

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM**

TO: Jeff Willis
DEPT: CRMC Executive Director
FROM Richard Lucia, P.E.
DEPT: CRMC Permitting Section
RE: CRMC File No. 2024-09-029

DATE: March 13, 2025
PAGE: 1 of 4

Applicant's Name: Town of New Shoreham

Project: to expand the existing stone revetment system further up the slope of the town's existing landfill to an elevation of 18.0 ft. This portion of the slope is currently grass covered. This extent and height of revetment was originally approved by CRMC per Assent 2016-02-090 which included a special exception. Due to funding issues the Town was not able to complete the entire revetment project and only constructed the toe portion of the revetment located along the base of the slope which extends up to about elevation 10.0 ft. A CRMC Assent modification was obtained to reflect this work scope change. The intent of this project is to expand the stone revetment to the limits originally approved by CRMC. The project requires a Special Exception pursuant to **RICRMP 650-RICR-20-00-1 (red book) Section § 1.3.1.G.3.a**, which prohibits the construction of structural shoreline protection bordering Type 1 waters.

Location: 14 West Beach Road, New Shoreham

Water Type/Name: Type 1, Conservation Area, Block Island Sound

Coastal Feature: Coastal beach and coastal wetland back by eroding manmade landfill with low Riprap toe protection

STAFF REPORT

Relevant Permitting History of CRMC 2016-02-090: The revetment complex was originally permitted to extend to the top of the slope of the existing landfill. Subsequently, on December 18, 2017, the applicant needed to reduce the scope of work and received approval to eliminate from the design the extent of riprap up the slope. The modification included only a low riprap revetment, the reason for the reduction in scope of work at that time was funding related.

CRMC Staff had recommended approval of the application 2016-02-090 as well as recommending approval of the necessary Special Exception. There were also no staff objections to the subsequent Modification (12/18/2017). The project and the granting of the special exception was approved by the CRMC Coastal Council on 4/26/2016. The Assent has since expired (7/1/2019) and therefore the applicant was required to resubmit for this current project. This application 2024-09-029 is fundamentally the same project that was presented in the 2016-02-090 application. Also there have been no significant relevant rule changes and nor have there been significant relevant changes to the site conditions since the 2016 approval. Also, in addition to all of the above, the project completes what was removed from the project scope in the Modification due to funding. Based on the above, staff again recommends the approval of the Special Exception and the Project.

A. Staff Analysis:

There have been no objections received to this latest iteration of the project. Please note, staff recommend similar additional stipulations that address the same concerns that were raised during the original application.

The stipulations to the Assent that the applicant and the CRMC staff agree to at that time remain essentially the same and only reflect the time that has passed. The original report (April 7, 2016) and the subsequent addendum (April 21, 2016) are attached herein. As the scope of the project has not changed, please refer to this report for details regarding the CRMC standards, policies, and design regarding this project.

B. Special Exception:

To aid in Coastal Council evaluation of the Special Exception required, the staff review has been largely duplicated from the previous application since as stated the scope of the project has in large not changed.

Pursuant to **RICRMP 650-RICR-20-00-1 (red book) Section § 1.3.1.G.3.a**, the construction of structural shoreline protection facilities bordering Type 1 waters is prohibited. A Special Exception is required for relief from prohibited activities.

Pursuant to **RICRMP Section §1.1.8**, the Council may grant relief to prohibited activities through the granting of a Special Exception provided the following **criteria** are met:

1) The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. The activity must be one or more of the following:

(a) an activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in § 1.2.2(C)(4)(i) of this Part;

(b) a water-dependent activity that generates substantial economic gain to the state; and/or

(c) an activity that provides access to the shore for broad segments of the public.

2) All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.

3) There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

The Town of New Shoreham addressed the Special Exception Criteria in the narrative provided with their application. **Based on CRMC Staff's review of the Town's responses, CRMC Staff agrees with the Town that the proposed revetment qualifies for the granting of a Special Exception.** CRMC Staff's conclusions and recommendation are based on the following findings with regard to the special exception criteria:

1. **Special Exception Criteria 1:** Although not specifically stated in the applicant's narrative, CRMC Staff believes **the landfill should be considered "public infrastructure"**. Although now operating as a transfer station which transports waste to the mainland, the landfill represents a component of public infrastructure which previously served Block Island. In addition, properly protecting the landfill will serve to prevent waste from being further eroded onto the shoreline and into public waters thereby creating a public nuisance for residents and tourists alike.
2. **Special Exception Criteria 2:** CRMC Staff believes **all reasonable steps have been taken to minimize environmental impacts**. The fundamental question in this regard becomes what is considered "reasonable". Clearly, the best option would be to remove all waste and transport it to an existing licensed landfill on the mainland. The Town has estimated this cost at over 20 million dollars. This 20-million-dollar cost was determined to be beyond the Town's immediate financial ability but is stated as being: "...part of the Town's long-range planning." Absent this option in the short term, CRMC Staff believe that reasonable steps have been taken to implement the riprap protection design alternative as presented in the Town's narrative. The riprap slope protection can also be moved landward incrementally to protect the landfill during any long-term solution which may involve removing waste and transporting it off the island.
3. **Special Exception Criteria 3:** CRMC Staff concludes that **there does not appear to be any reasonable alternatives means of, or location for, serving the compelling public purpose cited**. Staff's conclusion is based on the fact that the landfill already exists in a location which is threatened by shoreline erosion and based on the alternatives investigated by the Town; the chosen alternative appears to be the most cost effective and allows for implementation within a reasonable period of time. The Town's preliminary construction cost estimates for each alternative are attached to this report in appendix 1 (See Previous CRMC staff report (April 7, 2016).

C. **CRMC Staff recommends approval of the application for the completion of the riprap revetment as well as the special exception necessary to approve the project. Additional Stipulation have been prepared for the Council's consideration in this regard. Please note that a public access pathway was a required stipulation at the time of the original Assent, this pathway has been constructed and is available to the public. Additionally in a letter dated January 2,2025, it was stated that the town is aware of their commitment and requirements under the previous assent and said stipulation shall be reiterated in this Assent.**

Recommended Stipulations:

1)

The Town of New Shoreham shall prepare a landfill remediation plan which provides a schedule for removing landfill waste necessary to relocate the riprap protected seaward edge of the landfill landward to keep pace with shoreline erosion on both the north and south sides of the landfill (in an incremental manner as herein described). As part of this plan, the town shall actively monitor the north and south end of the revetment for any end erosion. A benchmark shall be established at the northwest and southwest limits of the constructed revetment, with the coordinates provided to the CRMC.

Based upon the predicted rate of shoreline erosion along the west beach section of Block Island, 45 feet of landward shoreline movement is possible within a 15 year timeframe. If the shoreline erosion extends 45 feet landward of the monitoring points, as determined by the high water line on the shoreline which abuts the landfill on the north or south side being 45 feet landward of the established coordinates provided to the CRMC, the town would be required to act. Once this 45 foot loss is realized, the plan shall require that the revetment be relocated a minimum 50 feet landward, as measured from the established benchmarks, to align the revetment with or slightly behind the current coastal feature.

2)

Revetment End Erosion Monitoring: The Town shall continually monitor the north and south end of the revetment for any end erosion and shall take the necessary actions to protect the landfill from end erosion if it occurs. Prior approval is required from the CRMC.

3)

Public access pathway: The public access pathway shall be available for public use as long as the landfill is in place and protected by a revetment. The pathway shall be relocated landward when it becomes necessary to relocate the revetment landward.

Signed: _____



Environmental Engineer IV