

Steven Sepe

From: marian falla <mjfalla@outlook.com>
Sent: Tuesday, April 8, 2025 11:46 AM
To: House State Government and Elections Committee
Subject: SUPPORT for H5706 - AN ACT RELATING TO WATERS AND NAVIGATION --

April 8, 2025

To: Representative Evan Shanley, Chair, House Committee on State Government & Elections

I strongly supports House Bill 5706 which would eliminate the Coastal Resources Management Council's politically-appointed council and rename CRMC as the Department of Coastal Resources. This legislation would improve decision-making affecting our coastal resources, which are critically important to the economy, environment and culture of Rhode Island.

This legislation, if passed, would:

- Eliminate the politically-appointed council that currently makes decisions regarding our coast;
- Rename the agency as the Department of Coastal Resources;
- Establish an appointed Community Advisory Committee to advise the Department on policies and programs;
- Replace private contract attorneys with a Staff Attorney position within the Department to represent the Director and staff on all matters including hearings.

The Coastal Resources Management Council (CRMC) was created by the RI General Assembly to "to preserve, protect, develop, and where possible, restore the coastal resources of the state." CRMC plans and regulates aquaculture, offshore wind energy, shoreline access, docks, marinas and the permitting of all development within 200 feet of the coast. While CRMC's respected, professional staff of scientists, geologists, engineers and policy analysts use their expertise to review development proposals impacting our coastal resources, their findings are only recommendations to a politically-appointed, volunteer Council whose members are not required to have any expertise on coastal matters. At a time when coastal salt marshes are in peril and our shoreline is increasingly threatened by sea level rise and erosion, our state deserves a modern, accountable, and efficient coastal agency where decisions are based on sound science.

The **politically appointed CRMC Council lacks expertise**, is accountable to no one, and has persistent vacancies that impair CRMC's ability to meet its program obligations.

The **Council's lack of expertise**, coupled with lack of any substantive formal training, as well as its persistent vacancies, leads to unfair and inequitable results for coastal applicants and coastal stakeholders. With no expertise or substantive training, the lay Council routinely rejects and/or modifies the staff's recommendations, commonly resulting in confusing and inconsistent decisions

Complex Council decisions are frequently subject to judicial review and remand. Inexperienced Council members with no legal background or added training frequently hear cases rife with complex legal issues requiring legal interpretation, commonly resulting in added judicial review, remand and/or reversal, eroding the public's trust in the agency's decision making.

CRMC's Council structure lacks accountability and transparency

Persistent Council vacancies impair CRMC's ability to effectively meet its program obligations.

CRMC still lacks effective legal counsel for its professional staff at contested hearings.

The persistent lack of access to legal services for CRMC's staff at hearings denies CRMC's staff equal legal representation in contested cases before a panel that makes final agency decisions. It results in an unfair process where final decisions (or recommended decisions by a subcommittee) in contested cases are reached without the benefit of equal legal representation for the state's coastal experts. Failure to provide legal representation to CRMC's staff at hearings defies NOAA's repeated calls for action intended to avoid real or perceived conflicts of interest and jeopardizes the consistent and fair implementation of CRMC's coastal program. Lack of consistency and fairness not only threatens the integrity of the process but also threatens CRMC's ability to protect the functions and values of the coastal zone, coastal ecosystems, and the land and water resources of our state. CRMC Council still hears contested cases, despite the appointment of an administrative hearing officer that is required by law to hear all CRMC contested cases

Failure to adhere to its own regulations and refer all contested cases, not just "some contested cases," to the hearing officer also results in inequitable and disparate outcomes for applicants trying to determine whether their cases may or may not be referred to a hearing officer and jeopardizes the consistent and fair implementation of the coastal program.

Thank you for considering my comments in support of House Bill 5706.

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