



Memorandum

To: Anne Maxwell Livingston, CRMC Chair and Council members

From: Grover Fugate, CRMC Executive Director

Date: July 11, 2013

Re: Proposed program amendments – Experimental Coastal Erosion Control

The CRMC issued public notice dated May 2, 2013 for proposed program amendments to add a new Section 980 Experimental Coastal Erosion Control to the Salt Pond Region Special Area Management Plan. A public hearing was held on June 25 at which time the Council continued the matter to a subsequent hearing now scheduled for July 17. On July 9 CRMC staff member James Boyd and I met with South Kingstown municipal staff, Stephen Alfred (Town Manager), Vincent Murray (Town Planner) and Jon Shock (Public Works Director) at the Town Hall to discuss in detail the Town's June 13 comments on the proposed program amendments that were previously filed with the CRMC. The Town's June 13 comments requested modification of five elements of the proposed amendments.

Based on the July 9 meeting, the Town and CRMC staff have agreed on the points below. It is likely, however, that some of these may result in substantive changes to the program amendments that were originally advertized. Therefore, should the Council concur, I recommend that in an abundance of caution that the proposed program changes with modifications based upon the CRMC and Town staff meeting be re-advertized for a new 30-day public notice and comment period. The proposed changes are appended to this memorandum.

The following is a synopsis of the five points of agreement between CRMC and Town staff in regard to the Town of South Kingstown's June 13 comments.

1. The Town wanted to include the two South Kingstown Town Beach parcels (92-2:39 and 92-2:43) as eligible parcels for the use of experimental erosion control measures under the proposed rules. Staff have agreed to include the eastern-most parcel (92-2:43) that abuts the existing revetment on the Matunuck Beach Trailer Association parcel (92-2:46). This would require a change to the map in Figure 9-10, the Eligible Parcel list in Table 9-2 and other pertinent sections within the proposed amendments.
2. The Town had requested that a technical appendix be included to inform property owners of experimental methods or systems that may be used. CRMC staff have prepared a draft companion guidance document to assist applicants. It is still undergoing internal review, but will be shared with interested parties before it is finalized by CRMC staff for public use. It will be a guidance document and not adopted as part of the proposed rules.
3. The Town's comments suggested that the proposed rules would not allow hybrid systems, i.e., the use of hard measures (e.g., stone rip-rap) in combination with the soft measures anticipated in the proposed rules. We expect that most experimental measures will be constructed with man-made materials (e.g., geo-textile fabric) that may be filled with sand, bank-run gravel or cobble, not unlike that already found along some sections of south shore beaches. Accordingly, the Town and CRMC staff agree that the proposed rules do

in fact allow for hybrid measures as described. I do not agree to nor recommend the use of stone rip-rap, concrete, or other such hard measures. We recommend adding some additional language to clarify this point in the proposed guidance document.

4. The Town would like to include a town resident on the Technical Review Panel (TRP) to add local knowledge of the affected areas. CRMC and Town staff agree that an ex-officio, non-voting town resident member could be included on the TRP to aid in the discussions. We propose adding one such member for both the Towns of South Kingstown and Westerly with each of the two town residents selected by their respective Town Councils.
5. The Town suggested that the requirement for removal of unauthorized structures be deleted within the proposed rules. I made clear to the Town staff that the proposed rules require concurrent removal of existing illegal structures during the installation of CRMC-approved experimental measures. Enforcement will proceed independently of the experimental rules for properties that have illegal structures and do not take advantage of the experimental rules following approval and adoption by the Council. I recommend adding some additional text in the proposed rules to further clarify the enforcement issue, notification, and process for order of removal before the full Council.

CRMC Staff proposed changes to the pending Experimental Coastal Erosion Control Rules, Salt Pond SAMP Section 980

Modify the May 3, 2013 public notice as follows. Proposed changes (new language) are underlined blue text, deleted text is struck through ~~red~~ text:

C.7. The Council may permit experimental coastal erosion control techniques along Matunuck Beach Road between and inclusive of parcels 92-2:46 to 92-3:9. These parcels constitute a portion of the Matunuck Headland west of the cobble terrace noted above in Finding 4. See Figure 9-10. At the request of the Town of South Kingstown, parcel 92-2:43 containing the Town Beach facility has been included as an eligible parcel for use of experimental coastal erosion control.

F.1. The Council may only permit experimental coastal erosion control systems on the Misquamicut Headland along Atlantic Avenue between and inclusive of parcels 165-282 to 165-286 and 175-1A to 175-16 and 176-17 to 176-31, and on the Matunuck Headland along Matunuck Beach Road between and inclusive of parcels 92-2:46 to 92-3:9, including parcel 92-2:43, only after review by the CRMC and after the applicant demonstrates the following conditions are met:

F.2. A Technical Review Panel (TRP) consisting of, but not limited to the following: the CRMC Executive Director; the CRMC Coastal Geologist; a CRMC Engineer, a CRMC Environmental Scientist; a URI Ocean Engineering professor, a University Coastal Geologist, and a municipal official appointed by their respective Town Councils of South Kingstown and Westerly. Additionally, a town resident from South Kingstown and Westerly appointed by their respective Town Councils may be included on the TRP as an ex-officio, non-voting member The TRP will evaluate each experimental coastal erosion control method or technique as part of the CRMC Preliminary Determination review process and make recommendations as to whether such systems should be considered for use and permitted by the CRMC. The TRP may also make recommendations as to technology-specific permit conditions where warranted.

F.4. Applicants seeking CRMC approval for experimental erosion control techniques in the designated areas must submit the following documentation along with their applications:

- (a) Proof of ownership in the form of a current certified copy of the deed of the subject property or a letter from the local tax assessor certifying ownership;
- (b) A current list of the abutting property owners, ~~whose property lies within two hundred feet (200') of the proposed site~~ (This list must contain the current mailing address of each abutting property owner and must be accompanied by a radius map drawn to scale of not less than one inch to one hundred feet (1"=100') showing the properties, lot numbers, and corresponding owners of abutting property ~~within two hundred (200') feet of~~ the proposed experimental erosion control site);
- (c) A description of the experimental erosion control technique including materials (sand, cobble, gravel, etc.) to be used as fill and the source of those materials, and the method of installation and project site access for construction equipment and vehicles; ~~an impact avoidance and minimization statement~~;

(d) An impact avoidance and minimization statement – essentially detailing what installation methods will be used and their timing to avoid and minimize impacts to the beach and public access along the beach.

(~~d~~e) For experimental erosion control installation **landward of mean high water (MHW) line** a site plan prepared by a Rhode Island-licensed land surveyor or professional engineer shall be submitted showing beach profile locations that are perpendicular to the shoreline and located along the property boundaries and every twenty-five feet within the property bounds. Beach profiles shall be marked with a physical datum point on the landward end of each profile. The top of each datum shall be surveyed and referenced to NAVD88. Profiles should extend seaward to MLLW, where possible. Datum should be placed deep enough so as to not erode and high enough so as not to be buried by storm overwash.

(~~e~~f) For experimental erosion control installation on public lands **seaward of mean high water (MHW) line** a site plan prepared by a Rhode Island-licensed land surveyor or professional engineer shall be submitted showing beach profile locations that are perpendicular to the shoreline and located along the property boundaries and every twenty-five feet within the property bounds. Beach profiles shall be marked with a physical datum point on the landward end of each profile. The top of each datum shall be surveyed and referenced to NAVD88. Profiles should extend seaward to MLLW, where possible. Datum should be placed deep enough so as to not erode and high enough so as not to be buried by storm overwash.

F.13. Upon determining that an experimental coastal erosion control system has failed, the CRMC will issue an Assent revocation notice to the Permittee and the Council will hold a public hearing on the matter and provide the Permittee and other parties an opportunity to present evidence. The CRMC will order the Permittee to remove, and in some cases immediately remove depending on severity of impact, of any failed experimental erosion control system as defined above, based upon the testimony and evidence presented at the public hearing. The CRMC may utilize the Performance Bond or Escrow account to pay for the removal of structures and restoration of the beach in the event that the Permittee fails to do so as ordered by the Council.

Figure 9-10 - Matunuck Headland Area depicting shoreline parcels eligible for experimental coastal erosion control
 (Replace Figure 9-10 with modified map below to include Town Beach parcel 92-2:43)



Table 9-2 Eligible Parcels (add SK Town Beach parcel to list)

Experimental Coastal Erosion Control - Eligible Parcels

Westerly - Misquamicut		South Kingstown - Matunuck	
Parcel ID	Address	Parcel ID	Address
165-282	149 Atlantic Avenue	92-2:46	811 Matunuck Beach Road
165-283	145 Atlantic Avenue	92-2:47	855 Matunuck Beach Road
165-285	141 Atlantic Avenue	92-3:1	883 Matunuck Beach Road
165-286	139 Atlantic Avenue	92-3:2	895A & B Matunuck Beach Road
176-17	137 Atlantic Avenue	92-3:3	907A & B Matunuck Beach Road
176-18	133 Atlantic Avenue	92-3:4	911A & B Matunuck Beach Road
176-19	129 Atlantic Avenue	92-3:5	915 Matunuck Beach Road
176-20	127 Atlantic Avenue	92-3:6	919 Matunuck Beach Road
176-21	121 Atlantic Avenue	92-3:7	921A & B Matunuck Beach Road
176-22	119 Atlantic Avenue	92-3:8	929 Matunuck Beach Road
176-23	117 Atlantic Avenue	92-3:9	933 Matunuck Beach Road
176-24	115 Atlantic Avenue	92-2:43	719 Matunuck Beach Road
176-25	111 Atlantic Avenue		
176-26	111 Atlantic Avenue		
176-27	109 Atlantic Avenue		
176-28	103 Atlantic Avenue		
176-29	89 Atlantic Avenue		
176-30	85 Atlantic Avenue		
176-31	83 Atlantic Avenue		
175-1A	75 Atlantic Avenue		
175-1	69 Atlantic Avenue		
175-2	65 Atlantic Avenue		
175-2A	57 Atlantic Avenue		
175-4	55 Atlantic Avenue		
175-5	53 1/2 Atlantic Avenue		
175-6	53 Atlantic Avenue		
175-7	51 Atlantic Avenue		
175-8	48 Atlantic Avenue		
175-9	49 Atlantic Avenue		
175-10	47 Atlantic Avenue		
175-11	45 Atlantic Avenue		
175-12B	45 Atlantic Avenue		
175-12	41 Atlantic Avenue		
175-12A	Atlantic Ave. Right-of-Way		
175-13	37 Atlantic Avenue		
175-14	35 Atlantic Avenue		
175-15	33 Atlantic Avenue		
175-16	31 Atlantic Avenue		