



NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

September 5, 2025

To: Bruce Lofgren, RI Coastal Resources Management Council
cc: Jeffrey Willis, Executive Director, RI Coastal Resources Management Council

Re: BHA Comments on CRMC Management Procedures (650-RICR-10-00-1) – Quorum

Backcountry Hunters & Anglers seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider the access to public lands and waters and the protection of our natural resources top priorities, recognizing that both of these things are essential to our participation in, and the perpetuation of, our outdoor traditions.

Given the prominent role that the Coastal Resources Management Council (CRMC) has in managing some of the resources our members care most about, the New England Chapter of Backcountry Hunters & Anglers (BHA) participates both in CRMC's decision-making processes and in discussions within RI's General Assembly related to CRMC's structure and authority. While BHA was adamantly opposed to the passage of the bills that altered CRMC's structure while they were under consideration by RI's General Assembly, and we remain concerned with how these changes will affect the State's management of our coastal resources, we appreciate that the regulatory process currently under consideration is both required by law and is also procedurally necessary for CRMC to maintain its good standing with the National Oceanographic and Atmospheric Administration's Office for Coastal Management. Additionally, we appreciate that reducing the required attendance to conduct business from 6 to 4 members has the potential to improve one of CRMC's many long-standing issues - gathering a quorum so that a regular schedule of meetings can be held.

With that in mind, we are concerned with the difference between the proposed regulation and CRMC's enabling statutes, particularly related to implementation in the near term, and will detail our concerns below.

Background

Introduced during the RI General Assembly's 2025 legislative session, bills H6126A & S998A ultimately gained the support of both chambers in concurrence and became effective with the Governor's signature on June 30, 2025. The bills broadly altered CRMC's membership, qualifications for service, and so on. Relevant to the quorum regulation under consideration, § 46-23-4 was updated such that:

*"The governor shall select from the appointed members a chairperson and vice chairperson. The **coastal resources management** council shall thereupon select a secretary from among its membership or staff. The council may engage staff, including legal counsel, as it deems necessary. A quorum shall consist of six (6) members of the council provided, however, **for the council appointed pursuant to § 46-23-2(b) a quorum shall consist of four (4) members of the council. A majority vote of those present shall be required for action**"*
(H6126A/S998A changes are bold)

Also relevant to the updated quorum requirement is the statute related to council membership, § 46-23-2(b), which was amended to include:

“Notwithstanding subsection (a) of this section, on March 1, 2026, all current members of the coastal resources management council shall have their terms expire. In anticipation thereof, prior to March 1, 2026, the governor shall appoint a coastal resources management council that shall consist of seven (7) voting members, one of whom shall be the director of the department of environmental management who shall serve ex officio. The six (6) remaining members shall be public members appointed by the governor with the advice and consent of the senate. All appointed members shall possess background, qualifications and expertise in environmental and coastal management matters, provided that one of whom shall be an engineer; one of whom shall be a coastal biologist; and one of whom shall be a representative of an environmental organization. Current or past service on the coastal resources management council shall not disqualify an individual from reappointment pursuant to this subsection. Notwithstanding the foregoing, if the seven (7) member council is not seated by March 1, 2026 in accordance with this section, the members appointed pursuant to subsection (a) of this section shall continue to serve until such time as all members are appointed and confirmed in accordance with this section.” (H6126A/S998A changes are bold)

Statutory Quorum Requirement

If the regulatory proposal became effective as written, 650-RICR-10-00-1.2 B would immediately be changed from “A quorum consists of six (6) members.” to “Pursuant to § 46-23-4 a quorum shall consist of four (4) members of the council.” While we appreciate that eventually the proposed language will be accurate, we are concerned that an undetermined and potentially considerable period of time exists during which conducting business with fewer than 6 members present violates the statute and would subsequently jeopardize the legal validity of any decision that CRMC issues, and the regulation is not clear on this point.

In plain language, § 46-23-4 as amended states that the quorum to conduct business shall remain 6 members until a new council is appointed pursuant to § 46-23-2(b). In similarly plain language, § 46-23-2(b) describes and sets forth a non-binding timeline and qualifications for the appointment of a new, 7-member council. If all seven members of the new council are not appointed prior to the deadline, the amended statute provides a means for the existing, lapsed council members to continue conducting business until all seven new members are appointed. It does not empower any council to conduct business with a reduced quorum “until such a time as all members are appointed and confirmed in accordance with this section (§ 46-23-2(b)).”

While the remedy to the discrepancy we have raised is a legal question best left to qualified counsel, which we are not, we urge CRMC to consider including language that better reflects the actual application of the statute, rather than focusing exclusively on its long-term effect. Due to the nature of its work, CRMC’s operations and decisions are often scrutinized and challenged in court both by applicants and objectors, and failing to maintain accurate regulations and/or conduct business in accordance with its enabling statutes during the transition period between the old and new regime would only serve to perpetuate and validate the public’s eroded confidence in CRMC’s effective management of Rhode Island’s coastal resources.

Thank you for your consideration of our comments.

Michael Woods
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Chair, New England Chapter Board
Backcountry Hunters & Anglers
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September 5, 2025

Jeffrey Willis, Executive Director
RI Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

Dear Director Willis,

Save The Bay is pleased to submit the following comments regarding a proposed change to CRMC's Management Procedures (650-RICR-10-00-1) that would lower the required quorum for conducting Council meetings from six to four. The proposed change corresponds to the reduction in the total number of council members from ten to seven, as required by legislation (S998 sub A / H6126 sub A) passed by the General Assembly earlier this year and signed into law by the Governor in July. While this was not the reform legislation that we advocated for, we believe it's important that it be implemented appropriately and in strict adherence to the language in the new statute.

Our primary concern regarding the proposed rule is to ask CRMC to confirm on the record that this change to the quorum requirement does not take effect until the new seven-member Council is fully seated.

The language in the proposed rule does not specifically state that the change does not take effect until the new Council is seated (which would be March 1, 2026, or sometime thereafter.) But the proposed rule *does* state that "...a quorum shall consist of four members..." "Pursuant to section 46-23-4." That section of the statute regarding the quorum of the Council reads:

A quorum shall consist of six (6) members of the council provided, however, for the council appointed pursuant to § 46-23-2(b) a quorum shall consist of four (4) members of the council. *(new language is underlined)

In other words: the quorum is still six, except for, and *only* for, the Council appointed pursuant to subsection 46-23-2(b), which is the "new" Council that will be seated as soon as next March 1, when all of the *current* members of the Council's terms are set to expire. (However, the new law also states "current or past service on the...Council shall not disqualify an individual from reappointment" to the "new" Council.)

If the "new" seven-member Council is not seated by March 1, 2026, the members appointed pursuant to the *current* Council requirements...:

...shall continue to serve until such time as all members are appointed and confirmed in accordance with this section.

We read this to mean that the current Council will remain in place until *all* seven members are appointed by the General Assembly.

This means that – if the General Assembly confirms four appointees by March 1, 2026, those four (or five, or even six) new appointees do not actually become Council members – or start meeting, or making decisions – until all – meaning all seven – of the new Council members are appointed, pursuant to the new subsection added by the General Assembly earlier this year. Even if, for example, there are four members of the *current* Council who meet the qualifications and get appointed to the *new* seven-member Council, those four new members could not start meeting, with a quorum of just four, *until* ALL seven members of new Council appointed pursuant to the new section are appointed and confirmed.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jed Thorp", with a stylized, sweeping flourish extending to the right.

Jed Thorp, Director of Advocacy

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on **Tuesday, September 09, 2025 at 6:00 p.m.** located at the Administration Building, Conference Room A, One Capitol Hill, Providence, RI.

Members Present

Raymond Coia, Chair
Ronald Gagnon, DEM
Ms. Reynolds
Joseph Russolino
Michael Reuter, DPM
Kevin Flynn

Excused:

Stephen Izzi

Staff Present

Jeffrey M. Willis, Executive Director
Laura Miguel, Deputy Director
Mason Sherman, Marine Infrastructure Coordinator
Anthony DeSisto Legal Counsel
Mark Hartmann, Assoc Legal Counsel
Laura Dwyer, Education/Information Coordinator
Ryan Moore, IT

1. CALL TO ORDER

Chair Coia called the meeting to order at 6:30 p.m.

2. Review/Action of the Minutes of the Previous Meeting

• **July 22, 2025**

Motion: Mr. Russolino

Second: Ms. Reynolds

Edits: Mr. Gagnon asked for correction to the vote for CRMC file 2024-11-020 Blithewold (HFRI) – he voted in the affirmative.

Motion to approve minutes with edits was approved with unanimous voice vote.

3. Subcommittee Reports

None were heard

4. Staff Reports

- CRMC/RI Builders Association training session
- Meeting with US ACOE and coastal municipalities on potential projects that Senator Whitehouse can submit on behalf of RI and Water Resource Development Act.
- Quidnessett Country Club restoration order will be heard at our next meeting – a plan was submitted by QCC to CRMC on Friday, 09/05/2025
- Offshore wind update – moving forward with staff review of South Coast as if no issue with the federal government.
- ROW Subcommittee is having a Public Hearing on Monday, Sept 15 in Westerly on Spring Avenue Extension

5. Application requiring Special Exception and are before the Council for Public Hearing and Action:

2024-12-004 The Narragansett Electric Company -- Replace/rebuild/reconfigure 1.9 miles of E183-3 and F184N-4/5 115kV Transmission Lines through Warren. CRMC portion of project

Management Procedures Program 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.

Bruce Lofgren gave brief overview stating that the CRMC initiated rulemaking through public notice on August 5th and goes through to September 30th. This is a Public Hearing for in-person public comment. Mr. Lofgren stated that CRMC has received a few comments in writing and that all comments will be reviewed at end of public comment period. No action required of Council tonight.

Public hearing opened.

Jed Thorp, Director of Advocacy with Save The Bay commented on timing of the rule and when it takes effect, March 2026.

Close the public hearing.

8. ADJOURN

Motion to adjourn:

Motion: Mr. Russolino

Second: Mr. Flynn

Motion to adjourn approved on a unanimous voice vote.

The meeting was adjourned at 8:00 pm.

Minutes respectfully submitted,
Lisa A. Turner, Recording Secretary

Transcript Available upon request

Meeting recording is available on CRMC YouTube page.