

CONCISE EXPLANATORY STATEMENT

AGENCY: Coastal Resources Management Council

RULE IDENTIFIER: *650-RICR-10-00-1*

RULE TITLE: RI Coastal Resources Management Program - Management Procedures.

REASON FOR RULEMAKING: The CRMC has amended its Management Procedures to clarify and improve its regulatory procedures, including adding Council member coastal program training, adding specific requirements for staff recommendations and written findings of fact and conclusions of law in contested cases, and consolidation and simplification of determination requests and beach vehicle permit fees.

TESTIMONY AND COMMENTS: There was no public testimony offered at the December 10, 2019 public hearing, and one set of written comments was filed during the 30-day public notice period. Save The Bay (STB) filed written comments on December 9, 2019 indicating that they supported the amendments as proposed. Nevertheless, STB also suggested twenty-seven new amendments that were not previously submitted. CRMC staff notified STB that their newly proposed amendments could not be considered by the Council at this time because they had yet to be reviewed and considered by the CRMC Planning & Procedures Subcommittee and publicly noticed. STB has indicated that they will collaborate with CRMC and submit the proposed amendments for review and action by CRMC at a later date.

CHANGE TO TEXT OF THE RULE: There was only one change made between the text of the rule as proposed and the text of the final rule. During the public hearing of December 10, 2019 it was noted that the existing text of § 1.2(B) incorrectly states that a quorum of the Council consists of seven (7) members. The correct number is six (6) as is currently specified in R.I. Gen. Laws § 46-23-4. Therefore, the Council made the change to the rule to be consistent with existing state law. Accordingly, the final rule is consistent with, and a logical outgrowth of, the rule proposed in the notice.

REGULATORY ANALYSIS: The proposed amendments provide more specific Council procedures to improve the operating efficiency of the Council. In addition, the proposed amendments clarify and simplify applicant requirements under the Coastal Resources Management Program. The proposed regulations do not impose any new requirements on regulated entities including any small businesses or any city or town; therefore, there is no

adverse economic impact. In consideration of the alternatives the CRMC has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome to affected private persons as another regulation. In addition, there are no other state regulations which are overlapped or duplicated by the proposed regulation.

The CRMC has determined that the benefits of the proposed rule justify the costs of the proposed rule, and that the proposed rule will achieve the objectives of the authorizing statute in a more cost-effective manner and with greater net benefits than other regulatory alternatives.