

**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:

**Greenwich Bay SAMP**

**Revise: 680.1A**

1. The CRMC will identify and grandfather existing ~~quahog facilities~~ commercial fishing docks in Greenwich Cove Bay that have been in existence since 2000. Grandfather permits will be issued to those facilities ~~as long as~~ provided at least 75% of the boats in the facility is are used by commercial fishermen. Commercial fishing boats are those vessels used by RI licensed fisherman and that have the requisite DEM commercial license decal affixed to the boats. Once the facility falls below the 75% commercial fishing boat occupancy level, ~~this the~~ CRMC permit will be ~~null and void~~ revoked. For purposes of this section, commercial fishing docks are those facilities that have been in existence since 2000 and in which the majority of vessels berthed there at are commercial fishing boats.

**Add New 680.1A.2:**

2. It is the CRMC policy to provide for the continued viability of the commercial shellfish and finfish industry within Greenwich Bay, and accordingly will authorize preexisting commercial fishing docks provided they meet the criteria here in and submit an application to the CRMC within one (1) year from the date of adoption of these regulations. Afterwards, enforcement action will proceed.

**Add New Section: 680.1B Standards**

1. Applicants for commercial fishing docks that meet the criteria in 680.1A.1 must submit an application to the CRMC to include a site plan prepared by a Rhode Island registered professional engineer or professional land surveyor. The site plan must delineate a marina perimeter limit (MPL) with state plane coordinates (NAD 83) at each corner of the MPL.

2. In addition to the site plan, the application must include the following information:

- (a) Proof of upland ownership and a lease agreement (if applicable) with land owner;
- (b) List of abutting property owners with mailing addresses;
- (c) Description of the facility including all in-water and upland structures on the lot; and
- (d) Total boat count at the facility including the number of commercial fishing boats.

3. CRMC approved commercial fishing docks may be subject to other state and federal permits. It is the applicant's responsibility to obtain any other applicable permits.

4. The percentage of commercial fishing boats at any authorized dock must remain at or above 75% of the total boat count at the dock, otherwise the CRMC Executive Director may revoke the assent. Commercial fishing boats are those vessels used by RI licensed fisherman and that have the requisite DEM commercial license decal affixed to the boats.

5. When a commercial fishing dock assent is revoked it must be removed. Alternatively, the landowner can submit an application within sixty (60) days of CRMC revocation notice and must meet all requirements pursuant to CRMP Section 300.4.

6. Commercial fishing docks subject to these grandfather provisions do not meet provisions of Section 300.4 and are, therefore, considered temporary structures. Accordingly, provisions for removal or securing these commercial docks shall be made when a hurricane is predicted to impact the area within 48 hours.

**Revise: 940.1A**

1. The CRMC will identify and grandfather existing ~~quahog facilities~~ commercial fishing docks in Greenwich Cove Bay that have been in existence since 2000. Grandfather permits will be issued to those facilities as long as provided at least 75% of the boats in the facility is are used by commercial fishermen. Commercial fishing boats are those vessels used by RI licensed fisherman and that have the requisite DEM commercial license decal affixed to the boats. Once the facility falls below the 75% commercial fishing boat occupancy level, this the CRMC permit will be null and void ~~revoked~~. For purposes of this section, commercial fishing docks are those facilities that have been in existence since 2000 and in which the majority of vessels berthed there at are commercial fishing boats.

**Add New 940.1A2**

2. It is the CRMC policy to provide for the continued viability of the commercial shellfish and finfish industry within Greenwich Bay, and accordingly will authorize preexisting commercial fishing docks provided they meet the criteria here in and submit an application to the CRMC within one (1) year from the date of adoption of these regulations. Afterwards, enforcement action will proceed.

**Add New Section: 940.1B Standards**

1. Applicants for commercial fishing docks that meet the criteria in 680.1A.1 must submit an application to the CRMC to include a site plan prepared by a Rhode Island registered professional engineer or professional land surveyor. The site plan must delineate a marina perimeter limit (MPL) with state plane coordinates (NAD 83) at each corner of the MPL.

2. In addition to the site plan, the application must include the following information:

- (e) Proof of upland ownership and a lease agreement (if applicable) with land owner;
- (f) List of abutting property owners with mailing addresses;
- (g) Description of the facility including all in-water and upland structures on the lot; and
- (h) Total boat count at the facility including the number of commercial fishing boats.

3. CRMC approved commercial fishing docks may be subject to other state and federal permits. It is the applicant's responsibility to obtain any other applicable permits.

4. The percentage of commercial fishing boats at any authorized dock must remain at or above 75% of the total boat count at the dock, otherwise the CRMC Executive Director may revoke the assent. Commercial fishing boats

are those vessels used by RI licensed fisherman and that have the requisite DEM commercial license decal affixed to the boats.

5. When a commercial fishing dock assent is revoked it must be removed. Alternatively, the landowner can submit an application within sixty (60) days of CRMC revocation notice and must meet all requirements pursuant to CRMP Section 300.4.

6. Commercial fishing docks subject to these grandfather provisions do not meet provisions of Section 300.4 and are, therefore, considered temporary structures. Accordingly, provisions for removal or securing these commercial docks shall be made when a hurricane is predicted to impact the area within 48 hours.

*The purpose of this proposed change is to clarify the policy on commercial fishing docks and provide regulatory criteria for permitting same.*

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 January 16, 2008. 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 the Boardroom, Narragansett Bay Commission, One Service Road, Providence, RI, on January 22, 2008, 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](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.

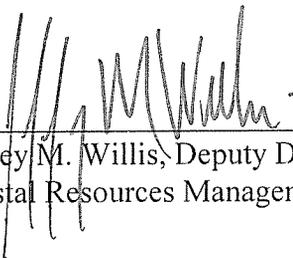
### **NOTICE**

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:

Betsy Nicholson  
NOAA Regional Coastal Program Specialist  
University of New Hampshire  
Gregg Hall, Suite 148  
35 Colovos Rd.  
Durham, NH 03824

Signed this 14<sup>th</sup> day of December, 2007.



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Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

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