

# Coastal Features

INFORMATION  
ABOUT THE RHODE  
ISLAND COASTAL  
RESOURCES  
MANAGEMENT  
PROGRAM

Spring 1998

Volume VI, No. 3

## Project Update

*In addition to its regulatory functions, the CRMC is involved in a number of planning and management initiatives. In many cases these efforts attempt to be pro-active; that is they attempt to address issues before they become truly problematic. In other cases, these projects seek to address concerns expressed to the Council by community groups, recreational organizations, trade groups, other state agencies, or federal agencies. In all cases, however, these projects are an effort to be responsive to the needs of the State for the protection of its coastal resources.*

*This issue of Coastal Features focuses on some of these efforts over the past year, providing an overview of various projects, their current status, and future tasks. Information on the CRMC's permit process has also been included.*

## Regulatory Functions

The CRMC is probably best known as a regulatory agency. In accordance with the Council's enabling legislation, the CRMC is authorized to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities under the Council's jurisdiction (R.I.G.L. 46-23-6(B)(3)). The Council evaluates proposed activities which have the potential to affect coastal resources using the policies, standards and prohibitions contained in the Rhode Island Coastal Resources Management Program (RICRMP), which is the state's coastal zone management plan approved by the federal government under the Coastal Zone Management Act of 1972 (CZMA).

Activities proposed within the area extending from the seaward limit of the state's territorial sea (3 miles offshore) to 200 feet inland of any coastal feature require Council approval in the form of a permit. There are specified policies designed to protect each coastal feature and manage upland development. Coastal features include: coastal beaches; barrier islands and spits; coastal wetlands; coastal headlands, bluffs and cliffs; rocky shores; manmade shorelines; and dunes.

In the Narrow River and Salt Ponds watersheds, permits are required for any subdivision of six units or more, activities requiring 40,000 sq.ft. or more of impervious surface, and structures serviced by large septic systems (2,500 gallons/day or more). Additionally, the Council requires permits for certain activities regardless of their location within the state if the activity has the potential to impact coastal resources. These activities include: solid waste disposal facilities; minerals extraction; chemical transfer, processing and storage facilities; power generation facilities; petroleum transfer, processing and storage facilities; and, sewage treatment and disposal facilities.

The Council also relies upon water type designations to manage coastal resources and the activities affecting them. Water areas of the state have been assigned one of six water type designations and, based on the water type, certain policies and prohibitions apply to activities in or adjacent to the water. The six water types are:

- type 1 – conservation areas
- type 2 – low intensity recreational and residential uses
- type 3 – high intensity boating
- type 4 – multipurpose waters
- type 5 – commercial and recreational harbors

*(continued on page 2)*



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# Regulatory Functions (continued)

- type 6 – industrial waterfronts and commercial navigation channels

Applicants proposing any activity within the Council's jurisdiction must apply for a CRMC Assent (permit). Depending on the activity proposed, applicants must obtain a Finding of No Significant Impact (FONSI), Certification of Maintenance, Category A Assent or Category B Assent.

In general terms, FONSI's are issued for minor activities which pose little or no threat to coastal resources. Certifications of Maintenance are issued for activities that do not significantly alter the assented design, purpose and size of a structure. Category A activities include routine matters and categories of construction and maintenance work that normally do not require review by the full Council. Category B activities generally include large, complex or contentious projects.

With the exception of Category B and certain Category A applications, all Assents are processed administratively by CRMC staff. Category B applications and Category A applications which can not be approved at the staff level, either because a substantive objection to the proposed activity has been received or the proposed activity does not meet the applicable policies and standards contained in the RICRMP, require a public hearing before the full Council.

PERMIT STATISTICS	1996	1997
Category A and Maintenance	478	461
Category B	52	48
FONSI	486	512
Federal Consistency	35	34
TOTALS	1051	1056

To facilitate the application and review process, the Council provides for a Preliminary Determination process where applicants can obtain information on applicable policies and standards as well as potential areas of concern early in the planning phase of a project.

The CRMC also reviews federal activities and federal approvals which have the potential to affect coastal resources for consistency with the RICRMP pursuant to section 307 of the CZMA. Although no permit is issued for these types of federal activities, the federal consistency review process is nonetheless a regulatory function of the Council.

# Federal Consistency

Under section 307 of the federal Coastal Zone Management Act of 1972 (as amended), federal activities affecting the land and water uses or natural resources of the coastal zone must be consistent with the enforceable policies of state coastal zone management programs that have received federal approval. Activities subject to the federal consistency requirement include: direct federal actions such as development activities on military bases and Army Corps dredging projects; federal licenses, permits and other forms of approval, such as dredge and fill activities requiring an Army Corps section 404 permit; and federal financial assistance to states, territories and local governments, such as Federal Highway Administration funds and construction grants for wastewater treatment facilities. In Rhode Island, the CRMC, as the designated state coastal zone management agency, ensures that federal activities are conducted in accordance with the Rhode Island Coastal Resources Management Program (RICRMP), which contains the state's enforceable coastal zone management policies.

In 1997, for the first time since 1978 when the RICRMP received federal approval, the Council revised its federal consistency regulations to clarify the agencies and activities subject to the federal consistency requirement. This effort involved the development of a Federal Consistency Manual and the adoption of a new RICRMP section on federal consistency. The intent of the new regulations, along with the manual, is to facilitate compliance with state and federal coastal zone management policies.



## Coastal features

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This issue of *Coastal Features* was edited by Laura Miguel. To comment on any article or to make address changes, write the CRMC at the Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI 02879 or contact us on-line at [ricrme@ricconnect.com](mailto:ricrme@ricconnect.com).

# Public Access

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As trustee of Rhode Island's coastal resources, and in accordance state and federal statutory mandates, the Council has a responsibility to ensure that public access to the shore is protected, maintained, and where possible, enhanced for the benefit of all. This is achieved through the Right-of-Way Designation Program, the Shoreline Access Marking Program, the Harbor Management Planning Program, and the permit process.

A public right-of-way (ROW) to the shore is a parcel of land over which the public has the right to pass on foot or, if appropriate, by vehicle, in order to access the tidal waters of Rhode Island. Since 1978, the CRMC has, using a standing ROW subcommittee, reviewed over 300 potential ROWs. As a result of these investigations 210 sites have been designated as public ROWs to the shore. Most recently, the Council reviewed 18 potential new sites in Jamestown.

Since taking over the Shoreline Access Marking Program from the RIDEM in 1996, the CRMC has issued Letters of Permission to 7 municipalities to erect marker posts indicating a public ROW to the shore. As part of this program, the CRMC provides marker posts and signs to municipalities committed to marking and maintaining ROWs to the shore. Most recently, the CRMC provided Jamestown with 35 marker posts and signs.

During the past year, the Council also adopted a new public access section of the RICRMP. The new section recognizes that certain large development projects and water-dependent activities require the private use of public trust resources to the exclusion of other public uses. Further, the new section recognizes the importance of adequate public access to the shore for activities, such as tourism and recreational fishing and boating, which contribute significantly to the Rhode Island economy. Based on these findings, the Council adopted policies requiring applications for the following activities include a public access component: commercial and industrial development and redevelopment projects; new and significant expansions to marinas; and activities which involve filling in tidal waters. The new public access section provides developers with consistent, up-front requirements for public access and further ensure that public access to the shore is protected, maintained and, where possible, enhanced.

## Coastal Nonpoint Pollution

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In the Fall of 1997, Rhode Island became one of the first states to receive conditional approval from the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) for its Coastal Nonpoint Program (CNP). After an 18 month development process, the CNP was submitted to NOAA and EPA in July of 1995 in accordance with requirements contained in section 6217 of the Coastal Zone Reauthorization Amendments of 1990. The CNP was developed by the CRMC, the Department of Administration, Division of Planning and the Department of Environmental Management, with assistance from representatives of numerous environmental and trade organizations, local governments, the academic community and other state agencies.

Based on federal program requirements, each state implementing a federally approved coastal zone management program was required to formulate a strategy to address five types of activities associated with nonpoint source pollution impacts through the implementation of specified management measures. The five land use types are: agriculture; forestry; marinas and recreational boating; urban land uses, including new development, septic systems, and roads, bridges and highways; and hydromodifications. States were also required to develop measures for the protection and restoration of wetlands, and to promote the use of vegetative treatment systems to control and minimize nonpoint pollution.

Due to their minimal impact on the state's coastal waters, Rhode Island's CNP excludes management measures related to forestry and agricultural activities with the exception of those applicable to large confined animal facilities. Additionally, approval of Rhode Island's CNP carries with it several conditions that must be addressed over the next few years.

Recently, NOAA and EPA have proposed administrative changes to the Coastal Nonpoint Program which will allow states greater flexibility in meeting program requirements and time frames. In addition, unlike the past few years, state coastal programs are likely to receive some federal funding in the coming fiscal year for program activities. Planned CRMC activities include revising regulatory language to reflect that contained in the federal program guidance; the adoption of nitrogen reduction requirements for septic systems in certain areas in the Narrow River and Salt Ponds watersheds; and continued public education and outreach.

# Sediment Sources and Beach Replenishment

Current problems faced by shorefront property owners in the Matunuck area, as well as Hurricane Bob '91, the Halloween Nor'easter '91, and the intense blizzard of early December 1992, have refocused attention on the erosional shoreline of Rhode Island and the problems of sediment supply. Due to the sediment-starved nature of the coast, and the damage associated with the use of structural shore-

line protection, beach replenishment is one of the few options available for maintaining beaches and protecting existing development.

The CRMC is currently supporting an investigation by Dr. Jon Boothroyd of the URI Department of Geology to:

- 1) identify potential sources of sand on the shoreface (seaward of the intertidal zone) for beach replenishment,

- 2) quantify the movement of sand on the shoreface, and
- 3) design beach replenishment technical guidelines.

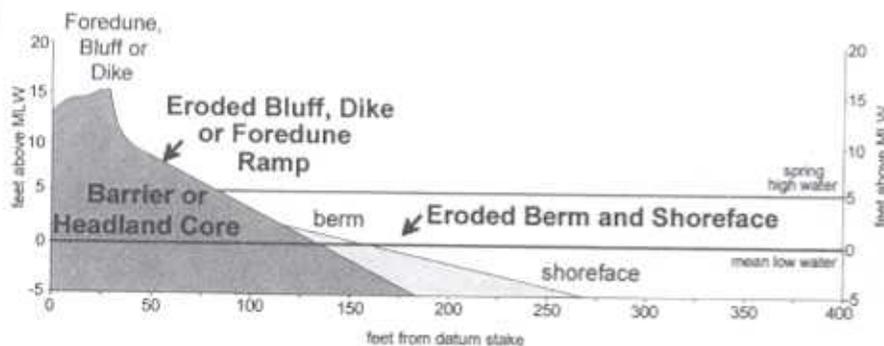
Project study locations are the beach and shoreface of the Charlestown barrier and the Misquamicut barrier/headland. The results are generally applicable to the entire coastline of Rhode Island and elsewhere.

In the study Dr. Boothroyd speculates that sand on the upper shoreface (less than about 12 meters or 40 feet water depth) is in transit back to the beach over a period of years, but this shoreward movement is interrupted by periods of storminess. It is the volume of sand deeper than 12 meters that is a potential beach replenishment source.

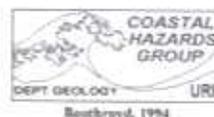
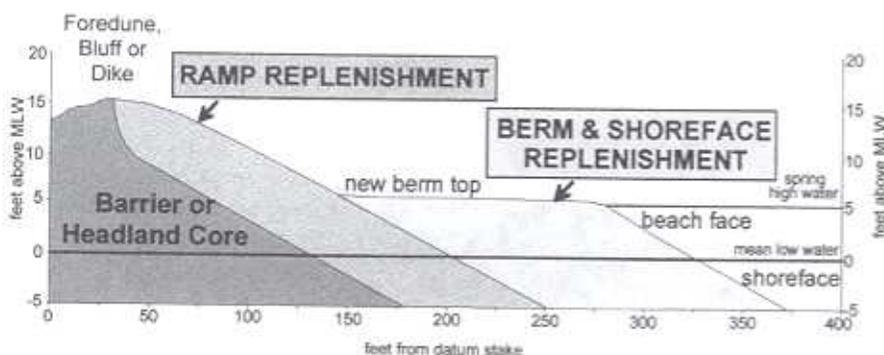
Based on the results of this study, several program changes are anticipated. They include a framework for developing a sustainable beach and dune replenishment strategy, new beach replenishment policies for the RICRMP, and regulations and recommendations for municipalities and other state agencies involved in beach replenishment issues. Further, the project will include the development of state-of-the-art Geographic Information Systems (GIS) techniques that incorporate information on beach, dune and shoreface dynamics in a way that is useful for revising and implementing regulations and managing the shoreline.

## DESIGN for BERM, FOREDUNE, BLUFF, and DIKE REPLENISHMENT Rhode Island Barriers and Headlands

### BEFORE REPLENISHMENT



### AFTER REPLENISHMENT



## In Memoriam

John J. Neary, Jr., a CRMC member from its inception in August 1971 to April 1983, died on March 19, 1998, after a brief illness.

Carolyn F. Brassil, a CRMC member from October 1977 to April 1985, died unexpectedly on March 31, 1998.

Our condolences go out to the families and friends of these two dedicated members.

## Special Area Management Plans

The CRMC authority to develop Special Area Management Plans (SAMP) is based on Section 309 of the Coastal Zone Management Act of 1972 as amended (CZMA) and Chapter 23 of the General Laws of Rhode Island. The CZMA defines a SAMP as a "comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and water; and mechanisms for timely implementation in specific geographical areas within the coastal zone". In addition, the Salt Pond and Narrow River Special Area Management Plans are ecosystem based planning and management tools which the CRMC is authorized to develop under the CRMC enabling legislation (GLRI 46-23).

The strategy behind the development of the SAMPs is to recognize how water quality, land use, habitat, storm hazards and geology all interact on an ecosystem level to impact the health of the Narrow River and salt ponds.

The 1998 revisions to the Salt Pond Region and Narrow River SAMPs address four priority areas for enhancing the Rhode Island Coastal Resources Management Program (RICRMP): Special Area Management Planning, cumulative and secondary impacts, wetlands, and public access. The revisions to the SAMPs also implement recommendations of the Narragansett Bay Project by developing: statewide critical resource protection policies, including objective criteria for designating critical resources; a GIS-based mapped inventory of identified resources; regulatory and non-regulatory controls to protect identified resources; and an assessment of cumulative impacts through the RICRMP. Finally, the revisions will facilitate the implementation of Rhode Island's Coastal Nonpoint

Pollution Control Program. Beyond fulfilling program requirements and recommendations, the revisions to the SAMPs address the challenge of a growing population and the need for innovative land use controls to address the impacts of existing and proposed development on the salt ponds and Narrow River.

CRMC staff have been working with the town planners from Westerly, Charlestown, South Kingstown, Narragansett and North Kingstown to update land use and natural resource data to develop maps and assess the impacts of development since the completion of the first SAMP in 1984. CRMC has met with Town Councils, Conservation Commissions and Planning Boards as requested to present the proposed changes. Three public workshops were held in October and November of 1997 to address public questions. CRMC has also been cooperating with the URI Geology Department, the URI Coastal Resources Center, the Narrow River Preservation Association, the Salt Ponds Coalition, the RIDEM Division of Fish and Wildlife, the RIDEM Division of Water Resources, the US Fish and Wildlife Service and the National Marine Fisheries Service. The revisions include geographically referenced maps for the Rhode Island Geographic Information System, updated species data for fish and wildlife, updated geologic data on erosion and sedimentation, new information on municipal mitigation approaches for hurricanes and other hazards, new data on water quality and land use impacts to water quality, identification of priority areas for acquisition and more.

CRMC expects to submit the SAMPs for public comment in May or June. There will be a public workshop to address any questions from the public during the comment period.

## South Coast Habitat Restoration Project

The Army Corps of Engineers (ACOE) South Shore Habitat Restoration Project is the result of a resolution adopted by the U.S. Congressional Committee on the Environment and Public Works of the U.S. Senate on August 2, 1995 and funded by Congress in fiscal year 1997. The purpose of the resolution was to determine the need for improved flood control, frontal erosion and coastal storm damage reduction, and watershed, stream and ecosystem viability in the area from Watch Hill to Narragansett. The project has four phases: a Reconnaissance Study, which is fully funded by the ACOE; a Feasibility Study, which requires a 50% state funding match; Implementation, which requires a 35% state funding match; and Operation and Maintenance, which the state must fully fund. CRMC, as the non-governmental sponsor, has been cooperating with the ACOE, the towns, the University of Rhode Island, and the legislature throughout the process.

As part of the Reconnaissance Study, the ACOE and the CRMC held scoping meetings with legislative representatives, town planners, non-profit groups, URI researchers, US Fish and Wildlife Service, National Marine Fisheries Service, RIDEM, and the RI Department of Administration beginning in May 1997. A final report was submitted by the ACOE to the CRMC in November 1997.

Three major areas for habitat restoration were agreed upon: dredging of the breachways and tidal deltas in Winnapaug, Quonochontaug, and Ningret Ponds with eel grass restoration; salt marsh restoration in Quonochontaug Pond; and fish passage restoration in Charlestown and South Kingstown. According to the final report, the benefits of dredging the breachways and tidal deltas include:

*(continued on page 6)*

# South Coast Habitat Restoration Project (continued)

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beach replenishment to various state and local beaches; safer and easier access to the ponds and Block Island Sound for recreational boaters and fishers; localized improvements in water quality; and the creation of valuable shore habitat for the federally listed endangered piping plover. In addition, the eel grass restoration component of the project will benefit shellfish, fin fish and water quality by cycling nutrients, stabilizing sediments and providing sources of food. The salt marsh restoration will provide valuable nesting, spawning and nursery, predator protection and foraging habitat for aquatic and semi-aquatic animals. The fish passage restoration will allow anadromous fish species like herring to spawn up-stream, and for juveniles to reach the ocean.

The Feasibility Study phase of the project is set to begin in June 1998. Both the State and the towns of Westerly,

Charlestown and South Kingstown have made financial commitments in support of the project to help meet the state's 50% matching funds requirement.

To assist the ACOE in the Feasibility Study, the CRMC sponsored a Technical Team meeting on March 25. Among the participants were representatives from the US Fish and Wildlife Service, National Marine Fisheries Service, URI, RIDEM and Save the Bay. The purpose of the meeting was threefold: first, to educate state agencies and scientists about the ACOE's data needs; second, to allow ACOE representatives to become familiar with past and current relevant research efforts; and third, to discuss sampling needs and eel grass restoration techniques and requirements.

Based on information gathered at the meeting and ACOE procedural requirements, environmental studies are

scheduled to begin in this spring/summer and will continue for approximately two years. Among the parameters to be assessed are: water quality (including salinity, clarity, dissolved oxygen, temperature, algae, nutrients, toxic metals and petroleum hydrocarbons); existing eel grass, fin fish and shellfish resources; and pond bathymetry and hydrography. The CRMC is cooperating with the RIDEM in mapping the bathymetry of all of the south shore coastal ponds. The CRMC will also continue to work closely with the ACOE during the Feasibility Study phase of this project to ensure the project utilizes existing data, considers the multitude of impacts to a wide variety of coastal resources and uses, relies upon a valid and useful sampling procedure, and, most importantly, will result in long-term benefits to the coastal ponds.

## Freshwater Wetlands

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During the 1996 legislative session, amendments were made to the CRMC's enabling legislation (GLRI 46-23) which required the CRMC and the RIDEM to divide authority over the management and protection of freshwater wetlands in the state through the cooperative development of a jurisdictional line. Freshwater wetlands seaward of the jurisdictional line were to be considered "in the vicinity of the coast" and, in accordance with the legislation, fall under the exclusive jurisdiction of the CRMC. Freshwater wetlands inland of the line remain under the jurisdiction of the RIDEM except where the wetlands are affected by an aquaculture project. Following agreement on the jurisdictional line, the CRMC was required to develop a regulatory program for the management of freshwater wetlands in the vicinity of the coast and for freshwater wetlands affected by an aquaculture project inland of the jurisdictional line.

In early 1997, the CRMC and RIDEM agreed upon a jurisdictional line for the management and protection of fresh-

water wetlands in the state. GIS-based maps depicting the line statewide, by individual town, and using USGS quadrangle maps were subsequently developed by the URI Environmental Data Center.

Simultaneous to the mapping efforts, Council staff developed draft regulations for managing and protecting freshwater wetlands in the vicinity of the coast, and developed, with RIDEM, proposed procedures for regulating activities affecting freshwater wetlands associated with inland aquaculture and agricultural operations. In addition, CRMC staff met with several stakeholder groups soliciting input on the draft regulations and participated in field and classroom training in hydric soils identification.

Currently, the CRMC is planning training in the Army Corps methodology for wetlands identification and delineation, developing standardized application packages, and developing general information materials on the Council's freshwater wetlands program.

## Harbor Management Planning Program

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The CRMC instituted the Harbor Management Planning Program in 1988 to bring about a coordinated strategy for the management and regulation of harbor activities. Since then 17 communities have developed harbor management plans (HMPs), one community is in the process of plan development, and three communities are not implementing a harbor ordinance and are therefore not obligated to develop HMPs.

In 1997, the Council completed revisions to its Guidelines for the Development of Municipal Harbor Management Plans. The new Guidelines incorporate the requirements of the local comprehensive planning program and contain new guidance on issues such as public access and hazard mitigation. As towns revise their original HMPs or develop new HMPs over the next few years, these guidelines will assist them throughout all phases of plan development and implementation.

# Marine Infrastructure Maintenance Act of 1996

Recognizing the lack of a coordinated and long-term approach to meeting Rhode Island's dredging needs, The Marine Infrastructure Maintenance Act of 1996 (the Act) identified the CRMC as the lead state agency for dredging issues and required the Council to locate and designate an in-water disposal site(s) for dredged material first from Rhode Island's marinas and yacht clubs, and then from all other sources. The Act further charged the CRMC to:

- Coordinate the interests of the state, including those of other state agencies, with regard to dredging in tidal waters
- Formulate and adopt a state dredging policy which integrates those interests

- Negotiate dredging agreements and contracts for the state
- Develop, implement and maintain a comprehensive plan for dredged material management
- Create a Technical Advisory Committee on Dredging

The identification of in-water dredged material disposal sites has been the focus of much of the Council's efforts since the enactment of the legislation. Using available information, including that gathered for the ACOE's Providence River dredging project EIS, the state has developed a list of eight potential open-water disposal sites. Additional research is now necessary before preferred disposal sites can be submitted to the ACOE for designation.

In support of its efforts to identify potential disposal sites, the Council has also: created a standing subcommittee on dredging; formed the Coastal Resources Advisory Committee made up of dredging experts; developed, with the RIDEM, a joint application for dredging projects; conducted a survey of Rhode Island Marine Trades (RIMTA) members' dredging and disposal needs; and held a workshop for RIMTA members on dredging issues and permit requirements.

Currently, the Council is seeking funding to support the data requirements necessary for submitting a site (or sites) to the ACOE for designation as appropriate for the disposal of clean dredged material.

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## Providence River Dredging Project

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In February 1992, at the request of the State, the Army Corps of Engineers (ACOE) initiated a survey of the depths of the Providence River shipping channel. The survey's findings showed that the channel had sustained a substantial loss of depth (as much as 17 feet in some places) and significant narrowing due to siltation over the years. As a result of these findings, the ACOE began the extensive groundwork necessary for dredging the river to maintain the channel at its authorized depth of 40 feet.

Throughout the complex research and planning process, the CRMC, as the lead state agency for dredging issues, has assisted the ACOE in its efforts. In particular these efforts have focused on: assessing the quality and quantity of dredge material that would need to be disposed from the channel; potential uses of the dredged material; and potential disposal sites for the dredged material.

Based on extensive research, the following are now under final consideration:

- Three in-bay and three Rhode Island Sound open water disposal sites
- Six beneficial use (habitat) sites, such as salt marsh or island creation
- Three beneficial use (ports/parks) sites
- One Confined Aquatic Disposal (CAD) site
- Fifteen upland sites, ranked from high to low for their disposal potential. (Thus far no dewatering site, which is necessary for upland disposal, has been identified.)

The ACOE's assessment will be made public in the form of an Environmental Impact Statement (EIS), ex-

pected to be released as a draft, in April of 1998. Upon release of the draft EIS, the CRMC, as well as other state and federal agencies, governmental and nongovernmental organizations, and interested citizens will have an opportunity to review and comment on the preferred option(s) proposed by the ACOE. If the state chooses to pursue a disposal option(s) other than that which the ACOE proposes as the "least cost, most environmentally reasonable", then the state would be responsible for a percentage of the costs above the preferred option selected by the ACOE.

A Final EIS is expected by the Fall of 1998, and, assuming no significant delays, the actual dredging of the Providence River is targeted to begin in the Fall of 1999. The CRMC will continue to be closely involved throughout the planning and eventual implementation of this project.



## CRMC Members

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