

2025 -- S 0998 SUBSTITUTE A

LC002728/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT COUNCIL

Introduced By: Senators Sosnowski, and Britto

Date Introduced: May 02, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-23-2, 46-23-2.1 and 46-23-4 of the General Laws in Chapter 46-
2 23 entitled "Coastal Resources Management Council" are hereby amended to read as follows:
3 **46-23-2. Coastal resources management council created — Appointment of members.**
4 (a) There is hereby created the coastal resources management council. The coastal
5 resources management council shall consist of ten (10) members. Nine (9) members shall be
6 appointed by the governor, with advice and consent of the senate, and one member shall serve ex
7 officio. All current appointments to the coastal resources management council made by the
8 governor with advice and consent of the senate are hereby validated and ratified and those
9 appointees shall serve until a new seven (7) member council is selected pursuant to subsection (b)
10 of this section or for the remainder of their term, whichever shall occur first.
11 (1) Six (6) of the members shall be appointed or elected officials of local government: three
12 (3) of whom shall be appointed or elected officials in a municipality of fewer than twenty-five
13 thousand (25,000) in population, three (3) of whom shall be appointed or elected officials in a
14 municipality of more than twenty-five thousand (25,000) in population. The populations are to be
15 determined by the latest federal census. Elected or appointed municipal officials shall hold seats on
16 the council only so long as they remain in their elected or appointed office. Each municipal
17 appointment shall cease if the appointed or elected official shall no longer hold or change the office
18 which they held upon appointment. At least five (5) out of the six (6) appointed or elected members

1 must be appointed or elected in a coastal municipality. When the governor submits his or her
2 appointments to the senate for advice and consent, the governor shall specify the appointed or
3 elected office that each municipal appointment holds; the population of the municipality
4 represented; and the member being replaced.

5 ~~(2) Three (3) members shall be appointed by the governor from the public, with the advice~~
6 ~~and consent of the senate, one of the public members and his or her successors shall reside in a~~
7 ~~coastal municipality.~~

8 ~~(3) All members shall serve until their successors are appointed and qualified; during the~~
9 ~~month of January, the governor shall appoint, with the advice and consent of the senate, a member~~
10 ~~to succeed the members whose term will then next expire for a term of three (3) years commencing~~
11 ~~on the first day of February next following and until their successor is named and qualified. A~~
12 ~~member shall be eligible for successive appointments. No more than two (2) persons on the council~~
13 ~~shall be from the same municipality. A vacancy other than by expiration shall be filled in the~~
14 ~~manner of the original appointment but only for the unexpired portion of the term.~~

15 ~~(4) The director of the department of environmental management, or their designee, shall~~
16 ~~serve ex officio. The ex officio member shall not be counted as serving from any particular~~
17 ~~municipality.~~

18 (b) Notwithstanding subsection (a) of this section, on March 1, 2026, all current members
19 of the coastal resources management council shall have their terms expire. In anticipation thereof,
20 prior to March 1, 2026, the governor shall appoint a coastal resources management council that
21 shall consist of seven (7) voting members, one of whom shall be the director of the department of
22 environmental management who shall serve ex officio. The six (6) remaining members shall be
23 public members appointed by the governor with the advice and consent of the senate. All appointed
24 members shall possess background, qualifications and expertise in environmental and coastal
25 management matters, provided that one of whom shall be an engineer; one of whom shall be a
26 coastal biologist; and one of whom shall be a representative of an environmental organization.
27 Current or past service on the coastal resources management council shall not disqualify an
28 individual from reappointment pursuant to this subsection. Notwithstanding the foregoing, if the
29 seven (7) member council is not seated by March 1, 2026 in accordance with this section, the
30 members appointed pursuant to subsection (a) of this section shall continue to serve until such time
31 as all members are appointed and confirmed in accordance with this section.

32 ~~(b)(c)~~ In addition to the foregoing voting members, the coastal resources management
33 council may include a varying number of other members who may serve in an advisory capacity
34 without the right to vote and who may be invited to serve by either the governor or the voting

1 members. These advisory members may represent the federal agencies such as the navy, coast
2 guard, corps of engineers, public health service, and the Federal Water Pollution Control
3 Administration, and such regional agencies as the New England River Basins Commission and the
4 New England Regional Commission and any other group or interest not otherwise represented.

5 ~~(e)~~(d) There may be established a coastal resources advisory committee which committee,
6 appointed by the executive director of the coastal resources management council, may include, but
7 not be limited to, representation from the following groups: one of whom may be a representative
8 of the university of Rhode Island graduate school of oceanography and the college of resources
9 development, one of whom may be a representative of the Sea Grant National College Program,
10 one of whom may be a representative of the army corps of engineers, one of whom may be a
11 representative of the federal environmental protection agency's Narragansett Bay laboratory, one
12 of whom shall be a representative of the coastal resources management council, one of whom may
13 be the director of the department of environmental management; one of whom may be a member
14 of the Rhode Island Marine Trade Association and one of whom may be a representative of a
15 regional environmental group. The coastal resources management council shall have the authority
16 to appoint these additional members to the advisory committee as is deemed necessary or advisable
17 by the advisory committee or the council. It shall be the responsibility of the committee to advise
18 the coastal resources management council on environmental coastal resources management issues
19 relating to dredging and permitting related thereto, including, but not limited to, those issues
20 defined in §§ 46-23-18.1 — 46-23-18.3, inclusive.

21 ~~(d)~~(e) The council shall have the authority to form committees of other advisory groups as
22 needed from both its own members and others.

23 **46-23-2.1. Members — Term of office — Vacancies.**

24 (a) ~~The term of office of the appointed members shall be three (3) years, only so long as~~
25 ~~the members shall remain eligible to serve on the council under the appointment authority.~~

26 (1) Subject to the provisions of § 46-23-2, all members shall serve until their successors
27 are appointed and qualified.

28 (2) Term limits on the coastal resources management council shall be determined by the
29 governor as follows: two (2) appointees shall serve an initial term of three (3) years and shall be
30 eligible for reappointment in accordance with this section; two (2) appointees shall serve an initial
31 term of two (2) years and shall be eligible for reappointment in accordance with this section; and
32 two (2) appointees shall serve an initial term of one year and shall be eligible for reappointment in
33 accordance with this section.

34 (3) After the expiration of the terms of all initial members pursuant to this subsection,

1 succeeding appointments shall be for a term of three (3) years, and during the month of January,
2 the governor shall appoint, with the advice and consent of the senate, a member to succeed the
3 member whose term will then next expire for a term of three (3) years commencing on the first day
4 of February next following and until a successor is named and qualified.

5 (b) The members are eligible for successive appointments.

6 (c) Elected or appointed municipal officials shall hold seats on the coastal resources
7 management council, only so long as they remain in their elected or appointed office.

8 (d) A vacancy other than by expiration shall be filled in the manner of the original
9 appointment but only for the unexpired portion of the term. Any person appointed to fill said
10 vacancy shall complete the unexpired term and shall then be eligible for reappointment pursuant to
11 this section. The governor shall have the power to remove his or her appointee for just cause.

12 **46-23-4. Officers of the council — Quorum and vote required for action.**

13 The governor shall select from the appointed members a chairperson and vice chairperson.
14 The coastal resources management council shall thereupon select a secretary from among its
15 membership or staff. The council may engage staff, including legal counsel, as it deems necessary.
16 A quorum shall consist of six (6) members of the council provided, however, for the council
17 appointed pursuant to § 46-23-2(b) a quorum shall consist of four (4) members of the council. A
18 majority vote of those present shall be required for action.

19 SECTION 2. Section 46-23-12 of the General Laws in Chapter 46-23 entitled "Coastal
20 Resources Management Council" is hereby repealed.

21 **~~46-23-12. Representation from coastal communities.~~**

22 ~~Upon the expiration of a term of a member appointed by the governor, as an appointed or~~
23 ~~elected official of local government from a coastal municipality as set out in § 46-23-2, the governor~~
24 ~~shall appoint an appointed or elected official of a coastal municipality which, at the time of the~~
25 ~~governor's appointment, has no appointed or ex-officio representation on the council.~~

26 SECTION 3. Chapter 46-23 of the General Laws entitled "Coastal Resources Management
27 Council" is hereby amended by adding thereto the following section:

28 **46-23-27. Effective date.**

29 (a) Within thirty (30) business days of the date of passage of this section, the council shall
30 post for notice and comment revisions of its coastal resources management program (referred to as
31 "red book") and management procedures in order to implement the changes to the council.

32 (b) Within fourteen (14) days of promulgation of the revised coastal resources management
33 program (referred to as "red book") and management procedures, the council shall submit a coastal
34 zone management act program change request to the National Oceanic and Atmospheric

1 Administration (NOAA) for the approval of the amendments to this chapter and the management
2 procedures.

3 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT
COUNCIL

- 1 This act would change and reduce the current composition of the coastal resources
- 2 management council (CRMC) reducing the current ten (10) member council to seven (7) members
- 3 who possess background, qualifications and expertise in environmental matters.
- 4 This act would take effect upon passage.

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