

From: [Kendra Beaver](#)
To: blofgren@crmc.ri.gov
Cc: [Lisa Turner](#); [Jeff Willis](#); [Laura Miguel](#)
Subject: RE: CRMC Public Hearing Notice - Regulatory Changes
Date: Monday, November 6, 2023 10:45:33 AM

Thanks for your response Bruce.

From: blofgren@crmc.ri.gov <blofgren@crmc.ri.gov>
Sent: Thursday, November 2, 2023 3:10 PM
To: 'Kendra Beaver' <kbeaver@savebay.org>
Cc: 'Lisa Turner' <lturner@crmc.ri.gov>; 'Jeff Willis' <jwillis@crmc.ri.gov>; Laura Miguel <lmiguel@crmc.ri.gov>
Subject: RE: CRMC Public Hearing Notice - Regulatory Changes

Kendra,

Thanks for the questions and I apologize it took a few days to get back to you. I wanted to consult with Enforcement Staff (who would use the matrix) to ensure I was providing you the best response possible.

“Are you planning to promulgate administrative penalty regulations that explain, i.e., the type of violations , state that assessments will be in writing and factors to consider in settlement?”

Our Red Book and Management Procedures as promulgated do not break down violations by type. However, Enforcement Staff in their Notice of Violation (NOV's) and Cease and Desist Orders (CODs) letters always state what the suspected violation was, and reference applicable regulations violated. I am not entirely clear on what you mean about assessments and settlements, but Enforcement Staff does document the entire process and the Administrative Penalty Matrix Guidance form, when completed, will be in the file. In addition, it is standard practice to include settlement information in Enforcement Staff letters and our regulations lay out avenues for appeals.

“I'm also confused about the ratings relative to sufficiency of evidence. If it rated moderate that means you have sufficient evidence to be considered but the impact is moderate, is that correct?”

From talking to Enforcement Staff, the intention of the proposed Administrative Penalty Matrix Guidance form is to provide a fair and transparent assessment of how CRMC assesses fines. At initial stage, most enforcement matters do not have a full evidentiary picture of the matter. As in many cases, new information or evidence begins to materialize as the enforcement process progresses. The Administrative Penalty Matrix is intended to be an initial starting point in penalty assessment. The evidence criteria would be based on the sufficiency of evidence at the initial time of enforcement engagement and how impactful the evidence is or may be to the overall case.

I would also like to point out that as with all our regulations, policy and regulatory analysis is an ongoing initiative. This is especially true for new regulations. As Staff works though regulations post

promulgation, and more hands-on experience from real application occurs, it is not uncommon discover changes that could improve a regulation. This is also true during the public notice period. Staff will evaluate all feedback during the public comment period and may recommend changes to the Council based on said feedback.

Thank you very much for your comments. If any more questions arise, please reach out.

Sincerely,

Bruce Lofgren

From: Kendra Beaver <kbeaver@savebay.org>
Sent: Monday, October 30, 2023 10:47 AM
To: blofgren@crmc.ri.gov
Cc: Lisa Turner <lturner@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>
Subject: RE: CRMC Public Hearing Notice - Regulatory Changes

Good morning. Are you planning to promulgate administrative penalty regulations that explain, i.e., the type of violations, state that assessments will be in writing and factors to consider in settlement? I'm also confused about the ratings relative to sufficiency of evidence. If it rated moderate that means you have sufficient evidence to be considered but the impact is moderate, is that correct? Thanks, Kendra

From: blofgren@crmc.ri.gov <blofgren@crmc.ri.gov>
Sent: Monday, October 30, 2023 9:08 AM
To: 'Kendra Beaver' <kbeaver@savebay.org>
Cc: Lisa Turner <lturner@crmc.ri.gov>
Subject: RE: CRMC Public Hearing Notice - Regulatory Changes

Hi Kendra,

Thanks for reaching out on this. Attached is the proposed Administrative Penalty Matrix Guidance Form.

Please let me know if you have any questions on it.

Best,

Bruce Lofgren, AICP
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