fishing activity throughout
the area, and they also

18 show in the darker areas hot
spots of activity or

19 greater intensity.

20 We also include in the
chapter a great deal of

21 data that characterizes
fishing effort and its

22 economic impact to the State.
One way to look at

23 the economic impact, the
volume and economic impact

24 of commercial fishing is to
look at landings, and,

□

27
1 so, we gathered a lot of data
on the quantity and

SEMI82410

2 value of fish landed in Rhode
Island over the past

3 decade or so. This figure
here is just one example.

4 It shows the ranking of our
State's two main fishing

5 ports, Point Judith and
Newport, over the past ten

6 years within the context of
all fishing ports in the

7 entire United States, and, as
you can see here,

8 Point Judith has pretty
consistently been high,

9 about number 20 or higher,
over the past decade

10 based on the value of
commercial fish landings.

11 when we look at recreational
fishing, by contrast,

12 because recreational
fishermen don't catch fish that

SEMI82410

13 have been sold on the market,
we instead look at

14 fishing participation, and
recreational fishing

15 participation is typically
measured by surveys of

16 recreational fishermen, and
this is based on a

17 survey conducted by NMFS, and
shows that over the

18 past ten years there has been
gradually a pretty

19 steady increase in
recreational fishing

20 participation here in Rhode
Island. This figure

21 also shows that recreational
fishing involves both

22 Rhode Island residents and
out-of-state residents,

23 and, in fact, as many more
are out-of-State

24 residents who are

material disposal, marine

10 debris, marine fisheries
diseases and global climate

11 change. Of course, future
uses of the SAMP area,

12 which may include offshore
renewable energy or other

13 activities, may also have
impacts on fisheries

14 resources and habitats.
Those topics are discussed

15 in Chapter 8, Renewable
Energy and Other Offshore

16 Development.

17 The very last part of
the fisheries chapter

18 includes fisheries, policies
and standards, and we

19 wanted to give you some
information first on how we

20 went about developing those.

21 First, we conducted a
Page 63

review of the findings

22 of fact, not just from the fisheries chapter, but

23 from all of the chapters in the document, such as

24 renewable energy, and then, second, we consulted

□

29
1 with a variety of fisheries experts and stakeholders

2 to get their input and to hear what they thought

3 should be discussed or considered here. And, third,

4 we gave a lot of consideration to how other

5 jurisdictions both here and abroad have managed

6 off-shore projects. The
policies and standards,

7 which are detailed in your
chapter, address a

8 variety of the key themes
that stood out from that

9 process. Those themes
include the importance and

10 dynamic nature of commercial
and recreational

11 fisheries to the State of
Rhode Island. We

12 addressed the regulatory
jurisdiction of other State

13 and Federal fisheries
management agencies, such as

14 DEM. We acknowledged the, in
our policies, the

15 importance of key fish
habitat and fishing areas.

16 The potential impacts of
offshore construction on

17 fish and fisheries, the

potential conflicts between

18 fishing and offshore
construction, and, finally, we

19 layout a series of site
specific studies for future

20 projects that would assess
the potential effects of

21 such a project on fishing.

22 Finally, just a word on
the public review

23 process for this chapter thus
far. I do want to

24 point out that we began
reviewing preliminary

□

30
1 materials from this chapter
back in the winter,

2 February of 2010, with
Page 66

partner agencies,

3 environmental organizations,
fishermen and other

4 technical advisory committee
members. We then made

5 this chapter first available
for public review back

6 in March of 2010. Since then
we have revised drafts

7 of this chapter twice in
response to public input,

8 that was in May and again in
July. The version

9 that's in front of the
Council today and in front of

10 everyone else on line
reflects comments that were

11 received through the first
public comment period for

12 this chapter, which closed on
July 2nd. We, in

13 this most recent second
public comment period for

SEMI82410

14 this chapter, we received
just one set of comments.

15 Those comments are from the
Conservation Law

16 Foundation, and in the memo
today we present one

17 proposed change based on
those comments. That

18 proposed change can be found
on page 27, and we will

19 be happy to discuss that
further, and that's what

20 we've got to present this
evening.

21 I would be happy to
take your questions, but I

22 do want to thanks the many
folks, many of whom are

23 in this room, who helped to
create this document

24 over the last couple of
years. Thank you.

□

31

CHAIRMAN

1
TIKOIAN: Okay. Is there
2
Okay. Well, do any questions of the public?
3
Council members have any
questions, first of all?
4
If there are none, any
questions of the public with
5
regard to this presentation
or this chapter? Yes,
6
sir.

MR. MCELROY:

7
Yes. My name is Bill
8
McElroy.
9
Tiffany, I would like
know what that last
10
change that you referenced

might be?

11
TIKOIAN: Page 27.

CHAIRMAN

12
Page 27.

MR. MCELROY:

13
Grover, do you want me

MS. SMYTHE:

14 to respond to this, or would
you like to?

15
Basically, the comment

MR. FUGATE:

16 that came in was regarding
the habitat areas and the

17 protection that they were
looking for, and what we

18 indicated is that the Council
will work with each of

19 these entities to protect the
habitats, which is a

20 statutory obligation they
already have, so.

21
Okay. Thank you.

MR. ELMER:

22 CHAIRMAN
TIKOIAN: That's not the
23 addition, though? Is the
blue words the addition?

24 MS. SMYTHE:
Yes. It's one.

□

32 CHAIRMAN
1 TIKOIAN: So, the addition
2 is in section 560.1, page
150, and at the end of the
3 paragraph, the words that are
being added are, "The
4 Council will also work in
coordination with these
5 entities to protect priority
habitat areas,"
6 correct?

7 MS. MCCANN:
Yes.

8 CHAIRMAN
TIKOIAN: So, those are the
9 words?

10 MS. SMYTHE:
Correct, that we
11 propose to you.

12 CHAIRMAN
TIKOIAN: Any other
13 questions? Yes.

14 MS. KARP: My
name is Caroline Karp,
15 Brown University.

16 I believe that this
chapter, when it went out

17 to public review, had a
section in it saying that an

18 agreement, a side agreement
had been reached between

19 CRMC and some of the

SEMI82410

fishermen to set up an advisory

20 body with respect to the
same. Can you describe,

21 please, what has happened
with that, and I

22 particularly want to know how
that gets coordinated

23 with DEM and the marine
fisheries unit?

24
Okay. The suggestion,

MR. FUGATE:

□

33
1 and what it is, it is an
actual regulation within

2 the plan itself, would create
what is called a

3 fishermen's advisory board,
and that is a body

SEMI82410

4 that's there to breathe in
industrial -- or in this

5 representatives from the
commercial fishing center

6 and recreational fishing
center to interact with the

7 Council during the siting
phase of any major ocean

8 energy projects, to provide
advice during that

9 siting phase on locations in
terms of what would

10 minimize the impacts to the
fishery variance,

11 looking at various siting
alternatives. So, it is

12 a -- it's a series of
representatives from the

13 offshore industry that would
be there to interface

14 with the Council. What it
sets up is a mandatory

15 pre-application phase so that

SEMI82410

the representatives on

16 that board can meet with any
project proponents,

17 discuss site alternatives and
then provide advice to

18 the Council on site
alternatives that may be

19 preferred over another, to
lessen the impact on the

20 commercial fishery. So that,
in essence, is what it

21 is, and that's his
obligation, and it's meant to be

22 an interface between the
industry itself and the

23 Council in looking at site
location.

24
Can I ask for one more

MS. KARP:

□

34
1 clarification about that,
please?

2 MR. FUGATE:
Sure.

3 MS. KARP: AS
part of the

4 pre-application process, and
to the extent

5 representatives of the
fishing, I suppose commercial

6 and recreational fishing
groups, also environmental

7 groups, come in and basically
says, these areas are

8 appropriate for siting and
not appropriate for

9 siting, does that preclude
them from basically

10 commenting on or even
disagreeing with subsequent

11 siting procedures?

12 MR. FUGATE:
No.

13 MS. KARP:
What is the role of this

14 advisory board in terms of
siting?

15 CHAIRMAN
TIKOIAN: Can you speak up

16 so we can hear? We would
like to hear the dialogue

17 as well.

18 MS. KARP:
Let me just repeat it.

19 My question is, to what
extent is this Fisheries

20 Advisory Board in the
pre-application process bind

21 either CRMC or the fishing
community? So the

22 decision is made and there is
sort of this advice

23 coming in, are they precluded

from complaining about

24 the ultimate decision? And
how about CRMC, is CRMC

□

35
1 bound by it, or is the
applicant bound by it? what

2 exactly does this group do?

3 MR. FUGATE:
In its very nature

4 they're advisory to the
Council. They're not bound

5 by or obligated to adhere to
their recommendation,

6 should that, during the
development of the project

7 itself, or whatever impacts
come out of it or

8 unforeseen at the time or

whatever, they can,

9 obviously, object during the
process. Again, the

10 Council is not bound by this.
It is meant to, as we

11 do already, for instance,
with aquaculture, bringing

12 in industry representatives,
looking at aquaculture

13 sites, it is meant to have
that same process. It

14 was the fishermen who had
requested to have an

15 opportunity early on to meet
with any potential

16 applicants to, again, assess
site alternatives,

17 locations, timing, all those
types of things that

18 might effect the fishery and
provide advice on that

19 to the Council and to any
potential applicant. So,

SEMI82410

20 it is meant to work very much
like we already have,

21 a process where the
aquaculture, where we do the

22 aquaculture siting, it would
be a board that would

23 provide advice to the Council
to represent all the

24 various fishing interests at
the commercial level.

□

36

1
So, I did file written

MS. KARP:

2 comments on this particular
subject, and so I want

3 to pursue it just quickly,
which is to say, I

4 understand what this

Fisheries Advisory Board would

5 do, but there are a lot of
special interests, a lot

6 of interests concerned about
the development of this

7 SAMP area. Those special
interests, in addition to

8 commercial fishermen,
recreational fishermen, might

9 include environmental groups
concerned about

10 noneconomic interests in
those waters, might include

11 boaters. Are you going to
setup advisory panels for

12 each of these other groups?
Or, how do you expect

13 to incorporate, for example,
informed advice from,

14 example, the environmental
community? You have

15 fishermen, but how are you
going to incorporate

SEMI82410

16 advice from other
stakeholders?

17 MR. FUGATE:
There are opportunities

18 throughout the regulatory
process for other entities

19 to provide input throughout
the process through the

20 public comment phase, both in
the public notice, or

21 other opportunities
throughout the process itself,

22 plus appeal opportunities,
obviously, during the

23 permitting phase, and public
hearing phases before

24 the full Council. But, this
is an industry that is

□

37
1 intensely impacted by the
potential activities, and,
2 as I said, it's a process
that we have very similar
3 setup with aquaculture, for
aquaculture citing,
4 because, again, it is a
potential to upset the
5 existing industries within
those areas, so this was
6 an existing use. We also
have some interface
7 opportunities with the
commercial and recreational
8 boating interests, the Coast
Guard and other
9 advisory bodies to also have
input, so there are a
10 number of opportunities for
the public to interface,
11 but there is certainly an
industry that, as we both

SEMI82410

12 can demonstrate, covers the,
virtually the entire

13 SAMP region, would be
tremendously potentially

14 impacted by any activities
out there, and ask for

15 early representation in this,
and this is the way we

16 spoke to them on it.

17 MS. KARP:
So, here my comment to

18 the Council is as follows.
Grover, I agree with

19 your comments. I think this
industry is

20 particularly impacted by
these plans in the SAMP

21 area, however, just by
describing this you create an

22 informal way for one industry
to influence this

23 process coming up, and

SEMI82410

basically say the public can

24 interact through formal
processes and potentially an

□

38
1 adversarial process, public
comment periods, and I

2 think that sets up a problem
that the Council ought

3 to deal with. So, an
informal process for one group

4 of stakeholders and basically
saying everybody else

5 concerned about the future of
this SAMP area can

6 come in through a formal
comment process. I think,

7 procedurally, I think it is
an issue for the Council

SEMI82410
to consider.

8

9

CHAIRMAN

TIKOIAN: Okay. Thank you.

10

Any other questions? Yes,
ma'am, in the back.

11

MS. JEDELE:

Hi. Tricia Jedele,

12

Conservation Law Foundation.
With respect to the

13

Fishermen's Advisory Board,
CLF would like to echo

14

some of the comments made by
Caroline Karp. We also

15

commented to this point
specifically in our written

16

comments that we filed on
August 12th,

17

specifically singling out one
stakeholder and

18

creating an advisory board so
that they can guide

19

the policy decisions of this
Council is

SEMI82410

20 discriminatory to all of the
other stakeholders that

21 have interests in the Ocean
SAMP area. This is more

22 than just an informal
advisory board that's

23 essentially providing
policies, suggestions and

24 recommendations. By the SAMP
document itself, the

□

39
1 policies of the Ocean SAMP,
Chapter 11, specifically

2 when we're talking about
offshore development,

3 paragraph nine on page 20,
negotiation of mitigation

4 agreements shall be

necessary, condition of any

5 approval or permit of a
project by the Council.

6 Mitigation shall be
negotiated between the Council

7 staff, the fishermen's
advisory board, the project

8 developer and approved by the
Council. We're

9 talking about off-shore wind
development. The only

10 mitigation negotiated, being
negotiated by the

11 project developer, the
Council and a special

12 advisory board created only
to represent the

13 interests of the fishing
industry. I would suggest

14 that the Conservation Law
Foundation would very much

15 like to meet with the
applicants of proposed

SEMI82410

16 off-shore wind developments
in advance of their

17 being permitted by this
Council, and that

18 Conservation Law Foundation,
along with other

19 environmental organizations
and the public at large,

20 have an interest in the
impacts of off-shore wind

21 development on the SAMP area
in its entirety.

22 The recommendation that
CLF made is that if

23 you're going to create a
fishermen's advisory board,

24 you should also create a
separate habitat protection

□

SEMI82410

40

1 advisory board that can
respond to the interests of

2 the environmental community,
or, at the very least,

3 appoint members to the
fishermen's advisory board

4 that represent other
stakeholders and rename the

5 advisory board something
other than the fishermen's

6 advisory board.

7

CHAIRMAN

TIKOIAN: Thank you. Any

8 other comments? Yes, sir.

9

MR.

DELLINGER: Lanny Dellinger,

10 Rhode Island Lobsterman's
Association.

11 D-E-L-L-I-N-G-E-R. I think a
lot of the reason the

12 fishing industry wanted to

SEMI82410

see this fisheries board

13 put together was in the name
of habitat protection.

14 There isn't anybody else in
this room or at the

15 university that knows what
the commercial industry

16 knows out there. We can tell
you where things live,

17 what edges, and when you go
into the Coastal

18 Institute there is a big
sign, protect the edge.

19 It's all about the edges.
Well, we know where

20 everyone of those edges are
out in that SAMP area.

21 The Environmental Law
Foundation doesn't know. The

22 University doesn't know.
Nobody knows except the

23 commercial fishing industry,
because we are out

SEMI82410

24 there every single day, and
nobody has more to lose

□

41
1 except the commercial fishing
industry or the

2 charter boat industry. If we
were not allowed to go

3 into these areas, we are
going to have people

4 displaced. You have got
hundreds of small

5 businesses that their
livelihoods are at stake,

6 their families, their crew
members' families, the

7 infrastructure that keeps
these families going, it

8 is all at stake. So, nobody

SEMI82410

has more to lose out

9 there than Rhode Island's
commercial fishing

10 industry. Okay. Thank you.

11 CHAIRMAN

TIKOIAN: Any other

12 comments? Yes, sir.

13 MR. BROWN:

Christopher Brown, the

14 president of Rhode Island's
Commercial Fishermen's

15 Association. I don't know
where to start. I guess

16 I will start by saying that
our success as fishermen

17 in this area is dependent on
biodiversity unlocking

18 the productivity of the
ocean. Recently at a

19 Council meeting at Wood's
Hole Oceanographic

20 Institute told us that 14 out

SEMI82410

of 16 stocks that they

21 monitor for commercial
purposes have moved decidedly

22 north in the course of one
year. We think we are

23 the coal miner's canary when
it comes to stocks

24 moving. We are very much in
tune with what is

□

42
1 changing. We think any
policy that is adopted for

2 this area ought to be
adaptive. Any policy that

3 does not recognize that this
is an area that is

4 currently subject to great,
great change, anything

SEMI82410

5 written in stone will
probably memorialize

6 obsolescence before it
captures the efficiency and

7 effectiveness. So, we would
request that anything,

8 you know, be adaptive,
realizing we are changing.

9 It would seem that the
conservation groups would

10 have a greater part in this
had science not taken

11 such a leadership role in
this. It would seem the

12 interest in the area would be
well served by a

13 well-informed scientific
community. I know that the

14 Council based on what was
base known 20 years ago

15 drew three protective areas,
the Nantucket Light

16 ship closed area, closed area

SEMI82410

one and closed area

17 two on George's Bank. Based
on what they discovered

18 in the last 24 years, they
came back and stated that

19 they could not have done a
worse job of creating

20 these habitat areas and
closed areas had they sat

21 down and thought about it for
the last 18 years.

22 so, before you start
closing areas or

23 identifying critical habitat
or anything else, I

24 would rely heavily on the
scientific community's

□

1 input rather than that of
NGO's.

2 CHAIRMAN
TIKOIAN: Thank you.

3 Anybody else? Yes, sir.

4 MR. MCELROY:
Yes. Thank you,

5 Mr. Chairman, I'm Bill
McElroy, a commercial

6 fisherman. I would like to
say that it's my

7 understanding that this
fisherman's advisory board,

8 and I stress advisory board,
not being granted any

9 powers of regulation, it's
strictly a way for the

10 fishermen to be involved
early on in the process.

11 We felt that it was quite
important as an area that

12 might be developed for a wind
farm. We don't think

SEMI82410

13 that this advisory panel is
going to be given any

14 power to say that, well, you
pick the particular

15 area, we want to move it 20
miles away. what we

16 envision by having this
advisory board would be to

17 be able to say that, okay,
you've designated a

18 particular area as the area
for development. within

19 that area, it might be a ten
square mile area that

20 these towers might be placed,
and we wanted to have

21 the ability to suggest to a
developer, well, you

22 know, if you move them a
quarter of a mile this way

23 or a couple of hundred yards
that way, it can cause

24 quite a lot less interference
with the commercial

□

44
1 industry. You didn't think
at any point in time

2 that anyone in the process
was saying we were going

3 to be given veto power, we
were going to be given

4 authority to suggest that,
let's move that thing

5 ten miles away. We just
wanted the ability to say

6 within the identified area
that this process agrees

7 to, we might be able to say,
well, let's wiggle it

8 around a lit bit one way or
the other and it works

SEMI82410

9 well for us. That's all
we're trying to do. We're

10 not trying to run policy or
make any major change or

11 anything. We just wanted
that little bit of

12 flexibility.

13 CHAIRMAN
TIKOIAN: Any Council

14 members? There is one more
hand I see in the back.

15 MS. MARKS: I
apologize, I must have

16 misread the notice. I
thought the hearing began at

17 6:00, so I'm not sure where
we are in this process,

18 but I have some comments.

19 CHAIRMAN
TIKOIAN: We're only on the

20 fisheries chapter.

SEMI82410

21
Okay. I'm not speaking

MS. MARKS:

22 on the fisheries chapter but
I did in my general

23 comments.

24
TIKOIAN: You only missed

CHAIRMAN

□

45
1 the presentation -- I
shouldn't say it that way. We

2 only touched on the first
chapter, fisheries

3 chapter.

4
In my comments I had

MS. MARKS:

5 addressed this issue, that
neither humans nor the

6 wildlife recognizing

jurisdictional boundaries, and

7 so we have to be adaptable
and we have to appreciate

8 the dynamic quality of the
habitat, the climate

9 conditions and demands on
various resources.

10 CHAIRMAN
TIKOIAN: Thank you,

11 Mr. Sullivan.

12 MR. SULLIVAN:
Mr. Chairman, thank

13 you. You know, I know these
fishermen quite well,

14 and I accept and value their
words with regard to,

15 you know, I think that the
need of the fisheries

16 community, but there is I
think some legitimacy to

17 expanding the advisory board
conceptually, and

SEMI82410

18 instead of a FAB, a Fisheries
Advisory Board, I

19 would suggest to you, and you
maybe to my fellow

20 Council members, whether we
might want to expand

21 that to a fisheries habitat
and users advisory,

22 where the composition was
structured, say that there

23 were four or five
representatives from the fishing

24 community that represents
BC's gear diversity and

□

46
1 others, and so if you had,
say four fishing members

2 on this advisory panel, that
you might have room

SEMI82410

3 for, let's call it an
ecological research scientist,

4 an ocean conservation
organization rep, and perhaps

5 a general environmental
advocacy, so you had a panel

6 of seven that is dominated by
the principal users,

7 legitimately I believe, and
would cover the broadest

8 spectrum, and I just offer
that as a suggestion for

9 the staff to consider.

10 CHAIRMAN
TIKOIAN: If the advisory

11 team would just review the
comments myself, Director

12 Sullivan, we'll address them.
I would like to make

13 one comment before we go on
to the next chapter. I

14 would like to compliment the
Page 104

fishermen in how

15 closely they work with the
Coastal Resources Center,

16 the members of the CRMC
staff, and they brought

17 incredible value to this
process with their

18 knowledge and the fact that
they are out there every

19 day, and they probably know
the area better than

20 anyone in this room.

21 If they don't, they

MR. SULLIVAN:

22 don't fish long.

23 TIKOIAN: So, from the

CHAIRMAN

24 bottom of my heart, and on
behalf of all of my

□

47
1 Council members, I would like
to thank all of the

2 fishermen, commercial
fishermen in how they've

3 participated, and they
brought such value and

4 positive comments to this
process, and I thank you

5 for that. Yes, sir.

6 MR.
MATARONAS: Yes. One more

7 comment on that Fisheries
Advisory Board.

8 MR. GOLDMAN:
Identify yourself,

9 please.

10 MR.
MATARONAS: Gary Mataronas. I

11 am a commercial fisherman. I
was part of the SAMP

SEMI82410

12 process. I certainly feel
for the ecological

13 community, but the Fisheries
Advisory Board was put

14 together, because we're going
to be the ones that

15 are going to suffer the most
with this wind farm.

16 It's put together out there.
We're going to have

17 problems when it's installed,
we don't know if it's

18 going to last, so we will put
together to go through

19 these situations and work
with the developer in case

20 any of these circumstances
arose, we could try to

21 nip it in the bud before we
put it out of business.

22 That's my feeling on it.

23 CHAIRMAN

SEMI82410

TIKOIAN: Thank you. With

24 that, I think we will move on
to the next chapter.

□

48
1 well, she already made a
comment. Caroline, we'll

2 go all night on these
chapters, and we have a big

3 document to go through, so,
if you don't mind, we

4 will move to the next one.

5 MR. FUGATE:
Michelle Armsby is

6 going to be giving a
presentation on renewable

7 energy.

8 MS. ARMSBY:
Hi. Good evening. My

SEMI82410

9 name is Michelle Armsby, and
I served as a lead

10 author on the renewable
energy and other off-shore

11 development chapter for the
Ocean SAMP. I think

12 this chapter has the honor of
being the longest

13 chapter in the SAMP document,
but my presentation

14 here tonight is just going to
be very brief and

15 touching on just the major
points that are

16 discussed.

17 The chapter, the main
chapter objectives were

18 to first provide general
background on renewable

19 energy and off-shore wind in
particular. Also, to

20 describe the process and

SEMI82410

tools that have been used

21 throughout the Ocean SAMP
process, to identify

22 viable sites within the area
for offshore renewable

23 energy development, to
identify a renewable energy

24 zone within the Ocean SAMP
area, to summarize all

□

49
1 known potential effects, both
positive and negative,

2 that may result from offshore
renewable energy

3 development, and, lastly, to
outline policies,

4 standards and monitoring
requirements for future

SEMI82410
development.

5
6 This chapter does not
address any particular
7 project, rather it's meant to
address offshore
8 renewable energy development
and other development
9 in general within the Ocean
SAMP area, and that a
10 clear statement of these
objectives and the fact
11 that this chapter doesn't
deal with any particular
12 project is one of the
proposed changes within the
13 memo submitted to you for
tonight.

14 The chapter was
developed using a number of
15 key reports, primarily the
MMS, programmatic EIS, as
16 well as the Cape Wind EIS,
and it relied heavily on

17 the Ocean SAMP research that
was conducted for the

18 document, and European
colleagues and reports, to

19 incorporate lessons learned
from Europe.

20 The policies and
standards, much like the

21 fisheries chapters Tiffany
described, were developed

22 as a result of the findings
of fact from all of the

23 different chapters within the
Ocean SAMP document,

24 by gaining stakeholder and
expert input, from

□

researchers, and then also

2 considering other
jurisdictions handling off-shore

3 development. So, how the
Federal entities deal with

4 offshore development and so
on.

5 The chapter begins with
just a general

6 overview of renewable energy,
beginning with a

7 description of increasing
energy demand within the

8 region and within the State
and how this relates to

9 global climate change
concerns.

10 The chapter then moves
into describing

11 existing renewable energy
statutes, initiatives and

12 standards within Rhode
Island. For example, the

SEMI82410

13 renewable energy standards,
which sets a quota for

14 the amount of renewable
energy that Rhode Island

15 must achieve by a certain
date. The chapter then

16 discusses one by one all of
the different renewable

17 energy sources in the State,
and ultimately finds

18 that for utility scale,
renewable energy

19 development, off-shore wind
energy is the most

20 viable option currently, and
so because of that

21 finding the remainder of the
chapter focuses in on

22 off-shore wind energy in
particular.

23 We also describe the no
action alternative.

24 If offshore renewable energy development were not to

□

51
1 be developed, what is the alternative scenario, what

2 would that look like.

3 The chapter then moves into describing utility

4 scale offshore wind energy, because we've identified

5 that that's the one renewable resource that's the

6 most viable for utility scale development. The

7 chapter describes what the different components of

8 an offshore wind farm look like, the different

9 foundations, for technologies for turbines,
foundations, for cables,

10 and it also describes the
different stages of

11 development, and this is
meant to provide the reader

12 with some general background
as to what the utility

13 scale off-shore wind energy
is all about.

14 The chapter then begins
to focus specifically

15 on the SAMP area, so it
describes the off-shore wind

16 resources in the Ocean SAMP
area. It also describes

17 citing analysis tools that
have been developed

18 specifically by our Ocean
SAMP researchers, in

19 particular the Technology
Development Index, which

20 is one tool that can aid in

the selection of

21 suitable sites within State waters.

22 The second half of the chapter really

23 summarizes all of the potential effects off-shore

24 wind energy development could potentially have, both

□

52
1 positive and negative, and it is a summary of all

2 different topics, including potential economic

3 effects, potential biological and ecological

4 effects, physical effects, as well as potential

SEMI82410

5 effects to cultural and
historic resources, existing

6 human resources, such as
fisheries, recreational,

7 transportation and so on, and
it also discusses

8 avoided air emissions and
potential cumulative

9 effects.

10 within the potential
economic effects, some of

11 the topics that are described
are the potential for

12 port development and job
creations, specifically at

13 Quonset-Davisville, the
potential effect on

14 electricity rates, the
potential for revenue sharing

15 from Federal leases in the
Ocean SAMP area, as well

16 as a discussion of some
non-market value, such as

SEMI82410

17 global climate change
mitigation and diversifying

18 the state's energy portfolio.

19 The potential effects
sections on existing

20 uses and natural resources,
again, provides a

21 summary of all possible
effects, both positive and

22 negative, from the best
available information and

23 research to date. The
effects of any one particular

24 project will vary, depending
on its location, its

□

53
1 size, its scale, its design,
the technology that's

2 being used, and so the
chapter, while it presents

3 all of these effects, makes
note that the effects of

4 any one particular project
will be different

5 depending on all of these
factors, and that

6 project-specific effects will
be thoroughly examined

7 under the NEPA process and
the NEPA review, as well

8 as under the State review
outlined in the regulatory

9 section. But, that the Ocean
SAMP research is

10 really providing some
important baseline data that

11 can be used to monitor and
research these potential

12 effects.

13 Lastly, the policies

and standards section of

14 the chapter is pretty
substantial. It outlines a

15 regulatory framework to be
adopted by CRMC. It

16 identifies a renewable energy
zone within the Ocean

17 SAMP area. It outlines areas
of particular concern

18 and areas designated for
preservation. It also

19 describes the application
requirements for any

20 proposed developer within the
area, and it describes

21 design fabrication and
installation standards, as

22 well as preconstruction and
construction standards,

23 and monitoring requirements
and recommended targets

24 that should be tried to be
met by potential

□

1 54
2 developers.

3 As with all of the
4 chapters in the Ocean SAMP

5 document, this chapter has
6 gone through a long

7 period of review, including a
8 Technical Advisory

9 Committee, as well as review
10 by a multitude of

11 Federal and State agencies,
12 and has been

13 strengthened by all of our
14 colleagues.

15 So, thank you for your
16 time, and I will be

17 happy to take any of your
18 from the chapter or the

SEMI82410

10 proposed changes.

11 CHAIRMAN

TIKOIAN: Council members?

12 (NO

RESPONSE)

13 CHAIRMAN

TIKOIAN: I have a

14 question, Grover. When we
originally started

15 presenting this chapter to
various groups, like

16 legislative leaders,
congressional people in the

17 Governor's office two years
ago, you indicated that

18 one of the main purposes of
this plan was to

19 identify a mapping of
potential renewable energy

20 sites, not necessarily
turbine sites, but renewable

21 energy sites. Can you tell

SEMI82410

me the document where it

22 identifies potential wind
energy sites, renewable

23 energy sites?

24
well, within the map

MR. FUGATE:

□

55
1 itself it identifies a
renewable energy zone within

2 the regulations.

3 CHAIRMAN
TIKOIAN: Can you point to

4 that, where that map is?
It's the renewable energy

5 chapter?

6
I just want to make

MR. FUGATE:

SEMI82410
7 sure it's the same.

8 CHAIRMAN
TIKOIAN: Can you call that
9 document up on the screen so
we can see it?

10 MR. FUGATE:
If you go to the
11 renewable energy chapter.

12 CHAIRMAN
TIKOIAN: We're there.

13 what page?

14 MR. FUGATE:
Page 180.

15 MS. ARMSBY:
Figure 8.48.

16 CHAIRMAN
TIKOIAN: Okay. That's the
17 map that you're saying, but
that's on the State

18 waters. What about the
Federal waters?

19 MR. FUGATE:

SEMI82410

The plan can only be

20 written for State waters with
NOAA approval.

21
TIKOIAN: why?

CHAIRMAN

22
Because NOAA will not

MR. FUGATE:

23 allow us to write a plan for
Federal waters.

24
TIKOIAN: But our plan

CHAIRMAN

□

56
1 encompasses all of the
Federal waters, though.

2
We have a lot of

MR. FUGATE:

3 research for Federal waters.
We will be asking for

SEMI82410

4 Federal consistency authority
in Federal waters, but

5 we cannot plan and dictate
what will go in Federal

6 waters.

7 CHAIRMAN

TIKOIAN: So, do you have

8 that in writing?

9 MR. FUGATE:

Yes.

10 CHAIRMAN

TIKOIAN: Can you give it

11 to us?

12 MR. FUGATE:

Yes.

13 CHAIRMAN

TIKOIAN: Right now?

14 MR. FUGATE:

I don't have the

15 Federal cite and statute.

16 CHAIRMAN

TIKOIAN: No, no. In

SEMI82410

17 writing that we can't put
that in the document.

18 MR. FUGATE:
Yes, we have the emails

19 from them indicating that it
has to be written.

20 CHAIRMAN
TIKOIAN: Can you provide

21 it to us tonight?

22 MR. FUGATE:
I don't have it with me

23 here.

24 CHAIRMAN
TIKOIAN: I guess the

□

57
1 concern I have here is we
just spent \$8 million and

2 we've been telling our people
that this is going to

3 have a citing, or potential
citing of renewable

4 energy and now it's not in
this document.

5 MR. FUGATE:
There is a renewable

6 energy zone within State
waters.

7 CHAIRMAN
TIKOIAN: The Federal

8 waters. I am talking about
the entire SAMP

9 research.

10 MR. FUGATE:
We have done research

11 and we have done site
identification within Federal

12 waters, but we cannot write a
plan for Federal

13 approval that will identify
Federal waters and

SEMI82410

14 activities within Federal
waters. It has to be

15 written for State waters.

16 CHAIRMAN
TIKOIAN: This is a State

17 document, correct?

18 MR. FUGATE:
Yes.

19 CHAIRMAN
TIKOIAN: If it's a State

20 document, why can't we say we
feel as an agency

21 based on the science that we
performed that

22 potentially these are areas
that can work for

23 renewable energy? what's
wrong with doing that?

24 MR. FUGATE:
NOAA's guidance to us

SEMI82410

11 identify sites, which we can
suggest to MMS through

12 their citing process, either
through an unsolicited

13 bid or through their RFI
process for site

14 nomination. The State can
take a proactive

15 statement and identify those
areas that would go

16 through the MMS process, and
that's what we've been

17 doing with this, is working
with MMS to identify the

18 potential sites that may have
the ability to go

19 through the Federal process
in a very quick manner.

20 CHAIRMAN
TIKOIAN: why can't we put

21 that in a document, that
we're working with MMS in

22 potential sites and put those

potential sites in the

23 document?

24

We would have to clear

MR. FUGATE:

□

59

1 that through NOAA and see if
they would allow it.

2 MMS has already expressed
concern to NOAA about the

3 current document. NOAA has
said that this is a

4 State waters document. They
do not have a problem

5 with it on the basis of a
State water document. If

6 we start getting in towards
Federal jurisdiction, we

7 may face objections from

Federal agencies at this

8 point.

9

CHAIRMAN

TIKOIAN: So, how are you

10 going to go back to all the
people that you pitched

11 this to saying this is going
to be cited in the

12 Federal waters?

13

MR. FUGATE:

We have a site location

14 in Federal waters that we've
been working with MMS

15 that we believe can clear the
regulatory hurdles and

16 go through their site
nomination process.

17

CHAIRMAN

TIKOIAN: I guess I feel

18 like I am getting stonewalled
here a little bit.

19

The concern I have is we

spent \$8 million in

20 taxpayer dollars to do this
and it's not in the

21 document. It is a concern of
mine. Director.

22 MR. SULLIVAN:
If I may,

23 Mr. Chairman. The same
question to Grover, but with

24 perhaps a different approach
that might allow you to

□

60
1 answer differently.

2 The area identified
within the document

3 represented in 848 here is a
color rendering of the

4 series of data layers that
Page 135

were quantified or

5 assessed by the various
experts, correct?

6 MR. FUGATE:
Correct.

7 CHAIRMAN
TIKOIAN: And so it would

8 be possible to apply those
same data layers to the

9 Federal waters and achieve a
similar area

10 identification, correct?

11 MR. FUGATE:
Correct.

12 MR. SULLIVAN:
From a technical

13 perspective?

14 MR. FUGATE:
From a technical

15 perspective.

16 MR. SULLIVAN:
The barrier at this

SEMI82410

17 point in time is the
generalized bureaucracy that

18 says State waters, the
application and the

19 prioritization, and the
weighting of those technical

20 observations in those cannot
be applied here because

21 this is our yard, stay in
your yard?

22 MR. FUGATE:
That's essentially

23 correct.

24 MR. SULLIVAN:
And so at a level

□

61
1 well beyond my pay grade, the
chair's grade and

SEMI82410

2 others, the Governor, the
Federal delegation might

3 stimulate that discussion
that would allow that

4 public acknowledgment of
those applications and

5 identification?

6 MR. FUGATE:
Well, more than that,

7 we have started out, and from
the very beginning of

8 this process we brought MMS
into this. This is a

9 marine spatial planning
exercise that goes out and

10 gathers data which never
existed in the marine

11 environment, to look at what
all the potential uses

12 are, what the potential
resources are, and then, on

13 a basis of that, GIS layering

and decision tree

14 analysis that we go through,
much as we arrived at

15 that area, we have been
working with MMS to do the

16 same site identification in
those areas, where this

17 buys times that no other
state has gotten so far,

18 that we were able to reach
agreement with the

19 Federal agencies up front in
terms of the scoping

20 for this and start to do
studies that are necessary.

21 The aging studies, for
instance, alone, require

22 three years of data before
you can even submit an

23 application to any Federal
entity. If you do not

24 have those three years of
data, you will be sitting

□

62
1 waiting for three years to
try to get that data in,
2 and the same goes with the
fisheries data, it goes
3 with all the potential uses.
So, the State has
4 proactively gathered that
data. The other advantage
5 is that the State can gather
as a public entity and
6 put that forth. If a
developer came in the door
7 today they cannot do the
same. Those studies will
8 not be accepted by MMS unless
they are part of the
9 EIS scoping process, so the

State --

10 That's site specific.

MR. SULLIVAN:

11 Or general in this

MR. FUGATE:

12 case. what we did was we gathered, for instance,

13 ambient data over the entire area. We know what the

14 ambient general usage is over the entire area. That

15 allows us to choose sites that will minimize the

16 problems to any ambient population because we know

17 what the usage is within that area and we will have

18 a three-year database to make those considerations.

19 So, what the State bought and what is happening now

20 is MMS is starting to use this State's process as a

SEMI82410

21 pilot project to demonstrate
to all the other
22 states, that if you want to
accelerate this
23 progress, if you want to jump
start it and get
24 renewable wind energy, you
should follow Rhode

□

63
1 Island's example and start to
do a proactive marine
2 spatial planning exercise so
that you know what the
3 potential conflicts are in
the offshore and you know
4 what the resource usage, and
you're gathering that
5 on a scale that you can help

us make those

6 decisions, but the final
decision rests with MMS in

7 the case of wind energy, or
in some of the other

8 forms of energy use, for
instance, if we were to

9 propose a wave energy, it
would be both FERC and

10 MMS. If it's LNG, it goes
through the Port Citing

11 Act. So, there are a number
of things that can be

12 brought in, but all those
databases that we gather

13 now help us make decisions on
major ocean activities

14 that we never had before. We
never had the data to

15 substantiate it. We never
had the data to ask for

16 blanket authority over this
area like we will now

SEMI82410

17 have for Federal consistency,
so we have a blanket

18 Federal consistency ability
to reach out and effect

19 Federal decisions in this
area that no other State

20 has right now.

21 CHAIRMAN
TIKOIAN: If we have all

22 that data, why can't we put
in this document areas

23 that we know that are
eliminated, areas that we know

24 renewable energy can't go?
We spent this money to

□

64
1 to do that, so the document
at the end of the day

SEMI82410

2 for Federal waters is an
inventory of the uses of
3 the areas. It is not truly a
spatial planning
4 document.

5 MR. FUGATE:
It is a spatial

6 planning document. It is.
If we want to go

7 forward, once this Council
approves it and submits

8 it for Federal approval, so
we will have the ability

9 to use Federal consistency,
we have to write it

10 according to NOAA'S rules and
regulations, and this

11 has to be written initially
as a State document for

12 State waters. Once we do
that, then we can ask

13 NOAA, after they have adopted

this plan, for a

14 geographical boundary
expansion, so then we can

15 reach out and capture the
entire area for Federal

16 consistency authority, but
NOAA has to approve it as

17 a State water document. Once
that's done, then all

18 the policies that are
contained herein for State

19 waters will then apply to
that new Federal

20 consistent boundary and a
second decision by NOAA on

21 the geographical expansion.
So, it is a step wise

22 process to get this. In the
meantime, we've also

23 been working with MMS to
ensure that the data layers

24 that we have, all the studies
that we have been

SEMI82410

10 get it more than other
Council members, the SAMP is

11 under the aegis of the
Council, CRMC and staff, and

12 so inquiries are made about
the product, as it is in

13 a chain of custody, owned by
the body here, and you

14 use the pronoun we a lot, and
it's the staff of the

15 SAMP, your leadership, the
CRMC staff, but the

16 Council is not knowledgeable
of the detail, and one

17 of the things that may help
the chair, would help me

18 if there was, let's call it a
transition executive

19 summary where you would
delineate how the State

20 water's document would need
to travel so that not

SEMI82410

21 only the Council but the
public who paid the nut in

22 this case would understand
the sequence and process

23 by which the data layers
would expand through the

24 Federal waters so that we as
individuals and as

□

66

1 Council members have a
greater ability to defend

2 where did the 8 million go,
is that something that

3 you would see at this point
in time as achievable by

4 you and the staff to define
that transition from

5 State waters to the full SAMP
aerial application?

MR. FUGATE:

6
Yes. And, as you can

7 probably gather, it is a
somewhat complex and

8 multi-jurisdictional, that
we've been working with

9 MMS, but this plan is also
going to be adopted by

10 FERC as a submission to the
board so that it will

11 have not only Federal
consistency authority, but it

12 will also be contained within
the FERC process

13 itself, and MMS has already
been working through the

14 task force that's been
established for Rhode Island

15 and already considered the
sites that have come out

16 of this program here and the
mapping exercise and is

SEMI82410

17 ready to move forward at the
Federal level on the

18 site that's been identified
through this process and

19 through the mapping. So, we
were able to building

20 up enough of a comfortable
level with the data that

21 we gathered through the
Federal agencies that they

22 are quite willing to move
forward. Now, Rhode

23 Island is also positioned
through the Atlantic

24 governor's consortium to be
able to also offer this

□

67

1 as a pilot project,
therefore, by combining both the

SEMI82410

2 SAP and the COP, which has
never been done, in

3 shortening the timeframe down
from 7 to 10 years for

4 an EIS for a project like
this down to 24 months, so

5 that the whole idea is, what
we've done is we've

6 facilitated, by gathering
this data and working with

7 the Federal agencies, we
facilitated the process

8 from a seven to ten-year
process down to 24 months

9 based on the data and the
mapping exercises that

10 we've been going through, so,
and that's through the

11 MMS process, which is
different than the NOAA

12 adoption process, so.

13

MR. SULLIVAN:

But, again, I think

14 what would add to the
Council's knowledge and the

15 general, if you could, I
think I have a full grasp

16 of the complexity and the
moving parts and the

17 agency jurisdiction, but it
would be, again, I think

18 immensely valuable to the
Council and to those who

19 asked us questions now and
into the future, if you

20 could endeavor to put
together that, you know, the

21 agency, engagement, and,
frankly, also speculate on

22 the timeframe because there
are -- and you

23 verbalized it well, that
seven to ten-year movement

24 down to the 24 months and
people will want to

□

68
1 understand, what have we
gotten and how might it
2 effect it, and I think it
would be immense value in
3 this time where resources
that are immensely
4 limited, and people, you
know, will make a point of
5 how much has been spent and
what's the value, and I
6 think it would benefit us all
to do that.

7
The other thing that I

MR. FUGATE:

8 should just point out is that
no other State has the

9 data now that we have in our
Page 154

offshore environment to

10 be able to say anything about
the Federal waters.

11 Rhode Island will be the
first State in the nation

12 to ask for a geographical
boundary expansion beyond

13 its State waters into Federal
waters. We will be

14 the first State to do that
based on the fact that we

15 have collected this data and
can demonstrate,

16 because that's been the
problem with any other State

17 in NOAA, is being able to
demonstrate what the

18 effects are, because all the
NOAA jurisdiction runs

19 off an effects test. So, by
gathering this data

20 that we have and
demonstrating the uses and

SEMI82410

21 demonstrating the importance,
we now have the data

22 we need to ask for that
jurisdictional expansion,

23 which no other State has been
able to do up until

24 this point in time.

□

69

1 I don't quite share

MR. SULLIVAN:

2 your confidence, that we will
be the first State to

3 ask. I do share your
confidence that we will be the

4 first State to ask and have
it granted, because, as

5 you suggest, this is a
competitive arena, and part

SEMI82410

6 of what I would like the
Council and I think the

7 citizens to know is just the
magnitude of the

8 leadership of the State on
this, and I think without

9 really a clear understanding
that could be, we leave

10 the average citizen, who sees
8 million, and says

11 why, and this is really
something, I think a

12 remarkable achievement in
demonstration of the

13 leadership, and certainly
those with the picture of

14 responsibility here ought to
be able to crawl about

15 it, and Peter Lord and
everyone else ought to be

16 able to and we all ought to
celebrate what is truly

SEMI82410

17 national and international
leadership in the

18 assessment.

19
It is. It is.

MR. FUGATE:

20
TIKOIAN: Don.

CHAIRMAN

21
am trying to get my

MR. GOMEZ: I

22 arms a little bit around
this, Grover. The process

23 that we've been through with
the SAMP provided

24 significant research, for
offshore, the Federal

□

70
1 waters as well as the state
waters?

2
That's correct.

MR. FUGATE:

3
Correct. Is this data

MR. GOMEZ:

4 available to the potential
developers? Has it been

5 given to anybody? Do we
allow them to see it? who

6 decides who sees it? Those
were the questions that

7 I had. We got the data, that
is URI databank, or

8 wherever it may be, much of
it summarized or covered

9 here, but how is it accessed
by potential developers

10 and how does the Council
control that?

11
Right now the only

MR. FUGATE:

12 documents that have been
available are those that

13 have been publicly available

and the information

14 that's been publicly
available, and a lot of it is

15 already publicly available
both on line, through the

16 appendices because the
appendices are a lot of

17 technical reports. There is
still a lot of data

18 that is streaming in, there
are studies that are

19 ongoing and will be ongoing
for the next two years

20 on some of these things. The
information itself,

21 however, is going to be
housed at the University and

22 available to all. Right now
some of it is going

23 through quality and control
by the individual

24 researchers. For instance,
John King, in terms of

□

1 71
has gathered has over the geophysical data that he

2 20 terabytes of information
that's out there, and,

3 so, that John has got his
staff working on going

4 through a Q and C process on
that data, and as it

5 gets out of that Q and C
process, it will be then

6 put and housed at the
University for anybody that

7 wants to access that
information. So, it is not

8 just developers, the
environmental groups or

9 fishermen that want to gain

SEMI82410

access to that, anybody

10 should be able to gain
access, so it will be all

11 public information as it gets
out of the Q and C

12 process, so.

13
Shouldn't we somewhere

MR. GOMEZ:

14 in here describe that process
and that availability?

15
Right now, and the

MR. FUGATE:

16 actual details that are still
being worked out

17 through the university, and
they're going to,

18 because, again, this is one
of these new pilot

19 projects that's being
championed by the University

20 library to make this
available, all this information

SEMI82410

21 contained within that library
and made available to

22 the public through the
library.

23 MR. GOMEZ:
And you say the only

24 involvement of the Council at
this point is through

□

72
1 the Federal consistency that
we're trying to

2 achieve?

3 MR. FUGATE:
Well, there's several

4 ways that the Council can do
this. One is, as I

5 indicated, Don, the document
itself will be

SEMI82410

6 forwarded to FERC for
adoption. FERC will then

7 adopt that document and the
citing criteria and all

8 the rest of it within their
process. Now, FERC is

9 not absolutely bound by that,
but they have to take

10 it into consideration in
looking at any projects

11 that they may permit within
this ocean environment.

12 MMS has already incorporated
it within their site

13 selection process, and what
they're looking at,

14 allowing the State either to
go out for an RFI or

15 what they may allow a
developer to propose through

16 an unsolicited bid. So, this
information is already

17 being used by these Federal

entities for that

18 purpose.

19 Then, in addition, the
State has throughout

20 the Coastal Zone Program
Federal consistency

21 authority which it can then
also exercise over

22 Federal decisions, licenses,
permits, those types of

23 things that may be granted in
the OCS. So, we will

24 have three tools available to
us at this point as it

□

73
1 gets adopted by these various
Federal entities

2 available to us to start to
Page 165

have the ability to

3 reach out into the Federal
waters that we've never

4 had before. In addition,
this SAMP also puts in

5 Type 4 waters protection
measures that were never

6 existing. Right now Type 4
waters are pretty much

7 open to any type of
development that can come

8 forward provided they don't
impact habitat or water

9 quality, is basically the two
criteria. What this

10 does now, by setting up the
APCs and also the areas

11 designated for preservation,
is it protects almost

12 70 percent of the Federal and
State waters in under

13 those designations. Once we
get that geographical

SEMI82410

14 boundary exchange for Federal
consistency, we can

15 then start to apply those
same policies out in

16 Federal waters for those
resources that we have

17 mapped in here. So, it is a
stepwise and it is a

18 very complex and it is a sort
of arcane type of way

19 that the Federal Government
does it because of the

20 way the CZMA works, but we
will have a very powerful

21 tool that no other State has.

22 MR. GOMEZ: I
think I agree with

23 Director Sullivan, you know,
I think he mentioned

24 something like an executive
summary, but a

□

74
1 transition, some transition
discussion on what we've
2 got and how this can be used,
and, basically, the
3 process that it would be used
by, and into the
4 future what we intend to, how
we intend to use it
5 and what we intend to gain
out of it, I guess. The
6 Federal consistency, we're
starting to look at now
7 we need more involvement with
our neighboring
8 states, too, right?

9 MR. FUGATE:
Right.

10 MR. GOLDMAN:

So, that will come

11 into play, and a lot of that
is missing here.

12 MR. FUGATE:
Right. The boundary

13 area that we're showing, even
though we call it

14 Rhode Island waters, other
states may consider it

15 their waters. So, we will
be, in essence, through

16 this geographical boundary
delineation, be pursuing

17 what some states may consider
an interstate

18 consistency process so it
will follow that format

19 through the request.

20 MR. SULLIVAN:
The consistency or

21 interstate rivalry, or both?

22 MR. FUGATE:

A little of both, yes.

23

CHAIRMAN

TIKOIAN: Grover, with

24

regard to consistency, and I
guess is there a way we

□

75

1 can incorporate through this
document how we're

2

going to address as a Council
consistency, because

3

in the past you've done that
administratively,

4

right, and maybe, but that
opens up that process to

5

be a public process? So, if
there were to be an

6

applicant that required
Federal consistency, at

SEMI82410

7 least we know that that
process will go before the

8 body in public.

9 MR. FUGATE:
The process, the way

10 it's structured right now is
in the management

11 procedures can go other way.
Most of the Federal

12 consistency decisions have
been going out the door

13 because most of the Federal
consistency decisions

14 that we are seeing were
direct Federal activities.

15 Direct Federal activity, you
have 60 days to

16 basically assess the activity
and render a decision,

17 otherwise you lose its
presumed consistency for

18 direct Federal activities.
They've been handled by

SEMI82410

19 staff merely because of the
time considerations.

20 However, if it's a Federal
permitted activity, the

21 window that, or the timeframe
that you have is six

22 months, so it is a little
longer. Those activities

23 do have, and both of these
actually have the option

24 of coming before the Council,
we've just never had

□

76
1 any of that reached for the
Federal consistency

2 within recent history. They
can come before the

3 Council. The Providence
Page 172

Harbor project, for

4 instance, came before the
Council to basically,

5 again, to review and condone
the staff

6 recommendation that we would
be granted a

7 consistent, or grant
consistency to that particular

8 project. So, there is an
opportunity to do that,

9 and it would be expected that
most of these major

10 projects would be coming to
the Council for a final

11 call on consistency.

12 CHAIRMAN

TIKOIAN: But, instead of

13 saying most would be
expected, can you put it in the

14 document so that assures the
public?

MR. FUGATE:

15
The only thing I will

16 caution is that you almost
have to separate two

17 processes, because, as I
said, direct Federal

18 activities have 60 days to
render a decision.

19 Federal licenses, permits or
authorizations have six

20 months. So, if you
intertwine the two processes and

21 you get caught up in a
subcommittee before the

22 Council can render a
decision, you may lose your

23 consistency call on it on the
basis of timing.

24
He's right about the

MR. GOLDMAN:

□

SEMI82410

I am going to

13 interpret Don Gomez's comment
as somewhat supportive

14 of the request, and so I
would make it more clear,

15 if it wasn't, if we were to
call this mini summary,

16 you know, kind of a travel
jurisdictional time line

17 document, or the State to
Federal, let me ask my

18 question first, and maybe I
will, what would be your

19 guesstimate, Grover, that it
would take you and

20 staff to generate that
document, that in an

21 executive format allows the
Council and others

22 looking at this document in
the process to

23 understand how it makes that
transition from State

SEMI82410

24 waters, is that a one-month
assignment to you and

□

78
1 staff, a two month, a six
month, a two week?

2 MR. FUGATE:
I think within a month

3 we can do it, but,
essentially, what you're asking

4 is sort of a -- let me ask
this, so that I'm clear

5 in my mind. You're asking
for us to basically

6 explain the adoption process
for Federal adoption,

7 for how it's being used
within the Federal MMS

8 process and then also how it
Page 177

will be used in the

9 FERC process?

10 MR. SULLIVAN:
I think in total,

11 what my bottom line would be,
how, you know, who are

12 the players and what is the
process to have an image

13 shown in 8.48, and I think
the staff said it was,

14 expand it so it includes the
Federal waters that

15 have been invested in this
study, is that the

16 one-month timeframe?

17 MR. FUGATE:
Yes.

18 MR. SULLIVAN:
Mr. Chairman, if you

19 would indulge, I would make a
motion to charge

20 Grover and staff with the

development of that

21 document, and not later than
today's, I'm more

22 generous, he said 30 days, I
would say not later

23 than October 10th.

24
TIKOIAN: well.

CHAIRMAN

□

79

1
Or, if you got a

MR. SULLIVAN:

2 meeting date coming up
somewhere.

3
TIKOIAN: well,

CHAIRMAN

4 October 12th is the final
adoption. Do you want

5 to get out before that?

6
October 1.

MR. SULLIVAN:

7
will second.

MR. GOMEZ: I

8
TIKOIAN: I think that

CHAIRMAN

9 motion will kind of satisfy
my request with regard

10 to what's going on in the
Federal side of this, not

11 just the state side of this.
Again, I just, I want

12 to assure the public that
what we told him we spent

13 the money for we spent it
for, and that is to

14 evaluate not the only state
portion of this ocean

15 SAMP area but Federal, and
that spatial planning

16 should incorporate that as
well, or be in the

SEMI82410
document as well. Mr.

17
Goldman.

18
Grover, kind of on

MR. GOLDMAN:

19 those lines. Oh, no.

20
TIKOIAN: Did we vote on

CHAIRMAN

21 it? Any discussion on the
motion?

22
RESPONSE)

(NO

23
TIKOIAN: All in favor?

CHAIRMAN

24
TAKEN)

(VOICE VOTE

□

80

1

(UNANIMOUS)

2

CHAIRMAN

TIKOIAN: Opposed? So

3 carried.

4 Can I ask one more

MR. SULLIVAN:

5 question?

6 TIKOIAN: One more

CHAIRMAN

7 question.

8 In doing this, and

MR. SULLIVAN:

9 this may be too much, but,
you know, I think it goes

10 to how some people would look
at it, would it be

11 possible, as you linked those
steps and those time

12 lines, to perhaps give it an
example of what the

13 outward product at some stage
would be, whether you

14 do it through a flow charting
exercise or something?

15
Okay. You're --

MR. FUGATE:

16
If you can just

MR. SULLIVAN:

17 clearly define, you know, the
process, so that State

18 to Federal waters and
consistency, then I will be

19 content.

20
The one thing that I

MR. FUGATE:

21 will caution everybody on is
that we can predict

22 what our timeframes should
be. what we can't

23 predict is how long it will
take NOAA and the others

24 to review the documents and
render a decision.

□

81

CHAIRMAN

1
TIKOIAN: Best professional

2 judgment on those. Mr.
Goldman.

3 MR. GOLDMAN:
Grover, a lot of the

4 chapters have had either
recommended targets at the

5 end or some iterations have
had recommended areas

6 for future study, I think
those have been kind of

7 taken out, but I guess, along
these lines, is there

8 a way that we can add to the
end of the renewable

9 chapter, almost like taking
the AMI area that we've

10 all looked at, that basically
is what you're saying,

SEMI82410

11 the science is saying where a
full scale utility

12 project should go, without
running, following NOAA,

13 can't we just include like
some mapping or some

14 area, say recommended area
for, you know, future

15 investigation for a full
scale renewable project or

16 something like that? I mean,
the science, you

17 pretty much know the area
right now, don't you?

18 MR. FUGATE:
We know the area. We

19 know the location where a
farm could work. The

20 problem that we've had with
NOAA is that whenever we

21 get to mention Federal
waters, we get rapped on the

22 knuckles.

23 MR. GOLDMAN:
I'm know. I am saying
24 to make an enforceable
policy?

□

82
1 MR. FUGATE:
Any reference to
2 Federal statutes within the
SAMP document we have
3 gotten rapped on the
knuckles. We are not to
4 mention any Federal statutes,
any Federal waters,
5 anything. For whatever
reasons, NOAA is very --

6 MR. GOLDMAN:
I guess, and I brought

7 this up at the subcommittee,
Page 186

SEMI82410

a lot of the chapters

8 talk about, we request that
NOAA does this, we

9 request... and, I kind of
harped on that a lot

10 during the process. Can't we
say that we request

11 that MMS, and, whatever,
investigate these areas to

12 have a full scale project
because that's what our

13 research says.

14 MR. FUGATE:
We can investigate that

15 again with NOAA, but in the
past they have been very

16 down on that. The other
option is, which we have

17 still been trying to explore
it with them, is when

18 we go forward to ask for the
geographical boundary

SEMI82410

19 expansion out to the 30
miles, as I indicated, you

20 have to demonstrate the
effects, so you're mapping

21 out fisheries areas, you're
mapping out either

22 marine transportation, all
the particular uses that

23 are out there. At that time
we can also suggest to

24 NOAA that in that, along with
those other uses we

□

83
1 have also identified an area
that has potential for

2 renewable energy that we
would also like to put

3 forward. So, it's contained
within that. I don't

SEMI82410

4 know how NOAA is going to
view that. We're still in

5 discussions with them on
that. That maybe another

6 opportunity to try to do
that. But, the point is,

7 is that MMS, irregardless of
what NOAA is going to

8 give us authority, is already
taking this

9 information and running with
it. So, that's where

10 the main issue is, is that
MMS is already taking

11 this and starting to utilize
it within their process

12 and has agreed to use the
SAMP information right now

13 to shorten and combine SAP
and the COP, which, as I

14 said, has never been done
before in any of these,

SEMI82410

15 so.

16

MR. GOLDMAN:

The reason I raise,

17 and I don't know what the
answer to this is, and I

18 know that you and I have
talked about the issues

19 with NOAA, because, like, if
you look at the -- if

20 you look at some of the
proposed changes to the

21 renewable energy section and
the memo, and I am

22 looking at page 28 of 43, it
talks about identify

23 areas within the Ocean SAMP
area with the greatest

24 potential to support
utilities of scale development.

□

12 MR. SULLIVAN:
Time out. What is

13 BOEM or BOME? You used them
both.

14 MR. FUGATE:
It's the new name for

15 MMS. They assured BOEM that
this was a document

16 that was written for State
waters, that the Council

17 already had existing
authority over renewable energy

18 within those, and, as such,
they saw this as no big

19 deal and eligible for a
routine program change. So,

20 NOAA was setting this up as,
it is no big deal, it's

21 within State waters, although
the policies are

22 written for State waters,
they already exercised

SEMI82410

23 authority over State waters,
this just gets into

24 greater specifics of how
they're going to exercise

□

85
1 that authority over State
waters. So, there's

2 already been some feeling out
about this process

3 because BOEM is very
protective over their

4 jurisdiction. Now, they're
willing to take all this

5 information and use it in a
process, and, as I said,

6 make Rhode Island an example,
in a pilot project, of

7 how to do marine spatial
planning and facilitate it,

SEMI82410

8 but they want to be the ones
in control of it, so.

9 MR. GOLDMAN:
So, do you think then

10 if we put, in one of the
chapters, recommended area

11 or for.

12 MR. FUGATE:
Don't know how NOAA is

13 going to react.

14 MR. GOLDMAN:
Not to make it a

15 policy, but put in the
document, we think this is

16 the area, we recognize your
jurisdiction.

17 MR. FUGATE:
I will ask the question

18 once again, but, as I said,
in the past they've been

19 very specific to this to
write this as a State water

SEMI82410

20 document.

21 MR. GOLDMAN:
Try it, because I

22 think that might alleviate
some of the issues that

23 some of the people have.

24 MR. FUGATE:
The point of the matter

□

86
1 is is that, as I said,
through the MMS process

2 they've already accepted the
data, they've accepted

3 the location that we are
looking at. They

4 understand that the
information that the State

SEMI82410

5 collected is the best way to
go about this, that

6 we've worked with the fishing
industry to identify

7 areas, or an area that has
potential that will have

8 the least impact, not no
impact but the least impact

9 to them out of the other
potential sites, and all

10 that gains favorable with
MMS. The process that the

11 Council has been through has
been cited by MMS or

12 BOEM as the example to
follow, up and down the

13 eastern seaboard, so they
have constantly held us up

14 to other states as the way to
go. So, it is

15 definitely within their
purview and the way they see

16 things as the best way to

approach this problem, and

17 that value that's going into
this, as I said, other

18 states are just starting to
ask what the hell do we

19 study in terms of birds, how
long do we have to

20 study it and all the rest of
it. They are now three

21 years behind the eight ball
because of the data sets

22 that they have to gather.
There's no other State

23 that can catch up with this
at this point, given

24 that data that we've got.

□

SEMI82410

TIKOIAN: Are those data

2 sets public right now?

3

MR. FUGATE:

A lot of them are. The

4 reports, as the abient
reports, a lot of them are

5 contained within the
technical reports and, yes,

6 they are public data.

7

CHAIRMAN

TIKOIAN: So, we're two

8 years into those?

9

MR. FUGATE:

Pardon me?

10

CHAIRMAN

TIKOIAN: They are two

11 years into those.

12

MR. FUGATE:

Yes.

13

MR. GOLDMAN:

I guess, maybe the

SEMI82410

14 transition piece that the
director is talking about

15 will take care of that. I
guess in my mind I'm sort

16 of, to go along the lines of
what the members are

17 saying, make a bridge into,
you know, what because

18 it's sort of, we spent all
this time on Federal

19 waters, and we don't talk
about it and we just talk

20 about State waters, and I
think there is a question

21 out there that the people
have asked me, you know,

22 what did we -- what did we
get for it, and I think

23 there needs to be a link.
That is all.

24 The other thing that

MR. FUGATE:

□

88

1 you have to also consider is
that when we go to ask

2 for that geographical
expansion and we jump out to

3 the outer boundary of the
SAMP, all of those State

4 policies that we develop now
become binding on all

5 those Federal waters. So,
yes, it's a stepwise

6 process, but we are gaining a
say over Federal

7 waters that, again, no other
State in the nation has

8 right now.

9

CHAIRMAN

TIKOIAN: Just in my mind,

10 the Federal consistency, the

60 day rule versus the

11 six month rule, what
hypothetical project falls in

12 the six month rule?

13 MR. FUGATE:
If a project, let's say

14 a wave energy project was
going forward in the

15 offshore environment and had
to get a FERC license

16 and an MMS lease, both of
those decisions are

17 permits or authorizations
that we have six months to

18 render a decision on.

19 CHAIRMAN
TIKOIAN: Because of the

20 type or who they had to apply
to?

21 MR. FUGATE:
Well, because of the

22 type of license that they are

asking for, and that's

23 just a Federal authorization.
I was careful to

24 choose that because of the
LNG, where there is

□

89
1 preemption involved, they've
tried to argue that a

2 private entity going for an
LNG license, in fact,

3 carries preemption and acts
like a Federal agency

4 per se, and, therefore, it
gets confusing as to what

5 time line, so I was careful
to stay away from the

6 LNG so a wave energy would
have to go for a FERC

SEMI82410

7 license and also an MMS
lease. Both of those would

8 fall within a six month
consideration.

9
One last quick one,

MR. SULLIVAN:

10 and this goes I think maybe
to the fine line that

11 Judge Goldman was endeavoring
to follow.

12 would it be possible,
and I don't really need

13 a response tonight, I think I
already know it, but

14 if you look at, again, go
back to the data layers

15 which generate the image, and
given that many, not

16 all, but many of the data
layers are publicly

17 available, would you offer
the Council an opinion

18 on, rather than site specific

areas that meet the

19 multiple criteria, would the
Federal partners allow

20 us in what's called a
transition document to perhaps

21 identify minimum quantitative
or maximum

22 quantitative of those various
data layers that would

23 fall in the range of
acceptable, that when looking

24 at them cumulative you can
say acceptable area or

□

90
1 not? Now, that puts you into
a situation where if

2 you were to entirely
enumerate it, you know, one

SEMI82410

3 foot in the fire, one foot on
ice and an on coverage

4 average you're comfortable,
you wouldn't want to get

5 there, but if you could on
those variables define

6 what you, staff, scientists
and others those

7 advising might say is the
acceptable range?

8 MR. FUGATE:
That is going to be I

9 think difficult because of
the Federal statutes, the

10 Federal entities involved,
let's just take note a,

11 there are three entities
within NOAA that are

12 involved, you got the habitat
division that looks at

13 essential fish habitat,
you've got the Section 7

14 people that looked at

SEMI82410

endangered species and then

15 you've got the marine mammal
protection people.

16 Three different entities,
three different locations

17 within NOAA and three
different opinions on how to

18 deal with those issues, and
we can't even begin to

19 profess to speak for those
people, particularly

20 given that so much of this is
new. They don't even

21 know what the harmful decibel
levels are for pile

22 driving for many of the
commercial fishing species

23 that these people are
harvesting. So, the

24 information is just lacking,
and we don't have it

SEMI82410

to get at and could

11 that be done?

12 I will ask NOAA what,

MR. FUGATE:

13 if anything, we can say about
this to try to

14 alleviate the concerns and
see what they say.

15 Have them do it in

MR. GOLDMAN:

16 writing.

17 Pardon me?

MR. FUGATE:

18 Whatever they do, have

MR. GOLDMAN:

19 them do it in e-mail or
writing. So, we can, if

20 we're asked down the road, we
have an answer.

21 TIKOIAN: Can you also send

CHAIRMAN

22 the first e-mail you said you

SEMI82410

received. All right.

23 Do you want to take a
five-minute break?

24 (RECESSED AT 7:02
P.M.)

□

92

1 RESUMING AT 7:10
P.M.)

2 CHAIRMAN
TIKOIAN: Can we bring this

3 meeting back to order. It's
7:10. At this point

4 the entire document is open
for a public comment,

5 and you'll have another
opportunity to do that at

6 the September 14th meeting as
well. So, with that

SEMI82410

7 said, we're here to listen to
anything you have to

8 say, or questions you posed
at the SAMP team can be

9 addressed at the September
14th meeting. So, with

10 that, the public hearing is
open. Ms. Karp.

11 MS. KARP:
Well, my name is Caroline

12 Karp. I actually have
comments in three areas.

13 I'll try to keep them really
brief and clean, and I

14 want to anticipate something
you say by saying that

15 this is an extraordinary
effort, this \$8 million

16 effort to collect these
baseline data for this

17 region, so that's a hugely
valuable contribution to

18 this State. So, I think

that's a wonderful

19 descriptive baseline and it
is really important. I

20 want to put on that and go
back to the map which was

21 up there that shows the green
band, which I

22 understand the renewable
energy zone, and I think

23 the question and then a
comment based on that, and

24 that is, as I understand it,
if that renewable

□

93
1 energy zone is a signal to
the private sector,

2 inviting the private sector
to come in and propose a

SEMI82410

3 project in that area, that I
have two comments about

4 that questions, one is, does
this green band overlap

5 with areas of particular
concern with respect to

6 anything to do with fisheries
or habitat or

7 migratory patterns of species
we care about or

8 marine transport or anything
else, or is this just a

9 green wide open band saying
renewable energy is fine

10 within this zone. That is
one. The second comment

11 is after all this effort in
both Federal and State

12 waters, if the SAMP is going
to go to the trouble of

13 designating this green band,
and I think I am

14 agreeing with your comments,
Page 212

SEMI82410

I think it is an

15 important one, I think the
SAMP ought to address the

16 question of whether a
renewable energy project

17 should be undertaken in State
or Federal waters,

18 maybe the project ought to
really happen in Federal

19 waters and not State waters
at all. This implies

20 that State waters should be
open to renewable energy

21 but perhaps this should not
belong in State waters

22 at all and perhaps the SAMP
ought to come to grips

23 with that problem. So, one
is the overlap. And, do

24 you have a -- can I just see
what the answer is to

□

1 94
questions? that before I ask my other

2 MR. FUGATE:
I can ask you a

3 question, Caroline, for --

4 MS. KARP:
Does this renewable

5 energy zone overlap with any
areas of particular

6 concern with respect to
fisheries, fisheries

7 habitat, pray species for
those fisheries or any

8 other economic or social or
economical interests in

9 the SAMP area, does that
green band overlap with any

10 area of concern? And, I'll
quote Brian Goldman,

SEMI82410

11 "The scientists say this is
where renewable energy

12 should go."

13 MR. FUGATE:
We've gone through, to

14 reach that, we have gone
through an entire selection

15 process of all the State
water, and as we went

16 through that selection
process, this area became the

17 most viable through a
scientific analysis that was

18 done on a number of factors
that became the most

19 viable alternative. It was
then vetted through the

20 Federal agencies to see if
there were any concerns

21 in terms of marine fisheries,
Section 7 species

22 under the Endangered Species

SEMI82410

Act, any major concerns

23 for marine mammals or abient
species. Now, within

24 that area there are areas
that are protected under,

□

95
1 these ABC's are mapped
underneath, and those are

2 areas that the turbines can't
actually locate on

3 within the cell. There are
also maybe areas where

4 the depth contours are less
than 20 meters and

5 protected under the areas
designated for

6 preservation for foraging
habitat for diving down

SEMI82410

7 species. So, those areas
can't be taken into usage

8 by the turbines themselves
either. So, there are

9 protected areas underneath
those layers, underneath

10 that layer that narrows down
the sites that are

11 available, but within that
general band, that area

12 showed the most favorable
consideration. Now, that

13 doesn't alleviate any
developer from going through

14 the permit process and making
specific

15 demonstrations on that to the
Federal agencies

16 involved in terms of the
marine Mammal Protection

17 Act, Major Species Act,
essential fish habitat. All

18 those will still have to be

SEMI82410

made as part of this,

19 and that's why the project
has to set up this joint

20 Federal/State review process
so we can go through

21 that. So, there's also, as
you can imagine, Section

22 106 issues that are going to
be out of that. So,

23 no, this isn't a blanket just
go to down. It still

24 goes through a review
process. But, what the State

□

96
1 has done is looked at all the
State waters and said,

2 out of all the State waters,
this is the area that

SEMI82410

3 poses the least conflict and
the greatest potential.

4 MS. KARP:
So, my comment is this is

5 an overly-simplistic map, and
my recommendation

6 would be to making this map,
have this map actually

7 reflect the extent to which
it intersects or

8 overlaps with areas of
concern. So, that a citizen,

9 a fisherman or any other
citizen could look at this

10 and say, but we know, in
fact, right whales migrate

11 through here, we know
foraging ducks go through

12 here. So, it's not presented
as a sort of simple

13 band called renewable energy
zone. So, I think it

14 is a bit alarming to

SEMI82410

represent this large area. The

15 second question, you have
done the work in Federal

16 waters, and I would ask you,
if I were asking you

17 separately, do you think a
renewable project ought

18 to go in this band, or should
it be developed, first

19 and foremost, in Federal
waters based on what we

20 know right now with the
scientific data?

21 MR. FUGATE:
In terms of whether the

22 State will support any
renewable energy in State

23 waters, this is the best
location out of all the

24 State waters. The issue in
terms of Federal waters

□

97
1 gets back to a question that
CLF was asking you,
2 too. If we're going to take
and expand our
3 jurisdiction through Federal
consistency out to the
4 30-mile boundary that we've
depicted on the map as
5 our planning area, and to
carry those policies, the
6 State policies out, we have
to show that we do have
7 renewable energy in State
waters, we are regulating
8 that energy in State waters,
then we can apply those
9 policies to jump out to that
30-mile limit. But, if
10 we do not capture or deal

with renewable energy in

11 State waters, we cannot then
suddenly put a burden

12 on the Federal Government
that doesn't exist in

13 State waters for Federal
consistency.

14 MS. KARP:
So, here is another way

15 to ask it, so I understand
what you're saying, of

16 course. The \$8 million has
been spent to describe

17 this area in Federal and
State waters, this SAMP

18 area, so there's this
descriptive information, but

19 the analytical piece is where
should a project be

20 best situated, and this map
purports to show only

21 State waters, and it goes
back to comments that

SEMI82410

22 members of the Council have
made, I think that does

23 the public a disservice. So,
I think this ought to

24 be just based on the way the
\$8 million was spent,

□

98
1 ought to show the
corresponding area in Federal

2 waters that looks like it
belongs in part of a

3 renewable energy zone.

4 MR. FUGATE:
Again, I know --

5 MS. KARP: I
know the barriers. I

6 know it doesn't bind the
Federal Government.

7 MR. FUGATE:
well, it's whether the
8 Federal Government, NOAA,
which has to approve our
9 plan if we're going to have
any of this out here,
10 whether they will even allow
us to mention that.

11 That becomes the issue, and
that's the issue we've
12 had in the past with NOAA.

13 MS. KARP: I
actually have technical
14 comments that I think are
important, and I wrote
15 these in my comments to you
guys, and I want to come
16 back to them really quickly.

17 I talked about carbon
footprinting. You have
18 been responsive to that
comment, and you have talked

SEMI82410

19 about the carbon footprint
associated with

20 construction phase and
decommissioning. However,

21 even with eight turbines
there's going to be a

22 transformer out there, and in
your photograph you're

23 going to have a drawing
depicting what eight

24 turbines will look like.
There is a platform that,

□

99
1 in fact, has to increase the
voltage of that energy

2 so that it can travel from
these eight platforms

3 back to shore. There is a

significant carbon

4 footprint attached to the
operation of that

5 facility. So, if you can
just insert language about

6 operation or the carbon
footprint attached to the

7 operation of a wind farm, in
addition to the carbon

8 footprint of construction and
decommissioning. My

9 major comment is this, I
understand the SAMP as

10 basically creating, and
because of the Governor's

11 interest and the General
Assembly's interest,

12 political pressure, going
towards a piggyback

13 process where we look at a
wind farm in State waters

14 and a wave-to-wind project in
Federal waters

SEMI82410

15 perhaps, with this green
band, you're already

16 looking at high voltage,
direct current, cables.

17 So, based on my reading of
the physics literature

18 here, had this eight --

19 MR. FUGATE:
This is AC

20 transmission.

21 MS. KARP:
Well, as I understand it,

22 it would have been had you
been closer to Block

23 Island.

24 MR. FUGATE:
This is AC

□

SEMI82410

1 100
transmission.

2 MS. KARP: If
you go further out.

3 MR. SULLIVAN:
Theoretically, AC

4 transmission.

5 MS. KARP:
Theoretical.

6 MR. SULLIVAN:
This is a theoretical

7 space.

8 MS. KARP:
Yes, I know. In fact, at

9 this distance, the report
says at this distance

10 you're at the boundary of
having to go to high

11 voltage/direct current, and
at high voltage/direct

12 current cables this report
does not yet look at the

SEMI82410

13 really important ecological
impacts of that, so it's

14 not the construction phase,
it is not sediment

15 disturbance. That's not the
big deal. The big deal

16 is that transformer has to
increase the voltage of

17 the energy being generated by
the propellers to

18 drive it to shore, and there
is something like 7 to

19 15 percent energy loss along
the distance of those

20 cables that comes out as heat
energy, and so you end

21 up getting a heat along those
cables and an

22 electromagnetic field around
the submarine cable,

23 and there are two things that
this report doesn't

24 address, the heat loss, which is about anywhere from

□

101
1 7 to 15 percent. That almost means that one full

2 wind turbine is dedicated simply to driving that

3 energy from Block Island to shore, 15 percent loss.

4 One out of eight turbines has to exist just to get

5 that energy to shore. The heat energy, though, is

6 going to cause the sediment to a kneel, melt is what

7 it does, so the literature is talking about the

8 effect of these kinds of cables at that current,

SEMI82410

9 melting the sediments, which
is much more serious

10 than just burying it and
putting it in the trenching

11 and putting sediment over it.
MMS has a report out

12 on in December on the effect
of that kind of cable

13 on sharks and other Islamic
rank animals, as well as

14 on marine mammals. It's not
the noise. The noise

15 can be dealt with in the
construction phase. It is

16 the long-term issue of the
electromagnet field on

17 these other species. The
SAMP has to look at that

18 at least to say that is
coming.

19 And then, lastly, I had
said this in my

SEMI82410

20 written comments, and I think
this SAMP has to

21 address it because you are
fundamentally the coastal

22 agency in this state, when
this energy arrives on

23 shore, it, again, has to be,
the energy has to

24 arrive at a huge transformer
facility in the coastal

□

102
1 zone. So, the SAMP at
present does not address

2 what's going to happen or
what kind of land-based

3 facility is going to have to
be constructed as part

4 of this. It is not just a
turbine. It is eight

SEMI82410

5 turbines plus the land-based
transformer that is

6 going to deliver energy to
the grid.

7 MR. FUGATE:
The problem, though,

8 Caroline, is we tried to stay
as an ocean document

9 in the ocean environment. We
haven't addressed any

10 land-based impacts. This is
not a planning or

11 permitting document that
would be submitted, you

12 know, as a basis for an Army
Corps application, for

13 instance, for the eight
turbines.

14 MS. KARP: I
understand, but to the

15 extent the Ocean SAMP is
being viewed as a way to

SEMI82410

16 understand the impacts of
renewable energy in the

17 marine environment, if you
want to do it and be

18 ecologically appropriate
about it, you have to look

19 at the land-based
consequences. They're enormous.

20 The transformer facilities to
these eight turbines

21 and the wave energy
facilities could make this an

22 enormous transformer station
that's not responsible

23 to minimize the impacts of
eight turbines without

24 looking at the land-based
effects. I think, at a

□

1 minimum, there should be
language in the SAMP that

2 says we have deliberately
chosen not to look at

3 land-based impacts, but
land-based impacts could

4 include these issues, and
that's it.

5 CHAIRMAN
TIKOIAN: Anyone else?

6 Yes.

7 MS. JEDELE:
Tricia Jedele,

8 Conservation Law Foundation.
I just want to start

9 by saying this conversation
on renewable energy

10 chapter has really shattered
CLF's understanding of

11 what it is I thought we were
doing or we thought we

12 were doing with the SAMP.

We've asked countless

13 times what the demonstration
project was needed for,

14 we've asked countless times
what the goal of the

15 SAMP is, and when we ask
those questions, we get

16 varied responses, but never
have we heard the

17 answers that I've heard
tonight, and I have to just

18 say on the record that we
find that troubling, that

19 the answer I hear tonight is
that we need the Rhode

20 Island project in order to
get Federal consistency,

21 that if Rhode Island isn't
bearing a renewable

22 energy project in State
water, the Federal

23 Government will not honor
consistency of our

24 policies in Federal water,
and the reason we're

□

104
1 mapping the Federal waters
appears to me to be

2 solely for what it was that
we feared at the outset,

3 which is to be way ahead of
the data we need when a

4 permit request comes in.
We're essentially doing an

5 environmental impact
statement. That is not what

6 our understanding of the SAMP
was at the outset.

7 Our understanding was that
this was ecosystem-based

8 management, marine spatial
Page 237

planning designed to

9 manage, to enable us to
manage our ocean resources,

10 and that we were situated by
doing that, by

11 gathering that data to attain
Federal consistency

12 over the policies we
implemented to protect those

13 Federal waters, to protect
fisheries, to protect our

14 recreational uses and to zone
areas that were

15 suitable for renewable energy
that didn't impact

16 critical habitat, hot spots,
fisheries, recreational

17 uses, and I just want to say
that the evidence of

18 that, and we commented on
this several times, is

19 further documented by the
fact that the ecological

SEMI82410

20 value map continues to be in
the renewable energy

21 chapter. It does not belong
in the renewable energy

22 chapter. It belongs in the
ecology chapter. The

23 ecological value map that was
developed is developed

24 with a starting point looking
at socioeconomic

□

105
1 values and not intrinsic
habitat value, which is not

2 the correct place to start
with an ecological value

3 map.

4 I have very specific
concerns about the

5 policies and the standards
that are set out in these

6 areas of particular concern
and areas designated for

7 preservation, but I will
suggest that it is

8 troubling to raise these
concerns in this context

9 because I'm not exactly sure
what we're doing by

10 designating areas of
particular concern or areas

11 designated for preservation
if we have no guaranty

12 that there will be Federal
consistency applied to

13 those areas. When we look at
the language on page

14 183, which, again, this is in
the renewable energy

15 chapter and not in the
ecology chapter, it spells

SEMI82410

16 out, you know, the specific
standards as though

17 we're going to be able to
apply this as a State, an

18 enforceable standard to a
renewable energy project.

19 Paragraph two on page
183, where these areas

20 of particular concern cannot
be avoided, the

21 applicant shall be required
to minimize, to the

22 greatest extent possible, any
impact and, as

23 necessary, mitigate any
significant impact to these

24 resources, the applicant
shall be required to

□

1 demonstrate why these areas
cannot be avoided or why

2 no other alternatives exist
that are available.

3 Now, separate from having
concerns about kind of the

4 ambiguous unenforceable
nature of this standard, how

5 the applicant will actually
demonstrate any of these

6 things, I'm now concerned
that we, as a State, will

7 not be able to require an
applicant to do any of

8 these things, and I don't
know how to get an answer

9 to these concerns, but that
is essentially what

10 CLF's concerns are tonight.

11 CHAIRMAN
TIKOIAN: Anyone else?

12 MS. MARKS:

Eugenia Marks, Audubon

13 Society. I don't have a
14 legal background. My

15 background, if anything, is
16 in the life sciences and

17 biology, and so my comment on
18 the entire plan had to

19 do with the value of
20 accounting for the multiple

21 uses of this area in the
22 State waters, as well as

23 the contiguous Federal
24 waters, and having that be a

25 continuous ecosystem, because
26 that's what it is, and

27 while I understand the
28 regulatory, as I view them as

29 impediments to this, that the
30 document has value as

31 a guidance document, and I
32 will submit the written

33 documents.

24

CHAIRMAN

TIKOIAN: Anyone else? No.

□

107

1

MR.

MATARONAS: I was just

2

wondering -- Gary Mataronas
from the fishermen -- I

3

was just wondering, the
lobstermen kind of faced a

4

five-year ban at a meeting a
couple of months ago

5

and there is a big thing here
on how nothing is

6

threatening and endangered,
but we are coming down

7

the road, we are going to be
facing a lot of

8

regulations and stuff coming
up, and I am kind of

SEMI82410

9 wondering how that kind of
stuff, and it looked

10 earlier like it kind of
breezed through, it wasn't

11 any endangered stuff coming
on, but lately we're

12 going to be faced with new
regulations coming up.

13 We escaped the five-year ban,
and I'm wondering if

14 you have taken a second look
towards lobster

15 fishermen because we're going
to get hit with a big

16 regulation, it's going to
come down the road, we

17 don't know what's coming, but
if there is any focus

18 looking at just the lobster
fishery in this area and

19 stuff like that, and how the
endangered species part

SEMI82410

20 of this and threatening the
stuff, they pay more

21 attention to that lobster
fishery and how far that

22 would go.

23 MR. FUGATE:
I would suggest, from

24 your perspective, you
wouldn't want them to find

□

108
1 those because you wouldn't be
able to fish anymore.

2 A lobster fishery has been
segmented out by the SAMP

3 researchers in terms of
trying to understand how

4 things are impacting us,
everything from climate

SEMI82410

5 change to the MMS. Caroline
was suggesting, also,

6 what the actual effects might
be from any of these

7 activities. Lobsters has
been one of those things

8 that there hasn't been a lot
of focus on anywhere,

9 and so we've been pushing MMS
to generate more

10 research on this to make sure
as we go forward on

11 any of these activities that
we understand what the

12 potential impact is so that
they can be managed

13 together in terms of citing
and dealing with those

14 lobster issues. So, it is
very much a concern, us

15 at least we've been pushing
that with MMS.

16

MR. BROWN:

Christopher Brown, Rhode

17 Island Commercial Fishermen
Association. You know,

18 at some point there was
language suggesting that you

19 looked at endangered species.
I don't know that the

20 threshold should be changed
to reflect the needs to

21 look more closely at stocks
of concern. That's the

22 step before they get to be
endangered, and that is

23 the point at which fishermen
are no longer

24 encouraged to target them,
or, we can catch them or

□

SEMI82410

1 what have you. So, I don't
know that you want to

2 wait until something is
endangered before you

3 encourage this process to
look more closely at it.

4 MR. FUGATE:
Right. And, we did

5 focus in on the species of
concern that NOAA has

6 asked us to look to, as far
as their process, we did

7 identify those with the
fisheries chapter, so, and

8 the climate change chapter
asked us to focus in on

9 species that might be
threatened by climate change.

10 As you indicated, a lot of
stocks are starting to

11 move east and north in
response to, and we need to

12 understand that, because it's

SEMI82410

had a tremendous

13 impact on fish that's
available.

14 CHAIRMAN
TIKOIAN: Any other

15 questions or comments? If I
may, September 14th,

16 again, will be another
opportunity, and we ask those

17 that truly wish to make
comments, that they prepare

18 themselves for that, so that
way we can engage in

19 all of these comments because
the October 12th

20 meeting will be the meeting
of deliberation by the

21 Council. So, we still have
time. Is there anyone

22 else?

23 (NO RESPONSE)

24 CHAIRMAN

TIKOIAN: With that, a

□

1 110
motion to adjourn.

2 VICE CHAIRMAN
LEMONT: Move we

3 adjourn.

4 MR. DAWSON:
Second.

5 CHAIRMAN
TIKOIAN: All in favor?

6 (VOICE VOTE
TAKEN)

7 (UNANIMOUS)

8 (MEETING ADJOURNED AT
7:34 P.M.)

9

10

SEMI82410

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□

SEMI82410

111

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

7th day of September, 2010.

REBECCA J. FORTE,
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NOTARY PUBLIC

7/15/13

My Commission (RI) Expires on

2/18/11

My Commission (MA) Expires on

□