



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

**NOTICE OF RESCHEDULING OF TIME 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 Rules and Regulations of the Coastal Resources Management Council, gave notice signed and dated June 14, 2012 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 and specifically in regard to the development and adoption of proposed changes to the Coastal Resources Management Program Management Procedures Section 4.3 Schedule of Fees; Redbook Section 210.1.C Coastal Beaches/Policies; and, Redbook Section 210.2.C Barrier Islands and Spits/Policies.

This Notice is being published to advertise that the Public Hearing on these proposed changes have been scheduled for Tuesday, July 24, 2012 in the Department of Administration, Conference Room A, One Capitol Hill, Providence, RI at **4:00 p.m.**

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

Signed this 20<sup>th</sup> day of July, 2012.

---

Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/lat



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

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:

### **RI Coastal Resources Management Program - Management Procedures**

**Revise** Section 4.3 – Schedule of Fees; add new Section 4.3.10 as follows:

4.3.10. Transatlantic Cables: Consistent with RIGL 46-23 et. seq. and specifically 46-23-1(f)(2), the fee for transatlantic cables making landfall in Rhode Island shall be set at:

- (a) Forty thousand dollars (\$40,000) per annum per active cable; and,
- (b) Two thousand five hundred dollars (\$2,500) one time fee per inactive cable.

- (1) The annual fee for existing active cables shall be assessed by the CRMC immediately upon enactment and pro-rated to the calendar year. All such subsequently CRMC-approved active cables shall be assessed at the time of approval and pro-rated to the calendar year. Inactive cable fees are due in full upon enactment.
- (2) The annual fee shall be due on January 1 of each year.
- (3) The fee schedule shall be re-evaluated every five (5) years.
- (4) For purposes of this regulation a transatlantic cable is one that spans or crosses the Atlantic Ocean from Rhode Island to another country other than Canada or Mexico. It resides in, on or over Rhode Island's submerged lands within the state's three-mile limit.
- (5) As further defined herein, an active transatlantic cable is a cable functioning and operating for its intended purposes. An inactive transatlantic cable is a cable which is not active and intended by its record owner to be permanently inactive. Inactive does not include temporary periods of inactivity for maintenance, repairs, replacement or other similar purposes.
  - (a) The record owner of an active transatlantic cable that makes landfall in Rhode Island shall provide written notice to CRMC of the record owner's termination of activity of an active submerged transatlantic cable that makes landfall in Rhode Island. Such notice shall be provided to CRMC within 10 days of such termination. Once a cable is considered inactive, the one-time fee shall become applicable in the next calendar year; and,

- (b) The record owner of an inactive transatlantic cable that makes landfall in Rhode Island will provide written notice to CRMC of the record owner's reactivation of an inactive submerged transatlantic cable that makes landfall in Rhode Island. Such notice shall be provided to CRMC within 10 days of such reactivation.
- (c) If there is a change in ownership the record owner shall notify CRMC of the change in ownership and who the new record owner is within 30 days of the change.

*Purpose: To require an annual fee for active transatlantic cables making landfall in Rhode Island in accordance with R.I.G.L. § 46-23-1(f)(2).*

### **RI Coastal Resources Management Program - Redbook**

**Revise** Section 210.1.C Coastal Beaches/Policies; add new Section 210.1.C.4(b)(10) as follows :

4(b)(10) - Vehicles are prohibited from entering areas which have been closed through signage and/or roped-off for the protection of beach nesting bird species including Federally-protected Piping Plover and State listed Least Tern. Such closures may occur on a temporary basis from April through August and are established on an as-needed basis by the U.S. Fish and Wildlife Service based on nesting activity in the area. Information regarding such closures may be obtained by calling the US Fish and Wildlife Service at (401) 364-9124 or the CRMC at (401) 783-3370. Vehicles are also prohibited from entering areas closed though signage and/or roped-off to promote dune restoration, invasive species control and dune or beach revegetation efforts.

*Purpose: To add vehicular management requirements on coastal beaches in coordination with the U.S. Fish and Wildlife Service management and protection efforts for federally-protected beach nesting bird species, specifically Piping Plovers and Least Terns.*

**Revise** Section 210.2.C Barrier Islands and Spits/Policies; add new Sections 210.2.C.10 and 11 as follows:

10. All policies contained in RICRMP Section 210.1 Coastal Beaches regarding beach vehicle use on coastal beaches shall apply to beach vehicle use on barrier islands and spits.

11. The CRMC does not require annual beach vehicle permits on the barrier spits of Seapowet Marsh and Point Fishing Area and Fogland Beach; both in Tiverton. Both spits are composed primarily of beach cobble and are excluded from an annual beach vehicle permit requirement.

*Purpose: To cross-reference management policies for vehicular use on coastal barriers as provided in other sections of the coastal program and clarify where annual beach vehicle permits are required.*

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 **July 16, 2012**. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

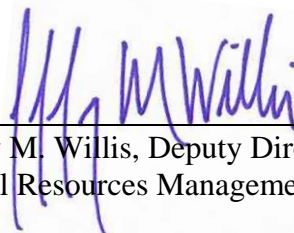
A public hearing has been scheduled for these proposed changes to be held at 6:00 p.m. in Conference Room A of the Administration Building, One Capitol Hill, Providence, RI on July 24, 2012.

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.

Signed this 14th day of June, 2012.



---

Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/JMW/lat