



MEMORANDUM

To: Jeff Willis, Executive Director
Laura Miguel, Deputy Director

CC: Raymond C. Coia, CRMC Chair
Council members

From: Bruce Lofgren, Coastal Policy Analyst

Date: October 15, 2025

Re: Proposed Rulemaking - Management Procedures Program, 650-RICR-10-00-1.2(B) Meetings and Members and 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee

REASON FOR RULEMAKING:

The Coastal Resources Management Council (CRMC) has proposed two amendments to the Management Procedures Program, 650-RICR-10-00-1.2(B) Meetings and Members and 650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee.

650-RICR-10-00-1.2(B) Meetings and Members

R.I. General Law § 46-23-2 Coastal Resources Management Council created – Appointment of Members and R.I. General Law § 46-23—4 Officers of the Council- Quorum and Vote Required for Action was recently amended by the General Assembly in 2025 (see Senate Bill 0998 Substitute A and House Bill 6126 Substitute A). The amendments reduce the number of Coastal Resources Management Council members from ten (10) to seven (7). The amendment at 46-23.4 also reduces the number of members required for a quorum from six (6) to four (4). The General Assembly requires the CRMC to initiate rulemaking within 30 days of the date of passage. To implement this legislation, Section 1.2(B) Meetings and Members of the Management Procedures (650-RICR-10.00.1) is proposed to be amended to reduce the quorum requirements of the Council from six (6) members to four (4) members pursuant to § 46-23-2(b).

650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee

R.I. General Law § 46-23-18.5 – Fees for Disposal; was recently amended per the Governor's Budget Amendment #22 and Article 2 of the FY 2026 Appropriations Act (25-H-5076). The amendment to

this statute re-established the minimum fee for disposal of dredge material in the State's Confined Aquatic Disposal (CAD) Cells from \$11.65 per cubic yard to \$35.00 per cubic yard. Per the amendment, the Council shall maintain its three-tiered fee structure while increasing all three of the CAD Cell disposal fees commensurately.

RULEMAKING HISTORY:

The proposed regulation amendments were presented to the Planning and Procedures Committee on July 22, 2025. The Planning and Procedures Committee unanimously directed CRMC staff to initiate rulemaking.

The Coastal Resources Management Council (CRMC) initiated rulemaking via a public notice of proposed rulemaking on August 6, 2025, that provided a 30-day comment period for the above referenced sections of the Management Procedures (650-RICR-10-00-1). The public notice of proposed rulemaking was amended on August 27th to extend the public notice until September 30, 2025.

In accordance with R.I. Gen. Laws § 42-35-2.8, the Council held a public hearing on the proposed rulemaking on September 9, 2025. At the public hearing, CRMC Staff provided a brief presentation on the rulemaking and received comments from Jed Thorp, Director of Advocacy with Save The Bay.

In addition to the comments received at the public hearing, CRMC received written comments from Jed Thorp, Director of Advocacy with Save The Bay and Michael Woods, Chair of the New England Chapter of Backcountry Hunters and Anglers. The public comment period ended on September 30, 2025. Public comments received were related to 650-RICR-10-00-1.2(B) Meetings and Members. Specifically, how the referred law (§ 46-23-4 and § 46-23-2(b). would be implemented, prior to its effective date of March 1, 2026 and after its effective date should there be a delay in Council Member appointments.

STAFF REVIEW AND RECCOMENDAITON:

CRMC Staff has reviewed the comments and have opined that there are no logical changes to the Rule that need to be made. This recommendation is based on the proposed rulemaking correctly referencing R.I. General Laws and that the rule change is based on a non-discretionary legislative directive. CRMC Staff do, however, agree with the interpretive position of Save The Bay and the New England Chapter of Backcountry Hunters and Anglers. As such, Staff and Legal Counsel will develop a written interpretation of the law and how it will be implemented prior to and after March 1, 2026.

Based on the favorable review by the Planning and Procedures Subcommittee and the public comments received, CRMC Staff recommends that the Council consider adopting the proposed rulemaking as presented. If adopted by the Council, CRMC Staff will initiate the final rule filing process with OMB and SOS.

PURPOSE:

The Coastal Resources Management Council has reviewed the new legislation and FY 2026 Appropriations Act and developed regulatory changes to meet the legislative directives. The directives are largely non-discretionary, and the proposed rulemaking will bring the program into compliance with the new statutory requirements.

STATUTORY AUTHORITY:

Pursuant to the federal Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 through 1466) and R.I. Gen. Laws Chapter 46-23 the Coastal Resources Management Council is authorized to develop and adopt policies and regulations necessary to manage the coastal resources of the state and to provide for the integration and coordination of the protection of natural resources, the promotion of reasonable coastal-dependent economic growth, and the improved protection of life and property from coastal hazards.

PROPOSED REGULATION AMENDMENTS:

Proposed text for removal is shown in ~~red with strikethrough~~. The proposed new text is shown in blue.

PROPOSED PROGRAMMATIC REVISIONS:

The proposed new text is shown in blue areas and text deletions are show in ~~red strikethrough~~.

650-RICR-10-00.1.2(B) Meetings and Members

1.2 Meetings and Members

- A. The regular meeting schedule, unless changed by the Chairman or the Vice Chairman, shall consist of the second (2nd) and fourth (4th) Tuesday of the months of September through June and only the fourth (4th) Tuesday in July and August.
- B. ~~A quorum consists of six (6) members.~~ Pursuant to § 46-23-4 a quorum shall consist of four (4) members of the council.
- C. A majority vote shall be a majority of those present and voting. If a Council member wishes to abstain, Council member shall announce the abstention prior to a hearing and vote on the matter. An abstention shall not be counted as a vote in the tally, but shall be counted for the purposes of maintaining a quorum.
- D. The Council may have closed meetings. Such meetings shall be in accordance with the exceptions to the Open Meeting Law as set out in Rhode Island General Laws Chapter 42-46, as amended.
- E. All meetings of the Council shall be open to the public except as set out in § 1.2(D) of this Part above and the public shall have a reasonable opportunity to be heard.

- F. In any twelve (12) month period, when a Council member has three (3) unnoticed non-appearances at full Council meetings, the Chairman is authorized to contact said members appointing authorities to request appointment of an active member.
- G. Prior to serving on the Council all members shall complete a training program developed by the agency staff. As a condition of continuing to serve on the Council, members must routinely attend and serve on a subcommittee and attend training.

650-RICR-10-00-1.4.6(A)(22) CAD Cell Disposal Fee

22. CAD Cell Disposal Fee:

- a. Marinas, Boatyards, Yacht Clubs: ~~eleven dollars and sixty-five cents (\$11.65)~~ thirty-five dollars (\$35.00) per cubic yard (cy)
- b. Commercial Facilities: ~~seventeen dollars (\$17.00)~~ forty-three dollars (\$43.00) per cy
- c. Residential Docks: ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) per cy