

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:

RICRMP

1. Revise Section 300.4.B.13. Policies

13. Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a municipality to administer an annual permit for such provided said municipality has a Council approved and active harbor management plan and ordinance which contains the following:

- a. municipal documentation that demonstrates that
 - i. except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,
 - ii. up to two (2) outhauls may be allowed per waterfront property; and,
 - iii. outhauls are not permitted on properties which contain a recreational boating facility; and,
 - iv. procedures have been adopted to ensure that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,
 - v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and,
 - vi. from November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed; and,
 - vii. outhauls may be "grandfathered" in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such "grandfathering" is extinguished whenever a recreational boating facility is approved at the location.

The purpose of this proposed change is to address the management of those outhauls that pre-date the regulation.

2. Revise Section 300.4.E.3. Standards

(s): A minimum depth of 18 inches of water (MLW) and, except when provided for as per Section 300.18, a maximum depth of three (3) feet (MLW) shall be obtained at the terminus (seaward end) of the dock, floating dock or pier. Any variance to this standard shall be addressed in writing and pursuant to Section 120.

The purpose of this proposed change is to address a maximum water depth at residential docks

3. Add New Section 300.14.B.9. Standards

9. See Table 4a for maintenance provisions for dwelling additions and rebuilds within the 50 foot setback zone on developed, moderately developed, and undeveloped barriers.

Table 4a.

Dwelling Rebuilds and Additions for Maintenance Activities under Section 300.14

Section 210.7 (Dunes): Within the 50 Foot Dune Setback Zone			
DEVELOPED BARRIERS			MODERATELY DEVELOPED AND UNDEVELOPED BARRIERS*
All Structural Alterations other than will be Required to: Move Beyond the 50 foot Setback Area and Meet Flood Plain Elevation Requirements			
Additions (On Ground)	Prohibited Allowed: 25 sq.ft. Cantilever Decks at a minimum of 8 feet above grade (in 50 foot setback area only)		
If Foundation is NOT FEMA Compliant and: 1. Rebuild In-kind 2. Anything Else	Not Allowed Not Allowed	Note: Before any work can be done, structure's foundation must be made FEMA-compliant (i.e.: move up) and meet Section 140 (move back) & other applicable RICRMP sections.	Not Allowed* Not Allowed
If Foundation IS FEMA Compliant and: 1. Rebuild In-kind 2. Anything Else (Add 2 nd Floor (Demolition/ Add 2 nd Floor	Allowed (as Maintenance) Not Allowed Allowed only if Activity is built beyond 50 foot Setback and meets Flood Plain Elevation) Allowed only if Activity is built beyond 50 foot Setback and meets Flood Plain Elevation)	Note: If structure is within the 50 foot setback area, and cannot relocate beyond 50 foot setback area, application will be determined to be a Maintenance activity and the structure will be allowed to be rebuilt in-kind.	Allowed* Not Allowed Not Allowed Not Allowed

These are for typical maintenance activity reviews. In unusual circumstances, the Executive Director may invoke the maintenance provision allowances of Section 300.14.

*On Moderately Developed and Undeveloped Barriers, only in-kind maintenance is allowed. If a lot can support it, the structure may be moved back and up (FEMA-compliant). However, in-kind rebuild is still only allowance.

The purpose of this proposed change is to provide specified maintenance provisions for dwelling additions and rebuilds on developed, moderately developed, and undeveloped barriers.

4. Revise Section 300.4 Recreational Boating Facilities

The Council proposes to revise in its entirety **Section 300.4 Recreational Boating Facilities** of the RI Coastal Resources Management Program. The proposed revisions affect definitions, findings, policies, prerequisites, prohibitions and standards pertaining to recreational boating facilities which comprise commercial facilities such as marinas, yacht clubs and boatyards, as well as residential docks. The purpose of these proposed changes is to revise the various sections of this set of regulations such that they are more up-to-date, address safety issues and better account for the use of the public trust resources of the state.

5. Urban Coastal Greenways/Providence Harbor SAMP

The Coastal Resources Management Council is developing an Urban Coastal Greenway (UCG) regulatory program for the Metro Bay Region, which comprises the shorelines of the municipalities of Cranston, East Providence, Pawtucket, and Providence. The UCG is a new regulatory approach for coastal vegetative buffers in the urbanized environment of northern Narragansett Bay, and is intended for projects bordering the Providence, Seekonk, Moshassuck, and Woonasquattucket Rivers. The purpose of the proposed Urban Coastal Greenways program is to provide a mechanism to redevelop the urban waterfront of the Metro Bay Region in a manner that integrates economic development with expanded public access along and to the shoreline, as well as the management, protection, and restoration of valuable coastal habitats.

The purpose of the UCG program is intended to provide a permitting option that clarifies and streamlines the regulatory process for urban coastal development, and to create greater flexibility in meeting the state and federal requirements of the Coastal Resources Management Program. The UCG therefore establishes specific standards regarding overall vegetation of the site, management of stormwater runoff, and public access along and to the shoreline within the Metro Bay Region.

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 September 11, 2006. 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 September 26, 2006 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. Persons who disagree that these are routine modifications 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 9th day of August, 2006.



Grover J. Fugate, Executive Director
Coastal Resources Management Council