



Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
401-783-3370

**PUBLIC NOTICE for PROPOSED RULE-MAKING and
PUBLIC HEARING**

**Proposed Amendments to the Coastal Resources Management Program
Management Procedures – Section 4.3 Schedule of Fees**

Pursuant to Chapter 46-23 of the State of Rhode Island General Laws, as amended, the Coastal Resources Management Council proposes to amend and take public comment on the following sections only of the Coastal Resources Management Program (CRMP): **Management Procedures - Section 4.3 Schedule of Fees**. Comments will not be taken on any other section of the Coastal Resources Management Program during this notice period. In accordance with the procedures of the RI Administrative Procedures Act (R.I.G.L. § 42-35-3) and the Rules and Regulations of the Coastal Resources Management Council, notice is hereby given of the intent of the Coastal Resources Management Council to hold a public hearing, accept public comment, and afford interested persons reasonable opportunity to submit data, views or arguments orally or in writing during the 30-day comment period and the public hearing.

The **public hearing** will be held at **6:00 p.m. on October 27, 2015 in Conference Room A at the Department of Administration, One Capitol Hill, Providence, RI**. The room is accessible to the disabled and persons requesting interpreter services for the hearing impaired must notify the Council office at 401-783-3370 or RI 711 at least three (3) business days in advance of the hearing date so that such assistance can be provided at no cost to the person requesting.

Summary of Proposed Amendment to Management Procedures – Section 4.3:

The purpose of the proposed regulation change to Section 4.3 Schedule of Fees of the CRMC Management Procedures is to provide a fixed application filing fee of \$1000 for Section 320 Waiver Requests. The proposed rule change would significantly reduce the filing fee for such waiver requests and be consistent with the existing commercial and industrial Preliminary Determination application filing fee of \$1000, as established in subsection 4.3.1(b). Otherwise under current rules applicants for Section 320 Waiver Requests are required to pay a more expensive application filing fee as established in Subsection 4.3.2(e) that is based on the estimated project cost.

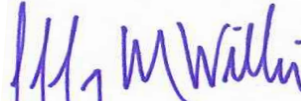
The Council has complied with the requirements of R.I. General Laws §§ 42-35.1-3 and 42-35.1-4 and has filed copies of the proposed regulations with the Governors Office and the Office of Regulatory Reform of the Department of Administration's Office of Management and Budget. The Council has determined that the proposed regulations do not overlap or duplicate any other state regulation and will not have any adverse effect on small businesses.

The proposed regulations are available on the CRMC website – www.crmc.ri.gov. Additionally, the proposed regulations can be reviewed in person at the Coastal Resources Management Council offices located at the Oliver Stedman Government Center, 4808 Tower Hill

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

All interested persons are invited to submit written comments on the proposed amendments to Section 4.3 of the CRMC Management Procedures by October 19, 2015 to provide advance notice to the Council prior to the public hearing. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

Signed this 14th day of **September**, 2015



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

Proposed Amendments

RI Coastal Resources Management Program – Management Procedures

Revise existing Section 4.3 Schedule of Fees as follows:

Unaltered text is existing text in Section 4.3, while new text is underlined and deleted text is ~~strikethrough~~.

4.3 Schedule of Fees

***Special Note:** All fees are filing fees and are non-refundable. Fees paid on Determination Request fees may be applied against the filing fee of other applications for Council Assent only when such application is filed within one (1) year of the Council's Determination Request report.

4.3.1. Determination Request:

- (a) Those involving projects of the individual residential homeowner/potential homeowner: **\$150.00.**
- (b) All other projects (development of subdivisions, condominiums, commercial, industrial, waterfront business, etc.): **\$1000.00.**
- (c) Jurisdictional determinations: **\$100.00.**
- (d) Jurisdictional Determinations for Individual Lot Development of Residential Properties Adjacent to New Sewer Lines that no longer require an ISDS for Development: **\$25.00.**
- (e) Coastal Feature Verification: **\$300.00**

4.3.2. Applications for Council Assent:

***Special Note:** All fees are summative. In addition, all fees are filing fees and are non-refundable.

- (a) New Residential Boating Facility (pier/dock): **\$1,500.00.**

- (b) Modification of under 50% of size (area) of a current assented residential boating facility: **\$250.00.**
- (c) Residential development projects (condominiums, subdivisions, paper subdivisions, etc.): **\$3500.00** for the first six (6) units/lots and **\$400.00** for each additional unit/lot, plus one-half of one percent of estimated project cost (see below) of the infrastructure (roads, drainage, etc.) of the project.

NOTE: For the purposes of this determination a paper subdivision is a subdivision of a parcel of land which involves no application for construction (roads, utilities, dwellings, etc., except residential development projects, see above.)

- (d) All units and/or lots that are part of a Council-approved subdivision application and are within CRMC jurisdiction and are submitted to the Council for Assent in accordance with all conditions and stipulations of the approved subdivision application: **fee shall be equal to half of the single family residential home application fee.**
- (e) All others ~~projects including Section 320 Reviews~~ (not identified ~~above~~ herein):
 - (1) Projects with an Estimated Project Cost (EPC) up to and including \$1000.00 shall be assessed a **\$50.00** application fee.
 - (2) Projects with an EPC greater than \$1000.00 and less than or equal to \$2500.00 will be assessed a **\$100.00** application fee.
 - (3) Projects with an EPC greater than \$2500.00 and less than or equal to \$5000.00 will be assessed a **\$150.00** application fee.
 - (4) Projects with EPC greater than \$5,000.00 and less than or equal to \$10,000.00 will be assessed a **\$200.00** application fee.
 - (5) Projects with EPC greater than \$10,000.00 and less than or equal to \$25,000.00 will be assessed a **\$250.00** application fee.
 - (6) Projects with EPC greater than \$25,000.00 and less than or equal to \$50,000.00 will be assessed a **\$500.00** application fee.
 - (7) Projects with EPC greater than \$50,000.00 and less than or equal to \$100,000.00 will be assessed a **\$750.00** application fee.
 - (8) Projects with EPC greater than \$100,000.00 and less than or equal to \$150,000.00 will be assessed a **\$1,000.00** application fee.
 - (9) Projects with EPC greater than \$150,000.00 and less than or equal to \$200,000.00 will be assessed a **\$1,250.00** application fee.
 - (10) Projects with EPC greater than \$200,000.00 and less than or equal to \$250,000.00 will be assessed a **\$1,500.00** application fee.
 - (11) Projects with EPC greater than \$250,000.00 and less than or equal to \$300,000.00 will be assessed a **\$1,750.00** application fee.
 - (12) Projects with EPC greater than \$300,000.00 and less than or equal to \$350,000.00 will be assessed a **\$2,000.00** application fee.
 - (13) Projects with EPC greater than \$350,000.00 and less than or equal to \$400,000.00 will be assessed a **\$2,250.00** application fee.
 - (14) Projects with EPC greater than \$400,000.00 and less than or equal to \$450,000.00 will

assessed a **\$2,500.00** application fee.

- (15) Projects with EPC greater than \$450,000.00 and less than or equal to \$500,000.00 will be assessed a **\$2,750.00** application fee.
- (16) Projects with an EPC greater than \$500,000.00 and less than or equal to \$20,000,000.00 will be assessed an application fee of **\$2,750.00** plus one-half of one percent of the EPC beyond \$500,000.00, to a maximum fee of **\$100,250.00**.
- (17) Projects with an EPC greater than \$20,000,000.00 will be assessed an application fee of **\$100,250.00** plus one-fourth of one percent of the EPC beyond \$20,000,000.00.

***Note:** Determination of the EPC shall be based, where applicable, on the EPC accepted by the building official subject to acceptance by the CRMC. The EPC shall include all costs associated with site preparation (*e.g.*, earthwork, landscaping, etc.), sewage treatment and disposal (*e.g.*, cost of an ISDS, sewer extension, sewer tie-in, etc.), and construction costs (*e.g.*, materials, labor, installation of all items necessary to obtain a certification of occupancy, etc.). For projects where the determination is not available, the EPC shall be provided by the applicant subject to its acceptance by CRMC after review of the application. For an individual homeowner project (IHP), this can be estimated based on the best information available concerning the construction costs. Applicants for all other types of projects shall provide documentation showing the basis on which the EPC was determined. Where additional specificity in the documentation is deemed necessary by CRMC staff, a written estimate by a qualified appraiser, engineer, or architect will be supplied by the applicant.

(f) Maintenance fees shall be assessed as follows:

- (1) Projects with an EPC up to \$500.00 will be assessed a **\$20.00** application fee;
- (2) Projects with EPC greater than \$500.00 and less than or equal to \$1,000.00 will be assessed a **\$35.00** application fee;
- (3) Projects with an EPC greater than \$1,000.00 and less than or equal to \$5,000.00 will be assessed an application fee of **\$50.00**.
- (4) Projects with EPC greater than \$5,000.00 and less than or equal to \$10,000.00 will be assessed a **\$100.00** application fee.
- (5) Projects with an EPC greater than \$10,000.00 and less than or equal to \$20,000,000.00 will be assessed an application fee of **\$100.00** plus one-half of one percent of the EPC beyond \$10,000.00, to a maximum fee of **\$100,050.00**
- (6) Projects with an EPC greater than \$20,000,000.00 will be assessed an application fee of **\$100,050.00** plus one-fourth of one percent of the EPC beyond \$20,000,000.00.

(g) Assent Renewal or Extensions:

- (1) Single Family Residence: **\$75.00**.
- (2) All Others: **\$250.00**.

(h) Request for Modification of Assent shall be assessed the following application fees:

- (1) Single Family Residence where no Public Hearing is necessary: **\$100.00**.
- (2) All others shall be charged the appropriate application fee or **\$250.00** whichever is greater.
- (3) CRMC permitted aquaculture operation: **\$100.00**.

- (i) Declaratory Rulings: **\$1,000.00.**
- (j) Beach Vehicle Permits: Annual, in state vehicle registration: **\$100.00.**
Annual, out of state vehicle registration: **\$200.00**
3-day pass, in state vehicle registration: **\$15.00**
3-day pass, out of state vehicle registration: **\$50.00**
- (k) Lightering fee: **\$250.00 each transfer**
- (l) Buffer Zone Alterations and/or Management Plans shall be assessed the following application fees:
 - (1) An application fee of **\$50.00** shall be charged when the buffer zone alteration and/or management plan covers less than or equal to one-half an acre.
 - (2) An application fee of **\$100.00** shall be charged when the buffer zone alteration and/or management plan covers an area greater than one-half an acre but less than or equal to 1 acre.
 - (3) An application fee of **\$250.00** shall be charged when the buffer zone alteration and/or management plan covers an area greater than 1 acre but less than or equal to 5 acres.
 - (4) An application fee of **\$500.00** shall be charged when the buffer zone alteration and/or management plan covers an area greater than 5 acres.
- (m) Structural Shoreline Protection Facilities shall be charged an application fee as follows:
 - (1) New structural shoreline protection facilities shall be charged an application fee of **\$1,500.00** for the first 100 linear feet and **\$15** per linear foot thereafter.
 - (2) Maintenance to structural shoreline protection facilities shall be charged an application fee in accordance with (g) above.
- (n) Onsite Wastewater Treatment Systems (OWTS) shall be charged the following application fees:
 - (1) OWTS repairs:
 - (i) Single family homes shall pay a **\$80.00** application fee.
 - (ii) All other OWTS repair activities shall pay a **\$105.00** application fee.
- (o) If a project requires outside consultant staff or extraordinary professional assistance, the CRMC may negotiate a special grant with the applicant to pay the same in accordance with RIGL 46-23-8.
- (p) (1) Aquaculture Renewal Fee: **\$75.00**
(2) Recreational Aquaculture Fee:
 - (i) Initial: **\$50**
 - (ii) Annual: **\$25**
- (q) Experimental Aquaculture, Each Site **\$25.00**
- (r) (1) The Executive Director, in his discretion and with the concurrence of the Chairman, may

reduce an application fee for commercial, industrial and mixed use projects within the urban core or growth center coastal communities of Providence, East Providence, Pawtucket, and Newport* or for projects that meet the requirements of RIGL § 42-64-7 et seq. (Mill Building and Economic Revitalization Act), where such application is eligible for an administrative assent and meet all applicable programmatic goals, policies, and standards. The reduced fee shall be no less than the estimated processing time of Council staff of a rate per hour set by the planning and procedures subcommittee (as of May 2006: \$500 per hour). The minimum application fee shall be \$5,000.

(2) Projects that are determined to be brownfield sites under applicable DEM rules and regulations shall be assessed an application fee of \$5,000.

*These communities are defined as either Urban Core as within the RIPEC report *Strengthening Cities: A Report of the Urban Strategy Project (January 1998)* or as identified as a Growth Center by the state's *Growth Planning Council*.

(s) Application fees for projects which have applied for and been accepted by the Army Corps of Engineers as non-federal dredging applicants in conjunction with the scheduled 2002 begin date of the federal maintenance dredging of the Providence River and Harbor, are hereby waived. This waiver is only available during the time that the federal Providence River and Harbor Maintenance Dredging project is operational. Upon completion of this federal navigation project, this provision will become null and void. The Executive Director shall report to the Council when this provision becomes null and void.

(t) CAD Cell Disposal Fee:	Marinas, Boatyards, Yacht Clubs:	\$11.65 cy
	Commercial Facilities:	\$17.00 cy
	Residential Docks:	\$25.00 cy

(u) Section 320 Waiver Requests: \$1000

Section 320 projects which are determined to require a Council Assent shall pay an application fee in accordance with subsection (e) above.