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:

RI Coastal Resources Management Program - Redbook

Revise Section 210.3.C.4 Coastal Wetlands as follows:

4. Alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 2 waters are prohibited except for minor disturbances associated with (a) residential docks and walkways approved pursuant to the standards set forth in Section 300.3, and, (b) approved ~~construction or~~ repair of structural shoreline protection facilities; or, (c) Council-approved restoration activities.

Purpose is to revise the prohibition policy on alterations to salt marshes and contiguous freshwater wetlands abutting Type 2 waters such that the construction of new structural shoreline protection facilities is not permitted.

Revise Section 335.C.2 Protection and Enhancement of Public Access to the Shore as follows:

2. It is the Council's policy to require applicants to provide, where appropriate, on-site access of a similar type and level to that which is being impacted as the result of a proposed activity or development project.

Purpose is to clarify existing policy to require applicants to provide on-site access of a similar type and level to that which is being impacted as the result of a proposed activity or development project.

Revise Section 300.14 Maintenance of Structures/Table 4a. Dwelling Rebuilds and Additions for Maintenance Activities under Section 300.14 in its entirety as follows:

Section 210.7 (Dunes): Existing Structures			
DEVELOPED BARRIERS			**MODERATELY DEVELOPED AND UNDEVELOPED BARRIERS***
All Structural Alterations other than Maintenance will be Required to: **Move Beyond the 50 foot Setback Area and Meet RI State Building Code Requirements**			
Structural Alteration	**Within 50 foot setback**	**Landward of 50 foot setback**	
Cantilever Decks	**Allowed**: Maximum 25 sq.ft. at a minimum of 8 feet above grade (in 50 foot setback area only)	**Allowed**	**Prohibited***
If Foundation is NOT FEMA Compliant and:		**Allowed** provided RI State Building Code and all other RICRMP requirements are met	
1. Rebuild In-kind	**Prohibited**		**Prohibited***
2. Other	**Prohibited**		**Prohibited**
If Foundation IS FEMA Compliant and:		**Allowed** provided RI State Building Code and all other RICRMP requirements are met.	
1. Rebuild In-kind	**Allowed** (as Maintenance[1])		**Allowed***
2. Add 2nd Floor	**Prohibited**		**Prohibited**
3. Demolition and Add 2nd Floor	**Prohibited**		**Prohibited**
4. Other	**Prohibited**		**Prohibited**

These are for typical maintenance activity reviews, however, a variance may be required if erosion setbacks are farther landward than the 50-foot dune setback. In unusual circumstances, the Executive Director may invoke the maintenance provision allowances of Section 300.14. This table is for residential structures which are intact and functional at the time of application. It shall not be applicable for structures which have been destroyed 50% or greater by coastal storms. Structures which have been destroyed 50% or more by coastal storms will be processed as new applications under the appropriate sections of the RICRMP and applicable SAMPs. Relief from this table requires a Special Exception. Where an activity is indicated as "allowed" it must also meet all other applicable RICRMP requirements.

[1] If structure is within the 50 foot setback area, and cannot relocate beyond 50 foot setback area, application will be deter mined to be a Maintenance activity and the structure will be allowed to be rebuilt in-kind provided it meets current RI State Building Code and all other applicable RICRMP requirements.

*On Moderately Developed and Undeveloped Barriers, only in-kind maintenance is allowed. If a lot can support it, the structure may be moved back and elevated in accordance with RI State Building Code requirements. However, in-kind rebuild is still only allowance.

Purpose is to revise Table 4a such that it clarifies how maintenance activities that are located on barriers and within the 50-foot dune setback zone are to be reviewed.

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 **April 27, 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 Conference Room A of the Administration Building, One Capitol Hill, Providence, RI, on Tuesday, May 11, 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 25th day of March, 2010.

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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