

1.3 Activities Under Council Jurisdiction

1.3.1 In Tidal and Coastal Pond Waters, on Shoreline Features and Their Contiguous Areas (formerly § 300)

A. Category B Requirements (formerly § 300.1)

1. The requirements herein for a Category B Assent are necessary data and information for the purposes of federal consistency reviews. All persons applying for a Category B Assent are required to:
 - a. Demonstrate the need for the proposed activity or alteration;
 - b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;
 - c. Describe the boundaries of the coastal waters and land area that is anticipated to be affected;
 - d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;
 - e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;
 - f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;
 - g. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;
 - h. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;
 - i. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;
 - j. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such

as recreational boating, fishing, swimming, navigation, and commerce, and;

- k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).
 2. Each topic shall be addressed in writing and include detailed site plans and a locus map for the proposed project.
 3. Additional requirements are listed for specific Category B activities and alterations in the sections that follow.
- B. Filling, removing, or grading of shoreline features (formerly § 300.2)
1. Policies
 - a. Established agricultural practices in areas contiguous to shoreline features are excluded from this section.
 - b. All filling, removing or grading activities shall be done in accordance with the policies and standards of this section and the standards and specifications set forth in the most recent edition of the Rhode Island Soil Erosion and Sediment Control Handbook.
 - c. All new activities subject to §§ 1.3.1(C) (residential, commercial, and industrial structures), 1.3.1(M) and 1.3.3 of this Part, or those activities which disturb more than 5,000 square feet of land on a site shall prepare and implement an erosion and sediment control plan approved by the Council which references all necessary practices for erosion and sediment control. All erosion and sediment control plans shall be consistent with applicable policies and standards contained in the Rhode Island Coastal Resources Management Program and the standards and specifications set forth in the most recent edition of the Rhode Island Soil Erosion and Sediment Control Handbook. All erosion and sediment control plans shall be strictly adhered to.
 - d. The Council recognizes the most recent version of the Rhode Island Soil Erosion and Sediment Control Handbook, and its amendments, published jointly by the Rhode Island Department of Environmental Management and the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as containing appropriate Best Management Practices (BMP) for use within the CRMC's jurisdiction. All erosion and sediment control plans shall be consistent with this manual. Applicants are also encouraged to consult the most recent version of the Rhode Island Stormwater Design and Installation Standards Manual during the preparation of their erosion and sediment control