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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO FISH AND WILDLIFE -- THE RHODE ISLAND MARINE MAMMAL
STRANDING AND RESPONSE ACT

Introduced By: Representatives Serpa, and Phillips

Date Introduced: May 03, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 20 of the General Laws entitled "FISH AND WILDLIFE" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 5.1

4 THE RHODE ISLAND MARINE MAMMAL STRANDING AND RESPONSE ACT

5 **20-5.1-1. Short title.**

6 This chapter shall be known and may be cited as "The Rhode Island Marine Mammal
7 Stranding and Response Act".

8 **20-5.1-2. Purpose.**

9 The purpose of this chapter is to provide funding to support marine mammal rescue and
10 rehabilitation programs for marine mammals that become stranded in the waters of the State of
11 Rhode Island.

12 **20-5.1-3. Legislative findings.**

13 The general assembly hereby finds and declares that:

14 (1) The evidence of human-induced climate change is overwhelming and undeniable, and
15 the heaviest burden of climate change impacts will fall on the next generation.

16 (2) The ocean waters off the Rhode Island shoreline are warming at an accelerated rate,
17 directly impacting the migratory routes and population distribution of local marine mammal
18 species.

1 (3) Rhode Island has seen a forty-seven percent (47%) increase in annual marine mammal
2 stranding reports along the shoreline since 2018, elevating the prevalence of human interaction and
3 harassment of marine mammals on local beaches.

4 (4) Block Island marine mammal stranding responses account for twenty-nine percent
5 (29%) of annual reports occurring in Rhode Island. Many tourists have not encountered marine
6 mammals in person before and have limited to no prior knowledge of existing federal laws that
7 protect marine mammals.

8 (5) There are currently one hundred thirty-seven (137) first responder volunteers that reside
9 who actively respond to stranded marine mammals reported in the State and simultaneously
10 mitigate human interactions while educating the public.

11 (6) Since 2018, there have been thirty-two (32) entanglement cases involving seals that
12 have been reported in Rhode Island with twenty-five (25) of those cases occurring on the remote
13 northern point of Block Island, often requiring additional resources for stranding response and
14 personnel safety.

15 (7) The combination of tourism and growth in the seal population has led to a rise in hotline
16 reports of stranded marine mammals. Last year alone, four hundred thirty (430) hotline reports of
17 stranded marine mammals occurred in the State of Rhode Island and two hundred eight (208) of
18 those calls were reporting marine mammals on Block Island.

19 **20-5.1-4. Definitions.**

20 As used in this chapter:

21 (1) "Emergency assistance" means financial assistance provided to respond to, or that
22 results from, a stranding event or entanglement event.

23 (2) "Entangle" or "entanglement" means an event in the wild in which a living or dead
24 marine mammal has gear, rope, line, net or other material wrapped around the marine mammal and
25 is:

26 (i) On lands under the jurisdiction of the United States, including beaches and shorelines;

27 or

28 (ii) In waters under the jurisdiction of the United States, including any navigable waters.

29 (3) "Marine wildlife stranding" means one of the following:

30 (i) Whales, dolphins, and porpoises (cetaceans) are considered stranded when they are
31 found dead, either on the beach or floating in the water, or alive on the beach and unable to return
32 to the water;

33 (ii) Seals and sea lions (pinnipeds) are considered stranded when they are found dead on
34 land or in the water, or are in need of medical attention. Because healthy pinnipeds come on land

1 to rest, expert assessment may be needed to determine if they need help; or

2 (iii) Stranded sea turtles are considered stranded when as any ocean turtle found on land or
3 in the water that is dead, injured, or exhibits any indication of ill health or abnormal behavior.

4 **20-5.1-5. Appropriations.**

5 The general assembly shall allocate no less than five hundred thousand dollars (\$500,000)
6 to the Rhode Island department of environmental management (DEM) to support the work of
7 eligible network participating nonprofit organizations whose missions prioritize conservation,
8 education and research and who conduct work in this state. The funding shall support:

9 (1) Increasing capacity at any eligible stranding network participating organization; and

10 (2) General operating costs for emergency response, rehabilitation and release of stranded
11 marine mammals which includes cetaceans (whales and dolphins) and pinnipeds (seals);

12 **20-5.1-6. Marine mammal rescue and response program and rapid response fund.**

13 (a) The DEM shall implement a funding program, to be known as the "the marine mammal
14 rescue and response grant program" ("the program"), to award funding to eligible stranding network
15 participants.

16 (b) Purposes. The purposes of the program are to provide for:

17 (1) The recovery, care, or treatment of sick, injured or entangled marine mammals;

18 (2) Responses to marine mammal stranding events that require emergency assistance;

19 (3) The collection of data and samples from living or dead stranded marine mammals for
20 scientific research or assessments regarding marine mammal health;

21 (4) Facility infrastructure and operating costs that are directly related to activities described
22 in subsections (b)(1) through (b)(3) of this section;

23 (5) Education and outreach materials to disseminate at marinas and fishing ports to educate
24 recreational boating and fishing communities;

25 (6) The mitigation and response to human interaction and entanglement cases including
26 travel costs to Block Island for marine mammal responses;

27 (7) Personnel costs related to hotline responses and outreach for marine mammal reports
28 and strandings; and

29 (8) Data collection and sampling of marine mammals to test and monitor for emerging
30 zoonotic diseases that could impact public health and safety within Rhode Island.

31 (c) Contract, grant, and cooperative agreement authority.

32 (1) The DEM may enter into a contract, grant, or cooperative agreement with an eligible
33 stranding network participant, for the purposes described in subsection (b) of this section.

34 (2) Emergency award flexibility. Following a request for emergency award flexibility and

1 analysis of the merits of and necessity for such a request, the DEM may:

2 (i) Amend any contract, grant or cooperative agreement entered into under this section,
3 including provisions concerning the period of performance; or

4 (3) Give priority to entities focusing on marine mammal stranding.

5 (d) Application. To be eligible for a grant under the grant program, a stranding network
6 participant shall:

7 (1) Submit an application in such form and manner as the department director prescribes;
8 and

9 (2) Hold a Letter of Authorization (LOA), (50 C.F.R. ch. II § 216.188) from the National
10 Marine Fisheries Service to respond to stranded marine mammals in this state.

11 (e) Grant criteria. The DEM, in consultation with relevant state agencies, a representative
12 from the stranding region, and other individuals who represent public and private organizations that
13 are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and
14 forensic science with respect to stranded marine mammals, develop criteria for administering
15 funding under their respective programs.

16 (f) All recipients of the fund shall:

17 (1) Hold a federal Letter of Authorization (LOA) to respond to marine mammal stranding
18 in this state; and

19 (2) Be able to rescue, rehabilitate, and, if eligible, release marine mammals that are stranded
20 in this state.

21 (g) The general assembly hereby authorizes the appropriation to eligible Letter of
22 Authorization holders the sum of five hundred thousand dollars (\$500,000) for each of fiscal years
23 2024 through 2030 to respond immediately to marine mammal strandings for the purposes of
24 rescue, rehabilitation, and releases.

25 **20-5.1-7. Reporting.**

26 A recipient of a contract, grant, or cooperative agreement under the marine mammal rescue
27 and response program shall report to the DEM annually for the duration of the contract, grant, or
28 cooperative agreement and the DEM shall report back to the general assembly and the governor no
29 later than December 31 of each year on the status and progress of the program authorized by this
30 chapter.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FISH AND WILDLIFE -- THE RHODE ISLAND MARINE MAMMAL
STRANDING AND RESPONSE ACT

1 This act would establish the Rhode Island marine mammal stranding and response program
2 funded by the general assembly to support rescue and rehabilitation for marine mammals stranded
3 in the State of Rhode Island. The program would be administered and implemented by the
4 department of environmental management (DEM) with the amount of funding by the general
5 assembly to consist of five hundred thousand dollars (\$500,000) each fiscal year from 2024 to 2030.

6 This act would take effect upon passage.

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