

TITLE 650 – COASTAL RESOURCES MANAGEMENT COUNCIL

CHAPTER 20 – COASTAL MANAGEMENT PROGRAM

SUBCHAPTER 05 – OCEAN SPECIAL AREA MANAGEMENT PLAN

PART 6 – Recreation and Tourism

6.1 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 6 – Recreation and Tourism, 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.*

6.2 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.

6.3 Policies and Standards (formerly § 660)

6.3.1 General Policies (formerly § 660.1)

- A. The Council recognizes the economic, historic, and cultural value of marine recreation and tourism activities in the Ocean SAMP area to the state of Rhode

Island. The Council's goal is to promote uses of the Ocean SAMP area that do not significantly interfere with marine recreation and tourism activities or values.

- B. When evaluating proposed offshore developments, the Council will carefully consider the potential impacts of such activities on marine recreation and tourism uses. Where it is determined that there is a significant impact, the Council may modify or deny activities that significantly detract from these uses.
- C. The Council will encourage and support uses of the Ocean SAMP area that enhance marine recreation and tourism activities.
- D. The Council recognizes that the waters south of Brenton Point and within the 3-nautical mile boundary surrounding Block Island are heavily-used recreational areas and are commonly used for organized sailboat races and other marine events. The Council encourages and supports the ongoing coordination of race and marine event organizers with the U.S. Coast Guard, the U.S. Navy, and the commercial shipping community to facilitate safe recreational boating in and adjacent to these areas, which include charted shipping lanes and Navy restricted areas (see Chapter 7, Marine Transportation, Navigation, and Infrastructure). The Council shall consider these heavily-used recreational areas when evaluating Offshore Developments in this area. Where it is determined that there is a significant impact, the Council may modify or deny activities that significantly detract from these uses. The Council also recognizes that much of this organized recreational activity is concentrated within the circular sailboat racing areas as depicted in Figure 6 in § 11.10.2 of this Subchapter, and accordingly has designated these areas as Areas of Particular Concern. See Part 11.10.2 of this Subchapter, The Policies of the Ocean SAMP, for requirements associated with Areas of Particular Concern.
- E. The Council shall work together with the U.S. Coast Guard, the U.S. Navy, the U.S. Army Corps of Engineers, NOAA, fishermen's organizations, marine pilots, recreational boating organizations, and other marine safety organizations to promote safe navigation, fishing, and recreational boating activity around and through offshore structures and developments and along cable routes during the construction, operation and decommissioning phases of such projects. The Council will promote and support the education of all mariners regarding safe navigation around offshore structures and developments and along cable routes.
- F. Discussions with the U.S. Coast Guard, the U.S. Department of Interior Bureau of Ocean Energy Management, Regulation, and Enforcement, and the U.S. Army Corps of Engineers have indicated that no vessel access restrictions are planned for the waters around and through offshore structures and developments, or along cable routes, except for those necessary for navigational safety. Commercial and recreational fishing and boating access around and through offshore structures and developments and along cable routes is a critical means of mitigating the potential adverse impacts of offshore structures on commercial and recreational fisheries and recreational boating. The Council endorses this

approach and shall work to ensure that the waters surrounding offshore structures, developments, and cable routes remain open to commercial and recreational fishing, marine transportation, and recreational boating, except for navigational safety restrictions. The Council requests that federal agencies notify the Council as soon as is practicable of any federal action that may affect vessel access around and through offshore structures and developments and along cable routes. The Council will continue to monitor changes to navigational activities around and through offshore developments and along cable routes. Any changes affecting existing navigational activities may be subject to CZMA Federal Consistency review if the federal agency determines its activity will have reasonably foreseeable effects on the uses or resources of Rhode Island's coastal zone.

- G. The Council recognizes that offshore wildlife viewing activities are reliant on the presence and visibility of marine and avian species which rely on benthic habitat, the availability of food, and other environmental factors. The Council shall consider these environmental factors when evaluating proposed Offshore Developments in these areas. Where it is determined that there is a significant impact, the Council may modify or deny activities that significantly detract from these uses.

6.3.2 Regulatory Standards (formerly § 660.2)

- A. Offshore dive sites within the Ocean SAMP area, as shown in Figure 2 in § 11.10.2(E) of this Subchapter, are designated Areas of Particular Concern. The Council recognizes that offshore dive sites, most of which are shipwrecks, are valuable recreational and cultural ocean assets and are important to sustaining Rhode Island's recreation and tourism economy. See Part 11 of this Subchapter, The Policies of the Ocean SAMP, for requirements associated with Areas of Particular Concern.
- B. Heavily-used recreational boating and sailboat racing areas, as shown in Figure 6 in § 11.10.2 of this Subchapter, are designated as Areas of Particular Concern. The Council recognizes that organized recreational boating and sailboat racing activities are concentrated in these particular areas, which are therefore important to sustaining Rhode Island's recreation and tourism economy. See Part 11 of this Subchapter, The Policies of the Ocean SAMP, for requirements associated with Areas of Particular Concern.
- C. The Council shall consult with the U.S. Coast Guard, the U.S. Navy, marine pilots, the Fishermen's Advisory Board as defined in § 11.3(E) of this Subchapter, fishermen's organizations, and recreational boating organizations when scheduling offshore marine construction or dredging activities. Where it is determined that there is a significant conflict with season-limited commercial or recreational fisheries activities, recreational boating activities or scheduled events, or other navigation uses, the Council shall modify or deny activities to minimize conflict with these uses.

- D. The Council shall require the assent holder to provide for communication with commercial and recreational fishermen, mariners, and recreational boaters regarding offshore marine construction or dredging activities. Communication shall be facilitated through a project website and shall complement standard U.S. Coast Guard procedures such as Notices to Mariners for notifying mariners of obstructions to navigation.
- E. Where possible, offshore developments should be designed in a configuration to minimize adverse impacts on other user groups, which include but are not limited to: recreational boaters and fishermen, commercial fishermen, commercial ship operators, or other vessel operators in the project area. Configurations which may minimize adverse impacts on vessel traffic include, but are not limited to, the incorporation of a traffic lane through a development to facilitate safe and direct navigation through, rather than around, an offshore development
- F. Any assent holder of an approved offshore development shall work with the Council when designing the proposed facility to incorporate where possible mooring mechanisms to allow safe public use of the areas surrounding the installed turbine or other structure.
- G. The Council shall require where appropriate that project developers perform systematic observations of recreational boating intensity at the project area at least three times: pre-construction; during construction; and post-construction. Observations may be made while conducting other field work or aerial surveys and may include either visual surveys or analysis of aerial photography or video photography. The Council shall require where appropriate that observations capture both weekdays and weekends and reflect high-activity periods including the July 4th holiday weekend and the week in June when Block Island Race Week takes place. The quantitative results of such observations, including raw boat counts and average number of vessels per day, will be provided to the Council.

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