

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver Stedman Government Center
4808 Tower Hill Road; Suite 3, Wakefield, RI 02879-1900

In accordance with and pursuant to the provisions of the "Administrative Procedures Act" (Section 42-35-3 of the General Laws of Rhode Island) and the Rule and Regulations of the Coastal Resources Management Council, notice is hereby given of the intention of the Coastal Resources Management Council to change the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State relative to Chapter 46-23 of the State of Rhode Island.

The following change is proposed:

RI Coastal Resources Management Program

MANAGEMENT PROCEDURES

Revise Section 4.2 Information Requirements, Application Forms and Fees as follows:

- (1) Application forms may be obtained from the Coastal Resources Management Council, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, R.I. 02879-1900, ~~or~~ by calling (401) 783-3370, or from the CRMC website: www.crmc.ri.gov.
- (2) An application checklist/instruction sheet will be ~~forwarded~~ provided to each applicant together with required forms.
- (3) Applicants must complete four (4) application forms and return them together with the proper application processing fee to the Coastal Resources Management Council. Application processing fees are non-refundable in the event the CRMC denies an application or another state agency denies a permit that is a prerequisite for a CRMC Assent.
- (4) Public, Quasi-public Entity: The above fees may be waived for any public or quasi- public entity based upon a finding by the Executive Director of general public benefit.
- (5) Applicants shall be required to obtain and certify that they have in their possession current approvals from municipal bodies which are otherwise required for the proposed action. Municipal approval shall be construed to mean compliance and conformity with all applicable comprehensive plans and zoning ordinances and/or the necessary variance, exception and other special relief there from (see RICRMP Section 300.1). However, qualifying businesses may be exempt from this requirement provided they meet the provisions of R.I.G.L. § 42-35-3.5.
- (6) Applicants shall further be required to obtain and certify that they have in their possession current approvals from all other agencies which are otherwise required for the proposed action. However, qualifying businesses may be exempt from this requirement provided they meet the provisions of R.I.G.L. § 42-35-3.5.

- (7) The above required municipal and state approvals shall be construed as a prerequisite for any application before the Council considers the application. The Council may waive the requirements of obtaining approvals in the usual sequence by a majority vote of the Council. But a final assent shall not issue until all required approvals have been obtained.
- (8) In contested cases, the Subcommittee shall not proceed until it has received the comments from staff biologist, staff engineer, Historical Preservation Commission, and water quality certification comment.
- (9) Provided they meet the provisions of R.I.G.L. § 42-35-3.5, a qualifying business may request in writing a concurrent review at the time of filing a CRMC application. Upon receiving the written request, the CRMC will conduct a simultaneous application review with other applicable state agencies and the municipality provided the business obtains a preliminary determination from the local municipality that demonstrates the proposed project is consistent with the applicable municipal zoning ordinances. Under this process, the CRMC will not require prior approvals or permits from municipalities or state agencies under subsections 5 and 6 above to conduct the simultaneous review. The CRMC, however, will not issue the CRMC Assent until such time that the applicant submits to the CRMC the required municipal and state agency permits.

Purpose: to revise the section to be in conformance with recent legislative requirements as contained in RIGL 42-35-3.5 and to make editorial revisions

MANAGEMENT PROCEDURES

Revise Section 4.3.2 Schedule of Fees as follows:

- 4.3.2(p)(1) Aquaculture Renewal Fee: **\$75.00**
 (2) Recreational Aquaculture Fee
 (i) Initial: \$50
 (ii) Annual: \$25

Purpose: to revise the fee schedule by adding initial and annual fees for recreational aquaculture activities

“REDBOOK”

Revise Table 4. Undeveloped, Moderately Developed, and Developed Barriers as follows:

Undeveloped

Sandy Point Island, Westerly¹
 Napatree Beach, Westerly¹ (west of Watch Hill Beach Club)
 Maschaug Beach, Westerly¹
 Quonochontaug Beach, Westerly/Charlestown¹ (west of Breachway)¹
 East Pond Beach, Charlestown
 East Beach (Ninigret conservation area to Charlestown Breachway)¹
 Green Hill Beach, South Kingstown¹ (central portion)
 Moonstone Beach, South Kingstown
 Browning Beach, South Kingstown¹

Long Pond Beach, Little Compton¹
Round Pond Beach, Little Compton¹
Briggs Beach, Little Compton¹
Ship Pond Cove, Little Compton
Round Meadow Pond, Little Compton
Quicksand Pond Beach, Little Compton¹
High Hill Marsh Barrier, Little Compton¹ (eastern portion)
Sandy Point/West Beach, New Shoreham¹
Casey Point, North Kingstown¹
Greene Point, North Kingstown¹
Bissel Cove Barrier, North Kingstown
Tibbit's Creek, North Kingstown
Baker's Creek, Warwick
Buttonwood Cove, Warwick
Gaspee Point, Warwick
Conimicut Point, Warwick
Nayatt Point Beach, Barrington
Mussachuk Creek, Barrington
Rumstick Point, Barrington
Hog Island, Portsmouth¹ (2 separate areas)
Musselbed shoals, Portsmouth
Nag Pond/Jenny Pond, Portsmouth¹
Gull Point, Portsmouth
Sheep Pen Cove, Portsmouth
McCurry Point, Portsmouth
[Fogland Point, Tiverton¹](#)
Sapowet Point, Tiverton
Fox Hill Pond, Jamestown

Moderately Developed

Napatree Beach, Westerly (easterly portion)
Michel Pond Beach, Charlestown
Garden Pond Beach, Charlestown
Charlestown Beach, Charlestown (east of breachway to developed portion)
Narragansett Beach, Narragansett
Bonnet Shores Beach, Narragansett
Mackerel Cove Beach, Jamestown
Hazards Beach, Newport
Bailey's Beach, Newport
First (Easton's) Beach, Newport (western portion)
Crescent Beach, New Shoreham¹
Second Beach, Middletown
Third Beach, Middletown
~~Fogland Point, Tiverton¹~~
Tunipus Pond Beach, Little Compton
Watch House Pond Beach, Little Compton¹
Sakonnet Harbor Beach, Little Compton¹ (eastern portion)

Developed

Atlantic Beach, Westerly
Quonochontaug Beach, Charlestown (east of breachway)
East Beach, Charlestown (west of Ninigret conservation area)
Charlestown Beach, Charlestown
Green Hill Beach, South Kingstown (westerly and easterly portions only)
East Matunuck/Jerusalem Beach, South Kingstown and Narragansett
Roger Wheeler Beach (Sand Hill Cove), Narragansett
Bonnet Shores Beach, Narragansett (easterly portion)
First (Easton's) Beach, Middletown (easterly portion)
Crescent Beach, New Shoreham (southerly portion)
Coast Guard Beach, New Shoreham
High Hill Marsh Barrier, Tiverton (western portion)

¹ Denotes those barriers or portions thereof where the Coastal Barrier Resources Act of 1982 (CoBRA) prohibits federal subsidies for most new development and federal flood insurance for all new development. For the most up-to-date maps showing CoBRA designations, contact the Division of Planning, Department of Administration.

* **Note:** This list denotes most of the major barriers in Rhode Island. However, there may be some small barrier systems not contained on this list, but are subject to the policies characterized by the barrier's level of development.

Purpose: to correctly identify the barrier designation for Fogland Point, Tiverton

The Council has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulation(s) and has determined that there is/are no alternative approach(es) that would be as effective and less burdensome. The Council has also determined that the proposed regulation(s) do(es) not overlap or duplicate any other state regulation. The Council has complied with the requirements of R.I. Gen. Laws Section 42-35-3.3 by submitting copies of the proposed regulation(s) to the Governor's Office and the Economic Development Corporation (EDC).

Parties interested in or concerned with the above proposed changes are invited to **submit written comments** by **April 8, 2011**. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

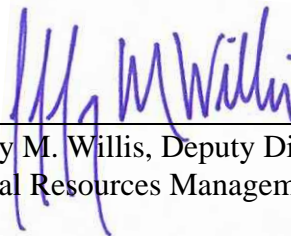
A public hearing has been scheduled for these proposed changes to be held in Conference Room A, Administration Building, One Capitol Hill, Providence, RI, on Tuesday, April 26, 2011, at 6:00 p.m.

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

Individuals requesting interpreter services for the hearing impaired must notify the Council office at 783-3370, 72 hours in advance of the hearing date.

Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

Signed this 7th day of March, 2011,



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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