

Coastal Features



Volume 14 Issue 1

FALL/WINTER 2006

INSIDE THIS ISSUE:

Lonsdale Marsh restoration project	P. 4
New Marina Regs ROW annual report	P. 5 P. 7

The Newsletter of the Rhode Island Coastal Resources Management Council

CRMC applauded in NOAA 312 evaluation

CRMC's Coastal Resources Management Program fares well in evaluation conducted by NOAA's Office of Ocean and Coastal Resource Management

The Rhode Island Coastal Resources Management Council has made many positive changes in the past three years and has a number of

and Coastal Resource Management (OCRM).

The findings, which were released in October, applaud the CRMC for all of its accomplishments in the areas of operations and maintenance, public access, habitat restoration, land acquisition, marina management, coastal buffer zone program, special area management plans, education, outreach

and knowledge of the Council's accomplishments during recent years," said CRMC Chairman Michael M. Tikoian. "This evaluation solidifies our move toward policy decision-making, and validates our ongoing work, including our new policy agenda and educational series for Council members."

From 2003 to 2005 the CRMC formalized permanent positions of deputy director and coastal policy analyst, and also hired a public educator and information coordinator. According to the report, "CRMC staff has continued to maintain a high level of performance as well as its reputation for technical expertise, integrity and responsiveness."

"On behalf of the CRMC, I'd like to

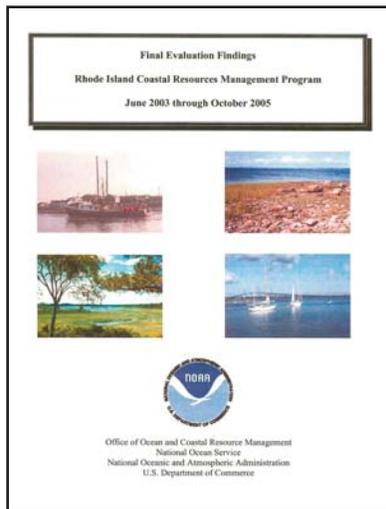
(Continued on Page 3)

CRMC adopts UCG policy

The Rhode Island Coastal Resources Management Council unanimously approved its Urban Coastal Greenway policy at its October 10 Council meeting. The regulations were submitted to the Secretary of State for formal adoption, with an effective date of Nov. 2, 2006.

The Urban Coastal Greenway policy (UCG) is a major component of the Metro Bay Special Area Management Plan, which the CRMC is currently developing to replace the old Providence Harbor SAMP. This policy focuses on the Metro Bay region, which comprises the shorelines of the cities of Cranston, East Providence, Pawtucket and Providence. The UCG is a new regulatory approach for coastal vegetative

(Continued on next page)



The OCRM's findings

accomplishments under its belt, according to the Evaluation Findings of the CRMC, June 2003 through October 2005, from the National Oceanic and Atmospheric Administration's Office of Ocean

and public participation, dredging and dredged material disposal and aquaculture.

"Upon receiving the results of the evaluation from the OCRM, I was very pleased to read of NOAA's ac-

UCG, continued from Page 1

buffers in the urbanized environment of northern Narragansett Bay, and is intended for projects bordering the Providence, Seekonk, Moshassuck and Woonasquatucket Rivers. The purpose of the UCG is to provide a mechanism to redevelop the urban waterfront of the Metro Bay region in a way that integrates economic development with expanded public access along and to the shoreline, as well as the management, protection and restoration of valuable coastal habitats.

“The Urban Coastal Greenway policy is a vital part of the ongoing development of the Metro Bay SAMP, and will serve as the impetus for billions of dollars of redevelopment in the four cities,” said CRMC Chairman Michael M. Tikoian. “This policy will allow for a more predictable and flexible process by which developers will be able to redevelop Brownfields sites and former industrial waterfront in this urban area. This tool is vital to the economic success and environmentally-sensitive re-use of the Metro Bay waterfront.”

The UCG is designed to provide developers with a permitting option using either the buffer and setback regulations in the CRMP or the new UCG option. This UCG policy clarifies and streamlines the regulatory process for this area and creates greater flexibility in meeting the state and federal requirements of the Coastal Resources Management Program (CRMP). The UCG establishes specific standards for overall vegetation of the development site, management of stormwater runoff, low-impact development techniques and public access along and to the shore within the Metro Bay Region. The increased regulatory flexibility is reflected in the four UCG Zones: Residential Zone, Area of Particular Concern, Inner Harbor and River Zone, and Development Zone. As part of the policy the CRMC identified critical habitat which the agency will give its maximum level of protection, thereby balancing economic development with protection of key environmental areas.

Another component of the UCG is the inclusion of an option to reduce the UCG width through compensation. This option allows an applicant to choose a compact UCG standard width in return for site or coastal resource enhancements, including improved public amenities or habitat conservation and preservation.

Copies of the UCG program are available from the Coastal Resources Management Council offices and its website – www.crmc.ri.gov.

The MRDP: In context

This fall, the CRMC began making its planned shift, under the direction of its Marine Resources Development Plan, from a permitting-heavy agency into one that is more policy-driven.

The Council began its Coastal Education Series and Policy Agenda. Prior to the permitting portion of every Council meeting, CRMC staff and other environmental policy experts provide the Council with presentations on important policy topics such as setbacks and buffers, coastal hazards, public trust and access and ethics.

The CRMC has also proposed making changes to Section 110 in the RICRMP under Management Procedures to allow for additional permitting of uncontested, standard activities to be done by staff and signed off on by the Executive Director. The Council approved these changes in December, and the regulations have been submitted to the R.I. Secretary of State for formal adoption.

All of these and future changes are facilitated through the MRDP, which seeks to utilize the creation of additional Special Area Management Plans (SAMPs) to accomplish these management-based goals. Work is beginning on an Aquidneck Island SAMP and a possible Tri-State SAMP with Connecticut and Massachusetts.

Check in often with the CRMC, via our web site, www.crmc.ri.gov, or Coastal Features for more updates on future policy-driven initiatives.

312 Evaluation, continued from Page 1

thank Governor Carcieri and the General Assembly for budgeting in these additional positions, suggested by the OCRM, which have contributed to the success of the CRMC,” Tikoian said. “Over the years the workload at CRMC has increased steadily, and we appreciate the recognition of this fact by the Governor and legislature.”

The CRMC also worked to promote and improve statewide public access through its permitting process, the Right-of-Way program and the harbor management planning process. According to the report, the CRMC worked with its partners to develop a comprehensive public access plan for the Quonset Business Park and also updated its public access guide to Rhode Island’s coast, a popular publication.

The report also applauds the Council’s work on leadership for two federal restoration projects – the South Coast Habitat Restoration and the Allin’s Cove Habitat Restoration in Barrington, which have been completed. It also credits the CRMC as having significantly contributed to the development and administration of the Rhode Island Coastal and Estuarine Habitat Restoration Program.

Working with partners, the CRMC also developed the Rhode Island CELCP Plan and submitted it to the OCRM. It is a comprehensive and coordinated planning document that assesses the state’s priority coastal and estuarine land conservation needs, and provides clear guidance to applicants for nominating and selecting conservation projects all over Rhode Island. Under CELCP, the CRMC has overseen two projects that have been recommended by NOAA for funding in FY 2007: Church’s Point in Little Compton and McKendall Open Space Acquisition in North Kingstown.

The report highlighted marina management as one of the CRMC’s accomplishments. The Council used a variety of marine management measures to address increased recreational boating in the state, the report states. To continue balancing access to recreation and protection of natural resources, the CRMC further restricted water types in certain areas, making them ineligible for new marinas or expansions. The CRMC also began and has now completed a comprehensive revision of its existing marina regulations to address use issues, and incorporated effective best management practices into a formal operations and management plan for Rhode Island marinas.

The Council during this review period initiated a review of its coastal buffer zone policy and developed a Greenwich Bay Suburban Buffer Zone Policy and an Urban Coastal Greenway Policy to address specific challenges brought to light during implementation of the buffer program. The CRMC also completed and adopted its Greenwich Bay Special Area Management Plan and began updating the Providence Harbor SAMP, renamed the Metro Bay SAMP. Coordination between partners, involved municipalities and others is key to success, and the CRMC uses SAMPs as tools for refining statewide coastal policy in specific areas.

From 2003 to 2005 the CRMC “continued its leadership” in dredging and related issues. The CRMC maintained progress on dredging and dredged material disposal by coordinating with partners and other stakeholders to “ensure that necessary dredging for navigation and recreational boating occurred in an efficient and environmentally-conscious manner,” according to the evaluation. The Council also continued its leadership work in the development and expansion of aquaculture in the state.

“The Office of Ocean and Coastal Resource Management found that CRMC is successfully implementing and enforcing its federally-approved coastal management program, adhering to the terms of its federal financial assistance awards, and addressing the coastal management needs identified in the Coastal Zone Management Act,” said Ralph Cantral, Chief of OCRM’s National Policy and Evaluation Division, in a statement. “CRMC has made notable progress in staffing, public access, habitat restoration, land acquisition, marina management, the Coastal Buffer Zone Program, Special Area Management Plans, education and outreach, dredging an aquaculture. We look forward to working with the CRMC to continue to improve the program.”

Section 312 of the Coastal Zone Management Act (CZMA) required NOAA’s Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally-approved coastal management programs. The report also makes program suggestions and recommends actions to the CRMC, including the education and training series for Council members, which Tikoian initiated prior to the release of this report. The full report is available online at www.crmc.ri.gov.

CRMC, officials celebrate finish of Lonsdale Marsh Restoration Project



At left is the former Lonsdale drive-in movie screen; at right is the restored Lonsdale marsh with (from left to right) J.P. Woodley, Jr., Assistant Secretary of the Army for Civil Works, CRMC Chairman Michael M. Tikoian, CRMC policy staff Megan Higgins, and CRMC Executive Director Grover Fugate, with the restored marsh behind them.

The Lonsdale Marsh Restoration Project, which received funding from the R.I. Coastal Resources Management Council through its Rhode Island Coastal and Estuary Habitat Restoration and Trust Fund in 2002, recently received an award from Coastal America. To honor the agencies involved in the project – including project sponsor R.I. Department of Environmental Management, the CRMC, the R.I. Department of Transportation, and the U.S. Army Corps of Engineers – officials and local groups gathered at the former drive-in theater.

The project involved the restoration of 17 acres of habitat by removing a former drive-in in a heavily urbanized watershed. The project replaced the paved drive-in with 10 acres of riparian habitat and a seven-acre wetland made up of 3.6 acres of emergent and open water habitat and 3.4 acres of shrub and forested swamp. The restoration created a continuous wooded buffer along the Blackstone River, linking important habitats along the way.

Coastal America recognized the efforts of the CRMC, through its Rhode Island Coastal and Estuary Habitat Restoration and Trust Fund, which provided \$172,000 to the restoration project, as well as other state and federal agencies. This project was one of the first to receive funding from the Trust Fund, and was granted much of the annual \$250,000 budgeted for restoration projects. Project partners included the RI DEM, the CRMC, the Army Corps, the RI Corporate Wetlands Restoration Partnership, the Blackstone/ Woonasquatucket American Heritage Rivers initiative and the Coastal America NERIT. The partnership contributed cost-sharing funds of \$30,000.

“The CRMC is pleased to see that the funding has enabled such a beneficial project such as the Lonsdale project to be completed,” said CRMC Chairman Michael M. Tikoian. “Furthermore, the CRMC recognizes the cooperative effort among the RI Habitat Restoration Team members and other agencies and groups, which made this project possible. This project is a shining example of what the Trust Fund monies and federal, state and local groups can accomplish to improve Rhode Island.”

The Lonsdale project was one of several identified in that year by the Rhode Island Habitat Restoration Team, which presented to the Council a proposed list of funding needs for habitat restoration projects within Rhode Island. The Trust Fund allocates \$250,000 of the fees collected under the Oil Spill Response and Prevention Act (OSPAR) to potential habitat restoration projects. The Habitat Restoration Team, formed in 1998 through the collaborative efforts of the CRMC, DEM, and Save The Bay, acts as the technical advisory committee to CRMC. Coastal America is a national partnership of federal agencies, state and local governments and private organization, working together to protect, preserve and restore the nation’s coasts. Coastal America’s nine regional interagency teams identify site-specific, local coastal problems.

“The CRMC is pleased to be a part of the Coastal America partnership in an effort to solve coastal problems,” Tikoian said. “To also be recognized on a national scale reflects the exemplary partnership that worked so hard to complete this restoration project.”

Revised marina regulations now effective

The new Section 300.4 of the RICRMP pertains to Residential Boating Facilities.

The Rhode Island Coastal Resources Management Council's revised Section 300.4 of the Rhode Island Coastal Resources Management Program (RICRMP) regarding Residential Boating Facilities became effective as regulation last week, on November 6.

The comprehensive regulations, which were approved by the Council on October 11, call for more building and expansion standards, and encourage marina expansion outside of tidal waters using incentives. Marinas will also be directed, as a first order of business, to look within their existing perimeters to ensure they have the most efficient layouts before expanding further into tidal waters.

At the request of CRMC Chairman Michael M. Tikoian in a December 2004 letter to CRMC Executive Director Grover J. Fugate, the CRMC staff began developing new regulations with more detailed policies, standards and reviews to address marina expansions.

"As you know, the Council has recently seen marina applications that seek additional public trust resource areas for their expansion projects," Tikoian said in his letter. "While marinas do provide a benefit to the state in a number of ways – access, recreation, economic – their use of the public trust is of high importance to the Council. Therefore, I believe we should develop a more systematic approach to our review of activities that seek to use significant areas of the public's coastal resources relative to private purposes."

The regulations require a preliminary determination for any marina or dock expansion. Prior to the development of the new regulations, a preliminary determination was optional. The preliminary determination must include an alternative analysis to ensure that the use of the public trust waters are the most efficient and protective of the environment. The analysis must also include details such as the appropriateness of the facility and structure given the potential impact on coastal resources and any environmental site conditions; potential navigational, aesthetic and scenic impacts; the extent of any disruption of public use of these lands; and the extent that the public would benefit or suffer from the activity.

The new Section 300.4 also distinguishes marinas by size and location, to provide achievable standards, rather than a one size fits all approach. Limited marinas are defined as any facility intended for use by recreational vessels with a boat count between five and 25 boats. A marina is defined as any facility for the same use with a boat count in excess of 25 boats. A destination harbor is defined in the new regulations as one in which the primary use is by people arriving by vessel. These typically include locations similar to Block Island and Newport Harbor.

Another major change in the regulations would be a minimum density requirement, 30 vessels per acre (except in destination harbors), which will make efficient and environmentally protective use of any expansion mandatory.

Marina operations should address fire safety issues, as well as fuel and oil spill prevention and contingencies.

There are also new specifications for fire prevention systems and electrical installations. The new regulations provide the opportunity to limit the amount of paperwork required if a marina has a "Clean Marina" certification letter issued by the CRMC. All marinas, under Section 300.4, are also mandated to start replacing existing non-encapsulated floatation in five years at a rate of 10 percent per year. Some marinas, such as the East Greenwich Yacht Club and Harborlight Marina, have already begun this work.

"The CRMC applauds the efforts of these marinas in their proactive efforts to incorporate the new encapsulated foam docks into their dock work, five years before it becomes mandatory under the new regulations," Tikoian said.

The regulations are located on the CRMC web site at

www.crmc.ri.gov/regulations/index.html#propregs .

Coastal Features is published by the RI Coastal Resources Management Council. It is financed in part by a grant from the National Oceanic and Atmospheric Administration pursuant to the Coastal Zone Management Act, as amended.

This issue of Coastal Features was compiled and edited by Laura Ricketson. To comment on any article or to make address changes please contact the CRMC.

CRMC, ACOE celebrate start of Pt. Judith dredge project



At the above left, a fishing vessel enters the Harbor of Refuge in Point Judith. At above right, CRMC Chairman Michael M. Tikoian, ACOE Colonel Curtis Thalken, Robert Burns of the ACOE, and U.S. Senator Jack Reed discuss the proposed maintenance dredging project.

The Rhode Island Coastal Resources Management Council and the U.S. Army Corps of Engineers (ACOE) announced the start of maintenance dredging on the Point Judith Pond and Navigational Channel in Galilee with a ceremony on Thursday, November 30 at the Salty Brine State Beach parking lot in Galilee, Narragansett.

U.S. Senator Jack Reed, Army Corps Colonel Curtis Thalken, and officials from CRMC, ACOE, the towns of Narragansett and South Kingstown, and members of the Roy Carpenter's Beach Association were present for the event.

The proposed work includes maintenance dredging of the 15-foot-deep entrance channel into the harbor, as well as the eastern and western branch channels and the channel leading into Point Judith Pond. The channel

has not been dredged since its construction in 1977.

Natural shoaling has reduced the channels' depth over the years, making navigation hazardous during low tides. Approximately 90,000 cubic yards of sand will be removed from about 25 acres of the area, and will restore the entrance channel and other channels to original depths and dimensions, according to the ACOE.

The dredged material will be used to help replenish a near-shore sandbar off Matunuck Beach in South Kingstown, which will help shield the beach from storms and further erosion. The dredging is scheduled to begin in December 2006 and must be completed by March 2007 at the close of the dredging window.

"The CRMC is pleased to serve as the state dredging spon-

sor for this project," said CRMC Chairman Michael M. Tikoian. "Dredging will restore much-needed depth and navigability to the channels and into the pond, and will also help replenish the Matunuck beaches. We applaud all those who helped see this project to fruition."

Senator Jack Reed commented, "I am pleased we secured the funding needed to move this project forward. Point Judith is the sixth largest fishing port on the East Coast and a big part of Rhode Island's economy. A safer channel is good news for fishermen and the many recreational boaters and fishermen who use the port. It's really a double win because the Army Corps of Engineers will use the dredged material to create offshore sandbars that will protect and replenish the eroded Matunuck shoreline."

CRMC reports 2005-2006 ROW results

The Rhode Island Coastal Resources Management Council (CRMC) has released its 2005-2006 annual report on rights-of-way in the state, "Designation of Public Rights-of-Way to The Tidal Areas of The State." The report is available online at www.crmc.ri.gov/pubs/index.html.

From July 2005 through June 2006, the CRMC continued its ongoing efforts to discover and designate public rights-of-way to the tidal areas of Rhode Island. The CRMC performs this function under its legislative mandate (RIGL 46-23-17), which beginning in 1978, tasked the Council with identifying and designating all public rights-of-way to the shore. To meet this charge, the CRMC created a Rights-of-Way Subcommittee. The report details actions of the subcommittee, as well as a number of legal cases that have stemmed from these activities and subsequent actions of the full Council.

One of these court cases was *Riesman v. CRMC*, which has been in and out of the court system since the 1980s. The issue was whether or not the grantor intended to dedicate this right-of-way located off of Tuckerman Avenue (ROW Y-1) in Middletown for public access. The abutting property owners objected to the CRMC designation as a public right-of-way, arguing that the original

grantor in the 1870s dedicated another ROW in the vicinity and used different dedicatory language, which they argued meant the grantor did not intend

Court was filed by the abutters and by the CRMC, and was denied in September 2006, upholding the CRMC's designation again and ending the opportunity for any further litigation. The ruling makes this the last step in the designation process for ROW Y-1.

Another important case stemming from ROW designation is *Glassie v. CRMC*, which involves an appeal of a CRMC-designated ROW in Jamestown. An abutting property owner has been attempting to block the right-of-way with a swing set and has appealed CRMC's decision. The case is being litigated in the R.I. Superior Court.

According to the report, the ROW Subcommittee also investigated and rendered decisions on nine potential CRMC-designated ROWs in the City of Warwick.

"The CRMC continues to investigate and designate these important rights-of-way all over Rhode Island," said CRMC Chairman Michael M. Tikoian. "These rights-of-way provide important public access for walking, fishing and enjoying the natural resource, and it is vital that the CRMC continue to do the work that was legislatively mandated so many years ago. These recent cases and especially the resolution of the Tuckerman Avenue ROW illustrates the important role of this agency."



CRMC also sponsors an Adopt-an-Access program for groups to adopt CRMC-designated ROWs. Below at right are two standard ROW signs.



this parcel as a public ROW. In November 2005 the Superior Court affirmed the CRMC decision designating the parcel as a public ROW. A Petition for Certiorari to the R.I. Supreme



Council Members

Michael M. Tikoian, Chairman
 Paul E. Lemont
 David Abedon
 W. Michael Sullivan, RIDEM
 Raymond C. Coia
 Bruce Dawson
 Neill Gray
 Thomas Ricci
 Jerry Sahagian
 K. Joseph Shekarchi
 Gerald P. Zarrella

Grover J. Fugate, Executive Director
 Brian A. Goldman, Legal Counsel



The former Lonsdale drive-in has been returned to its natural state.

This publication is printed on recycled paper



Coastal Resources Manage-
 ment Council
 Stedman Government Center
 4808 Tower Hill Road
 Wakefield, RI 02879
 Phone: 401-783-3370
 Fax: 401-783-3767

Contact Us!

PRST STD
 US Postage
 PAID
 Permit No. 1286
 Providence, RI