

Section 200.1

Type 1 Conservation Areas

A. Definition

Included in this category are one or more of the following: (1) water areas that are within or adjacent to the boundaries of designated wildlife refuges and conservation areas, (2) water areas that have retained natural habitat or maintain scenic values of unique or unusual significance, and (3) water areas that are particularly unsuitable for structures due to their exposure to severe wave action, flooding, and erosion.

B. Findings

1. The coastline that fronts directly on Long Island and Block Island Sounds includes some of the most dynamic and naturally scenic features in Rhode Island. These include but are not limited to the South Shore barriers and headlands, the erosion-prone bluffs of Block Island, and Newport's rocky promontories. In order to adequately preserve these shorelines in these conservation areas, many activities proposed on shoreline features or in the tidal waters directly adjacent to these features must be severely restricted or prohibited.

2. Brigg's Marsh in Little Compton, Sachus Pond on Block Island, and Hundred Acre Cove in Barrington are examples of water areas which have exceptional value as waterfowl nesting and feeding habitat. Rare and unique assemblages of plants and animals and rich shellfish beds are found in these undisturbed waters. Many, but not all, water areas of well-recognized significance to wildlife are within established sanctuaries or management areas.

3. Opportunities for scientific research and education have been enhanced by the designation of a National Estuarine Sanctuary in the upper Bay, one of some 15 similar designations nationwide. The sanctuary includes Bay waters extending to the 18-foot depth contour around Patience Island, the northern half of Prudence Island, and Hope Island.

4. Valuable conservation areas are not all in clean, rural environments. For example, Watchemoket Cove in the heart of the East Providence industrial waterfront is an important

waterfowl resting area, particularly during the winter months when large numbers of canvasbacks, scaup, widgeon, and black ducks are present.

5. Several stretches of shoreline within Narragansett Bay have survived the rapid proliferation of residential development during recent decades in pristine condition. Examples include the Potowomut River, the Palmer River in Barrington and Warren, and the Mt. Hope Cliffs in Bristol. It is important that as much of this land as practicable be preserved from alteration to assure that Rhode Island's rich diversity of shoreline types and high scenic value are preserved.

C. Policies

1. The Council's goal is to preserve and protect Type 1 waters from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types.

2. The mooring of houseboats and floating businesses, the construction of recreational boating facilities, filling below mean high water, point discharge of substances other than properly treated runoff water (see Section 300.6), and the placement of industrial or commercial structures or operations (excluding fishing and aquaculture) are all prohibited in Type 1 waters.

3. In Type 1 waters, activities and alterations including dredging, dredged materials disposal, and grading and excavation on abutting shoreline features are all prohibited unless the primary purpose of the alteration or activity is to preserve or enhance the area as a natural habitat for native plants and wildlife or a beach renourishment/replenishment project. Structural shoreline protection facilities shall not be permitted to preserve or enhance these areas as a natural habitat or to protect the shoreline feature. Notwithstanding the Council's prohibition against construction of recreational boating facilities in Type 1 Waters, the Council recognizes that some residential boating facilities may have pre-existed in Type 1 Waters prior to the formation of the Council. The Council's ultimate goal is to remove said structures and restore the areas involved to be free of all recreational boating facilities. Although recreational boating facilities are inconsistent with the Council's goals for Type 1 Waters, in order to provide for the equitable transition and compliance

with the Council's goals pre-existing residential boating facilities may be permitted under the limited terms and conditions set forth in Section 300.4 of the RICRMP and in the Council's Pre-existing Residential Boating Facilities Program.

4. Since runoff can be a major source of pollutants from developed areas, new or enlarged point discharges of untreated runoff shall be permitted in Type 1 waters only when it is demonstrated that no reasonable alternative exists and that no significant adverse impact to the receiving waters will result. The cumulative impacts of runoff are of particular concern in Type 1 waters.

5. Applicants for Council Assents for alterations or activities in or contiguous to Type 1 waters shall describe the measures taken to mitigate impacts on the scenic quality of the area (see Section 330).

6. Activities and alterations subject to Council jurisdiction contiguous to public parks, public beaches, public rights-of-way to the shore, and conservation areas abutting Type 1 waters shall not significantly interfere with public use and enjoyment of such facilities. Where significant interference is found, the Council shall suitably modify or prohibit that alteration or activity.