

Appendix Section 1

March 29, 2011 Transcript (portion)

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Michael Tikoian, Chairman, CRMC:

Madam President, if I may, I know it is getting to be a late hour and I think if I can make a suggestion we could perhaps move on and get some results. I'm hearing tonight that honestly say for the first time about these wooden structures but I guess I am also hearing that this Council has to approve those wooden structures and I just informally polled the members and I think I would like to instruct the Deputy Director Willis to poll the Council members tomorrow to see if we can meet next week and we will meet here to try to hear that matter and listen to the staff's recommendation on these wooden structures and also asked that the staff of CRMC and the staff of TSK get together with respect to those wooden structures prior to that meeting and obviously the sooner that happens the sooner we can convene. Also, I would like to ask our staff to come up with any recommendations that they think are necessary in the Redbook that need to be changed, and lastly ask our staff to come up with a recommendation relative to the water type change. So that is what I heard and I think first and foremost is for the two staffs to get together with respect to the wooden structures that I understand the cost behind it but I think from our point of view if we can at least move what we can move to keep the ball rolling then the State has done its job. So President and members of the Town Council I hope you agree with that position and if there is anything different please let us know and we will accommodate.

Council President Whaley: I just have a few things to add to the "to do" list and it is not all necessarily on CRMC. I'm in agreement with the bulkhead and I appreciate you and moving that forward with a meeting here in South Kingstown for next week I appreciate that. That is wonderful. I'm looking at reclassifying Type 1 to Type 2 and Redbook changes. I also heard and I thank Donna Walsh and Senator Sosnowski for possibly moving forward some legislative effort that would be absolutely fabulous and I think that would be well appreciated. I also see the application process on our side the Town I know that those application have started to apply so they will be completed and I also know I was very grateful that I believe it is Robert Aitkenson that the evacuation plan we do need emergency plan and we really would appreciate and know that we have had that in the past if there is a move that we need to evacuate we know that we will have the support of all of the residents so that we can make sure that you are all safe so that is another thing on the Town Council's plate here we will come up with that. We also need a meeting it was stated with the businesses and the Town so that we are all on the same plate we need that before we move forward. Carol is bringing forward that we will need the residents on board also. I also think it would be nice to have CRMC look at and answer why is Matunuck different and I think you have heard an ample amount of statements tonight why Matunuck is different the historic, the 2000 people, what we have already lost, how close we are, the state of emergency that we are in I think that we are different and I hope that we are not compared and action is taken ASAP and then the last thing is the timetable that really needs to come forward with CRMC from staff so I think that is the "to do" list.

Councilman O'Neill: Michael what does it take for a quorum? Do you have enough people do you have enough support tonight that we will no be looking at May, June, July for can you help us out with that.

Mike Tikoian: You had to bring that up. We have eight members right now. Seven are required for a quorum. We have one member in Florida, so the seven of us have been diligent in trying to attend every signal meeting that is necessary so as not to have the States business come to a grinding halt. I would like to stress that your two legislative participants here Senator Sosnowski and Representative Walsh have been diligent at the State House to assure that this Council does have full membership and I have to say that sincerely and they have done that over the years as well.

Councilman O'Neill: If I could address one more question to Grover because Mr. Finnegan was so eloquent tonight. Where is mean high water with Tara's Joyce Family Pub and the Ocean Mist. I mean this federal issue as I said in my opening statement tonight we need to be grandfathered in for fifteen years looking back on this and also too the situation in Matunuck is historic the village has been there for a couple of centuries maybe longer I'm not talking about somebody building a McMansion a development was mentioned tonight on Cape Hatteras and the islands knock down build it back up taking advantage of the government and flood rules. This is a community that has been here for centuries and really deserves our respect and our attention so we appreciate if somehow or another you can isolate this with its importance not just public safety but value to the community.

Mike Tikoian: I failed to mention David Aberdon at the end he is also a Council member that came in late didn't have an opportunity to mention David.

protection measures essentially what you are going to end up with is a series of walled enclaves along the south shore which will seal up the sediment source. We have had discussions with Jon about what the potential impacts are and what it does to the long term sediment supply to the beaches because without that sediment supply the beaches will start to accelerate the erosion phase. We just don't have the studies or information to understand those dynamics. That is the unfortunate position that we are in. I can't give you an answer that would give you any degree of reliability that once you start saying yes to these particular projects that you are not going to have an impact, you will lose lateral access in most of these areas because the beach will retreat rapidly within those areas, the structures will be set up for greater damage from storm events due to the deepening of these areas and we will lose the long term sediment supply that the beaches depend on. There is a whole host of consequences that comes with those decisions. I don't have the answers to the sediment dynamics.

Council President Whaley: Grover at the February 18th meeting you made the statement that you had not brought it to full Council; since that meeting have you brought it back to the full Council for any kind of discussion and what were some of the talking points?

Grover Fugate: This meeting was an attempt to start to bring this to the full council for their consideration in looking at it. This is the first step in that process.

Senator V. Susan Sosnowski: I used to be a Council member as you know Grover. It has been a little while since I have seen the Red Book but I know it often gets changed with regulations and so forth. Does the Red Book speak to emergency measures?

Grover Fugate: It does when there is a potential for catastrophic loss to the State, loss of life or public safety. There are emergency permit situations, which is one of the reasons we were working with the Town on pre-permits so that once the erosion hit a particular area the Town could move quickly and halt erosion in the area to protect the road and water line. For protection of private property in a storm situation it does not deal with it on an emergency basis.

Senator Sosnowski: It does not define it specifically to private property?

Grover Fugate: The regulations usually, typically speak to the significant economic loss to the state, or a threat to public safety or public health or threat to the environment so in general it has more state or regional implication than an individual one.

Senator Sosnowski: Well you know how I feel about this. It has gone beyond an emergency situation as far as I'm concerned. It is probably time to revisit the Red Book but we won't get into that now because we all know we have climate change going on here. It has been a great document over the years and it gets



amended but it is probably time to look at it through a different set of glasses. I'm concerned that emergency measures are not distinctly defined. Do you know if the Army Corps has a set of measures they call emergency, in terms of permitting and water type change?

Grover Fugate: They would have to go through the National Environment Policy Act, NEPA is the guiding overall ocean policy that each of the federal agencies have to meet. For example during the oil spill in the Gulf of Mexico they were talking about building barrier islands. It was an attempt by the Army Corps to potentially put those in place without going through a NEP analysis and they ultimately backed off that issue, even given that catastrophic event without going through the NEP analysis. It is the NEP analysis that brings in all the federal acts and other provisions.

Senator Sosnowski: We stand ready to draft any legislation that needs to be done to speak to the emergency situation. I have already put one bill in but we stand ready to do that. We are ready to work with our federal delegation also to get this moving.

Stephen Alfred, Town Manager: We are talking about two different things, one is the protection of the road and two is the protection of the businesses and the village that exist there. It is not just our restaurants that are there it is also the residential structures. Our main concern at this point is we have been dealing with the issue for fifteen years, the erosion that has continued over that fifteen years, has now limited the number of options that are available because if a manmade structure were instituted seaward of the businesses it would now be within the tidal area which then requires the federal interaction. I think that we have at this point less than 65 feet between watermark and the road. I think that it makes little sense to suggest that if a barrier were put in south of the businesses that it is not solving an imminent threat. There are over 540 structures that would lose public access if in fact the road were compromised. We would not be able to get public safety vehicles in. We would not be able to get residential traffic in. All emergency services would cease until the road were repaired. We have to look at how to protect the village. In a catastrophic event we have to have a pre-application in place to be able to protect the road for public health and safety purposes but I think the overall objective has got to be to protect the village and the existing businesses that are there. The problem is the longer we say we don't know where we are going to go, how we are going to do it, the options that are available become less and less.

One of the things that I said at the meeting on February 18th is that I was hopeful that we could get the Council members here because our position really is one of frustration when we deal with Coastal we are dealing with the Red Book, in fact, even the memorandum that was referred to tonight, of the four items that we discussed on February 18th clearly just provides reference points to the Red Book, as to what are the obstacles that the Town or the property owners would