



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
 Oliver H. Stedman Government Center
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 Wakefield, RI 02879-1900

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APPLICATION FOR BUFFER ZONE MANAGEMENT

Project Location _____ No. Street City/Town	File No. (CRMC USE ONLY)
Owner's Name	Plat: _____ Lot(s):
Mailing Address _____ City/Town State Zip Code	Contact No.:
Contractor RI Lic. # Address	Tel. No.
Designer Address	Tel. No.
Name of Waterway	Fee: \$
Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)	

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?

File Number(s): _____

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?

YES _____ NO _____

NOV OR C&D NUMBER: _____

FEES: For areas less than 1/2 acre \$ 50.00
 For areas between 1/2 and 1 acre \$100.00
 For areas between 1+ acres and 5 acres \$250.00
 For areas greater than 5 acres \$500.00

Owner's Signature: _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

Rev. 1/00

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

BUFFER ZONE MANAGEMENT APPLICATIONS APPLICATION SUBMITTAL REQUIREMENTS

1. Application Form: Four (4) **collated** copies of completed application form with full description of proposed work.
2. Application Fee: See front page of application form. The fee is based on the area of the buffer zone or existing naturally vegetated area in which management will occur.
3. Proof of Property Ownership: The CRMC requires a letter from the local tax assessor stating ownership of the property. The owner of the property must sign the application form. A potential purchaser of the property may submit the application provided a valid signed sales agreement accompanies the application and the application form has been signed by the current property owner.
4. Site Plan: Four (4) copies of the proposed site plan must be submitted. The site plan must show accurate dimensions (to scale) of the property and all areas of proposed work. All site plans must be legible and clearly show all proposed management information. The plan must show the water's edge, coastal (shoreline) feature, area of proposed management (previously permitted buffer zones must be shown and labeled), location of dwellings, septic systems and other structures, and nearest roadway. In order for the plan to be referenced within a CRMC permit, all site plans must have a title block indicating the plan title, location by town, plat and lot, street address, author of plan and plan date with any subsequent revision dates. (Note: See CRMC Buffer Zone Management Guidance and sample plan for further information).
5. Photographs: Photographs of the proposed area of management should be submitted. Photographs will aid in the review process and help expedite the application particularly for minor work such as removing a few select trees. In cases of minor work, notes may be written directly on the photos (such as circling the tree to be removed).

CRMC COASTAL BUFFER ZONE MANAGEMENT GUIDANCE

A. GUIDELINES FOR PREPARING AN APPLICATION FOR COASTAL BUFFER ZONE MANAGEMENT:

1. All proposals for buffer zone management must be designed with respect to one or more of the "Management Options" identified in Section "B" of these guidelines and must utilize appropriate techniques for managing vegetation as defined in Section "C" and "D".
2. Photographs and site plans must be submitted, and all applications must be complete, clear and concise. Applications which are unclear or imprecise will be deemed incomplete.
3. Applications which meet the guidelines contained herein will be processed as a "Category A" and receive administrative approval. In cases where CRMC staff determines that the application is inappropriate for administrative approval, a recommendation will be made to the Executive Director that the application be processed as a Category "B" review requiring a 30 day Public Notice and final decision by the full Coastal Council.
4. All proposals for Coastal Buffer Zone management should involve minor alterations which do not depreciate the values and functions of Coastal Buffer Zones as defined by Section 1.1.11 of the RICRMP. No more than 25% of the total buffer zone area shall be affected by the management options in Section B. Areas to remain unaltered should be clearly identified on the proposed plans. An exception to this requirement is allowed for "**Suburban Coastal Buffer Zones**" - see Section B.6 of this Guidance material.
5. Invasive plant management for habitat restoration – Management of invasive plants may be allowed, provided it is done in accordance with Section D of this document.
6. Where appropriate, Coastal Buffer Zone management may be applied to Coastal Banks. However, the CRMC may impose greater restrictions on alterations affecting coastal banks.
7. Shoreline access pathways are prohibited on coastal wetlands and where inappropriate on coastal features.

B. MANAGEMENT OPTIONS WITHIN COASTAL BUFFER ZONES:

1. Shoreline Access Paths - Pathways which provide access to the shoreline are normally considered appropriate. Pathways may be up to 6' wide and follow a winding, but direct path that does not promote erosion. Shoreline access paths must be designed to minimize disturbance and may be prohibited in sensitive habitat areas. In cases where the coastal feature is wetland, the shoreline access path must terminate at the wetland edge. Pathways may be vegetated with grasses and mowed or may be surfaced with crushed stone or mulch. Fertilizers may only be allowed for the initial establishment of grassed pathways. Proper site plans must be submitted which show the location of the proposed path through the buffer zone. Applicants may also be required to delineate the path on site for CRMC staff inspection.
2. View Corridors - Selective tree removal and pruning and thinning of natural vegetation may be allowed within a defined corridor in order to promote a view of the shoreline. Only the minimal alteration of vegetation necessary to obtain a view shall be considered

acceptable (clear cutting is not allowed). Shoreline access paths (if proposed) should be located within a view corridor to minimize disturbance within the buffer. Applicants proposing a view corridor must prepare a plan showing the view corridor's location within the Coastal Buffer Zone with respect to view points from a dwelling or other viewing area. On residential lots of 2 acres or less, only **one view corridor** is typically considered acceptable. View Corridors may not affect more than **25 % of the length** as measured along the shoreline **and no more than 25% of the total area** of the Coastal Buffer Zone. View Corridors may be prohibited in sensitive or critical habitat areas.

3. Habitat Management and Restoration - The management and restoration of vegetation within a Coastal Buffer Zone to enhance wildlife habitat and control invasive plant species may be allowed **where it is demonstrated that the existing environmental conditions will be improved for native plant and wildlife species**. Invasive plant management must be performed in accordance with Section D of this document. The indiscriminate use of herbicides is prohibited and fertilizers may only be used to enhance the replanting of native vegetation. In addition, maintaining a buffer zone in a "landscaped condition", or establishing lawn are not considered appropriate habitat management activities and are prohibited. In Coastal Buffer Zones encompassing **one acre** or more, clearing may be allowed to establish field conditions which contain **native** grasses and herbaceous plants. In such cases, clearing for field establishment shall not affect more than **25%** of the Coastal Buffer Zone. Areas of wetland (coastal or freshwater) shall not be included when calculating Buffer Zone area. All Buffer Zone Management plans involving habitat management within a Coastal Buffer Zone of one acre or more, or in sensitive or critical habitat areas (as determined by CRMC staff) shall submit a buffer zone management plan prepared by a qualified environmental professional or biologist.

4. Safety and Welfare - Selective tree removal and pruning within a Coastal Buffer Zone may be allowed on a case-by-case basis for proven safety and welfare concerns (e.g., removal of a damaged or diseased tree in close proximity to a dwelling). In order to promote child safety and manage pets in areas harboring ticks, fences along the inland edge of a Coastal Buffer Zone and along shoreline access paths or shoreline recreation areas may be permitted (fences must be of an "open" type construction to permit the passage of wildlife, e.g. split rail or similar). Coastal Buffer Zone management plans shall include methods of avoiding problem areas such as the proper placement and maintenance of paths.

5. Shoreline Recreation - The CRMC recognizes that shoreline recreation is one of the predominant attractions for living on, or visiting the Rhode Island coast. In order to allow for such uses, minor alterations of Coastal Buffer Zones may be permitted along the shoreline if they are determined to be consistent with CRMC's goals and policies as noted in the Rhode Island Coastal Resources Management Program (RI CRMP). Appropriate alterations typically include maintaining a small clearing of 200ft². or less within managed portions of the buffer zone for picnic tables, benches, and recreational craft (dinghies, canoes, day sailboats, etc.). The CRMC may allow small, non-habitable recreational structures including storage sheds, boat houses, and gazebos within these clearings. In addition, clearings should be set back at least 10ft. from the inland edge of the coastal feature. Due to the potential for these structures to impact natural values provided by Coastal Buffer Zones, the Council shall exercise significant discretion in this area.

6. Suburban Coastal Buffer Zones - Where the Coastal Buffer Zone requirement is **25' or less (as per RICRMP Section 1.1.11, Table 4)**, the CRMC shall consider such buffer zones "Suburban Coastal Buffer Zones". Suburban Coastal Buffer Zones may be managed in their entirety (100%) by selective tree removal, selective pruning, selective thinning, invasive plant management and restorative planting. However, the CRMC may require that several trees be maintained or planted to protect scenic quality.

C. APPROPRIATE TECHNIQUES FOR MANAGING VEGETATION WITHIN A COASTAL BUFFER ZONE:

1. Selective Tree Removal - In cases where the applicant wishes to remove a few select trees, trees proposed to be cut must be specifically identified for CRMC staff review. Photographs of the buffer area must be submitted that clearly shows the affected trees in relation to the surrounding buffer and shoreline. Trees may also be marked on-site to allow inspection by CRMC staff. In order to minimize disturbance and allow monitoring by CRMC staff, tree stumps of felled trees shall not be removed. CRMC staff may make a follow-up inspection to verify that only marked trees were cut based upon stump counts. Should the applicant wish to remove a felled tree from the buffer zone, this must be performed in a manner which does not disturb remaining vegetation. Selective tree removal is often a preferred technique for the establishment of a view corridor.

2. Selective Pruning and Limbing – For CRMC purposes, pruning and limbing are defined as cutting branches from trees, tree saplings and shrubs. For certain Coastal Buffer Zone Management options, pruning the tops of shrubs and forest undergrowth (topping) may be appropriate to discourage growth in height. On level ground, shrubs and forest undergrowth should be pruned to a height of **not less than 4'-5'**. In areas where the ground surface descends toward the shoreline, topping should only be performed to a height that allows a view of the water. Applicants proposing pruning must describe in detail the work proposed, provide photographs and a site plan, and/or mark those portions of the Coastal Buffer Zone where vegetation will be pruned on-site. The species of vegetation to be pruned should be identified since some species of vegetation cannot tolerate excessive pruning or topping. Limbing of trees must be done in a manner which does not threaten the survival of the tree and should be limited to the lower branches of trees to enhance a view corridor. Selective pruning is often a preferred technique for the establishment of a view corridor.

3. Selective Thinning - Thinning as defined for CRMC purposes involves the selective removal of tree saplings, shrubs and vines occurring in brush areas and in the undergrowth of forested buffer zones. Applicants proposing thinning must describe in detail the work proposed, provide photographs and a site plan, and/or mark areas to be thinned on-site. The species of vegetation to be removed from the managed area of a Coastal Buffer Zone must be differentiated from those species which are to be retained and encouraged. Selective thinning is often a preferred technique in areas where habitat management will be performed.

4. Restorative Planting - For purposes of Coastal Buffer Zone Management, restorative planting shall be strictly defined as the planting or replanting of **vegetation native to the Rhode Island shoreline**. The planting of non-native plants shall not be considered appropriate in Coastal Buffer Zones. Applicants must refer to the URI / CRMC Coastal Plant Guide for a detailed list of native species that are suited to coastal conditions, as well as the CRMC Buffer Zone Planting Guidelines for planting guidance (www.crmc.ri.gov/coastallandscapes/Coastal_Buffer_Planting_Guide.pdf).

5. Mowing - In most cases, mowing of vegetation within a Coastal Buffer Zone shall be prohibited unless associated with the establishment and maintenance of shoreline access path or approved shoreline recreation area. However, for certain habitat management options, annual or biannual mowing may be allowed to maintain field vegetation where such vegetation is considered valuable to wildlife and other natural values. In such cases, mowing shall be confined to **25%** of the Coastal Buffer Zone area, or less. Areas of wetland (coastal or freshwater) shall not be included when calculating Buffer Zone area. Mowing for habitat management shall not be allowed in Coastal Buffer Zones of less than one acre.

6. Clearing - Clearing or clear-cutting of vegetation within a Coastal Buffer Zone shall only be allowed for the establishment of shoreline access paths, shoreline recreation areas and in certain cases, habitat management options which are designed to maintain a field of native grasses and herbaceous plants. Clearing shall not affect more than **25%** of the Coastal Buffer Zone area. Clearing for habitat management shall not be allowed in Coastal Buffer Zones of less than one acre.

7. Grubbing – Digging to remove vegetation and its root systems, also referred to as grubbing, shall be kept to an absolute minimum. The application of herbicide by “painting” the freshly cut stump is often preferred to grubbing. Where grubbing is deemed appropriate by the CRMC, erosion and sediment control practices will be required.

8. Herbicide Application – Herbicide application may be allowed where appropriate for the management of invasive plant species. Only herbicides approved for aquatic use shall be applied in coastal buffer zones. Where required, appropriate permits shall be obtained for herbicide application from RIDEM Division of Agriculture, and application shall be performed by an appropriately licensed professional.

9. Filling and grading - Minor filling (10 cubic yards or less) and grading shall only be allowed in Coastal Buffer Zone areas for the establishment of shoreline access paths and shoreline recreation areas. Certain minor cutting and filling activities may also be allowed on a case-by-case basis to promote these uses. Filling and grading shall not be allowed for habitat management options.

NOTES:

1. View Corridor to be maintained by pruning brush to a height of 4-5 feet.
2. View Corridor at shore 50'/200' of shoreline = 25%
3. Diagram not to scale

Buffer Management Plan for
John Smith Plat X Lot 1
Narragansett, RI
Drawn by Owner

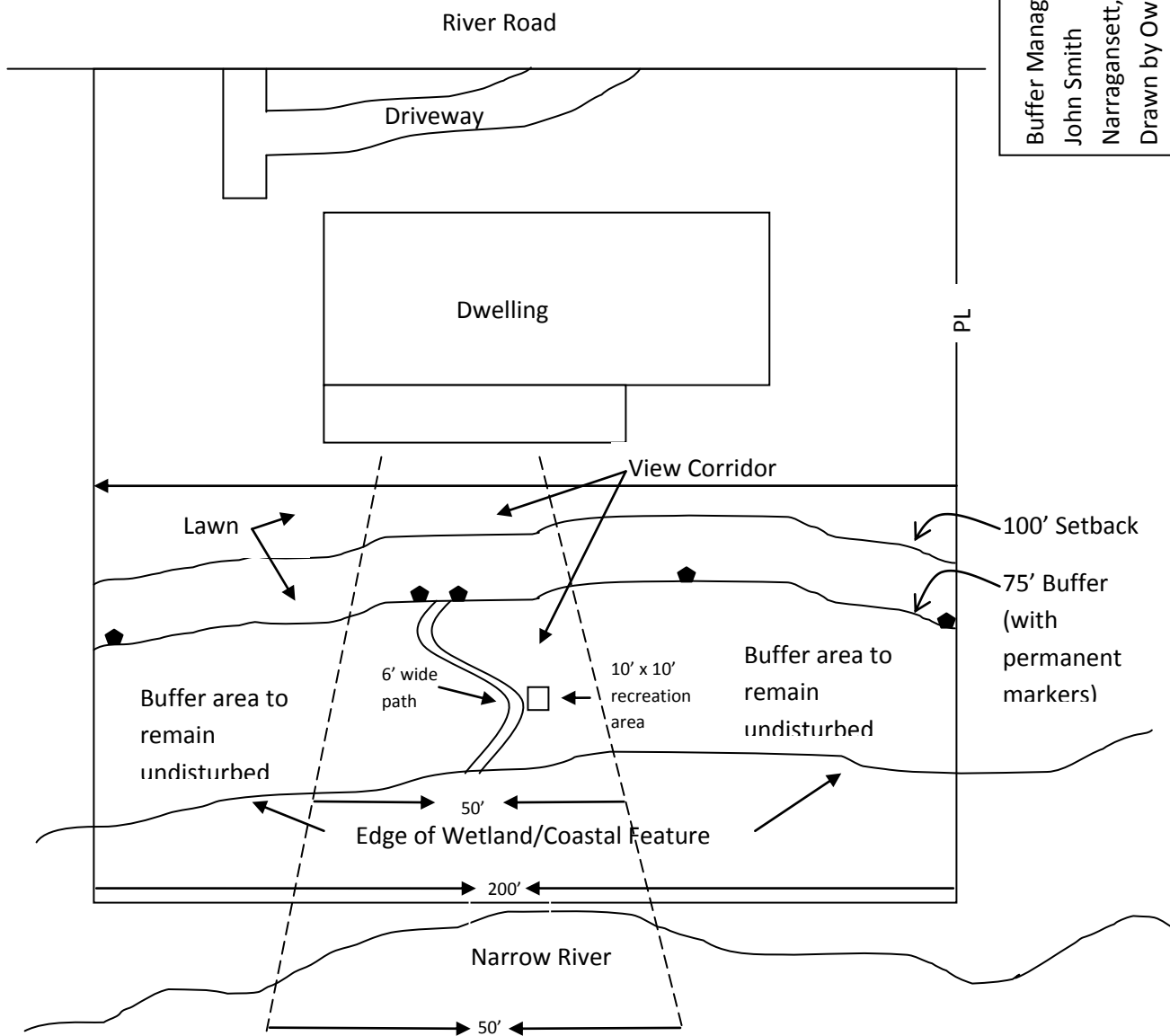


Figure 1: Example of an adequate buffer zone management plan drawn by the owner.
(For illustrative purposes only - not to scale)

D. PROCEDURES FOR MANAGING INVASIVE VEGETATION FOR HABITAT RESTORATION WITHIN A COASTAL BUFFER ZONE:

Invasive plant management refers to a suite of techniques used to eliminate or minimize the spread of invasive plant species, and protect and enhance native plant communities to increase a site's wildlife habitat value. Treatment and removal practices may be targeted only at invasive plant species listed by the Rhode Island Natural History Survey as "widespread invasive," "restricted and invasive" or "agreed invasive but need more information." (www.crmc.ri.gov/invasives/RI_Invasives.pdf). Invasive Plant Management Plans should include provisions for minimizing adverse effects to native vegetation. Applicants may apply to the CRMC to perform additional invasive plant management beyond the initial permitted area only if it can be shown that the initial invasive plant management was successful after a reporting period lasting three growing seasons after the initial restoration. A successfully restored buffer zone is one that contains a diversity of native plants, varied plant layers and suitable structure for providing wildlife cover.

Invasive plant management shall be carried out according to the provisions below:

- 1. Contiguous areas less than 25% of total buffer zone area** – Applicants or agents for the applicant who are not certified Invasives Managers (IMs) may be permitted to perform invasive plant management for habitat restoration provided the area to be restored does not exceed 25% of the total buffer zone area.
 - a. Applicants proposing invasive plant management must submit an Invasive Plant Management Plan. See Appendix A for a checklist of plan requirements. In addition, invasive vegetation to be removed must be marked on site.
 - b. Depending upon the extent of invasive plant removal, restorative planting of native species may be required to meet the habitat requirements in section B.3 of this document.
 - c. If, upon inspection by CRMC staff after three full growing seasons, staff determine that the restoration is successful, and that the applicant has adhered to the approved plan and all conditions and stipulations of the assent, the applicant may then apply for invasive plant management within an additional area not to exceed 25% of the total buffer zone area for a total of 50% of the buffer zone area restored.
 - d. Any work on site that is not in compliance with the CRMC assent and approved plans may result in enforcement action.
- 2. Contiguous areas 25% to 50% of total buffer zone area** – In contiguous areas comprising 25% to 50% of the total buffer zone area, invasive plant management must be supervised and approved by a certified Invasives Manager (IM). An IM is a landscape or environmental professional who has successfully completed the URI Invasive Plant Management Certification course. The area to be restored **shall not exceed 50% of the total buffer zone area**. Once started, Assents for management of areas comprising greater than 25% of the total buffer zone area shall be granted for a period of three consecutive years.

- a. The certified IM must submit a signed Invasive Plant Management Plan. See Appendix A of this document for a checklist of plan requirements. In addition, invasive vegetation to be removed must be marked on site.
- b. In most cases where the restoration area is greater than 25% of the total buffer zone area, restorative planting will be required to meet the habitat requirements of section B.3 of this document.
- c. Pre-existing lawn or highly managed landscaped areas may not be counted towards the total buffer zone area when determining the amount of area eligible for invasive plant management.
- d. The certified IM shall be on site and supervise all phases of invasive vegetation removal and restorative planting. (Pictures should be taken during removal and planting phases to document compliance).
- e. Any work done on site by the supervised work crew will be the responsibility of the IM.
- f. Once the project is completed, the IM must notify the CRMC within 30 days, and certify that the work was done in accordance with the approved plan, conditions and stipulations of the assent. All work will be subject to inspection by CRMC staff.
- g. The applicant must provide proof that a maintenance contract with an IM has been entered into for at least three growing seasons beyond the initial removal and planting. Maintenance must be done in accordance with the approved management plan. CRMC must be notified 48 hours before maintenance activities occur.
- h. Photos of the restoration must be submitted to CRMC at the end of each growing season following the initial restoration for a period of three growing seasons. All submitted photos must reference the applicable CRMC assent number.
- i. If, upon inspection by CRMC staff after three full growing seasons, staff determine that the restoration is successful, and that the applicant has adhered to the approved plan and all conditions and stipulations of the assent, the applicant may then apply for invasive plant management under supervision of an Invasive Manager within the remaining 50% of the buffer zone area, for a total of 100% of the buffer zone area restored.
- j. Any work done on site by the work crew found not to be in substantial compliance with the assent will result in—at minimum—a written warning, and possible further enforcement action for a first offense. The second offense will result in further enforcement action and revocation of the IM certification for a two year period. Upon the passage of the two year period, the individual may, after retaking the course and successfully passing the exam, may be eligible for reinstatement. Revocations subsequent to this process will result in permanent revocation.
- k. Each year the CRMC in cooperation with URI will offer an Invasives Manager certification course and exam. Interested parties wishing to be designated an IM must take the certification course and pass a qualification exam.

1. To maintain their certified status, IM's must obtain 5 recertification credits every two years from the date of initial certification. Recertification will be offered at least twice per year by the CRMC in cooperation with URI. Course schedules for both IM certification and recertification can be found here: <http://web.uri.edu/ceoc/invasive-plant-management-certification-program-ipmcp>

Coastal Resources Management Council

Supplemental Check List for Invasive Plant Management Projects

The following information must be provided by applicants seeking a CRMC assent for invasive plant management projects. Applications that do not include this information may be deemed incomplete and processing will not continue until the required information is submitted for review.

A concise and detailed narrative that describes how the project is designed to meet the requirements contained in Section D of the CRMC Coastal Buffer Zone Management Guidance document. The narrative must list the invasive species that will be removed along with the proposed methods for removal and any new species to be planted for restoration. Additionally, please reference any previous CRMC permits applicable to the subject property.

An accurate site plan with dimensions to scale that clearly delineates the extent of invasive vegetation must be included with the application. The site plan must clearly show the water's edge, coastal shoreline feature, any existing CRMC-required buffer zones, dwelling, and any other structures on site. In addition, the area of invasive plant removal must be clearly marked on the site plan with the total square feet of the managed area in relation to the remaining portion of coastal buffer zone.

A separate plan that clearly demarcates all restorative planting components for the project. All new plants shall be selected from the Council's Coastal Plant list available online at: <http://cels.uri.edu/testsite/coastalPlants/CoastalPlantGuide.htm>

Photographs of the entire coastal buffer zone showing the area of proposed invasive species removal. These photographs may include any markings or other notations to help explain the project scope.

Site plans shall be sized appropriately for the scale of the property, but in no case shall be smaller than a 1:20 scale. Standard site plans are required for restorative planting details.

Site plans must include all management notes and details as specified in the application narrative.

To obtain a copy of the CRMC Buffer Zone Management Policy and other resources, please visit the CRMC website at: www.crmc.ri.gov/coastallandscapes.html