Thank you for the opportunity to submit testimony relating to CRMC.

I urgently request that the Committee to defer member reappointments until it has fulfilled its the urgent, overriding responsibility to prevent the destruction of precious and unique Rhode Island environmental resources that has escalated during the last ten years at the hands of a whole generation of Council members, with the conspicuous exception of Chair Jennifer Cervenka. The reappointments will produce the opposite of the attainment of CRMC’s critical mission stated by the General Assembly. It is long overdue to halt “business as usual” at CRMC.

CRMC desperately needs a comprehensive overhaul to bring it into a state of compliance with the law that chartered it in the first place. CRMC’s legislative mission is clearly stated: “the preservation and restoration of ecological systems”, which is to be “the primary guiding principle upon which environmental alteration of the coastal resources will be measured, judged, and regulated.” RI Gen. Laws 46-23-1. In the last ten years the Council has completely inverted its statutory priority by repeatedly and openly steering a course away from those goals and toward doing the bidding of business development no matter how destructive it may be to all of the primary values, that expressly include preserving the “unique visual character of the Rhode Island coast,” maintaining “the diversity of plant species and types,” demonstrating that the alteration or activity “will not result in significant impacts on the abundance and diversity of plant and animal life,” demonstrating that the alteration “will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming…,” and finally demonstrating that there is a genuine “need for the proposed activity or alteration.” RICR 650-2-1.3.1(A).
For some reason, even the Rhode Island Constitution has been cast aside. Article I, Section 17, states that “the submerged lands of the state are impressed with a public trust and ...the state is responsible for the protection of the public’s interest in these lands.” CRMC’s behavior contravenes every word of this pronouncement. It places the public last and big business first. CRMC’s actions amount to the forfeiture of public trust resources for private gain. Most of those actions are irreparable, in practice if not in theory.

In a plethora of recent and pending cases CRMC has repudiated all of those mandates. Imagine declaring that a cove assiduously protected and enjoyed must be dredged at the behest of a huge national corporation so that a marina that has thrived for more than a century, in harmony with its neighbors, must avoid having to service the small fraction of largest boats “on the tide.” I am somewhat of an expert on the environmental effects of dredging. There is no human activity more environmentally destructive than dredging. CRMC facilitated it. CRMC circumvented numerous legal rules to expedite it. CRMC hauled forty-one bushels of healthy quahogs out of the cove to create a marine desert for the dredger. What CRMC member could live with that blood in his hands?

Thus, selecting CRMC appointees with great care and educating them as to the law and the coastal environmental science—and ethics should be number one, along with a complete overhaul of the state agency that has deviated so far from its mission.

CRMC is a particularly difficult body to assemble and control because, by definition, it does not possess its own experts. The enabling laws made clear that CRMC should reach out to other agencies, state and federal, for that expertise. It has not done that. It has arrogantly proceeded without critical knowledge and expertise. This must stop. In my long environmental law career I have seen many agencies that lose their way, but none as utterly deviant as this one.

Respectfully submitted,

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