



## NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

April 8, 2025

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

Re: BHA Support for H5706 – An Act Relating to Waters and Navigation – CRMC Reorganization

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.

In Rhode Island - The Ocean State - there is arguably no natural resource more important than our coastal zone. BHA members hunt for waterfowl, fish for striped bass, rake for quahogs, and enjoy many other recreational pursuits along the 400 miles of Rhode Island shoreline and coastal waters that RI's Coastal Resources Management Council (CRMC) has jurisdiction over. Unfortunately, CRMC's politically appointed council has failed to meet many of the basic standards that all other regulatory agencies within RI's government are held to – and as a result BHA has spent years advocating to restructure CRMC. With these things in mind **BHA urges the Committee to support H5706**, which seeks to eliminate CRMC's politically appointed council and transfer its statutory authority to a new, independent executive agency.

In its current form CRMC's politically appointed council has demonstrated a chronic inability to hold a full schedule of meetings throughout the year, which is the primary venue where the Council's decision-making work is undertaken. In 2024 CRMC either missed or cancelled nearly 30% of their regularly scheduled semi-monthly meetings, often without advance notice or explanation of cause. Some have speculated that a similarly chronic inability to carry a full 10-member panel of appointees is the main reason for the cancellation of meetings, and that simply appointing more members might resolve this issue. Indeed, the Council has not had a full panel of 10 members since 2019, although meeting cancellations were an issue at that point too. The Council cancelled 33% of its meetings in 2017, 19% in 2018, and 27% in 2019, all while it carried a full panel of 10 members. It is difficult to imagine any significant role in public service where consistently failing to show up or complete such a significant portion of the workload would be considered acceptable.

Whether due to their inability to hold a regular schedule of meetings, or the way that issues are prioritized and handled internally, in its current form CRMC has also demonstrated a consistent inability to complete its core regulatory functions in a timely manner. It is not rare for simple permit applications to take years before a decision is rendered, and one relatively straightforward permit application that BHA is involved with has been pending for five years at this point with no final decision in sight. Similarly, the urgency with which CRMC has worked to decisively address illegal

development within its jurisdictional area has been disappointing. When a North Kingstown country club built a massive, illegal seawall along its coastal boundary CRMC elected to pause its enforcement action so that a series of hearings could be held to entertain a rulemaking petition intended to legitimize the illegal development. Because the subcommittee handling the matter only meets once per month, or less, it took nearly a year before a decision to deny the petition was reached. For years this illegal development has blocked public shoreline access and caused environmental damage to sensitive wildlife habitat in the vicinity, and the illegal structure remains in place today. We find it difficult to imagine any other executive agency that regularly fell short of fulfilling its core regulatory functions – in this case delivering timely development permitting decisions and enforcement against illegal development – would be tolerated.

Perhaps the most troubling aspect of CRMC in its current form is the increasing number of Council decisions being overturned by the RI courts. The most widely known is the 2022 overturning of a permit to expand Champlin's Marina by the RI Supreme Court, but that is far from the only CRMC decision that RI's judiciary has found defective. In recent years RI's Court have rejected CRMC's handling of aquaculture permitting (*Troiano v. CRMC*), dredging (*The Dumplings Assoc. v. CRMC*), and public shoreline access (*Sheffield v. CRMC*). While we acknowledge that the nature of CRMC's work can be litigious at times, and that being sued is entirely out of CRMC's control, repeated failures call into question whether the CRMC's current structure is capable of reliably making decisions that withstand legal challenges. In its current form Council members are not required to have any expertise in marine affairs, legal procedure, or any other relevant topic – and sometimes it shows.

Rhode Island's Constitution charges the General Assembly with managing the natural resources in the state as a "public trust", and in the case of RI's coastal zone the legislature largely outsources their constitutional responsibility to CRMC. As a result, we cannot understate the seriousness of the issues we have highlighted, which we believe would be addressed through the changes proposed in H5706. While BHA appreciates that there may be a cost associated with transitioning CRMC from its current form to an independent executive agency, we feel that the state's top priority must be implementing an effective system that serves Rhode Island, rather than continuing to rely on a structure that may have worked in the past but no longer functions properly. Unlike nearly every other executive agency within state government RI's coastal program hasn't received a meaningful increase in resources in decades, so we consider whatever investment is needed to implement H5706 long overdue.

With all these things in mind, BHA urges the Committee, and ultimately the General Assembly, to **support H5706** and create a new "Department of Coastal Resources" to carry out the statutory responsibilities and obligations currently assigned to CRMC.

Thank you for your consideration,

Sincerely,

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