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BLOCK ISLAND MARINA EXPANSION OPPONENTS CHARGE ‘BACKROOM DEAL’
Block Island Community Seeks Halt of Environmental Harm to Great Salt Pond

PROVIDENCE, R.I. – Opponents of a massive proposal to expand Champlin’s Marina into Great Salt Pond on Block Island went to court today to register their strong opposition to the Coastal Resources Management Council’s “backroom arrangement” and “secretly contrived fix” with the marina owner.

In a filing with the Rhode Island Supreme Court, the opponents’ attorney, R. Daniel Prentiss, said that the agency engaged in a blatantly illegal procedure and had no authority to settle ongoing litigation without the participation of Block Island’s local government and leaders residing on Block Island.

Intervenors in a 17-year-old case against Champlin’s Marina’s unsuccessful attempts to expand into the environmentally sensitive recreational body of water on popular Block Island are fighting a recent action initiated by Champlin’s and CRMC to engage in mediation.

Champlin’s and the CRMC are seeking to approve a compromise on expansion without the participation of Block Island longtime litigants against the marina expansion.

The intervenors, longtime allies in opposition to the marina expansion that have been successful since the original plan was proposed in 2003, are the Town of New Shoreham, The Committee for the Great Salt Pond, the Block Island Land Trust, and the Block Island Conservancy. They have been supported by Save the Bay and the Conservation Law Foundation and are represented by Prentiss.

“Private deals, made in executive session without notice to opposing parties, are clearly and dramatically incompatible with the trust that was placed in the CRMC to be the guardian of the state’s resources charged by constitution and ancient common law with a public trust,” Attorney Prentiss wrote in answer to a motion filed by Champlin’s and the CRMC in the case ongoing before the Rhode Island Supreme Court.

“The waters in which Champlin’s seeks to build its marina expansion belong to the public at large,” stated Prentiss. “This Court should not countenance the CRMC’s shameful abandonment of standards, and of its solemn responsibilities....”

The court filing by Prentiss, in answer to Champlin’s and the CRMC’s joint motion to “bless and implement” an agreement between them approving marina expansion, would “extinguish” the opposing parties’ rights, he said. “The CRMC and Champlin’s have purported to oust this court of its exclusive jurisdiction over this matter,” according to the filing, which called it an “egregious usurpation of this Court’s authority.”

The joint motion by CRMC and Champlin’s is “astonishing for its brazen illegality and amateurish execution,” Prentiss wrote, on behalf of the opponents. “Its repellent, deeply corrupt effort to effect an inside, secretly contrived fix of contested litigation is a naked affront to the rule of law and to the dignity of this Court, whose jurisdiction over the matter is exclusive.”

The long background of the case began in 2003, when Champlin’s Realty Marina and Resort, Inc. applied to the CRMC to approximately double the size of its marina, already the largest on Block Island, a beautiful and popular summertime resort and residence for 1,000 year-round. That environmentally harmful expansion was opposed by the Town of New Shoreham, the Committee for Great Salt Pond, the Block Island Land Trust, and the Block Island Conservancy.

The opponents obtained intervenor status and became full parties to the contested proceedings before the CRMC. The CRMC denied the application for expansion in 2006.

Champlin’s appealed to the Rhode Island Superior Court and the CRMC’s denial was briefly reversed. But the opponents went to Rhode Island Supreme Court,

which sent the case back to the Superior Court and the CRMC for further consideration.

The CRMC conducted further proceedings and issued its final decision denying Champlin's application for the marina expansion in 2013. Because Champlin's had appealed, the case went back again to the Superior Court, which in September of 2020 in a detailed 55-page decision upheld the CRMC's denial.

Champlin's again appealed to the Supreme Court. But at the same time an attorney for CRMC wrote to the New Shoreham solicitor that the CRMC "had voted to participate in mediation for the Champlin's case, on the condition that the Town of New Shoreham also participate."

Although the Town of New Shoreham declined to participate, having won repeatedly before the CRMC and in court, Champlin's and the CRMC, with the participation of retired Supreme Court Justice Frank Williams, quietly engaged in an unsanctioned mediation process.

The outcome of that mediation process, which was entirely outside the formal mediation process that exists for Supreme Court cases, was a sudden and surprising decision by CRMC to allow a marina expansion, a reversal that shocked the longtime opponent groups and their members. Except for the town, which had expressly declined to participate, none had even been informed that mediation was proposed or ongoing.

"The CRMC "has had no jurisdiction over 'the Champlin's case,' Attorney Prentiss wrote in their answer filed today. And "the CRMC gave no notice to the parties of record in ... of any intended hearing or action in that case."

"Finally," the opponents, also known as Respondents, wrote, "CRMC's and Champlin's apparent selection of retired Chief Justice Williams, who had penned an opinion in favor of granting Champlin's an expansion permit, to act as a 'mediator' was bizarre. Regardless of retired Justice Williams's capabilities as a mediator, the Block Island opponents could not have accepted his mediation of this case in light of his prior pronouncement rejecting Block Island's opposition to the marina expansion."

The marina was sold on Dec. 23, 2020, just days before the so-called mediation and agreement were announced, following a closed-door meeting of the CRMC. Champlin's Realty Associates Limited Partnership's general partner, Champlin's Realty Associates, Inc., sold the marina to Great Salt Pond Marina Property, LLC, a unit of a large real estate investment and development company, The Procaccianti Companies.

"To a greater extent than most agencies, the CRMC has solemn responsibilities to the public," Prentiss wrote in his answer to the marina owners' motion to approve its expansion agreement. "Preservation of the public's right of access to the natural resources of this state is deeply rooted in the state's history."

He quoted Article I, Section 17, of the Rhode Island Constitution, citing to the public's rights to the "privileges of the shore" and stating that the public "shall be secure in their rights to use and enjoyment of the natural resources of the state with due regard for the preservation of their values...."

ABOUT THE COMMITTEE FOR GREAT SALT ISLAND

The Committee for the Great Salt Pond was founded in 1986, originally to oppose a large and damaging ferry terminal in the pond. Its mission is to protect and enhance the environmental quality of the Great Salt Pond and its watershed, including its shoreline and wetlands, and to promote appropriate and productive uses of the Pond's resources by residents, visitors and local businesses. It is one of Block Island's most active environmental organizations. For more information, please go to www.cgspsblockisland.org .

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