



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

January 19, 2022

To Chairwoman Ruggiero and the members of the Special Legislative Commission on Reorganization of CRMC

Re: BHA Comments on CRMC Reorganization

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

In Rhode Island – The Ocean State – there is arguably no natural resource more important than our coastal zone. BHA members in Rhode Island hunt for waterfowl, fish for striped bass, rake for quahogs, and enjoy many other recreational pursuits along our 400 miles of shoreline and the coastal waters that CRMC holds jurisdiction over. Recognizing that Rhode Island's Constitution charges the General Assembly with managing all the state's natural resources on behalf of the public, and that this responsibility is further assigned to agencies, councils, and departments, it is concerning that the current state of Rhode Island's coastal zone management program has prompted both chambers of the General Assembly to convene legislative study commissions on the re-organization of CRMC.

To restore the public's trust in how Rhode Island manages our coastal zone we encourage this Commission to consider two changes - restructuring the responsibilities of the current appointed council to an administrative agency and considering legislative guidance on how resources are balanced within CRMC's operations.

Administrative Agency

One topic that came up repeatedly during the Commission's hearings was whether an appointed council of non-expert volunteers was appropriate for having the final say on CRMC's decisions. It is relatively safe to assume that 50 years ago, when the Council and its decision making structure was created, that the issues it was designed to handle were far less complex. Our collective understanding of the changing environmental forces that affect our coast - like sea level rise, coastal erosion, and global warming – have advanced since that time. Pressure to develop energy generation and transmission infrastructure and residential and commercial real estate has also increased significantly. As a result, the body of knowledge that an incoming Council member must learn to make meaningful contributions to CRMC's direction has grown exponentially and potentially to the point where the council's structure is no longer adequate to effectively manage Rhode Island's coastal zone.

In his presentation on 12/9 former CRMC Executive Director Grover Fugate, who led CRMC's staff for 34 years, cautioned the Commission against implementing term limits for council appointees because it sometimes takes new members 2-3 years, which is up to the entire term of their first appointment, to

learn the issues and make productive decisions. Not only does this raise concerns about new council members' ability to vote on important issues from an informed perspective during the time when they're acquiring knowledge, but it also implies that CRMC's staff – who are already knowledgeable on the issues and generally equipped to make the same decisions the appointed Council will eventually consider – are committing considerable resources to educate council members rather than carrying out CRMC's work.

One potential change that had been proposed is to implement a process similar to the Judicial Nominating Commission currently used to ensure qualified judicial appointments in Rhode Island. While we agree that this could potentially help to funnel more qualified appointees towards the council, we have some concerns with this proposal. First, it assumes that there are a sufficient number of qualified experts that would be willing to serve on a volunteer board, which may not be the case. Also, the apparent benefit of appointing a council of qualified experts to hold decision making power over an already knowledgeable and well-respected CRMC staff defies logic and creates unnecessary layers of bureaucracy.

With these things in mind our recommendation to this Commission is to consider restructuring CRMC to an administrative agency like the others that report to Rhode Island's Executive Branch. This would position the experts and scientists that CRMC already employs to make consistent decisions on how our coastal zone is managed, would free up the staff resources currently used to train council members, and would result in an administrative structure that is more familiar to Rhode Islanders. It would also make those in control of decisions more directly responsible for the actions of the agency rather than diffusing responsibility across an appointed council that doesn't answer directly to the Executive Branch, and ultimately to Rhode Island's voters.

Balancing of Resources

Regardless of whether CRMC is transitioned to an administrative agency or remains a council of volunteer appointees, the way that resources are balanced within the council should be of paramount concern to the General Assembly. In the legislative mandate that created the council the General Assembly declares that:

“it shall be the policy of this state to preserve, protect, develop, and, where possible, restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long range planning and management designed to produce the maximum benefit for society from these coastal resources; and that preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alteration of coastal resources will be measured, judged, and regulated.”

Based on this statement alone – which is clear and concise – one would reasonably expect the council's resources to be balanced between preservation and protection of coastal resources and facilitating development within the coastal zone. In practice, though, today's council acts largely as a development agency with far more staff and council bandwidth focused on considering and issuing development permits than on environmental protection or services that benefit the public's interest in Rhode Island's coastal zone.

NOAA's 2020 evaluation of RI's coastal zone program revealed that CRMC's enforcement activities relied heavily on the public's input because the council does not have a proactive inspection program or the necessary staff to address violations in a timely manner. During the Commission's hearings we learned that only two of CRMC's approximately thirty staffers are assigned to enforcement of coastal zone violations – an area that includes 400 miles of coastline and extends three miles offshore. The same evaluation's assessment of public access cited changes in council membership and the staff's focus on wind energy

development as impediments to achieving their goal of designation of 15 public rights-of-way over a 5-year period. During that span the council only designated one public right-of-way.

Given that BHA's focus is primarily on protecting and enhancing public access and ensuring natural resources are managed responsibly it is frustrating to observe CRMC's constant focus on different segments of development while at the same time enforcement of violations and public access bandwidth and results clearly suffer. As a result, we encourage the Commission to consider legislative guidance with the intent of achieving more balanced effort and results across CRMC's many areas of responsibility.

Ultimately our hope is that this Commission, and ultimately the General Assembly, recommends and takes action to make some significant changes that improve our coastal zone management program, and to restore confidence in how Rhode Island manages our coastal zone natural resources on the public's behalf.

Thank you for the opportunity to provide comments and recommendations, and for your consideration.

Sincerely,

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