



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 17, 2012 at the offices of the CRMC, Stedman Government Center, 4808 Tower Hill Rd, Wakefield, RI.

MEMBERS PRESENT

Anne Livingston, Chair
Paul Lemont, Vice Chair
Bruce Dawson
Don Gomez

STAFF PRESENT

Grover Fugate, Executive Director
Jeff Willis, Deputy Director
Jim Boyd, Coastal Policy Analyst

Brian Goldman, Legal Counsel

OTHERS PRESENT

Doug Groff

Call to Order. Ms. Livingston called the meeting to order at 8:40 a.m.

Ms. Livingston called for a motion to approve the minutes of the December 20, 2011 subcommittee meeting.

Mr. Lemont seconded by Mr. Gomez moved to approve the meeting minutes of December 20, 2011. All voted in favor of the motion.

Item 5.A. – Legislation – Proposed Administrative Penalties. J. Willis introduced the issue of the agency's limitations on enforcement and penalty ceilings. B. Goldman presented proposed revisions to the enabling legislation that he and staff had worked on. Mr. Dawson asked if the revisions compare to RIDEM. B. Goldman explained that overall DEM's are higher but that the CRMC can address regulatory revisions (in RICRMP Section 170) to account for levels of egregiousness and also discretion. A regulatory matrix is being developed to accomplish that. J. Boyd stated that DEM also has many programs with their own fine capacities and that these have differing maximums between each. Mr. Lemont asked about fines against the contractor. G. Fugate explained that at times staff does issue fines against contractors. G. Fugate explained that some enforcement actions are ignored and the fine is seen as a cost of doing business. Discussion on in-water fines being higher than upland fines. Mr. Lemont asked about very egregious acts and how enforcement is handled. G. Fugate and B. Goldman explain how such activities may become "criminal" acts and how the agency has been in contact with the AG's office on how to handle these instances, as the AG would be considered lead and the site would be considered a crime scene, which comes with special handling circumstances.

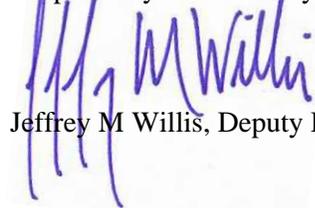
Mr. Lemont seconded by Mr. Dawson and Mr. Gomez moved to approve the proposed legislation as presented and written. All voted in favor of the motion as presented.

Item 4.B. – Section 170 – Violations and Enforcement Actions. J. Boyd explained that the agency's regulatory section on violations and enforcement activities could be revised in light of the legislative discussions above. Additionally, a more transparent approach to assessing fines for certain levels of

activities is needed. Staff is preparing a matrix that will attempt to qualify the action against the program with a range of appropriate fines. This will allow staff the ability to better assess fines based on how the program sees certain enforcement activities. It can be developed and implemented absent the approval of the legislation being proposed. Ms. Maxwell stated that such a matrix is an important element of the program's implementation. B. Goldman stated that the legislative changes may not occur until later in the session. No action was taken as this was presented for informational purposes.

ADJOURNMENT. Mr. Lemont, seconded by Mr. Dawson, moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:45 a.m.

Respectfully submitted by



Jeffrey M Willis, Deputy Director