

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:

Rhode Island Coastal Resources Management Program

“Redbook”

Section 300.4 – Recreational Boating Facilities

C.2 Residential Boating Prerequisites

(a) All applications for residential boating facilities shall be initially reviewed by the Executive Director or the Deputy Director. The Executive Director or the Deputy Director may refer any such application to the Council for a hearing if based upon the application on its face a determination is made that the proposed activity warrants a Council hearing.

~~(b) All such applications not referred to the Council for hearing under item (a) above shall be referred to the subcommittee on residential boating facilities which shall consist of at least three (3) Council members appointed by the Chairman. The Chairman shall also appoint a Chairman of the subcommittee.~~

(c) ~~The subcommittee on residential boating facilities~~ Executive Director or the Deputy Director shall, based upon the application and staff reports, make a determination that the application meets all the criteria as set out in Section 300.4.E.3 Standards for Residential Docks, Piers and Floats and any other applicable Council policy or procedures. If a determination is made ~~by the subcommittee~~ that all the above criteria are met, the application shall be processed as a Category A application.

(d) If a determination is made ~~by the subcommittee~~ that all of the above criteria are not met then the ~~subcommittee shall refer~~ the matter shall be referred to Council as a Category B application.

(e) ~~The subcommittee~~ Executive Director or the Deputy Director shall have the authority to consider and act upon variance requests to certain standards of this section pertaining to residential boating facilities. ~~The subcommittee~~ and shall utilize the criteria and requirements of Section 120 of this program in its evaluation of variance requests. ~~Variances may be granted by the subcommittee.~~

(f) Variance requests to other standards of this section or to other appropriate and relevant sections of the CRMP must be made to the full Council. Variances shall not be considered by the ~~subcommittee~~ Executive Director or the Deputy Director if there is a substantive objection, in accordance with Section 110, to the application.

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(g) Variances may be granted to all of the standards contained in Section 300.4.E.3 Standards for Residential Docks, Piers and Floats and Section 200.2.C.3 (Type 2 – Low Intensity Use) provided engineering, biological and other appropriate concerns have been addressed except for the following:

- (1) the ~~subcommittee~~ Executive Director or the Deputy Director may not grant a variance to Section 300.4.E.3.k;
- (2) the ~~subcommittee~~ Executive Director or the Deputy Director may only grant a variance to within eighteen (18) inches of the marsh grade standard (Section 300.4.E.3.g) provided engineering, biological, and other appropriate concerns are met; and
- (3) the ~~subcommittee~~ Executive Director or the Deputy Director may only grant a variance for the extension of a recreational boating facility out to 75 feet beyond MLW or up to a 50% increase beyond the fifty (50) foot standard (Section 300.4.E.3.l) provided engineering, biological, and other appropriate concerns are met.

Purpose: to provide consistency with Section 110 by removing references to the dock subcommittee

“Ocean SAMP”

Section 800 - Renewable Energy and Other Offshore Development

860.2.5 Application Requirements

1. For the purposes of this document, the phrase ““necessary data and information”” shall refer to the necessary data and information required for federal consistency reviews for purposes of starting the Coastal Zone Management Act (CZMA) 6-month review period for federal license or permit activities under 15 C.F.R. part 930, subpart D, and OCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58(a)(2). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project. It should be noted that other federal and state agencies may require other types of data or information as part of their review processes. The Council will monitor BOEMRE regulations for changes and will make appropriate changes as necessary to keep the informational requirements consistent as practical.

Purpose: to provide for consistency between BOERMRE regulation changes and OSAMP application requirements and to make requisite changes thereto as applicable.

Section 1100 - The Policies of the Ocean SAMP

1160.5 Application Requirements

1. For the purposes of this document, the phrase ““necessary data and information”” shall refer to the necessary data and information required for federal consistency reviews for purposes of starting the Coastal Zone Management Act (CZMA) 6-month review period for federal license or permit activities under 15 C.F.R. part 930, subpart D, and OCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58(a)(2). Any necessary data and information shall be

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provided before the 6-month CZMA review period begins for a proposed project. It should be noted that other federal and state agencies may require other types of data or information as part of their review processes. The Council will monitor BOEMRE regulations for changes and will make appropriate changes as necessary to keep the informational requirements consistent as practical.

Purpose: to provide for consistency between BOERMRE regulation changes and OSAMP application requirements and to make requisite changes thereto as applicable.

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 **Tuesday, July 12, 2011**. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

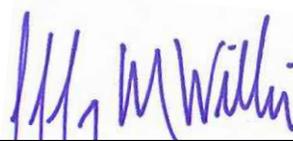
A public hearing has been scheduled for these proposed changes to be held in Conference Room A, Department of Administration, One Capitol Hill, Providence, RI, on **Tuesday, July 26, 2011**, at 6:00 p.m.

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.

Signed this 10th day of June, 2011.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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