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Federal/State Coordination in Coastal Permitting Procedures

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FEDERAL/STATE COORDINATION IN
COASTAL PERMITTING PROCEDURES

James H. Asthalter
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<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I    INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II   COASTAL RESOURCES MANAGEMENT COUNCIL</td>
<td>4</td>
</tr>
<tr>
<td>III  U. S. ARMY CORPS OF ENGINEERS</td>
<td>9</td>
</tr>
<tr>
<td>IV   PRESENT DEGREE OF COORDINATION</td>
<td>13</td>
</tr>
<tr>
<td>V    CASE STUDY - CHANNEL DREDGING, POINT JUDITH, RHODE ISLAND</td>
<td>18</td>
</tr>
<tr>
<td>VI   POSSIBLE IMPROVEMENTS UNDER EXISTING DIRECTIVES</td>
<td>20</td>
</tr>
<tr>
<td>VII  FUTURE RECOMMENDATIONS</td>
<td>23</td>
</tr>
<tr>
<td>NOTES</td>
<td>26</td>
</tr>
</tbody>
</table>

**APPENDIX**

A--CRMC FORMS
B--CORPS FORMS
C--COASTAL RESOURCES MANAGEMENT COUNCIL--PROPOSED PAMPHLET
INTRODUCTION

In 1972 Congress passed the Coastal Zone Management Act. Under Section 302 of the act Congress found that "there is a national interest in effective management, beneficial use, protection and development of the coastal zone." (emphasis added)

To this end, Congress in Section 303 declared that there is a national policy (a) to preserve, protect, develop and, where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic and aesthetic values as well as the needs for economic development, (and) (c) for all federal agencies engaged in programs affecting the coastal zone to cooperate and participate (emphasis added) with state and local governments and regional agencies in effectuating the purposes of this title.

In 1971, in advance of the Coastal Zone Management Act, Rhode Island created by legislative act the Coastal Resources Management Council (CRMC), with the mandate "to preserve, protect, develop and, where possible, restore the coastal resources of the state."
While the goals of environmental protection and planned development are necessary and desirable, it is where the programs meet the people (in the permitting authorities) that problems are occurring. Because of a lack of efficient and effective coordination between the federal agencies and the state, projects which present no damage to the coastal environment and are acceptable by existing standards may be delayed and ultimately cancelled due to the fact that businesses, particularly small businesses, have critical financing problems and can't afford to have their capital tied up for indefinite periods of time.

It is with this in mind that I examined the permitting process on the federal and state level, looking specifically at the Coastal Resources Management Council and the U. S. Army Corps of Engineers. I examined them first, individually to compare their missions and administrative structure, second I examined how well they function together at the present time, third I looked at ways in which they could function more efficiently under existing directives and, fourth, I have made recommendations requiring changes in federal legislation.

For the purpose of this study I am not addressing some of the more controversial subjects, such as energy facility siting or nuclear power since they are complicated by political and emotional considerations. I am instead concerning
myself with the problems of small businessmen (e.g., marina owners) and riparian property owners.
II

COASTAL RESOURCES MANAGEMENT COUNCIL

The Coastal Resources Management Council consists of seventeen members. Its membership is designed to provide a diverse demographic and geographic representation throughout the state. The Council also includes a varying number of members who serve in a nonvoting advisory capacity. Advisory members represent federal agencies such as the Navy, Coast Guard, Army Corps of Engineers and the Federal Water Pollution Control Administration.

The Council's primary responsibility is maintaining a continuing coastal management plan for the states' resources. Involved in this process is the evaluation of the quantity, quality and potential of the resources and the setting of standards for the protection and development of each of these resources.

These plans and programs are to be developed around basic criteria including:

(a) The need and demand for various activities and their impact upon ecological systems
(b) The degree of compatibility of various activities
(c) The capability of coastal resources to support various activities
(d) Water quality standards set by the Department of Health
(e) Consideration of plan studies, surveys, inventories, and so forth, prepared by other public and private owners.

(f) Consideration of contiguous land uses and transportation facilities.

(g) Consistency with the state guide plan.²

Once the plans and policies are formulated, any person, firm or agency planning any development or activity below mean high water would have to "demonstrate that its proposal would not (1) conflict with any resources management plan or program, (2) make any area unsuitable for any uses or activities to which it is allocated by a resources management plan or program or (3) significantly damage the environment of the coastal region."

Above mean high water the Council has the authority to approve, modify, set conditions for, or reject those land-side activities which would have a direct and significant impact on the coastal environment and/or the management plan. These activities include:

(a) Power generating and desalinization plants

(b) Chemical or petroleum processing, transfer, or storage

(c) Minerals extraction

(d) Shoreline protection facilities and physiographical features
(e) Intertidal salt marshes

(f) Sewage treatment and disposal and solid waste disposal facilities.3

To insure that the various standards and guidelines are met, the legislature has attempted to establish systems of linkages or networking to provide the Council with the necessary administrative capability to coordinate its plans and policies through the other state agencies having jurisdiction in the Coastal Zone. The principle agencies are: (1) the Department of Natural Resources, (2) Department of Health, (3) Department of Administration (state guide plan), (4) Department of Transportation, (5) Port Authority and Economic Development Corporation, and (6) Solid Waste Management Corporation. In conjunction with them, the Council has certain coordinating powers and duties:

(a) Functioning as a binding arbitrator in any matter of dispute involving both the resources of the state's coastal region and the interests of two or more municipalities or state agencies,

(b) Consulting and coordinating actions with local state, regional and federal agencies and private interests,

(c) Conducting or sponsoring coastal research,

(d) Advising the governor, the General Assembly and the public on coastal matters.4
With the Council's plans, standards and administrative organization in place, it is authorized to "exercise the following operating functions":

(a) Issue, modify or deny permits for any work in above or beneath the water areas under its jurisdiction, including conduct of any form of agriculture;

(b) Issue, modify or deny permits for dredging, filling, or any other physical alteration of intertidal salt marshes;

(c) 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 the private use of such resources;

(d) Determining the need for establishing pier head, bulkhead, and harbor lines;

(e) Developing, leasing and maintaining state piers and other state-owned property assigned to the agency by the Department of Natural Resources, the governor, or the General Assembly;

(f) Investigating complaints alleging violations of state laws or riparian rights in the state's tidal waters.  

If there is a violation of the state management program or the regulations, the Council is empowered to order the violator to "cease and desist or to remedy such violation." Thus, activities undertaken under the Council's jurisdiction, without a valid permit, would be considered in violation of
regulations of the Council. The Council chairman is also authorized to "bring prosecution by complaint and warrant, and such prosecution shall be made in the district court." The superior court shall have the jurisdiction in equity to enforce the provisions of this chapter.

Upon conviction, any violator shall be guilty of a misdemeanor and shall be fined not more than three hundred dollars or shall be imprisoned for not more than three months or both, and each day of such violation is considered a separate offense.

Thus, at face value the Council has the authority to formulate coastal management plans, set standards, coordinate with other federal, state, local and regional agencies, and to prosecute violators.
III

U. S. ARMY CORPS OF ENGINEERS

Under the laws of the United States, Congress has assigned to the U. S. Army Corps of Engineers certain non-military functions. These functions were laid down in Section 9-14 of the Rivers and Harbors Act of 1899 and regulate structures and obstructions in, across, or over navigable waters. In the years since 1899 the Corps has been given the additional missions of flood control, hydro-power production, water supply storage, and recreation.9

Most recently Congress has given the Corps the responsibility to restore and maintain water quality by regulating the discharge of dredged or fill material in the coastal and inland waters.

The Corps expanded authority was principally the result of two pieces of legislation. The National Environmental Policy Act (NEPA) of 1970 directed the Corps institute a "public interest review policy" in which future permit evaluations would include: navigation, fish and wildlife, conservation, pollution aesthetic, ecology, economics, general environmental concerns, historic values, flood damage prevention, land use, and recreation. This "public interest approach" was upheld by the Fifth Circuit, Court of Appeals in the case Zabel v. Tabb (430F 2nd 199), reversing the decision of the District Court in Jacksonville,

9
Florida which ruled that the Corps had no power to consider anything but interference with navigation. ¹⁰

Corps authority in regard to water quality is based on Section 404 of the Federal Water Pollution Control Act (FWPCA) 1972. Under the act the Corps' authority was originally interpreted to be limited to "waters which are presently used, were used in the past, or could be used by reasonable improvements, to transport interstate commerce." ¹⁰ However, in March of 1975 the U. S. District Court for the District of Columbia in Natural Resources Defense Council (NRDC) v. Callaway extended the Corps' responsibility to all waters of the United States. ¹¹

The program is presently being instituted in three phases:

Phase I - Effective July 25, 1975, extended the Corps regulation of disposal of dredged or fill material to the traditional navigable waters of the United States and contiguous or adjacent wetlands.

Phase II - Effective July 1, 1976, expanded the Corps permit program into primary tributaries of navigable waters of the United States, lakes, and the contiguous or adjacent wetlands.

Phase III - After July 1, 1977, the Corps will exercise its Section 404 authority over all waters of the United States. ¹²

In addition to the standard dredge material taken from U.S. waters, the Corps will also regulate the following types of activities:
(1) Site development fills for recreational, industrial, commercial and other uses,

(2) Causeways or road fills, dams on dikes, and artificial islands,

(3) Property protection and/or reclamation devices such as rip rap, groins, seawalls, breakwaters, bulkheads and fills,

(4) Beach nourishment, levees, sanitary land fills and backfill requirements for the placement of structures such as sewage treatment facilities.\(^{13}\)

These two acts, along with the Fish and Wildlife Coordination Act, the Endangered Species Act and the Coastal Zone Management Act, provided the framework, procedures, policies and goals under which the Corps operates.\(^{14}\)

As with the CRMC, if the Corps finds that an individual is involved in unauthorized activities under the Corps' jurisdiction, it may issue a "cease and desist letter" which if ignored may be referred to a United States attorney to obtain a court restraining order.\(^{15}\)

Violations of Section 10 of the Rivers and Harbors Act prohibiting "unauthorized obstruction or alteration of any navigable waters, and Section 404 of the FWPCA are referred directly to the U. S. attorney for legal action. Civil actions concerning unauthorized small docks and piers may be handled by the District Engineer who may require removal,
modification or simply issue an "after the fact" permit if it is in conformance with Corps standards and not counter to the public interest.

Violators are charged with a misdemeanor and subject to a fine of $500-$2,500 and imprisonment up to one year. In addition, the Corps has the authority to require the removal of unauthorized structures or the restoration of the area to its original state.16

In comparing the administrative framework, procedures, policies and goals of the Council and the Corps, it is apparent that except for the proportional differences in funding, manpower and jurisdiction which are present in any federal, state comparison, the two organizations function in substantially the same way.
IV

PRESENT DEGREE OF COORDINATION

A. Coastal Resources Management Council

Upon receipt of a completed application (which includes proof of ownership, names and addresses of abutting property owners, and a detailed site plan of the proposed work and the surrounding area--see Appendix A), the information is immediately put out to public notice for thirty days.

During this time:

(1) A copy of the application is mailed to all state and local agencies and the abutting property owners,

(2) A site visit is made by members of the Council staff,

(3) Technical reports and comments may be requested from Department of Natural Resources, Department of Health, State Wide Planning or other concerned agencies or organizations.

If no objections are raised during this period, the application is brought up before the full Council at the next monthly meeting for consideration. If the application is found to be in conformance with the Council's evaluating criteria, the assent is issued immediately. However, if one objection is received during the notice period, a public hearing is required following the provisions of the "Administrative Procedures Act."
When a public hearing is required:

1. Newspaper advertisements must precede the hearing by twenty days.
2. The Council's subcommittee will take testimony and receive evidence from the project's proponents and opponents.
3. Hearing transcripts are supplied to the Council.
4. The subcommittee will then present a recommendation to the full Council at the next monthly meeting.
5. Objectors then have thirty days from the date of the Council's written decision to bring suit in Rhode Island Superior Court to stay the Council's decision.

Thus the Council's permit process could take anywhere from six weeks to six months or longer depending on how controversial the project is, how thorough the applicant is in preparing the application, and how successful the applicant is in convincing opponents.

B. Army Corps of Engineers

The Corps' overall permitting framework is substantially the same as the CRMC's, differing only in the degree of complexity dictated by the number of acts governing the Corps' actions in the coastal zone, and by the number of agencies required to comment on various sections of applications.
The form an "Application for a Department of the Army Permit" (see Appendix B) is similar to the Council's application but with enough differences to cause confusion in some instances.

When an application is received it is assigned an identification number, checked for completeness and sent out to notice within fifteen days if the required information has been supplied.\textsuperscript{17}

The notice will be distributed for posting in post offices... in the vicinity of the site of the proposed work and will be sent to the applicant, to appropriate city and county officials, to adjoining property owners, to concerned federal agencies, to local, regional and national shipping and other concerned business and conservation organizations, and other interested parties... and it/... may be published for five consecutive days in the local newspaper.\textsuperscript{18}

During the subsequent seventy-five day comment period, the District Engineer will accept and consider comments from all interested parties. Comments may also be specifically required or requested from area field representatives of:

- Secretary of the Interior, the Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the National Park Service, the Regional Administrator of the Environmental Protection Agency (EPA), the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA)...
- and the District Commander, U. S. Coast Guard...

Further, the District Engineer is directed to determine if an environmental impact statement, water quality certifi-
cation, other specialized considerations must be made; if so additional requirements and timetables must be adhered to. 20

Public hearings may be required by law or the Corps may determine on the basis of notice responses, that "further opportunity for public expressions of interest may be warranted." In such cases a thirty day advance notice is required. 21

Therefore, the Corps' permitting process can become a long, drawn out process. Even if a permit is not required to go through the entire process, the sheer bulk of applications passing through the Corps annually may delay the entire procedure.

As an example, prior to the FWPCA Section 404 responsibilities, about 400 applications were processed annually. In Phase II, the Corps is processing 800 applications per year, with the average application taking between three and four months for approval. 22

A Corps representative stated that, in fact, the number of applications should be much greater but at the present time there has not been a substantial public information or enforcement drive to bring about compliance with the Phase II requirements. When Phase III is instituted in July of 1977, it may take between four and eight months to process an application. 23
At the present time, many applications requiring Fish and Wildlife comment are returned marked "no comment" due to lack of personnel.\textsuperscript{24} To me this is indicative of a possible trend toward decreasing efficiency and effectiveness.

If the systems used by the Corps and CRMC are juxtaposed one can see that by the time the Corps has completed its requisite notice period, the Council could have completed a notice, public hearing and monthly meeting, leaving little opportunity for coordination under their existing procedures. This is a major flaw in the overall permitting process.
CASE STUDY - CHANNEL DREDGING

POINT JUDITH, RHODE ISLAND

This case study is illustrative of the problems that can arise between the Corps, Council and the community without proper coordination and communication. Over the past four years there has been an increasing need for dredging in the East Channel at Point Judith. It was decided that this would be a parallel project with the Corps responsible for dredging the channel itself and the Coastal Resources Management Council responsible for dredging in and around the piers and south bulkhead.

Despite the fact that the need for dredging was increasing, local residents delayed the project primarily because of concern over the composition of the dredge material and the location of the dump site. A core sample was subsequently taken by the CRMC staff which revealed that the vast majority of the material was sand rather than silt or sludge and would cause no odor problem. This finding alone alleviated much of the local concern.

The Council's staff then drew up plans for the retaining dike and submitted the completed application for review following Corps guidelines. The Corps, in turn, stated that
there were discrepancies in the plans which had to be corrected before the application could be sent out to notice.

These discrepancies were not spelled out at once and were not clearly defined, which caused the application to be sent back several times. In one instance, Corps calculations on the area of the retaining dike were off by two acres, which, if followed, would have caused the dredge material to overflow.

In November of 1976, the application was again submitted in its newly completed form and was scheduled to be sent out to notice at that time. The Corps was contacted by the Council staff in early January about the status of the permit and found that it had not even left the office.

The application was finally approved in late March of this year.

What is significant about this particular case is that this application was not filed by an ordinary citizen but by the CRMC's engineers who supposedly have better channels of communication open to the Corps; secondly, the dredging project was done in conjunction with the Corps, a fact that the individual processing the application was not aware of until later, indicating that communication within the Corps itself may be lacking; and third, the inaccuracies of the Corps' calculations leads to questions of how effective the review will be with the expected increase in the number of permits.
COASTAL DEVELOPMENT FOR NAVIGATION

POINT JUDITH HARBOR

AND POND, R.I.
POSSIBLE IMPROVEMENTS UNDER EXISTING DIRECTIVES

It is clear that as the permit requirements expand, other means will have to be found to expand the respective authorities ability to cope with the increasing load.

One of the most obvious areas where inter-agency coordination could simplify the procedure for applicants is in the standardization of permit forms. Provisions are made for this in paragraph "h1" of the Corps rules and regulations. But as the system functions now, both applications must be submitted simultaneously and separately.

A second area of coordination which would substantially reduce time and duplication of effort is in the actual processing of the application. Paragraph (f) of the Corps regulations allows the District Engineer to enter into agreements with states having on-going permit programs, which would enable joint processing of permits. This would include: joint public notices, joint public hearings and joint development, review and analysis of the information. However, Corps officials seem to interpret this paragraph as a one-sided effort in which state agencies would coordinate with District Engineers. The Corps feels it is required by regulations to adhere to the established timetable. While this type of action would increase coordination, it would do little to
streamline the entire process.

This lack of coordination is often so pronounced that the Council is not aware of delays on the Corps application until applicants apply for extensions on their CRMC assents, while awaiting final approval from the District Engineer. So at the present time the two agencies are attempting to develop ways to improve their effectiveness separately.

In recent years, the Coastal Resources Management Council has become more efficient and responsive in handling applications. Therefore, it is now directing its efforts toward encouraging prospective applicants to submit more complete applications to avoid unnecessary rework and to encourage the applicants to attempt to resolve differences with local communities or concerned citizens prior to the notice period. This in many cases can avoid a lengthy hearing process.

(Appendix C)

The Corps is now in the process of initiating a "general permitting" procedure for certain categories of activities such as:

1. small piers, docks and floats
2. minor roadway modifications by government agencies
3. logging roads
4. minor soil and water conservation projects.
The general permit guidelines go through a period of public notice and review similar to a normal application. When this process is completed, applications conforming to these guidelines can be submitted on a single page form and can ideally be processed in a few days.

Several general permit categories are in the notice period now. However, this system is expected to meet opposition from environmental organizations and may consequently be delayed.

If and when the program is instituted, it will undoubtedly alleviate some of the pressure on the Corps but if they are conscientiously carrying out their responsibilities under their Section 404 authority, the application load should increase to a level in excess of 2,000 per year in the New England Region alone. The Corps present permitting staff is twenty-three with seventeen part-time employees, which is quite small considering the volume projected.
VII

FUTURE RECOMMENDATIONS

The problem remains then, how can governments and agencies effectively protect the environment and at the same time be responsive to the needs of small businesses and individuals planning development in the coastal areas? The following proposal is designed to address the question fully realizing that many legislative, policy, and enforcement hurdles would have to be overcome before it is feasible. However, I believe it could effectively streamline the whole coastal permitting procedure.

BACKGROUND

Section 309 of the Coastal Zone Management Act provides for continuing review by the Secretary of Commerce of the management plans of the Coastal States and of the performance of each state. The review is done to ensure that the state programs are being implemented in conformance with their plans and are conforming with the federal standards established by EPA and NEPA.

Therefore, states operating under an approved Coastal Zone Management Plan would be in conformance with federal standards regulating actions which would effect national environmental quality. Under these circumstances, there
should be no need for a separate federal permit for general activities within coastal state jurisdiction. The Corps could then be utilized as an oversight or policing agency similar to the Coast Guard.

My purpose in making these recommendations is not to minimize the Corps' contribution in maintaining and improving environmental quality. In many instances, such as the Marco Island development in Florida, Corps intervention under the national interest provisions of NEPA has prevented large scale destruction of valuable coastal wetlands.

For this reason, I believe there are certain activities that should continue to be reviewed by the Corps. They are: (1) those activities which are totally funded by federal funds and (2) those activities which are clearly national in scope. Additionally, the Corps should retain the authority to review and investigate complaints pertaining to activities not felt to be in the national interest or alleged violations of federal laws.

Thus the Corps could be phased out of local permitting responsibilities in coastal areas leaving more time to review and respond to larger issues.

If this approach were taken, it is obvious that much work would have to be done. Federal and state legislatures would have to enact enabling legislation and effected state agencies would require increased budgets and staffs.
But in the long run, I believe this would produce a more efficient permitting system which could be more responsive to the public and at the same time preserve, protect and enhance environmental quality. Beyond this, considering the president's expressed commitment to reducing the size of the federal government and diminishing unnecessary government influence, these proposed modifications would seem most appropriate.
NOTES

2. Ibid., 46-23-6(A).
3. Ibid., 46-23-6(B).
4. Ibid., 46-23-6(C).
5. Ibid., 46-23-6(D).
6. Ibid., 46-23-7.
7. Ibid.
8. Ibid.
10. Ibid., p. 3.
12. Ibid., Section 209.120, Para. 9(i).
13. Ibid., Para. 7.
15. Ibid., Para. (12)
18. Ibid.
19. Ibid.
20. Ibid., (IV).
21. Ibid., (V).

23. Ibid.

24. Ibid.

25. A. Autiello, Private interview, held at Coastal Resources Management Offices, Providence, RI.
APPENDIX A

CRMC FORMS
State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL
ROOM 508, VETERANS MEMORIAL BUILDING
83 PARK STREET, PROVIDENCE, R. I. 02903

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971, as amended.

<table>
<thead>
<tr>
<th>PLEASE TYPE OR PRINT</th>
<th>File No.</th>
<th>Application Date</th>
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<tbody>
<tr>
<td>Location No.</td>
<td>Street</td>
<td>City/Town</td>
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<tr>
<td>Owner's Name</td>
<td></td>
<td>Plat No.</td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td>Telephone No.</td>
</tr>
<tr>
<td>Contractor</td>
<td>Address</td>
<td>Telephone No.</td>
</tr>
<tr>
<td>Name of Waterway</td>
<td>Estimated cost of Project</td>
<td>Fee</td>
</tr>
</tbody>
</table>

Have the extensions of riparian boundary lines been established to determine the area of riparian rights? [ ] Yes [ ] No

Proof of riparian ownership (written statement from tax assessor)

Name and address of adjacent property owners whose property adjoins the waterway.

Describe accurately the work proposed
(Use additional sheets of paper if necessary and attach to this form.)

Note:
See reverse side-consult information booklet-application must be fully completed.
Sec. 46-23-6. POWER AND DUTIES.-In order to properly manage coastal resources the council shall have the following powers and duties:

A. Planning and Management. The primary responsibility of the council shall be the continuing planning for and management of the resources of the state's coastal region. The council shall be able to make any studies of conditions, activities, or problems of the state's coastal region needed to carry out its responsibilities.

The resources management process shall include the following basic phases:

a) Identify all of the state's coastal resources, water, submerged land, air space, fish, shellfish, minerals, physiographic features, and so forth.

b) Evaluate these resources in terms of their quantity, quality, capability for use, and other key characteristics.

c) Determine the current and potential uses of each resource.

d) Determine the current and potential problems of each resource.

e) Formulate plans and programs for the management of each resource, identifying permitted uses, locations, protection measures, and so forth.

f) Carry out these resources management programs through implementing authority and coordination of state, federal, local, and private activities.

g) Formulation of standards where these do not exist, and re-evaluation of existing standards.

An initial series of resources management activities shall be initiated through this basic process, then each phase shall continuously be recycled and used to modify the council's resources management programs and keep them current.

Planning and management programs shall be formulated in terms of the characteristics and needs of each resource or group of related resources. However, all plans and programs shall be developed around basic standards and criteria, including:

a) The need and demand for various activities and their impact upon ecological systems.

b) The degree of compatibility of various activities.

c) The capability of coastal resources to support various activities.

d) Water quality standards set by the department of health.

e) Consideration of plant, studies, surveys, inventories, and so forth prepared by other public and private sources.

f) Consideration of contiguous land uses and transportation facilities.

g) Consistency with the state guide plan.

B. Implementation.-The council is authorized to formulate policies and plans and to adopt regulations necessary to implement its various management programs.

Any person, firm or governmental agency proposing any development or operation within, above, or beneath the tidal water below the mean high water mark, extending out to the extent of the state's jurisdiction in the territorial sea shall be required to demonstrate that its proposal would not (1) conflict with any resources management plan or program; (2) make any area unsuitable for any uses or activities to which it is allocated by resources management plan or program; or (3) significantly damage the environment of the coastal region. The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

The authority of the council over land areas (those areas above the mean high water mark) shall be limited to that necessary to carry out effective resources management programs. This shall be limited to the authority to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location. The council's authority over these land uses and activities shall be limited to situations in which there is a reasonable probability of conflict with a plan or program for resources management or damage to the coastal environment. These uses and activities are:

a) Power generating and desalination plants.

b) Chemical or petroleum processing, transfer, or storage.

c) Minerals extraction.

d) Shoreline protection facilities and physiographical features.

e) Intertidal salt marshes.

f) Sewage treatment and disposal and solid waste disposal facilities.

C. Coordination.-The council shall have the following coordinating powers and duties:

a) Functioning as a binding arbitrator in any matter of dispute involving both the resources of the state's coastal region and the interests of two (2) or more municipalities or state agencies.

b) Consulting and coordinating actions with local, state, regional, and federal agencies and private interests.

c) Conducting or sponsoring coastal research.

d) Advising the governor, the general assembly, and the public on coastal matters.

D. Operations.-The council shall be authorized to exercise the following operating functions, which are essential to management of coastal resources:

a) Issue, modify or deny permits for any work in, above, or beneath the water areas under its jurisdiction, including conduct of any form of aquaculture.

b) Issue, modify or deny permits for dredging, filling, or any other physical alteration of intertidal salt marshes.

c) Licensing the use of coastal resources which are held in trust by the state for all its citizens, and imposing fees for private use of such resources.

d) Determining the need for and establishing pierhead, bulkhead, and harbor lines.

e) Developing, leasing, and maintaining state piers and other state-owned property assigned to the agency by the department of natural resources, the governor, or the general assembly.

f) Investigating complaints alleging violations of state laws or riparian rights in the state's tidal waters.
CHECK LIST FOR APPLICATIONS AND DETAILED PLANS

APPLICATION FEE: $35.00

1. ( ) TWO (2) COPIES OF APPLICATION - (complete)
2. ( ) NAMES & ADDRESSES OF ABUTTING PROPERTY OWNERS
3. ( ) PROOF OF PROPERTY OWNERSHIP (letter from local tax assessor)
4. ( ) ONE (1) 8½x11 SITE PLAN (include the following checked items)
   a. ( ) locality plan
   b. ( ) scale
   c. ( ) locality name
   d. ( ) waterway
   e. ( ) locus
   f. ( ) profile and sections
   g. ( ) ebb & flood symbol
   h. ( ) graphic scales on all views
   i. ( ) M H W & M L W marks
   j. ( ) harbor lines shown, if any present
   k. ( ) soundings shown in feet
   l. ( ) complete property lines
   m. ( ) area of riparian rights
   n. ( ) sewage disposal system permit from R.I. State Health Dept.
   o. ( ) approval for construction- building permit from local inspector
NAME & ADDRESSES OF ABUTTING PROPERTY OWNERS

1. ........................................
2. ........................................
3. ........................................

PROFILE - SECTION VIEW

TOP VIEW

PROPERTY LINES

DOCK LOCATION

SITE PLAN

Dimension all structures
all scales in feet

NAME

ADDRESSES

CITY TOWN

PLAT# ...................................

LOT# ....................................
NAME & ADDRESSES OF ABUTTING PROPERTY OWNERS

1. 

2. 

3. 

NOTE: if any dredging is done, show area of work and a deposit site.

DIMENSION ALL STRUCTURES
INdicate any marsh vegetation
INdicate type of material to be used
GIVE TOTAL SCOPE OF CONSTRUCTION
ALL SCALES IN FEET
NAME & ADDRESSES OF ABUTTING PROPERTY OWNERS

1. __________________________________________

2. __________________________________________

3. __________________________________________

elevation of 1st floor
indicate if filling will be done
distance of septic system from water
show any marsh vegetation
Application for a Department of the Army Permit

Authority
Section 10 River & Harbor Act 1899, Section 103 Marine Protection, Research & Sanctuaries Act of 1972, and Section 404 Federal Water Pollution Control Act

2. Principal Purpose(s)

Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.

3. Routine Uses

Describes the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

The application is made at the District level and subsequently the content is made a matter of public record through issuance of a public notice.

The content of the application is made available to any requesting agency, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request.

The form (or copies) could be kept on file at District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know; such as U.S. Fish & Wildlife; Environmental Protection Agency; etc.

4. Mandatory or Voluntary Disclosure and Effect on Individual Not Providing Information

The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data, the permit application cannot be processed. The need for a Social Security number, name, address and phone number is necessary, in case the permit application becomes involved in litigation, as a Justice Department requirement.
APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

One set of original drawings and two copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist).

<table>
<thead>
<tr>
<th>1. Application number (To be assigned by Corps).</th>
<th>2. Date.</th>
<th>3. For official use only.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Day</td>
<td>Mo.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yr.</td>
</tr>
</tbody>
</table>

4. Name and address of applicant.

5. Name, address, and title of applicant's authorized agent for permit application coordination.

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

7. Proposed use.

   Private □   Public □   Commercial □   Other □   (Explain in remarks)

8. Name and addresses of adjoining property owners whose property also adjoins the waterway.

9. Location where proposed activity exists or will occur.

   Sec.       Twp.       Rge.       (Where applicable)

   State     County     In - City or Town     Near - City or Town

10. Name of waterway at location of the activity.

---

ENG 4345 REPLACES ENG FORMS 4345 AND 4345-1 (PART A), MAY 71 AND 4345-1 (PART B), JUN 71, WHICH ARE OBSOLETE. (ER 1145-2-303) (EP 1145-2-1)
11. Date activity is proposed to commence.

Date activity is expected to be completed.

12. Is any portion of the activity for which authorization is sought now complete? Yes □ No □

If answer is “Yes” give reasons in the remarks section. Month and year the activity was completed __________. Indicate the existing work on the drawings.

13. List all approvals or certifications required by other Federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

<table>
<thead>
<tr>
<th>Issuing Agency</th>
<th>Type Approval</th>
<th>Identification No.</th>
<th>Date of Application</th>
<th>Date of Approval</th>
</tr>
</thead>
</table>

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes □ No □ (If “Yes” explain in remarks)

15. Remarks (see paragraph 3 of Permits Pamphlet for additional information required for certain activities).

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

The application must be signed by the person who desires to undertake the proposed activity; however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

If the activity includes the discharge of dredged or fill material in navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the application must be accompanied by a fee of $100 for quantities exceeding 2500 cubic yards and $10 for quantities of 2500 cubic yards or less. Federal, State and local governments are excluded from this requirement.
NEW FEE REQUIREMENTS

If a permit is to be issued, a fee will be required prior to issuance in accordance with regulations published in the Federal Register Vol. 41, No. 246, 21 December 1976.

Fees are $10 for non-commercial work and $100 for commercial or industrial work that is in support of operations that charge for production, distribution, or sale of goods or services.

Do not enclose fee with application. A separate fee request will be made before issuance of the permit. Federal, State, or local governmental agencies are excluded from fee requirements.
APPENDIX C

DRAWING REQUIREMENTS
AND CHECKLIST

1. General.
   ( ) Submit one original and two copies of all drawings on 8- by 10%-inch paper. Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be in accordance with the general format of the enclosed sample drawings and must be of good reproducible quality.
   ( ) A 1-inch margin should be left at the top edge of each sheet for binding purposes.
   ( ) Drawings should not reflect the approval, non-objection, or action of other agencies.
   ( ) Since drawings must be reproduced photographically, color shading cannot be used. Drawings may show work as dot shading, hatching, cross-hatching, or similar graphic symbols.
   ( ) Show distance between proposed activity and navigation channel where applicable.

2. Vicinity Map.
   ( ) Show location of the activity site including latitude and longitude if known.
   ( ) Show name of waterway.
   ( ) Show name of and distance to local town, community, or other identifying location.
   ( ) Identify map or chart from which vicinity map was taken, if applicable.
   ( ) Show graphic scale.
   ( ) Show north arrow.

3. Plan View
   ( ) Show existing shorelines.
   ( ) Show ebb and flood in tidal waters and direction of flow in rivers.
   ( ) Show north arrow.
   ( ) Show graphic scale.
   ( ) Show mean high and low waterlines if the proposed activity is in tidal areas on the Atlantic and Gulf coasts and the Great Lakes. For the Pacific Coastal areas, show mean higher high water and mean lower low water. Show ordinary high water line and ordinary low waterline if proposed activity is in a lake or stream.
   ( ) Show principal dimensions of structure or work and extent of encroachment beyond the applicable high waterline.
   ( ) For dredging, excavations, or fills, show number of cubic yards, type of material, method of handling, and location of fill or spoil disposal area. If spoil material is to be placed in approved dumping grounds, a separate map showing the location of the dumping grounds may be attached. The drawing must indicate proposed retention levees, weirs, and/or other devices for retaining hydraulically placed materials.
   ( ) Show and identify structures (if any) in navigable waters immediately adjacent to the proposed activity including permit numbers if known.
   ( ) Identify and show location of any structures to be constructed on fill or pile supported platforms in navigable waters. If nothing is to be constructed on fill or platform, state the intended use.
   ( ) Show your property lines and identify adjacent property owners. (On narrow waterways the property owner on the opposite shore must also be identified.)

4. Elevation and/or Section Views.
   ( ) Show same water elevations as for plan view.
   ( ) Show depth at waterward face of proposed work or if dredging is proposed, show dredging grade.
   ( ) If a fill, float or pile supported
platform is proposed, show dimensions and identity of any structures to be erected thereon.

( ) Show graphic scale.

5. Notes on Drawings.

( ) List names of adjacent property owners whose property also adjoins the water if not shown in plan view.

( ) State purpose (private use, commercial, etc.) of proposed activity.

( ) State datum used in plan and elevation views.

( ) If petroleum products or other hazardous material will be stored or handled at the proposed facility, so indicate.
APPENDIX D

ORCHARD VICINITY MAP FROM: MONROE COUNTY HIGHWAY MAP

**PLAN**

EXISTING PIER

100' TRUE 100'

PROPOSED MOORING BUOY

BLACK LAKE

EXISTING PIER

100' TRUE 100'

PROPOSED BOAT RAMP

25' S" CONCRETE SLAB

ELEVATION

25'

ORDINARY LOW WATER +48.0'

ORDINARY HIGH WATER +62.0'

PROPOSED BOAT RAMP (6" CONCRETE SLAB)

500 POUND CONCRETE ANCHOR BLOCK

ELEVATION

30 60

SCALE IN FEET

PURPOSE: PRIVATE BOAT LAUNCHING & MOORING

DATUM: MEAN SEA LEVEL

ADJACENT PROPERTY OWNERS:

1. TIM SMITH

2. JOHN H. JONES

PROPOSED LAUNCHING RAMP & MOORING BUOY

IN BLACK LAKE

NEAR REDMOND

COUNTY OF MONROE STATE LA.

APPLICATION BY JOHN S. DOE

SHEET 1 OF 1 DATE 4/16/74
NOTES:
1. APPROXIMATELY 500 CUBIC YARDS OF CLEAN SAND AND GRAVEL TO BE TRUCKED IN FOR BACKFILL.

PROPOSED BULKHEAD & FILL
CONST PRIVATe RESIDENCE

IN WALTON CREEK
AT BLISSVILLE CONN.

COUNTY OF COOK STATE CONN.

APPLICATION BY FRED P. SHELTON

SHEET 1 OF 1 DATE 4/27/74
Purposes: Extend telephone service

Datum: Mean sea level

Adjacent property owners:
1. State of Illinois
2. H. L. Hanson

Proposed overhead wire crossing

In Red River

At Eastville, Ill. (River Mile 210)

County of Cook, State of Illinois

Application by North Central Bell

Sheet 1 of 1, Date 5/20/74
TYPICAL SECTION

TOP OF BANK

SCALE IN FEET

FILL
CONCRETE
BULKHEAD
TIMBER PILES
25' PENETRATION
OR REFUSAL

4' REINFORCED CONCRETE DECK
EL. +15
FENDER PILES

MEAN HIGHER HIGH WATER +6.7
MEAN LOWER LOW WATER 0.0

PENETRATION OR REFUSAL

NOTES:
ALL ELEVATIONS REFER TO MEAN LOWER LOW WATER.

PROPOSED PIER
IN COOS BAY
NEAR EMPIRE
COUNTY OF COOS STATE OREGON
APPLICATION BY PACIFIC SEAFOODS

SHEET 1 OF 1 DATE 1 JAN '74

D-4
NOTE:
TOTAL EXCAVATION 2,000 CU YDS
SANDY SILT TRENCH TO BE
EXCAVATED BY CLAMSHELL. MATERIAL
TO BE PLACED ON BARGE AND USED
FOR BACKFILL. EXCESS MATERIAL
WILL BE PLACED ASHORE.

CABLE WILL BE BURIED TO A MIN.
DEPTH OF -12' THROUGH THIS AREA

SECTION

PURPOSE: EXTEND ELECTRICAL SERVICE
DATUM WHITE RIVER DATUM
ADJACENT PROPERTY OWNERS:
1 U.S. DEPT. OF THE INTERIOR
2 U.S. DEPT. OF THE INTERIOR

PROPOSED SUBMARINE CABLE
IN WHITE RIVER
NEAR HARMAN
COUNTY OF BUTTE STATE ARK.
APPLICATION BY ARK POWER CORP

D-5
NOT TO SCALE

SECTION A-A
NOT TO SCALE

APPROXIMATELY 17,000 CY OF GRANULAR MATERIAL TO BE DREDGED BY CLAM SHELL TO ELEVATION -50.0 AND DEPOSITED AT DISPOSAL SITE.

PURPOSE: MAINTENANCE OF BERTHING AREA

DATED: MEAN LOWER LOW WATER

ADJACENT PROPERTY OWNERS:
1. BANKS OIL COMPANY
2. ISLAND STEEL COMPANY

PROPOSED DREDGING AND DISPOSAL

IN EAST WATERWAY
AT SEATTLE, WASHINGTON
COUNTY OF KING STATE WASH.
APPLICATION BY PORT OF SEATTLE

SHEET 1 OF 1 DATE 4/15/74
NOTE:
APPROXIMATELY 10,000 CUBIC YARDS OF SILTY SAND WILL BE EXCAVATED BY DRAGLINE AND USED IN CONSTRUCTING UPLAND EMBANKMENT.

PURPOSE: CONNECTION OF UPLAND CANAL TO THE ST. LUCIE CANAL AT PORT MAYACA
COUNTY OF MARTIN STATE FL.
APPLICATION BY FLORIDA POWER & LIGHT
SHEET II OF II DATE 2/1/74

D-8
EXISTING GROUND LINE

TYPICAL SECTION

SCALE IN FEET

NOTE:
ALL ELEVATIONS REFER TO SEA LEVEL
DATUM: ESTIMATED WIDTH OF RIVER AT SITE IS 500'.

PURPOSE: PRIVATE RECREATIONAL, MOORAGE FACILITY
DATUM: MEAN SEA LEVEL
ADJACENT PROPERTY OWNERS:
1. JOHN BROWN
2. SAM SMITH

PROPOSED PRIVATE FLOATING MOORAGE

IN ALSEA RIVER
AT MILE 6.0
COUNTY OF LINCOLN, STATE W. I.
APPLICATION BY: J. Q. BOATMAN

FROM: USGS QUAD SHEET (LAKE SUPERIOR)
APPENDIX C

COASTAL RESOURCES MANAGEMENT COUNCIL

PROPOSED PAMPHLET
The Coastal Resources Management Council was established in 1971 by legislative act; with its primary objective being to "preserve, protect, develop and where possible restore the coastal resources of the state. It was granted jurisdiction over any development or operation in state waters seaward of the mean high water mark such as construction, dredging, filling, mineral extraction or agriculture.

The Council was also given jurisdiction over certain activities taking place on coastal lands. These include:
- Power generating and desalinating plants
- Chemical and petroleum processing, transfer and storage
- Mineral extraction
- Shoreline protection features (breakwaters, bulkheads, groins) and physiographic features (beaches, bluffs, etc.
- Intertidal salt marshes
- Sewage treatment and disposal and solid waste disposal plants

The Council's primary tool in exercising its jurisdiction is the permit application process. This application or "assent" process performs two functions: (1) it provides the
state with a systematic procedure by which a project can be evaluated on the basis of its potential benefits to the individual or community and its possible environmental risks; and (2) it provides the applicant with an early indication of possible changes or alterations in proposed plans or processes which might be required by state and federal regulations.

This pamphlet is designed to assist individuals in completing the application and to provide suggestions which will avoid delays in obtaining permit approval.

GENERAL CONSIDERATIONS

(1) Prior to completing the Council's assent application, obtain the appropriate local and state permits.

(2) When dredging is required, if possible, obtain a sample of the dredge material. (Knowing the composition of the material may diminish opposition to the project.)

   (a) Determine how much material is involved and how it will be disposed of.

   (b) If you have questions about any aspect of the dredging operation contact the Division of Solid Waste Management, Department of Health.

(3) In some cases, "limit of construction lines" or "harbor lines" may influence design and construction in local areas. If you are unsure whether these lines exist or will affect your project, you may wish to consult the CRMC staff, 401-277-2476.
(4) The single factor which most often delays permit approval is local objection. Consequently it is to your advantage to consult and inform abutting property owners and other concerned individuals about the proposed project. If at all possible, try to resolve these problems prior to submitting your application to the Corps.

(5) If your project requires a CRMC permit it is likely that a Army Corps of Engineers Permit will also be required. Information concerning Corps permits can be obtained by writing to:

Chief, Permits Branch, New England Div.
U. S. Army Corps of Engineers
424 Trapelo Road
Waltham, MA 02154

It is advisable to submit both permit applications at the same time.

CRMC'S REVIEW PROCESS

As soon as a completed application is received, copies are sent to all city and town governments, and to abutting property owners. A 30-day waiting period follows to allow objectors to come forward. Meanwhile, the application is evaluated by state engineers, biologists or geologists as appropriate. The site is inspected by at least one member of the Coastal Resources Management Council and staff of the Department of Natural Resources Coastal Resources Division.
If no objections are registered within the 30-day waiting period, the application is put on the agenda of the Council's next monthly meeting for action by the full Council.

If the application is approved, an assent is granted immediately.

In the case of an objection, the Council chairman appoints a sub-committee of three to four members to review the applicant's proposal. Notice of a public hearing, usually in the applicant's area, is advertised 20 days in advance in statewide and local newspapers. At the public hearing, testimony is heard for and against the application and a complete stenographic record is taken of the proceedings. Applicant may engage legal counsel if he wishes.

After receiving the stenographic record, the sub-committee prepares a report for the full Council. This may recommend acceptance, denial, or modification of the applicant's proposal, and is presented as soon as feasible at a monthly meeting of the entire Council.

At a subsequent meeting of the entire Council, any new evidence from applicant or objectors may be presented. If there is no new evidence, the Council takes action at that time. If an assent is granted, there is a 30-day waiting period to allow for possible appeal by objectors to the Superior Court.

The following check list and sample plans have been included to assist you in completing your applications.

Any questions should be referred to the Coastal Resources Management Council.
Dear Applicant:

The Coastal Resources Management Council would like to bring to your attention and the attention of your representatives, if any, the following areas of this Council's enabling legislation and policies and regulations which must be addressed by all Applicants who propose any alterations within the Coastal Zone.

Therefore, we would request that you and your representatives review the appropriate areas that pertain to your Application and be prepared to address these areas when the matter comes up before the Council.

Specifically, Title 46, Chapter 23, Section 6 of the General Laws of the State of Rhode Island state that an Applicant who proposes any development or operation within "The Coastal Zone" shall demonstrate that the proposal would not:

1. Conflict with any Resource Management plan or program,
2. Make any area unsuitable for any uses or activities to which it was allocated by Resource Management plan or program, or
3. Significantly damage the environment of the Coastal Region.

Further, the Coastal Resources Management Council Plan: Policies and Regulations deal with specific types of alterations, developments and operations which we hereby draw your attention to. Generally speaking, however, Chapter 1, Section 4 of the Coastal Management Council Plan: Policies and Regulations sets forth the following:

1-4. CRITERIA FOR DECISIONS

Where appropriate, decisions of the Council shall be based on criteria including but not limited to the following:

1) direct orientation to the coastal region and need for a site in the coastal region;
2) capacity of the site to support such development in terms of water supply, sewage disposal, solid waste disposal, transportation access and facilities, other supporting services and facilities, soil suitability, susceptibility to flooding and storm damage, and other factors;
3) capacity of the area to support development (residential, commercial, recreational, transportation, institutional, and so forth) which may result from the granting of a Council permit;

4) effect on the natural environment: water pollution; air pollution; noise pollution; visual or aesthetic effects; damage to natural features, plant life, wildlife, and wildlife habitat; and other effects;

5) effect on the cultural environment, such as recreation areas and historic places;

6) economic development needs such as quantity and quality of employment;

7) compatibility with nearby uses and activities;

8) consistency with public and private plans and studies, particularly with local comprehensive community plans;

9) consistency with the State Guide Plan;

10) consideration of cumulative, long-term effects as well as localized, short-term effects; and

11) contribution to public use of, enjoyment of, and access to the coastal region.

Additional criteria shall be established for particular uses, activities, and areas.

The review of the above by yourself and/or your representatives and your preparation to address applicable areas would serve to facilitate your Application and avoid delays in the decision making process of this Council.

Very truly yours,

John A. Lyons

JOHN A. LYONS, Chairman
Coastal Resources Management Council
Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971, as amended.

<table>
<thead>
<tr>
<th>PLEASE TYPE OR PRINT</th>
<th>File No.</th>
<th>Application Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location No.</td>
<td>Street</td>
<td>City/Town</td>
</tr>
<tr>
<td>Owner's Name</td>
<td></td>
<td>Plat No.</td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td>Lot No.</td>
</tr>
<tr>
<td>Contractor</td>
<td>Address</td>
<td>Telephone No.</td>
</tr>
<tr>
<td>Name of Waterway</td>
<td>Estimated cost of Project</td>
<td>Fee</td>
</tr>
<tr>
<td>Have the extensions of riparian boundary lines been established to determine the area of riparian rights?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Proof of riparian ownership (written statement from tax assessor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name and address of adjacent property owners whose property adjoins the waterway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe accurately the work proposed (Use additional sheets of paper if necessary and attach to this form.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:
See reverse side-consult information booklet-application must be fully completed.
Sec. 46-23-6. POWER AND DUTIES. In order to properly manage coastal resources the council shall have the following powers and duties:

A. Planning and Management. The primary responsibility of the council shall be the continuing planning for and management of the resources of the state's coastal region. The council shall be able to make any studies of conditions, activities, or problems of the state's coastal region needed to carry out its responsibilities.

The resources management process shall include the following basic phases:

a) Identify all of the state's coastal resources, water, submerged land, air space, fish, shellfish, minerals, physiographic features, and so forth.

b) Evaluate these resources in terms of their quantity, quality, capability for use, and other key characteristics.

c) Determine the current and potential uses of each resource.

d) Determine the current and potential problems of each resource.

e) Formulate plans and programs for the management of each resource, identifying permitted uses, locations, protection measures, and so forth.

f) Carry out these resources management programs through implementing authority and coordination of state, federal, local, and private activities.

g) Formulation of standards where these do not exist, and re-evaluation of existing standards.

An initial series of resources management activities shall be initiated through this basic process, then each phase shall continuously be recycled and used to modify the council's resources management programs and keep them current.

Planning and management programs shall be formulated in terms of the characteristics and needs of each resource or group of related resources. However, all plans and programs shall be developed around basic standards and criteria, including:

a) The need and demand for various activities and their impact upon ecological systems.

b) The degree of compatibility of various activities.

c) The capability of coastal resources to support various activities.

d) Water quality standards set by the department of health.

e) Consideration of plans, studies, surveys, inventories, and so forth prepared by public and private sources.

f) Consideration of contiguous land uses and transportation facilities.

g) Consistency with the state guide plan.

B. Implementation. The council is authorized to formulate policies and plans and to adopt regulations necessary to implement its various management programs.

Any person, firm or governmental agency proposing any development or operation within, above, or beneath the tidal water below the mean high water mark, extending out to the extent of the state's jurisdiction in the territorial sea shall be required to demonstrate that its proposal would not (1) conflict with any resources management plan or program; (2) make any area unsuitable for any uses or activities to which it is allocated by resources management plan or program; or (3) significantly damage the environment of the coastal region. The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

The authority of the council over land areas (those areas above the mean high water mark) shall be limited to that necessary to carry out effective resources management programs. This shall be limited to the authority to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location. The council's authority over these land uses and activities shall be limited to situations in which there is a reasonable probability of conflict with a plan or program for resources management or damage to the coastal environment. These uses and activities are:

a) Power generating and desalination plants.

b) Chemical or petroleum processing, transfer, or storage.

c) Minerals extraction.

d) Shoreline protection facilities and physiographical features.

e) Intertidal salt marshes.

f) Sewage treatment and disposal and solid waste disposal facilities.

C. Coordination. The council shall have the following coordinating powers and duties:

a) Functioning as a binding arbitrator in any matter of dispute involving both the resources of the state's coastal region and the interests of two (2) or more municipalities or state agencies.

b) Consulting and coordinating actions with local, state, regional, and federal agencies and private interests.

c) Conducting or sponsoring coastal research.

d) Advising the governor, the general assembly, and the public on coastal matters.

D. Operations. The council shall be authorized to exercise the following operating functions, which are essential to management of coastal resources:

a) Issue, modify or deny permits for any work in, above, or beneath the water areas under its jurisdiction, including conduct of any form of aquaculture.

b) Issue, modify or deny permits for dredging, filling or any other physical alteration of intertidal salt marshes.

c) Licensing the use of coastal resources which are held in trust by the state for all its citizens, and imposing fees for private use of such resources.

d) Determining the need for and establishing pierhead, bulkhead, and harbor lines.

e) Developing, leasing, and maintaining state piers and other state-owned property assigned to the agency by the department of natural resources, the governor, or the general assembly.

f) Investigating complaints alleging violations of state laws or riparian rights in the state's tidal waters.
COASTAL RESOURCES MANAGEMENT COUNCIL
DIVISION OF COASTAL RESOURCES
83 PARK STREET
PROVIDENCE, R.I. 02903

CHECK LIST FOR APPLICATIONS AND DETAILED PLANS

APPLICATION FEE: $35.00

1. ( ) TWO (2) COPIES OF APPLICATION - (complete)

2. ( ) NAMES & ADDRESSES OF ABUTTING PROPERTY OWNERS

3. ( ) PROOF OF PROPERTY OWNERSHIP (letter from local tax assessor)

4. ( ) ONE (1) 8½x11 SITE PLAN (include the following checked items)

   a. ( ) locality plan

   b. ( ) scale

   c. ( ) locality name

   d. ( ) waterway

   e. ( ) locus

   f. ( ) profile and sections

   g. ( ) ebb & flood symbol

   h. ( ) graphic scales on all views

   i. ( ) M H W & M L W marks

   j. ( ) harbor lines shown, if any present

   k. ( ) soundings shown in feet

   l. ( ) complete property lines

   m. ( ) area of riparian rights

   n. ( ) sewage disposal system permit from R.I. State Health Dept.

   o. ( ) approval for construction- building permit from local inspector
LOCUS - ADDRESSES OF ABUTTING PROPERTY OWNERS

1. 
2. 
3. 

PROFILE - SECTION VIEW

TOP VIEW

property lines

dock location

lines of riparian rights

harbor lines

waterway

SITE PLAN

NAME

ADDRESS

CITY TOWN

PLAT #

LOT #

dimension all structures
all scales in feet
NAME & ADDRESSES OF ABUTTING PROPERTY OWNERS

1. _________________________________
2. _________________________________
3. _________________________________

LOCALITY NAME

NOTE:
If any dredging is done, show area of work and a deposit site.

PROFILE - SECTION VIEW

NOTE:
- Dimension all structures
- Indicate any marsh vegetation
- Indicate type of material to be used
- Give total scope of construction
- All scales in feet

NAME
ADDRESS
CITY, TOWN
PLAT#
LOT#
NAME & ADDRESSES OF ABUTTING PROPERTY OWNERS

1. __________________________________________

2. __________________________________________

3. __________________________________________

LOCALITY NAME

LOCUS

VICINITY MAP

waterway

property lines
dwelling

septic system

street

elevation of 1st floor
indicate if filling will be done
distance of septic system from water
show any marsh vegetation

NAME
ADDRESS
CITY, TOWN
PLAT #
LOT #