

TIVERTON HARBOR AND COASTAL WATERS
MANAGEMENT PLAN

WORKING DRAFT 11.30.22

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1.0 OVERVIEW

1.1 Introduction

The number of people using Tiverton's coastal waters and related waterways continues to increase. Traditional recreational users, boaters, aquaculturists, and sportsmen seek locations and access to launch, dock, and moor boats and areas to park their vehicles and boat trailers. The Town of Tiverton needs to ensure that harbor-related services are available and compliant with local ordinances and State laws.

The Tiverton Harbor and Coastal Waters Management Plan (the "HMP"), developed by the Tiverton Harbor Management Commission (the "THC") outlines the THC's recommendations to the Tiverton Town Council for revisions and/or amendments to Tiverton's current ordinances, rules, and regulations. Proper management of Tiverton's harbor and coastal waters requires collaboration from the Tiverton Town Council, Budget Committee, Planning Board, Zoning Board, Department of Public Works, THC and Harbor Master. This document serves as a management guide to promote public health, safety, and welfare now and for all future users and activities.

1.2 Definition and Purpose

Title 46, Section 4-6.5 of the General Laws of Rhode Island grants Tiverton the authority to establish harbor and related ordinances which include rules and regulations pertaining to the administration of its harbors and related waterways. The objectives of the Tiverton Harbor and Coastal Waters Management Plan are to:

1. Provide a comprehensive evaluation of the uses and activities occurring within Tiverton's harbor and coastal waters defined within this plan as being under the jurisdiction of the Town of Tiverton to the extent allowed by law;
2. Provide guidance for the management and safety of existing and future activities on and in these coastal waters within CRMC guidelines;

3. Provide guidance for the protection, preservation, and restoration of the Town of Tiverton's water quality, natural resources, and coastal habitat and ecosystems;
4. Provide recommendations for shore-side and water use compatibility;
5. Recommend appropriate policies and ordinances consistent with applicable local, state and federal regulatory requirements that implement portions of the plan;
6. Serve as a frame of reference for local and state decision-makers concerning waterfront development and coastal water programs or projects; and
7. Devise a system for management, control, and oversight of Tiverton's harbor and coastal waterways.

1.3 Methodology

The Harbor and Coastal Waters Management Ordinance pursuant to and by the authority of the Tiverton Town Council establishes the rules, regulations, and policies for the administration of the waters defined within the Harbor and Coastal Waters Management Plan by the Town of Tiverton. This plan supersedes the 1993 Tiverton Harbor Plan.

2.0 Definitions

"Abode" means the principal, non-water dependent use of a structure or vessel as a dwelling or home.

"Abutter" means the owner of an adjoining property.

"Anchoring" means securing a vessel to the bottom of the water column by dropping an anchor or other ground tackle from that vessel for a period of time not to exceed 14 days; not a mooring.

"Aquaculture" means the cultivation of aquatic species under natural or artificial conditions in the state's waters including but not limited to: fish farming utilizing pens, tanks, or impoundments (which may be land-based); the cultivation of

shellfish on the sea floor in permitted and leased areas, in cages, or suspended from structures in the water; and the cultivation of aquatic plants.

“Boat” means any vessel or watercraft as defined by R.I. Gen. Laws § 46-12-1(1). For the purposes of the mooring aspects of the HMP, a vessel registered to occupy a specific mooring or slip within the waters of the Town or to a transient vessel that may be anchored within the waters of the town from time to time.

“Channel” means any designated water area preserved for passage of vessels.

“Climate” means the long-term weather average observed within a geographic region, and climate change refers to fluctuations in the Earth’s climate system as a result of both natural and anthropogenic causes. Currently the long term climate change trend is evidenced by rising global temperatures; increasing storm intensity extremes within the hydrologic cycle resulting in more frequent floods and droughts; warming of the Earth’s oceans and estuaries; and rising sea level.

“Commercial” means occupied with or engaged in commerce or work intended for commerce.

“Commercial vessel” means any type of vessel used primarily for any type of commercial venture including, but not limited to, fishing, towage, salvage, the carrying of passengers for hire or the transport of cargo.

“Contiguous Zone” ADD

“Corner buoys” means buoys that mark the intersection points of mooring area and aquaculture lease area perimeter limits.

“Discharge” means the addition of any pollutant to waters of the state, directly or indirectly and includes: spilling, leaking, pumping, pouring, emitting, emptying, and/or dumping.

“Fairway” means any water area reserved for the unobstructed movement of a vessel to or from a channel and within the harbor.

“Harbor Commission” means a commission or locally appointed body which is responsible for the development and/or implementation of a local

municipal harbor management plan. With respect to Tiverton, the Harbor Commission shall mean the Tiverton Harbor and Coastal Waters Management Commission (the “THC”).

“Harbor Management Plan” (HMP) means a plan that has been prepared by a municipality in accordance with the CRMC municipal harbor regulations and CRMC Guidelines for the Development of Municipal Harbor Management Plans, adopted by a city or town council, and approved by the Coastal Resources Management Council.

“Harbormaster” means the person identified within the local harbor management plan (*the “HMP”*) and appointed by the Town Council to assist in the implementation of the approved HMP, and enforcement of rules and regulations and ordinances.

“Illegal Mooring” means a mooring placed in town waters without authorization of the harbormaster. A mooring and/or its tackle not properly identified (mooring number and weight) or maintained will also be classified as an illegal mooring.

“Lateral Lot Lines” mean a boundary other than a street boundary or a rear boundary. For purposes of the HMP, a riparian property located within coastal waters bordering that property as bounded by the seaward extension of that property’s lateral lot lines.

“Marina” means any dock, pier, wharf, float, floating business, or combination of such facilities that accommodate five or more recreational boats.

“Mean High Water Mark” or “MHW” means the arithmetic average of high-water heights observed over an 18.6-year Metonic cycle. It is the line that is formed by the intersection of the tidal plane of mean high tide with the shore.

“Mean High Tide” *see Mean High Water Mark*

“Moor” means to permanently secure a vessel to the submerged land of a waterbody by use of a mooring system.

“Mooring” means a semi-permanent single point anchorage installation whose location has been approved by the Harbormaster.

“Mooring, Commercial” means a mooring rented or leased by a commercial entity (e.g., marina, yacht club, etc.) under *an annual* permit granted by a municipality to residents or nonresidents, and which is located within a CRMC approved mooring field.

“Mooring, Private” means a mooring granted to a resident or nonresident under a permit granted by a municipality, and which is located within a CRMC approved mooring field.

“Mooring, Riparian” means a mooring permitted to a riparian property owner under a permit granted by a municipality located within coastal waters bordering that property as bounded by the seaward extension of that property’s lateral lot lines. Said mooring may or may not be located within a CRMC approved mooring field.

“Mooring Location” means a site within the town waters authorized by the Harbormaster for the placement of a mooring.

“Mooring Area” means a designated water area managed by a municipality or non-governmental entity where five (5) or more recreational vessels are moored.

“Mooring Area, Public” means those mooring areas managed by municipal or state agencies. Public mooring areas shall be delineated in approved HMPs.

“Mooring Area, Marina” means those mooring areas managed by a private organization (e.g., marinas, yacht clubs, etc.). Marina mooring areas shall be considered as marina facilities and are subject to the provisions of the CRMC Rules governing marina activities.

“Mooring Tackle” means the hardware used to secure a vessel at a mooring.

“Municipal Harbor Rules, Regulations and Programs” means all rules, regulations, programs, or management functions exercised by a municipality that apply to the use of tidal waters adjacent to a municipality.

“Non-riparian” means a resident who is not a riparian owner.

“Non-resident” means anyone who is not a resident of the Town of Tiverton.

“Outhaul” means a non-single point anchoring device, for the purpose of securing a boat in tidal waters and retrieving it from shore or a dock or wharf.

“Red Book” means the published rules and regulations of the RI Coastal Resource Management Council. Additional definitions are contained in the [Red Book](#).

“Resident” means any person who is an elector, real estate taxpayer or resident of the town in accordance with this Code.

“Riparian Owner” means the owner of land located on the bank or shore of a natural watercourse, lake or tidewater.

Riparian Property Lines means lateral boundary of a site means a boundary other than a street boundary or a rear boundary.

“Riparian Rights” means the rights and privileges of a person owning land containing or bordering on a watercourse.

“THC” means Tiverton Harbor and Coastal Waters Management Commission.

“Transient Anchorage” means any area reserved for the exclusive short-term use of commercial and recreational vessels and any vessels seeking shelter.

“Transient Mooring” means a mooring reserved and designated by a commercial mooring operator or the Town for short-term use (no more than seven consecutive days) by a person who does not usually lease or maintain a mooring within the town waters.

“Vessel” means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water and shall include barges and tugs. Specifically excluded by this definition are floating homes or houseboats.

“Wait List” means the list of resident non-riparian or non-resident applicants maintained by the Harbormaster, who have submitted an original mooring application and paid the required application fee, and for which no mooring permit is presently available.

3.0 HARBOR AND COASTAL WATERS DESCRIPTION

3.1 Physical Characteristic of the Harbor and Coastal Waters

Water Depth: The water depths in Mount Hope Bay, the Sakonnet River and Nannaquaket Pond are delineated on N.O.A.A. Chart #13221 and # 13226-1-1 (See appendices x). The depth varies significantly from extremely shallow areas of 1-3 feet in Nannaquaket Pond and the areas north of Jack's Island and Fogland, to 40-60 feet in parts of the basin in the areas north of the railroad bridge and 75-80 feet off Gould Island.

Extreme Fetch and Water Velocities: Current FEMA maps indicate that all the coastal waters of the Town of Tiverton are designated V-zones, except for an area of water from the Stone Bridge north to a point near the access road north of the Sakonnet Bridge (Routes 138 & 27) and Nannaquaket Pond, which are both designated A-zones (see Appendix x).

Shoals and Other Navigation Hazards: Shoaling is extensive within the Tiverton basin waters, especially since the removal of the swinging railroad bridge in 2007 and relocation of the Sakonnet River Bridge. Mariners are advised to consult current charts and aids to navigation. There are a number of rocks, shallows and possible hazards within Tiverton waters; be advised not all hazards are charted or marked.

- a. Shoal water exists approximately 100 feet SE of the Pirate Cove Marina breakwater. No buoy marks this shallow.
- b. Rocks are present off Grinnell's Beach. The rocks are not in the navigational channel.
- c. A large rock at the entrance to Nannaquaket Pond is not marked located west as you enter the pond (N41 36.914 W71 12.384).
- d. A large rock exists just west of buoy C13, which is NW of Gould Island (N41 36.978 W71 13.336).
- e. The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides.
- f. Almy Rock is located approximately 200 yards S of Fogland Point - it is not marked (N41 33.337 W71 13.297).

- g. A shallow area extends to 200 yards offshore from the south and east of High Hill Point.

Dredged Areas: The channels to The Villages docks and the main channel to Fall River were dredged in 2004 to a depth of thirty (30) feet. Dredging periodically occurs throughout Tiverton waters; consult current charts for updated data. (Appendix x)

Navigation Channels and Fairways: Two federally maintained navigation channels exist in the Mount Hope Bay waters adjacent to the Town of Tiverton. One channel runs directly from the East Passage of Narragansett Bay through Mount Hope Bay to Fall River. The second channel extends to the northeast off the main channel at buoy N2 and is located west of Common Fence Point traveling in an easterly direction toward the shore to Tiverton and then turning north, bordering The Villages condominium complex.

There are no other federal navigation projects such as turning basins, anchorages, or special anchorage areas located within the waters of the Town, with the exception of fish trap areas (refer to x for fish trap areas).

In 2007 the swinging railroad bridge located north of the Sakonnet River Bridge was removed and the waterway leading into the Tiverton basin was dredged to a depth of 35 feet. **Water flow increased....**

The Sakonnet River highway bridge (Route 24) was replaced in 2015. The original highway bridge footings remain in place to the north of the new bridge (as of 2022).

There are four fairways running east-west from the Tiverton Basin main navigable channel. (1) Directly south of the old railroad bridge's east abutment; (2) Anthony Point; (3) Standish Marina; and (4) the commercial pier north of the Stone Bridge abutment. (Appendix x)

Coastal Wildlife and/or Conservation Areas: Spar Island and Monast Island are environmentally fragile areas as established on November 22, 1971. These islands are covered by Spartina grass species and are surrounded by important shellfishing waters and a winter flounder spawning area. Other environmentally fragile areas include Gould's Island, Jack's Island, Sapowet Marsh, and the Sapowet Wildlife Management Area. The Town of Tiverton recognizes the importance of protecting ecologically fragile and conservation areas. In 2022, Save the Bay commenced a marsh restoration project in Sapowet Marsh, part of its [marsh migration facilitation program](#).

Biological Habitats: While there are currently no known eelgrass beds in Tiverton, a test transplant conducted by Save the Bay in 2001 at Fogland Point was initially very successful. However follow-up transplanting between 2002 – 2004 failed to produce self-sustaining eelgrass beds. Nonetheless, Save the Bay’s report “Eelgrass Restoration Site Description and Results 2002-2008” states that water quality monitoring will continue at Fogland Point in an attempt to determine why transplanting did not succeed. The report also states that Save the Bay will continue to test transplants in the Sakonnet River with the goal of identifying sites where large-scale transplants may be successful.

3.2 CRMC Water Type Designations

The RI Coastal Resources Management Council (CRMC) establishes water type designations for Rhode Island’s coastal waters. The waters under the jurisdiction of the Town of Tiverton include Type 1, 2, 3, 4, 5 and 6 waters (see Appendix x). The THC’s goal is to make policy recommendations to the Town and implement management strategies consistent with the CRMC’s goals and highest priority uses for each of the water types as follows:

Type 1: Preserve and protect Type 1 waters from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types while providing as much access to the water as possible. All public access points to the water shall be identified and marked with signage at the location.

Type 2: Maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these areas, while providing for low-intensity uses that will not detract from these values.

Type 3: Preserve, protect, and where possible, enhance Type 3 areas for high-intensity boating and the services that support this activity. Other activities and alterations will be permitted to the extent that they do not significantly interfere with recreational boating activities or values. Further, the Commission recognizes that the highest priority uses of Type 3 waters and adjoining lands under the CRMC’s jurisdiction are (a) marinas, mooring areas, public launching ramps, and other facilities that support recreational boating and enhance public access to tidal waters; and (b) boatyards and other business that service that support those activities.

Type 4: Maintain a balance among the water dependent commercial, industrial, and/or high intensity recreational activity that coexist in Type 4 waters. The changing characteristics of traditional activities and the development of the new water-dependent uses shall, where possible, be accommodated in keeping with

the principle that the CRMC shall work to preserve and restore ecological systems.

Type 5: Maintain a balance among diverse port-related activities, including recreational boating, commercial fishing, restaurants, and other water-enhanced businesses; to promote the efficient use of space; and to protect the scenic characteristics that make these areas valuable to tourism. Further, the Commission recognizes that the highest priority uses of Type 5 waters and adjoining lands under the CRMC's jurisdiction are (a) berthing, mooring, and servicing of recreational craft, commercial fishing vessels, and ferries; (b) water-dependent and water-enhanced commerce, including business catering to tourists; (c) maintenance of navigational channels and berths, and removal of obstructions to navigation; and (d) activities that maintain or enhance water quality and scenic qualities, including the preservation of historical features. In addition, the CRMC shall suitably modify or prohibit activities that significantly detract from or interfere with these priority uses.

Type 6: Encourage and support modernization and increased commercial activity related to shipping and commercial fisheries. Further, the Commission recognizes that the highest priority uses of Type 6 waters and adjacent lands under the CRMC's jurisdiction are: (a) berthing, loading and unloading, and servicing of commercial vessels; (b) construction and maintenance of port facilities, navigation channels, and berths; and (c) construction and maintenance of facilities required for the support of commercial shipping and fishing activities; (d) maintenance construction and repair for such industries.

3.3 DEM Water Quality Classifications and Descriptions

The RI Department of Environmental Management ("DEM") establishes water quality standards for State waters. DEM's Division of Water Resources classifies Tiverton's waters as one of the three following categories:

SA Waters: SA waters are considered the cleanest and consist of all the waters of the Sakonnet River from the Stone Bridge south to the Atlantic Ocean, including Nannaquaket Pond. DEM recommends that water classified SA be protected to support the following uses: bathing, edible shellfish harvesting and fish and wildlife habitat.

SB Waters: The waters in the Tiverton Basin and north to the Rhode Island/Massachusetts state line have been primarily categorized as SB. Waters classified SB are to be protected in order to support the following uses: shellfish

harvesting for human consumption after depuration, bathing, and other recreational activities, as well as fish and wildlife habitat.

SB1: An area of approximately .5 square miles just south of the Massachusetts state line has been classified SB1, the lowest designation. Pollution in this area is primarily due to its proximity to the Fall River Sewage Treatment Plant. Waters designated SB1 are consigned to the following uses: boating, recreational activities, fish and wildlife habitat, industrial cooling and visual aesthetic value.

3.4 Harbor Structures

There are various types of structures associated directly with the use of the Harbor and coastal waters. including commercial maritime shipping terminals, recreational boating slips, commercial fishing docks, and private piers. See Appendix x for list of:

- a. marinas
- b. boat yards
- c. commercial fishing facilities
- d. docks and wharves
- e. launching ramps
- f. recreational fishing areas
- g. breakwaters

See Appendix x for Federal Navigation Areas:

- a. channels
- b. turning basins
- c. anchorages
- d. special anchorage areas

Add Appendix and List for Boat Ramps and Carriable Boat Launch Sites

3.5 Moorings

The Town of Tiverton is responsible for establishing and managing all the mooring areas currently sited in the coastal waters adjacent to the Town. At the end of the 2021 boating season, there were 392 permitted and registered moorings within the waters of the town. They were located in ten (10) mooring areas concentrated in the Tiverton Basin (see Appendix A-18). There are approximately 92 boats in excess of 25' in length. There are also 78 commercial moorings which may also have boats in excess of 25' in length. It is the town's objective to ensure that non-residents of Tiverton have access to town moorings and will commit to achieve the CRMC 3:1 ratio of resident to non-resident moorings. This objective may supersede the current Wait List point system.

3.5.1 Mooring Categories

Riparian 1(A) Owners of riparian property shall be allowed two (2) mooring permits upon approval of the application(s) and receipt of permit fee(s) by the Harbormaster. Category 1(A) owners shall be allowed a maximum of four (4) moorings at the sole and absolute discretion of the Harbormaster. *add reference to ordinances for criteria

The approval of either an original third or fourth riparian mooring application or the renewal thereof, shall be subject to the approval of the Harbormaster. Approval is not guaranteed.

Applicants for second, third, and/or fourth Riparian moorings shall submit satisfactory evidence either that the applicant has a Boat registered in the applicant's name or the applicant has a contract to purchase a Boat and/or has a Boat under construction. The applicant shall provide the Harbormaster with boat registration information in writing within 30 calendar days of registration.

A Category 1(A) permit holder may only assign and/or transfer the first and second permit(s) issued, and only as provided for in CRMC's rules and regulations. Third and fourth mooring permits are not transferable nor assignable. Third and fourth mooring permits are subject to annual review and approval by the Harbormaster and the THC and are not transferable or assignable.

Riparian 1(B) Property owners holding a freehold estate of record with either a deeded right of access or deeded right-of-way or deeded private easement to riparian property and/or to designated coastal waters shall be entitled to apply for up to two (2) mooring permits per property directly adjacent to the riparian property or designated coastal waters. The Harbormaster shall provide approval for the location for each such permit requested.

All Category 1(A) and Category 1(B) applicants shall submit a completed original application or completed renewal application and the required fee for each riparian mooring requested or renewed. The application shall be approved or denied by the Harbormaster within the time-period prescribed for submission of an original or renewal application, confirmation of the applicant's riparian/category status, and the acceptability of the proposed mooring location if an original application. Category 1(B) applicant's shall submit evidence of the freehold estate of record along with the original application. The Harbormaster's denial of an application shall be in writing and shall contain sufficient reason(s) and documentation supporting the denial. A party aggrieved by a denial shall have the right of appeal to the THC upon written request, including the reason(s) for the appeal, supporting documentation, and within the period prescribed for such appeal.

Riparian 1(A) and 1(B) shall not be subject to the Wait List. Riparian 1(A) and 1(B) mooring permits shall not be included in calculating the 3:1 ratio.

Resident Non-Riparian Approval of a resident non-riparian application shall be subject to mooring permit availability, and other conditions. The Wait List shall apply to all resident non-riparian original and renewal applications. A resident non-riparian owner shall be allowed only one (1) mooring permit. No issued mooring permit nor an applicant's position on the Wait List shall be sold, assigned and/or transferred regardless of the resident or non-resident status of the buyer, assignee and/or transferee.

The applicant shall submit a completed original application and required fee or a completed renewal application and required fee. The approval of the original application is subject to the availability of a mooring permit, satisfying any water access and parking requirements, confirmation of residence status and approval of the proposed mooring location, all as determined by the Harbormaster in his/her discretion. Approval is not guaranteed.

Remaining on the Wait List requires the submission of a completed renewal application and required fee by on or before April 1 each year, and the Harbormaster's confirmation of the resident status/category of the applicant. An unapproved applicant whose status has changed shall be redesignated on the

Wait List for purposes of calculating the 3:1 ratio. A change to an unapproved applicant now designated as a riparian shall be removed from the Wait List.

Within (6) months of the Harbormaster's written approval of an applicant from the Wait List, the applicant shall submit satisfactory evidence either that the applicant has a Boat registered in the applicant's name or the applicant has a contract to purchase a Boat and/or has a Boat under construction. The applicant shall provide the Harbormaster with boat registration information in writing within 30 calendar days of registration.

The Harbormaster's denial of an application for any reason shall be in writing and include the reason(s) and documentation supporting the denial. A party aggrieved by a denial shall have the right of appeal to the THC upon written request, including the reason(s) for the appeal, supporting documentation, and within the period prescribed for such appeal.

Non-Resident Approval of a non-resident application shall be subject to mooring permit availability, and other conditions. The Wait List shall apply to all non-resident original and renewal applications. A non-resident shall be allowed only one (1) mooring permit. The mooring permit issued or an applicant's position on the Wait List cannot be sold, assigned and/or transferred regardless of the resident status of the buyer, assignee and/or transferee.

The applicant shall submit a completed original application and required fee or a completed renewal application and required fee. The approval of the original application is subject to the availability of a mooring permit, satisfying any water access and parking requirements, confirmation of non-resident status and approval of the proposed mooring location, all as determined by the Harbormaster in his/her discretion. Approval is not guaranteed.

Remaining on the Wait List requires the submission of a completed renewal application and required fee by on or before May 1 each year, and the Harbormaster's confirmation of the non-resident status/category of the applicant. An unapproved applicant whose status has changed shall be redesignated on the Wait List for purposes of calculating the 3:1 ratio. A change to an unapproved applicant now designated as a riparian shall be removed from the Wait List.

Within (6) months of the Harbormaster's written approval of an applicant from the Wait List, the applicant shall submit satisfactory evidence either that the applicant has a Boat registered in the applicant's name or the applicant has a contract to purchase a Boat and/or has a Boat under construction. The applicant shall provide the Harbormaster with boat registration information in writing within 30 calendar days of registration.

The Harbormaster's denial of an application for any reason shall be in writing and include the reasoning and documentation supporting the denial. A party aggrieved by a denial shall have the right of appeal to the THC upon written request, including the reason(s) for the appeal, supporting documentation, and within the period prescribed for such appeal.

Commercial Approval of an original commercial mooring application and/or renewal of a mooring permit shall be subject to mooring permit availability, and other conditions. The Wait List shall apply to all original commercial and renewal applications. The total number of Commercial mooring permits allowed shall not exceed ten (10%) percent of the total number of resident, non-resident and commercial mooring permits issued. Riparian mooring permits shall not be included in calculating the ten (10%) percent limit. The Harbormaster and/or the THC may limit the number of mooring permits issued to any one entity.

The **THC (THC or Harbormaster?)** may, in its sole and absolute discretion, reclaim commercial mooring permits to maintain the ten (10%) percent limit and/or to reduce the number of Wait List applicants. No commercial mooring permit nor an applicant's position on the Wait List shall be sold, assigned and/or transferred regardless of the status of the buyer, assignee and/or transferee without the express written approval of the **THC (THC or Harbormaster?)**, and any such approval shall be subject to the potential reclamation of permit(s).

Commercial applicants shall submit a completed original application and required fee or a completed renewal application and required fee, the latter by April 1 each year. The approval of the original application is subject to the availability of a mooring permit, satisfying any water access and parking requirements, confirmation that the principal place of business of the entity is in Tiverton, the submission of a Certificate of Good Standing, the approval of the proposed mooring location, and compliance with any requirement for the installation of mooring tackle by a Tiverton approved company, all as determined by the Harbormaster in his/her discretion. Approval is not guaranteed.

All renewal applications shall be subject to the Harbormaster's approval, including, but not limited to, confirmation that the principal place of business of the entity remains in Tiverton, and that the entity is in conformance with all applicable statutes, rules, regulations, and ordinances. Approval is not guaranteed. In addition, all commercial renewal permits shall be subject to potential reclamation in the THC's sole and absolute discretion. All Commercial Moorings are subject to annual approval and review by the Harbormaster. No Commercial Mooring shall be sold, assigned and/or transferred without the prior express approval of **both the Harbormaster and the THC (or just Harbormaster?)**.

Remaining on the Wait List shall require the submission of a completed renewal application and required fee by on or before April 1 each year and is subject to the Harbormaster's confirmation that the principal place of business of the entity remains in Tiverton, and that the entity remains in Good Standing.

The Harbormaster's denial of an original or renewal application shall be in writing and include the reason(s) and documentation supporting the denial. A party aggrieved by a denial shall have the right of appeal to the THC upon written request, including the reason(s) for the appeal, supporting documentation, and within the period prescribed for such appeal.

3.5.2 Mooring Application Process

Original Application

1. Subject to the rules for different categories of moorings, all original riparian, resident non-riparian, non-resident, and commercial applicants shall submit a completed application and required fee payable to the Town of Tiverton. Approval is not guaranteed; **(hot link to application and fee schedule)**;
2. A period of sixty (60) calendar days from date of confirmation of the Harbormaster's receipt of completed application and fee (or a sixty (60) day period commencing May 1 if application and fee submitted between November 1 and April 30) for Harbormaster to review and approve an original riparian application or in the case of a resident non-riparian, non-resident or commercial application, and subject to the availability of a mooring permit, to place the applicant on a Wait List. The Harbormaster's review shall include, but not be limited to, if applicable, on-water inspection of the proposed mooring location, confirmation of applicant's address, residence status, category of mooring requested, and confirmation that applicant has the required registered boat. The Harbormaster may request an extension of up to ten (10) calendar days to approve or deny the application.
3. A thirty (30) calendar day period for an aggrieved applicant to file a written appeal and hearing request with the THC.

Renewal Application

1. Submission of renewal applications by on or before April 1 each year for all categories of moorings and required fee payable to the Town of Tiverton. Failure to comply with submission of renewal application by April 1 may result in loss of permit.
2. Applications shall be subject to review and approval by Harbormaster on a rolling basis as applications are received. The Harbormaster's review shall include, but not be limited to, where applicable, confirmation of applicant's address, residence status, category of mooring, applicant's compliance with required semi-annual mooring tackle and buoy inspection, and confirmation of the required registered boat.
3. A thirty (30) day calendar day period for an aggrieved renewal applicant to file a written appeal and request for hearing with the THC.

Wait List The Harbormaster shall maintain the Wait List(s). By May 30th each year, the Harbormaster shall provide to the THC the updated Wait List(s), and the THC shall approve any such Wait List(s). The approved Wait List(s) shall be posted by the THC within thirty (30) days of approval. The updated Wait List(s) shall be available for review at Town Hall.

To comply with CRMC's mooring regulations, no **new** non-riparian private or commercial moorings will be permitted in Type 1 waters. Existing resident non-riparian, non-resident private, and commercial moorings will continue to be renewable annually. New Riparian moorings continue to be permitted in Type 1 waters.

3.5.3 Mooring Tackle

All mooring holders own and are responsible for their own tackle.

3.6 Sewage Pump-Out Facilities

To maintain RI's no-discharge status, RIDEM requires the owners and operators of private marinas to provide adequate pump-out service to their customers

berthed at slips and municipalities to provide adequate pump-out services for municipal marinas and moorings. RIDEM requires a ratio of at least one (1) pump-out facility or pump-out boat for every 300 boats docked and/or moored within municipal waters. *Need to provide location of fixed and mobile pump-outs, schedule of operation, and volume at fixed base pump-ot facilities, discussion of overnight occupancy of vessels, etc.

RI General Law 46-12-39 through 41 gives the Harbor Master enforcement authority over the discharge of sewage from vessels moored in municipal waters.

3.7 Shoreline Access Points

Based on the 2009-2010 CRMC Progress Report on Rights of Way to the Tidal Areas of the State, the current status of the potential ROWs reviewed by the CRMC full Council to date is as follows: (see Appendices x and x)

Street Designation	ROW Number
Carey Lane	T-1
State Avenue	T-2
Nannaquaket Bridge	T-3
Fogland Road	T-4
Land south of Sakonnet Bridge	T-55
Two Rod Way	T-6
South of Stone Bridge	T-7
Hooper Street	Insufficient Evidence
Riverside Drive	Insufficient Evidence
Ext. of North Court	Insufficient Evidence
Winnisimet Drive	Insufficient Evidence
Seapowet Avenue	Insufficient Evidence
Lenny Street	Research Needed
Willcox Drive	Research Needed

Driftwood Drive	Research Needed
Between Clegg Ave. and Trailer Ave.	Research Needed
Kearns Avenue	Research Needed
Little Harbor Road	Research Needed
Bismark Ave	Research Needed
Depot Drive	Research Needed
Jennifer Lane	Research Needed
Between lots 90-23 and 90-21	Research Needed
Between lots 90-24 and 90-24A	Research Needed
Between lots 90-24A and 90-25A	Research Needed
Summary	
Public	7
Insufficient Evidence	5
Research Needed	12

3.8 Recreation Areas

Fogland Town Beach: Fogland Beach provides an excellent recreation and swimming area with a beautiful view of the Sakonnet River and Portsmouth shoreline. The cove area to the north of the beach is convenient for nature study. Amenities include changing rooms, showers, and a children's playground. There is ample parking; parking fees may apply from Memorial Day through Labor Day. This area has high levels of activity year-round with kite surfers, windsurfers, foilers, kayakers and small boat sailors.

Sapowet Wildlife Management Area: Located off Seapowet Avenue, this management area includes a variety of coastal habitats. There is free parking along a cobble beach north of the bridge over the Sapowet River and walking or driving access to Sapowet Point. There is a marsh on the point, popular for

shellfishing. The beach is a good spot for walking, fishing, bird watching, swimming, or enjoying the view of the river. There is also a small gravel boat launch ramp south of the bridge that provides access to an extensive salt marsh and tidal creek area. The Sakonnet River to the east of the main channel connects the Sapowet Marsh with Sapowet Point and Jack's Island as well as the Emilie Ruecker Wildlife Refuge to the north. Like Fogland, this area is used year-round for kitesurfing, windsurfing, kayak fishing. The area west of Sapowet Bridge is a popular fishing area for anglers year-round.

Grinnell Town Beach: Small, family-orientated beach on the Sakonnet River. Easy access to the beach and facilities. Located off Main Road (Route 77) just south of the Stone Bridge Pier, this small crescent of beach offers seasonal restroom facilities with showers and changing rooms. There is a lifeguard on duty in the summer at a designated swimming area. The Stonebridge abutment was rebuilt in 2018 and offers a shaded sitting area and recreational fishing. There is an expansive view of the Sakonnet River and Gould Island. There is parking for approximately 50 vehicles; parking fees may apply from Memorial Day through Labor Day. The addition of a dinghy dock in 2021 provides permitted seasonal and transient dinghy dockage. Dinghy dock permits include parking for automobiles in the lot across Main Rd. Permits can be obtained by

Nannaquaket Pond: Nannaquaket Pond is a 200 acre tidal lagoon located off of the Sakonnet River that supports water skiing, tubing, fin fishing, shell fishing, sailing, swimming, kayaking, paddle boarding, and jet skiing. The north end of the pond has depths to support towed watersports, while the southern end of the pond is shallow and better suited for watercraft with little or no draft. Bait fish spawn in the late summer and fall and Nannaquaket Pond is particularly suited for kayak fishing. Species of fin fish typically caught include Striped Bass, Bluefish, and Menhaden. Nannaquaket Pond once supported the commercial shellfishing industry. Clams, oysters, scallops and mussels are still fished recreationally.

3.9 Commercial and Recreational Fishing

All waters of Mount Hope Bay, the Sakonnet River and Nannaquaket Pond have traditionally supported fishing and shellfishing activities. Recreational fishermen frequently use the area on the west end of the Stone Bridge abutment, the old Railroad Bridge abutment, Grinnell's Beach, Nannaquaket Road Bridge, and Fogland Beach to fish from shore.

Historical areas of significant recreational fishing activity exist around coastal areas that allow public access to the shoreline and to waters that are shallow in depth. The physical features of these areas allow anglers to safely wade beyond and from the immediate shoreline to fish. *Fishing New England: A Rhode Island Shore Guide* and *Flyfisher's Guide to the New England Coast* guidebooks specify the following areas as prime recreational fishing waters with public access and parking:

1. The Railroad Bridge Area
2. Sapowet Marsh Wildlife Management Area
3. Fogland Beach Area
4. Peckham's Creek/Donovan's Marsh Area
5. Nannaquaket Neck and Pond

In addition to these guidebooks, consensus findings from local angler usage indicate specific coordinates of significant recreational fishing activity with easy wading access from shore as follows (see Appendix):

AREA	COORDINATES
Jack's Island	<ul style="list-style-type: none"> o 41.59472, -71.20919 o 41.59457, -71.21065 o 41.5917, -71.21086 o 41.59124, -71.20965
North of DEM Parking at Sapowet Marsh:	<ul style="list-style-type: none"> o Mouth of Pond outflow, (41.58465, -71.21467) to shallow gravel bar (41.58271, -71.21367) extending 500 feet from shoreline. o Shoreline, (41.58293, -71.21182) to start of shoreline sandbar (41.58221, -71.20993) extending 1,000 feet from shoreline.
DEM Parking at Sapowet Marsh	<ul style="list-style-type: none"> o 41.58206, -71.20991 o 41.57928, -71.21167 o 41.58086, -71.2126 o 41.57996, -71.20822
Fogland	<ul style="list-style-type: none"> o Bay area south of line created by (41.56466, -71.21881) to (41.56427, -71.21038)

	<ul style="list-style-type: none"> o Fogland point 750 ft from shoreline on Fogland point from (41.5629, -71.21874) to (41.55887, -71.22114) o Bay area north of line created by (41.5583, -71.22078) to (41.55412, -71.21515)
High Hill Point	<ul style="list-style-type: none"> o 41.54642, -71.21631 o 41.54534, -71.21177 o 41.54375, -71.21469 o 41.54695, -71.21584

The Sapowet Wildlife Management Area supports shore casting and wade fishing. As of this writing the waters east of the bridge including all the waters in the Marsh have bacteria counts above the State’s limits for shellfishing. All the waters in the Marsh are about the state’s limits for swimming except for the waters in the pool just east of the bridge. See <https://dem.ri.gov/environmental-protection-bureau/water-resources/research-monitoring/shellfish-area-monitoring-0>

for current shellfish closures. See <https://health.ri.gov/data/beaches/> for current beach closures. There is an anadromous fish run located on Slab Bridge Road which is fed from Nonquit Pond and discharges into the Sakonnet River. No taking of alewives is allowed from this location at this time. Fishing for menhaden continues, but shellfishing has become the prominent fishery in Town waters.

The Grinnell’s Beach Shellfish Management area is reserved by the State for commercial and recreational harvesting of shellfish. The THC will continue to support and coordinate aquaculture siting with CRMC within Tiverton jurisdictional waters.

Current aquaculture lease sites can be found on the [RIDEM Marine Fisheries interactive map](#).

3.10 Submerged Aquatic Vegetation and Intertidal Flats

As of 2022, CMRC does not recognize any established areas of submerged aquatic vegetation (SAV) in Tiverton's coastal waters (NEED TO CONFIRM). However, anecdotal evidence in 2019 suggests a small area of established SAV may exist around the Sapowet point area.

Intertidal flats are located in the Southeast corner of Nannaquaket Pond, the Southeast corner of Winnesmet, the Seapowet Creek, the Seapowet Point, the north side of Fogland Point, and the southeast High Hill Point. A number of RI DEM-designated wetlands exist along Tiverton's coastal areas, particularly in the southern portion of Town. (see Appendix x)

3.11 Shoreline Zoning Districts

The Tiverton waterfront, from Fall River to Little Compton, is divided into zoning districts, each with its own criteria and guidelines for authorized uses and construction. The largest zone spans the shore from Nannaquaket Neck south to the Town line and surrounding Nannaquaket Pond and is zoned R80. This designation indicates low density residential, primarily reserved for single-family dwellings with minimum lot sizes of 80,000 square feet. The Zoning Board may grant special exceptions in this zone requested for marinas, yacht clubs, waterfront recreation businesses, storage, repair and sales of boats and marine accessories and the engaging in the operation of commercial docks and piers. Along the shore of the Tiverton Basin, all of the land fronting the water is zoned Waterfront with a small area of General Commercial. It also contains a certain number of pier mounted waterfront cottages. There are three zoning districts north of the former railroad bridge. These are R15- high density residential, G.I. - general industrial and G.C. - general commercial. R15 is located from the former rail road bridge to Schooner Drive. G.I. is located north of Schooner Drive that includes The Villages of Mount Hope Bay (Established 2001). The bulk of the area north from The Villages of Mount Hope Bay is classified as R15 with the exception of a G.I. zone presently occupied by the marine oil terminal bordering Fall River Tiverton line. (See Appendix x)

3.12 Projections of Future Growth

Tiverton's proximity to substantial population and economic centers (e.g., Fall River, Providence, Boston, and New York), coupled with its abundance of natural settings and coastal access, makes it a desirable location. The potential for near-term growth is high.

The Town of Tiverton has a long tradition of waterfront related activities and a fair amount of undeveloped interior wetlands. It borders on the industrial community of Fall River, is a 30 minute drive from Providence, and a 60 minute drive from Boston.

Demographic studies suggest the population of coastal communities are expected to increase, creating further demand for water-related services and facilities. Lacking any suitable year-round protected mooring ground, other than within the Tiverton Basin and Nannaquaket Pond, the Town will have to resist developmental pressure and restrict the number of moorings in its waters. Limiting the number of moorings is also necessary to maintain water quality and remain consistent with limited shore facilities and public access. Increased use of Tiverton's waters will facilitate an increased demand for boat ramps, water access, and shoreside locations for dry-storage boat racks and other related facilities.

If the water quality of Mount Hope Bay continues to improve, facilities may be needed for additional commercial shellfishing, including ramps and parking. Vehicle parking problems during the summer have never been effectively addressed. Creative solutions to this problem are needed to ensure the public enjoyment of the Tiverton waterfront and safety in its most congested areas. Public transportation for visitors should be considered.

The THC, at this time, limits the total number of moorings to 400 in the town waters of Tiverton. This limit will be reviewed annually by the commission.

4.0 ISSUES, POLICIES & IMPLEMENTATION

The issues of concern to the citizens of Tiverton were identified through survey, public workshops and technical advisory input. (should be put a date here to distinguish prior HMP work from current?) The issues presented here represent a cross-section of topics that received repeated mention during the data gathering process. From these issues, the Town developed the accompanying goals and related policies and then modified them based on public input. All of the items presented in the following section consider the immediate and the long-term factors impacting each issue.

4.1 Water Quality

ISSUE: Water quality was the most frequently mentioned concern in the survey conducted by the Harbor Management Planning Committee and the Sea Grant Marine Advisory Service (when was this? Put a date on it?). It also formed the basis for many of the other concerns discussed at the public hearings and in committee meetings. For many years, the residents of Tiverton have been aware of the potential impacts of sewage pollution from the Fall River Treatment Plant, heavy-metals pollution from industries in Northern Fall River, oil pollution from shipping terminals in North Tiverton, as well as the failures of residential septic systems along the Portsmouth and Tiverton waterfronts. Unfortunately nearly all of the Marshes

streams and tributaries to the Sakonnet River have been shown to be above RI's levels for safe shellfishing and/or swimming including: Alamy creek, Seapowet Marsh, Nanaquet Pond east of Main road and Sin Flesh Brook, and south fork of Borden Brook. These findings were shown by samples taken the Tiverton Harbor Commission through URI's watershed watch program.

In addition, discharge from boats and stormwater run-off contribute to water pollution. The Town recognizes the need to preserve, protect, and improve the quality of its coastal waters. Local residents want to preserve, protect and improve the quality of the waters for multiple uses. Add link to URI water testing.

GOAL: The Town of Tiverton should strive to preserve, protect, and improve the water quality of its coastal waters. There are many factors that affect the quality of these waters, and consideration must be given to all of them when establishing policies and action plans for achieving the stated goals.

IMPLEMENTATION:

WQ1: The Town shall review and comment on CRMC permits regarding the impact of proposed development on coastal lands and environments. Action Agent: Harbor Commission, Planning Board, Conservation Commission, and Open Space Commission Time Frame: Ongoing

WQ2: The Town shall set strict laws to enforce the prohibition of sewage discharge from boaters. The Town shall require all vessels with permitted moorings to be in compliance with "Rhode Island's No Discharge Compliance

Program” as enacted by the DEM in 2006. The Town shall explore the possibility of requiring proof of compliance as a condition of mooring permits. The Town shall provide a link to the “No Discharge Compliance Program” Fact Sheet on its website.<http://www.dem.ri.gov/programs/benviron/water/shellfish/pump/pdfs/nda-factsheet.pdf> The Town shall explore implementation of a discharge deterrent program, such as the use of leak detection tablets or ocean marking dyes. Violators should face fines in municipal court and potential loss of mooring or dock privileges for repeat offenders. Action Agent: Town Council, THC, and Harbormaster Time Frame: Ongoing.

WQ3: The Town shall continue the educational program for boaters to keep them aware of the “no discharge” zone. Information should be sent to boaters on a yearly basis. Action Agent: Harbor Commission and Harbormaster Time Frame: Ongoing

WQ4: The Town shall require Best Management Practices in all new drainage structures installed in the watershed (i.e. e.g. oil water separators). Action Agent: Department of Public Works, Planning Board, and Wastewater Management Time Frame: Ongoing

WQ5: In new and replacement waterfront development the Town should strongly encourage the use of permeable surfaces for driveways, parking lots, sidewalks, and roads; ensure a vegetated buffer consistent with CRMC guidelines; require sewer connections, if sewer is available; tailor infrastructure to size of development (i.e. road widths, etc). Action Agent: Planning Board and Economic Development Time Frame: Ongoing

WQ6: The Town shall continue to actively pursue State and Federal money to acquire waterfront land for conservation and passive recreation purposes. Action Agent: Planning Board, Open Space Commission and Recreation Department Time Frame: Ongoing

WQ7: The Town shall recommend that RIDEM deny applications for new or expanded underground storage tanks in the velocity flood plan. The Town should prohibit additional above ground storage tanks of hazardous materials or wastes in the floodplain. Action Agent: Town Council and Planning Board Time Frame: Ongoing

WQ8: The Town shall obtain a pump out boat for seasonal operation for all DEM SA quality waters such as Nannaquaket Pond and Fogland. Post on the Town’s website information regarding rules, regulations, and pump-out station locations. Appendix P list present pump-out locations in all RI waters as listed by the RIDEM. Action Agent: Harbormaster Time Frame: Ongoing

WQ9: The Town shall develop a disposal program to address the issue of inorganic materials including waste oil, plastics, trash, paint and varnish. In addition, a disposal site that is convenient to recreational and commercial

boaters will also be explored. Action Agent: Department of Public Works Time Frame: 3 years.

WQ10: The Town shall require marinas to develop operations and maintenance programs. Marinas that take advantage of CRMC's O & M certification process can reduce their regulatory requirements with CRMC. Action Agent: Harbormaster Time Frame: Ongoing

WQ11: Wherever significant shallow water habitats are identified the Town shall restrict boating activities to decrease turbidity and destruction of such habitats. The Town shall mark areas of significant shallow water habitat by posting No Wake zones. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

WQ12: The Town shall continue with implementation of the storm water management program, to reduce the discharge of pollutants to all resource areas, including the impaired water bodies to the maximum extent possible. Action Agent: Planning Department, Department of Public Works, and Wastewater management Time Frame: Ongoing

WQ13: Ensure that any zoning changes or new construction projects stipulate there will be no further degradation to the existing water quality or any adverse effects on the circulation and flushing patterns of tidal waters, or diminished value of tidal waters and shoreline features for use as habitats by fish, shellfish, wildlife and wildfowl. Action Agents: Planning Department, Zoning Board, Town Council. Time Frame: Ongoing.

WQ 14: look for a note from Chip

4.2 Moorings

ISSUE: Determine the appropriate location and number of moorings allowed within Tiverton coastal waters. Identify the overall impact of increasing numbers of recreational boats in general.

GOAL: Tiverton's waters are used by a variety of stakeholders, including significant boating and other recreational activities. We must accurately identify the location of all existing mooring fields and moorings, including, if any, non-conforming moorings, and fields located in Type 1 waters. In addition, we must accurately identify all mooring permit holders to administratively manage and adequately control the application permitting process.

IMPLEMENTATION: **need action agents and time frames

M1: Investigate and evaluate the use of software and user-friendly customer applications for mooring administration, including the submission of original applications, renewal applications, inspection reports, and fee collection.

M2: Develop a new mooring application to verify and confirm residency and mooring category, with the affirmation that incorrect information invalidates the application. Include requirement of providing information on registered boat(s) having marine sanitation equipment, and requirement for the applicant to provide proof of inspection verifying compliance with RI No Discharge Policy to comply with water quality rules and regulations.

M3: Update mooring tackle specifications to include removal of non-compliant mooring tackle, and compliance with updated specifications.

M4: Evaluate current mooring fee structure to determine competitive rates for private and commercial mooring permits, vis-a-vis the cost of administration and enforcement, additional revenue potential from limited availability, and potential for fees for Wait List renewal.

M5: Evaluate existing commercial mooring permits and consider:

1. the advantages of Town controlled moorings in the basin to enhance revenue;
2. the advantages of reclaiming some commercial moorings to reduce the number of applicants on the Wait List(s);
3. whether (1) commercial moorings should be limited to 10% of the total number of mooring permits issued to resident, non-resident, and commercial moorings to decrease and/or eliminate the Wait List(s) and/or achieve the CRMC's guideline 3:1 ratio of resident to non-resident; and
4. whether the number of permits issued to any one commercial entity should be limited.

M6: Attempt to accommodate applicants on existing Wait List and any future list by investigating and evaluating existing mooring permits to determine accurate

number of moorings deployed versus available and/or potential moorings in existing moorings fields, including through attrition. Update existing Wait List and close the list as of a date certain. Implement New List of applications from and after closure of existing Wait List to strive to achieve the CRMC guideline 3:1 ratio.

M7: Implement a mooring application review and approval process that provides for a standardized application, timeline, real-world expectations, and an aggrieved applicant's right to appeal.

M8: Review existing mooring database to determine accuracy of contact information, geographic coordinates, tackle description and capacity, inspections, and registration number of vessel.

M9: Review existing mooring fields to determine accuracy of the location of the four corner buoys (and whether we have installed required corner buoys).

M10: Determine whether all vessels are located within designated mooring fields, with the exception of riparian moorings.

M11: Review and confirm that existing Tiverton ordinances comply with statutes, regulations, and rules and CRMC approved Harbor Management Plan, and amend as necessary.

M12: Review and amend, if necessary, the ordinance requiring that all new and significantly expanded mooring fields be sited to ensure that tides and currents aid in flushing the mooring area. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M13: Review and amend, if necessary, the ordinance requiring that all new and significantly expanded mooring areas be sited to avoid adverse effects on water quality. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M14: Review and amend, if necessary, the ordinance to ensure that moorings areas are sited so as not to substantially interfere with designated shellfish management areas, traditional fishing grounds, public recreational areas and

conservation areas. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M15: Review and amend, if necessary, the ordinance to ensure that mooring areas are sited not to significantly affect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M16: Review and amend, if necessary, the ordinance to ensure that mooring areas are adequately serviced and pump out stations/services are accessible. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M17: Review and amend, if necessary, the ordinance to ensure that all moorings remain within their assigned mooring areas. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M18: Review and amend, if necessary, the ordinance to ensure that no moorings will be sited in Federal Navigation projects or areas. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

M19: Adopt a standard by which to determine riparian lines for the purpose of siting moorings. Action Agent: Town Council, THC and Harbormaster Time Frame: 1 year

Tiverton supports the ACOE “Open-to-all on Equal Terms” policy as it applies to the allocation of moorings in federal navigation projects.

US ARMY CORPS OF ENGINEERS

DEFINITION OF OPEN-TO-ALL ON EQUAL TERMS

Federal navigation projects must be managed in the general public interest and must be accessible and available to all on equal terms. Any number of approaches may be used to ensure that all citizens desiring mooring or other access to the project are treated impartially; it is not the Federal Government’s intention to prescribe specific procedures.

A management system shall be considered acceptable provided that it:

- a. Makes no arbitrary distinction or requirement of any kind in allocating use of the project and ancillary facilities and services to the public except as may be consistent with the purpose for which the project was constructed.
- b. Does not impose arbitrary fees or arbitrary variations in fees among users. The cost of providing necessary management and ancillary facilities and services may be offset through equitable user fees based on actual costs incurred.
- c. Information pertinent to harbor management – including but not limited to rules and regulations, lists of mooring holders, Wait Lists and fee schedules – shall be readily available to the public at all times.

4.3 Commercial Fishing

ISSUE: Concern for the preservation of facilities and access to the waters for commercial fishermen.

GOAL: To preserve commercial fishing as a viable, traditional economic activity that is valuable water-dependent use within the town.

IMPLEMENTATION:

CF1: The Town will ensure the continued presence and viability of the existing commercial fishing industry within the town. Action Agent: Town Council, Harbor Commission, and Harbormaster. Time Frame: Ongoing.

CF2: The Town will amend the ordinance to ensure that moorings and/or docking facilities for commercial fishermen are protected and easily accessible. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame:

CF3: The Town will amend the ordinance to ensure that existing facilities serving the commercial fishing industry are appropriately zoned to ensure that those uses are protected. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

CF4: The Town will study the possibilities of obtaining federal or state funds for the acquisition of land to provide adequate shore side facilities for the commercial fishing industry in the town. Action Agent: Town Council, Harbor Commission, and Harbormaster Time Frame: Ongoing

4.4 Public Access

ISSUE: Concern for the preservation of public access to the shore, in all forms. The THC recognizes and promotes the public's right to access the water. The majority of Tiverton's coastal properties are privately owned and public rights of way are limited. Lack of maintenance and privatization jeopardize existing rights of way. Litter, overgrown brush, illegal dumping, and illicit behavior are some of the issues present at existing public access points.

GOAL: The Town will work with residents and CRMC to maintain existing and identify new points of public access and maintain existing ROWs to ensure public safety and accessibility.

IMPLEMENTATION:

PA1: The Town shall continue its efforts to determine which public access points require maintenance. The Town shall develop and implement a plan for long-term maintenance of rights-of-way, including regular trash removal, periodic mowing and annual brush removal. The Town shall seek maintenance permits from CRMC for all brush removal, grading, and other activities which require permitting. Action Agents – THC, Town Council, Town Administrator, Planning Department, Department of Public Works. Time Frame: 1 year to develop a maintenance plan, then ongoing.

PA2: The THC shall form a subcommittee to conduct an audit of all existing and established Town public access points and CRMC recognized ROWs to identify areas of potential privatization. The subcommittee shall establish where signs and/or monuments to identify each right-of-way are needed as well as identify potential illegal "no parking" and "no trespassing" signs. The Town shall develop and implement a policy for notifying abutting property owners and neighborhood residents of potential changes to the public access and provide a forum for community input prior to taking action. The THC will conduct Public Access Audits every 5 years. Action Agents – THC, Town Council, Department of Public Works, Recreation Committee, and Town Administrator Time Frame: 1 year to complete initial audit, then recurring every 5 years.

PA3: Waterfront development should not restrict or diminish public access. The Town shall require that any development of several single or multi-unit homes on a tract of land which includes waterfront property, or any construction of any one

of three contiguous registered lots, each with waterfront shall be required to grant an easement for public access in the development plan before submitting the plan to the Town of Tiverton for approval. Action Agent – Town Council, Planning Board, and Economic Development. Time Frame: Ongoing

PA4: The Town shall continue to inventory paper streets, dedicated easements, drainage outfalls, and buried utilities as they may provide opportunities for potential new public shoreline access points. Action Agent: Economic Development, Harbor Commission, Planning Board, Town Council, and Department of Public Works Time Frame: Ongoing.

PA5: The Town shall continue to identify shoreline public access points for their potential to be officially designated as such by CRMC. Action Agent: Economic Development, Harbor Commission, Planning Board, and Town Council Time Frame: Ongoing.

PA6: The Town shall encourage and support residents, local businesses, and neighborhood groups to participate in CRMC’s [“Adopt-An-Access” program](#). (“Adopt-An-Access” requires authorization from CRMC). The Town shall develop and implement a similar adoption program for Town access points. The Town shall assist individuals and groups who adopt ROWs by supplying trash bags and removing large, illegally dumped items. The Town shall post notice prohibiting and imposing fines for illegal behavior and dumping and as well as regularly patrol access points where illicit activities occur frequently. Action Agent: THC, Town Council, Department of Public Works, Tiverton Police Department. Time frame: Ongoing.

PA7: The Town shall make efforts to repair and maintain existing (state or town?) boat ramps. The Town shall research and seek assistance and funding from State agencies such as the DEM and CRMC. Action Agents: THC, Town Council, DPW. Time Frame:

PA8: Many of the ROW small craft launch facilities would benefit from organized kayak racks. The THC will form a subcommittee to work with the appropriate Town boards and commissions to fund, construct, install, permit, and maintain kayak racks. Action Agents: THC, Town Council, Budget Committee, Planning Board, DPW. Time Frame: 1-2 years.

PA9: The Town shall not tolerate the privatization of CRMC designated Rights of Way and will report any attempt to privatize designated ROWs to CRMC. Action Agents: THC, Town Council, DPW. Time Frame: Ongoing.

4.5 Vehicular Parking

ISSUE: Increased seasonal need for on-street parking and inadequate off-street public parking creates traffic congestion and displaces residential parking. There are limited off-street parking options for residents and visitors who seek access to the Tiverton Yacht Club, Standish Boat Yard, the businesses along Main Rd north of Grinnell's Beach, and the Nannaquaket Bridge. Grinnell's Beach offers paid parking seasonally. Public and boat trailer parking at Town ROWs and boat ramps is similarly limited and problematic.

GOAL: To provide adequate parking for residents, their guests, and coastal visitors including parking for boat trailers wherever possible.

IMPLEMENTATION:

VP1: Draft an ordinance and/or establish an appropriate parking plan that would be in effect during the warm weather and boating season along Riverside Drive, south along Main street to Grinnell's beach, and other areas of concern which addresses the issue of resident, guest, and transient parking. Action Agents: Town Council, Planning Department, DPW, Tiverton Police Department. Time Frame:

VP2: Adopt a new harbor and coastal waters ordinance that **REQUIRES** commercial marine operators to comply with the parking requirements of the RI CRMC, Section 300.4. Action Agents: THC, Town Council. Time Frame:

VP3: Explore the option of restoring parking at Three Rod Way by relocating boulders. Action Agents: THC, Town Council, DPW. Time Frame:

VP4: Increase off-street public parking where needed through Town acquisition of land. Research using existing Town Land for public parking. Action Agent: Time Frame:

VP5: Investigate and pursue the acquisition of land in the general vicinity of near-shore roads to serve as a seasonal parking lot for coastal-water users. Action Agent: Time Frame:

VP6: Investigate permit parking along the above-mentioned congested streets during the boating season. Action Agent: Time Frame:

VP7: The Town shall investigate creating a parking area on Gadsby Ave. Action Agent: Time Frame

4.6 Waterfront Development

ISSUE: There is concern in the community that growth will result in the obstruction, commercialization, and overdevelopment of the waterfront .

GOAL: To manage the shorefront property of the Town in a manner that protects the water, air, and sound quality of the natural environment, with a goal of preserving the existing coastal character of the Town.

IMPLEMENTATION:

WD1: The Town shall ensure that requests for zoning variances, special exceptions and/or regulations related to waterfront development be submitted to the Harbor Commission for advisory input on the potential coastal impacts.

WD2: Require that a party applying to CRMC for an assent must provide the THC with a current copy of the application for review addressing each of the considerations listed below so as to ensure that the planned construction or repair will have no substantial adverse impact on the Tiverton waterfront. After consideration of the CRMC application, with or without testimony and opinions at an open meeting or a public hearing, the THC will deliberate and make a recommendation for approval or disapproval of the application to the Tiverton Building Inspector. The Tiverton Town Administrator will forward comments, local approval or disapproval to CRMC.

The considerations mentioned above shall include: shoreline erosion, water quality, navigation, harbor traffic, mooring access/density, shoreline access, vehicle parking, traffic and safety.

The Harbor Commission may request expert testimony when issues surpass the Commission's expertise in order to ensure that there will be no substantial adverse impact by the project to the waterfront of the Town of Tiverton.

4.7 Fairways

ISSUE: The Town needs to have specific designated local navigational areas, free of obstructions for the safe passage of all watercraft to navigate to and from their commercial and/or recreational docks, wharves and moorings to the main channel.

GOAL: To establish and map fairways that shall be kept clear of obstruction in order to provide safe passage for vessels to and from shore facilities and

moorings. The Fairways described herein are depicted on the Tiverton Harbor Chart and included in the HMP. (See Appendices x and x)

IMPLEMENTATION:

F1: No moorings can be placed in fairways or obstruct the approach fairway from the main channel to a marina. (See Appendix x) Action Agent: THC, Harbormaster. Timeframe: Ongoing.

F2: No moorings shall be placed within 100 feet of the seawall of any active dock or quay in the Tiverton Basin. Action Agent: THC, Harbormaster. Timeframe: Ongoing.

F3: All moorings in the Town of Tiverton will be positioned to allow safe passage between the mooring rows. No mooring will be established without approval from the Town Harbormaster. Action Agent: THC, Harbormaster. Timeframe: Ongoing.

4.8 Coordination of Jurisdictional Responsibilities

ISSUE: Need for the definition of boundaries between Portsmouth, Tiverton, and other nearby towns, as they relate to the limits of authority for Town officials. In addition, jurisdictional responsibility for the maintenance and security of State owned public areas must be established.

GOALS: To maintain constant communication with the Town of Portsmouth for the purpose of coordinating jurisdictional responsibilities on the water bodies shared by both towns. To maintain familiarity and communications with other nearby towns, including Fall River, Little Compton, Bristol, and Warren concerning the implementation of Harbor Management plans, ordinances, and water activities that may impact or overlap with those in the waters of the Town of Tiverton.

To coordinate and establish jurisdictional authority over State owned public areas used for recreational water sports.

IMPLEMENTATION:

CJR1: The Town shall obtain copies of appropriate Harbor Management Plans, ordinances or other documents relating to the waters and waterfront activities of the nearby communities. Action Agent: THC. Time Frame:

CJR2: The Town shall participate in public meetings pertaining to the waters and waterfront that occur in towns adjacent to Tiverton. Action Agent: Time Frame:

CJR3: The Town shall Require that the Tiverton Harbormaster maintain communication with the harbormasters of adjacent towns. Action Agent: Time Frame:

CJR4: The Town shall initiate a meeting between State police, Tiverton police, RIBTA, DPW, CRMC and DEM to determine jurisdictional responsibilities necessary to ensure well maintained and safe boat ramps and public access areas. Action Agent: Time Frame:

4.9 Funding Harbor and Coastal Waters Management

ISSUE: In years past, Tiverton has been able to engage the services of volunteers to help enforce the rules and regulations pertaining to the coastal waters and to perform the administrative tasks required of the Harbormaster and staff. Increased commercial and recreational activities make volunteer positions untenable, prompting the need for a reassessment of the Harbormaster's tasks and responsibilities.

GOAL: To provide sufficient funding for managing the coastal waters of the Town of Tiverton and the activities that occur on and in those waters.

IMPLEMENTATION:

FM1: The Town shall ensure that the budget covers all costs of the Harbor and Coastal Waters Management Commission and that the Harbormaster's expenses be defrayed by a minimum of 50% of the user fees payable to the Town's general fund. These expenses are not intended to include extra-ordinary projects such as capital improvements. Sources of user fees are limited to mooring fees. Additional revenue potential is through rack fees at ROWs and dinghy dockage and storage within the harbor should be explored. Action Agent: THC, Town Council, Budget Committee. Time Frame: Ongoing.

FM2: In the interest of safety and security, the Harbor Patrol boat shall patrol the Tiverton town waters a minimum of 25 hours a week between Memorial Day through Labor Day, and a minimum of 10 hours per week at all other times that the Harbor Patrol boat is in the water. The Town of Tiverton will provide the necessary funding to support this policy. Action Agent: Harbor Master. Time Frame: Ongoing.

5.0 Aquaculture

5.1 RI Public Trust Doctrine, CRMC's Regulatory Authority & Tiverton's Role in the Aquaculture Application Process

RI Public Trust Doctrine Article 1, Section 17 in the RI State Constitution provides protection for the public's use of RI's coastal waters. The Public Trust Doctrine states: "The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state."

CRMC & Aquaculture CRMC was created in 1971 by the RI General Assembly to manage the State's coastal resources. The agency is charged with the protection, preservation, development, and restoration of RI's coastline. CRMC's jurisdiction extends from 3 miles off-shore to 200 feet inland. CRMC regulates the aquaculture application process and has the sole authority to grant assent, thereby allowing the State's waters to be leased. CRMC's Guide to Aquaculture Applications can be found at their website:

<http://www.crmc.ri.gov/applicationforms/AquaApp.pdf>.

CRMC maintains a Listserv for those wishing to receive email notification of aquaculture Preliminary Determination meetings, 30 day Public Notices, and other aquaculture related events in RI. The Listserv can be accessed at this website: http://listserve.ri.gov/mailman/listinfo/ri_aquaculture.

CRMC distributes aquaculture applications to the relevant municipalities. Applications for Tiverton adjacent waters are sent via email to Tiverton's Town Clerk, Town Administrator, and THC Chair. CRMC has delegated authority to the THC to provide notice to the Town Council, and Town Boards and Commissions of any application affecting the coastal waters under the jurisdiction of the THC. (§14-69(a)).

Tiverton's Role in the Aquaculture Application Process CRMC makes most Aquaculture Applications types available to coastal municipalities in order to facilitate the permitting process by identifying conflicts and subsequent resolutions.

During the aquaculture application process, the THC provides a venue for applicants to present their proposed aquaculture operation to the public and for the public to ask questions, express concerns, and/or provide support. The THC acts in an advisory-only capability and, during the Preliminary Determination Application, can provide 1) recommendations to the Applicant for modifications or stipulations to the application or 2) a recommendation to CRMC to either approve or not approve the application. Neither the THC nor the Town of Tiverton has the authority to approve or reject aquaculture applications.

The THC has standardized its Aquaculture Application Notification Policy and Review Process to be thorough in its understanding of proposed development and provide Tiverton residents and public stakeholders an opportunity to engage in the application process.

5.2 CRMC Aquaculture Application Process

5.2.1 Types of Aquaculture Applications

Commercial Viability Application "CV" applications are for small (less than 1,000 sq ft) lease sites to determine if growth in a specific location is sufficient to be commercially viable. CV leases are granted for 3 years. The first 18 months of the assent can be approved administratively by CRMC staff as long as no public objections are received by CRMC. The subsequent 18 month

assent requires a vote from the Council. CV Applications are not noticed by CRMC's ListServ.

Preliminary Determination Application "PD" applications provide the opportunity for the DEM, Fish and Wildlife Management, Army Corp of Engineers, municipalities, public and commercial stakeholders, and other relevant groups or agencies to review and discuss the proposed aquaculture development with the applicant.

PD meetings usually take place in municipal offices adjacent to the proposed site and provide the applicant with the opportunity to present his/her application to the Town and public stakeholders. The purpose of the PD meeting is to identify and remedy potential use conflicts or regulatory issues. If there are no conflicts or regulatory issues or if conflicts and regulatory issues are resolved, CRMC can recommend the applicant submit a Full Application. If conflicts and regulatory issues are not resolved, CRMC can schedule a second PD meeting and/or suggest mediation. The PD process is followed by a Full Application. Assents for leases are not granted or denied at the end of the PD process.

CRMC notices PD applications through its ListServ. Applicants are required by CRMC to notify all riparian, upland neighbor and aquaculture lease holders within the Contiguous Zone.

Full Application Aquaculture Permit Applications are submitted at the recommendation of CRMC staff following the PD process. Once CRMC receives and processes a Full Application, the 30 day public comment period begins. CRMC sends 30 day public notices to its ListServ, the relevant municipality, relevant government agencies, and stakeholder groups and organizations. CRMC requires recommendations from the Army Corps of Engineers, the RI Marine Fisheries Council, RIDEM Division of Fish & Wildlife, and RIDEM Office of Water Resources to be included in the Staff report. At the end of the 30 day public comment period, CRMC staff determines whether or not a public hearing is necessary. If a public hearing is not necessary, the Council votes whether or not to approve the application and grant an assent. If a Public Hearing is necessary,

the applicant, objectors, and supporters of the proposed lease are given the opportunity to present to the Council prior to their vote. In some cases Subcommittees are formed to make recommendations to the Council.

Aquaculture Assents are issued for 15 years and are renewable.

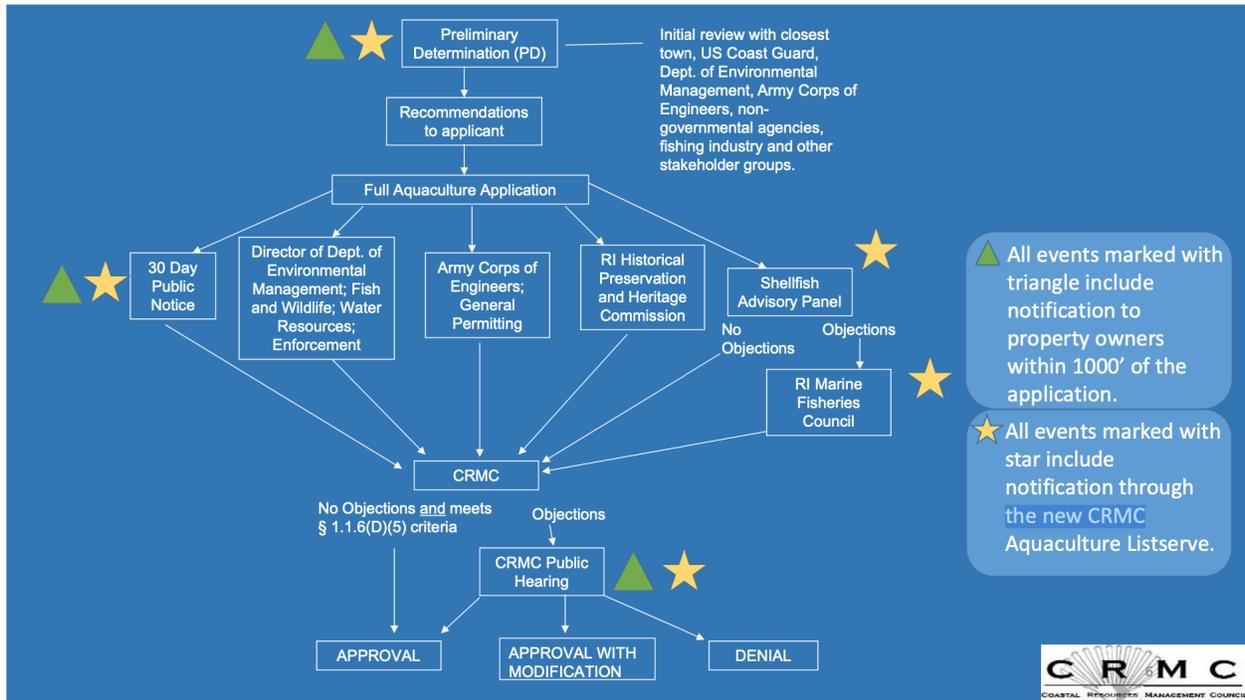
Lease Expansion Applications for lease expansions are Any notice? Approved by council?

Lease Transfer Lease Transfer Applications - are these decided administratively or by Council? Any notice?

Research/Educational and Experimental Applications are limited to a maximum of 1,000' sq ft and 3 year time period.

Recreational Applications not within the purview of the THC. See CRMC's website <http://www.crmc.ri.gov/aquaculture.html> for that application.

5.2.2 Flow Chart of CMRC Aquaculture Permitting Process



5.3 Notification

5.3.1 CRMC Required Notification

CRMC notifies riparian property owners, upland property owners, and aquaculture lease holders within 1,000’ of a proposed lease’s boundaries (the “Contiguous Area”) at least 30 days prior to the PD Meeting.

CRMC provides a mapping tool to generate a list of parcel ID numbers and aquaculture lease holders within the Contiguous Area. After generating the list of parcel ID numbers, the Applicant shall work in coordination with the Tiverton’s Tax Assessor’s Office to obtain property owner names and contact information. Contact information for property owners within the Contiguous Area is then given to CRMC, who then sends notice of the Application.

The mapping tool is available to both Applicants and the public and can be found at this website:

<https://crc-uri.maps.arcgis.com/apps/webappviewer/index.html?id=806df39d4a6649e2a22a5f299b03ae4b>

The Town of Tiverton requires Applicants file a copy of the contact information with the Town Clerk's Office as well as email a copy of the Notification List to the THC Chair. The THC Chair's email address is available on the Secretary of State's website here: <https://opengov.sos.ri.gov/OpenMeetingsPublic/OpenMeetingDashboard?subtopmenuId=201&EntityID=3518>

In the event the THC Chair does not receive the contact information from the Applicant at least 30 days prior to the PD Meeting, the Chair may request that CRMC delay the PD Meeting until the contact information list is received.

5.3.2 Town of Tiverton Notification Policy

Published Notice As RI's coastal waters are used by members of the public at large, not just riparian and upland property owners, the Town of Tiverton supports the following recommendation stated in the *2022 Special House Legislative Commission to Study the Effects and Procedures for the Reorganization of the Rhode Island Coastal Resources Management Council* to "require all aquaculture permit applicants to notify the public through a local newspaper advertisement and other social media..." The full report can be found at this website:

<https://www.rilegislature.gov/commissions/coremaco/commdocs/2022-5-11%20CRMC%20Report.pdf>

In addition, the [East Coast Shellfish Grower's Association's Best Management Practice Guide](#) advises members to "Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them."

The Town of Tiverton requires Applicants publish notice in the following manner:

1. Publish notice via block style legal advertisement in both the print and digital versions of The Sakonnet Times, Tiverton edition and on the FaceBook page, Tiverton's Happenings, (the "Published Notice") for a period of at least three (3) weeks prior to the date of the PD Meeting. The Published Notice shall include in BOLD TYPE specific reference to the date, time and location of the PD Meeting; the full name(s) of all the applicants, and if a business, the name(s) of all of its principal officer(s); in BOLD TYPE the CRMC Aquaculture File Number, including the dates of filing of the Application with CRMC; a brief description of the location of the proposed aquaculture site so as to be readily identifiable by the THC and interested stakeholders, and specific reference in BOLD TYPE that a copy of the Application is available for review at the Clerk's office.
 - a. A copy of such Published Notice shall be signed by the applicant and filed with the Clerk's office within five (5) days of initial publication, with a copy of same delivered to the Chair of the THC at least five (5) days prior to the PD Meeting

Posted Sign In addition to the Published Notice, the Town of Tiverton requires Applicants post a waterproof sign measuring two (2') foot wide by three (3') foot tall at the nearest Town or State shoreline access point or CRMC ROW to the proposed aquaculture site. See *Section 2.6 Shoreline Access Points*. The Posted Sign shall be posted 30 days prior to the PD Meeting and include the following information:

1. In BOLD TYPE the date, time and location of the PD Meeting.
2. In BOLD TYPE The CRMC File Number
3. The date of filing with the CRMC;
4. The size of the proposed site; and
5. A map of the proposed location relative to the location of the Posted Notice with both locations clearly identifiable.

An 8" x 11" copy or photograph of the Posted Notice shall be signed by the Applicant, and filed with the Clerk's office, at least thirty (30)

days prior to the PD Meeting, with a copy of same provided to the Chair of the THC at least thirty (30) days prior to the PD Meeting.

THC Listserv At this time the THC does not maintain a Tiverton Aquaculture Listserv. However, the THC shall develop and maintain a Listserv to notice aquaculture applications, PD Meetings and Site Visits for development in Tiverton adjacent waters.

Abutter Notification In the event a proposed lease's 1,000' Contiguous Zone does not encompass any property owners, Tiverton requires the applicant to notify the nearest 5 riparian and/or upland property owners.

5.4 Informal Site Visit

5.4.1 Scheduling

The purpose of the Informal Site Visit ("Site Visit") is to ensure THC Members and interested public stakeholders have accurate knowledge of the proposed lease's location, boundaries, and proximity to points of public access, residential structures, mooring fields, and other relevant coastal features. The Town of Tiverton requires that Applicants participate in the Site Visit; however, CRMC does not require it.

The Site Visit shall be a public working group for the purposes of gathering information and shall be posted according to the Open Meeting Act. No votes shall be taken at the Site Visit.

Within 48 hours of receiving a PD Application, the THC chair will schedule a special meeting to elect a THC Member to act as a Site Visit Coordinator. The Site Visit Coordinator shall:

1. Work with the Applicant, Harbormaster, and/or site adjacent property owner(s) to determine the location and mutually agreed upon date and time for the Site Visit.
2. Provide details for the Site Visit to the THC Secretary, who shall then post notice of the Site Visit according to Open Meeting Act requirement.

5.4.2 Site Visit Procedure

The Site Visit shall commence on-site, and may continue at an indoor location specified in the notice.

The Site Visit shall be overseen and run by the THC Chair or its designee (the “Chair”).

1. The Chair shall allow the Applicant the opportunity to present the proposed aquaculture development to the THC and those attending.
 - a. The Applicant shall, at a minimum, include in their presentation:
 - i. A description of the boundaries of the coastal waters and land area that are anticipated to be affected, including visual references to the proposed site, proposed corner buoys, and proposed land access so that the general area of the proposed site and shore use area(s) are recognized by the SiteVisit attendees;
 - ii. An overview of the proposed daily operational plan and any off site activity, including planned access to the site and the landing of product;
 - iii. An overview of the equipment to be used for operations, including number of cages, and type;
2. The Chair shall first allow the THC members present to ask questions of the Applicant and provide local knowledge and information;
3. The Chair shall allow the public and stakeholders present to ask questions of the Applicant and provide local knowledge and information.

5.5 The Preliminary Determination Meeting

At the PD Meeting the Applicant shall have the opportunity to present the proposal and be prepared to answer for the THC the following Category B requirements contained in the Red Book at §1.3.1(A) as follows:

- a. Demonstrate the need for the proposed activity or alteration;
- b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for non-tidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;
- c. Describe the boundaries of the coastal waters and land area that is anticipated to be affected;
- d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;
- e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;
- f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;
- g. Demonstrate that the alteration will not result in significant impacts on water circulation, flushing, turbidity, and sedimentation;
- h. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;
- i. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;
- j. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

- k. Demonstrate that measures have been taken to minimize any adverse scenic impact.

At the conclusion of the PD Meeting, the THC can vote to:

1. Recommend CRMC approve the application as presented;
2. Recommend CRMC not approve the application as presented; or
3. Recommend lease modifications and/or lease stipulations and request an additional PD Meeting and/or Mediation.

5.6 CRMC Floating Gear Guidelines

As allowed by the “CRMC Guidelines for the Siting of Aquaculture Gear,” Towns may recommend areas where floating gear is discouraged. The Town of Tiverton discourages floating gear and submerged gear that would potentially be exposed at low tide within 1,000’ of mean high tide and in the following locations (see Appendix x for Floating Gear Guidelines):

1. Sapowet Wildlife Management Area
2. Fogland Cove
3. Nannaquaket Pond

6.0 Storm Preparedness

6.1 Sea Level Rise All available scientific data provided by FEMA, NOAA, and URI indicate that Tiverton will experience 3 feet of sea level rise by 2050. Additionally, tropical storms and hurricanes are forecasted to increase in frequency and intensity. As a result, Tiverton will experience record flooding with increasing intensity in its low-lying coastal areas.

Climate change induced by additions of CO₂ and other greenhouse gasses into the Earth's atmosphere from human activities is already in progress and is bound to continue. While efforts have been undertaken to limit these anthropomorphic contributions of greenhouse gasses, it is hard to see how successful these efforts will be. Accordingly, several scenarios for future greenhouse gasses have been propagated by the Federal Emergency Management Administration (FEMA). For planning purposes in the spring of 2021 Governor McKee ordered that Rhode Island should plan for FEMA's highly probable scenario for sea level rise and flood management planning. This scenario projects 3ft of sea level rise by 2050.

To help RI communities plan for changes in sea level rise CMRC and the University of Rhode Island (URI) have developed a set of projections for each town/city in the state. Under the recommendation of Governor McKee, street flooding predictions were made using a sea level rise of 3 feet. The THC has employed this projection to identify streets that will become flooded and inaccessible to both private automobiles and emergency equipment (fire trucks, and ambulances). As Tiverton's current fire chief has pointed out, even now when a tropical storm hits Tiverton some streets are flooded to the extent that they become inaccessible. Using [Stormtools RI](#) and Google Maps, the following streets were identified as having the potential to become inaccessible by emergency vehicles during a tropical storm and 3 feet of sea level rise. It should be noted that, according to Stormtools RI, several of these streets may experience flooding during a 100 year storm at today's sea level.

The Town of Tiverton commits to prepare and inform residents of flood dangers associated with sea level rise.

From north to south:

1. Tank farm as much as 11'
2. Full length of Riverside Drive with as much as 13'.
3. Main Rd from South Ave. to the south end of Hillside Ave with up to 8'.
4. Main Rd. From 2071 Main Rd to Old Bulgarmarsh Rd with as much as 11'.
5. Bridgeport Rd as much as 10'.
6. Both ends Nanaquaket Rd as much as 10'.
7. 200 yards south of Bulgarmarsh to Don's Marine as much as 8'.

8. Delano Island St and Lawrence Ct south of first intersection on Lawrence Ct. as much as 13'.
9. Winnisimet Drive as much as 7'.
10. Seapowet Ave from Emilie Ruecker preserve to Little Harbor Dr. with as much as 13', including 2 Road way to Little Harbor Dr.
11. All streets off Wampanoag Ln below the intersection with Gadsby are inaccessible with as much as 5' at the intersection and up to 13' at the north end of Gadsby.
12. Neck Rd west of Main Rd 200' to west end near Nonquit pond as much as 11'.
13. Chelsea Way as much as 10'.
14. Main Rd at Borden Brook with as much as 3.5'.
15. Far south end of Peaceful Way with as much as 5'.
16. Pond Bridge Rd from Main Rd for ¼ of a mile with as much as 13'.
17. Fogland Rd from 50 yards east of the intersection with 3 Rod Way with as much as 12'.
18. All of 3 Rod Way with as much as 14 ft.
19. High Hill Rd from the intersection with Fogland Rd. to 100 yards south as much as 13'.
20. All roads south of the intersection of High Hill Rd and Tony St. inaccessible with as much as 13'.

The Town commits to the following:

To create and post a Flood Prediction Map on the Town's website. The Flood Prediction Map should be based on predicted 3 feet of sea level rise by 2050. The Map should contain a separate layer for increases in storm intensity.

To install flood gauges to warn drivers of all vehicles in areas that are susceptible to flooding and sea level rise.

To notify all residents and businesses affected by 3 feet of sea level rise, noting that some areas will be affected with less water. This notification should include a link to RI Stormtools for individual planning purposes.

To create an emergency warning system to assure that evacuation orders are communicated to all individuals in Tiverton. This warning should state that most cars and trucks are in danger of floating once the water level on streets exceeds 12 inches for cars and 14 inches for full size personal trucks and large SUVs.