

TITLE 650 – COASTAL RESOURCES MANAGEMENT COUNCIL

CHAPTER 20 – COASTAL MANAGEMENT PROGRAM

SUBCHAPTER 05 – OCEAN SPECIAL AREA MANAGEMENT PLAN

PART 3 – Global Climate Change

3.1 Authority

- A. As authorized by the federal Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 through 1466) and R.I. Gen. Laws Chapter 46-23 the Coastal Resources Management Council may implement special area management plans.
- B. The regulations herein constitute a RICR regulatory component of the Ocean Special Area Management Plan (SAMP) Chapter 3 – Global Climate Change, and must be read in conjunction with the other RICR regulatory components and chapters of the Ocean SAMP for the full context and understanding of the CRMC's findings and policies that form the basis and purpose of these regulations. The other RICR regulatory components and chapters of the Ocean SAMP should be employed in interpreting the regulations herein and R.I. Gen. Laws § 46-23-1, *et seq.*

3.2 Purpose

The purpose of these rules is to carry out the responsibilities of the Coastal Resources Management Council in establishing the Ocean Special Area Management Plan (SAMP) for the offshore waters (beyond 3 nautical mile state water boundary) within the geographic location description (GLD) and to provide the regulatory framework for promoting a balanced and comprehensive ecosystem-based management approach to the development and protection of Rhode Island's ocean-based resources. In addition, these rules establish the regulatory standards and enforceable policies within the GLD for purposes of the federal Coastal Zone Management Act federal consistency provisions pursuant to 16 U.S.C. § 1456 and 15 C.F.R. Part 930.

3.3 Policies and Standards (formerly § 350)

- A. The Coastal Resources Management Council ("Council") developed and adopted on January 15, 2008, § 00-1.1.10 of this Chapter and is part of the federally adopted Rhode Island Coastal Resource Management Program (RICRMP). This is the controlling provision for the upland areas within the Council's jurisdiction and the immediate shoreline areas and seaward to a distance of 500 feet

offshore. This Part is intended to be the controlling policy for the ocean waters from beyond the 500 foot mark out to the three-mile limit.

- B. See § 00-1.1.10 of this Chapter for the most recent policies on climate change and sea level rise.

3.3.1 General Policies (formerly § 350.1)

- A. The Council recognizes that the changes brought by climate change are likely to result in alteration of the marine ecology and human uses affecting the Ocean SAMP area. The Council encourages energy conservation, mitigation of greenhouse gasses and adaptation approaches for management. The Council, therefore, supports the policy of increasing offshore renewable energy production in Rhode Island as a means of mitigating the potential effects of global climate change.
- B. The Council shall incorporate climate change planning and adaptation into policy and standards in all areas of its jurisdiction of the Ocean SAMP and its associated land-based infrastructure to proactively plan for and adapt to climate change impacts such as increased storminess and temperature change, in addition to accelerated sea level rise. For example, when evaluating Ocean SAMP area projects and uses, the Council will carefully consider how climate change could affect their future feasibility, safety, and effectiveness. When evaluating new or intensified existing uses within the Ocean SAMP area, the Council will consider predicted impacts of climate change especially on sensitive habitats, most notably spawning and nursery grounds, of particular importance to targeted species of finfish, shellfish, and crustaceans.
- C. The Council will convene a panel of scientists biannually to advise on findings of current climate science for the region and the implications for Rhode Island's coastal and offshore regions, as well as the possible management ramifications. The horizon for evaluation and planning needs to include both the short term (10 years) and longer term (50 years). The Science Advisory Panel for Climate Change will provide the Council with expertise on the most current global climate change related science, monitoring, policy, and development design standards relevant to activities within its jurisdiction of the Ocean SAMP and its associated land-based infrastructure to proactively plan for and adapt to climate change impacts such as increased storminess, temperature change, and acidification in addition to accelerated sea level rise. The findings of this Science Advisory Panel will be forwarded on to the legislatively-appointed Rhode Island Climate Change Commission for their consideration.
- D. The Council will prohibit those land-based and offshore development projects that based on a sea level rise scenario analysis will threaten public safety or not perform as designed resulting in significant environmental impacts. The U.S. Army Corps of Engineers (ACOE) has developed and is implementing design and construction standards that consider impacts from sea level rise. These

standards and other scenario analysis should be applied to determine sea level rise impacts.

- E. The Council supports the application of enhanced building standards in the design phase of rebuilding coastal infrastructure associated with the Ocean SAMP area, including port facilities, docks, and bridges that ships must pass under.
- F. The Council endorses the development of design standards for marine platforms that account for climate change projections on wind speed, storm intensity and frequency, and wave conditions, and will work with the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement, Department of Interior, Department of Energy, and the Army Corps of Engineers to develop a set of standards that can then be applied in Rhode Island projects. The Council will reassess coastal infrastructure and seaworthy marine structure building standards periodically not only for sea level rise, but also for other climate changes including more intense storms, increased wave action, and increased acidity in the sea.
- G. The Council supports public awareness and interpretation programs to increase public understanding of climate change and how it affects the ecology and uses of the Ocean SAMP area.

3.3.2 Regulatory Standards (formerly § 350.2)

Public infrastructure projects shall provide an analysis of historic and projected (medium and high) rates of sea level rise and shall at minimum assess the risks for each alternative on public safety and environmental impacts resulting from the project.

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