

**Section 160.**

**Fees**

A. The General Laws of the State of Rhode Island, Title 46, Chapter 23, Section 2, Subsection 46-23-6D.C, authorize the Council to "grant licenses, permits, and easements for the use of Coastal Resources, which are held in trust by the state for all its citizens, and impose fees for private use of such resources."

B. The Council requires fees for land created by the filling of tidal waters and the long-term (dead) storage of vessels. Factors to be considered in establishing the fee include:

- 1) The degree of preemption associated with the activity or alteration involved;
- 2) The degree of irreversibility associated with the activity or alteration;
- 3) The value of opportunities for other activities lost to the public as the result of the activity; and
- 4) The economic return to the applicant resulting from pursuing the activity of making the permitted alterations.

Payments required by the fee shall be determined by the Council upon the completion of a professional appraisal based on the criteria listed above. The Assent recipient shall bear the cost of the appraisal.

Where public access is provided, the fee may be reduced by Council. In considering the reduction of fees, the Council shall determine the amount of public access, the potential use by the public of this public access, and any other relevant considerations.

C. A Council Assent for aquaculture activities within tidal waters and coastal ponds excluding seasonally deployed aquaculture apparatus such as spat collectors and experimental gear sites, as approved by the council, may include a lease for the approved site.

- 1) The annual fee is seventy-five (\$75.00) for half an acre or less, one hundred and fifty dollars (\$150.00) for a half to one acre, and one hundred dollars (\$100.00) for each additional acre.

Transient gear lease fees are based on the square footage of the cages, as follows: seventy-five dollars (\$75.00) for 600 square feet or less, one hundred dollars (\$100.00) for 601 to 1,200 square feet, one hundred and fifty dollars (\$150.00) for 1,201-2,400 square feet, and seventy-five (\$75.00) for each additional 1,200 square feet. Annual lease fees are payable in full, in advance, on the first business day in the month of January of each year during the Assent period. Any assignment or sublease of the whole or any portion of a leased area shall constitute a breach of the lease and be cause for termination of the lease, unless such assignment or subletting has received the prior approval of the Council.

2) In the event a lease holder fails to make full payment of the annual lease fee within the time period established within the lease, for each rental year, the lease agreement shall be terminated, and all Assents and authorities granted shall be revoked. In the event the leased area is not actively used for a period of one year, the lease shall be terminated and the Assent shall be revoked. Lease holders shall be notified 60 days prior to such revocation and may appeal the revocation to the full Council.

3) Persons wishing to deploy small-scale seasonal apparatus such as spat collectors or experimental aquaculture gear, shall apply for a Council Assent and may, at the discretion of the full Council be charged a lease fee.

D. Whenever the Council receives an application for assent or modification of an assent for an activity or alteration which has already occurred, or has been constructed or partially constructed, the Council may charge an administrative fee, in addition to any other fees required by the Council which shall be assessed at the time the Council grants an assent. The Council shall assess the administrative fee taking into account the additional demand on Council resources, and/or any adverse impacts to the coastal environment and/or the adjacent waterway. This shall not be construed to, and in no way shall, prohibit the Council from seeking any other remedies it deems appropriate.