



In accordance with notice of the Rhode Island Coastal Resources Management Council's Planning & Procedures subcommittee, a meeting was held on Tuesday, April 9, 2024 at 5:00 pm at the Administration Building, Conference Room A, located at One Capitol Hill, Providence RI

MEMBERS PRESENT

Raymond Coia, Chair
Don Gomez
Patricia Reynolds
Ron Gagnon, RIDEM

STAFF PRESENT

Jeff Willis, Executive Director
Bruce Lofgren, Coastal Policy Analyst
Leah Feldman, Coastal Policy Analyst
Brian Harrington, Enforcement Staff
Devon Robinson, Enforcement Staff

Mark Hartmann, Legal Counsel

Call to Order. Chair Coia called the meeting to order at 5:05 p.m.

Item 2 Approval of Previous Meeting Minutes:

September 26, 2023

*Mr. Gagnon seconded by Mr. Gomez moved to approve the minutes as presented.
All voted Yes in favor of the motion.*

November 14, 2023

*Mr. Gomez seconded by Ms. Reynolds moved to approve the minutes as presented.
All voted Yes in favor of the motion.*

Items 4.A. (Management Procedures) 650-RICR-10-00-1.1.4.15 Administrative Penalty Matrix– J. Willis and B. Lofgren explained the proposed changes are being brought back to the Subcommittee due to the Office of Regulatory Reform requirements and to address comments Staff received during Council deliberation in January. Staff presented the regulations and described the changes that had been made. These changes included defining each standard in the 6 categories of the proposed matrix and the main categories of “Impacts to Public Health, Safety, Welfare, and the Environment” and “Aggravating Factors”.

Staff stated that the newly defined proposed matrix categories were developed using existing standards established in Section 1.1.13 Violations and Enforcement Actions in the Red Book and by reviewing administrative fine regulations from NJ, CT, and MA’s coastal programs.

Mr. Gomez asked Enforcement Staff to describe their experience in testing the matrix when conducting fine assessments. Brian Harrington stated that staff had been using the matrix for approximately one year to assist in evaluating fines. Mr. Gomez asked if Staff had been satisfied with the matrix. Mr. Harrington confirmed that the enforcement staff is satisfied with the matrix as drafted.

Ms. Reynolds suggested that Staff remove the word intentional from the definition of Intentionality under section D. Staff stated that this edit could be made.

Mr. Hartman, CRMC's legal counsel, suggested that the staff expand Section 1.4.15 (B) "Special Circumstances" to reference standards from Section 1.1.13 of the Red Book that were not referenced in the proposed regulation's definitions. Specifically, Mr. Hartman suggested that standard C5, C6, C7, C9, and C10 be referred to under special circumstances. Staff stated that this edit could be made.

After the discussion, the Chair asked for a motion to initiate rulemaking on the proposed regulation with revisions to the Special Circumstances section and the definition of Intentionality as discussed.

Mr. Gagnon seconded by Ms. Reynolds *moved to direct staff to update the regulation based on Subcommittee input and to initiate rulemaking. **All voted Yes in favor of the motion.***

ADJOURNMENT. Mr. Gomez, seconded by Ms. Reynolds, moved to adjourn. All voted in favor of the motion and the meeting adjourned at 5:15 p.m.

Respectfully submitted by

Bruce Lofgren

Bruce Lofgren, Coastal Policy Analyst