

Coastal Features

INFORMATION
ABOUT THE
RHODE ISLAND
COASTAL
RESOURCES
MANAGEMENT
PROGRAM

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Council Celebrates First Twenty-Five Years

The following has been adapted from a 1986 article written by Donald Robadue of the Coastal Resources Center to mark the Council's fifteenth anniversary. The article originally appeared in "Briefing", a former publication of the CRMC, and has been modified to include more recent Council activities.

Twenty five years ago, on July 16, 1971, the Rhode Island General Assembly passed a Bill creating a Coastal Resources Management Council (CRMC). The Council was to consist of seventeen members, representing different interests and areas of the state, and charged with the responsibility to "preserve, protect, develop and where possible restore the coastal resources of the state, for this and succeeding generations, through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal resources."

The primary aim of the legislation was to create a specific unit of government that would be charged with developing and implementing coastal resource management policies. The list of concerns was quite general, so it was up to the CRMC to develop specific policies for water pollution, living resource manage-

ment, marine development and use conflicts consistent with the legislative policy that "preservation and restoration of ecological systems shall be the guiding principle upon which environmental alteration of coastal resources will be measured, judged and regulated."

The General Assembly required the CRMC to employ a resource planning process and to "formulate plans for the management of each resource, identifying permitted use, location, protection measures, etcetera." A key part of this mandate was the need to undertake an ambitious program to generate consensus of goals, conduct research on problems, analyze alternative policies and produce plans which the CRMC could implement directly or through coordination with other governmental units.

Upon the enactment of the Federal Coastal Zone Management Act in 1972, Rhode Island and other coastal states became eligible for planning and, following federal approval of a state's program, implementation funding. The challenge for the CRMC was to integrate federal program approval criteria with management problems faced in RI.

1971 - 1977: Formulating Plans and Regulations

In its early years the CRMC gradually expanded its regulatory program but due to budget limitations adopted specific policies in only a few areas such as prohibiting construction on barrier beaches and the mining of sand and gravel. Each policy was established after extensive research and debate.

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The beaches of South County continue to attract thousands of visitors annually.

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Federal funds enabled the CRMC to speed up the process of identifying issues and developing the broad range of policies required by the General Assembly. At the same time, federal laws such as the 1972 Clean Water Act and the National Environmental Policy Act provided additional financial and procedural resources for pollution control and environmentally sensitive decision making for the coastal zone.

1978 - 1982: Implementing a New Regulatory Program Document

In 1977 the CRMC adopted its first comprehensive regulatory program which was approved by the Federal Office of Coastal Management in 1978, qualifying the state for \$1.2 million annually in implementation funds. The program stressed evaluating individual development proposals, whether a residence, commercial wharf, or waste water treatment facility, in terms of its probable impact on the coastal zone. This environmental impact focus emphasized the CRMC's unique authority to regulate coastal development based on resource protection criteria.

Coastal Features

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The additional federal funds made it possible to expand regulatory activities as well as to take on new tasks such as studies of energy siting, fish port development, and marine recreation. When, in 1978 General Assembly assigned the CRMC with responsibility for the investigation and designation of rights-of-way to the shore, the Council initiated its rights-of-way program.

1983 - 1986: Revising the Regulatory Program and Creating Special Area Management Plans

During the 1980s, the Council was faced with dramatic increases in coastal development activities. Construction of single family homes in coastal communities tripled between 1982 and 1985. In the same period, the number of assents issued by the Council nearly doubled. This pace and intensity of development brought into focus not only the direct impacts of development along the coast, but also related issues such as public access to the shore, the future of recreational boating, water pollution control, flood and storm hazards, and urban waterfront revitalization.

By 1983, the time was ripe to combine the wealth of new information and experience in coastal management accumulated by the CRMC and its staff with extensive public involvement to prepare statewide management policies tailored to specific types of resources and uses in Narragansett Bay and the south shore. The revised statewide plan reflected major progress by the CRMC in fulfilling its legislative mandate to develop new policies and decision making criteria for managing coastal resources.

In the workshops held prior to adopting the 1977 statewide program document, citizens, public officials and the business community turned out in large numbers to express concern over the south shore coastal ponds, threatened by development, and Providence Harbor,

suffering from deterioration. New research and broad-based participation and cooperation by state and local public officials and citizens formed the basis for special area management plans for these troubled regions. By combining information, participation and a commitment to establish new policies, the special area management plans adopted in 1983 for Providence Harbor, in 1984 for the Salt Pond Region and later, in 1986 for the Narrow River began to fulfill the CRMC's legislative mandate to focus on coastal ecosystems and to identify appropriate uses for the state's coastal zone.

1987 - 1990: Refining Coastal Management Tools

A revamping of the administration of the Coastal Program began in early 1986 with the relocation of the CRMC's central office from Providence to Wakefield and the hiring of a full-time executive director. Following this, CRMC staff support was transferred from the Department of Environmental Management and consolidated under the new executive director. In 1987, the CRMC workforce doubled with the addition of nine new staff members and a computerized data base was put into operation. In addition, a number of other procedural and administrative modifications were enacted during this period including the implementation of a maintenance certification process, the establishment of review teams focusing of specific geographic areas of the state, and the simplification and standardization of review processes.

During this time the Council, in response to threats to commercial and recreational uses of Rhode Island's harbors resulting from increased coastal development and recreational boating activity, initiated the Harbor Management Project. To better understand the existing situation, the project first involved a statewide survey of vessel concentrations and use patterns

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in all of RI's twenty-nine harbor areas. This phase was followed by the development of specific guidelines to assist communities in the development of comprehensive harbor management plans. Upon the Council's adoption of the guidelines, the CRMC actively encouraged the development and implementation of harbor management plans by providing technical and planning assistance to RI's coastal communities.

1991 - 1995: Assessment and Enhancement, CZARA

Two reports produced in accordance with the federal coastal zone management act had a significant impact on the Council's activities. The first of these was an evaluation of Rhode Island's program by the National Oceanic and Atmospheric Administration (NOAA) in which major accomplishments and recommended actions were identified. Among the accomplishments identified in this report were the protection of coastal wetlands, improvements in enforcement and monitoring, the implementation of a more streamlined permit process, and the initiation of an interstate management plan for the Pawcatuck River and Little Narragansett Bay. Identified actions to improve the program included developing educational materials for the public, updating the "Redbook" (the Rhode Island Coastal Resources Management Program), improving inter-agency coordination and developing a statewide public access program.

The second report was developed as part of the Coastal Enhancement Program contained in Section 309 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). The purpose of the assessment was to identify priority areas of concern where competitive grants could be targeted. Based on the assessment, a strategy to improve Rhode Island's coastal program was developed to address

public access, wetlands, special area management, and cumulative and secondary impacts. Federal support of enhancement activities was based on RI's strategy which received the highest possible rating.

The Council has focused on addressing those areas identified in the program evaluation and Section 309 assessment. Significant achievements to this end included: a reprinting of the "Redbook"; new wetlands mitigation policies; the initiation of revisions to the Narrow River and Salt Ponds special area management plans; the completion and adoption of the Pawcatuck River/Little Narragansett Bay interstate management plan; and the Dock Registration Program.

The Council also began work on two additional projects during this time as a result of new language contained in the CZARA. The first of these was Rhode Island's Coastal Nonpoint Pollution Control Program. In accordance with section 6217 of CZARA, the Council initiated a major effort to control nonpoint source pollution to coastal waters through a coordinated approach. The second project undertaken was revisions to the Council's requirements under the federal consistency provisions contained in section 307 which had been amended to clarify the type and location of activities subject to the federal consistency requirements.

1996 and Beyond

The next few years hold much in store for the Council with a number of major projects coming to completion. Several regulatory and policy documents are currently being revised based on new data and experience. The Council will be reviewing: revised guidelines for the development of harbor management plans; new federal consistency guidelines and requirements; and, revisions to the Narrow River and Salt Ponds special area management plans.

The Council will also maintain an active role in the development of the aquaculture industry, submerged lands management, and the resolution of the dredging problem in Rhode Island. In addition, the Council will be implementing the Coastal Nonpoint Program, developed in accordance with federal requirements, to reduce the impacts of nonpoint pollution to Rhode Island's coastal waters.

These, as well as all the tasks of the Council, will be approached in accordance with the ecosystem mandate the General Assembly required twenty-five years ago when the coastal resources of the state were first entrusted to the Council.



Silver Jubilee Events Planned

At the time Coastal Features goes to print, a number of special events to celebrate the Council's twenty-fifth anniversary are being planned. However, they have not yet been finalized and therefore cannot be included in this issue. So look for more information on these activities in the news in the coming weeks or call the CRMC at 277-2476.

Twenty-Five Years of Coastal

Public Access to the Shore

Since its creation, the Council has sought a balanced approach for ensuring that all Rhode Islanders have the opportunity to access and enjoy the coastal resources of the State. To this end, the Council has relied on a number of methods for maintaining and improving public access to the shore.

First, the Council requires applicants to demonstrate that proposed activities neither interfere with nor adversely affect existing public access. In cases where a proposed project would impact existing access to or use of the coastal resources of the State, the Council has required applicants to mitigate for these impacts. Through the permit process, the CRMC has been able to secure numerous public access improvements throughout the State with perhaps the best known being the waterfront improvements associated with the Narragansett Electric Manchester Street Station project.

A second method the Council uses to secure public access to the shore is through its rights-of-way (ROW) program. Since 1978, when the General Assembly assigned it the task, the Council has carried on, through a standing committee, a continuous process of discovery and designation of all public rights-of-way to the tidal waters of the State. Thus far, the Council has investigated almost 350 sites and permanently designated as public a total of over 220 ROWs. In 1995 the CRMC resumed responsibility for the posting of ROWs. Since then, ROWs have been marked in Bristol, Cranston, Warwick, Narragansett and Jamestown and many more are expected to be marked in the future.

Another vehicle used for ensuring access opportunities has been the Harbor Management Program. Since the harbor management plan-

ning process addresses access issues such as site identification, development and maintenance, the Council has been able to assist in improving access on the community level. All Council approved harbor management plans are required to include an access element which not only identifies potential access sites, but also incorporates, where appropriate, site development and maintenance options as well as responsibilities for these activities.

The Council has also sought to ensure access by supporting a number of legislative efforts over the years. Among these was the enactment of an amendment to the Landowner Liability Act to limit the liability of property owners when a CRMC-designated ROW exists on their land.

Currently, the Council is developing specific policies and standards for public access when a proposed project interferes with existing access to or use of the State's coastal resources. In so doing, the Council will continue to try and balance individual property rights with the legal right of all Rhode Islanders "to enjoy and freely exercise...the privileges of the shore" as guaranteed in the State Constitution.



Harbor Management

The CRMC's Municipal Harbor Management Program (MHMP) was initiated in 1988 to address many of the growing problems facing Rhode Island's unique harbor and coastal areas. Among those problems were overcrowded mooring fields, conflicts between various user groups, lack of public access, deteriorating water quality, and the loss of traditional water-dependent uses. Since many of these problems required local as well as state action and leadership, the MHMP was considered to be the most appropriate mechanism for managing municipal waterfront and harbor areas.

Harbor management plans are required to be consistent with a number of federal, state and local regulatory and planning programs and, as a result, provide an additional level of protection for Rhode Island's coast. Most notably, at the state level, harbor management plans must be consistent with the Rhode Island Coastal Resources Management Program (RICRMP), water quality regulations, and fishing and shell fishing restrictions. At the federal level, the Army Corps of Engineers reviews all harbor management plans to ensure consistency with certain federal regulations, particularly Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The harbor management plan should also be closely coordinated with a community's comprehensive plan.

The initial goal of the MHMP was to get each of Rhode Island's 21 coastal communities to develop and implement a harbor management plan and a harbor management ordinance, the two essential elements of each community's program. Currently, 12 municipalities have received Council approval for their harbor management plans. Of the remaining nine coastal municipalities two are awaiting Council approval, three are in the planning pro-

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Harbor Management in Rhode Island

Permitting

Although the CRMC carries out a number of functions related to the management of Rhode Island's coastal zone, it is perhaps best known for its permitting activities. Typically, the Council requires permits for activities that occur within 200 feet of any coastal feature which are defined to include: coastal beaches; barrier islands and spits; coastal wetlands; coastal headlands, cliffs and bluffs; rocky shores; manmade shorelines; and, dunes and dikes. In addition, permits are required in the Narragansett River and Salt Ponds watersheds for activities requiring large (over 2,000 gallons/day) septic systems or an acre or more of parking and subdivisions of six or more units. Permits are also required for certain activities regardless of their location within the state.

These include: solid waste disposal; minerals extraction; chemical processing, transfer, and storage; power generation (excluding facilities of less than 10-megawatt capacity); petroleum processing, transfer, and storage (excluding storage facilities of less than 2,400-barrel capacity); and sewage treatment and disposal.

For activities taking place within 200 feet of a coastal feature, policies and standards are based on the coastal feature as well as the adjacent water type. The Council's six water types are directly linked to the characteristics of the shoreline and include: Type 1 Conservation Areas; Type 2 Low Intensity Use; Type 3 High Intensity Boating; Type 4 Multipurpose Waters; Type 5 Commercial and Recreational Harbors; and Type

6 Industrial Waterfronts and Commercial Navigation Channels.

In general, CRMC Assents (permits) fall within five categories: Findings of No Significant Impact (FONSI) which are issued for activities having a "de minimis" effect on the environment; Maintenance Assents which pertain to maintenance activities; Emergency Assents which allow property owners to undertake basic repairs following major storms; Category A Assents which pertain to routine activities and construction; and Category B Assents which apply to more substantive activities and alterations. All Category B and some Category A applications are reviewed by the full Council.

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(Harbor Management cont.)

cess, two have no harbor related ordinance (and are therefore not required to develop plans), and two are working with staff to initiate the process.

To assist municipalities in the development of harbor management plans, the Council adopted in 1988 its *Guidelines for the Development of Municipal Harbor Management Plans*. This manual is now being revised to include new sections on public access, water quality management and storm preparedness. The revised manual also attempts to assist municipalities in their efforts to coordinate land use planning as required by the 1990 Comprehensive Land Use and Planning Act with planning for harbor uses.

A final draft of the revised manual is scheduled to be completed this summer. Following staff and subcommittee review the manual will be available for public comment and review.

Federal Consistency Reviews

As one incentive for state participation in the federal coastal zone management program, section 307 of the Federal Coastal Zone Management Act (CZMA) requires that various federal activities that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with a state's approved coastal zone management program.

Federal consistency requires that three types of federal activities meet state coastal laws, regulations and policies:

1. activities by federal agencies themselves, such as building U.S. Navy docks, or channel dredging by the Army Corps of Engineers;
2. private party projects that require federal permits or licenses, such as drilling for oil or gas in federal waters;
3. activities of other state or local governments when the project is supported by federal funding.

In 1978, with the adoption of the Rhode Island Coastal Resources

Management Program into the federal coastal management program established by the CZMA, federal activities affecting any Rhode Island coastal use or resources became subject to the consistency provisions of section 307. Since that time, the consistency process has become an important step for ensuring federal activities respect Rhode Island's valuable coastal zone.

Traditionally, the Council has not relied heavily on the federal consistency process, since many of the activities subject to a federal consistency review also require Council Assents. However, based on revisions to the CZMA in 1990, the Council is currently updating its guidelines. The revisions will help improve coordination between federal and state permit processes and allow the Council to better exercise its authority under section 307. The Council's revised federal consistency guidelines and regulations are expected to be completed and available for public review and comment by the fall.

Twenty-Five Years of Coastal Zone Management in Rhode Island

Special Area Management Planning

The CRMC has developed special area management plans (SAMPs) for selected coastal ecosystems, each with their own unique set of characteristics and problems. In developing SAMPs, the Council has sought to bring about specific management strategies rooted in the Council's legislative mandate which states that "...the preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alteration of coastal resources will be measured, judged, and regulated" for a variety of areas within the state.

In 1983 the Council adopted its first SAMP for Providence Harbor. Some of the issues addressed by the plan were water quality, port development, urban waterfront revitalization, public access, and improved coordination among state and local officials.

The following year, after more than eight years of work and as a result of concerns expressed during public hearings on the statewide coastal management program then under development, a SAMP was adopted for the Salt Pond region.

Through an extensive public process, goals for the Salt Ponds SAMP were identified. Included in these goals were: the maintenance of scenic qualities, mix of activities, and diversity and abundance of fish and shellfish; the restoration of areas and habitats damaged by past construction and existing uses; the preservation of drinking water supplies and Point Judith as a viable commercial fishing port; storm preparedness; and the creation of a decision-making process appropriate to the management of the region as an ecosystem. A key tool for accomplishing these goals was the land use classifications, their associated policies, and density restrictions.

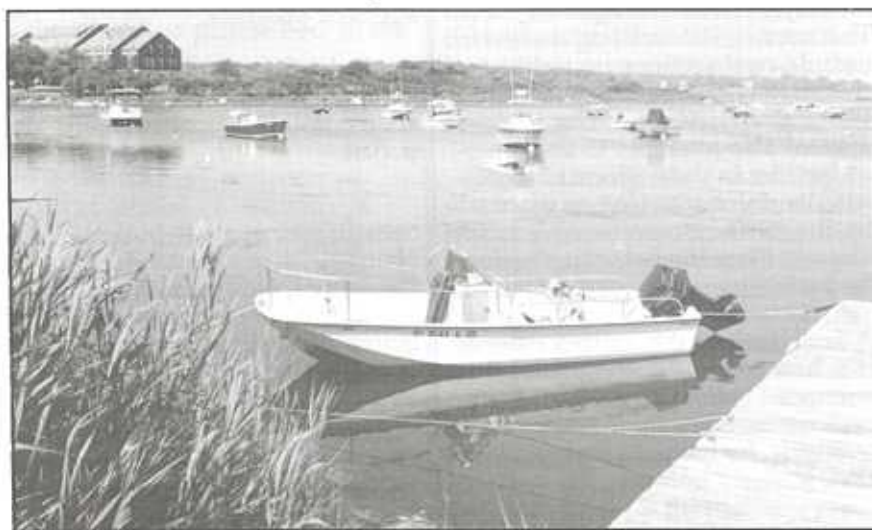
In 1986, the Council adopted a third SAMP for the Narrow River watershed which faced many of the same land use and water quality problems as those found in the Salt Pond region. In addition to density restrictions similar to those contained in the Salt Pond region SAMP, the Narrow River SAMP also addressed the growing problem of pollution resulting from stormwater runoff.

In 1992, the Council adopted *The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan*, the first interstate SAMP. The focus of this plan was the protection of water quality and shoreline areas; the maintenance of a diversity of activities; public access; the integration of land use policies with protection of the estuary; and interstate coordination. Through the plan a cooperative process for ensuring consistent approaches to the protection of the estuary was established.

Recognizing Rhode Island's leadership in the field of SAMPs, the National Oceanic and Atmospheric Administration provided the Council with funds to host workshop on

the subject for North Atlantic coastal programs in the Fall of 1993. The workshop generated a great deal of discussion on the problems and approaches associated with SAMPs in a variety of very different geographical and political settings, and Rhode Island clearly stood out as the model for other states.

Currently, the CRMC is leading an effort to technically update and revise the Salt Pond and Narrow River SAMPs. Revisions will be based on the results of a study on cumulative and secondary impacts in the watersheds being conducted by the Coastal Resources Center at the University of Rhode Island. Under the leadership of Virginia Lee, a principle author of the original Salt Pond region SAMP, the study will provide new groundwater and nutrient loading data as well as a build-out analysis, all of which will be used as a basis for revisions to existing land use classifications and their associated policies, and for zoning recommendations to municipalities. The revised Salt Pond region SAMP is expected to be available for public review by the Fall of 1996 and the revised Narrow River SAMP by the Summer of 1997.



Quonochontaug Pond, part of the salt pond region watershed.

CRMC Program Goals

- Preserve, protect, develop and where possible restore the coastal resources of the state; the preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alterations will be judged.
- Maintain a balance between conservation and development and between conflicting private and public interests that will provide the greatest long-term benefits to the people of Rhode Island.
- Protect and preserve valuable natural features such as barrier beaches, coastal ponds, wetlands, and fishing grounds that are vulnerable to development and misuse.
- Protect the public from hazards brought by floods, erosion and the placement of buildings and septic systems on unsuitable landforms and soils.
- Protect and promote public access to the shore and provide high quality recreational opportunities to all who come to the Rhode Island shore.
- Promote the fullest use of native exploitable resources consistent with management practices designed to maximize long-term benefits in light of changing regional food and fuel situations.
- Provide suitable waterfront sites for industries and businesses that require access to coastal waters while directing other industries to suitable inland sites.
- Assure that the needed major energy facilities are not arbitrarily excluded from the coastal region but that such facilities are placed in environmentally suited sites.
- Support the objectives of the State Guide Plan.
- Direct new development away from sensitive areas and into already developed areas.
- Ensure that the public is involved in the management process and that the program is responsive to their views.
- Establish a working partnership among local, state and federal governments that insures the efficient administration of the coastal management program.
- Encourage and support the research and planning necessary for the development of sound management practices.
- Meet federal and state air and water quality standards and goals.

(Permitting cont.)

As the Council's regulatory program has expanded over the past twenty-five years, so too has the number of permit applications. Whereas in 1977 the Council processed 179 assents, in 1995 the Council processed over 1,600 applications. This rise in application numbers can be attributed to a number of factors including increased development in coastal areas, better monitoring and enforcement, and an expansion of Council authority in areas such as the Salt Pond region where activities outside of the 200-foot jurisdictional boundary can have significant impacts on the coastal zone.

In order to effectively address the increasing volume of applications and review requirements, a number of changes have been made to the permit review process over the years. First, the Council adopted the Category A and B approach to streamline the permit process for activities which were expected to have minimal impact on the coastal zone. Once fully staffed, the Council organized field personnel into four teams, each comprised of an engineer and a biologist, responsible for a specific geographical area of the state. The Council also assigned one team to Category A applications and created a separate enforcement team. In an effort to further streamline the permit process, the Council developed a process for reviewing and assigned an individual staff member to FONSI applications; developed application checklists for a variety of activities; established a process for issuing emergency assents; and established the Preliminary Determination process.

As a result of its efforts to constantly improve the permit process, the Council has effectively addressed past permit backlog problems. Looking forward, the Council hopes to further improve the review process with the implementation of the coordinated review process mandated by the Subdivision Review Enabling Act.

Coastal Features

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Mailing List Being Revised

A number of people have requested that they be added to or deleted from the Coastal Features mailing list. Due to changes in the Council's computer system, there have been some delays in processing these requests. We apologize for any inconveniences this may have caused and are now in the process of updating the mailing list.