



Title 46 Chapter 23
Rhode Island General Laws
Coastal Resources Management Council

Section 6 – Powers and Duties

(2) Implementation

(i) The council is *authorized to formulate policies and plans and to adopt regulations* necessary to implement its various management programs.....

(ii) (A) The council shall have exclusive *jurisdiction below mean high water* for all development, operations, and dredging, consistent with the requirements of chapter 6.1 of this title and except as necessary for the department of environmental management to exercise its powers and duties and to fulfill its responsibilities pursuant to §§ 42-17.1-2 and 42-17.1-24, and 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:

- (I) Conflict with any resources management plan or program;
- (II) Make any area unsuitable for any uses or activities to which it is allocated by a resources management plan or program adopted by the council; or
- (III) Significantly damage the environment of the coastal region.

(B) The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

(iii) The *authority of the council over land areas (those areas above the mean high water mark)* shall be limited to two hundred feet (200') from the coastal physiographic feature or 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 over forty (40) megawatts and desalination plants.
- (B) Chemical or petroleum processing, transfer, or storage.
- (C) Minerals extraction.

(D) Shoreline protection facilities and physiographical features, and all directly associated contiguous areas which are necessary to preserve the integrity of the facility and/or features.

(E) ***Coastal wetlands and all directly associated contiguous areas*** which are necessary to preserve the integrity of the wetlands ***including any freshwater wetlands located in the vicinity of the coast***. The actual determination of freshwater wetlands located in coastal vicinities and under the jurisdiction of the coastal resources management council shall be designated on such maps that are agreed to in writing and made available for public use by the coastal resources management council and the director, department of environmental management, within three (3) months of [August 6, 1996]. The CRMC shall have exclusive jurisdiction over the wetlands areas described in this section notwithstanding any provision of chapter 1, title 2 or any other provision, except as provided in subsection (iv) of this section. Within six (6) months of [August 6, 1996] the council in cooperation with the director shall develop rules and regulations for the management and protection of freshwater wetlands, affected by an aquaculture project, outside of those freshwater wetlands located in the vicinity of the coast and under the exclusive jurisdiction of the director of the department of environmental management.

For the purpose of this chapter, a "**coastal wetland**" shall mean any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters reach the littoral areas through natural or artificial watercourses, **and those uplands directly associated and contiguous thereto** which are necessary to preserve the integrity of that marsh. Marshes shall include those areas upon which grow one or more of the following: smooth cordgrass (*Spartina alterniflora*), salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black rush (*Juncus gerardi*), saltworts (*Salicornia* spp.), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus* spp.), hightide bush (*Iva frutescens*), tall reed (*Phragmites communis*), tall cordgrass (*Spartina pectinata*), broadleaf cattail (*Typha latifolia*), narrowleaf cattail (*Typha angustifolia*), spike rush (*Eleocharis rostellata*), chairmaker's rush (*Scirpus americana*), creeping bentgrass (*Agrostis palustris*), sweet grass (*Hierochloa odorata*), and wild rye (*Elymus virginicus*).

(F) Sewage treatment and disposal and solid waste disposal facilities.
