

February 10, 2009

To: Grover Fugate, CRMC Executive Director/ CRMC Ocean SAMP Project Manager

From: Commercial Fisheries Center of RI Leaders
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Cc: Dr. Kenneth Payne, Chair, Ocean SAMP Stakeholders Group
Ocean SAMP Stakeholder Group Members

Re: Submission of comments on behalf of the following CFCRI industry member associations:
Chris Brown, President, RI Commercial Fishermen's Association
Lanny Dellinger, President, RI Lobstermen's Association
Russ Wallis, President, Ocean State Fishermen's Association
Ted Platz, President, RI Monkfishermen's Association
David Spencer, President, Atlantic Offshore Lobstermen's Association
John Rainone, President, RI Party and Charter Boat Association

As representatives of our respective associations and as stakeholder group participants, we would like to submit the following comments and information for the record of the Ocean SAMP planning process:

We are not opposed to efforts to develop offshore renewable energy. As industry leaders we are committed to keeping our members accurately informed and willing to find a way to work with energy developers to ensure that offshore energy and commercial fishing can coexist compatibly.

To this end we have been trying to determine where the real decisions are being made and how we can best work with the state and the developer so that this can be deemed a success. We have presented questions on process, implementation, research needs, jurisdictions and how the industry might best work with the developer and directors of state and federal agencies on these initiatives. We have been repeatedly told that participation in the SAMP process was the answer, that this planning process would drive the decisions, and that "Using the best available science, along with public input and involvement, the CRMC hopes to identify areas most suitable for these wind farms where other off-shore uses will not be compromised". As you know, the fishing industry continues to be concerned about how to achieve this given the current lack of any adequate fisheries field research being done as part of the \$3.2 million Ocean SAMP project.

Our ongoing sense that there has been and continues to be another level of decision making going on, and our concerns about the transparency of this process, were confirmed with the events since the January 6, 2009 stakeholder's meeting and have prompted us to submit these concerns.

There are contradictions between what is being stated by the SAMP Project leaders and what is happening between the State, its Office of Energy Resources and the developer. The State finalized an agreement on January 2nd with Deepwater Wind and is fast tracking this project with specific sites announced in the press on January 9th and in subsequent press reports. This contradicts what industry has been told repeatedly and as recently as at the January 6th SAMP meeting. At that Ocean SAMP stakeholders meeting, and in correspondence we received from Grover Fugate in late December, it was

emphasized that no sites will be chosen until the waters have been researched and properly vetted for appropriate zoning uses with an eye to recognizing valuable commercial fishing areas.

A review of the DWW and RI Joint Development Agreement raises other troubling questions as to whether the Ocean SAMP process has been compromised. It appears from this agreement, that the State is granting exclusive rights to portions of the ocean and the ocean floor and in turn DWW is reimbursing the state \$3.2 million for the cost of the SAMP. Furthermore, it states that DWW can terminate the project if CRMC doesn't "expedite the SAMP and obtain all associated necessary federal, state, and local government permits and approvals". This is in keeping with the original CRMC/URI proposal submitted to the Office of Energy to create and fund this Ocean SAMP process which notes that the SAMP's #1 objective will be to "Streamline cumbersome federal and state permitting process and establish a more cost-effective permitting environment for investors", an objective repeated in the Joint Development Agreement.

The RI commercial fishing industry is being asked to place its trust in this Ocean SAMP Process. To spend time and resources attending meetings, and to provide proprietary data to SAMP project team members in order to inform a process that is not transparent to us. A process that is being paid for by the developer, fast tracked by the State and proceeding without site specific critical fisheries field research. This research is needed to evaluate potential sites and avoid jeopardizing years of work to protect and rebuild valuable marine resources. As the attached pieces show, inconsistencies and questions about transparency persist.

We understand that in our quest for fairness and due consideration, some may try and paint us as obstructionists. This could not be further from the truth. We understand offshore energy is the future, that RI is currently in the forefront nationally and that we have a constructive role to play. We urge all of the stakeholder groups involved to look closely at this situation as they represent their own constituencies, and to recognize that we all have a special responsibility to get this right and to respect each other for it.

(See Next Two Pages for More Info on Inconsistencies & Transparency Concerns)

INCONSISTENCIES?

“These waters have not yet been researched or zoned as the Ocean SAMP is attempting to do, so that potential locations for renewable energy projects have been properly vetted and identified, and valuable commercial fishing areas are protected in advance of any such proposal and declared off limits. . . *goes on to quote Gray Harbor CEO statement that there is no question commercial fishing will be affected because of conflicting use of ocean space and states* This rather cavalier attitude towards the fishing industry is exactly the opposite of the Ocean SAMP’s concerns for the fishing industry, protection of their most important sites, and encouraging their full involvement in the zoning process.”

12/19/08 Fugate letter to CF Research Foundation and CFCRI

“One of the major uses that will be identified through the SAMP’s scientific research process is possible siting locations for alternative energy, namely wind farms. Using the best available science, along with public input and involvement, the CRMC hopes to identify areas most suitable for these wind farms where other offshore uses will not be compromised.”

Tikoian/Fugate Providence Journal Editorial 1/7/09

Office of Energy Resources previous process was narrow and that office doesn’t have the broad authority – CRMC is broader – with a different underlying authority so it means the Ocean SAMP is not an extension of that process

12/2/08 SAMP meeting discussion

data first, zoning second, not recommending the reverse

Michael Tikoian , 1.6.09 SAMP Meeting

“Determine site-specific research objectives and data needs to be addressed by the developer if one or more sites for renewable energy projects are identified upon completion of the SAMP process”

SAMP Fisheries Chapter –Proposed Scope of Work

“ . . . eight turbines in state waters located three miles or more from Block Island, is now forecast to be completed by 2012 . . . Construction on the first turbines is expected to begin next year . . . Turbines installed in phase two, located about 24 miles off Little Compton and 14 miles east of Block Island, would be over the horizon.” -- *Providence Journal 1/9/09*

Providence Journal 1/9/09: “on a small project, the potential environmental impacts that have to be evaluated are much smaller than any 100 turbine project” –Wissemann, DWW and

“Lawsuits may be filed against the Deepwater project, he said, but he predicted that they will be ‘dismissed fairly easily’ because the public has already been so involved in the process here. ‘We’re putting so much science down; it’s going to be pretty hard to dispute.’”

– Dzykewicz, OER

Dzykewicz Comments at 11/25/08 meeting with CFCRI leaders –

“The developer will select from those deemed buildable through the SAM Plan. . . This developer isn’t looking for an area even close to RI waters” . . . “If this goes to an EIS, then RI will have wasted money on the SAMP”

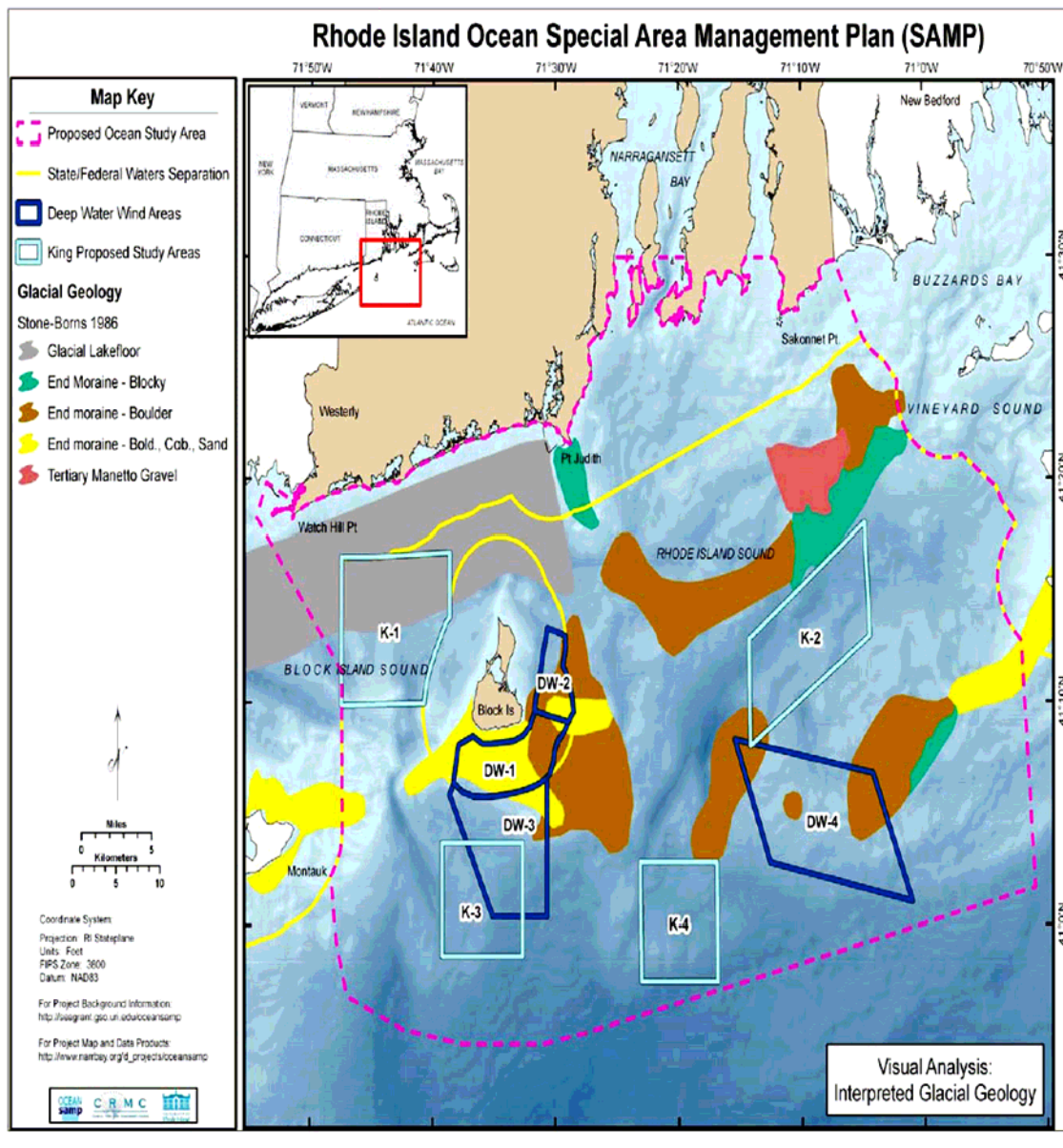
DWW is the preferred developer within the SAMP. DWW is reimbursing state \$3.2 mil for cost of the SAMP. DWW can terminate the project if the State doesn’t “advocate for the project with Federal and State agencies” and if CRMC doesn’t “expedite the SAMP and obtain all associated necessary federal, state, and local government permits and approvals”

DWW & RI Joint Development Agreement signed 1/2/09

“Under the federal Coastal Zone Management Act, preparation of a SAMP may enable permitting of projects within the SAMP area covered by the SAMP to proceed on the basis of an Environmental Assessment in lieu of an Environmental Impact Statement. The SAMP process is expected to be completed in two years.” – 1/8/09 *press announcement by Governor’s office*

“The SAMP objectives are to: 1) Streamline cumbersome federal and state permitting process and establish a more cost-effective permitting environment for investors”

1st objective listed in the 5/13/08 funding proposal “The Ocean/Offshore Renewable Energy Special Area Management Plan” submitted by CRMC/URI to OER and also cited in the DWW & RI Joint Development agreement signed 1/2/09



Why was this removed from the SAMP website?

This slide was viewed as part of a scientific presentation at the January 6th Ocean SAMP Stakeholders meeting. A request was made for it to be posted to the website with coordinates added to it for more specificity. Both Jon Boothroyd and John King's full presentations were posted the next day, although without coordinates. However, within 48 hours the King presentation which includes this slide was removed without explanation.

This has raised questions within the commercial fishing industry as to why information is being withheld from stakeholders and if project leaders are taking a sincere approach to collaborative planning with industry. Understanding which sites are being considered and the underlying reasoning by the developer and SAMP team scientists is important if stakeholders are to have meaningful input.

The fishing industry can play a constructive role in ensuring that offshore energy development and commercial fishing can coexist compatibly, but only if they're treated as partners rather than potential obstacles to be managed.