



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**Office for Coastal Management**  
Silver Spring Metro Center, Building 4  
1305 East-West Highway  
Silver Spring, Maryland 20910

July 26, 2022

Jeffery Willis, Executive Director  
Rhode Island Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Dear Mr. Willis,

Thank you for the June 13, 2022, request for approval of changes to the Rhode Island Coastal Management Program to incorporate the new Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-9) (Part 9) replacing the previously approved freshwater wetland regulations (650-RICR-20-00-2) in their entirety. (RI-2022-1).

Pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H,<sup>1</sup> NOAA's Office for Coastal Management approves the request subject to the qualifications below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.<sup>2</sup> The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.<sup>3</sup> Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

### **PUBLIC AND FEDERAL AGENCY COMMENTS**

The Office for Coastal Management did not receive any comments on this program change submission.

### **CHANGES APPROVED**

See the attached Table of Approved Changes to the Rhode Island Coastal Management Program.

<sup>1</sup> This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart. The Office for Coastal Management's decision due date was July 13, 2022, subject to extension. The Office for Coastal Management extended its review of this program change request to July 29, 2022.

<sup>2</sup> 15 CFR § 923.81(e)(5).

<sup>3</sup> 15 CFR § 923.81(f).

## **QUALIFICATIONS**

Part 9 contains various findings and purposes, jurisdictional criteria, standards, and process requirements. The bulk of Part 9 contains standards or interpretive provisions such as findings and definitions. The Coastal Resources Management Council has requested that Part 9 be approved as an enforceable policy in its entirety. As provided in the CZMA regulations at 15 CFR § 923.84(b)(2)(i), a state law or regulation that contains numerous standards, definitions, and information requirements may be considered enforceable in its entirety after consultation with NOAA. If NOAA determines that a law or regulation may be considered enforceable in its entirety, a state shall apply only the substantive standards within the statute or regulation as enforceable policies for CZMA Federal consistency reviews. Procedural requirements are not considered to be enforceable policies for CZMA review purposes.

Within Part 9, there are numerous instances of incorporation of other statutes, regulations, policies, standards, and guidance documents. As provided at 15 CFR § 923.84(b)(6), enforceable policies shall not incorporate by reference other state or local requirements that are not identified, described, and evaluated as part of the program change request. Any state or local requirement incorporated by reference shall not be applicable for Federal consistency review purposes unless separately approved by NOAA as an enforceable policy.

Thank you for your cooperation in this review. Please contact Allison Castellan at 202-596-5039, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, RI-2022-1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore, Chief  
Stewardship Division

Attachment: Table of Approved Changes RI-2022-1

## Table of Approved Changes: RI-2022-1

\*Please see the July 26, 2022, NOAA Office for Coastal Management decision letter regarding qualifications pertaining to this approval.

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
650-RICR-20-00-9	Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast	New	07/01/2022	Yes  * Except as noted in the decision letter.	Rhode Island General Laws §§ 2-1-18 through 2-1-28 and 46-23-6(2)(iii)(E)