



# NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

September 5, 2025

To: Bruce Lofgren, RI Coastal Resources Management Council  
cc: Jeffrey Willis, Executive Director, RI Coastal Resources Management Council

Re: BHA Comments on CRMC Management Procedures (650-RICR-10-00-1) – Quorum

Backcountry Hunters & Anglers seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider the access to public lands and waters and the protection of our natural resources top priorities, recognizing that both of these things are essential to our participation in, and the perpetuation of, our outdoor traditions.

Given the prominent role that the Coastal Resources Management Council (CRMC) has in managing some of the resources our members care most about, the New England Chapter of Backcountry Hunters & Anglers (BHA) participates both in CRMC's decision-making processes and in discussions within RI's General Assembly related to CRMC's structure and authority. While BHA was adamantly opposed to the passage of the bills that altered CRMC's structure while they were under consideration by RI's General Assembly, and we remain concerned with how these changes will affect the State's management of our coastal resources, we appreciate that the regulatory process currently under consideration is both required by law and is also procedurally necessary for CRMC to maintain its good standing with the National Oceanographic and Atmospheric Administration's Office for Coastal Management. Additionally, we appreciate that reducing the required attendance to conduct business from 6 to 4 members has the potential to improve one of CRMC's many long-standing issues - gathering a quorum so that a regular schedule of meetings can be held.

With that in mind, we are concerned with the difference between the proposed regulation and CRMC's enabling statutes, particularly related to implementation in the near term, and will detail our concerns below.

## Background

Introduced during the RI General Assembly's 2025 legislative session, bills H6126A & S998A ultimately gained the support of both chambers in concurrence and became effective with the Governor's signature on June 30, 2025. The bills broadly altered CRMC's membership, qualifications for service, and so on. Relevant to the quorum regulation under consideration, § 46-23-4 was updated such that:

*"The governor shall select from the appointed members a chairperson and vice chairperson. The **coastal resources management** council shall thereupon select a secretary from among its membership or staff. The council may engage staff, including legal counsel, as it deems necessary. A quorum shall consist of six (6) members of the council provided, however, **for the council appointed pursuant to § 46-23-2(b) a quorum shall consist of four (4) members of the council. A majority vote of those present shall be required for action**"*  
(H6126A/S998A changes are bold)

Also relevant to the updated quorum requirement is the statute related to council membership, § 46-23-2(b), which was amended to include:

***“Notwithstanding subsection (a) of this section, on March 1, 2026, all current members of the coastal resources management council shall have their terms expire. In anticipation thereof, prior to March 1, 2026, the governor shall appoint a coastal resources management council that shall consist of seven (7) voting members, one of whom shall be the director of the department of environmental management who shall serve ex officio. The six (6) remaining members shall be public members appointed by the governor with the advice and consent of the senate. All appointed members shall possess background, qualifications and expertise in environmental and coastal management matters, provided that one of whom shall be an engineer; one of whom shall be a coastal biologist; and one of whom shall be a representative of an environmental organization. Current or past service on the coastal resources management council shall not disqualify an individual from reappointment pursuant to this subsection. Notwithstanding the foregoing, if the seven (7) member council is not seated by March 1, 2026 in accordance with this section, the members appointed pursuant to subsection (a) of this section shall continue to serve until such time as all members are appointed and confirmed in accordance with this section.” (H6126A/S998A changes are bold)***

## **Statutory Quorum Requirement**

If the regulatory proposal became effective as written, 650-RICR-10-00-1.2 B would immediately be changed from “A quorum consists of six (6) members.” to “Pursuant to § 46-23-4 a quorum shall consist of four (4) members of the council.” While we appreciate that eventually the proposed language will be accurate, we are concerned that an undetermined and potentially considerable period of time exists during which conducting business with fewer than 6 members present violates the statute and would subsequently jeopardize the legal validity of any decision that CRMC issues, and the regulation is not clear on this point.

In plain language, § 46-23-4 as amended states that the quorum to conduct business shall remain 6 members until a new council is appointed pursuant to § 46-23-2(b). In similarly plain language, § 46-23-2(b) describes and sets forth a non-binding timeline and qualifications for the appointment of a new, 7-member council. If **all** seven members of the new council are not appointed prior to the deadline, the amended statute provides a means for the existing, lapsed council members to continue conducting business until all seven new members are appointed. It does not empower any council to conduct business with a reduced quorum “*until such a time as **all members** are appointed and confirmed in accordance with this section (§ 46-23-2(b)).*”

While the remedy to the discrepancy we have raised is a legal question best left to qualified counsel, which we are not, we urge CRMC to consider including language that better reflects the actual application of the statute, rather than focusing exclusively on its long-term effect. Due to the nature of its work, CRMC’s operations and decisions are often scrutinized and challenged in court both by applicants and objectors, and failing to maintain accurate regulations and/or conduct business in accordance with its enabling statutes during the transition period between the old and new regime would only serve to perpetuate and validate the public’s eroded confidence in CRMC’s effective management of Rhode Island’s coastal resources.

Thank you for your consideration of our comments.

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