

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

SEP 29 2011

Grover Fugate, Executive Director  
Rhode Island Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Dear Mr. Fugate

Thank you for the Rhode Island Coastal Resource Management Council's (CRMC's) August 16, 2011, request that the proposed Geographic Location Description (GLD) to encompass the Ocean Special Area Management Plan (SAMP) and other associated changes to Rhode Island's Federal Consistency List be incorporated into the Rhode Island Coastal Management Program (RICMP). You requested that changes to the Federal Consistency List described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on August 16, 2011, but our review did not begin until August 23, 2011, when the public notice was published. OCRM's decision deadline was initially September 20, 2011, and it was extended until September 30, 2011.

Based on our review of your submission, we concur that the changes to Rhode Island's Federal Consistency List are RPCs and we approve the incorporation of all of the changes into Rhode Island's CMP except for listing authorizations for the disposal of dredge material by the U.S. Army Corps of Engineers (USACE) within the GLD. We are disapproving the dredge material listing, without prejudice, to give OCRM, the USACE, and the RICMP more time to evaluate the potential coastal effects of this activity and whether such USACE authorizations should be included in the GLD. In the meantime, the CRMC may request OCRM approval to review applications to the USACE for disposal of dredged material in federal waters as an unlisted activity pursuant to 15 C.F.R. § 930.54. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice a reference to the previous public notice describing all the changes to the lists and where the public can access the new lists (web page, state offices, etc.), and please send a copy of the notice to OCRM.

### SECTIONS APPROVED

See enclosed list of the revisions to the Rhode Island Federal Consistency list incorporated as changes to the Rhode Island CMP.



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**CHANGES NOT APPROVED**

As noted above, OCRM is not approving the expansion of the following two USACE listings to the GLD at this time:

- Permits for the disposal of dredged materials into the waters of the U.S. (Clean Water Act §404 (33 U.S.C. § 1344)).
- Permits and licenses to regulate transportation of dredged material for the purpose of dumping it in navigable waters. (Marine Protection, Research and Sanctuaries Act, Sect. 103 (33 U.S.C. § 1413, 1414))

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received comments from the USACE regarding the disposal of dredged material in federal waters. OCRM did not receive any other comments during the public comment period regarding this program change.

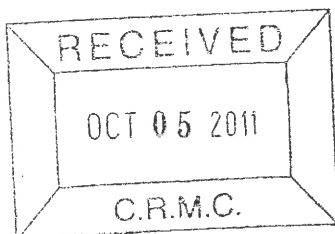
Thank you for your cooperation in this review. Please contact Allison Castellan at (301) 713-3155, extension 125, if you have any questions.

Sincerely,



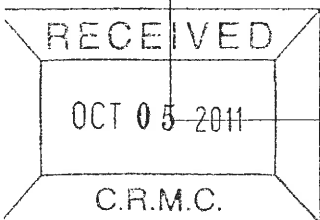
Joelle Y. Gore, Acting Chief  
Coastal Programs Division

Enclosure: Approved changes to Rhode Island's Federal Consistency List incorporated into the Rhode Island CMP.



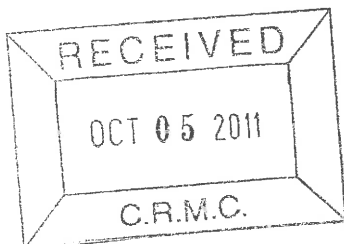
Enclosure to OCRM's September 30, 2011. Approval of the Incorporation of Changes to Rhode Island's Federal Consistency List in the Rhode Island Coastal Management Program: Approved Changes to Rhode Island's Federal Consistency List

Agency	List Item	Citation	Geographic Boundary	Type of Change
<b>Federal Activity</b>				
Department of Homeland Security—US Coast Guard	Approval of plans for the construction and modification of bridges, causeways over navigable waters	33 U.S.C. §§401, 491-507 and 525-534	Ocean SAMP GLD	Modify
	Establishment of new or changes to existing anchorages	33 U.S.C. § 471	Ocean SAMP GLD	Modify
	Establishment of new or changes to existing vessel traffic services	33 U.S.C. § 1223	Ocean SAMP GLD	Modify
NA	Site selection plans for ocean disposal of dredged materials	NA	Ocean SAMP GLD	Modify
<b>Federal License/Permits</b>				
Department of Defense--Army Corps of Engineers	Permits authorizing artificial islands or fixed structures on the OCS	Outer Continental Shelf Lands Act § 4(F) of the (44 U.S.C. §§ 1333)	Ocean SAMP GLD	Modify
	Permits authorizing the temporary occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S.	Rivers and Harbors Act Section 14 (33 U.S.C. § 408)	Ocean SAMP GLD	Modify
	Permits for the construction of dams, dikes or ditches across navigable waters or obstruction or alteration of navigable waters	Rivers and Harbors Act Section 9 & 10 (33 U.S.C. § 401, 403)	Ocean SAMP GLD	New
Environmental Protection Agency	NPDES (National Pollutants Discharge Elimination System) permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits	Clean Water Act Sections 401, 402, 403, 405, and 318 of (33 U.S.C. 1341, 1342, 1343, and 1328).	Ocean SAMP GLD	Modify
Department of the Interior	Permits required for pipelines crossing federal lands, including OCS lands, and associated activities	OCS Lands Act (43 U.S.C. 1334) as well as 43 U.S.C. 931(c).	Ocean SAMP GLD	Modify
	Permits to drill, rights-of-use, rights-of-way, and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, explorations and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans	43 U.S.C. 1334	Ocean SAMP GLD	Modify
	Issuance or approval of leases, permits, easements, rights-of-way, exploration plans, development plans, production plans, and other authorizations, as appropriate, for the construction, operation, maintenance	Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) as amended by the Energy Policy Act of 2005 (42	Ocean SAMP GLD	Modify



Enclosure to OCRM's September 30, 2011, Approval of the Incorporation of Changes to Rhode Island's Federal Consistency List in the Rhode Island Coastal Management Program: Approved Changes to Rhode Island's Federal Consistency List

Agency	List Item	Citation	Geographic Boundary	Type of Change
	and/or support activities related to OCS energy development	U.S.C. 15801 et. seq.)		
Department of Energy	Permits related the regulation of gas pipelines, licensing of import or export of gas and approvals related to the construction and operation of LNG import/export marine terminals	Natural Gas Act (15 USC 717, 717b, and 717f(c))	Ocean SAMP GLD	Deleted
	Permission and approval required for the abandonment of natural gas pipeline facilities under	Natural Gas Act section 7(b) (15 USC 717f(b))	Ocean SAMP GLD	Deleted
Department of Energy, Federal Energy Regulatory Commission	Licenses, renewals, and amendments to licenses for non-Federal hydroelectric projects and primary transmission lines	Sections 3 (11), 4 (e) and 15 of the Federal Power Act (16 U.S.C. 796 (11), 797, and 808).	Ocean SAMP GLD	New
	Orders for interconnection of electric transmission facilities	Section 202 (b) of the Federal Power Act (16 U.S.C. 824 (a) (b))	Ocean SAMP GLD	New
	Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities	Section 7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c))	Ocean SAMP GLD	New
	Permission and approval for the abandonment of natural gas pipelines	Section 7 (b) of the Natural Gas Act (15 U.S.C. 717 f (b))	Ocean SAMP GLD	New
	Permits related to the regulation of gas pipelines and the licensing of import or export of gas	Natural Gas Act (15 U.S.C. 717, 717(b))	Ocean SAMP GLD	New
Department of Transportation, Maritime Administration	Permits and licenses for offshore LNG terminals and other deepwater port facilities issued by MARAD	Deepwater Port Act of 1974 Sections 4 and 5 (33 U.S.C. 1501).	Ocean SAMP GLD	New





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Mr. Grover Fugate, Executive Director  
 Rhode Island Coastal Resources Management Council  
 Oliver H. Stedman Government Center  
 4808 Tower Hill Road, Suite 3  
 Wakefield, RI 02879

Dear Mr. Fugate: *Answer*

This letter is an addendum to the Office of Ocean and Coastal Resource Management's (OCRM's) September 29, 2011, letter to you approving the incorporation of the Geographic Location Description (GLD) to encompass the Ocean Special Area Management Plan (SAMP) and other associated changes to Rhode Island's Federal Consistency List into the Rhode Island Coastal Management Program (RICMP).

It has come to our attention that the approved changes in the enclosure to our September 29, 2011, letter inadvertently omitted one listing for the U.S. Army Corps of Engineers within the GLD. Please note that OCRM did approve the incorporation of the following listing into the RICMP. No additional action by the Rhode Island Coastal Resources Management Council is needed.

Agency	List Item	Citation	Geographic Boundary	Type of Change
<i>Federal License/Permits</i>				
Department of Defense-- Army Corps of Engineers	Approval of plans for improvements made at private expense under Army Corps of Engineers supervisors	Rivers and Harbors Act Section 14 (33 U.S.C. § 565)	Ocean SAMP GLD	Modify

If you have any questions, please contact me at 301-563-1125 or [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov).

Sincerely,

Allison Castellan  
 Coastal Management Specialist



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