



STB COMMNETS ON OSCAR REGULATIONS – RI INFRASTRUCTURE BANK PUBLIC HEARING 1.5.23

January 5, 2023

My name is Topher Hamblett, the Director of Advocacy for Save The Bay and I am submitting comments on behalf of Save The Bay. Thank you for the opportunity to comment on the proposed OSCAR Regulations-(650-RICR-30-05-01).

I will briefly summarize our comment letter. Save The Bay worked with General Assembly, regulatory agencies, municipalities and community groups to win passage of the statute and then secure OSCAR's first \$4 million for grants. We also appreciate the RI Infrastructure Bank's support for the OSCAR legislation, and its willingness to play an administrative role in the implementation of the program.

We believe it is imperative that the regulations guiding project selection and grant funding adhere to the OSCAR statute. We object to the regulations as drafted because they do not carry out the intent of the statute: They attempt to add additional criteria or requirements i (i.e., "overall spending targets by project type; preferences for projects that align with the state's prevailing economic development plan")¹ that is not

¹ Even if the criteria were authorized it is unclear how "spending targets by types" is defined or how the "state's prevailing economic plan" is defined.

consistent with the intent of the statute. The intent of the statute is to award funds for projects that provide *ecological benefits to coastal or riverine habitats*: *The fund was not established to further economic development.*

Further, the attempt to empower each agency with the authority to waive, vary or add requirements is not permitted by the law. CRMC and DEM may jointly include additional criteria in evaluating projects consistent with the statutory intent, but may not do so individually. Moreover, the Bank does not have the statutory authority to even determine which projects are funded, let alone change or waive requirements.

Attached please find our comments and a redlined version of the regulations your consideration. As you will see, some of the comments are directed at clarifying the language, however, our main concern and objection to the draft regulations is that they do not effectuate the plain language or legislative intent of the statute and exceed the statutory authority provided to the three agencies.

Thank you for considering Save The Bay's comments on these draft regulations and we would welcome the opportunity to work with you to address our concerns.