

Chairman Raymond C. Coia
State of Rhode Island Coastal Resources Management Council
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900
Via Electronic Mail to cstaffl@crmc.ri.gov

April 30, 2025

Re: CRMC File No. 2023-08-084 TSL, LLC; RIDEM Water Quality Certification Number 24-008
– Installation of a berthing facility and expansion of existing marina for the mooring of a pool boat for recreational purposes.

Dear Chairman Coia,

I write on behalf of the applicant TSL, LLC, to reply to the Stone Harbour Condominium Association's objection to the notice that this matter will be heard by the Council on May 13.

Without conceding whether the Association has raised any substantive objections (we submit that it has not) or whether this is a "contested case" (Council Staff has yet to issue its report and conclusion), Management Rule 1.5.3(A) refutes their argument directly. That rule allows the Council discretion to decide whether to conduct any hearings for contested cases before a subcommittee or the full council. It states:

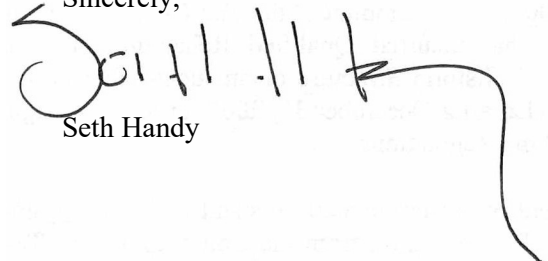
Hearings required or permitted shall be conducted in accordance with appropriate Rules of Law and these Rules and Regulations. Hearings may be before a duly appointed Subcommittee before the Council as a whole, as designated by the Chairman in his/her sole discretion. A Subcommittee hearing shall be required when a substantive objection is received from any party or when requested by members (a vote of four (4) or more) of the Coastal Resources Management Council.

Management Procedures (650-RICR-10-00-1), Rule 1.5.3(A).

The Dumplings Association case is distinct in at least two ways. In Dumplings, the Council first acknowledged a "contested case" but then handled the hearing as if it was not a "contested case." Dumplings Ass'n v. Coastal Res. Mgmt. Council, No. PC-2021-00296, 2025 R.I. Super. LEXIS 7 (Super. Ct. Jan. 22, 2025) at *2. At the hearing, the Council did not allow cross examination of witnesses, a standard element of a hearing on a contested case. Id. Here, in contrast, there is not resolution that the Association has raised any "substantive objection" or that this is otherwise a contested case. Second, even if this were a contested case, the Council could conduct full hearings (including cross examination of witnesses) before the full council at its discretion per Management Rule 1.5.4.

This objection is premature and presumptuous. Even if the Council staff were to recommend that this is a contested case, it would be consistent with longstanding procedure for the full Council to exercise its discretion to conduct a full hearing. For these reasons, TSL, LLC respectfully asks the Council to overrule the Association's objection and proceed with the noticed meeting on May 13.

Sincerely,


Seth Handy

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cc. Mark Ryan, Esq.
Tenessa Azar, Esq.

