



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Tuesday, January 20, 2009 at CRMC, Stedman Government Center, Wakefield, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chair
Paul Lemont, Vice Chair
Don Gomez
Bruce Dawson
Russ Chateaufeuf, DEM

STAFF PRESENT

Jeff Willis, Deputy Director
James Boyd, Coastal Policy Analyst
Laura Ricketson Dwyer, Public Ed/Outreach Coord
John Longo, Legal Counsel

OTHERS PRESENT

Wendy Waller, Save the Bay

Call to Order. Mr. Tikoian called the meeting to order at 8:35 a.m.

The Chair expressed his appreciation to the members for their continued commitment to the subcommittee.

The Chair asked for a motion to approve the December 16, 2008 meeting minutes.

Mr. Lemont seconded by Mr. Dawson moved to approve the meeting minutes of December 16, 2008. All voted in favor of the motion to approve.

Item 4.A. Management Procedures - Section 4.3.2 Schedule of Fees. J. Willis presented issues associated with the proposed application fee changes. He noted that the fee scheduled, with few exceptions, had not been revised since it was adopted in 1993. J. Willis mentioned that various application fees were not in line with construction cost estimates as originally designed in 1993, most notably the residential dock fee and development/construction costs associated with projects that were estimated to be at least \$100,000. J. Willis also noted that the Council was asked by DOA to address revenue enhancement issues associated with its current and future budgets, and therefore some of the fee revisions were also being proposed due to this issue. J. Willis presented statistics on the number of applications that could be affected by this change on a yearly average basis, using the past five years as a guide. J. Willis also presented that some of the proposed revisions are technical (revising sections labels); administrative (adding section names where none existed); or, clerical (deleting provisions that no longer apply) in nature.

Mr. Tikoian commented that because of the economic issues facing Rhode Islands, he was inclined not to raise application fees.

Mr. Lemont felt that a more fair representation of application fees would be based on staff review time. He stated that the time staff assigns and puts towards an applications review, multiplied by a reciprocal hourly rate, is better understood and inherently more fair. J. Willis stated that the current fee schedule does have such a review rate albeit for a certain and specific set of application activities. He also stated that as a best estimate, staff review time at a specified hourly rate would greatly exceed the application fees as proposed.

Mr. Gomez stated that the fees proposed for activities on state public trust lands (ie: in, on, or over tidal waters) are justifiable.

Mr. Chateaufort offered that, as rationale for a similar exercise he conducted for DEM, any proposed increase could be associated with or at least explained in terms of the rate of inflation since the previous increase. Mr. Chateaufort noted that this type of rationale may show that a proposed fee could be lower than one directly attached to the rate of inflation.

Mr. Lemont suggested that a revised fee schedule be developed that shows two proposed fee revisions: one that is inflation based; the other that is review time based. Mr. Tikoian offered that this could give the subcommittee a good understanding of the issue at hand and that maybe if the subcommittee tabled the proposal it would give staff the ability to address Mr. Lemont's request.

Mr. Lemont seconded by Mr. Dawson moved to table the proposed fee revisions. All voted in favor of the motion to table.

Item 4.B. Management Procedures - Section 5.12 Permit Extensions. J. Willis presented the issue of having large-scale projects be considered for extensions under their own defined procedures. This proposal is modeled after the existing extension request procedure and identifies large-scale projects as needing longer periods of time to complete assented work.

Mr. Lemont and Mr. Gomez noted a typographical error ('addition' should be 'additional').

Mr. Tikoian asked if legal counsel had offered comments. J. Willis responded that legal counsel had not. Mr. Tikoian suggested that he would feel more comfortable if legal counsel provided its sign-off prior to beginning rule-making.

Mr. Lemont seconded by Mr. Gomez moved to approve the proposed language as written but to hold rule-making pending legal counsel sign-off. All voted in favor of the motion to approve.

Item 5.A. Petition for Rule Change: Section 300.17 Wetland Walkover Structure. J. Willis presented to the subcommittee that the Council had received a Petition to amend section 300.17 of the RICRMP. The petition was received just prior to posting the subcommittee's agenda and was not circulated among staff for comment. Upon first reading, J. Willis offered his opinion as to the direction the petition was seeking and also offered that the applicant made attempts to keep the integrity of the existing regulations intact while providing relief for what they considered an acceptable alternative.

Mr. Tikoian noted that if the subcommittee accepts this petition, it can either deny the petition citing its reasons for doing so, or initiate rule-making.

Mr. Lemont seconded by Mr. Dawson moved to accept the petition and initiate rule-making. All voted in favor of the motion to approve.

ADJOURNMENT. Mr. Gomez, seconded by Mr. Dawson, moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:26 a.m.

Respectfully submitted by

DRAFT

Jeffrey M Willis, Deputy Director