

Guidelines for Applicants

**Step One.
Is a Council Assent Required?**

All developments or operations within, above or beneath the tidal waters below the mean high water mark extending out to the extent of the state's jurisdiction in the territorial sea, and those occurring on coastal features or within all directly associated contiguous areas which are necessary to preserve the integrity of coastal resources, or any portion of which extends onto the most inland shoreline feature or its 200 foot contiguous area, or as otherwise set out in the Coastal Resources Management Program, require a Council Assent. (See the Glossary section for a definition of development.)

Persons proposing the following activities any portion of which extends onto the most inland shoreline feature or its 200 foot contiguous area are required to apply for a Council Assent: subdivisions, cooperatives, or other multi-ownership facilities [of six units or more], or facilities requiring or creating 40,000 sq. ft. or more of parking.

Persons proposing the following activities within critical coastal areas, which include the watersheds of poorly flushed areas delineated on maps accompanying this program, are required to apply for a Council Assent: subdivisions, cooperatives, and other multi-ownership facilities [of six (6) units or more]; any structure serviced by an on-site sewage disposal system servicing 2,000 gallons or more per day; any activity which results in the creation of 40,000 sq. ft. or more of impervious surface; construction or extension of municipal or industrial sewage facilities or systems (not connections to individual homes); construction or extension of water distribution systems or supply lines (not connections to individual homes).

Persons proposing selected inland activities anywhere in the state that may require a Council Assent shall request a review of the project to determine whether impacts on the environment of the coastal region are likely and, therefore, whether a Council Assent will be required. These selected inland activities are (1) energy generation, transfer, processing, or storage; (2) chemical processing; (3) minerals extraction; (4) sewage treatment and disposal; or (5) solid waste disposal.

Persons proposing any project or activity which may alter the character any freshwater wetland in the vicinity of the coast, and which is not

specifically exempt under the Rules and Regulations for the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast, are required to apply for a Council Assent. When it is not clear as to whether or not freshwater wetland exist in the area of any proposed activity, or whether the proposed activity requires a Council Assent, persons should consult with the Council prior to undertaking any activity.

**Step Two.
Where Is The Activity or Alteration Being Proposed?**

Locate the area where an activity or alteration is proposed on the maps that accompany this Program. Then note the water use category (if an on-land activity is proposed, the adjoining water use category). If the shoreline is designated a Critical Erosion Area, note the average annual erosion rate. In these areas, non-water-dependent structures must set back a distance equivalent to 30 times the annual erosion rate (see Section 140). The prerequisites, standards, and Category B requirements for on-land activities listed in Section 300.1 through 300.16 and in Sections 330 and 335 of this document apply to both shoreline features and their 200-foot contiguous area.

Identify the shoreline features that may be affected. The maps give some indication of the shoreline features that may be involved, but this must be verified by inspecting the site. The definitions of shoreline features in Part Two of this document will further assist you in identifying what shoreline features are present.

If the proposed activity or alteration is not located in Rhode Island's coastal waters, on or within the 200 foot contiguous area, or a statewide activity listed in Section 320, determine if it is located within a critical coastal area. If the proposed alteration or activity is listed in Section 325, then you will need to apply for a Council Assent.

If the proposed project or activity may alter the character of any freshwater wetland in the vicinity of the coast and is not specifically exempt, then you will need to apply for a Council Assent.

**Step Three.
What Regulations Apply?**

The prerequisites, policies, and standards in this

Program are regulations that must be met by all persons who undertake alterations and activities under the Council's jurisdiction.

If the alteration proposed is for tidal waters or for a shoreline feature, turn to the appropriate section of Table 1 and match the activity with the water area and shoreline type. The table will tell you if the activity you propose is prohibited or will be processed as a Category A or Category B application. Table 1A lists the review categories for activities proposed in the 200-foot area contiguous to shoreline features.

If the proposed alteration is within a critical coastal area, consult the appropriate Special Area Management Plan for supplemental policies, standards, and requirements. Table 1B lists the review categories for inland activities subject to the requirements of Section 320 or 325.

If the proposed project or activity is located within any freshwater wetland in the vicinity of the coast, the area of land within fifty feet (50') or on a riverbank, then the Rules and Regulations for the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast shall apply.

A. Category A Applications

1. Review the policies in Part Two for the water use and shoreline categories your proposal may affect. These may set limits on what may be permitted or provide guidance on how the work should be undertaken.

2. Turn to the appropriate section in Part Three and (a) note any prerequisites that you must meet before filing for a Council Assent, and (b) review all standards.

When filing a Category A application you must commit yourself to upholding all applicable standards. If you cannot or do not wish to meet one or more standards, you must apply for a variance (Section 120), if applicable.

3. File your application. If the activity you propose is not starred (*) on Table 1 and you meet all applicable standards, and if all information requirements have been verified by the Council's staff, review of the application will begin. If grounds for a substantive objection (Section 110.3) exist on the proposed site (for example, the presence of rare or endangered species or severe building constraints), a Council member or the

Council's staff will recommend review by the full Council, and the application will be put out to public notice.

4. If the activity you propose is starred (*), public notice will be given of your proposal; abutters to the affected property and local and state officials will be notified of your proposal. If one or more substantive objections (see Section 110) are filed within the 30-day notice period, a public hearing on your proposal will be scheduled and a Council subcommittee appointed to hear the objections, review your application, and recommend action to the full Council.

B. Category B Applications

1. Complete 1 and 2 above as for a Category A Assent.

2. Prepare in writing an environmental assessment of your proposal. This must address all items listed in Section 300.1 and any additional requirements for Category B applications listed for the activity in question in the appropriate sections of Part Three. The amount of detail appropriate for each topic will vary depending on the magnitude of the project and the likely impacts. If, in your opinion, some issues do not apply, simply note: "Does not apply."

3. All Category B applications are put out to public notice. A public hearing will be scheduled if one or more substantive objections are filed within the 30-day notice period. A Council subcommittee will review your proposal, the comments prepared by its staff, and all other pertinent materials, and will recommend action to the full Council. If your proposal is uncontested, you may expect Council action within 30 working days of verification by the Council's staff that all informational requirements have been met. The Council shall base its decision on consideration of how your proposal conforms to goals for the shoreline features and water use categories affected, other relevant policies, and the significance of the likely impacts of your proposal on the environment of the coastal region.