

2023 -- H 6460

LC003082

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- AGRICULTURAL FUNCTIONS OF
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Introduced By: Representatives Noret, and Nardone

Date Introduced: May 31, 2023

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 2-1-20.1 of the General Laws in Chapter 2-1 entitled "Agricultural
2 Functions of Department of Environmental Management" is hereby amended to read as follows:

3 **2-1-20.1. Rules and regulations.**

4 (a) The director is authorized to adopt, modify, or repeal rules and regulations that are in
5 accord with the purposes of §§ 2-1-18 — 2-1-27 and are subject to the administrative procedures
6 act, chapter 35 of title 42, except for those freshwater wetlands located in the vicinity of the coast
7 as set out in chapter 23 of title 46 which shall be regulated by the coastal resources management
8 council consistent with the provisions of chapter 23 of title 46 and §§ 2-1-18 — 2-1-20.1 and 2-1-
9 27.

10 (b) The director is authorized to establish jurisdictional areas through regulation. The rules
11 and regulations promulgated pursuant to § 2-1-20.1 shall apply within the jurisdictional areas
12 defined in § 2-1-20 and subject to the provisions of § 2-1-22(k) and to activities as provided for in
13 § 2-1-21.

14 (c) Within eighteen (18) months from enactment of this section, the department and the
15 coastal resources management council shall promulgate standards for freshwater wetland buffers
16 and setbacks into state rules and regulations pursuant to their respective authorities. The department
17 and the coastal resources management council shall collaborate to develop the state standards for
18 freshwater buffers and setbacks that will be incorporated into the programs of both agencies. State

1 regulations designating buffers shall include a procedure that allows a municipality to petition the
2 agency director with jurisdiction to increase the size of the buffer within the designated
3 jurisdictional area protecting one or more freshwater wetland resources.

4 (d) In developing standards specified in § 2-1-20.1(c), the department and the coastal
5 resources management council shall take into consideration agricultural and plant-based green
6 infrastructure practices and activities, while ensuring protection of the state’s natural resources. In
7 setting criteria, the department shall take into account, at a minimum, existing land use, watershed
8 and wetland resource characteristics, and the type of activity including acceptable best management
9 practices. The director shall establish by appointment an advisory work group to facilitate input on
10 the development of criteria for freshwater wetland setbacks and buffers applicable to agricultural
11 activities and plant-based green infrastructure. The advisory group shall include, at minimum, the
12 following: one representative from the Rhode Island Farm Bureau, one representative of the Rhode
13 Island nursery and landscape association, one representative of the department of environmental
14 management agency agricultural advisory committee, an operator of a small-scale agricultural
15 enterprise, and one professional with expertise in soil and water conservation practices.

16 (e) In the event that a property owner in the town of Coventry owning property on littoral
17 land or land adjacent to a pond with a capacity greater than one thousand four hundred (1,400)
18 normal storage acre feet of water seeks to alter, repair or modify or replace a dock on a pond, the
19 property owner shall only need approval from the department of environmental management. All
20 docks existing as of the date of the enactment of this section are deemed to be accepted as “existing
21 docks” by the department. For purposes of this section “pond” has the same meaning as defined in
22 § 2-1-20. Ponds owned by the State of Rhode Island and its governmental subdivisions, by any city
23 or town and their governmental subdivisions or by any quasi-public entity or utility shall not be
24 subject to this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would permit residents on ponds in Coventry with a capacity in excess of one
2 thousand four hundred (1,400) normal storage acre feet of water, to alter, repair, modify, or replace
3 a dock on the pond by seeking approval only from the department of environmental management.

4 This act would take effect upon passage.

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