Chapter 1: Introduction

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1. The waters off Rhode Island's coast are being studied and managed as part of an ocean zoning planning process known as the Rhode Island Ocean Special Area Management Plan (SAMP). These waters, including portions of Block Island and Rhode Island Sounds, are intricately connected to Buzzards Bay, Long Island Sound, Narragansett Bay, and the Atlantic Ocean.

2. Migratory fish, marine mammals, birds, and sea turtles travel throughout this region thriving on the rich habitats and natural resources, while ferries, tankers, and other vessels transport people and cargo to ports and harbors throughout the area. The waters support commercial and recreational fisheries, and for much of the year are used by thousands of recreational boaters. Although little is known about this ecosystem, the Ocean SAMP region continues to experience many of the issues common to growing coastal regions, such as increased marine transportation traffic to meet area needs; the impacts of global warming on water temperature, habitat composition, and species type; and calls for new uses of offshore waters, such as renewable energy infrastructure, oil and gas exploration and drilling, as well as aquaculture.

3. The R.I. Coastal Resources Management Council (CRMC), the state agency with jurisdiction over development, preservation, and restoration of Rhode Island's coasts out to the three-mile limit, and which is the state's authority for federal consistency, intends to develop and implement a SAMP for Rhode Island's offshore waters. This SAMP will protect the ecological, economic, recreational, historic, cultural, and aesthetic values of the area and appropriately support federal, state and local plans, as well as all state and federal CRMC requirements. CRMC has developed this plan with input and collaboration from Rhode Island municipalities, other federal and state agencies, natural resources users, the business community, civic organizations, scientists, natural resources managers, neighboring states, and the citizens of Rhode Island.

4. The chapters that follow provide detailed findings of fact that describe the present status of the Ocean SAMP study area, characterize the natural attributes and resources of this body of water, describe current uses; identify and review existing and potential future use impacts, and present policies and recommendations that will help federal, state, and local governments work with the people of Rhode Island to wisely manage the Ocean SAMP study area for this and future generations.

Section 110. Goals and Principles for the Ocean SAMP

1. The Ocean SAMP will serve as a coastal management and regulatory tool, based on the best available science, which promotes a balanced and comprehensive approach to the development and protection of Rhode Island's ocean-based resources. It is the intent of the SAMP to contribute to the mitigation and adaptation of global climate change as well as facilitate coordination mechanisms between state and federal agencies and the people of Rhode Island.

2. The following goals will require engaging a well-informed, well-represented and committed public constituency to work with the Ocean SAMP project team to better understand the Ocean SAMP issues and the ecosystem, and provide input on Ocean SAMP policies and recommendations.

3. Goals for the Ocean SAMP:

    a. **Foster a properly functioning ecosystem that can be both ecologically effective and economically beneficial.** Maintain the ecological capacity, integrity, and evolution of the Ocean SAMP's biophysical and socioeconomic systems. Research existing natural conditions and human uses of this region to better understand how this system functions. Set standards within the SAMP document to ensure that impacts from future activities are minimal and acceptable to the scientific community and the people of Rhode Island. Monitor the consequences of decisions and adapt management to the monitoring results.

    b. **Promote and enhance existing uses.** Through both scientific and anecdotal research, better understand the existing activities taking place within the Ocean SAMP study area. Work with individuals and organizations representing those uses as well as individuals from around the globe working on similar issues to identify policies and actions that can both promote and enhance existing uses while having minimum impact on the natural environment.

    c. **Encourage marine-based economic development that meets the aspirations of local communities and is consistent and complementary to the state's overall economic development needs and goals.** This development should draw upon and be inspired by the beauty and quality of the environs, including the protection and enhancement of maritime activities, marine culture and a sense of place. Through the development of an ocean spatial zoning tool, with accompanying standards and performance measures, determine appropriate and compatible roles for future activities within the study area, including offshore renewable energy infrastructure.

    d. **Build a framework for coordinated decision-making between state and federal management agencies.** Engage federal and state agencies in all phases of the Ocean SAMP process to ensure that all regulatory requirements are

integrated into the process. Ensure that neighboring states of New York, Connecticut, and Massachusetts are informed of all major actions. This coordination will allow for the sharing of technical information across all sectors, enhance management of these coastal ecosystems, and streamline the permitting process if appropriate.

4. Principles Guiding SAMP Design and Development

   a. **Develop in a transparent manner.** Transparency informs the development of all documents and procedures related to the Ocean SAMP project. Project activities and phases are designed to be easily understandable to the general public. Accurate information must be made available to the public in an appropriate and timely manner.

   b. **Involve all stakeholders**. Major efforts have been made to ensure that all stakeholders have had access as early as possible to the planning process. Stakeholder participation ensures that a broad range of issues, concerns, and creative ideas, are examined throughout the SAMP process.

   c. **Honor existing activities.** The Ocean SAMP area is a highly used and biologically and economically valuable place. Major activities and uses including fishing, tourism, transportation, and military. These, along with the area's biology and habitat, must be understood and honored as decisions for the incorporation of future activities are determined.

   d. **Base all decisions on the best available science.** All management and regulatory decisions will be based on the best available science. An adopted SAMP will require that the necessary studies be performed before a future activity is approved. Such necessary studies might include gathering information on baseline resource conditions, potential environmental and economic impacts, and potential mitigation measures.

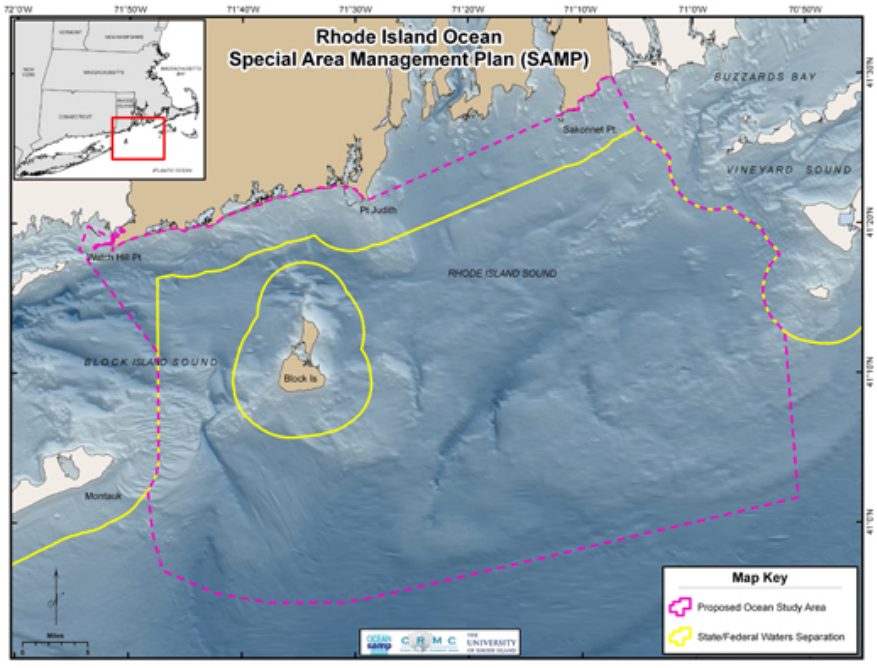
   e. **Establish monitoring and evaluation that supports adaptive management**. Incorporating monitoring and evaluation in the planning process will assist in the creation of sound management decisions in an environment exposed to constant change. The planning process is flexible enough to react to such changes and allow plans to be revised in due course. A strong stakeholder process, coordination among federal and state regulatory agencies, and a transparent, regular monitoring and evaluation mechanism ensures this activity.

Section 120. Ocean SAMP Study Area

1. The Ocean SAMP study boundary includes approximately 1,467 square miles (3,800 square kilometers) of portions of Block Island Sound, Rhode Island Sound and the Atlantic Ocean. The study area includes both state and federal waters and abuts the state waters of Massachusetts, Connecticut and New York. This area was selected as the Ocean SAMP study area because the natural and human activities that take place in these offshore waters impact the people of Rhode Island. A similar boundary was selected by the U.S. Army Corps of Engineers in 2003 as it implemented an Environmental Impact Statement for the selection of dredge disposal sites (*Long-Term Dredged Material Disposal Site Evaluation Project Alternative Site Screening Report*) and by the state of Rhode Island to determine potential wind energy infrastructure sites (*RIWINDS Phase I: Wind Energy Siting Study* document produced for the Rhode Island Office of Energy Resources in April 2007). Therefore, some relevant information had already been collected for this study area prior to project initiation. In addition, the distance from the Rhode Island coastline to the furthest offshore boundary – 30 miles – is appropriate since AC cables, which transport electricity, are cost effective at up to 20 miles from shore.

2. Although most research has been focused within this study area, when appropriate such as for marine mammals and sea turtles, marine transportation, and fisheries the acquisition and review of data has encompassed a wider area, at times even to include the Outer Continental Shelf.

Figure 1. Ocean SAMP Study Area Boundary



Section 130. Origins of the Ocean SAMP

1. In 2005, the CRMC recognized that the uses of marine resources in Rhode Island were intensifying; that optimizing the potential of this intensification would require intentional action driven by design rather than accident; and that needed intentional actions are collaborative in nature. The Rhode Island General Assembly mandated the CRMC to develop a new plan, the Marine Resources Development Plan (MRDP), to meet these new demands. The basic premise of the MRDP is that better results are achieved when expectations are clear and when parties work together. The MRDP is structured around existing CRMC authority and builds on the CRMC's leadership in water-use zoning and special area management planning. A multi-state SAMP was recognized as a priority action to ensure coordinated management of the Massachusetts, Rhode Island, Connecticut, and New York state waters.

2. In 2006, the CRMC led the effort to engage all four states in the initial phase of creating a multi-state SAMP. The Southern New England/New York Ocean Council working group was thus formed to prioritize issues (natural hazards, healthy ecosystems, marine transportation, and energy) requiring coordination among the four states and research mechanisms to enhance shared resources. Although a multi-state SAMP was never developed, this working group became officially recognized as the southern representation for the gubernatorial appointed Northeast Regional Ocean Council.

3. In 2007, Rhode Island's Office of Energy Resources determined that investment in offshore wind farms would be necessary for achieving Governor Donald Carcieri's mandate that wind resources provide 15 percent of the state's energy. In response, the CRMC proposed creation of a SAMP. The governor supported the development of the Ocean SAMP as a mechanism to develop a comprehensive management and regulatory tool that would proactively engage the public and provide policies and recommendations reflecting the best available science.

Section 140. The CRMC's state and federal responsibilities

1. The CRMC is mandated to uphold all sections of the U.S. Coastal Zone Management Act of 1972 (CZMA). The CZMA requires that the CRMC provide for the protection of natural resources within the coastal zone, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and fish and wildlife and their habitat, and must manage coastal development to improve, safeguard, and restore the quality of coastal waters, and protect existing uses of those waters. The CRMC must develop management plans that give full consideration to ecological, cultural, historic, and aesthetic values, as well as needs for compatible economic development. SAMP's are identified in the Act as effective tools to meet this mandate (Section 309).

2. The CZMA also finds that in order for the CRMC to uphold this mandate, it must actively participate in all federal programs affecting such resources and, wherever appropriate, develop state ocean resource plans as part of its federally approved coastal zone management program (Section 302).

3. The CRMC is the state authority for federal consistency (Section 307). Federal consistency requires federal agencies to alter projects to be consistent with state coastal management program policies. In addition, the statute requires non-federal applicants for federal authorizations and funding to be consistent with enforceable policies of state coastal management programs. A federal agency also has a statutory responsibility to provide neighboring or impacted states with the opportunity to review federal agency activities with coastal effects occurring wholly within the boundary of another state if that state has been approved for interstate consistency.

4. More recently, federal regulations have placed substantial energy-related planning responsibilities on states, such as requiring states to: 1) Identify energy facilities that are likely to locate in or which may affect the coastal region; 2) Develop a procedure for assessing the suitability of sites for such facilities; 3) Develop policies and techniques for managing energy facilities and their impacts; 4) Develop cooperative and coordinating arrangements between the CRMC and other agencies involved in energy facility planning and siting; and, 5) Identify legal techniques to be used in managing energy facility siting and related impacts [Section 305 (b) (8) of the CZMA and subsequent promulgation of regulations (Federal Register, Volume 42, No. 83)].

5. Regulatory Framework

    a. The CRMC currently has jurisdiction for projects in Rhode Island state waters which would fall under the applicable provisions of the Rhode Island Coastal Resource Management Program and Management Procedures. In addition to a council permit, a successful applicant will also need to obtain a lease of the state's submerged lands. The leasing process is subsequent to the council permit process and to be eligible an applicant will have to not only have the council permit but

will need the applicable federal, state and local permits as well as being identified as a preferred vendor by the Department of Administration.

b. The Federal jurisdiction is very complex but essential falls onto two federal departments depending on location. In state waters, the primary permitting entity is the ACOE. In federal waters the primary permitting agency is the U.S. Mineral Management Service (MMS) of the Department of Interior. The recently released MMS regulation recognizes the SAMP process with the following reference: "Two states, New Jersey and Rhode Island, are well along in planning efforts that will help to determine appropriate areas of the Outer Continental Shelf (OCS) for development, and MMS has been an active partner with those states. Such efforts supported by the MMS environmental study and technical research initiatives, as well as the Coordinated OCS Mapping Initiative mandated by the U.S. Environmental Protection Agency, will contribute significantly as MMS implements this final rule."

c. Rhode Island is recognized a second time in the regulation with the following reference: "We received several comments recommending that we provide for accepting the results of competitive processes conducted by states and utilities to select developers of offshore wind generation projects. Notably, during the time that MMS has been promulgating this rule, the states of Delaware, New Jersey, and Rhode Island have conducted competitive processes and have selected companies to develop wind resources on the OCS. We believe that the pre-existing state processes are relevant to the competitive processes that MMS is required to conduct following approval of this rule. We intend to do so by using a competitive process that considers, among other things, whether a prospective lessee has a power purchase agreement or is the certified winner of a competitive process conducted by an adjacent state. We also may consider a similar approach to recognize the winners of competitions held by states in the future. There is additional discussion of this issue in our explanation of multiple-factor bidding provided in the next section."

d. Each federal process (i.e. ACOE and MMS), depending on the resources encountered by a project in the Rhode Island Sound waters, brings to bear a series of other federal regulations and processes.

6. Working with municipalities and state agencies

a. Besides requiring coordination among local, state, and federal authorities, Ocean SAMP implementation also depends on collaboration between government, citizens, and the private sector to ensure SAMP actions are implemented and assessed efficiently and effectively. At the center of this coordinated effort is the shared incentive of participatory management: community sectors have had ample opportunity to engage with the CRMC in shaping the SAMP and take part in a public process to ensure actions are carried out and assessed periodically.

Ultimately, SAMPs improve existing government and community networks rather than creating additional management structures.