



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Tuesday, March 17, 2009 at CRMC, Stedman Government Center, Wakefield, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chair
Paul Lemont, Vice Chair
Don Gomez
Russ Chateaufneuf, DEM

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeff Willis, Deputy Director
Laura Ricketson Dwyer, Public Ed/Outreach Coord

Brian Goldman, Legal Counsel

OTHERS PRESENT

Wendy Waller
Doug Groff

Call to Order. Mr. Tikoian called the meeting to order at 8:30 a.m.

The Chair expressed his appreciation to the members for their continued commitment to the subcommittee and its morning schedule.

The Chair asked for a motion to approve the February 17, 2009 meeting minutes.

Mr. Lemont seconded by Mr. Gomez and Mr. Chateaufneuf moved to approve the meeting minutes of February 17, 2009. All voted in favor of the motion to approve.

Item 4.A. MetroBay SAMP Hazards Chapter. J. Boyd presented the Hazards Chapter of the MetroBay SAMP wherein he noted that the latest public workshop, which was called for by the subcommittee, was well-attended and resulted in some comments from those present, specifically from the four communities that the SAMP encompasses. J. Boyd will compile those comments and incorporate same into the chapter for final presentation to the subcommittee for its approval to begin-rule-making.

Item 4.B. Section 300.3 - Residential, Commercial, Industrial, and Recreational Structures. J. Willis presented the proposed revision that seeks to clarify the setback requirements for structural perimeter limits adjacent to mooring fields and federal navigation projects. The subcommittee discussed and suggested to break the proposed language into two sentences for clarity, as follows:

However, in all cases the SPL shall be setback at least fifty (50) feet from approved mooring fields, and In addition the SPL shall be setback at least three times the authorized project depth from federal navigation projects (e.g. navigation channels and anchorage areas).

Mr. Gomez, seconded by Mr. Chateauf moved to approve the proposed revision as revised by the subcommittee. All voted in favor of the motion to approve.

Item 5.A. HMP Guidelines Section III.B.3(m) – Required Elements of a Harbor Management Plan. K. Cute presented the issue of requiring municipalities to develop a mooring allocation policy that limits the transfer of a private mooring permit to an immediate family member to a one time basis, among additional conditions. The purpose of this proposed change is to ensure that a fair and equitable procedures exists for allocating the state’s public trust resources to the general public over time.

Mr. Gomez, seconded by Mr. Chateauf moved to approve the proposed revision as presented. All voted in favor of the motion to approve.

Item 5.B. New Shoreham Ordinance: Applications for Permits to Conduct Activities in the Great Salt Pond. B. Goldman explained that the Town of New Shoreham enacted an ordinance that asserts bottomland ownership, as well as the waters of Great Salt Pond itself, as ceded to the Town in an Act of the legislature in 1887. The ordinance states that the town must be a co-applicant for any permit or license to conduct activities or alterations on or in the Great Salt Pond that is subject to state or federal regulation. Relative to this municipal position, B. Goldman explained recent state law decisions that affirm state authority (ie: CRMC) and police powers for all activities below the mean high water mark. Legal counsel states the issue of the Town’s ownership interest was part of Judge Vogel’s recent Champlin’s decision now the Town of New Shoreham has advised him they will seek review and a stay in the state Supreme Court. For purposes of this municipal ordinance, B. Goldman suggested that the agency has three (3) options for handling permit applications from applicants in or on Great Salt Pond: (1) accept an application and let the Town litigate the Town’s position; (2) do not accept such applications, as agency cannot adjudicate land disputes; or (3) accept application and not act on them while awaiting a decision on the Appeal and Stay of the 2009 Superior Court decision. B. Goldman recommended that the agency accept such applications but wait for a decision of the appeal and/or stay. He also suggested that staff determine what applications are already in-stream and forward to him and the Executive Director for a determination on how to proceed with those. B. Goldman also stated that he will write a standard reply letter for any subsequent applications from Great Salt Pond applicants. However, if any applications come in with the town as co-applicant, we can accept those.

Mr. Lemont, seconded by Mr. Gomez, moved to accept but not make a decision on such applications pending an appeal and stay; and, accept and decide such applications submitted with the town as co-applicant.. All voted in favor of the motion to approve.

Item 5.C. State Board of Registration for Professional Land Surveyors – Informational Bulletin March 2009 Regarding the Interpretation of RIGL 5.8.1 through 5.8.1.19 (Land Surveying Registration Act). G. Fugate and J. Willis presented issue raised in the State Board of Registration for Professional Land Surveyors Informational Bulletin March 2009 Regarding the Interpretation of RIGL 5.8.1 through 5.8.1.19 (Land Surveying Registration Act), in that no one other than a licensed land surveyor can offer such services and purport survey information on site plans submitted for regulatory review. G. Fugate reported that to the best of his knowledge only site plans/applications that bear the stamp of registered land surveyors have been seen at CRMC.

No action was necessary.

Item 5.D. CRMC Fees. J. Willis introduced an updated fee schedule that incorporated fee adjustments since the schedule was last revised in 1992/3. Two scenarios were presented: one based on inflation and the other, while incomplete, based on typical staff review time and an hourly rate of staff time associated with an application's review. The subcommittee thanked staff for this work and asked that they continue researching the staff review effort. The subcommittee discussed increasing the annual beach vehicle permit fee for out of state vehicle registration to \$150, up from \$100.

Mr. Gomez, seconded by Mr. Chateauf moved to approve increasing the annual beach vehicle permit fee for out of state vehicle registration to \$150, up from \$100. All voted in favor of the motion to approve.

Mr. Tikoian announced that there will not be an April subcommittee meeting.

ADJOURNMENT. Mr. Gomez, seconded by Mr. Dawson and Mr. Chateauf moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:35 a.m.

Respectfully submitted by

DRAFT

Jeffrey M Willis, Deputy Director