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August 3, 2022

***Via Hand Delivery and Electronic Mail ([emma.rodvien@puc.ri.gov](mailto:emma.rodvien@puc.ri.gov))***

Emma Rodvien  
Coordinator  
Energy Facility Siting Board  
RI Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: Mayflower Wind Energy LLC– Application to Construct Major Energy  
Facility Docket No. SB-2022-02**

Dear Ms. Rodvien:

Enclosed herewith please find an original and nine (9) copies of Mayflower Wind Energy LLC's Objection to the Town of Little Compton's Motion to Intervene for filing in the above-entitled matter.

Please feel free to contact me if you have any questions.

Respectfully,



Christian F. Capizzo

CFC:nah  
Enclosure

cc: Service List

**STATE OF RHODE ISLAND  
ENERGY FACILITY SITING BOARD**

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IN RE: MAYFLOWER WIND ENERGY )  
LLC’S APPLICATION TO CONSTRUCT )  
MAJOR ENERGY FACILITIES )

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Docket No. SB-2022-02

**MAYFLOWER WIND ENERGY LLC’S OBJECTION TO  
TOWN OF LITTLE COMPTON’S MOTION TO INTERVENE**

Mayflower Wind Energy LLC (“Mayflower”) hereby objects to the Town of Little Compton’s (“Little Compton” or the “Town”) Motion to Intervene pursuant to Rule 1.17(c) of the Energy Facility Siting Board Rules of Practice and Procedure, 445-RICR-00-00-1.

**I. INTRODUCTION**

This docket relates to the proposed siting of underground and undersea export cables and related facilities intended to deliver electricity generated by a proposed offshore wind farm in federal waters. As set forth in Mayflower’s application, the offshore export cable corridor (“ECC”) will include two (2) high-voltage, direct current (“HVDC”) offshore export power cables operating at +/-320 kV, plus associated communications cabling. The ECC will run from the designated Bureau of Ocean Energy Management (“BOEM”) Renewable Energy Lease Area (“Lease Area”), in federal waters approximately 58 nautical miles from Little Compton, continue through Rhode Island state waters via the Sakonnet River (“Sakonnet”), making intermediate landfall in Portsmouth, Rhode Island. The underground onshore export cables will traverse Portsmouth underground and exit into Mount Hope Bay, continuing in Rhode Island state waters and ultimately making landfall at the Point of Interconnection (“POI”), at Brayton Point in Somerset, Massachusetts.

No part of the ECC or of the proposed cables will be located in Little Compton. Landfall and the underground portion of the export cables in Portsmouth are *five miles away* from the closest point in Little Compton. The Town seeks to intervene based solely on the fact that part of the approximately 20 -mile long portion of the proposed ECC in Rhode Island state waters would pass by Little Compton under the central part of the Sakonnet. Little Compton’s alleged interest in a cable located in Rhode Island state waters in the middle of the Sakonnet does not satisfy the requirements for intervention.

The Commission’s Rules expressly allow intervention by “... *the city or town in which the proposed facility is to be located...*” Rule 1.10(A)(1). Little Compton does not meet this express eligibility criterion for intervention. Moreover, as a general rule, only such host municipalities have any direct interest that justifies full participation in the proceeding. This case is not an exception to that general rule, which protects the Board and the applicant against needless complexity of the proceeding and the resulting needless delay and cost. Little Compton is not a city or town where the proposed facility “...*is to be located...*” and its alleged public interest boils down to speculative complaints about potential temporary activities in Rhode Island state waters in the Sakonnet. Little Compton has not demonstrated any specific or substantial interest that will not be adequately protected by the other parties and agencies involved in this matter including, but not limited to, the Coastal Resources Management Council (“CRMC”), the Rhode Island Department of Environmental Management (“DEM”), the Rhode Island Department of Health (“DOH”) and the Rhode Island Historical Preservation and Heritage Commission (“HPHC”). The motion to intervene should be denied.

## **II. STANDARD FOR INTERVENTION**

Any person seeking to intervene in a proceeding before the Board must demonstrate:

“1. A right conferred by statute.

2. An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Board's action in the proceeding.
3. Any other interest of such nature that petitioner's participation may be in the public interest.”

Rule 1.10(B).

### **III. DISCUSSION**

The Town does not identify any statutory right to intervene because there is none. Instead, the Town appears to argue that it should be allowed to intervene as a “directly affected” party pursuant to Rule 1.10(B)(2). While the rules are intended to “*ensure that the interests of interested parties are met through the adversarial process,*” they do not allow persons or entities to intervene whose interests are only indirectly affected, especially where their interests are adequately represented by other parties or where there is insufficient compelling public interest to warrant intervention as a full party. *See, e.g., In Re: Island Hi Speed Form of Regulation and Review of Rates*, PUC Docket 3495 (Order issued May 9, 2003) (citing *In re Island Hi-Speed Ferry, LLC*, 746 A.2d 1240, 1245-46 (questioning the wisdom of the Commission’s decision allowing intervention by parties with only indirect interests in the outcome)).

The Town’s Motion falls far short of meeting the requirements for intervention under the applicable standards.

#### **A. The Town Is Not Directly Affected By A Proposed Underwater Export Cable In Rhode Island State Waters Under The Central Part Of The Sakonnet.**

Waters below mean low water are *state* waters. *See* R.I. Gen. Laws § 42-1-1 (c) (“The territorial waters of this state and the submerged lands thereunder enuring to this state extend seaward three (3) geographical miles (5,556 meters) from the shoreline at the mean low water mark[.]”). The State, not Little Compton, has jurisdiction over the Sakonnet. *See* R.I. Gen. Laws § 46-4-8 (local authority over harbors “*shall not supersede the authority and jurisdiction over the*

*public tidewaters of this state which are vested in the state director of the department of environmental management under this title*”); R.I. Gen. Laws § 46-4-6.7 (no local powers or duties granted to Town of Little Compton shall be construed to abrogate the powers or duties granted to the coastal resources management council). In addition the Energy Facility Siting Act reserves to RIDEM all permitting authority delegated by federal and state law. *See* R.I. Gen. Laws § 42-98-7(a)(3) (“Notwithstanding any provision in this chapter to the contrary, in those instances in which the department of environmental management exercises a permitting or licensing function under the delegated authority of federal law . . . , and those state laws and regulations which implement those federal laws, the department of environmental management shall be the licensing and permitting authority.”).

Little Compton has enacted rules and regulations governing moorings and recreational use of the Town harbor and beaches, but these rules and regulations do not apply to the ECC and undersea export cables and related facilities to be located in the ECC, because they will not be in the Town. Little Compton Ordinances § 9.1 (attached as Exhibit A). Additionally, the powers of the Town Harbor Master are expressly subject to state and federal law and the agencies that implement that law. *See* Exhibit A § 9-1.7 (“The Harbor Master shall have full power and authority to prescribe regulations and to give directions regarding the anchorage, management and control of all vessels within waters and harbors of the Town of Little Compton *subject to any and all State or Federal laws governing the same.*”). Thus, the Town’s rules and regulations over its harbor and beaches provide no basis for the Town’s intervention.

The Town’s alleged interest in this proceeding is indistinguishable from the interests of the general public, which does not justify participation as a party in this proceeding. *All* Rhode Islanders who use the Sakonnet for recreational or commercial purposes, and *all* Rhode Islanders

who enjoy views of Sakonnet have the same interests in protecting views and water quality that have been advanced by Little Compton in support of its motion to intervene. Little Compton can demonstrate no specific or special interest worthy of intervenor status.

Mayflower's design, construction, operation, and decommissioning phases will only minimally occur in state waters, and *not at all* in Little Compton. The offshore Lease Area and its wind turbines and platforms will be approximately 58 miles from the Little Compton shoreline in federal waters and not in the Sakonnet. The specific surveys and cable laying activities taking place in the Sakonnet are akin to fishing vessels operating or Coast Guard vessels maintaining aids to navigation, in that they will temporarily include a limited number of vessels for a short period of survey and installation. These periods are typically several days to a couple of weeks as the vessels transit up the Sakonnet, in close coordination with the Coast Guard, DEM and local Harbor Masters, without any landfalls or direct construction activities within Little Compton.

The Town has not identified any facts demonstrating a specific interest that is different in kind or quality from the general public interests, as required to intervene. *See* Rule 1.10(c) (motion to intervene must be supported by facts). The Rhode Island Supreme Court has held no matter how longstanding or qualified an organization in evaluating a problem, the mere interest in the problem is not sufficient to render the organization adversely affected. *See In Re Review of the Proposed Town of New Shoreham Project*, 19 A.3d 1226, 1227 (R.I. 2011).

**B. The Town's Interests Are Adequately Represented By Existing Parties.**

Even if the Town has an interest that might be indirectly affected, that indirect interest is adequately represented by the parties to this proceeding and by the numerous state and federal agencies that have jurisdiction over potential impacts including but not limited to environmental impacts of the project. In addition, the Town will still have the opportunity for public

participation through agency proceedings and/or public comment during the Board's public comment hearings. For example, in addition to the review by the Board, the project is the subject of a federal environmental impact statement and robust review under the National Environmental Policy Act by BOEM as well as review by numerous other federal and state agencies. *See* Mayflower's Application Section 17, Section 19 and Section 20 (listing applicable federal and state approvals), attached hereto as Exhibit B.

The ECC (including subsea hazards and geohazards) has been studied and surveyed extensively by Mayflower (geophysical, geotechnical, and benthic habitat surveys completed in 2020 and 2021), in accordance with rigorous minimum survey standards determined by BOEM and Rhode Island and Massachusetts state archaeological agencies. As part of Mayflower's permitting processes, this data will be subject to review and approval by a number of federal and state regulatory agencies including BOEM and the CRMC. *See* Exhibit B. Furthermore, Mayflower's proposed offshore cable siting and cable installation methods consider the identified subsea hazards and will avoid, minimize and/or mitigate any identified hazards, which will also be subject to review by the aforementioned agencies. Regarding the Town's concern about impact on fisheries, CRMC and DEM are actively engaged in numerous processes assessing the impacts of offshore wind on fisheries and will be involved in reviewing Mayflower Wind's project.

In addition, under the Energy Facility Siting Act, relevant agencies such as DEM, DOH, HPHC, and Rhode Island State Planning, will be solicited by the Board for advisory opinions on Mayflower's application. The project is also subject to additional review and approval by CRMC under its Federal Consistency Review pursuant to the state Coastal Zone Management Act and by DEM under its rules and regulations. *See* Exhibit B. The Town's motion fails to address why its alleged concerns about underwater features in the central part of the Sakonnet and in water quality

during export cable installation will not be adequately protected by the same state agencies that will review and advise the Board on the application.

**C. The Town Will Not Be Bound By This Proceeding.**

The Town's motion also fails to show that it will be "bound" by the outcome of this proceeding, as required by Rule 1.10(B). In fact, the Town will not be bound by the Board's determination in any way. *See* Rule 1.10(B)(2). Only the host municipality where part of the cable will be located – Portsmouth, *not* Little Compton – will be "bound" by the Board's exercise of its statutory authority over energy facility siting within the meaning of Rule 1.10(B). That is why the Rules allow the host community to intervene as of right. *See* Rule 1.10 (A)(1). Little Compton does not meet the test for intervention for this reason as well.

**D. The Town Does Not Have Any Other Interest That Supports Intervention.**

Rule 1.10(B)(3) provides that intervention may be permitted when the putative intervenor has an "*interest of such nature that petitioner's participation may be in the public interest.*" The Town's Motion fails to identify any such unique public interest consideration, and there is none. Little Compton has not identified any specialized knowledge or expertise that might assist the Board in reviewing Mayflower's application. The mere assertion that participation is in the public interest is not sufficient. *See In re: Invenergy Thermal Development EFSB Docket SB-2015-06* (Order issued January 29, 2016) (citing *Public Service Company of New Hampshire v. Patch*, 136 F.3d 197 (1<sup>st</sup> Cir. 1998) (the court stated that a movant's promise that it will offer a different angle on the legal questions in the lawsuits was a campaign promise, unamplified by any specifics that did not bear the weight of the claim that adequate representation was lacking)). Moreover, as noted above, the alleged interests set forth in the Town's motion are no different than the interest of the public at large and will be thoroughly protected by the responsible federal and state agencies and by the Board.



In fact, allowing the Town to intervene potentially conflicts with the public policy interest in the timely and efficient determination of a siting application for renewable energy infrastructure that is critical to responding to climate change and meeting the State’s carbon reduction goals as set forth in the *2021 Act on Climate*, the *2022 Act Relating to Public Utilities and Carriers - Renewable Energy* (to substantially increase renewable energy production and supply by requiring that 100 percent of Rhode Island’s electricity be offset by renewable production by 2023), and the *2022 Act Relating to Public Utilities and Carriers – Affordable Clean Energy Security Act* (that seeks to expand Rhode Island’s offshore wind energy resources). Allowing intervention by the Town based solely on speculative concerns over an underwater export cable passing along in Rhode Island state waters under the Sakonnet may add undue cost, delay and complexity to this proceeding that will prejudice the adjudication of the rights of Mayflower and needlessly burden the Board and its staff with duplicative material.

### **III. CONCLUSION**

When considering intervention, the Board must “....*balance several related factors, specifically, whether the Board ultimately has the authority to grant the relief requested, whether the Movants may more effectively pursue their respective interests in other forums, and whether the intervention(s) would unduly delay or prejudice the adjudication of the rights of the Petitioners and other parties.*” See *In Re: Joint Petition for Purchase & Sale of Assets by the Narragansett Elec. Co. & the S. Union Co.*, D-06-13, 2006 WL 1487796 (May 4, 2006). Opening the door for the Town of Little Compton (and possibly other shoreline communities) to intervene in this proceeding involving an offshore wind project, with such minimal justification, will set a troubling precedent for future Board proceedings involving these important renewable clean energy projects.

For all of these reasons, the Town’s Motion to Intervene should be denied.

Dated: August 3, 2022

Respectfully submitted,

MAYFLOWER WIND ENERGY LLC

By Its Attorneys,



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cc: Daniel Hubbard  
Kathleen Freeman

**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2022, I sent a copy of the foregoing by electronic mail, to the parties set forth in the attached service list.



**SB-2022-02 Mayflower Wind Energy LLC Application for Major Energy Facility:  
Service List (as of 07/14/2022)**

Name/Address	Email	Phone/FAX
<p><b>File an original and 9 copies with EFSB:</b>  Emma Rodvien, Coordinator  Energy Facility Siting Board  89 Jefferson Boulevard  Warwick, RI 02888</p> <p>Ronald Gerwatowski, Chairperson  Terry Gray, DEM  Meredith Brady, Assoc. Director  Division of Planning  Patti Lucarelli Esq., Board Counsel  Suzanne Amerault, Asst. to the Director  Department of Energy Management</p>	<p><a href="mailto:Emma.Rodvien@puc.ri.gov">Emma.Rodvien@puc.ri.gov</a>;  <a href="mailto:Patricia.Lucarelli@puc.ri.gov">Patricia.Lucarelli@puc.ri.gov</a>;  <a href="mailto:Ronald.Gerwatowski@puc.ri.gov">Ronald.Gerwatowski@puc.ri.gov</a>;  <a href="mailto:Terry.Gray@dem.ri.gov">Terry.Gray@dem.ri.gov</a>;  <a href="mailto:Meredith.Brady@doa.ri.gov">Meredith.Brady@doa.ri.gov</a>;  <a href="mailto:Suzanne.Amerault@dem.ri.gov">Suzanne.Amerault@dem.ri.gov</a>  <a href="mailto:Maria.Mignanelli@doa.ri.gov">Maria.Mignanelli@doa.ri.gov</a></p>	<p>401-780-2173</p>
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4311405.1/30938-2

**Exhibit A**

## Chapter 9

### BEACHES, HARBORS, RECREATIONAL AREAS AND ENVIRONMENT

#### § 9-1. HARBOR MASTER/HARBOR COMMISSION.

##### § 9-1.1. Jurisdiction. [Ord. 12/8/94]

The jurisdiction of this section shall include the coastal waters and harbor areas of the Town of Little Compton.

##### § 9-1.2. Authority. [Ord. 12/8/94]

The authority for the section comes from the General Laws of the State of Rhode Island, § 46-4-6,7.

##### § 9-1.3. Harbor Commission. [Ord. 12/8/94]

The Harbor Commission shall be the local advisory body concerning the implementation of the Harbor Management Plan and related ordinances.<sup>1</sup>

- a. Composition. The Harbor Commission shall consist of seven members who are residents of Little Compton as follows:

One owner of a recreational boat kept on a mooring, or one who is on a waiting list for a mooring.

One joint representative of the Sakonnet Point Marina Association Inc. and Sakonnet Point Club; (Charter amendment approved by voters at election of November 4, 2014.)

One representative of the Sakonnet Yacht Club;

One commercial trip fisherman;

One commercial day fisherman;

One officer of the local fishermen's association;

One member of a Town conservation organization.

- b. Appointments. Members shall be appointed by the Town Council for staggered terms of three years. The original members shall be appointed in such manner as to provide for the expiration of the term of two members in one year, two members in two years, and three members in years.
- c. Vacancies. Vacancies shall be filled as necessary and in accordance with the initial appointment, but only for the remainder of the term of the former member.

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1. Editor's Note: History of Ordinance. This ordinance was originally enacted on April 9, 1957. It was amended on March 9, 1959; April 13, 1964; August 7, 1969; April 23, 1970; January 24, 1974; August 8, 1974; November 7, 1974; June 23, 1977; January 18, 1979; January 10, 1980; February 19, 1981; February 4, 1982; May 20, 1982; March 16, 1983; February 21, 1985; June 5, 1986; February 5, 1987; April 20, 1989; October 24, 1991; February 20, 1992; October 7, 1993; January 6, 1994 and December 8, 1994.

- d. Officers. A Chairperson, a Vice Chairperson, and Secretary shall be elected by the members of the Commission. Regular meetings shall occur at least once a month. Special meetings may be called by the Chairperson, and shall be called by the Chairperson at the request of at least three members of the Commission. The Secretary shall keep minutes of all meetings and file such minutes promptly with the Town Clerk. Such minutes shall append the Harbor Master's monthly report.
- e. Powers and Duties. The Harbor Commission shall adopt as its primary authority the current edition of Robert's Rules of Order Newly Revised and may adopt supplementary rules of procedure. The Harbor Commission is authorized and directed to:
  - 1. Recommend to the Town Council the adoption of rules and regulations, fees, penalties, and other amendments to the Harbor Management Plan and its subsequent ordinances;
  - 2. Recommend to the Town Council additional authorities and duties for the Harbor Master, herein detailed;
  - 3. Recommend to the Town Council an annual budget in accordance with the provisions of the Town to expend monies appropriated at the Annual Financial Town Meeting;
  - 4. Review and make recommendations for all applications for mooring permits and approve any permits issued;
  - 5. Review and revise as necessary the Harbor Management Plan and its subsequent ordinances for Town Council and Coastal Resources Management Council approval. The Harbor Management Plan and its ordinances shall be reviewed and revised at least once every five years.
- f. Ex-Officio Member. The Harbor Master shall be a nonvoting, ex-officio member of the Harbor Commission.
- g. Compensation. Harbor Commission members may be compensated for any normal expenses incurred in the performance of their duties.

**§ 9-1.4. Harbor Master. [Ord. 12/8/94]**

There shall be a Harbor Master for the Town who shall annually be appointed by the Town Council. The Harbor Master shall serve at the pleasure of the Town Council and shall report to the Town Council and the Harbor Commission with the following duties:

- a. Be responsible for the administration and enforcement of the provisions of the Harbor Management Plan and its ordinances;
- b. Process applications for the issuance of mooring permits and assign proper placements of moorings in accordance with this ordinance;
- c. Keep a detailed, current, computerized record at the Little Compton Town Hall of all moorings and slip information, including but not limited to a keyed map showing location of moorings and slips; boat owner's name, address(es) and telephone number(s), mooring permit number, date mooring was set, last mooring inspection

date, vessel data as described in this section. The Harbor Master shall maintain in his/her files a copy of the location map and a current printout of such information;

- d. Prepare, keep current, and make available a waiting list for mooring permits in accordance with the provisions of this ordinance if the demand for available mooring permits is greater than the number of available mooring locations in any given year;
- e. Supervise the inspection of mooring tackle in accordance with the provisions of this section;
- f. Carry out all other powers and duties authorized to the Harbor Master under various State and Federal marine laws, including but not limited to Marine Sanitation Device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast Guard, MARPOL ANNEX V, Section 312 of the Clean Water Act, Title 46-22 of the General Laws of Rhode Island, and future laws yet to be enacted.

#### **§ 9-1.5. Assistant Harbor Master(s). [Ord. 12/8/94]**

Assistant Harbor Master(s) for the Town may be appointed annually by the Town Council and shall serve at the pleasure of the Town Council. Assistant Harbor Master(s) shall report directly to the Harbor Master and are authorized with the same duties as the Harbor Master, under the direction of the Harbor Master.

#### **§ 9-1.6. Compensation and Budget. [Ord. 12/8/94]**

The Harbor Master and Assistant Harbor Master(s) shall receive a salary at such a rate as the Town Council shall fix subject to approval of the Annual Financial Town Meeting. The Harbor Master is responsible for the day to day administration of a harbor management budget, with Harbor Commission authorization.

#### **§ 9-1.7. Powers and Duties. [Ord. 12/8/94]**

The Harbor Master shall have full power and authority to prescribe regulations and to give directions regarding the anchorage, management and control of all vessels within waters and harbors of the Town of Little Compton subject to any and all State or Federal laws governing the same. The Harbor Master may remove from any public wharf in these harbors any vessel not engaged in receiving or discharging a cargo or any vessel not anchored or moored according to his/her direction in the waters over which the Harbor Master is hereby given jurisdiction, and he/she shall charge the owner for all reasonable costs thereof. The Harbor Master may also determine the extent, time and manner of accommodation respecting the position of all vessels. The Harbor Master, having due regard to the draft of each vessel and the facility of navigation, shall designate upon a map of the waters subject to his/her jurisdiction areas restricted to vessels moored 12 months per year, areas restricted to seasonal craft moored during certain parts of the year, areas restricted to guest moorings, areas restricted to all moorings, areas restricted to no moorings, and the places where adequate permanent or temporary moorings or anchorages may be maintained. The Harbor Master shall affix or append to this map a list or key designating the name and address of the owner of each vessel and the size and type thereof. No moorings or anchorages in the waters subject to the jurisdiction of the Harbor Master shall hereafter be maintained except at the location



designated by the Harbor Master for such maintenance. The Harbor Master shall file the map in the Town Hall and shall thereafter maintain the same currently accurate. He/she shall also maintain a currently correct copy thereof in a place reasonably accessible to mariners for their convenience in consulting the same during hours when the Town Hall would not normally be open. He/she shall, annually on or before June 1, make a complete and accurate revision of both his/her original master map and its copy. He/she shall issue to each person applying to him/her therefor, a license properly keyed to this map to maintain such permanent or temporary mooring, the license to expire on April 1 in each succeeding year after its issuance, and shall see to it that the said mooring is maintained at the spot designated by him/her upon his/her map and in the license and not elsewhere, and if the licensee or any other person shall place a mooring or maintain anchorage elsewhere than as designated, the Harbor Master may remove the mooring or vessel or both in his/her discretion charge the expense of so doing to the person so placing the mooring or maintaining anchorage in a spot other than is designated by the Harbor Master.

**§ 9-1.8. Owner of Vessels to Place and Maintain Moorings at Harbor Master's Direction. [Ord. 12/8/94]**

The owner or master of any vessel of any size shall have the right to furnish and place his/her own mooring ground tackle, and shall have the responsibility for its maintenance, subject to the right of the Harbor Master to designate location of said mooring, as aforesaid, and subject to there being space for said mooring, provided, however, any mooring ground tackle so placed or maintained by the owner or master or anyone else in his/her behalf shall meet the requirements set up by the Harbor Master pertaining to size of said mooring, scope of said mooring and any mooring not so maintained to the satisfaction of the Harbor Master may be removed by the Harbor Master.

**§ 9-1.9. Vessels Moored at Docks or Slips. [Ord. 12/8/94]**

No vessel shall be moored at any dock or in any slip in such manner that any portion of its hull, spars or tackle extend into or over the navigation channel. Any vessel in violation of this rule shall be relocated immediately upon the instructions of the Harbor Master, and if the person in control of such vessel cannot be located, the Harbor Master shall deem appropriate at the expense of the owner, to correct the violation.

**§ 9-1.10. Wakes Prohibited Which are Large or Unsafe. [Ord. 12/8/94]**

No vessel shall be navigated or operated within the waters of the harbor of the Town of Little Compton in such manner as to create any wake which would cause damage to other boats or in such manner as to infringe upon the safety of other users of the harbor or at a speed greater than five miles per hour.

The use of sailboards and the use of personal watercraft as defined by R.I. Gen. Laws 46-27-1 (commonly known as jet skis) in the harbor is prohibited except for access and egress from June 15 to September 15. Personal watercraft are only permitted to enter or exit the harbor at headway speed as that term is defined in R.I. Gen. Laws 46-27-1. Headway speed means the slowest speed at which a personal watercraft can be operated and maintain steerage way. In all of Little Compton waters, no personal watercraft may be operated at more than headway speed within 200 feet of swimmers, divers, shore or

moored vessels.

**§ 9-1.11. Mooring Regulations. [Ord. 12/8/94; Ord. 10/24/96; Ord. 12/10/98; Ord. 1/9/03; Ord. 12/5/13; Ord. 9/22/16]**

a. Permit Process.

1. A mooring permit issued by the Harbor Master, with the review and recommendations of the Harbor Commission, is required for all moorings within and on the public waters of the Town of Little Compton. The permit holder may renew the permit annually upon payment of the mooring fee. No permit for a mooring shall be issued unless the mooring complies with all the conditions of this section.
2. Any mooring holder, who during the immediately preceding year held a valid mooring permit for a specifically named boat which was on its mooring for a minimum of four weeks between June 1 and October 31, shall have until April 1 of the next succeeding year to reapply for a permit. All renewal applications shall be accompanied by the permit fee required and shall be delivered or mailed before April 1 by the United States mail and addressed to the Little Compton Harbor Master.
3. Failure to submit a complete and accurate application and fee payment for a renewal permit shall result in loss of mooring space.
4. The Harbor Master shall, during the month of January of each year, cause application forms to be mailed to all mooring holders who held valid permits at the end of the prior year, to the address listed on their last permit. It shall be the burden of the permit holder to notify the Harbor Master of any change of address.
5. An annual review of all mooring permit owners will be conducted to insure that the CRMC's ratio of resident mooring permit owners to nonresident mooring permit owners will be maintained at the ratio of 3 to 1.

b. Application Procedures.

1. All applications for a mooring permit, new or renewal, shall contain the following information:
  - (a) Name, address and telephone (work and home) of the boat owner.
  - (b) Type, color, and name of boat.
  - (c) Overall length of boat.
  - (d) Beam of boat.
  - (e) Draft of boat.
  - (f) Type and weight of mooring anchor.
  - (g) Size and length of anchor chain.

- (h) Date of last mooring inspection.
  - (i) Type of MSD (Marine Sanitation Device), if any, installed on boat.
  - (j) Shoreside access point to mooring.
2. Assignment of moorings in Sakonnet Harbor shall be limited to one mooring per immediate family. Immediate family shall be defined as follows: spouse and or minor children.
  3. No mooring shall be licensed to any person who is not the owner of the boat for which he or she certifies the intention to use said mooring. Any person holding mooring license shall surrender said license when he or she ceases to have ownership of the boat for which the mooring was licensed and does not.
    - (a) Place the named boat on its mooring for a minimum of four weeks between June 1 and October 31 of any given year. A one year absence may be requested in writing, to the Harbor Commission, after paying the appropriate mooring fee, in the case of illness, death, being out of the country or other valid reason. Any such request must be received by May 1st for the next summer season absent extraordinary circumstances. If approved, the vacant mooring shall be offered to the next person on the waiting list with a boat of similar size, based on the Harbor Master's judgment, for one season. If accepted that individual must also pay the appropriate mooring fee to the Town of Little Compton.
    - (b) Use the mooring for one season (at least four weeks is a season) with a boat of the same size or smaller of which he or she acquires ownership. A second condition which requires any person holding a valid mooring license to surrender said license is if the specifically named boat for the mooring is not placed on its mooring for a minimum of four weeks between June 1 and October 31 during the preceding year. This condition must be fully met, even in the event of the sale of an old boat and the purchase of a new boat of the same or smaller size.

Ownership of a boat shall be defined as ownership of at least a 51% monetary interest therein. The Harbor Master shall have the authority to require any mooring licensee or applicant for a mooring license to provide proof of ownership of the boat for which such license was issued or is requested, and in a case of refusal or inability to provide such proof the Harbor Master shall have the authority to require the surrender of any such license or deny any such application. If the registered mooring holder and owner of a vessel or boat transfers partial or full ownership of a boat to another person or entity other than an immediate family member, the person or entity acquiring ownership of the boat will not become a mooring holder until his/her/its name reaches the top of the mooring waiting list.

4. A permit holder during the immediately preceding year who shall need or desire a new location shall file an application in accordance with this section specifying the reasons for the relocation request along with the existing mooring space number and size and type of boat. Based on available spaces and the requirements of this section action will be taken on the request.

5. One Vessel Allowed per Mooring. No more than one vessel shall be moored at any mooring at any time unless the Harbor Master grants permission to the owner of any vessel or vessels to moor two or more at the same mooring. The mooring fee as hereinbefore stated shall be applied to every boat moored in the harbor whether the same is located at one mooring along with another vessel or singly at any mooring.
  6. All new, first time mooring applications must be sent to the Town Clerk to ensure it is time stamped and officially received by the Town. The Town Clerk shall then ensure delivery of the applications to the Harbor Master. All renewal applications must be sent to the Harbor Master.
  7. A maximum of 20% of the moorings in Sakonnet Harbor shall be made available to the owners of boats which are maintained principally for commercial fishing purposes not to exceed a maximum of 30% of the mooring field. Applicants shall be subject to the proposed point system. The first two commercial fishing vessel moorings which become available will be reserved as moorings for resident owners of commercial fishing vessels. In the interim these moorings will be used as transient moorings.
  8. The Harbor Master, with the review and recommendations of the Harbor Commission, shall approve or deny all new applications in writing, within 60 days of receipt thereof. All renewal applications will be issued or denied in writing no later than June 1 of each year.
- c. Transferability. Mooring permits may be transferred to immediate family members of the same or higher priority group as outlined in Subsection d following.
  - d. Priority for Mooring Locations. The Harbor Master will maintain a chronological list of all applicants requesting a mooring location and ensure that the Harbor Commission and the Town Clerk receive a copy of the list within one week (seven days) after each time the list is updated. The list should be updated at least once annually by no later than April 15.

Within the space available, providing consideration for safety due to the size of each vessel, requests will be treated on a first come, first serve basis. Moorings will be given out in the order in which someone's name is placed on the waiting list, contingent on a mooring space being available which is the length requested by the waiting list individual. The decision will be based on the judgment of the Harbor Master with review and approval by the Harbor Commission. Additionally, when a commercial mooring space becomes available, it is to be given to the next individual seeking a commercial mooring, in order to maintain the commercial to recreational boater ratio. If an individual on the waiting list is given a mooring space and they then request a one year delay before placing their boat on a new mooring, they must place the appropriate size boat on the mooring during the following season.

If there is appropriate space a boat length increase request may be granted at the discretion of the Harbor Master with review and approval of the Harbor Commission.

When a space assignment is offered to the first individual on the mooring waiting

list with a boat of the appropriate size for said space, the individual has the privilege of refusing the space twice and remaining at the top of the mooring waiting list. A third refusal of an open space assignment will result in the individual being removed from the mooring waiting list. If the individual at the top of the list refuses a mooring assignment, the next person on the list will be offered the available mooring location, and so on. It is the responsibility of individuals on the mooring waiting list to keep their contact information current with the Harbor Master. If contact information is not kept current, the individual may be removed from the mooring waiting list.

- e. Occupation of Mooring. No boat shall occupy a mooring other than the one for which it is registered. The Harbor Master shall have the authority to move any boat violating the provisions of this section and such movement shall be at the owner's expense and risk. The Harbor Master may permit the temporary use of a mooring by another boat of the same, or smaller size, for up to seven days per year, upon the written application of the registered permit holder. The owner shall not receive any money, or any other form of remuneration, for the temporary use by another boat on his or her mooring. Another boat on the mooring does not contribute toward the four week minimum occupancy required for the permit holder's boat.
- f. Fee for License. The Harbor Master shall collect a fee from each applicant for each license issued by him/her. The fees shall be deposited with the Town Treasurer of the Town of Little Compton to the account of the General Funds of the Town. License will be revoked if the application accompanied by completed mooring inspection form as set forth in Subsection h below and fee is not submitted before April 1 of each year.

The following fees are fixed and ordered to be paid annually. For each mooring for all boats of whatsoever length, propelled by oars, sails or motors, which are maintained principally for the recreational use of the owners thereof, at the rate of \$7 per foot of length; and for all such boats which are maintained principally for commercial or profit-making purpose by the owners thereof, at the rate of \$10 per foot of length. All boats shall be measured for purposes of this subsection from the outermost point of the bow to the furthest point of the stern. The minimum annual fee for any boat maintained for recreational purposes shall be \$60, and for any boat maintained for commercial or profit-making purposes shall be \$75.

- g. Numbering and Winterizing.
  - 1. Each mooring in the waters of the Town of Little Compton will be assigned a number by the Harbor Master or his/her designee. The number will be displayed in contrasting color in two places on each mooring buoy or pick-up float in block letters at least three inches in height.
  - 2. Any mooring not displaying a mooring registration number will be considered an unregistered/unpermitted mooring. Unregistered/unpermitted moorings and any boats attached thereto, will be removed at the owner's risk and expense.
  - 3. Winter Mooring Spars. Winter mooring spars shall be readily visible above the water at all times and shall be removed not later than June 15 of the next succeeding year. Winter spars shall not be set until on or after the first day of October of each calendar year.

h. Specification of Mooring Tackle.

1. Mooring tackle shall meet at least the following minimum requirements:

<b>Registered Boat Length (Feet)</b>	<b>Mushroom Anchor Pounds</b>	<b>Bottom Chain</b>	<b>Top Chain</b>	<b>Nylon Dacron Line</b>
Under 16	75	3/8	5/16	1/2
16-19	150	3/8	5/16	1/2
20-22	200	1/2	3/8	5/8
23-25	250	1/2	3/8	3/4
26-30	300	5/8	3/8	3/4
31-35	400	5/8	3/8	3/4
36-40	500	3/4	1/2	7/8
41-50	600	3/4	1/2	1
51-65	750	1	1/2	1 1/4

2. The maximum length of the headfast shall be 2 1/2 times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
3. All headfast lines running through the chock or any other object where chafing may occur shall have adequate chafe guards.
4. The total scope of the chain shall be 2 1/2 times the depth of the water at high tide. The bottom and top chain shall each consist of approximately 50% of the scope.
5. All shackles, swivels and other hardware used in the mooring hookup shall be proportionate in size to the chain used.
6. All shackles shall be properly seized.
7. It is recommended that the headfast be spliced or shackled into the bitter end of the top chain below the buoy so the strain is not carried by the buoy. The use of a second headfast in heavy weather is encouraged.

i. Inspection Procedure.

1. All moorings in water shall be inspected at least once every year at the owner's expense by a Qualified Inspector. Such inspection shall be made by raising the mooring, or in the case of moorings which are determined by the Harbor Master to be of such weight that they cannot be conveniently raised, inspection may be made underwater. The Harbor Master shall maintain for each mooring in use in the harbor, a record of the name of the Qualified Inspector who made each inspection thereof, and his/her report, each such record to cover no less than four consecutive years prior to the most recent inspection. In the event that the ground tackle of any mooring shall have been replaced in its entirety since the most recent annual inspection, and provided that such newly replaced

ground tackle shall have met the approval of the Harbor Master at the time it was first put in place, annual inspection thereof shall be waived until it shall have been in place at least 24 months. In no case shall the annual inspection be waived for any such mooring more than once.

2. If, as the result of the annual inspection of a mooring, the Qualified Inspector shall determine that any chain is warped or worn by 1/3 of its normal diameter, all tackle shall be replaced by the owner thereof. Failure to make such replacement shall be grounds for revocation of the mooring license issued to the owner, or refusal to renew the same, by the Harbor Master, as appropriate.
3. No renewal of a mooring license shall be issued by the Harbor Master unless the application therefor shall be submitted in appropriate form, shall be accompanied by a certificate signed by a Qualified Inspector certifying that said mooring has been inspected within the last six months and found to be in satisfactory condition, and shall also be accompanied by payment in full of the appropriate mooring fee as prescribed in Town Regulations.

In the case of moorings which did not pass inspection, and for which repairs were ordered, applications for renewal must be accompanied by the report of the Qualified Inspector detailing the repairs or replacements which were required with endorsement by the Harbor Master signifying that he/she is satisfied that the necessary work has in fact been completed. All such applications for renewal must also be accompanied by the payment of the appropriate mooring fee.

4. No mooring tackle in place, which shall have failed to pass inspection, shall be used to moor any vessel until repairs to such tackle have been completed and approved by the Harbor Master in accordance with the provisions of Subsection i2 and 3 above; nor shall any mooring tackle in place be used for the mooring of any vessel belonging to or authorized by the person to whom that mooring location had been assigned unless such person has in his/her possession a valid and current license for the use of such mooring location issued by the Harbor Master.
- j. Qualification of Inspectors. A person appointed by the Harbor Master must be able, upon demonstration to him/her of their familiarity with the rules and regulations of the Town relating to mooring tackle inspection, to be considered a Qualified Inspector. Such approval may be revoked by the Harbor Master if it shall appear to him/her that the Inspector has failed to exercise due diligence in performing their duties as an Inspector.
- k. Permanent Moorings Not Permitted. No permanent mooring shall be installed in said harbor as per the requirements of the United States Army Corps of Engineers.
- l. Temporary Mooring. No empty mooring shall be permitted by the Harbor Master to be used by another vessel, unless the mooring's owner has given prior written, general permission for such use, or unless the Harbor Master determines there to be an emergency. Additionally, under no circumstances shall any fee or payment be levied or accepted by any person for the temporary use of a mooring except for the specific guest moorings of the Town of Little Compton or of the Sakonnet Yacht Club. No visiting boat shall be allowed to spend more than three consecutive nights

on any of the guest moorings.

- m. Fee for Town Mooring. A fee of \$30 shall be charged for the use of the Town Mooring per night, not to exceed three nights per month by any one person/vessel.
- n. Forfeiture of Mooring Space. Any owner shall be deemed to have forfeited his/her mooring permit by reason of the following:
  - 1. Removal of tackle and written notification to the Harbor Master/Harbor Commission that the space is available.
  - 2. Failure to reapply for the mooring permit by April 1 of any season or failure to replace any piece of mooring tackle not complying with the mooring tackle standards hereinafter set forth.
  - 3. Failure to resurface or replace mooring within 60 days after being advised by the Harbor Master that the mooring is down.
  - 4. Failure to pay a mooring fee by April 1 of each year.
  - 5. Failure to have a registered boat on an assigned mooring for four weeks in any one season.
  - 6. Failure to comply with any and all requirements of this section.
- o. Moorings not in Sakonnet Harbor. Any mooring placed in waters adjacent to the Little Compton shoreline shall only be allowed if the following criteria are met.
  - 1. Said mooring shall be registered with the Harbor Master.
  - 2. Said mooring shall be placed within the littoral rights of the boat owner.
  - 3. Mooring must conform to all specifications as set forth in this chapter.
  - 4. Mooring owner shall hold the Town of Little Compton, its agents and assigns harmless from any damage caused as a result of mooring failure.

**§ 9-1.12. Anchoring. [Ord. 12/8/94]**

All anchoring will be under the direction of the Harbor Master. No vessel will be allowed to anchor in Sakonnet Harbor utilizing her own ground tackle and be left unattended by its owner or operator.

When anchoring in a combination mooring and anchoring area it shall be the anchored vessel's responsibility to remain clear of all moored vessels including a change of wind or tide situation.

**§ 9-1.13. Regulations Concerning Sakonnet Harbor. [Ord. 12/8/94; Ord. 5/24/01]**

No person shall have the right to erect a mooring connected to the shore or to any other location in said harbor by means of a pulley rope or any rope or line whatsoever in nature, without the written permission of the Harbor Master.

The placing of lobster pots in Sakonnet Harbor shall be illegal from May 1 until October



31, the Harbor Master shall order removal of all pots or devices found therein during and between these dates.

Except for emergencies, scuba diving shall be permitted in Sakonnet Harbor between the hours of sunset and sunrise only with the prior permission of the Harbor Master or, in his absence, from the policeman on duty.

No boat shall be left unattended on the launching ramp without the prior permission of the Harbor Master or, in his absence, from the policeman on duty.

No boat shall be abandoned in Sakonnet Harbor or on the land owned by the Town of Little Compton at Sakonnet Harbor. The Harbor Master shall arrange for the removal of any boat so abandoned to such place within the Town of Little Compton as shall be designated by the Town Council and the cost of such removal and any storage fees shall be borne by the owner of such boat.

No tenders, boats, or other craft shall be stored on land owned by the Town of Little Compton, unless the owner of such vessel/craft/boat has a mooring in Sakonnet Harbor, or without prior approval from the Harbor Master; nonetheless, nothing within the foregoing language shall be construed to impinge, or otherwise adversely affect, any rights of the inhabitants of the Town of Little Compton as described in the William Rotch deed, all as more particularly described in Narragansett Real Estate Company v. Mackenzie, 34 R.I. 103 (1912).

No litter, garbage, oil, gasoline or other petroleum products or other material which would cause deterioration of water quality shall be disposed of in Sakonnet Harbor or on the land owned by the Town of Little Compton at Sakonnet Harbor. Any such disposal shall be contained and removed promptly by the owner of the boat or the person causing the same.

#### **§ 9-1.14. Violations; Penalty. [Ord. 12/18/94]**

Every owner, master or person in charge of any vessel who shall neglect or refuse to obey the directions of such Harbor Master in matters within his authority to direct and every person who shall resist or oppose such Harbor Master in the execution of his duties or shall violate any of the provisions of section 9-1 of this chapter, shall, upon conviction therefor, be fined not exceeding \$100 or imprisonment not exceeding 10 days for each offense and each day that such neglect or refusal to obey shall continue after notice thereof is given by the Harbor Master to any owner, master or person in charge of vessel or mooring, shall constitute a separate offense. Any person who shall remove from a location assigned by the Harbor Master any mooring belonging to another, without authority from or under the direction of the Harbor Master, shall, upon conviction thereof, be fined not exceeding \$100 or imprisonment not exceeding 10 days.

Any person to whom a mooring location has been assigned who shall permit another boat to use said mooring without authority from or under the direction of the Harbor Master or who shall rent, lease, transfer or exchange said mooring location (such transfer to include family members) without authority from or under the direction of the Harbor Master shall, upon conviction thereof, be fined not exceeding \$100 or face imprisonment not exceeding 10 days, and any such rental, lease, transfer, or exchange shall be null and void.

**§ 9-1.15. Harbor Master to Serve as Commissioner of Wrecks. [Ord. 12/8/94]**

The Harbor Master shall also serve as the Commissioner of Wrecks as provided by Title 46, Chapter 10 of the General Laws of Rhode Island, 1956 as amended.

**§ 9-1.16. Schedule of Fines. [Ord. 12/8/94]**

The following procedure is hereby established to permit the enforcement of section 9-1 by pecuniary penalty to be recovered by action of debt which may be offered to the person violating the terms thereof. The following schedule of fines is hereby established:

First Offense	\$10
Second Offense	\$15
Third Offense	\$25

For the purposes of identifying offense fines to be imposed, violations shall be accumulated over a period of 24 months. Failure by the violator to dispose of any violation in the manner herein provided will be deemed to be a waiver on the part of said violator to be allowed such privilege, and the Chief of Police will cause a complaint to be filed in the Second Division Court, Newport, Rhode Island.

The Harbor Master shall have printed summonses containing information as to the violation being cited, the manner in which the violator may pay for the offense, by paying the prescribed fee to the Town Treasurer, or set forth the date and time for appearance in Court.

**§ 9-1.17. Harbor Management Fund. [Ord. 1/23/03]**

- a. Creation. A Harbor Management Fund is hereby created to receive and expend monies for harbor related purposes as recommended by the Harbor Commission to the Town Council. All revenues generated by Town boat launching fees, mooring permit fees, qualified mooring inspectors, other fees of this chapter, and fines levied under the authority of this chapter shall be deposited into said Harbor Management Fund and expended by the Town Council with advice from the Harbor Commission.

Funds shall be dispersed for purposes directly associated with the management and implementation of the Town of Little Compton Harbor Management Plan and this chapter. Monies from this fund shall be allocated to the Harbormaster and/or his designee, subject to Town Council approval, for the purpose of enforcing the provisions of the Town of Little Compton Harbor Management Plan and/or this ordinance. Said Harbor Management Fund shall be established, budgeted and administered in a manner consistent with the procedures of the Town of Little Compton and as approved at the Annual Financial Town Meeting as per the standard budgetary procedures of the Town of Little Compton.

**§ 9-2. PROHIBITING THE TAKING OF SAND, GRAVEL, STONE, SEAWEED AND DRIFTSTUFF FROM PUBLIC BEACHES.**

**§ 9-2.1. Removal of Sand, Gravel, Driftwood Prohibited; Exception for Residents. [Ord. 12/12/40, § 1]**

No person who is not an inhabitant of the Town of Little Compton shall take, appropriate or carry away any sand, gravel, stone, seaweed or driftstuff from any public beach or commons in the Town.

**§ 9-2.2. Penalty. [Ord. 12/12/40, § 2]**

Any person who may be found guilty of violating the provisions of this section shall be fined not exceeding \$20, or be imprisoned for not more than 10 days, for each violation thereof.

**§ 9-3. REGULATING THE USE OF PUBLIC RECREATIONAL AREAS.**

**§ 9-3.1. Wilbour Woods. [Ord. 6/22/78, § 1; Ord. 8/7/80; Ord. 9/10/81; Ord. 7/7/83]**

Wilbour Woods shall be for the use of Town residents only. These premises shall be maintained in its natural state as a park or as a place of recreation in accordance with the deed of Elizabeth Mason Lloyd to the Town of Little Compton, dated April 14, 1937.

**§ 9-3.2. Adamsville Recreation Field. [Ord. 6/22/78, § 1A; Ord. 8/7/80; Ord. 9/10/81, § 1A]**

The Adamsville Recreational Field shall be for the use of Town residents only. These premises will be maintained for recreational purposes in accordance with the deed of Sophie H. Wheeler to the Town of Little Compton designating these premises as the Philip Manchester Wheeler Memorial Common, dated December 31, 1953.

Horses, motorcycles and motor vehicles shall be prohibited on this field.

**§ 9-3.3. Hester B. Simmons Lot (Town Lot). [Ord. 6/22/78, § 1B; Ord. 8/7/80; Ord. 9/10/81]**

The Hester B. Simmons lot shall be for the use of Town residents only. These premises shall be maintained for recreational purposes in accordance with the Last Will and Testament of Hester Beulah Simmons filed in the records of the Probate Court, Town of Little Compton, July 11, 1949.

**§ 9-3.4. Public Beaches. [Ord. 4/4/91; Ord. 8/22/91; Ord. 7/9/92, § I; Ord. 4/22/93]**

- a. Motorized vehicles of any kind shall not be permitted to traverse any public beach in the Town, except in designated vehicular travel lanes and parking areas. This subsection shall not apply to emergency and maintenance vehicles.
- b. During the period from April 1st through Labor Day, no animals will be allowed on Goosewing Beach, except seeing eye dogs on a leash.
- c. The setting of fires and fireworks are prohibited on Goosewing Beach.
- d. Kite flying is prohibited on Goosewing Beach.

- e. During the period from April 1st through Labor Day, except for conservation wardens or their designated representatives, it shall be unlawful for any person to enter any area of Goosewing Beach which has been designated as a nesting area for threatened or endangered bird species and which area is fenced off and duly posted as such. It shall also be unlawful to disturb any such fencing, or any enclosures on the nests, or the birds themselves.
- f. During the period when Goosewing Beach is open to the public, parking for both residents and non-residents of the Town shall be provided in a designated parking area on Goosewing Beach, and, fees charged by the Beach Commission for non-residents to park in said area shall be no more than twice the amount charged to residents. No trailers, campers, or commercial vehicles other than pick-up trucks shall be allowed in said parking area, except Town maintenance vehicles. Access to said parking area shall be by means of a vehicular bridge across Tunipus Breachway. Except in the case of emergency vehicles, no vehicles shall enter upon said bridge unless permitted to do so by duly authorized Town personnel.
- g. Horses and horse trailers are prohibited from the parking lots of South Shore Beach and Goosewing Beach. Jet skis are prohibited from said parking lots and the swimming areas at all times. The maximum speed limit in the beach parking lots shall be five miles per hour. Parking in the turn-around area at the east end of the South Shore Beach parking lot (designated fire lane) is prohibited.

#### **§ 9-3.5. Hours.**

The aforementioned recreational areas shall be closed to all persons, except those receiving special permission of the Town Council, or, in the case of South Shore Beach, the Beach Commission, between the hours of 11:00 p.m. and 6:00 a.m. daily.

#### **§ 9-3.6. Violations, Penalty. [Ord. 6/22/78; Ord. 8/7/80; Ord. 9/10/81, § 1; Ord. 7/9/92, § II]**

Every offense of this section 9-3 shall be punishable by the imposition of a fine in an amount not exceeding \$500 or by a term of imprisonment not exceeding 30 days, and, in cases involving property damage the wrongdoer shall pay restitution in an amount not exceeding \$2,500.

### **§ 9-4. REGULATING THE MANAGEMENT AND USE OF THE PUBLIC DOCK AT SAKONNET HARBOR.**

#### **§ 9-4.1. Rules Concerning the Dock. [Ord. 4/23/91; Ord. 6/18/92; Ord. 1/6/94; Ord. 10/24/96]**

- a. Any commercial person or commercial entity who has paid for a registered mooring or a slip in Sakonnet Harbor shall have the use of the dock to load and unload cargo for no additional fees. Other commercial vessels or boats shall pay a fee of \$3 per foot of boat length, per use.
- b. Nothing shall be left on the dock at any time whatsoever.
- c. No bait shall be dumped into the harbor.

- d. The captain of any vessel berthed at the public dock shall not leave the vessel. No vessel shall be berthed at the public dock overnight without the express approval of the Harbor Master.
- e. No captain of any vessel berthed at the public dock shall discharge bilge waters.
- f. Vessels berthed at the public dock shall immediately be taken out of gear to prevent suspension of the underlying bottom sediments. No vessel shall operate in gear while berthed at the public dock.
- g. No discharge of fish waste, cleaning solutions or other waste shall be allowed.
- h. No paints, pot dip, or other environmentally hazardous materials shall be stored or applied to any surface on a vessel while berthed at the public dock.
- i. Vessels taking on fuel at the public dock shall use the utmost care to prevent spills into coastal waters. Any fuel line in use for taking on fuel shall be manned at all times.
- j. No recreational swimming or diving shall be permitted from or adjacent to the dock.

**§ 9-4.2. Rules Concerning the Hoist. [Ord. 4/23/91, Ord. 7/1/91; 10/10/91; 1/6/94; Ord. 12/8/94; Ord. 10/24/96]**

- a. The hoist shall be operated exclusively by one of the following persons:
  - 1. Harbor Master or Assistant Harbor Master.
  - 2. Members of the Sakonnet Fisherman's Association.
  - 3. Sakonnet Yacht Club designees.
  - 4. Little Compton Fire Chief or designee.
- b. All persons desiring to use the hoist must make an appointment with the Harbor Master. Any person or entity who has paid for a registered mooring or a slip in Sakonnet Harbor shall have the use of the crane/hoist to load and unload cargo for no additional fees. Other persons or entities shall be charged a fee of \$30 or \$3 per foot per use, whichever is greater.

Any person or entity who has paid for a registered mooring or a slip in Sakonnet Harbor and who wishes to use the crane to launch or lift a boat from or into the water shall have two such uses per year at no additional charge. Any additional uses or any other person or entity shall pay a fee of \$30 or \$3 per foot per boat per use, whichever is greater.
- c. The Harbor Master shall supervise the availability of keys to the hoist.
- d. The failure of the owner of any commercial fishing vessel to abide by any of the rules set forth in this section shall be cause for the revocation of the privilege to use the hoist by the Harbor Master. The decision of the Harbor Master shall be appealable to the Town Council, whose decision shall be final.
- e. All other persons interested in using the hoist must make an appointment with the

Harbor Master, who shall operate the hoist.

- f. The Harbor Master, or his assistant, shall be responsible for turning off the electricity for the hoist and locking the hoist on a daily basis.

**§ 9-4.3. Rules Concerning the Parking Area. [Ord. 4/23/91]**

- a. The parking of vehicles in the parking area shall be restricted to the owners of commercial fishing vessels and their employees and to persons intending to make recreational use of the harbor and its environs.
- b. Ten spaces shall be reserved for the trip fishermen which shall be designated with a sign indicating "trip fishermen parking".
- c. With the exception of the trip fishermen parking, no persons shall use or occupy the parking area between the hours of 11:00 p.m. and 5:00 a.m. daily.

**§ 9-4.4. Maintenance Program for the Public Dock and Hoist. [Ord. 4/23/91]**

- a. Supervision and maintenance of the public dock and its facilities shall be the sole responsibility of the Harbor Master.
- b. The Harbor Master shall cause the hoist to be inspected annually by a certified hoist engineer.
- c. The Harbor Master shall cause the dock to be inspected every five years by a qualified marine contractor.
- d. Normal and incidental maintenance of the dock and its facilities shall be completed when practicable by the Town maintenance department.
- e. The Harbor Master shall post, inspect and maintain all necessary signs concerning the rules and regulations for the dock and the parking area.

**§ 9-4.5. Violations; Penalty. [Ord. 4/23/91]**

Every person found guilty of violating this section shall be fined not more than \$20 or imprisoned not more than 10 days.

**§ 9-5. PLASTIC BAGS. [Added 12-19-2019]**

**§ 9-5.1. Purpose.**

The purpose of this section is to protect the wildlife and coastal ecosystems of Little Compton, the enjoyment of nature, and the health, safety, and welfare of the Town's residents and visitors by encouraging the use of reusable carryout bags, banning the use of single-use plastic carryout bags for retail checkout of goods, and reducing the number of single-use carryout bags that enter our environment.

**§ 9-5.2. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**BUSINESS ESTABLISHMENT** — Any commercial enterprise, including sole proprietorship, joint ventures, partnerships, corporations, or any other legal entity, and includes all employees of the business and any independent contractors associated with the business. For the purposes of this section, "business establishment" shall also include farmers markets. "Business establishment" does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

**CARRYOUT BAG** — A bag used by the customer at the point of sale for the purpose of removing products purchased from retail establishment. "Carryout bag" does not include plastic barrier bags, double-opening plastic bags, or plastic bags measuring larger than 28 inches by 36 inches.

**DOUBLE-OPENING PLASTIC BAG** — Any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.

**PAPER BAG** — A paper bag that is fully recyclable.

**PLASTIC BAG** — A bag where any portion of the bag is made of plastic, including but not limited to those called "biodegradable," "compostable" or "oxo-biodegradable."

**PLASTIC BARRIER BAG** — Any thin plastic bag with a single opening used to:

- a. Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected by customers to the point of sale;
- b. Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;
- c. Contain or wrap flowers, potted plants, or other items where damage to a good or contamination of other goods placed together in the same bag may be a problem; or
- d. Contain newspapers, unwrapped prepared foods or bakery goods.

**RECYCLABLE PLASTIC** — Plastic that meets the current Rhode Island Resource Recovery Corporation's standards.

**REUSABLE CARRYOUT BAG** — A bag that is specifically designed and manufactured for multiple reuse. The bag must be made of washable cloth, other durable woven or nonwoven fabric, or durable plastic film that is recyclable plastic with a minimum thickness of four mils.

### **§ 9-5.3. Regulations.**

- a. No business establishment shall make available any plastic carryout bags, either complimentary or for a fee, for any sales transaction or other use to members of the public.
- b. Nothing in this section shall preclude business establishments from making reusable bags or paper bags available to customers, by sale or otherwise.

### **§ 9-5.4. Violations; Penalty.**

Any person violating any of the provisions of this section shall be subject to the penalties set forth in § 1-5 of this Code.

**§ 9-5.5. Implementation.**

This section shall take effect on July 1, 2020.

**§ 9-6. BALLOONS. [Added 12-19-2019]****§ 9-6.1. Purpose.**

The purpose of this section is to protect the wildlife and coastal ecosystems of Little Compton, the enjoyment of nature, and the health, safety, and welfare of Little Compton's residents and visitors by regulating balloons as it has been determined that balloons contribute to plastic pollution in the ocean and pose a risk and nuisance to the environment, particularly to wildlife and marine animals.

**§ 9-6.2. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**BALLOON** — A flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gas, such as helium, hydrogen, nitrous oxide, oxygen, air or water and then sealed at the neck, usually used as a toy or decoration.

**§ 9-6.3. Regulations.**

- a. It shall be unlawful for any person to sell, use or distribute any balloon filled with a lifting gas such as helium, hydrogen, nitrous oxide.
- b. It shall be unlawful for any person to knowingly and intentionally release, organize the release of, or intentionally cause to be released into the atmosphere of Little Compton any balloon.

**§ 9-6.4. Violations; Penalty.**

Any person violating any of the provisions of this section shall be subject to the penalties set forth in § 1-5 of this Code.

**§ 9-6.5. Implementation.**

This section shall take effect on July 1, 2020.

**§ 9-7. PLASTIC STRAWS. [Added 12-19-2019]****§ 9-7.1. Purpose.**

The purpose of this section is to protect the wildlife and coastal ecosystems of Little Compton, the enjoyment of nature, and the health, safety, and welfare of Little Compton's residents and visitors by prohibiting the distribution of plastic beverage straws as it has been determined that plastic beverage straws contribute to plastic pollution in the ocean and pose a risk and nuisance to the environment, particularly to wildlife and marine animals.



**§ 9-7.2. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**PLASTIC BEVERAGE STRAW** — A tube made predominately of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic beverage straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from nonplastic material, such as paper, straw, sugar cane, bamboo, etc.

**§ 9-7.3. Regulations.**

- a. It shall be unlawful for any person to sell or distribute plastic beverage straws.

**§ 9-7.4. Exemptions.**

- a. Use of plastic beverage straws on private property used as a residence.
- b. Beverages prepared and packaged outside the Town of Little Compton, provided such beverage is not altered or repackaged within the Town of Little Compton.

**§ 9-7.5. Violations; Penalty.**

Any person violating any of the provisions of this section shall be subject to the penalties set forth in § 1-5 of this Code.

**§ 9-7.6. Implementation.**

This section shall take effect on July 1, 2020.

## **Exhibit B**

**17. Identification of Federal agencies which may exercise licensing authority over any aspect of the facility.**

As outlined in § 10 of the Siting Report, the federal agencies that have, or may have, licensing authority over the Project include:

- BOEM
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Coast Guard
- Federal Aviation Administration
- National Oceanic and Atmospheric Administration, National Marine Fisheries Service
- U.S. Fish and Wildlife Service

Please also see the response to item 20, below.

**18. Identification of state and local governmental agencies which may exercise licensing authority over any aspect of the facility or which could exercise licensing authority over any aspect of the facility absent the Act.**

As outlined in § 10 of the Siting Report, the state and local agencies that have, or may have, licensing authority over the Project include:

- Energy Facility Siting Board
- Rhode Island Coastal Resources Management Council
- Rhode Island Department of Environmental Management
- Rhode Island Historical Preservation and Heritage Commission
- Rhode Island Department of Transportation
- Town of Portsmouth Planning and Zoning
- Portsmouth Town Council

The portion of the Project in Massachusetts is subject to the authority of the Massachusetts Energy Facilities Siting Board and the Department of Public Utilities.

Please also see the response to item 20, below.

**19. Identification of foreign governmental agencies which must issue licenses that may affect any aspect of the facility.**

There are no foreign licenses required for the Project.

**20. All pertinent information regarding filings for licenses made with federal, state, local and foreign governmental agencies including the nature of the license sought, copies of the applicable statutes or regulations and copies of all documents filed in compliance with the National Environmental Policy Act, the date of filing and the expected date of decision.**

Mayflower Wind has prepared and submitted a Construction and Operations Plan (COP) to BOEM for review.<sup>12</sup> The COP sets forth the detailed descriptions for the construction and operation of all proposed offshore and onshore facilities and the detailed analyses of potential environmental and socio-economic impacts that will support BOEM’s review of the Project under the National Environmental Policy Act (NEPA). The applicable statutes and regulations, and the COP, are voluminous and will be provided to the EFSB upon request.<sup>13</sup>

Additionally, Mayflower Wind will make the following applications for licensing and permitting for the Project, as described in § 10 of the Siting Report, each of which Mayflower Wind expects to file in the timeframes indicated below.

Agency	Permit/Approval	Status
<b>Rhode Island State Permits and Approvals</b>		
Rhode Island Coastal Resources Management Council (CRMC)	Consistency Determination under the Federal Coastal Zone Management Act (16 United States Code [U.S.C.] §§ 1451-1464) and in accordance with the Rhode Island Coastal Resources Management Program and Special Area Management Plans.	Filed March 15, 2022.
	Category B Assent and Submerged Lands License pursuant to R.I.G.L. § 46-23 and 650-RICR-20-00-1 and 650-RICR-20-00-2.	Filing planned for Q3 2022.
	Letters of Authorization (LOA)/Survey Permit, if	Approved July 7, 2021 for Summer 2021 benthic surveys;

<sup>12</sup> Mayflower Wind made its initial submission to BOEM in February, 2021.

<sup>13</sup> BOEM’s review of the Project’s COP is currently in progress and is available for review by the public and other agencies at the following links: <https://www.boem.gov/renewable-energy/state-activities/mayflower-wind>; <https://mayflowerwind.com/documents/>. On or about November 1, 2021, BOEM issued its Notice of Intent to prepare an Environmental Impact Statement (EIS and review the Project under NEPA (NOI) See: <https://www.boem.gov/sites/default/files/documents/about-boem/regulations-guidance/86-FR-60270.pdf>. The publication in the Federal Register opened a 30-day comment period during which the public was allowed to identify information that the Environmental Impact Statement should consider. This comment period concluded on December 1, 2021; Mayflower Wind is awaiting BOEM’s draft EIS. Once completed, BOEM will publish a Notice of Availability and request public comments on the Draft EIS. BOEM currently expects to issue the NOA in January 2023. Mayflower Wind will update the EFSB once it receives further information from BOEM.

Agency	Permit/Approval	Status
	<p>needed, in accordance with the R.I.G.L. § 46-23 and 650-RICR-20-00-1.</p> <p>Freshwater Wetlands Permit pursuant to the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-2.1 <i>et seq.</i>) (R.I.G.L. § 46-23-6).</p>	<p>Approved February 4, 2022 for Spring 2022 benthic surveys; Filing planned for Q3 2022.</p>
<p>Rhode Island Historical Preservation and Heritage Commission (RIHPHC)</p>	<p>Permission to conduct archaeological field investigations (pursuant to the Antiquities Act of Rhode Island, G.L. § 42-45 and the Rhode Island Procedures for Registration and Protection of Historic Properties).</p>	<p>Marine Survey approved on July 2, 2021.</p> <p>Phase 1 Permit (No. 21-32) issued on December 17, 2021; Terrestrial Archaeological Resources Assessment (Phase 1 Report) filed March 14, 2022.</p>
<p>Rhode Island Department of Environmental Management (RIDEM)</p>	<p>Consultation with the Rhode Island Natural Heritage Program and Division of Fish &amp; Wildlife.</p> <p>Water Quality Certification pursuant to Section 401 of the Clean Water Act, 33 U.S.C. §§ 1251 <i>et seq.</i> and R.I.G.L. § 46-12-3 and Dredging Permit pursuant to the Marine Infrastructure Maintenance Act of 1996 and RI Rules and Regulations for Dredging and the Management of Dredged Materials (R.I.G.L. §§ 46-6-6.1 <i>et seq.</i>) and Rhode Island Water Quality Regulations (R.I.G.L. §§ 46.12 <i>et seq.</i>).</p>	<p>Information provided by RIDEM on June 24, 2021; Updated information provided by RIDEM on April 11, 2022.</p> <p>Filing planned for Q3 2022.</p>

Agency	Permit/Approval	Status
	Rhode Island Pollution Discharge Elimination System General Permit for Stormwater Discharge Associated with Construction Activity pursuant to R.I.G.L. § 42-12.	Filing planned for Q3 2022.
RIDEM Division of Fish & Wildlife	Letter of Authorization and/or Scientific Collector's Permit (for surveys and pre-lay grapnel run) if needed.	TBD based on consultations with RIDEM Division of Fish & Wildlife.
Rhode Island Department of Transportation (RIDOT)	Utility Permit/Physical Alteration Permit pursuant to R.I.G.L. § 24-8.	Filing planned for Q4 2023 (if applicable).
Town of Portsmouth	Zoning review, Planning review, Building permits, Street opening permits, Easements.	TBD
<b>Federal Permits, Approvals and Consultations</b>		
BOEM	<p>Site Assessment Plan (SAP).</p> <p>Certified Verification Agent (CVA) Nomination.</p> <p>COP Approval/Record of Decision (ROD).</p> <p>Departure request for early fabrication of Mayflower Wind's OSP and inter-array cables.</p>	<p>Approved by BOEM May 26, 2020.</p> <p>Approved by BOEM November 4, 2020.</p> <p>Filed February 15, 2021; BOEM published Notice of Intent to Prepare Environmental Impact Statement for review of the COP on November 1, 2021; Draft EIS projected for January 2023.</p> <p>Approved by BOEM December 1, 2020.</p>

Agency	Permit/Approval	Status
	<p>Departure request for deferral of Lease Area geotechnical data.</p> <p>National Environmental Policy Act (NEPA) Review.</p> <p>Facilities Design Report and Fabrication &amp; Installation Report.</p>	<p>Approved by BOEM October 5, 2021.</p> <p>Initiated by BOEM November 1, 2021.</p> <p>Filing planned for Q1 2024.</p>
U.S. Department of Defense Clearing House	Informal Project Notification Report.	Submitted May 11, 2020.
United States Coast Guard	<p>Private Aids to Navigation Permit.</p> <p>Local Notice to Mariners.</p>	<p>To be filed 3-6 months prior to offshore construction.</p> <p>To be filed prior to offshore construction.</p>
United States Environmental Protection Agency	<p>National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities.</p> <p>Outer Continental Shelf (OCS) Permit Clean Air Act.</p>	<p>Filing planned for Q2/Q3 2022.</p> <p>Filing planned for Q4 2022.</p>
United States Army Corps of Engineers	Individual Clean Water Act (CWA) Section 404 Permit Rivers and Harbors Act of 1899 Section 10 Permit.	Filing planned for Q4 2022.
US Fish and Wildlife Service	<p>Endangered Species Act (ESA) Section 7 consultation.</p> <p>Bald and Golden Eagle Act and Migratory Bird Treaty Act compliance.</p>	<p>No take authorization is expected to be requested and coordination with USFWS has been initiated and will continue.</p> <p>Basic site evaluation and characterization studies completed and detailed studies ongoing.</p>

Agency	Permit/Approval	Status
Federal Aviation Administration	Determination of No Hazard to AirNavigation.	<p>It is not currently anticipated that a Determination of No Hazard will be required for offshore structures in the Lease Area due to their location outside of 12 nm (22 km); nor will this be required for the onshore substation or converter station due to the maximum height of these structures.</p> <p>Mayflower Wind continues to engage with the Federal Aviation Administration with regards to whether any review and/or authorization is required for offshore equipment deployed to support HDD installation of the export cables.</p>
National Oceanic and Atmospheric Administration U.S. National Marine Fisheries Service	Marine Mammal Protection Act Incidental Harassment Authorization (IHA) or Letter of Authorization (LOA).	<p>Pre-construction: concurrence for 2019 Geophysical and Geotechnical (G&amp;G) surveys was issued on July 26, 2019.</p> <p>IHA for 2020 G&amp;G surveys issued on July 23, 2020.</p> <p>IHA for 2021 G&amp;G surveys issued on July 1, 2021.</p> <p>LOA Application for offshore construction and operation filed March 18, 2022.</p>
<b>Massachusetts State Permits and Approvals</b>		
Massachusetts Executive Office of Energy and Environmental Affairs (EEA)	Massachusetts Environmental Policy Act (MEPA) Environmental Notification Form (ENF) and Environmental Impact Report (EIR) Certificate of EEA Secretary.	<p>ENF filed anticipated to be filed in or about July, 2022.</p> <p>Brayton Point Draft EIR in Q4 2022 and Final EIR in Q2 2023.</p>



Agency	Permit/Approval	Status
Massachusetts Energy Facilities Siting Board	Approval to construct the proposed Project, pursuant to G.L. c. 164, § 69J (Siting Petition).	Petition filed May 27, 2022.
Massachusetts Department of Public Utilities	<p>Approval to construct and use proposed Project pursuant to G.L. c. 164 § 72 (Section 72 Petition) (consolidated with MA EFSB proceeding).</p> <p>Individual and comprehensive zoning exemptions from the zoning bylaws of Somerset for the proposed Project pursuant to G.L. c. 40A § 3 (Zoning Petition) (consolidated with MA EFSB proceeding).</p>	Filed concurrently with MA EFSB Petition and Analysis.
Massachusetts Department of Environmental Protection	<p>Chapter 91 Waterways License/Permit for dredge, fill, or structures in waterways or tidelands.</p> <p>Section 401 Water Quality Certification.</p>	Joint application filing planned for Q2 2023.
Massachusetts Office of Coastal Zone Management (CZM)	CZM Consistency Determination.	Filed with COP on February 15, 2021; Revised version filed January 13, 2022; Executed one-year stay with CZM beginning on December 30, 2021, with CZM's review re-starting on December 30, 2022 and anticipated completion by May 31, 2023.
Massachusetts Department of Transportation	State Highways Access Permit(s) (if required).	Filing planned for Q3 2023, if required.
Massachusetts Board of Underwater Archaeological Resources (MA BUAR)	Special Use Permit (SUP).	Provisional SUP issued on June 25, 2021; Filed MA BUAR SUP application on August 26, 2021. SUP approved on September 30, 2021; Renewal in Q3 2022.

Agency	Permit/Approval	Status
Massachusetts Historical Commission	Project Notification Form/Field Investigation Permits (980 C.M.R. § 70.00).  Section 106 consultation.	Project Notification Form submitted July 26, 2021; Terrestrial Archaeological Resources Assessment (Brayton Point Phase 1A Report) filed on March 15, 2022.
Massachusetts Fisheries and Wildlife – Natural Heritage and Endangered Species Program (NHESP)	MA Endangered Species Act Checklist.  Conservation and Management Permit (if needed) or No-Take Determination.	Submitted Information Request for state-listed rare species on June 17, 2021. NHESP issued a letter identifying state-listed protected species on July 23, 2021. Request for updated list filed with NHESP on March 31, 2022; NHESP responded on April 28, 2022 – no mapped rare species habitat for MA-jurisdictional project area.  Endangered Species Act Checklist filing planned for Q3 2022 (upon Final Environmental Impact Report certificate).
Massachusetts Division of Marine Fisheries (DMF)	Letter of Authorization and/or Scientific Permit (for surveys and pre-lay grapnel run).	To be determined based on consultations with DMF.

For the state filings, the CRMC submissions, the RIDOT and RIDEM authorizations, as well as the street opening permits and easements to be obtained from the Town of Portsmouth are outside EFSB jurisdiction and will be obtained separately. The other Town of Portsmouth permissions are pre-empted by the EFSB and subsumed by the EFSB’s licensing authority. The applicable statutes or regulations for each of these agencies are voluminous. At the request of the EFSB, Mayflower Wind will provide copies of any particular statutes and regulations.

**CONCLUSION**

Mayflower Wind’s application and the Siting Report, filed herewith and incorporated herein, demonstrate that the Project meets the requirements set forth in the EFSB, R.I.G.L. § 42-98-11(b) for approval of its proposal to construct major energy facilities. Specifically, the construction of the Project: