

2014 -- S 2792

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LC005209  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO WATERS AND NAVIGATION - THE COASTAL RESOURCES  
MANAGEMENT COUNCIL - FISHERIES ADMINISTRATIVE FUND FOR RENEWABLE  
ENERGY PROJECTS

Introduced By: Senator V. Susan Sosnowski

Date Introduced: March 25, 2014

Referred To: Senate Environment & Agriculture

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 46-23 of the General Laws entitled "Coastal Resources  
2 Management Council" is hereby amended by adding thereto the following section:

3 **46-23-18.7. Legislative findings – Public necessity. --** The general assembly finds and  
4 declares:

5 (1) That the people of Rhode Island have a right to and a public interest in the fisheries  
6 that has been recognized since the granting of the royal charter in 1663;

7 (2) That the persons participating in the fishery have been and are engaged in state and  
8 regional decision making processes affecting fisheries; and

9 (3) That allocation of areas in marine waters used by Rhode Island fishers, for renewable  
10 energy projects can impact fisheries and the access to fisheries, and that the condition of many  
11 fisheries and regulatory limits on fishing seriously constrain the ability of people engaged in  
12 fisheries to participate in administrative processes affecting the development and operation of  
13 renewable energy projects in marine waters.

14 (b) Purpose. The general assembly finds that it is necessary and desirable to establish a  
15 program enabling the representation of fisheries interests in the development and operation of  
16 renewable energy projects in marine waters. Accordingly it is the purpose of this section to  
17 provide for basic administrative and study expenses for effective fisheries involvement in  
18 fisheries management and the development and operation of renewable energy projects as part of

1 project expense.

2 (c) Fisheries administrative fund. Lease fee to generate funds. There is hereby created a  
3 separate fund to be held by the coastal resources management council to be known as the fisheries  
4 administrative fund. The coastal resources management council is authorized to impose an  
5 annual fee through lease of marine submerged lands of the state for renewable energy projects  
6 with a project cost of five (5) million dollars (\$5,000,000) or greater, such that the fee generates  
7 funds sufficient to support and maintain a fisheries administrative fund in an amount not to  
8 exceed annually seventy-five one thousandths percent (0.075%) of project costs approved by the  
9 Rhode Island public utilities commission.

10 **46-23-18.8. Use of the fisheries administrative fund – Support for non-profit entity. -**

11 z (a) Use of the fund. The coastal resources management council shall use the fisheries  
12 administrative fund exclusively to support the administrative and study expenses of a non-profit  
13 entity representing the interests of Rhode Island commercial and recreational fishing in fisheries  
14 management and in the development and operation of renewable energy facilities in marine  
15 waters used regularly by Rhode Island fishers and fisheries. Any excess fees above the expense  
16 of this office shall be placed in an account for the council to use to provide long-term mitigation  
17 from any long-term impacts from such projects should they occur.

18 (b) Designation of the non-profit entity. The designation of the non-profit entity shall be  
19 made by the council, with consultation from the fisherman’s advisory board established pursuant  
20 to the ocean special area management plan.

21 (c) Three year plan required. The fund herein provided for shall not be expended unless a  
22 three (3) year general plan by the non-profit entity for its use has been approved by the council.  
23 Not more than two (2) years and three (3) months after the approval of a general plan, the non-  
24 profit entity shall submit to the council for its approval a general plan for the next ensuing three  
25 (3) year period.

26 (d) Annual reports. The non-profit entity shall report annually to the council and the  
27 developer/owner on the use of the support from the fisheries administrative fund to accomplish  
28 the purposes of this section in accordance with an approved general plan. The date for the  
29 submission of annual reports shall be set by the council and incorporated into the three year  
30 general plan but shall not be later than one hundred eighty (180) days after the anniversary date of  
31 the approval of the general plan by the council.

32 (e) Changing the designation of the non-profit entity. Within a period commencing one  
33 year and three (3) months prior to the conclusion of a three general plan, the council may  
34 designate a different non-profit entity to use the fisheries administrative fee, if the council

1 determines, in consultation with the fisherman's advisory board, that changing the designation  
2 would better serve the purposes of this section. The council may rescind its designation,  
3 following a hearing, at any time for cause, and if a designation is rescinded shall designate, with  
4 consultation from the fisherman's advisory board, another non-profit entity to accomplish the  
5 purpose of this section.

6 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 establish a fisheries administrative fund. The fund would be supported  
2 through an annual fee imposed on the lease of marine submerged lands for renewable energy  
3 projects. The fee would be used to create a nonprofit entity representing the interests of Rhode  
4 Island commercial and recreational fishing in fisheries management and in the development and  
5 operation of renewable energy facilities in marine waters used regularly by Rhode Islanders.

6           This act would take effect upon passage.

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