

Ann Maxwell Livingston, Chair
Members of the Coastal Resources Management Council
Executive Director Grover Fugate
Brian Goldman, Esq., Legal Counsel
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May 25, 2011

Re: Shoreline protection structures in Type 1 waters – Matunuck

Dear Chairwoman Livingston, Members of the Council, Executive Director Fugate and Counselor Goldman;

As you prepare for the May 31 staff briefing and the work session in South Kingstown, I would like to summarize Save The Bay's concerns regarding the temporary assent that has been put forward as a basis for permitting shoreline protection structures in Matunuck.

The "temporary assent" does not meet the requirements for either:

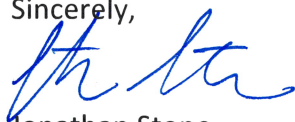
- Catastrophic Storm Assent (Section 180.1) or
- Imminent Peril Assent (Section 180.2)

Therefore any permit issued based on this document would be open to legal challenge.

Allowing shoreline protection structures adjacent to Type 1 waters is tantamount to an amendment of the rules and would require formal rule-making, if contemplated. (See attached May 3, 2011 letter.)

Although the challenge is a daunting one, the Council's formal policy-making and special area management planning provide robust tools for developing a comprehensive strategy for addressing the impact of erosion and sea level rise on Rhode Island's coastal communities. Save The Bay encourages the CRMC Council and staff to utilize these tools to engage the public and to mobilize the resources necessary to meet that challenge. We look forward to working with you in this effort.

Sincerely,



Jonathan Stone
Executive Director

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