

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
 COASTAL RESOURCES MANAGEMENT COUNCIL
 NOTICE OF ADOPTION OF REGULATIONS

In accordance with and pursuant to the provisions of the "Administrative Procedures Act" (Section 42-35-3 of the General Laws of Rhode Island) and the Rules and Regulations of the Coastal Resources Management Council, the final draft of the proposed intertidal salt marsh regulations to be adopted by the Council at the regular monthly meeting on March 11, 1975 at 7:30 p.m. in Room 313, of the State House, is presently available for inspection by the general public at the offices of the Rhode Island Division of Coastal Resources, 83 Park Street, Providence, Rhode Island between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

Parties interested or concerned in the above mentioned matter are invited to be present and/or represented by counsel at the above stated time and place.

All statements will be heard and recorded and statements may be submitted to the hearing officers at the time of the hearing.

Signed this 13th day of February, 1975.

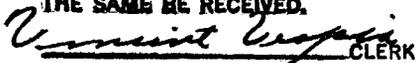


 John A. Lyons, Chairman
 Coastal Resources Management Council

IN CITY COUNCIL
 MAR 6 1975

READ:

WHEREUPON IT IS ORDERED THAT
 THE SAME BE RECEIVED.



 CLERK

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
ROOM 508, VETERANS MEMORIAL BUILDING
83 PARK STREET, PROVIDENCE, R. I. 02903

In accordance with and pursuant to the provisions of the "Administrative Procedures Act" (Section 42-35-3 of the General Laws of Rhode Island) and the Rules and Regulations of the Coastal Resources Management Council, a public hearing will be held for the consideration for adoption of Coastal Resources Management Policies and Regulations which shall constitute the basis for the Coastal Management Plan. Specifically, dealing with all aspects of the Coastal Resources Management Council's jurisdiction and management of all areas of said jurisdiction. In the form of rules of the agency regarding:

- Chapter 1 - General Policy
- Chapter 2 - Procedures, Rules and Regulations
- Chapter 3 - Fees
- Chapter 4 - Chemical or Petroleum Processing Transfer or Storage
- Chapter 5 - Power Generating and Desalination Plants.
- Chapter 6 - Cables and Pipe Lines
- Chapter 7 - Harbor, port facilities and marine transportation.
- Chapter 8 - Piers, Docks and Wharves
- Chapter 9 - Dredging and Filling
- Chapter 10 - Minerals Extraction
- Chapter 11 - Fishing and Aquaculture
- Chapter 12 - Marine Recreation
- Chapter 13 - Riparian rights
- Chapter 14 - State-owned property
- Chapter 15 - Shore line protection facilities and physiographic features
- Chapter 16 - Intertidal salt marshes
- Chapter 17 - Natural areas of particular concern
- Chapter 18 - Pollution Control

and the uses of the coastal resources relative to Chapter 46-23 of the General Laws of Rhode Island.

The hearing will be held at 2:00 p.m. on Thursday, March 20, 1975 in Room 313 of the State House, in Providence, Rhode Island.

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place.

Oral statements will be heard and recorded and statements may be submitted to the hearing officers at the time of hearing.

Signed this 14th day of February, 1975.



JOHN A. LYONS, CHAIRMAN
COASTAL RESOURCES MANAGEMENT COUNCIL

COASTAL RESOURCES MANAGEMENT COUNCIL

CHAPTER 6

TITLE: Intertidal Salt Marshes

DATE OF ADOPTION:

COUNCIL AUTHORITY:

Chapter 279 of the Public Laws of 1971 established the Coastal Resources Management Council giving the Council prime jurisdiction over all intertidal salt marshes of the State of Rhode Island. (G.L.R.I. 46-23-6 (B) (e))

REFERENCE DOCUMENTS:

CROSS REFERENCES:

DEFINITION:

An intertidal salt marsh shall be defined as any land which borders or lies beneath the tidal waters of this state and upon which grows one or more of the following plant species:

- a. Salt marsh grass (Spartina alterniflora)
- b. Salt marsh meadow grass (Spartina patens)
- c. Spike grass (Dictichlis spicata)
- d. Black grass (Juncus gerardi)
- e. Saltworts (Salicornia spp.)
- f. Seaside lavender (Limonium carolinianum)

Such land shall be considered an intertidal salt marsh whether or not tidal waters reach the area through natural or artificial water courses.

FINDINGS OF FACT:

The Council finds that the intertidal salt marshes of the state are a valuable and necessary resource that must be diligently protected for the following principal reasons:

Article 1, Section 17 of the Constitution of the State of Rhode Island and Providence Plantations guarantees to the people the free right of fishery which cannot be enjoyed unless both finfish and shellfish are in abundance;

Intertidal salt marshes and the metabolic processes of plants and animals found therein are known to furnish organic and inorganic nutrients and plankton necessary for the nurture of many important finfish and shellfish found along the Rhode Island shoreline;

Intertidal salt marshes also provide essential breeding, feeding and resting habitat for many species of birds and mammals throughout the year;

Intertidal salt marshes have the capacity to absorb flood waters and act as buffers against wave erosion and thus provide protection against flooding.

The Council finds that there exists the need for an upland buffer strip bordering intertidal salt marshes to protect them from siltation and pollution and to safeguard the wildlife residing in the marshes from harassment. An upland buffer strip will also provide for the natural inland migration of many salt marshes caused by rising sea level. In instances where the Council's jurisdiction may not extend inland to include said buffer strip, it shall be the policy of the Council to encourage the Director of Natural Resources to insure protection of said buffer strip through the authority granted to the Department of Natural Resources under G.L.R.I. 2-1-13 to G.L.R.I. 2-1-17 inclusive.

The Council finds that the following uses, if pursued in reasonable moderation, do not conflict with the management program of intertidal salt marshes: low intensity recreation including bird watching, fishing, clamming, and hunting, scientific research and educational uses.

The Council further finds that any activity that disturbs the biologic and hydrologic process within an intertidal salt marsh and its associated waters shall directly conflict with the Council's program for the management of intertidal salt marshes as contained in part herein, and further said disturbance of the said processes shall greatly damage the coastal environment.

REGULATIONS:

1. Any person who plans the alteration of an intertidal salt marsh in any manner whatsoever shall apply for a permit from the Council. The applicant shall prove to this Council by a fair preponderance of evidence that said proposed alteration shall not disturb the biologic and hydrologic processes within the intertidal salt marsh.
2. The Council shall refuse to issue a permit for any activity that it finds would disturb the biologic and hydrologic process within an intertidal salt marsh and its associated waters, unless it is demonstrated to this Council that there exists sufficient reason to allow such alteration.
3. Any person who either directly or indirectly deposits any material including but not limited to mud, dirt, fill, refuse, effluents of any kind, or who excavates or otherwise disturbs the biologic or hydrologic process of an intertidal salt marsh, or any part thereof, without first obtaining a permit issued by the Coastal (Resources Management) Council shall be subject to prosecution under the authority vested in the Council under Title 46, Chapter 23 of the General Laws of Rhode Island. Further, the Council shall direct its chairman to bring a complaint in the superior court to require any such person to restore such intertidal salt marsh to the extent deemed practical by the court.