

# COASTAL FEATURES

May - 1992

The Rhode Island Coastal Resources Management Council's Report on Current Events

George L. Sisson, Jr., Chairman  
Grover J. Fugate, CRMC Executive Director

## CRMC RECEIVES NOTICE OF ELIGIBILITY FROM OCRM REGARDING 309 FUNDS

NOAA'S office of Ocean and Coastal Resources Management notified the Rhode Island Coastal Resources Management Council (CRMC) that our agency is eligible to apply for a total of \$154,000 in 309 coastal enhancement program funds. Projects of Special Merit are eligible to receive up to \$87,000; these projects include the development of formal Wetlands Mitigation policies and a Submerged Lands Leasing Program. In addition, the CRMC may apply for \$67,000 in weighted formula funds in order to develop a Memorandum of Agreement with the Rhode Island Department of Environmental Management concerning the review of freshwater wetland complexes contiguous to salt marshes.

The results of the 309 Assessment illustrate that although the CRMC addresses wetland mitigation efforts as permit conditions, current CRMC policies do not formally address the mitigation of altered wetlands. As a result, the CRMC proposed a strategy to establish a distinct policy for wetland mitigation in the Rhode Island Coastal Resources Management Program (RICRMP) so that our agency can develop a consistent and coordinated effort for wetland restoration. OCRM determined that CRMC could apply for \$31,000 to develop such policy.

The formulation of a Submerged Lands Lease Program, which is eligible for \$56,000, was proposed to provide new and enhanced public access to the shore and will further incorporate the principle of the Public Trust Doctrine into the RICRMP. This program will require owners of activities that are in, on, or over the public trust areas of the coastal zone to compensate the public for such private uses. Initially this new Submerged Lands Program will apply to docks and marinas; however, over time the CRMC plans to expand the program to recover lease fees for a broader range of structures.

The development of a formal Memorandum of Agreement between the CRMC and the DEM/Division of Freshwater Wetlands will immediately address a priority need to establish a coordinated review process for freshwater wetlands contiguous to salt marshes or freshwater wetlands that have the probability to affect the coastal zone. This coordinated review process will result in better environmental protection, as well as better agency cooperation. Trudy Coxe, the director of OCRM wrote that "based on Rhode Island's strong performance in developing and implementing new regulations governing wetland complexes the likelihood of success for implementing formal procedures to facilitate joint freshwater permit reviews should be high".

It should be noted that all 309 coastal enhancement funds are contingent upon submission of a financial assistance application for review and approval by the Department of Commerce.

### SUMMARY OF 309 PROJECT ELIGIBILITY

#### PROJECTS OF SPECIAL MERIT

* Submerged Lands Leasing Program .....	\$56,000
* Wetlands Mitigation Policy .....	\$31,000
Total .....	\$87,000

#### WEIGHTED FORMULA FUNDS

* Establish a MOA with DEM/ Freshwater Wetlands Division .....	\$67,000
<b>TOTAL ELIGIBILITY FOR 309 FUNDS .....</b>	<b>\$154,000</b>

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## CRMC TO HOST A NON-POINT SOURCE POLLUTION CONFERENCE

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Meeting the Challenge: Managing Nonpoint Source Pollution in Rhode Island, a public conference hosted by the Coastal Resources Management Council will be held on June 18, 1992 at the University of Rhode Island's Graduate School of Oceanography, Corless Auditorium. Anyone interested in attending should contact Mark Imperial at (401) 277-2476.

The conference, which begins at 8:30, will be divided into four content areas. "Nonpoint Source Pollution Control at the Federal Level", which will run from 8:30 AM to 9:30 AM, will be moderated by Anthony Dore of the Soil Conservation Service. Presentations will be made by representatives from the U.S. Environmental Protection Agency and the U.S. Department of Agriculture concerning each agencies respected role in managing nonpoint source pollution at the state level.

"Nonpoint Source Pollution Control in Rhode Island", which is scheduled between 9:45 AM and 12 noon, will be moderated by Representative Robert Weygand (D- East Providence). Louise Durfee, director of the Rhode Island Department of Environmental Management will address that department's past and future role in nonpoint source management. Grover Fugate, executive director of the Coastal Resources Management Council, will discuss a statewide nonpoint source management initiative. Representatives from the University of Rhode Island will then express the role that the University of Rhode Island could have in the development of a nonpoint source pollution management plan. A local town planner will conclude with a discussion about waste water management districts and the problems in overlay planning.

After lunch, participants will take part in one of the two concurrent sessions - "Creating an Institutional Framework for Rhode Island" or "Public Outreach and Local Technical Needs". Jeffrey Willis and Mark Imperial,

two marine resources specialists from the CRMC, will moderate the session pertaining to the strategies for the creation of a unified nonpoint source pollution management plan for our state. At the same time, there will be a discussion about the availability of public education and public outreach materials for the general public.

At a final wrap up session, discussion leaders of the two concurrent sessions will summarize the general discussion and focus attention on the answers to specific questions about how Rhode Island will handle the development of a nonpoint source pollution management. What is the role of the local government? What is the role of the public? How do we begin to coordinate these efforts? Hopefully, after June 18th the state of Rhode Island will have some answers.

Those wishing to comment on articles in  
*Coastal Features*  
are invited to do so. Please send to:

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## CRMC HOLDS WORKSHOP FOR R.I.M.T.A.

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The Coastal Resources Management Council (CRMC) held a workshop for the members of the Rhode Island Marine Trades Association (R.I.M.T.A.) at the Rhode Island Yacht Club on April 16th. The purpose of the workshop was to explain and discuss marina maintenance procedures in the Coastal Resources Management Program.

Jeffrey Willis, a CRMC Marine Resources Specialist; Tom Medeiros, a CRMC engineer; John Sposato, a staff biologist; and Greg Baribault, an engineering technician, along with Grover J. Fugate, the executive director, were all on hand to outline the CRMC in-water maintenance review process. In addition they provided the members of R.I.M.T.A. with the definition of minor activities as it applies to the Rhode Island Coastal Resources Management Program (RICRMP). Participants asked questions about those repairs and activities that will not change the assented design, capacity, purpose, or use of the marina. These activities included repairing and replacing dock, decking or planks; replacing pilings; and the extension of slips and/or finger piers within the marina perimeter limit. The CRMC staff was quick to point out that maintenance dredging, shoreline protection work, and upland work are not categorized as minor activities in the RICRMP.

The workshop participants also discussed the definition and purpose of a marina perimeter limit. Staff reviewed the requirements for establishing definite boundary lines for in-water facilities and emphasized the fact that these boundaries should be prepared by a registered land surveyor, professional engineer, or architect. CRMC staff stressed the fact that once a marina perimeter limit has been established and accepted by the CRMC than a marina operator is allowed to undertake minor repairs and alterations of those approved facilities without further review as long as the CRMC is provided with written notification. Written notification includes a CRMC form letter; a copy of the assent authorizing the perimeter limit; a site plan showing the authorized perimeter limit and location of activity; the name and phone number of a contact person; and the anticipated dates of work.

All of the participants agreed that the workshop was helpful to everyone involved. In a letter of thanks to Grover Fugate, J. Michael Keyworth, a member of the Rhode Island Marine Trade Association Board of Directors, wrote, "The workshop was beneficial to all of the Marine Industry attendees. You and your staff were well prepared and very informative."

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## MEMBERS, STAFF, AND LEGAL COUNSEL OF CRMC VISIT ALTON JONES FOR AN IN-HOUSE WORKSHOP

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The members, staff, and legal counsel of the Coastal Resources Management Council visited the University of Rhode Island's Alton Jones Campus on April 21st for an in-house workshop. The workshop, which focused on such topics as problem policy areas, federal consistency, and new federal requirements pertaining to coastal zone management in the state of Rhode Island, was moderated by CRMC executive director Grover J. Fugate.

When the topic of problem policy areas arose, CRMC environmental scientist David Reis led a discussion about the importance of buffer zones in the Rhode Island Coastal Resources Management Program (RICRMP). Nicholas Pisani, a staff engineer, discussed the applicability of setbacks, along with the strengths and weaknesses in CRMC dock policies. Jeff Willis then followed with a discussion about the implementation of local Harbor Management Plans.

Brian Goldman, legal counsel for the CRMC, presented a legislative update. He discussed the status of legislation addressing the Hall v. Nascimento decision, as well as other legislation in the Rhode Island General Assembly which would directly effect our agency.

In addition, Mark Imperial gave a presentation about the new federal requirements, in which he addressed the CRMC 309 Strategy and 6217-the Non-Point Source Pollution Program. He outlined the entire 309 strategy, while pointing out those projects which have been recognized as eligible to receive funds by OCRM. He then presented the challenges of implementing an effective non-point source pollution management program for the state of Rhode Island.

All in all, the workshop helped the members, staff and legal counsel of the Coastal Resources Management Council to focus their attention on the future direction of our agency.

**RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL**

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If you would like to be placed on our mailing list contact the CRMC office at 401-277-2477

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