



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
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Wakefield, RI 02879-1900

(401) 783-3370
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PUBLIC NOTICE

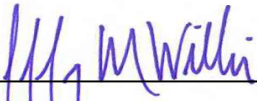
Pursuant to R.I. Gen. Laws § 42-35-2.8 the Rhode Island Coastal Resources Management Council (CRMC) issued public notice for rule-making on April 26, 2021 for amendments to the CRMC Management Procedures at 650-RICR-10-00-1, and held a public hearing on May 11, 2021 at 6:00 p.m. via an online Zoom meeting to afford the public an opportunity to offer comments on the proposed rule-making. No public testimony was offered at the public hearing and two written comments in support of the proposed amendments were received during the 30-day public notice period.

The CRMC hereby gives written public notice, pursuant to R.I. Gen. Laws § 42-46-6, that the Council will deliberate and vote on the proposed amendments to 650-RICR-10-00-1. The Council will not consider public testimony at this meeting, as it previously provided an opportunity for public comment at the public hearing held on May 11, 2021 in accordance with R.I. Gen. Laws § 42-35-2.8 and the Governor's Executive Order 20-05.

A copy of the public notice for rule-making and the proposed amendments to the CRMC Management Procedures (650-RICR-10-00-1) are available on the Secretary of State's web site at: <https://rules.sos.ri.gov/promulgations/part/650-10-00-1>.

The meeting as set forth above is scheduled for **June 8, 2021 at 6:00 p.m.** via an online Zoom meeting – see link below. Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

Signed this 2nd day of June, 2021.



Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/84465167908?pwd=QTBxSXJxcXMwaituMFU0U1kyL0VEZz09>
Webinar ID: **844 6516 7908**
Passcode: **619075**

Telephone: US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)
Webinar ID: **844 6516 7908**
Passcode: **619075**

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING
COASTAL RESOURCES MANAGEMENT COUNCIL**

Title of Rule: Management Procedures (650-RICR-10-00-1)

Rule Identifier: 650-RICR-10-00-1

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 04/26/2021

Hearing Date: 05/11/2021

End of Public Comment: 05/26/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapter 46-23 et seq.

Summary of Rulemaking Action:

The CRMC proposes to amend its Management Procedures to delete some filing fees, add specifically required information for petitions for regulatory change, and increase the number of days for the filing of new information prior to a scheduled hearing.

Brief summary of proposed amendments to 650-RICR-10-00-1:

1. Delete § 1.4.6(A)(10) to remove the required declaratory ruling \$1000 filing fee;
2. Amend § 1.4.9 to remove the required petition for regulation change \$1000 filing fee and add specific requirements for necessary filing materials; and
3. Amend § 1.5.9(A) to specify necessary filings and increase the number of days from five (5) to seven (7) that such information must be filed with the Council prior to a hearing.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 26, 2021 by contacting the appropriate party at the address listed below:

James Boyd
Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
jboyd@crmc.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on May 11, 2021 at 6:00 pm at Zoom online meeting, <https://us02web.zoom.us/j/89299134724?pwd=RkJuUTZ3eWI3WjZaVW>, Passcode: 959538, Wakefield, RI 02879 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-783-3370 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

The proposed amendments will delete currently required filing fees for declaratory rulings and petitions for regulation change. In addition, the proposed amendments will add specificity to required filings in cases where expert and lay testimony will be presented and increase the timing of their filing with the Council prior to a hearing to allow the Council, Council staff and parties sufficient time to review any new any new evidence, reports, or data on which testimony will be based.

The proposed regulations do not impose any new requirements on regulated entities including any small businesses or any city or town; therefore, there is no adverse economic impact. In consideration of the alternatives the CRMC has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome to affected private persons as another regulation based on available information. In addition, there are no other state regulations which are overlapped or duplicated by the proposed regulation.

The CRMC has determined that the benefits of the proposed rule justify the costs of the proposed rule, and that the proposed rule will achieve the objectives of the authorizing statute in a more cost-effective manner and with greater net benefits than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

Proposed/annotated amendments

Note: Proposed new text is shown as blue underline; while deleted text is shown as ~~red struck-through~~

Proposed amendments to the CRMC Management Procedures (650-RICR-10-00-1) as follows:

Delete § 1.4.6(A)(10) to remove the required filing fee

1.4.6 Applications for Council Assent

- A. All fees are summative. In addition, all fees are filing fees and are non-refundable.

Amend § 1.4.9 to remove the required filing fee and add requirements for filing materials

1.4.9 Petitions for Regulation Changes

Applicants petitioning the Council to make Regulation changes pursuant to the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-6, shall file a written request detailing the proposed regulation change with track changes proposed text and the reasoning and necessity for the proposed regulation change.

Amend § 1.5.9(A) to specify filings and increase the number of filing days from 5 to 7 prior to a Council hearing

1.5.9 Presentation of Expert and Lay Testimony

- A. All parties to an application shall provide a list of all expert and lay witnesses it intends to present, as well as the subject matter and any new evidence, reports, or data on which the witness is expected to testify or the party intends to introduce to the Council or subcommittee after completion of the CRMC staff reports and not less than seven (7) business days prior to the scheduled hearing. The introduction at the hearing of any new evidence, reports, or data may result in a delay and rescheduling of the hearing.



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**TESTIMONY ON PROPOSED CRMC AMENDMENTS TO “MANAGEMENT
PROCEDURES” REGULATIONS
[650-RICR-10-00-1]
May 11, 2021**

The ACLU of Rhode Island appreciates the opportunity to comment on the proposed amendments to 650-RICR-10-00-1, concerning the CRMC’s management procedures, and specifically the amendment’s proposal to eliminate the \$1,000 filing fee that currently exists for an individual or entity to propose a change to the Council’s regulations or seek a declaratory ruling under the Administrative Procedures Act. We write to express our support for these amendments.

Our organization was surprised, to put it mildly, to learn that this filing fee existed. The ACLU has been involved in the rulemaking activities of numerous state agencies over the years, and we had never come across any department of state government obliging petitioners to pay a fee for making use of the APA process.

Indeed, there is clearly no authority in the APA for an agency to enforce such a fee. We additionally believe that significant constitutional issues are implicated in imposing a fee on a person seeking to exercise their First Amendment right to petition the government for a redress of grievances under the APA.

We therefore strongly support these proposed amendments to the agency’s rules so as to eliminate this problematic financial charge. Thank you for considering our views.

Submitted by: Steven Brown, Executive Director

SAVE THE BAY®

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Via electronic mail to jboyd@crmc.ri.gov

April 28, 2021

Mr. James Boyd
Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: Proposed Amendment to Management Procedures 65ORICR10001

Dear Mr. Boyd,

Save The Bay, on behalf of its members and supporters, supports the proposed amendments to §§ 1.4.6(A) and 1.4.9 of the Coastal Resources Management Procedures, to remove the filing fees of one thousand dollars (\$ 1,000.00) for declaratory rulings and petitions for regulatory change. The proposed amendment upholds our constitutional rights to petition the government, comports with the Administrative Procedures Act, and the practice of other administrative agencies in Rhode Island.

We appreciate your willingness to listen to our concerns about the fee and respond in a timely manner.

Sincerely,



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