

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 is proposed:

Management Procedures

1. Revise Section 5.7 Continuances as follows:

Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Chairman of the CRMC or Executive Director of said desire, stating in detail the reasons why such continuance is necessary. Requests by a party to continue a hearing before the full Council may only be granted by the Chairman of the CRMC or the Executive Director and only for good cause shown. Such requests must be in writing and received by the Chairman of the CRMC or the Executive Director 24 hours in advance of the hearing. The Council generally will not grant requests for continuances when not received in writing and/or within less than 24 hours notice. Continuance requests are subject to the fee provisions of section 4.3.

2. Revise Section 4.3 Schedule of Fees as follows:

§ 4.3.9 Requests for Continuances are subject to the following fees:

1. First Request: \$100
2. Second Request: \$250
3. Third or Greater: \$500

The Purpose of these two management procedures revisions are to add a provision and set a fee for the Council to assess Requests for Continuances

Red Book

3. Revise the Water Type Designations of Providence Quadrangle as described:

Change existing Type 4 to Type 1 waters along the Providence shoreline of the Seekonk River from the Henderson Bridge north to the Pawtucket city line out to within approximately 50 feet of the existing federal channel.

Purpose: change water type to be consistent with the Metro Bay SAMP Urban Coastal Greenway designation of the shoreline as Areas of Particular Concern (APC).

4. **Revise** the Water Type Designations of the Providence Quadrangle as described:

Modify existing boundary line (line b) separating Type 4 and Type 6 waters at the mouth of the Seekonk River, as follows:

b. A straight line running generally WNW from the Union Oil property boundary ~~south of~~ with Bold Point Park in East Providence to the westerly boundary of the City of Providence sail boat facility at India Point Park in Providence.

Purpose: move the Type 4 water line along the Providence shoreline westerly to include the City of Providence community sail boat facility within Type 4 waters.

5. **Revise** the Water Type Designations of the Providence Quadrangle as described:

Change existing Type 6 to Type 5 waters in the Providence River along the East Providence shoreline starting at new line K to new line L. The Type 5 waters will extend out into the river parallel to the federal channel and maintain a setback of 120 feet from the federal channel.

k A straight line starting approximately 120 feet south of the existing Providence & Worcester quay (parcel 7-1-3) running WSW and more or less perpendicular to the federal channel out into the river ending approximately 120 from the federal channel.

l A straight line starting at the boundary of parcels 109-1-1 and 109-1-3 running WSW and more or less perpendicular to the federal channel out into the river ending approximately 120 from the federal channel.

Purpose: modify water type to reflect request of City of East Providence.

6. **Revise** the Water Type Designations of the East Providence Quadrangle as described:

Change existing Type 6 to Type 2 waters in the Providence River along the East Providence shoreline south of Kettle Point beginning at new line L (Providence quadrangle) to new line F. The Type 2 waters will extend out into the river parallel to the federal channel and maintain a setback of 120 feet from the federal channel.

f A straight line starting at the boundary of parcels 210-3-6 and 210-3-8 running West out into the river stopping approximately 120 from the federal channel.

Purpose: modify water type to reflect request of City of East Providence.

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 January 16, 2010**. 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 Tuesday, January 26, 2010, 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.

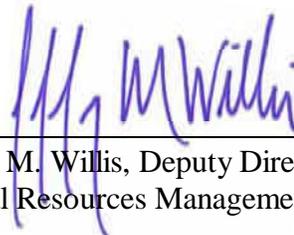
Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

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 when it seeks inclusion of such in the federally approved program. Persons who disagree that these are routine modifications to the federally approved program may submit such written comments within three weeks of the date of the issuance of this notice to:

Allison Castellan
Coastal Management Specialist
NOAA/NOS/OCRM
Coastal Programs Division
1305 East-West Highway, SSMC4
Silver Spring, MD 20910

Signed this 14th day of December, 2009.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

Pawtucket

Seekonk River Existing Water Type Classification

Providence

East Providence

Type 4

Type 4

Legend

CRMC Water Classification

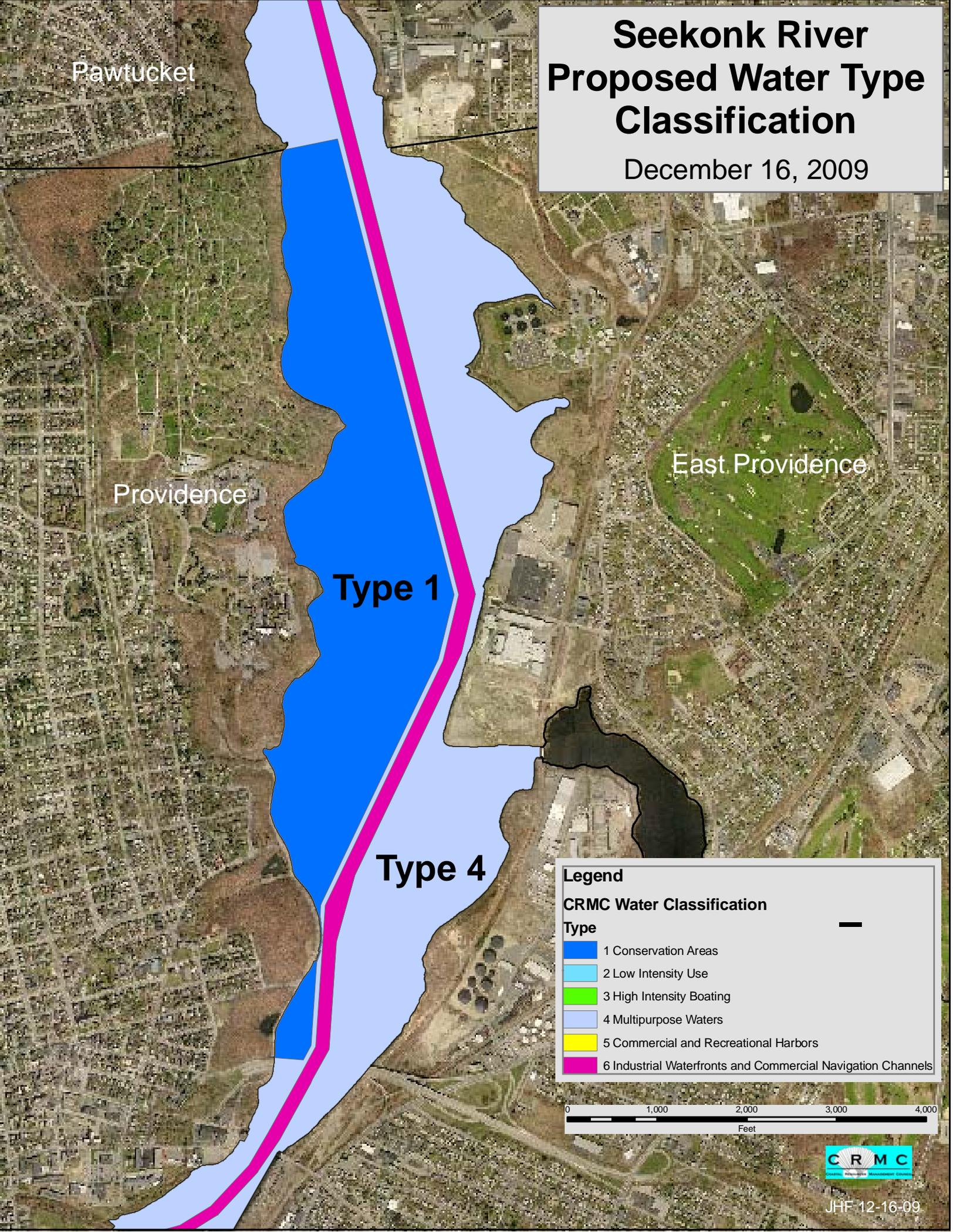
Type

-  1 Conservation Areas
-  2 Low Intensity Use
-  3 High Intensity Boating
-  4 Multipurpose Waters
-  5 Commercial and Recreational Harbors
-  6 Industrial Waterfronts and Commercial Navigation Channels
-  coastal wetlands in Type 3-6 waters designated for preservation



Seekonk River Proposed Water Type Classification

December 16, 2009



Pawtucket

Providence

East Providence

Type 1

Type 4

Legend

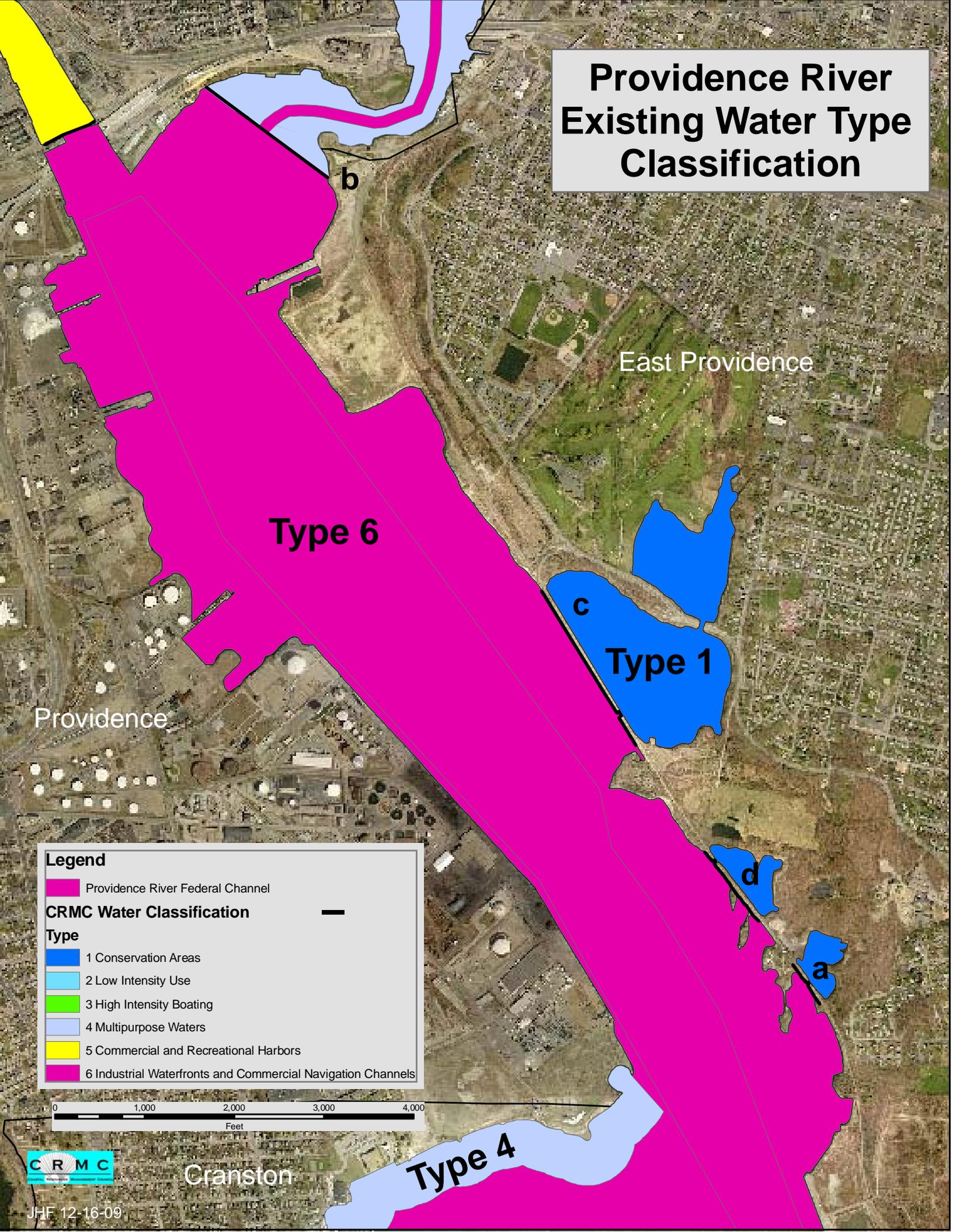
CRMC Water Classification

Type

-  1 Conservation Areas
-  2 Low Intensity Use
-  3 High Intensity Boating
-  4 Multipurpose Waters
-  5 Commercial and Recreational Harbors
-  6 Industrial Waterfronts and Commercial Navigation Channels



Providence River Existing Water Type Classification



Legend

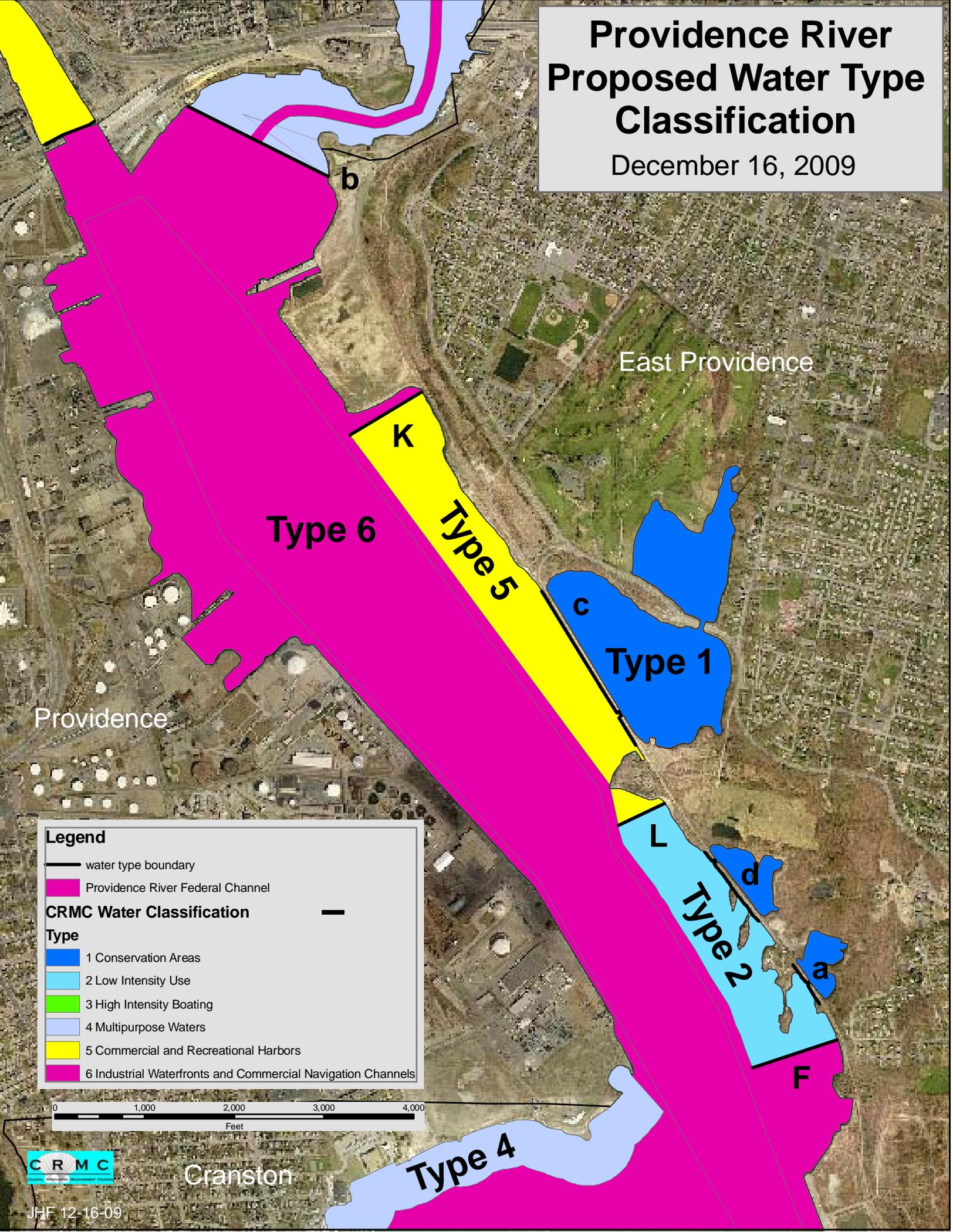
- Providence River Federal Channel
- CRMC Water Classification**
- Type**
- 1 Conservation Areas
- 2 Low Intensity Use
- 3 High Intensity Boating
- 4 Multipurpose Waters
- 5 Commercial and Recreational Harbors
- 6 Industrial Waterfronts and Commercial Navigation Channels



Cranston

Providence River Proposed Water Type Classification

December 16, 2009



Legend

- water type boundary
- Providence River Federal Channel

CRMC Water Classification

Type

- 1 Conservation Areas
- 2 Low Intensity Use
- 3 High Intensity Boating
- 4 Multipurpose Waters
- 5 Commercial and Recreational Harbors
- 6 Industrial Waterfronts and Commercial Navigation Channels



Cranston