

The following revisions were duly adopted by the CRMC at its May 11, 2004 meeting.  
Changes made at the meeting are noted in red.

**STATE OF RHODE ISLAND**  
**COASTAL RESOURCES MANAGEMENT COUNCIL**

Oliver Stedman Government Center  
4808 Tower Hill Road Suite 3, Wakefield, RI 02879

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:

**Management Procedures -- Section 4.3.2 Schedule of Fees**

**Revise Section 4.3.2(r) as follows:**

4.3.2(r): 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 GLRI 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 reduction of the reduced fee shall be no greater~~ less than the ***estimated processing time of Council staff of a rate per hour set by the planning and procedures subcommittee***. The minimum application fee shall be ~~\$2,500~~ 5,000.

\*These communities are defined as either Urban Core is defined 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*.

**Coastal Resources Management Program**

**Section 320: Inland Activities and Alterations That Are Subject To Council Permitting**

**Revise 320.B.3 as follows:**

3. Persons proposing subdivisions, co-operatives, and other multi-ownership facilities, [of six (6) units or more] or activities generating more than 40,000 square feet of impervious surface any portion of which extends onto a shoreline feature or its contiguous area, or within critical coastal areas, or those areas as identified in GLRI 45-23-27 are required to apply for a Council Assent.

Applicants proposing any of these activities shall satisfy all requirements specified in the RICRMP and any applicable special area management plan. Applicants shall also submit the following with their applications:

- a) A Stormwater Management Plan as required in Section 300.6 and as described in the most recent version of the Rhode Island Stormwater Design and Installation Manual.

- b) A soils map of the property (suggested scale 1:200) with an accompanying analysis of the best-use potential of the soils present; the soils maps and use potentials analysis prepared by the U.S. Soil Conservation Service should be used as the basis for this analysis.
- c) An overlay map showing the principal vegetation types or any significant features identified by the Natural Heritage Program of the Department of Environmental Management and the Historic Preservation Commission on the property; the maps prepared by McConnell (1974) and Kupa and Whitman (1972) may be the basis for information on vegetation.
- d) An overlay showing the proposed subdivision layout, including buildings, roadways, parking areas, drainage systems, sewage treatment and disposal facilities, and undisturbed lands.
- e) A Site Plan as detailed in the most recent version of the Rhode Island Stormwater Design and Installation Standards Manual.
- f) Prior to permitting, an archeological survey when recommended by the state Historical Preservation & Heritage Commission.

**Revise 320.D.2 as follows:**

- 2. Persons proposing subdivisions, co-operatives, and other multi-ownership facilities, of six (6) units or more, or facilities which use larger Individual Sewage Disposal Systems (as defined in the RIDEM regulations for Individual Sewage Disposal Systems) which are designed, installed, or operated as a single unit to treat more than 2,000 gallons per day or any combination of systems owned or controlled by a common owner and having a total design capacity of 2,000 gallons per day, or facilities requiring one acre or more of parking, any portion of which extends onto a shoreline feature or its contiguous area, or within the watershed of the poorly flushed estuaries delineated on the maps accompanying this program, are required to apply for a Council Assent. Applicants shall submit the following information to the Council for review in the early stages of planning such facilities:
  - a. A soils map of the property (suggested scale 1:200) with an accompanying analysis of the best-use potential of the soils present; the soils maps and use potentials analysis prepared by the U.S. Soil Conservation Service should be used as the basis for this analysis.
  - b. An overlay map showing the principal vegetation types or any significant features identified by the Natural Heritage Program of the Department of Environmental Management and the Historic Preservation Commission on the property; the maps prepared by McConnell (1974) and Kupa and Whitman (1972) may be the basis for information on vegetation.
  - c. An overlay showing surface drainage patterns and, where available, information on the depth to groundwater and the direction and volume of groundwater flows.
  - d. An overlay showing the proposed subdivision layout, including buildings, roadways, parking areas, drainage systems, sewage treatment and disposal facilities, and undisturbed lands.
  - e. Prior to permitting, an archeological survey when recommended by the state Historical Preservation & Heritage Commission.

## **Section 300.4. Recreational Boating Facilities**

### **Revise 300.4.C.4(f) as follows:**

(f) Variances may be granted to all of the standards contained in Section 300.4.E.3 and Section 200.2.C.3 provided engineering, biological and other appropriate concerns have been addressed except for the following: (i) the subcommittee may not grant a variance to Section 300.4.E.3.j; (ii) the subcommittee may only grant a variance to within 18 inches of the marsh grade standard (Section 300.4.E.3.f) provided engineering, biological, and other appropriate concerns are met; ~~and~~ (iii) the subcommittee may only grant a variance for the extension of a recreational boating facility out to 75 feet beyond MLW or up to a 50% increase beyond the 50 foot standard (Section 300.4.E.3.k) provided engineering, biological, and other appropriate concerns are met; and, (iv) the subcommittee may not grant a variance to Section 300.4.E.3(s).

### **Revise 300.4.E.3 as follows:**

**Add (s):** A minimum depth of 18 inches of water (MLW) shall be obtained at the seaward end of the dock, floating dock or pier, ~~except in areas where SAV is present.~~

### **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 concurs with this determination. Persons who disagree that these are routine modifications may submit written comments within three weeks of the date of the issuance of this notice to:

Josh Lott  
Program Manager  
Ocean and Coastal Resources Management - NOAA  
SSMC4-1305 East West Highway  
Silver Spring, MD 20910  
and

Grover J. Fugate  
Executive Director  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879

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**The Public Hearing will be held in the Boardroom, Narragansett Bay Commission, One Service Road, Providence, RI, on Tuesday, May 11, 2004, at 6:00 p.m.**

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. 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. Oral statements will be heard and recorded and statements may be submitted to hearing Officers at the time of hearing.

Signed this 11<sup>th</sup> day of March, 2004.

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Grover J. Fugate, Executive Director  
Coastal Resources Management Council

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