

2026 -- H 7309

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LC004274

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT COUNCIL

Introduced By: Representatives Lima, Costantino, Azzinaro, Slater, Potter, Baginski, and J. Brien

Date Introduced: January 23, 2026

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-23-1 of the General Laws in Chapter 46-23 entitled "Coastal
2 Resources Management Council" is hereby amended to read as follows:

3 **46-23-1. Legislative findings.**

4 (a)(1) Under article 1, § 17 of the Rhode Island Constitution, the people shall continue to
5 enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they
6 have been heretofore entitled under the charter and usages of this state, including, but not limited
7 to, fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and
8 passage along the shore; and they shall be secure in their rights to use and enjoyment of the natural
9 resources of the state with due regard for the preservation of their values; and it is the duty of the
10 general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and
11 other natural resources of the state, and to adopt all means necessary and proper by law to protect
12 the natural environment of the people of the state by providing adequate resource planning for the
13 control and regulation of the use of the natural resources of the state and for the preservation,
14 regeneration, and restoration of the natural environment of the state.

15 (2) The general assembly recognizes and declares that the coastal resources of Rhode
16 Island, a rich variety of natural, commercial, industrial, recreational, and aesthetic assets, are of
17 immediate and potential value to the present and future development of this state; that unplanned
18 or poorly planned development of this basic natural environment has already damaged or destroyed,

1 or has the potential of damaging or destroying, the state's coastal resources, and has restricted the
2 most efficient and beneficial utilization of these resources; that it shall be the policy of this state to
3 preserve, protect, develop, and, where possible, restore the coastal resources of the state for this
4 and succeeding generations through comprehensive and coordinated long range planning and
5 management designed to produce the maximum benefit for society from these coastal resources;
6 and that preservation and restoration of ecological systems shall be the primary guiding principle
7 upon which environmental alteration of coastal resources will be measured, judged, and regulated.

8 (3) The general assembly further recognizes and declares that owners of property within
9 the jurisdiction of the council shall not be precluded from undertaking reasonable and necessary
10 actions to protect against or mitigate harm from coastal hazards to life, existing structures or
11 infrastructure, or essential land uses as defined by § 46-23-31.

12 (b)(1) That effective implementation of these policies is essential to the social and
13 economic well-being of the people of Rhode Island because the sea and its adjacent lands are major
14 sources of food and public recreation, because these resources are used by and for industry,
15 transportation, waste disposal, and other purposes, and because the demands made on these
16 resources are increasing in number, magnitude, and complexity; and that these policies are
17 necessary to protect the public health, safety, and general welfare. Pursuant to 16 U.S.C. § 1452
18 (“The Coastal Zone Management Act”), the general assembly hereby directs the council (referred
19 to as “CRMC”) to exercise effectively its responsibilities in the coastal zone through the
20 development and implementation of management programs to achieve wise use of the land and
21 water resources of the coastal zone.

22 (2) Furthermore, that implementation of these policies is necessary in order to secure the
23 rights of the people of Rhode Island to the use and enjoyment of the natural resources of the state
24 with due regard for the preservation of their values, and in order to allow the general assembly to
25 fulfill its duty to provide for the conservation of the air, land, water, plant, animal, mineral, and
26 other natural resources of the state, and to adopt all means necessary and proper by law to protect
27 the natural environment of the people of the state by providing adequate resource planning for the
28 control and regulation of the use of the natural resources of the state and for the preservation,
29 regeneration, and restoration of the natural environment of the state.

30 (c) That these policies can best be achieved through the creation of a coastal resources
31 management council as the principal mechanism for management of the state's coastal resources.

32 (d) The general assembly recognizes and declares that maintenance dredging is required to
33 remove natural silt accumulations; Rhode Island has not had a general maintenance dredging policy
34 and programs for ports, port facilities, channels, harbors, public and private marinas and boating

1 facilities, recreational facilities and habitat areas; other major coastal states have maintenance
2 dredging policies and in-water maintenance dredge disposal sites; as a result of the lack of a general
3 maintenance dredging policy and program and as a result there has been:

4 (1) A decrease in the depth of the Providence Channel from forty-four (44) feet in 1971 to
5 twenty-four (24) feet in 1996;

6 (2) Navigational restrictions on ocean going vessels through the state's waterways and
7 channels; and

8 (3) A decrease in the number of available slips and moorings at marinas throughout the
9 state; and the lack of a maintenance dredging policy and programs have significant adverse
10 environmental and economic effects on the state and therefore it is in the best interest of the state,
11 the cities and towns of the state, and the citizens thereof for the state to have a general maintenance
12 dredging policy and programs to resolve issues related to dredge maintenance and disposal and
13 avoid future significant direct and indirect adverse impact on the environment and economy of the
14 state.

15 (e) The coastal resources management council is hereby designated as the lead state agency
16 for purposes of dredging in tidal waters and as such shall have the following duties and
17 responsibilities:

18 (1) To coordinate the interest of the state with regard to dredging;

19 (2) To formulate and adopt a state policy with regard to dredging which integrates those
20 interests;

21 (3) To cooperate with, negotiate, and to enter into agreements on behalf of the state with
22 the federal government and with other public bodies and private parties with regard to dredging;

23 (4) To act as the initial and primary point of contact for all applications to the state for
24 dredging projects in tidal waters;

25 (5) To develop, prepare, adopt pursuant to § 46-23-11, implement, and maintain a
26 comprehensive plan for dredge material management; and

27 (6) To cooperate and coordinate with the departments of environmental management,
28 transportation, administration, and health, and the economic development corporation in the
29 conduct of these duties and responsibilities.

30 (f)(1) The legislature recognizes that under Article I, § 17, the submerged lands of the state
31 are impressed with a public trust and that the state is responsible for the protection of the public's
32 interest in these lands. The state maintains title in fee to all soil within its boundaries that lies below
33 the high water mark, and it holds that land in trust for the use of the public. In benefiting the public,
34 the state preserves certain public rights which include, but are not limited to, fishery, commerce,

1 and navigation in these waters and the submerged lands that they cover.

2 (2) Since its establishment in 1971, the CRMC has had the authority to manage and plan
3 for the preservation of the coastal resources of the state including, but not limited to, submerged
4 lands. The legislature hereby declares that, in light of the unique size, scope, and overall potential
5 impact upon the environment of large scale filling projects involving twenty-five (25) acres or
6 more, any lease of tidal lands, or any license to use those lands, is subject to approval, disapproval,
7 or conditional approval by the direct enactment of the general assembly by legislative action. The
8 CRMC shall review all requests for leases, licenses to use the land, and other authority to use the
9 land made by any applicant prior to presentation of the request to the general assembly, and the
10 CRMC shall make recommendations on the request to the general assembly. With the exception of
11 any and all projects to fill land of twenty-five (25) acres or more, the general assembly hereby
12 recognizes and declares that the CRMC is delegated the sole and exclusive authority for the leasing
13 of submerged and filled lands and giving licenses for the use of that land. Accordingly, the CRMC
14 will develop, coordinate, and adopt a system for the leasing of submerged and filled lands, and
15 licenses for the use of that land, and will ensure that all leases and licenses are consistent with the
16 public trust. Pursuant thereto, the CRMC shall impose a maximum fee of eighty thousand dollars
17 (\$80,000) per annum for any transatlantic cable that makes landfall in Rhode Island. All such fees
18 collected shall be deposited into the Bays, Rivers and Watersheds Fund, established pursuant to §
19 46-31-12.1, and shall be disbursed according to the purposes of that fund. Nothing contained in this
20 subsection negates, repeals, or alters the provisions, processes, and requirements for the leasing of
21 submerged land for the conduct of aquaculture as set out under chapter 10 of title 20. Therefore,
22 nothing in this chapter shall be construed to limit or impair the authority of the state, or any duly
23 established agency of the state, to regulate filling or dredging affecting tidal lands owned by the
24 state or any other entity, and nothing in this chapter shall be construed to limit or impair the
25 obligation of the applicant to obtain all applicable regulatory approvals. Specifically, and without
26 limiting the foregoing, nothing in this subsection negates, repeals, or alters the provisions,
27 processes, and requirements for water quality certification contained in chapter 12 of this title.

28 (3) Definitions.

29 (i) "Filled land" means portions of tidal lands which have been rendered by the acts of man
30 to be no longer subject to tidal action or beneath tidal waters.

31 (ii) "Tidal Lands" means those lands that are below the mean high water.

32 (iii) "Mean high water" means a line of contour representing the 18.6 year average as
33 determined by the metonic cycle and/or its equivalent as evidenced by the records, tidal datum, and
34 methodology of the United States Coastal Geodetic Survey within the National Oceanic and

1 Atmospheric Administration.

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

4 **46-23-31. Protective actions.**

5 (a) Notwithstanding any other provision of this chapter or any regulation adopted pursuant
6 thereto, an owner of property located within the jurisdiction of the council may undertake measures
7 reasonably necessary to protect against or mitigate harm from coastal hazards to any one or a
8 combination of the following:

9 (1) Human life or public safety;

10 (2) Existing structures or infrastructure; or

11 (3) Essential land uses, which means an existing use of property that provides significant
12 economic, recreational, historic, or public benefit value to the property owner, the public, or both.

13 (b) Actions authorized under subsection (a) of this section may be taken without prior
14 approval of the council; provided, such actions are limited to those reasonably related to the
15 protection of the interests identified in subsection (a) of this section.

16 (c) Actions authorized under subsection (a) of this section shall not include new
17 development unrelated to the protection of the interests enumerated in subsection (a) of this section.

18 SECTION 3. 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 authorize a property owner to pursue reasonable actions to protect their
- 2 property from coastal hazards that affect life, infrastructure, or essential land uses without prior
- 3 approval.
- 4 This act would take effect upon passage.

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