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FINAL DRAFT 6/27/96

RHODE ISLAND COASTAL NONPOINT PROGRAM
FINDINGS AND CONDITIONS

INTRODUCTION

The U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) approve the coastal nonpoint pollution control program submitted by the State of Rhode Island pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), subject to certain conditions.

This document provides the specific findings used by NOAA and EPA as the basis for the decision to approve the State's program. It also provides the rationale for the findings and includes the conditions that have been established for Rhode Island to receive final approval of its program. We recognize that Rhode Island has already proposed some changes to its program that would, if finalized, ensure implementation of the management measures in conformity with the section 6217(g) guidance. In these cases, the conditions are based on the State's proposed changes. Timeframes for meeting conditions will become effective upon the date stamped on the approval letter for these findings.

NOAA and EPA have written this document as succinctly as possible. Where appropriate, NOAA and EPA have grouped categories and subcategories of management measures into a single finding. The structure of each finding follows a standard format. Generally, the finding is that the State program includes or does not include management measures in conformity with the section 6217(g) guidance and includes or does not include enforceable policies and mechanisms to ensure implementation. In some cases, the finding reflects that the State has identified a back-up enforceable policy, but has not yet demonstrated the ability of the authority to ensure implementation. For further understanding of terms used in this document, the reader is referred to the following:

Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (EPA, January 1993)
Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance (NOAA and EPA, January 1993)
Flexibility for State Coastal Nonpoint Programs (NOAA and EPA, March 1995)

The references in this document to page numbers and text refer to the Rhode Island Coastal Nonpoint Program, Final Program Submittal, July 1995 ("program submittal"). We have relied upon, but do not repeat here, the extensive information that the State included in the program submittal. Further information and analysis, including material provided by Rhode Island subsequent to the program submittal, is contained in the administrative record for this approval decision and may be reviewed by interested parties at the following locations:

EPA/Office of Wetlands, Oceans and Watersheds
Assessment & Watershed Protection Division
Nonpoint Source Control Branch
401 M St., SW (4503-F)
Washington, DC 20460
Contact: Kristen Martin (202/260-7108)

NOAA/Office of Ocean and Coastal Resource Management
Coastal Programs Division
SSMC-4, N/ORM3
1305 East West Highway
Silver Spring, MD 20910
Contact: Pat Scott (301/713-3105, x151)

U.S. EPA, Region I
Kennedy Federal Building
Boston, MA 02203
Contact: JoAnne Sulak (617/565-3619)

I. BOUNDARY

FINDING: Rhode Island has included the entire State as the management area within which it will implement the coastal nonpoint program. Therefore, Rhode Island's boundary is sufficient to control the land and water uses that have or are reasonably expected to have a significant impact on the coastal waters of Rhode Island.

II. AGRICULTURE

FINDING: Rhode Island has provided sufficient justification for a categorical exclusion of agriculture, except for exclusion of the measures for confined animal facilities and the nutrient management measure as it applies to animal waste. Rhode Island's program includes management measures in conformity with the 6217(g) guidance for confined animal facilities and nutrient management as it applies to animal waste. Rhode Island has identified back-up enforceable policies and mechanisms for implementing these management measures but has not yet demonstrated the ability of the authorities to ensure widespread implementation throughout the 6217 management area.

CONDITION: Within three years, Rhode Island will demonstrate the State's ability to achieve widespread implementation of the management measures for confined animal facilities and nutrient management as it applies to animal waste agricultural management measures using the approach described in the letter referenced below in the Rationale. Within one year, Rhode Island will identify measurable results to be achieved during this three year timeframe.

RATIONALE: Rhode Island has demonstrated that agriculture is generally not a significant contributor of pollutants to Rhode Island's coastal waters and agriculture is declining as a land use in the State. Therefore, except as described below, Rhode Island's exclusion of agriculture from its program is justified. Rhode Island has not demonstrated that exclusion is warranted with respect to confined animal facilities (large and small) and nutrient management as it applies to animal waste. Table 2, page 4.3 of the program submittal indicates that there are 39 dairy farms, 9 poultry operations, 17 hog operations, and 30 beef operations in Rhode Island. These are distributed throughout each of the counties of the State (Table 3, page 4.3) and, with the exception of the beef operations, most meet the applicability thresholds described in the 6217(g) guidance. Given their proximity to coastal waters, these operations present a significant threat to

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coastal waters by discharge from the operations themselves as well as from land application of animal waste.

Subsequent to the program submittal, Rhode Island submitted a letter providing additional information on how the State could implement the agricultural management measures for confined animal facilities and nutrient management as it applies to animal waste. As described in a letter from Scott Millar, Rhode Island Department of Environmental Management (RIDEM) to Peyton Robertson, NOAA, dated December 11, 1995, Rhode Island has authority under the State's *Water Quality Regulations for Water Pollution Control* to issue permits for confined animal facilities and take enforcement action against anyone who discharges agricultural wastes without a permit or in any manner that degrades water quality.

Under an existing Memorandum of Understanding signed by RIDEM, the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) and U.S. Department of Agriculture Farm Services Agency (FSA), agricultural projects shall be planned and designed in accordance with the NRCS Field Office Technical Guide, NRCS National Planning Procedures Handbook, and NRCS Agricultural Waste Management Field Handbook. These documents include practices that are in conformity with the 6217(g) guidance for confined animal facilities and nutrient management. Rhode Island proposes to use the State's voluntary programs, administered by the RIDEM Division of Agriculture, NRCS and FSA, backed by the State's water quality regulations, as a means to ensure implementation of the management measures for confined animal facilities and nutrient management as it applies to animal waste.

III. FORESTRY

FINDING: Rhode Island has provided sufficient justification to support a categorical exclusion of forestry from its coastal nonpoint program.

RATIONALE: Most forested land in Rhode Island is subdivided into small tracts (1 to 9 acres), and most of the limited forestry activity occurs in the western portion of the State, at a considerable distance from the coast. Cumulative removal volumes are low and have been declining over the past 20 years. Therefore, forestry activities do not and are not reasonably anticipated to present significant adverse impacts to coastal waters.

IV. URBAN RUNOFF

A. NEW DEVELOPMENT

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: Rhode Island's Coastal Resources Management Council (CRMC) implements a permitting program that includes stormwater management requirements in conformity with the 6217(g) guidance, and RIDEM implements a freshwater wetland permitting program that includes practices designed to achieve the management measure. Due to the extremely broad jurisdiction of the freshwater wetlands permitting program, with the ability to evaluate any

activity (regardless of location) which might have a potential impact on freshwater wetlands, and the specific requirements of the CRMC permitting program, the State has the ability to effectively implement the new development management measure. The State Land Development and Subdivision Review Enabling Act of 1992 includes requirements for plan submissions to local governments as part of their comprehensive plans, zoning ordinances and subdivision regulations. Section 45-23-41 A (2) requires that, prior to any local approval of a building permit or other local permits, an applicant must have all necessary State permits, including CRMC and RIDEM freshwater wetlands permits and a preliminary suitability analysis for onsite disposal systems. This provision provides further insurance that no project with the potential to impact coastal waters can begin prior to CRMC and/or RIDEM review and approval.

Rhode Island plans to further improve implementation of State laws related to land use planning, including development of a model Stormwater Control Ordinance. This model ordinance will be implemented through changes to local subdivision and zoning ordinances as described on page 6.35 of the program submittal. NOAA and EPA encourage the State to complete its model Stormwater Control Ordinance. This model ordinance will provide an additional tool to manage urban runoff through incorporation into local subdivision and zoning ordinances.

B. WATERSHED PROTECTION

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: As described on page 6.39 of the program submittal, Rhode Island implements a number of State programs that will ensure implementation of this management measure. Through the Rhode Island Coastal Resources Management Program (RICRMP) and RIDEM freshwater wetland permitting program, Rhode Island is able to preserve areas that provide important water quality benefits and avoid conversion of lands that are particularly susceptible to erosion and sediment loss. These programs can also be used, with the addition of State Acts related to land use and planning (see pages 6.44-6.45 of the program submittal), to ensure that development, including roads, highways and bridges, is sited so as to protect the natural integrity of waterbodies and natural drainage systems

Rhode Island is proposing further to amend the (RICRMP) rules to adopt the specific language of the watershed protection management measure as a standard for cases where filling, removing or grading activities are undertaken or proposed. EPA and NOAA encourage the State to complete this amendment as it will further enhance the ability to ensure implementation.

C. SITE DEVELOPMENT

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: As described above for watershed protection, the RICRMP and freshwater wetland permitting program generally provide the ability to address this management measure.

The RICRMP is structured as a "coastal zoning program" and includes policies that severely restrict and prohibit alterations to coastal wetlands, beaches and dunes, thereby protecting areas that provide important water quality benefits. The CRMC's buffer zone policies further protect natural drainage features and vegetation. In addition, Appendix 6 of the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* includes performance criteria that applicants must meet to reduce unavoidable impacts to wetlands, such as minimizing the extent of disturbed area, using best management practices to stabilize disturbed areas, and minimizing impervious surface areas. We encourage the State to pursue efforts to clarify the linkages between its current standards and the management measure through changes to the RICRMP, as discussed at pages 6.48-49 of the program submission.

D. CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: As discussed above with respect to new development, Rhode Island can implement this management measure through programs implemented by the CRMC and RIDEM. The *Rhode Island Soil Erosion and Sediment Control Handbook* includes practices which can be used to implement the elements of this management measure. This manual serves as the technical reference for developing erosion and sediment control plans for permitting decisions under both the CRMC and RIDEM permitting program.

Rhode Island also has locally administered erosion and sediment control programs. The Handbook referenced above for State programs is also used in implementing local erosion and sediment control ordinances. Currently, 23 localities have local erosion and sediment control programs to implement the management measure, and 6 others are developing such programs. NOAA and EPA encourage the State to continue to work with local governments in their development of programs by providing technical assistance on practices that can be used to ensure implementation of this management measure.

E. CONSTRUCTION SITE CHEMICAL CONTROL

FINDING: Rhode Island's program does not yet provide for implementation of management measures in conformity with the 6217(g) guidance and does not yet have enforceable policies and mechanisms to ensure implementation throughout the management area.

CONDITION: Within three years, Rhode Island will finalize amendments to RICRMP Section 300.2 to implement the management measure within the jurisdiction of CRMC, and amend its *Soil Erosion and Sediment Control Handbook* to incorporate the elements of the measure and ensure implementation in areas outside of CRMC jurisdiction.

RATIONALE: Rhode Island has already proposed to change the RICRMP to implement this measure. In addition, Rhode Island can ensure implementation of this measure by modifying the Handbook to include practices for construction site chemical control. As described above, the Handbook is used by RIDEM to implement the freshwater wetlands permitting program and

local sediment and erosion control programs. Revisions to the Handbook to include construction site chemical control practices and use of the Handbook by CRMC and RIDEM in their permit review and enforcement activities will ensure implementation of this management measure. NOAA and EPA also encourage the State to continue to work with local jurisdictions in developing local erosion control programs that incorporate the revised Handbook.

F. EXISTING DEVELOPMENT MANAGEMENT MEASURE

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: As described on pages 6.63-68 of the program submittal, Rhode Island's program includes authorities that can be used to ensure implementation of this measure. Further, subsequent to the program submittal, the State has completed revisions to the *Rhode Island Nonpoint Source Pollution Management Plan* (NSMP) that include both an updated implementation schedule and priority system that will support implementation of this management measure. The NSMP was adopted on October 12, 1995 by the State Planning Council as Element 731 of the State Guide Plan. Rhode Island's Interagency Nonpoint Source Advisory Committee will assume a role in implementation by identifying pollution reduction, prevention, and education programs and by assisting in the development of new programs.

G. NEW and OPERATING ONSITE DISPOSAL SYSTEMS (OSDS)

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance, except that it does not have measures for (1) the inspection of operating OSDS, and (2) the protection of nitrogen-limited surface waters. Rhode Island's program includes enforceable policies and mechanisms to ensure implementation of the management measures.

CONDITION: Within three years, Rhode Island will develop a strategy to address inspections of existing OSDS and make necessary program changes to address nitrogen-limited surface waters.

RATIONALE: Rhode Island has rules that include minimum standards for the location, design, construction, and maintenance of OSDS. They are implemented through a permit requirement. All new OSDS require written approval prior to construction, as well as a certificate of conformance prior to use or sale, and a municipality may not issue a certificate of occupancy until the applicant provides a certificate of conformance.

However, Rhode Island's program does not address the protection of nitrogen-limited surface waters from OSDS. Proposed revisions to the *Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems* will bring Rhode Island into conformity with the 6217(g) management measure for nitrogen-limited waters. (page 6-81 of the program submittal.)

Rhode Island's program focuses on permitting new OSDS. This permitting process does not address the need to inspect OSDS at a frequency to ascertain whether OSDS are failing. Rhode Island has expressed its intention to address this gap, and is considering such approaches as an operating permit for large systems, revisions to the regulations to require the use of double-compartment septic tanks and effluent filters, and a requirement that systems be inspected prior to a change in ownership (page 6.90 of the program submittal).

H. POLLUTION PREVENTION

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance.

RATIONALE: Rhode Island describes a number of existing efforts and expectations for the Interagency Nonpoint Source Advisory Committee to assume a coordinating role. The existing efforts generally address most of the components of the management measure with the exception of programs for discharges of pollutants from commercial and non-commercial activities to storm drains. NOAA and EPA encourage the State to consider additional pollution prevention activities to address discharges of pollutants into storm drains, including pollutants from commercial activities such as parking lots, gas stations and other entities not under National Pollutant Discharge Elimination System (NPDES) purview.

I. ROADS, HIGHWAYS AND BRIDGES

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: As described for the new development management measure above, Rhode Island can ensure implementation of these management measures through authorities and permit processes administered by CRMC and RIDEM. In addition to these programs, Rhode Island has adopted the NSMP as Element 731 of the State Guide Plan. Further, the State Guide Plan includes elements that address statewide systems planning for physical development and the environment. Highway projects included in the State's Transportation Improvement Program must be consistent with the State Guide Plan, including the NSMP.

V. MARINAS AND RECREATIONAL BOATING

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation.

RATIONALE: Marina and recreational boating operations in Rhode Island are subject to the administrative and regulatory requirements of the RICRMP. The Council reviews and approves plans and permits for all new and expanding marinas and administers the Municipal Harbor Management Program. In addition, RIDEM implements the State's water quality regulations, which set specific criteria for state waters. Rhode Island currently ensures compliance with marina permit requirements and water quality standards regulations through routine field checks by CRMC permit staff, working in concert with RIDEM Conservation Officers. When violations

are found, the State can issue cease and desist orders and impose fines; prosecution can occur when such administrative remedies have been exhausted.

Rhode Island has recognized the need to develop a clearer link between operation and maintenance management measures for marinas and CRMC authorities, and has proposed regulations at RICRMP Section 300.4 to effect this linkage. NOAA and EPA applaud Rhode Island's leadership in developing a model marina operations and maintenance program and strongly urge Rhode Island to finalize proposed revisions to the RICRMP regulations as described in Appendix 7A of the program submittal. These changes will further ensure the implementation of the marinas management measures.

VI. HYDROMODIFICATION

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance, except that it does not yet include management measures in conformity with the 6217(g) guidance for existing sources. Rhode Island's program includes enforceable policies and mechanisms to ensure implementation.

CONDITION: Within three years, Rhode Island will develop a process to identify opportunities and, where appropriate, implement practices to improve the physical and chemical characteristics of surface waters and instream and riparian habitat in existing channels and protect surface water quality and instream riparian habitat at existing dams.

RATIONALE: Rhode Island's submittal describes the provisions of the RICRMP and programs administered by RIDEM to implement the channelization and channel modification and dams management measures. RICRMP provisions apply to all public and private channelization projects and dam construction activities within the jurisdiction of the CRMC. RIDEM's Division of Freshwater Wetlands regulates all projects that may alter freshwater wetlands, as well as activities in close proximity to a freshwater wetland that may impact the natural character, functions, and/or values of the wetland, including nonpoint source functions. The RIDEM Division of Freshwater Wetlands also holds delegated authority over construction of new dams and alteration and maintenance of existing dams under the Inspection of Dams and Reservoirs Act.

The program submittal describes programs that adequately address the first two elements of the channelization and channel modification management measures and most of the elements of the management measure for the protection of surface water quality and instream and riparian habitat. However, Rhode Island has not addressed the need for identification and implementation of opportunities to improve characteristics and habitat of existing channels and to protect surface water quality and instream riparian habitat at existing dams that are not being altered. These elements of the management measures need to be addressed to improve the quality of waters that have already been altered by channelization activities.

Rhode Island has proposed amendments (described in Appendix 8A) to the RICRMP that will further strengthen its program by incorporating specific wording contained in the first two elements of each of the two channelization management measures and requiring applicants for new projects to demonstrate that the intent of the measures has been met. The State has further

proposed to amend Sections 310 and 300.2 of the RICRMP to incorporate the definition of "dam" used in the measure and to incorporate the specific wording of the dams management measures.

To address streambank and shoreline erosion, the RICRMP includes provisions that: (i) prohibit structural shoreline protection in many circumstances; (ii) favor nonstructural methods to control erosion; (iii) require applicants for structural shoreline protection to demonstrate that an increase in erosion in adjacent areas is not likely; (iv) require a long-term maintenance program for proposed structures; (v) require preparation of a design by a professional engineer; (vi) specify setbacks in areas contiguous to the shoreline; and (vii) specify buffer zones for many cases of new development in wetland and riparian areas. In addition, the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* regulate all projects that may alter freshwater wetlands, as well as activities in close proximity to a freshwater wetland that may impact the natural character, functions, and/or values of the wetland, including nonpoint source functions (Rule 10.03 and 11.02). As described on page 8.49 of the program submittal, the CRMC has taken steps to ensure that erosion of streambanks and its impacts are minimized even though the State has not found that eroding shorelines present a nonpoint source problem in Rhode Island's coastal waters.

VII. WETLANDS, RIPARIAN AREAS AND VEGETATED TREATMENT SYSTEMS

FINDING: Rhode Island's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation, except that it does not protect wetlands and riparian areas that serve a significant nonpoint source abatement function but are not associated with environmental permits for new work.

CONDITION: Within three years, Rhode Island will develop a process to identify opportunities and, where appropriate, implement practices to protect existing wetlands and riparian areas that are not being actively altered but that serve a significant nonpoint source abatement function.

RATIONALE: RICRMP Section 140 requires setbacks in areas contiguous to coastal wetlands for certain activities. RICRMP Section 150 requires buffer zones that apply to new residential structures, certain alterations to existing residential structures, and commercial and industrial development activities on a case-by-case basis. The Division of Freshwater Wetlands *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands* apply statewide to all projects that may alter freshwater wetlands, as well as activities in close proximity to a freshwater wetland that may impact the natural character, functions, and/or values of the wetland, including nonpoint source functions (Rules 5, 10 and 11). However, Rhode Island currently lacks a process to identify and address potential impacts to nonpoint source abatement functions in wetland and riparian areas that do not come up for review as new activities under the State's permit authorities.

Rhode Island proposes to amend Section 210.3 of the RICRMP to include a new policy which will incorporate the specific wording of the management measure and will strengthen the CRMC's ability to protect, manage and regulate coastal wetlands serving a nonpoint source abatement function. NOAA and EPA encourage Rhode Island to adopt the proposed amendments to the RICRMP to further strengthen implementation of this management measure.

The RICRMP contains various provisions which apply to restoration of coastal wetlands within jurisdiction of the CRMC. In addition, the Narrow River and Salt Pond Special Area Management Plans include requirements for mitigation that apply to alteration of any wetland that is included in the Special Area Management Plans. Priority sites for restoration of wetlands will be identified. In addition, under some circumstances, RIDEM's Division of Freshwater Wetlands may issue an order to restore a freshwater wetland that includes details for restoration and a completion deadline.

The RICRMP promotes the use of engineered vegetated treatment systems such as constructed wetlands and vegetated filter strips through the publication of many handbooks and promotional guidance materials. As described on pages 9.39-9.43 of the program submittal, RIDEM has a number of programs that also work to promote the use of vegetated buffers and constructed wetlands. The proposed amendments to Sections 210.3 and 150 of the RICRMP will further strengthen existing programs.

VIII. ADMINISTRATIVE COORDINATION

FINDING: Rhode Island's program establishes mechanisms to improve coordination among State agencies and between State and local officials.

RATIONALE: Rhode Island proposes to implement the coastal nonpoint program statewide. A combination of several programs administered by agencies described in Chapter 2 of the program submittal will be used to implement the provisions of the coastal nonpoint program. The State's submittal adequately describes the role of the various agencies and their authorities. Coordination mechanisms include joint agency permit reviews for projects that involve overlapping jurisdiction, and an Interagency Nonpoint Source Advisory Committee.

As described in the program submittal, Rhode Island acknowledges the need to resolve differences between RIDEM water classifications and CRMC water types. NOAA and EPA support efforts that are underway to resolve inconsistencies between these programs and strongly urge the State to work towards resolution of remaining issues.

IX. PUBLIC PARTICIPATION

FINDING: Rhode Island's program provides opportunities for public participation in the development and implementation of the coastal nonpoint program.

RATIONALE: The program submittal describes several activities that provide opportunities for public participation during the development and implementation phases of the coastal nonpoint program. These activities include several workshops and a statewide conference on nonpoint source pollution and the program requirements under section 6217. Rhode Island also established eight technical advisory subcommittees, organized on the basis of section 6217 program requirements, including a subcommittee on "Public Outreach and Technical Assistance." Each subcommittee included members from the general public and organizations representing the public such as Save the Bay. Rhode Island provided a 30-day public comment period on the final program submittal and received two comment letters during this period. The State responded to these comments.

The Public Outreach and Technical Assistance Subcommittee is responsible for coordinating and disseminating nonpoint source outreach and technical assistance materials to the public and other interested parties, developing a mechanism for coordinating current and future public outreach and technical assistance efforts on nonpoint source pollution issues, and identifying a permanent clearinghouse for these materials.

X. TECHNICAL ASSISTANCE

FINDING: Rhode Island has included programs that will provide technical assistance to local governments and the public for implementing additional management measures.

RATIONALE: Rhode Island has proposed a variety of technical assistance efforts for local governments and the public. These efforts will focus on numerous issues relative to nonpoint source pollution activities. The assistance will be conducted by a variety of sources including state agencies, academia, and regional entities such as the Rhode Island Resource Conservation and Development Area Council.

XI. ADDITIONAL MANAGEMENT MEASURES

FINDING: Rhode Island's program provides for implementation and continuing revision of additional management measures applicable to critical coastal areas and cases where (g) measures are fully implemented but water quality threats or impairments persist.

RATIONALE: Rhode Island's description of the Special Area Management Planning activities, Greenwich Bay Initiative, and *Nonpoint Source Pollution Management Plan* includes activities that are currently underway or planned to address critical coastal areas and areas where water quality impairments exist even after (g) management measures or their equivalent have been implemented. The State further describes an ongoing process to evaluate the success of (g) management measure implementation in achieving program goals, based on land use and water quality data derived from these efforts. As described, Rhode Island fully expects to develop, implement and periodically revise regulatory controls that will satisfy the requirement for additional management measures.

XII. CRITICAL COASTAL AREAS

FINDING: Rhode Island's program identifies and includes a process for the continuing identification of critical coastal areas adjacent to impaired and threatened coastal waters.

RATIONALE: Rhode Island has identified a number of areas already that could be considered critical coastal areas, including the Salt Pond and Narrow River Watersheds and the Greenwich Bay area. These areas and the priority watersheds that will be identified as part of the State's *Nonpoint Source Pollution Management Plan* generally follow the second approach described in the program guidance whereby the State relies on site-specific evaluations to determine the extent of the critical coastal area. In addition, the CRMC's 200-foot permit jurisdiction generally follows the first approach described in the program guidance whereby the State has designated a strip of land along the shoreline that extends inland a uniform distance.

XIII. MONITORING

FINDING: Rhode Island's program does not include a plan to assess over time the success of the management measures in reducing pollutant loads and improving water quality as specified in section 6217(g)(2)(F).

CONDITION: Within two years, Rhode Island will develop a plan that enables the State to assess over time the extent to which implementation of management measures is reducing pollutant loads and improving water quality.

RATIONALE: In the program submittal, Rhode Island describes a number of existing monitoring programs, including state and federal programs and volunteer monitoring efforts. However, the State does not describe how these monitoring techniques will be applied to assess over time whether the management measures are reducing pollutant loads and improving water quality. Rhode Island should not need to undertake additional monitoring to achieve the monitoring objectives of section 6217. The coastal nonpoint program monitoring plan can draw on existing monitoring programs, but needs to provide a clear description of how information gained from existing efforts will be combined in order to assess the success of coastal nonpoint program implementation. Management measure tracking should be incorporated into the plan to evaluate the effectiveness of management measures in controlling nonpoint source pollution. This will enable the State to relate such implementation to changes in water quality or pollutant loads.

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