

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver Stedman Government Center
4808 Tower Hill Road; Suite 3, Wakefield, RI 02879-1900

Notice of Re-Scheduling of Public Hearing

The Coastal Resources Management Council, 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, gave notice signed and dated February 6, 2009 and March 24, 2009 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 changes that were advertised therein were originally scheduled to be heard at the Council's meeting of March 24, 2009 and then re-scheduled to April 14, 2009.

However, the proposed revisions to the Rhode Island Coastal Resources Management Program's **Management Procedures Section 5.12 Permit Extensions**, as well as the Rhode Island Coastal Resources Management Program's **Coastal Development Regulations/Aquidneck Island Special Area Management Plan** contained in said notice have been re-scheduled.

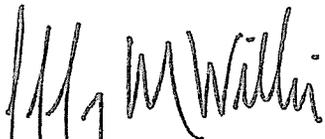
A public hearing has been scheduled for these proposed changes to be held in Conference Room A, Administrative Building, One Capitol Hill, Providence, RI, on Tuesday, April 7, 2009, at 6:00 p.m.

Copies of the proposed regulations as originally advertised follow and 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 2nd day of April, 2009.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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However, the proposed revisions to the Rhode Island Coastal Resources Management Program's **Management Procedures Section 5.12 Permit Extensions**, as well as the Rhode Island Coastal Resources Management Program's **Coastal Development Regulations/Aquidneck Island Special Area Management Plan** contained in said notice have been re-scheduled.

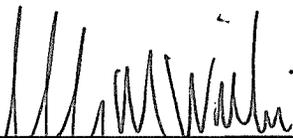
A public hearing has been scheduled for these proposed changes to be held in Conference Room A, Administrative Building, One Capitol Hill, Providence, RI, on Tuesday, April 14, 2009, at 6:00 p.m.

Copies of the proposed regulations as originally advertised follow and 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 24th day of March, 2009.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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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 5.12 – Permit Extensions - as follows:

Where the Council has issued a permit to undertake an activity in accordance with this Program, said permit shall require such activity licensed or permitted there under to be completed within (3) years from the date of issuance unless specifically granted a longer period by the Council. Extensions may be granted for good cause demonstrated by the applicant. Additionally, in determining whether to grant an extension, the council will consider whether there has been a substantial change in the environmental conditions on the site, whether the CRMP has been amended such that the activity would now require variances or special exceptions, or additional variances or special exceptions, and whether the applicant has made a good faith effort to undertake construction of the permitted activity. In the event an applicant or his agents cannot complete said activity within the three (3) year permitted time, unless specifically granted a longer period of time by the Council, the permit shall expire unless the applicant files a timely petition with the Council for a permit extension. The applicant may, prior to the expiration of said time, petition the Council in writing for an extension. Extensions may be granted for projects only if it has been determined by staff that the work accomplished is in compliance with the conditions of approval established by the Council.

The Executive Director in his discretion for cause shown may administratively grant an extension for a period of time up to one (1) year from the expiration date of the permit. The Executive Director may grant a maximum of three (3) one (1) year extensions. A fourth and final one (1) year extension may be granted only by the Council and only for a period of time up to one (1) year. However, for projects associated with public infrastructure, the Council may grant extensions for more than one (1) year.

Large Scale Projects are commercial projects which due to their size, complexity and scope have construction schedules which, at reasonable rates of build-out, exceed seven (7) years. The applicant may, prior to the expiration of a permit, petition the Council in writing for an extension. The Council may grant an extension that exceeds the permitted assent completion date upon demonstration of a good faith effort to meet construction timelines. The granting of an extension by the Council shall be the minimum necessary to complete the project, but shall not exceed 10 years. In granting this extension the Council may place additional conditions on the previous permit that may be necessary to bring remaining elements of the project in conformance with current regulatory standards.

**RI Coastal Resources Management Program:
- Coastal Development Regulations/Aquidneck Island Special Area Management Plan**

Announced last year and presented at several public work shops on Aquidneck Island, the Rhode Island Coastal Resources Management Council (CRMC) is developing the Aquidneck Island Special Area Management Plan (SAMP) for the west side of the island in collaboration with the communities of Portsmouth, Middletown, and Newport, along with the Aquidneck Island Planning Commission, URI Coastal Resources Center/RI Sea Grant, Naval Station Newport and other partners. The SAMP planning boundary is identical to the West Side Master Plan (Master Plan) boundary. The CRMC, however, will require permits only for projects located along the shoreline within its jurisdiction (i.e., within tidal waters, on a coastal shoreline feature or within 200-feet of a coastal shoreline feature) and any freshwater wetlands in the vicinity of the coast.

The proposed Coastal Development Regulations herein provide an option for development projects located within the Redevelopment Zones in the identified areas to select between the standard setback and buffer requirements of the Coastal Resources Management Program (CRMP) or installing and maintaining a coastal greenway along the project shoreline. The proposed Redevelopment Zones are shown in Figure 2 of the proposed coastal development regulations. The SAMP will also identify Areas of Particular Concern that will be comprised of significant, ecologically important habitat areas or those areas that provide publicly-owned access, open space, and recreation areas. Habitat identification and mapping is underway and will be amended to the Coastal Development Regulations at a later date. The Aquidneck Island SAMP and the Coastal Development Regulations will seek a balance between desirable coastal development and protection of significant ecologically sensitive areas and public recreational and open spaces.

A coastal greenway is essentially a replacement for a coastal buffer normally required for projects in other shoreline areas of the SAMP or state. And unlike a standard coastal buffer, a coastal greenway provides a public access pathway along the shoreline. The benefit to developers in choosing this option is that the coastal greenway allows most development projects to be located closer to the shoreline, while the public benefits by gaining access to and along the project shoreline. The developer must also convey a conservation easement for the coastal greenway to the CRMC to ensure continued public access. While the project owners still retains ownership of the land on which the coastal greenway is located, they are responsible for maintaining and preserving the coastal greenway for the public's use and benefit. Overall, implementation of the Aquidneck Island Coastal Development Regulations will help CRMC meet its legislative mandate to "preserve, protect, develop and where possible restore coastal resources for this and succeeding generations" (See R.I.G.L. § 46-23-1).

Please see www.crmc.ri.gov/regulations for the complete proposed Aquidneck Island SAMP Coastal Development Regulations.

Purpose: to provide a permitting option that clarifies and streamlines the regulatory process for coastal development projects within a planned special area management plan for Aquidneck Island, and to create greater flexibility in meeting the state and federal requirements of the Coastal Resources Management Program. The Coastal Development Regulations therefore establish specific standards regarding overall vegetation of the site, management of stormwater runoff, and public access along and to the shoreline within the planning boundary.

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 March 10, 2009. 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, Administrative Building, One Capitol Hill, Providence, RI, on Tuesday, March 24, 2009, 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.

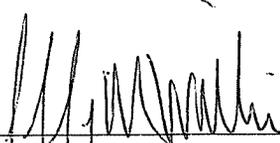
Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

NOTICE

These changes are considered to be routine program changes to the federally approved Coastal Resources Management Program of Rhode Island. The CRMC will be requesting that the federal Office of Ocean and Coastal Resources Management concur with this determination when it seeks inclusion of such in the federally approved program. Persons who disagree that these are routine modifications to the federally approved program may submit such written comments within three weeks of the date of the issuance of this notice to:

Allison Castellan
Coastal Management Specialist
NOAA/NOS/OCRM
Coastal Programs Division
1305 East-West Highway, SSMC4
Silver Spring, MD 20910

Signed this 6th day of February, 2009.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council