

MRDP workshop  
Wednesday, Nov. 2, 2005  
Discussion of working draft

*Note: The following are partial and/or verbal responses from the CRMC which were recorded at the time of the MRDP workshop. More detailed and complete explanations may follow and comments and questions from the public will also be addressed in changes made directly to the MRDP document.*

1. Curt Spalding – I think of this in terms of how other bodies work (EPC for example) – in that a board's job is to ensure great strategy. This is the same situation. This calls for a big change in the way the Council thinks of itself and what it does. Do you have a process for that? The people who sit there need to be thought about. The public perception is that the current Council is a zoning board. Makeup of the council might also have to reflect this change in mentality.

*It's in the MRDP – look at how Council operates. Do we need to change council levels, change people on board, add another subcommittee. We're already starting to look at those issues.*

2. Caroline Karp - Before this document goes out to the public, if CRMC is going to rely on SAMPs as primary planning vehicle, there should be some information out there on how well SAMPs work. Have you ever tested the effectiveness of them? Much of the state still doesn't have them. Are there other agencies that think of the role of land use planning, etc., and pledge to harmonize with other agencies? Is there any focus on environmental protection and work with DEM and other agencies? You might want to list all of the partners in section 700.4. Has CRMC reconciled its water designations with DEM water quality/type standards?

*It's an act to pursue – part of that is SAMPs. Look at the effectiveness of them. The Greenwich Bay SAMP is the TMDL for that area for the DEM. For the GBAY SAMP, we worked with the constituents of the plan – as well as the Marine Trades Association - on that, as well as the towns to change approx five (5) miles of type 3 waters (marina waters) shoreline to Type 2 low intensity use. We've sat down with DEM over the past few years and have reconciled over 95% of any potential inconsistencies in the water types.*

3. Cynthia Giles - How does CRMC see its role there? Development pressures will always be there, and you can help direct them. Does CRMC intend to be the advocate for environmental and ecological preservation? It sounds balanced right now, but the world is not balanced, and I think folks are afraid the CRMC might tend toward development when given the choice.

*The whole emphasis of this and the CRMC is that we realize economic development does and will continue to occur. There is a focus on environmental issues first, but then to incorporate other uses. It is trying to balance but not to the point where we'd allow critical resources to be taken out and degraded.*

4. Chris Deacutis - Would you ever allow critical fisheries or other areas to be destroyed?

*If we have critical fisheries areas and they need to be protected it's brought out during the PGP meetings. If it's not critical, it's brought to the table and decided upon.*

5. Karp - What do you do when a HMP wants to encourage or develop a larger mooring field in a sensitive area (fisheries)? What's the trade-off?

*That was an attempt to get municipalities to take a more active planning approach to the harbors and marinas. We request that they abandon that or recommend denial. That's never occurred because towns change their plans in accordance with our staff recommendations. All towns seeking to expand an existing or create a new mooring field must undertake a Resource Inventory that identifies and quantifies the various resource issues occurring in the area under question. This process allows and facilitates decisions to be made.*

6. Don Pryor – Wording – maximize marinas and if they go into public access or environmental conflict we'll change it but if not, anything goes?? It sounds like a CRMC policy issue.

*HMPs have no authority over marinas. There are recommendations but they are only that. One course of action that the agency is looking into is to make sure marinas use their space efficiently and to the max before you go looking for more space. If not using it to fullest, we will find that to be an issue.*

7. Spalding – Intensity of use and use conflict – we see more issues of commercial shipping and regattas. It would be interesting to see that this is our strategy – to come up with more strategies on this. User conflicts are only going to increase. Policing is also an issue in this case.

*There is a (general) reference in here looking at the water types. Our water type use categorization has carried us for a while but we need to get more sophisticated with it, maybe more than 6 water types, especially as SAMP planning processes bear that out.*

8. Giles – There are lots of vague statements in here, which could be taken the wrong way. The statute says that you will implement strategies according to this plan. If you interpret these to be law, there are lots of things that will have people up in arms. You need to make sure people know you're not changing the regulations. What is your plan in respect to the document? Is it possible that the Council could use this to make a decision contrary to how the regulations and statute read today?

*No. This is a planning document. This is not going to serve as regulations or change the ones we have.*

9. Robert Ballou – This is well-written. Moving forward with the harmonization on land use and water quality, can you give examples where you're not in sync right now? What about on the municipal level?

*Regulations have been proposed by the DEM that suggest changes to the water quality program that would eliminate some conflicts. The Upper Bay is out of sync right now, and that's what we're looking at, getting Brownfields redeveloped. A lot of those also rely on water developments, and most of waters are type 6. Our regulations right now say that any other development other than industrial is not allowed. We need to fix that, and some areas on BI where we need to adjust some water types.*

10. Karp – In reference to outcomes on page 11 of the MRDP – The link between outcome and goals is not strong. Place-making and economic development versus tone of goals is an example of this. What is the ecological outcome of this? You only have five outcomes so I'm confused. Are you allowing more development while reducing nitrate outputs?

*Some of things occurring within SAMPs – Salt Ponds, most of contamination was from groundwater and nitrates from ISDS. New technology allows for fewer restrictions; we think we outsmarted ourselves with the new technology. We're looking at environmental preservation and also looking at what aquaculture can do.*

11. Roberta Groch – In reference to page 16, as a municipality it concerns me that CRMC will take a leadership role and then later it sounds like you're trying to do permitting and planning, and that's what we do. And we also have a problem with the Urban Coastal Greenways policy in the same way. Massing and design review is what we do. We're concerned that now there's another level.

*It's always been there, and required under the federal act. One of our goals is to look at dilapidated waterfronts and get involved and look at the issues. Our authority has a tremendous impact on development. Our regulations do say that there is no development of a non-industrial waterfront nature allowed within Type 6 waters or the adjacent upland. That's why we're looking at this right now.*

12. Spalding - Commercial use of Bay – we have asked for but never gotten a planning document on the use of the bay. There is this theory that 95 is a parking lot and that commerce needs to come up the river and bay to get products here. Be more specific about it, because someone has to. EDC hasn't stepped up and you are it. This asserts your planning authority and that's a good thing. We don't want to be caught in the NIMBY mindset. Energy storage facilities – those are bull's eyes for CRMC. Help us envision what we can see, rather than what we react to.

*We need to become much better at it; you're right.*

13. Karp - Have you looked at Mass. Chapter 91 – have you rejected that as far as planning and policies? Would you weigh it heavily?

*We are aware of it and have used it in the past (1988). Those are programs that we will tap into when we develop new programs and rework existing ones. We will be setting up a meeting to look at regional coastal zone management with CT and MA. Shipping, dredging, fisheries, offshore aquaculture, energy use are all topics.*

14. Giles – Climate change- There is no mention of any kind for planning for this in here. I think it makes sense to include some thinking about that in your plan, and not make individual decisions.

*Sea level rise was a topic of conversation at the Municipal Forum yesterday. It is being looked at as we go forward but we haven't functionalized it in the Red Book, but it is coming out in the SAMPs.*

15. Richard Ribb - The watershed slide – Is this intended to be your watershed plan? Have you had any discussions with other states?

*This is an ocean resources plan. We're looking at state's territorial waters. We've spoken with CT and MA and definitely want to discuss regional issues. LNG is a hot topic for all of the states, and taking a regional approach to it is advantageous.*

16. Michael Tikoian – On page 13 – habitat restoration projects. Can we beef that up a bit? It's only one sentence.

17. Ribb – On page 13, CRMC shall develop “mitigation banking program.” Is that focused on preservation? The issue of created wetlands is a hot topic.

*We are working with the cities now, and mapped out what we think are critical terrestrial habitats, and we're focusing efforts in those areas. If we do that, people will complain that we're too restrictive in those areas. In terms of mitigation banking, coastal wetlands are easier to return and get back, but we're not looking at it as getting rid of this wetland so we can replace it with this wetland. We want to restore first and foremost.*

18. Spalding - #4 on page 13. It seems like a policy change but we're worried the language is very broad around the notion that anything built to make a marina work should be interpreted as habitat. Rephrase it – is breakwater habitat? It has value but shouldn't be confused as habitat. So you're saying you're looking to see how you can work better with these structures and have better design? (Yes)

*This is being looked at nationally. We want to minimize minuses and increase pluses.*

19. Deacutis - Page 14, #5 – Is that an existing or new monitoring program? Is it using other programs to feed that data? I would encourage cooperation, because it's not complicated but it's not easy either. There should be a training program.

*Where we do monitoring, we want to support it through permitting and coordinate it.*

20. Giles – This appears to endorse wetlands banking, and studies have shown that it's not a good thing. This gives people the illusion that you're going toward not-net loss but you're not.

*This was just to allow us to work with someone (an applicant), and trade off in some areas where there is no critical habitat and allow them to gain closer than they normally would. We're supporting redevelopment but also getting protection too. Maybe we need to clarify that we're not just trading off.*

21. Pryor – Last point in the MRDP vision on page 11 – You paint marine waters as a “natural food factory” – Is that really what you mean?

*The last sentence summarizes it for me. If this is an outcome we can achieve, we will have created a great waterfront.*

22. Ballou – Fisheries management is prominent but the MRDP doesn't go into implementation – where do you want to take this?

*We're not trying to step on DEM's toes. We want to look at habitat protection and restoration or fisheries enhancement. This is ancillary impact. We have certain federal authorities to impact federal decisions but no policies that speak to fisheries, so we need to incorporate some of that into our plan.*

23. Deacutis – Desalinization is not a big deal now, but it's going to get bigger. How is the structure of dealing with those issues coordinated in the MRDP?

*It's a collaboration. We're still working on that and we don't have the answers. We're getting requests as water becomes short. We need better policy to react in a more organized manner.*

24. Jane Austin – At what point do you identify indicators – nutrient levels, eelgrass, biodiversity indicators?

*This will show us how and work with the systems level plan that is being developed. If there are indicators that we need to look at, we will adjust our strategy to meet that.*

25. Karp - Items 23 and 24 – The CRMC issuing a lot more assents. Is the CRMC under pressure to expedite the permitting process? Is that a policy statement that goes with the goal of looking at impact? Are you looking at cumulative impact when you look at a permit?

*We need to issue permits for roof work, for new windows, to protect historic uses of those resources. Lots of them are tool sheds, decks, small activities within the 200 feet. We've shifted to percentage lot coverage. We might need to get more sophisticated.*

26. Sandra Whitehouse – With all due respect, when you said the Senate asked for this, the House did too. I will read prepared comments from Rep. Eileen Naughton.  
(LETTER)

I commend the CRMC and the ad-hoc committee members who worked to create the MRDP. I share many of the visions outlined in the MRDP such as improving ecosystem health, providing appropriate marine-related development, promoting the use of the state's resources by the people and of course the CRMC's participation in the coordination effort. I do, however, have a number of concerns.

The statute that mandates the creation of this plan [46-23-6 (1)(v)(A)(2)] states: the Marine Resources Development Plan shall include specific goals and objectives necessary to accomplish its purposes, performance measures to determine progress toward achieving such goals and objectives, and an implementation program.

As the plan is currently written it describes a set of goals that will guide the work of the CRMC for the next twenty years. My primary concern is that in many cases the goals are not specific, and are not supported by adequate performance measure or implementation programs. The MRDP describes a vision but it is not a roadmap toward achieving it.

One of the goals is providing for appropriate marine-related development. East Providence, Providence and Pawtucket and the West Side of Aquidneck Island are described as priority areas for using the SAMP process to achieve this goal. There is no mention that these planning efforts are already underway through the Metro (Bay) SAMP and the West side of Aquidneck Island Master Planning process. In the implementation section of the MRDP it states that the CEMC will select one or two major priority areas beyond the aforementioned for SAMPs and provides a list of areas where SAMPs could be done. However, no priorities are set in this document. I would encourage the CRMC to include in the final MRDP answers to the following questions:

- What is the order in which the SAMPs will be done, in other words, which ones are the priorities?
- When will they be done?
- What are the proposed costs?
- What is the geographic extent of each SAMP? Looking at the map provided of potential future SAMPs, what happens to areas like Bristol and Barrington that do not appear to be included?

If the SAMPs are going to be the primary vehicle for regulatory revisions and the implementation of the goals outlined in the MRDP, then there needs to be an adequate implementation program.

In other areas I am concerned that there are serious omissions that will impair the achievement of the MRDP's goals. For example, it is noted that limitations have been placed on marina and mooring field expansion. However, the MRDP does not include a goal of developing a statewide marina expansion plan. I thought after the controversy that surrounded the Greenwich Bay Marina expansion plan and the current Champlin's

Marina that a statewide evaluation of the need for marina facilities would be recognized. For now, we are responding to, not planning for, marina expansion. I understood that this document would outline the strategy for such a plan. Without it, how will we implement the attainment of the goals of appropriate economic development or the use of the state's resources by the people? Furthermore, what are the performance measures that will be used to evaluate marina development? Will it be the reduction of the waiting lists for slips? Will it be some other measure? Will marina expansion performance measures be evaluated in conjunction with water quality monitoring?

On a related topic, the MRDP recognizes the CRMC's leadership role with respect to dredging but does not outline any strategy to develop the statutorily required dredged material management plan.

In contrast to these omissions there are other areas where I am concerned that the MRDP includes goals that as written encroach upon the statutory authority of other agencies and/or extend beyond the statutory authority of the CRMC. For example, one of the four key issues to be addressed in the MRDP for future marine resources development is that "Fisheries stocks are below their sustainable yield potential." While I understand that the CRMC has a great impact on fisheries stocks I would be concerned if the CRMC was to take on fisheries management and encroach on the jurisdiction of DEM and the National Marine Fisheries Service.

In several other sections the MRDP outlines goals that are clearly beyond the statutory authority of the CRMC. One example is the statement that a desired outcome from implementing the MRDP is "Socially, the state becomes more integrated as the population stabilizes and education for recent immigrants is improved." While I agree that this is an important goal for our state, it is not within the statutory authority of the CRMC to consider education of immigrants. In another section it says that the CRMC will collaborate with the EDC to market water sports. Is the CRMC going to get into the business of marketing?

Finally, I am concerned that this document does not recognize the work and statutory authority of other state entities. An example is found in the section titled, Improving the Health and Functionality of Rhode Island's Marine Ecosystem, Emerging conditions. The MRDP states, "Unfortunately there is a lack of adequate funding for, coordination among and assessment of the results of the monitoring programs," and "Monitoring results are not linked to specific management measures." There is no mention of the work of the Environmental Monitoring Collaborative or the Economic Monitoring Collaborative, both of which (has) statutory authority and have worked hard to coordinate monitoring programs and ensure that the monitoring is linked to management needs. Considering that both of the monitoring collaboratives have recently published reports, this statement in the MRDP is inaccurate.

In conclusion, I thank you for listening to my concerns and express my hope that the final version of the MRDP includes more specific goals, defines quantifiable performance measure and provides greater detail for an implementation strategy.

Sincerely,  
Eileen S. Naughton  
Representative – Dist. 21 Warwick

27. Deacutis- Who is the lead and how do you proceed? What about how we deal with marine invasive species and collerpa invasion? Is CRMC the lead? We need a rapid response plan.

*We're working on that. It's an issue of collaboration.*

28. Karp – There are staff, council and consultants (CRC). To which extent has the Council bought into this? We can make recommendations, but has the Council said they will abide by it?

*This is a statutory thing. The Council has approved it to go out for review and public comment. It looks good so far.*

29. Ballou – In reference to marina expansion – how are you responding to that?

*We can't force a marina to develop its property beyond what it has now. To the extent that we can identify waters, and we're looking at upper bay area, where it's appropriate for development. We have been looking at this area and issues up there. These are not full-service marinas so we need to have a plan for getting boats out of the water for the winter and in case of storms. There are private property rights we need to abide by here.*

30. Tikoian – We are working on new regulations for marinas and will come out in a week or two, and they will address expansions, sizes, types of marinas. They will also address fire safety, and also we're looking at leasing submerged lands. The new regulations will also address areas with commercial structures within marinas.

31. Karp - Are the regulations the same as creating a statewide marina plan? They seem different.

*Type 3 waters are where state is looking to develop marinas. We are looking to become more sophisticated on that.*

32. Evan Matthews – In mentioning inconsistencies with CRMC and DEM, in Quonset you can build a marina but you need to remediate the soil. It's an inconsistency that might prevent development.

33. Deacutis - Can you put your changes in context? Sometimes it's cryptic. I don't have time to read the whole thing all over again. I would suggest allowing more public input.

34. Tom Uva – Page 11, last bullet item - One comment – I have vision of the Garden State, and I have a truly pristine environment. That didn't cut it for me.

Public hearing Dec. 13 \*CANCELLED\*. A meeting date in January to be announced.