



# NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

April 8, 2025

To Chairman Shaley and the members of the House State Government & Elections Committee

Re: BHA Comments on H5453 – An Act Relating to State Affairs & Government – DEM

Backcountry Hunters & Anglers (BHA) 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.

For the last several years BHA has advocated to reform RI's Coastal Resources Management Council (CRMC), and specifically to disempower the politically appointed volunteer council in favor of a true administrative agency, led by a director and staffed by full-time professionals. H5453 seeks to accomplish this outcome by transferring CRMC's authority into RI's Department of Environmental Management (DEM) – an existing administrative agency – and for that reason we support H5453 conceptually.

As written, some of the terms under which CRMC's authority would be transferred into DEM are vague, and our intent in this letter is to both provide some suggestions on how H5453 might be clarified, and to express BHA's priorities on how we feel that CRMC's responsibilities would be best handled within DEM's current administrative structure.

## **Bureau within DEM**

H5453 proposes to shift all authority currently vested within CRMC through § 46-23 to a new division within DEM, as described within § 42-17.1-4. In its current form DEM is structured in a multi-tiered hierarchy that is not actually controlled by RI's General Laws. At the highest level, the Director's Office is the central decision-making and managerial body within the agency, and the director is the person who most of DEM's statutory authority is vested in. In its next tier DEM's responsibilities are divided between two bureaus – natural resources and environmental protection – each of which is led by a deputy director. Each bureau further includes divisions focused on specific areas of DEM's work, with a division chief leading each. The only section of RI's General Laws that we are aware of that focuses on the internal structure within DEM beyond the director themselves is § 42-17.1-4, which lists many of the divisions currently housed within DEM's Natural Resources Bureau, but does not describe the bureaus themselves or any division currently housed under environmental protection. Because RI's General laws do not appear to control DEM's structure it is unclear whether DEM could, under their own discretion, create a new bureau or whether H5453 would require that CRMC's authority be housed in a division within an existing bureau.

The work currently performed by CRMC, and that would be performed by a restructured administrative body, is state-wide in nature and generates significant public interest and engagement. Despite CRMC's currently small budget and staff, their workload is wide-ranging and highly technical and legal in nature. Rather than housing CRMC's responsibilities in a division under an existing bureau, which we are concerned is unnecessarily distanced from DEM's centralized leadership, decision-making authority and

legal resources, BHA feels strongly that if authority is transferred to DEM that it should be housed in a new bureau that interfaces directly with the director's office, rather than a division that is separated from the director by multiple agency tiers.

### **Appointment of Coastal Resources Management Leadership**

Since its creation over 50 years ago those who have held decision-making authority over RI's coastal resources have been directly appointed by the Governor and subject to the advice and consent of the Senate. In recent years a statutory change also requires that CRMC's executive director, who has relatively little authority but leads the agency's staff, is subject to the same appointment process. This process demands both a level of accountability because decision makers are at least loosely tied to elected officials, and it also provides a forum for the public to weigh in on those within the administrative branch who have considerable influence over the state's responsibilities. As we have mentioned previously, CRMC's work is a matter of significant public interest on its own.

While DEM's director is not the only appointed/advice position with the agency (there are some appointments related to hearings/adjudication and others related to advisory boards), we believe that it would be the position that is most directly tied to CRMC's restructured authority. Unlike the director, DEM deputy directors and division chiefs are hired internally and are not subject to the same scrutiny or public accountability that the director or any other appoint/advice employee within RI government are. Because DEM's director oversees a vast agency with many existing responsibilities this shift represents a considerable reduction both in the degree of control that any elected official would have over who is directly influencing RI's coastal resources, and the avenues that the public has to weigh in.

While we aren't necessarily advocating to vest additional statutory authority in a position other than DEM's director if CRMC's authority is transferred in the way that H5453 proposes, we are concerned that the scrutiny that has been applied to coastal decision makers in the past will be lost amongst DEM's many responsibilities, and the public's ability to weigh in on who directly oversees our coastal resources will be severely limited. As a result, we strongly urge the General Assembly to consider imposing procedural requirements for the appointment of the person directly in charge CRMC's restructured authority and responsibilities, which is not inconsistent with other positions within DEM that advise the director on specific matters.

As we have mentioned previously, H5453 seeks to accomplish BHA's primary objective of disempowering CRMC's politically appointed council and transferring their authority to a true administrative agency, and we offer our conceptual support for that reason. BHA would be happy to work with the sponsor and committee to address some of the points that we have raised in this letter to help move this initiative forward.

Thank you for your consideration,

Sincerely,

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