

Section 200.2 Type 2 Low-Intensity Use

A. Definition

This category includes waters in areas with high scenic value that support low-intensity recreational and residential uses. These waters include seasonal mooring areas where good water quality and fish and wildlife habitat are maintained.

B. Findings

1. Type 2 waters are similar to Type 1 waters in their high scenic qualities, high value for fish and wildlife habitat, and, with some exceptions, good water quality. Densely developed residential areas about much of the waters in this category, and here docks and the activities and small-scale alterations associated with residential waterfronts may be suitable.

2. Major portions of the salt ponds along the South Shore between Watch Hill and Point Judith are assigned to Type 2 waters. Nearly all have retained their scenic and natural characteristics while accommodating residential docks, minor dredged channels, and small-scale shoreline protection structures. Each coastal pond is an individually distinct ecosystem and a unique feature of great scenic value. Continuing residential development within the watersheds of the salt ponds poses severe threats to future water quality in the form of both bacterial contamination and eutrophication. Permanent breachways built in the 1950s to provide easy access for boats to the ocean have radically altered the ecology of many of the larger ponds and are causing rapid siltation within the ponds.

3. Waters along open coasts which support low-intensity uses associated with residential areas are found along stretches of the lower Bay. An example is the Sakonnet River, which separates Aquidneck Island from Tiverton and Little Compton. The Sakonnet's waters are of high quality except for small areas adjacent to the few densely developed areas, and its shorelands are varied and picturesque, displaying large salt marshes, rocky cliffs, open agricultural fields, and wooded shoreline. The upper half of the Sakonnet River is a productive quahog ground and is fished commercially. Conchs are fished commercially throughout the river, and Almy Brook, which drains into the Sakonnet from Nonquit Pond, contains a sizable alewife run.

4. Several small riverine estuaries such as the Kickemuit River in Warren and the Pettaquamscutt (Narrow) River in Narragansett, South Kingstown, and North Kingstown are also assigned to Type 2 waters. These rivers contain extensive salt marshes and rich diversity of fish, shellfish, and waterfowl.

Extensive residential development and restricted flushing combine to pose severe water quality concerns similar to those in the more developed salt ponds. Scenic values, however, remain high, and local residents are highly concerned that activities such as shellfishing and swimming are maintained and not preempted by poor water quality.

C. Policies

1. The Council's goal is to maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these areas, while providing for low-intensity uses that will not detract from these values.

2. New or deepened dredged channels and basins; new or deepened dredged channels and basins at existing marinas that result in an expansion greater than 25 percent of their capacity; new marinas and expansion of pre-existing marinas in excess of 25 percent of their capacity; the mooring of houseboats and floating businesses; industrial and commercial structures and operations (excluding fishing and aquaculture); and filling are all prohibited in Type 2 waters. The Council's intent for pre-existing marina operations located in Type 2 Waters is to allow for their continued maintenance and viability as such operations. Maintenance dredging, dock reconfigurations, activities such as travel lift operations and other best available technologies, and other ancillary activities necessary to maintain the operational viability of the facility, should be expected to occur at pre-existing marina operations in these waters. Structural shoreline protection facilities should not be prohibited. Such allowances will only be instituted at marina facilities with approved marina perimeters (see Section 300.4.E) and will be reviewed in accordance with applicable standards of Section 300.4.E. In order to be eligible for this policy, applications for marina perimeters must be submitted to the CRMC by April 1, 1994.

Current capacities of pre-existing marinas, as found in CRMC-approved special area management plans, and similar management plans, should be recognized and no attempt should be made to require these pre-existing marinas to meet their capacities as of January 1981.

3. Residential boating facilities, public launching ramps, and structural shoreline protection facilities may be permitted in Type 2 waters, provided it can be demonstrated that there will be no significant adverse impact to coastal resources, water dependent uses or public's use and enjoyment of the shoreline and tidal waters of the State. It is the Council's policy that one or more of the following conditions describe a situation, condition, or proposal that is deemed to have a significant adverse affect on Rhode Island's coastal resources and therefore is grounds for denial or

modification of an application for an Assent:

(a) The construction of the proposed facility may cause significant impacts on coastal wetlands and other public trust resources (e.g. shellfish, finfish, submerged aquatic vegetation, etc.);

(b) Access to the construction site is not available without causing significant impacts to Rhode Island's coastal resources (e.g. coastal wetlands);

(c) The proposed facility would significantly interfere with and/or impact other public trust uses of the tidal or inter-tidal areas of the shoreline (e.g. interfere with navigation);

(d) Water depths adjacent to the site would require dock span lengths in excess of the standards contained in Section 300.4.E in order to allow normal and appropriate use of the dock by a vessel.

4. Applicants for Council Assents for alterations or activities in Type 2 waters shall describe the measures taken to mitigate impacts on the scenic quality of the area (see Section 330).

5. Since runoff can be a major source of pollutants from developed areas to poorly flushed estuaries, new or enlarged discharges shall be permitted into the following Type 2 waters only when it is demonstrated that no reasonable alternative exists and that no significant adverse impact to the receiving waters will result:

- (a) Winnapaug Pond
- (b) Quonochontaug Pond
- (c) Ninigret Pond (Charlestown Pond)
- (d) Green Hill Pond
- (e) Potters Pond
- (f) Point Judith Pond
- (g) Nannaquaket Pond
- (h) Palmer River
- (i) Kickemuit River
- (j) Fishing Cove (Wickford)
- (k) Pettaquamscutt River

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 2 waters shall not significantly interfere with public use and enjoyment of such facilities. Where significant interference is found, the Council shall suitably modify or deny that alteration or activity.