

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Coastal Resources Management Council (CRMC)

DIVISION: N/A

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

RULE TITLE: Management Procedures

REASON FOR RULEMAKING: The Coastal Resources Management Council (CRMC) has proposed two amendments to the Management Procedures Program, 650-RICR-10-00-1.2(B) Meetings and Members and 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee.

650-RICR-10-00-1.2(B) Meetings and Members

R.I. General Law § 46-23-2 Coastal Resources Management Council created – Appointment of Members and R.I. General Law § 46-23—4 Officers of the Council- Quorum and Vote Required for Action was recently amended by the General Assembly in 2025 (see Senate Bill 0998 Substitute A and House Bill 6126 Substitute A). The amendments reduce the number of Coastal Resources Management Council members from ten (10) to seven (7). The amendment at 46-23.4 also reduces the number of members required for a quorum from six (6) to four (4). The General Assembly requires the CRMC to initiate rulemaking within 30 days of the date of passage. To implement this legislation, Section 1.2(B) Meetings and Members of the Management Procedures (650-RICR-10.00.1) is proposed to be amended to reduce the quorum requirements of the Council from six (6) members to four (4) members pursuant to § 46-23-4.

650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee

R.I. General Law § 46-23-18.5 – Fees for Disposal; was recently amended per the Governor's Budget Amendment #22 and Article 2 of the FY 2026 Appropriations Act (25-H-5076). The amendment to this statute re-established the minimum fee for disposal of dredge material in the State's Confined Aquatic Disposal (CAD) Cells from \$11.65 per cubic yard to \$35.00 per cubic yard. Per the amendment, the Council shall maintain its three-tiered fee structure while increasing all three of the CAD Cell disposal fees commensurately.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS:

The Coastal Resources Management Council (CRMC) initiated rulemaking via a public notice of proposed rulemaking on August 6, 2025, that provided a 30-day comment period for the above referenced sections of the Management Procedures (650-RICR-10-00-1). The public notice of proposed rulemaking was amended on August 27th to extend the public notice until September 30, 2025.

In accordance with R.I. Gen. Laws § 42-35-2.8, the Council held a public hearing on the proposed rulemaking on September 9, 2025. At the public hearing, CRMC Staff provided a brief presentation on the rulemaking and received comments from Jed Thorp, Director of Advocacy with Save The Bay.

In addition to the comments received at the public hearing, CRMC received written comments from Jed Thorp, Director of Advocacy with Save The Bay and Michael Woods, Chair of the New England Chapter of Backcountry Hunters and Anglers. The public comment period ended on September 30, 2025. Public comments received were related to 650-RICR-10-00-1.2(B) Meetings and Members. Specifically, how the referred law (§ 46-23-4 and § 46-23-2(b)) would be implemented, prior to its effective date of March 1, 2026 and after its effective date should there be a delay in Council Member appointments.

Based on the comments received, a minor technical amendment to the original text in 650-RICR-10-00-1.2(B) Meetings and Members was made to help eliminate some confusion that was brought up during the public comment period. The minor technical amendment is considered to be a logical outgrowth of public comments received and an improvement for public clarity.

On November 25, 2025, the CRMC Council unanimously voted to adopt the rulemaking with the technical amendment and directed Staff to submit the final rule of OMB and SOS.

CHANGE TO TEXT OF THE RULE: As a logical outgrowth of the public comments and testimony received, CRMC has changed the text to improve public clarity in 650-RICR-10-00-1.2(B) Meetings and Members. The changes in the text can be found below. There were no changes to the text in 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee.

Proposed text for removal is shown in ~~red with strikethrough~~. The text proposed in the Notice of Proposed Rulemaking is in ~~blue with strikethrough~~ has been removed. The final text change inclusive of the technical amendment text is shown in blue.

650-RICR-10-00.1.2(B) Meetings and Members

1.2 Meetings and Members

- A. The regular meeting schedule, unless changed by the Chairman or the Vice Chairman, shall consist of the second (2nd) and fourth (4th) Tuesday of the months of September through June and only the fourth (4th) Tuesday in July and August.
- B. ~~A quorum consists of six (6) members. Pursuant to § 46-23-4 a quorum shall consist of four (4) members of the council. The quorum of the Council shall be pursuant to R.I. Gen. Laws § 46-23-4.~~
- C. A majority vote shall be a majority of those present and voting. If a Council member wishes to abstain, Council member shall announce the abstention prior to a hearing and vote on the matter. An abstention shall not be counted as a vote in the tally, but shall be counted for the purposes of maintaining a quorum.
- D. The Council may have closed meetings. Such meetings shall be in accordance with the exceptions to the Open Meeting Law as set out in Rhode Island General Laws Chapter 42-46, as amended.
- E. All meetings of the Council shall be open to the public except as set out in § 1.2(D) of this Part above and the public shall have a reasonable opportunity to be heard.

REGULATORY ANALYSIS:

(Management Procedures) 650-RICR-10-00-1.2(B) Meetings and Members

The proposed amendment to 650-RICR-10-00-1.2(B) Meetings and Members is a non-discretionary rule change resulting from legislative action. The proposed amendment would reduce the quorum requirements of the Council from six (6) members to four (4) members pursuant to § 46-23-4.

The CRMC performed an analysis to review the fiscal impact on the state as it relates to this non-discretionary revision. It has been determined there will be no increase or loss in revenue and/or costs as a direct result of the proposed amendments to (Management Procedures) 650-RICR-10-00-1.2(B) Meetings and Members.

(Management Procedures) 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee

R.I. General Law § 46-23-18.5 – Fees for Disposal; was recently amended per The Governor’s Budget Amendment #22 and Article 2 of the FY 2026 Appropriations Act (25-H-5076). The amendment to this statute re-established the minimum fee for disposal of dredge material in the State’s Confined Aquatic Disposal (CAD) Cells from \$11.65 per cubic yard to \$35.00 per cubic yard. Per the amendment, the Council shall maintain its three-tiered fee structure while increasing all three of the CAD Cell disposal fees commensurately.

Current disposal fees as outlined in 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee are:

- \$11.65 per cubic yard – Marinas, Boatyards, Yacht Clubs
- \$17.00 per cubic yard – Commercial Facilities
- \$25.00 per cubic yard – Residential Docks

The proposed policy change to these disposal fees in 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee are:

- \$35.00 per cubic yard – Marinas, Boatyards, Yacht Clubs
- \$43.00 per cubic yard – Commercial Facilities
- \$50.00 per cubic yard – Residential Docks

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 due to the non-discretionary legislative requirement. In addition, there are no other state regulations which are overlapped or duplicated by the proposed regulation.