

2022 -- H 7540

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO FISH AND WILDLIFE -- AQUACULTURE-EMERGENCY CLOSURE

Introduced By: Representatives Ruggiero, Marszalkowski, Cortvriend, Vella-Wilkinson,
Kazarian, Caldwell, Craven, Batista, and Handy

Date Introduced: February 18, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 20-10-14 of the General Laws in Chapter 20-10 entitled
2 "Aquaculture" is hereby amended to read as follows:

3 **20-10-14. Emergency closure of areas subject to permit.**

4 (a) Notwithstanding the provisions of this chapter, or any other provision of law, if the
5 director finds, or has cause to believe, that an aquaculture activity is causing, or is likely to cause,
6 an immediate danger to the public health, marine life or the environment of the coastal waters of
7 the state, the director, after consulting with the biosecurity board established under RIGL § 20-10-
8 1.1, shall have the authority to issue an emergency order requiring ~~shall notify the CRMC. The~~
9 ~~CRMC shall immediately order all permittees affected by that notice to show cause why their~~
10 ~~aquaculture activities should not be terminated, and any aquaculture species or paraphernalia~~
11 ~~removed from the waters of the state. The CRMC shall proceed to hold a public hearing and issue~~
12 ~~its order with respect to the hearing, within a reasonable period. In its order following the hearing,~~
13 ~~the CRMC may direct~~ the temporary or permanent suspension of aquaculture activities in the
14 affected area, removal of equipment or animals, or any other measures as shall be deemed necessary
15 for the protection of the marine life and environment of the waters of the state, including the
16 forfeiture to, and destruction by, the state of any plant or animal species.

17 (b) An individual or entity aggrieved by an emergency order issued pursuant to subsection
18 (a) of this section may appeal the emergency order by providing written notice within seven (7)
19 days of this issuance of the order to the director requesting a hearing. The request for a hearing

1 shall not serve to stay or restrict the director's emergency order in any manner. If a hearing is timely
2 requested, the DEM administrative adjudication division ("AAD") shall, within a reasonable
3 period, proceed to hold a public hearing and to issue a final agency order limited to determining
4 whether the director's emergency order was appropriate to protect the public health, marine life or
5 the environment of the coastal waters of the state. If the AAD determines that the director's
6 emergency order was not appropriate, the AAD shall determine a reasonable remedy including, but
7 not limited to, reversal of the director's order.

8 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 -- AQUACULTURE-EMERGENCY CLOSURE

1 This act would allow the director of the department of environmental management to issue
2 an emergency order requiring the temporary or permanent suspension of aquaculture activities in
3 an affected area, removal of equipment or animals, or any other measures as shall be deemed
4 necessary for the protection of the marine life and environment of the waters of the state, including
5 the forfeiture to, and destruction by, the state of any plant or animal species.

6 This act would take effect upon passage.

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