

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver Stedman Government Center
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:

COASTAL RESOURCES MANAGEMENT PROGRAM

MANAGEMENT PROCEDURES

Section 4.3.2 – Schedule of Fees/Applications for Council Assent:

4.3.2.a. New Residential Boating Facility (pier/dock): ~~\$500~~ **\$1,500**

4.3.2.j. Beach Vehicle Permits:

- in state vehicle registration, annual: ~~\$50~~ **\$100**

- out of state vehicle registration, annual: ~~\$100~~ **\$200**

4.3.2.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 ~~\$750~~ **\$1,500** for the first 100 linear feet and ~~\$10~~ **\$15** per linear foot thereafter.

2. Maintenance to structural shoreline protection facilities shall be charged an application fee in accordance with ~~(g)~~ **(f)** above.

The purpose of these proposed revisions is to address fiscal year 2010 revenue requirements that adjust the fee schedule of the agency in these identified areas.

METRO BAY SPECIAL AREA MANAGEMENT PLAN

1. Page 7: Add notation to Figure 4 as shown below

2. Page 13: Amend Section 130.1(d) as follows

(d) At minimum, all applicants shall adhere to the Council’s requirements for setbacks and buffers as specified RICRMP Sections 140 and 150 and must meet the 15% minimum vegetative cover and 100% stormwater management requirements specified in UCG Section 150. An applicant, however, may select to use the Urban Coastal Greenway options, as specified herein.

3. Page 17; Add new first paragraph in Section 150.1 as follows

Applicants within the Metro Bay SAMP area have a choice of meeting the setback and buffer requirements of RICRMP Section 140 and 150 or providing an urban coastal greenway in accordance with the applicable zone designations of UCG Sections 160 through 190. Even if applicants choose to meet the RICRMP setback and buffer requirements for their project in lieu of an UCG option, they must still meet the vegetative cover and stormwater management requirements as specified in Sections 150.1 (a) and (b), below

4. Pages 31 and 32: Amend Section 180.4 as follows

180.4 Standards

The majority of parcels located within the Inner Harbor and River Zone are separated from the coastal feature by an existing public roadway or sidewalk system. In some portions of the IHR Zone, there are no public roadways or sidewalks along the river (e.g., the area west of Hemlock Street). Accordingly, project options will be determined by the proximity and existence of public roadways and sidewalks, as follows below. Applicants have the option of having projects reviewed under and adhering to the setback and buffer requirements set forth in RICRMP Sections 140 and 150 in lieu of the other UCG options below. Nevertheless, in such cases applicants must still comply with the 15% vegetative cover and 100% stormwater management standards in UCG Section 150.1. Projects located within the Capital Center District will be subject to Option C.

5. Page 35; Amend Section 190.3 as follows

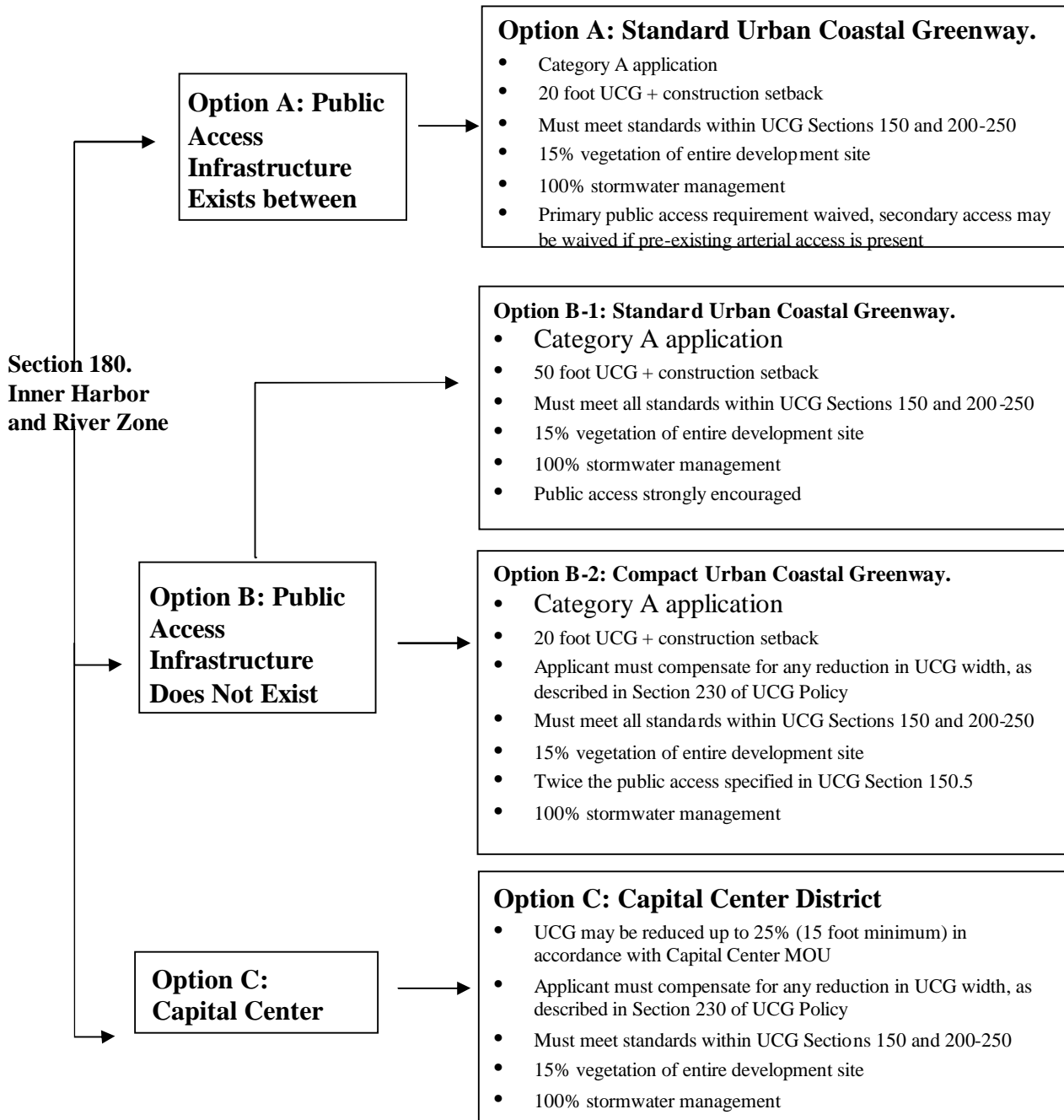
190.3 Standards

All development proposals within the Development Zone that completely meet the requirements under one of the options below (Options 1-4) will be processed as Category A applications in accordance with the RICRMP provided there are no substantive objections during the 15-day public notice period. Applicants have the option of having projects reviewed under and adhering to the setback and buffer requirements set forth in RICRMP Sections 140 and 150 in lieu of the other options offered below. Regardless of the option selected, however, applicants must still comply with the 15% vegetative cover and 100% stormwater management standards in UCG Section 150.1.

Figure 4. Decision Tree for Inner Harbor and River Zone.

INNER HARBOR AND RIVER ZONE REQUIREMENTS:

In those cases where an applicant chooses to meet the standard setback and buffer requirements of RICRMP Sections 140 and 150 rather than one of the UCG options below, applicants must still comply with the 15% vegetative cover and 100% stormwater management standards in UCG Section 150.1.



The purpose of these proposed amendments is to make clear that regardless of the permitting option selected by applicants within the Metro Bay SAMP area, all projects must comply with the 15% vegetative cover and 100% stormwater management standards in UCG Section 150.1.

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 **August 31, 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, September 22, 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.

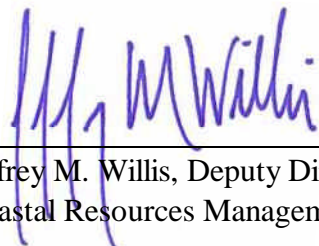
Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

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 29th day of July, 2009.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council