

**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 May 15, 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 June 23, 2009.

However, the proposed revisions to the Rhode Island Coastal Resources Management Program's **Redbook** Section 300.3.E.1(d) - Residential, Commercial, Industrial, and Recreational Structures; **Guidelines For The Development Of Municipal Harbor Management Plans** Section III.B.3(m); and, the **Salt Pond's Region Special Area Management Plan** Section 920.1.A.2(d), all as contained and detailed in said notice have been re-scheduled.

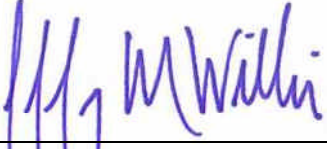
**A public hearing has been scheduled for these proposed changes to be held in Conference Room A, Administrative Building, One Capitol Hill, Providence, RI, on Monday, July 13, 2009, at 6:00 p.m.**

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](http://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 19th day of June, 2009.

  
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Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

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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 changes are proposed to the RI Coastal Resources Management Program**

**1. REDBOOK**

**Section 300.3 - Residential, Commercial, Industrial, and Recreational Structures**

**Revise** Section 300.3.E.1(d) – Standards, as follows:

(d) All commercial and industrial structures and operations in tidal waters shall have a defined structural perimeter for in-water facilities, which shall describe and limit that area in which repair or alteration activities may take place. Structural perimeters shall be defined on the basis of in-water facilities in place as of September 30, 1971, or subsequently assented structures. All new or modified structural perimeter limit lines shall be a maximum of ten (10) feet outside of the structures. The structural perimeter limit (SPL) shall be designated on all plans with the corners designated by their State Plane Coordinates. However, in all cases the SPL shall be setback at least fifty (50) feet from approved mooring fields. In addition the SPL shall be setback at least three times the authorized project depth from federal navigation projects (e.g. navigation channels and anchorage areas).

The purpose of this proposed change is to detail the setback distance of structural perimeter limits to mooring fields and federal navigation projects.

**2. GUIDELINES FOR THE DEVELOPMENT OF MUNICIPAL HARBOR MANAGEMENT PLANS**

**Section III - Required Elements of a Harbor Management Plan**

**Add New** Section III.B.3(m) – Requirements, as follows:

(m). Develop a mooring allocation policy that limits the transfer of a private mooring permit to an immediate family member (brother, sister, mother, father, spouse, children or grandchildren) to a one time basis and prohibits the mooring permit transferee from subsequently transferring that private mooring permit under any circumstance. All private mooring permits that are forfeited by or not renewed by the transferee shall be made available to individuals on the waiting list.

The purpose of this proposed change is to develop a mooring allocation policy that limits the transfer of private mooring permits to immediate family members

**3. SALT POND SPECIAL AREA MANAGEMENT PLAN**

**Revise** Section 920.1.A.2(d) as follows:

(d) Nitrogen reducing technologies as defined in Section 920.1.A.1.e are required for any lands subdivided after April 12, 1999 that do not meet the CRMC density requirement (80,000 square feet) for activities within 200' of a coastal feature and all watershed activities as defined in Section 900.B.3 and 900.B.4. Relief from this regulation requires a Special Exception as defined in Section 130 of the RICRMP, unless the lands were subdivided prior to April 12, 1999 and cannot accommodate the requirement or the DEM has determined through appropriate analysis that site groundwater does not flow towards the salt ponds. A nitrogen reducing technology cannot be used as mitigation to increase dwelling densities on parcels which can support the density requirement.

**Revise** Section 920.1.B.2(d) as follows:

(d) Nitrogen reducing technologies as defined in Section 920.1.A.1.e are required for any lands subdivided after April 12, 1999 that do not meet the CRMC density requirement for Lands of Critical Concern (120,000 square feet) for activities within 200' of a coastal feature and all watershed activities as defined in Section 900.B.3 and 900.B.4. Relief from this regulation requires a Special Exception as defined in Section 130 of the RICRMP, unless the lands were subdivided prior to April 12, 1999 and cannot accommodate the requirement or the DEM has determined through appropriate analysis that site groundwater does not flow towards the salt ponds. A nitrogen reducing technology cannot be used as mitigation to increase dwelling densities on parcels which can support the density requirement.

**Revise** Section 920.1.C.2(a) as follows:

(a) Nitrogen reducing technologies as defined in Section 920.1.C.1.e are required for all new installations or replacement of existing ISDS for activities within 200' of a coastal feature and all watershed activities as defined in Section 900.B.3 and 900.B.4 in Lands Developed Beyond Carrying Capacity. Relief from this regulation requires a Special Exception as defined in Section 130 of the RICRMP, unless the lands were subdivided prior to April 12, 1999 and cannot accommodate the requirement or the DEM has determined through appropriate analysis that site groundwater does not flow towards the salt ponds.

The purpose of this proposed change is to remove the special exception requirement for nitrogen reducing technologies when an approved DEM analysis has been performed that shows site groundwater does not flow towards a salt pond.

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 June 17, 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, Administration Building, One Capitol Hill, Providence, RI, on Tuesday, June 23, 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](http://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.

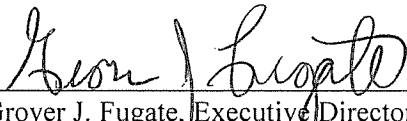
Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

**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 15th day of May, 2009.

  
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Grover J. Fugate, Executive Director  
Coastal Resources Management Council

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