

FINAL RULE

**Adopted by the Rhode Island Rivers Council
July 13, 2005**

State of Rhode Island and Providence Plantations
Rhode Island Rivers Council
PO Box 1565
North Kingstown, RI 02852

**RULES AND REGULATIONS OF THE
RHODE ISLAND RIVERS COUNCIL
FOR WATERSHED COUNCIL GRANTS
AND
NOTIFICATION OF PROPOSED ACTIONS
TO WATERSHED COUNCILS**

June 2005

Rule 1: Grant Funding for Watershed Councils/Associations

R.I.G.L. Section 46-28-7(7) authorizes the Council to provide grants to local watershed councils/associations.

1.1 Eligibility

Only those Watershed Councils/Associations formally designated by the Council are eligible for grants from the Council.

1.2 Allocation of Available Funds

Upon determining the level of funding available, the Council may:

1.2.1 Set a maximum per project funding limit.

1.2.2 Establish a maximum number of submissions per applicant for funding proposals.

1.2.3 Establish funding categories and funding allocation for each category.

1.3 Solicitation of Grant Applicants

In the event that funds are available, the Council shall solicit and accept grant applications.

1.4 Grant Application Form

The Council shall develop and adopt a grant application form that shall qualify an applicant for consideration of receiving a grant. Application forms shall be distributed to organizations upon request.

1.5 Grant Application Acceptability

Applications found to be complete will be referred to the Council for evaluation. Applications found to be incomplete will be returned to the applicant with a statement as to the deficiencies noted and a notice that the applicant can correct these and resubmit the application.

1.6 Grant Review

Applications will be reviewed by the Council or by a designated committee of the Council. Final grant approval will be decided by a majority vote of a quorum of the Council. Applicants will be notified in writing of the Council's decision.

1.7 Eligible Expenses

Eligible expenses include: preparation/update of watershed action plans, implementation of watershed action plans, capacity building, and administrative expenses that leverage other resources. A description of how administrative expenses will leverage other resources must be explained in the grant proposal.

1.8 Evaluation Criteria

The Rivers Council shall, in advance of soliciting grants, establish criteria by which the grant applications shall be evaluated and notify eligible watershed councils/associations of such criteria.

RULE 2. Notice of Proposed Actions to Watershed Councils

2.1 Purpose

This Rule implements Section 42-28-8 of the *General Laws of Rhode Island*, as amended. The statute states that recognized watershed councils "shall receive notice, pursuant to rules adopted by the [Rhode Island Rivers] council from state and city or town agencies regarding proposed actions pertaining to projects, developments and activities located wholly or partially within the watershed represented by the local watershed council."

2.2 Scope

Procedures are established whereby recognized watershed councils may notify responsible agencies to give notice of proposed actions of interest. The proposed actions covered by this Rule are specified.

2.3 Intent

To facilitate evaluation and comment by recognized watershed councils on proposed actions of interest at the earliest reasonable time, so that any resulting comments may be taken into account by the responsible agency.

2.4 Procedure

A recognized watershed council must take the following actions in order to receive notice of any proposed action by any agency under Section 42-28-8 of the *General Laws*.

2.4.1 The watershed council must file an official notice with the designated party or office including the following information:

A: The full name of the watershed council and its date of recognition by the Rhode Island Rivers Council under Section 46-28-8 of the *General Laws*.

B: The contact person or office of the watershed council, its mailing address, its telephone number, and its e-mail address (if any).

C: A map of the watershed council's area of jurisdiction. This must be of sufficient scale and detail to permit the recipient agency to determine whether any proposed action is within the watershed council's area of jurisdiction. Maps must be of sufficient scale and detail to permit the recipient agency to determine whether any proposed action is within that watershed. Delineating the watershed boundary on Assessor's Plat and Lot Maps is the most effective way. Watershed Councils are encouraged to meet with local planners, municipal clerks, and other officials as appropriate to discuss watershed mapping before filing the official notice.

2.4.2 This rule does not preclude a watershed council from participating or commenting on any proposed action of which it is aware.

2.4.3 Watershed Councils are encouraged to establish cooperative working relationships with the agencies that give notice. This will improve both the quality and consistency of notices and the effectiveness of the Watershed Council's response. In selecting actions to be noticed councils must use their limited resources effectively and avoid paperwork overloads.

2.4.4 The type of notice shall be established by the applicable state or local regulations. Where the provisions of notice are not specified, notice can be given electronically. When possible, watershed councils are encouraged to accept electronic notice.

2.5 Proposed actions subject to this Rule

Each recognized watershed council must select the proposed actions that it wants to review. Those eligible for selection are as follows:

2.5.1 City and town government

2.5.1.1: Comprehensive plans: adoption and amendment.

2.5.1.2: Zoning ordinances and maps: adoption and amendment.

2.5.1.3: Comprehensive permits: adoption and amendment of ordinances or regulations on comprehensive permits.

2.5.1.4: Planning Board or Commission actions: adoption, amendment, or repeal of land development and subdivision regulations.

2.5.1.5: Subdivision or re-subdivision of land and land development projects: public information meetings of master plan stage and preliminary stage public hearings.

2.5.1.6: Planning Boards and Commissions and (where appropriate) Zoning Boards of Review: Comprehensive permit applications received or public hearings scheduled on comprehensive permit applications.

2.5.1.7: Zoning Boards of Review: special use permits and use variances.

2.5.1.8: City and Town Councils: submission of projects requested for inclusion in the Transportation Improvement Program.

2.5.1.9: Public works departments or sewer authorities: plans to construct new or extended sewer mains (not including lateral sewers).

2.5.1.10: Draft Phase II storm water management program plans (SWMPPs) and annual reports on said plans.

2.5.2 Department of Environmental Management

2.5.2.1: Applications for freshwater wetland permits involving a significant alteration of wetlands.

2.5.2.2: Draft RIPDES permit actions for which the RIPDES Regulations require notice.

2.5.2.3: Applications for individual sewage disposal systems (ISDS) designed to handle 5,000 gallons per day or more of wastewater and applications for ISDS variance(s) for a new use or expanded use exceeding 25% of original ISDS capacity where such notice is required by the ISDS rules.

2.5.2.4: Issued notices of violation and compliance orders which include alleged or confirmed violations that may impact on rivers, lakes, ponds, and estuaries.

2.5.2.5: New regulations or amendments to existing regulations that would impact on rivers, lakes, ponds, and estuaries.

2.5.2.6: Applications for Water Quality Certification where a notice is required by the Water Quality Regulations.

2.5.2.7: Brownfields: Before the finalization of any Settlement Agreement, the DEM shall provide an opportunity for comment for a period of fourteen (14) days after the date of the notice of the proposed agreement and when site investigations have been deemed complete by DEM through issuance of a Program Letter which indicates that the nature and extent of contamination at a Property has been adequately assessed.

2.5.3 Coastal Resources Management Council

2.5.3.1: Adoption or amendment of the Coastal Zone Regulations (the "red book").

2.5.3.2: Adoption or amendment of Special Area Management Plans.

2.5.3.3: Applications for coastal alteration assents requiring notice and hearing.

2.5.3.4: Issued notices of violation and compliance orders which include alleged or confirmed violations that may impact on rivers, lakes, ponds, and estuaries.

2.5.4 RI Water Resources Board

2.5.4.1: Water supply system proposals for new water sources (surface or ground water) and extension of water transmission lines subject to approval by the Board.

2.5.5 Statewide Planning Program

2.5.5.1: Receipt of proposed federal actions subject to review under the Intergovernmental Cooperation Act and the Rhode Island Intergovernmental Review Process.

2.5.5.2: Army Corps of Engineers notices of proposed permit actions.

2.5.5.3: Draft environmental impact statements or assessments.

2.5.5.4: Advisory reports to the Energy Facility Siting Board.

2.5.5.5: Review of project proposals by the Rhode Island Economic Development Corporation.

2.5.6 State Comprehensive Plan Appeals Board

2.5.6.1: Notice of appeal of action by the Director of Administration to approve or disapprove a comprehensive plan or amendment of a plan.

2.6 Thresholds

A recognized watershed council may further define the actions to be noticed by setting thresholds limiting their scope. For example, a council may determine that only subdivisions creating more than a stated number of lots are of interest to that council. However, watershed councils may not add items not listed in this rule unless the municipality or state agency concerned agrees.

CERTIFICATION

I certify that this rule was adopted by the Rhode Island Rivers Council, acting in accordance with Chapter 46-28 of the *General Laws of Rhode Island*; the Administrative Procedures Act, on

_____.

Chair