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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT  
COUNCIL

Introduced By: Representatives Naughton, and E Coderre

Date Introduced: February 15, 2012

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 46-23 of the General Laws entitled "COASTAL  
2 RESOURCES MANAGEMENT COUNCIL" is hereby amended to read as follows:

3 ~~CHAPTER 46-23~~

4 ~~Coastal Resources Management Council~~

5 CHAPTER 46-23

6 DEPARTMENT OF COASTAL RESOURCES MANAGEMENT

7 SECTION 2. Sections 46-23-1, 46-23-6.1, 46-23-6.2 and 46-23-7 of the General Laws in  
8 Chapter 46-23 entitled "Coastal Resources Management Council" are hereby amended to read as  
9 follows:

10 **46-23-1. Legislative findings.** -- (a) (1) Under article 1, section 17 of the Rhode Island  
11 Constitution, the people shall continue to enjoy and freely exercise all the rights of fishery, and  
12 the privileges of the shore, to which they have been heretofore entitled under the charter and  
13 usages of this state, including, but not limited to, fishing from the shore, the gathering of  
14 seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be  
15 secure in their rights to use and enjoyment of the natural resources of the state with due regard for  
16 the preservation of their values; and it is the duty of the general assembly to provide for the  
17 conservation of the air, land, water, plant, animal, mineral and other natural resources of the state,  
18 and to adopt all means necessary and proper by law to protect the natural environment of the

1 people of the state by providing adequate resource planning for the control and regulation of the  
2 use of the natural resources of the state and for the preservation, regeneration, and restoration of  
3 the natural environment of the state.

4 (2) The general assembly recognizes and declares that the coastal resources of Rhode  
5 Island, a rich variety of natural, commercial, industrial, recreational, and aesthetic assets, are of  
6 immediate and potential value to the present and future development of this state; that unplanned  
7 or poorly planned development of this basic natural environment has already damaged or  
8 destroyed, or has the potential of damaging or destroying, the state's coastal resources, and has  
9 restricted the most efficient and beneficial utilization of these resources; that it shall be the policy  
10 of this state to preserve, protect, develop, and, where possible, restore the coastal resources of the  
11 state for this and succeeding generations through comprehensive and coordinated long range  
12 planning and management designed to produce the maximum benefit for society from these  
13 coastal resources; and that preservation and restoration of ecological systems shall be the primary  
14 guiding principle upon which environmental alteration of coastal resources will be measured,  
15 judged, and regulated. The general assembly states and declares that it is the responsibility of the  
16 general assembly to articulate and set forth the policies needed to effectuate these findings and to  
17 fulfill its obligations pursuant to Article 1 of the Constitution of the State of Rhode Island.

18 (b) (1) That effective implementation of these policies is essential to the social and  
19 economic well-being of the people of Rhode Island because the sea and its adjacent lands are  
20 major sources of food and public recreation, because these resources are used by and for industry,  
21 transportation, waste disposal, and other purposes, and because the demands made on these  
22 resources are increasing in number, magnitude, and complexity; and that these policies are  
23 necessary to protect the public health, safety, and general welfare. Pursuant to 16 U.S.C. section  
24 1452 ("The Coastal Zone Management Act"), the general assembly hereby directs the ~~council~~  
25 ~~(referred to as "CRMC"))~~ department of coastal resources management (sometimes referred to in  
26 this chapter as "the department" to ~~exercise effectively its responsibilities~~ implement the policies  
27 established by the general assembly in the coastal zone, ~~through the development and~~  
28 ~~implementation of management programs to achieve wise use of the land and water resources of~~  
29 ~~the coastal zone.~~

30 (2) Furthermore, that implementation of these policies is necessary in order to secure the  
31 rights of the people of Rhode Island to the use and enjoyment of the natural resources of the state  
32 with due regard for the preservation of their values, ~~and in order to allow the general assembly to~~  
33 The general assembly shall fulfill its duty to provide for the conservation of the air, land, water,  
34 plant, animal, mineral, and other natural resources of the state, and to adopt all means necessary

1 and proper by law to protect the natural environment of the people of the state by providing  
2 adequate resource planning for the control and regulation of the use of the natural resources of the  
3 state and for the preservation, regeneration, and restoration of the natural environment of the  
4 state.

5 (c) That these policies can best be ~~achieved~~ implemented through the creation of a  
6 department of coastal resources management ~~council~~ as the principal mechanism for management  
7 of the state's coastal resources.

8 (d) The general assembly recognizes and declares that maintenance dredging is required  
9 to remove natural silt accumulations; Rhode Island has not had a general maintenance dredging  
10 policy and programs for ports, port facilities, channels, harbors, public and private marinas and  
11 boating facilities, recreational facilities and habitat areas; other major coastal states have  
12 maintenance dredging policies and in-water maintenance dredge disposal sites; as a result of the  
13 lack of a general maintenance dredging policy and program and as a result there has been:

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

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

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

25 (e) The department of coastal resources management ~~council~~ is hereby designated as the  
26 lead state agency for purposes of dredging in tidal waters and as such shall have the following  
27 duties and responsibilities:

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

29 (2) To ~~formulate and adopt~~ implement a state policy with regard to dredging which  
30 integrates those interests;

31 (3) To cooperate with, negotiate, and to enter into agreements on behalf of the state,  
32 subject to approval by the general assembly, with the federal government and with other public  
33 bodies and private parties with regard to dredging;

34 (4) To act as the initial and primary point of contact for all applications to the state for

1 dredging projects in tidal waters;

2 (5) To develop, prepare, adopt pursuant to section 46-23-11, [with and subject to approval](#)  
3 [by the general assembly](#), implement, and maintain a comprehensive plan for dredge material  
4 management; and

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

8 (f) (1) The legislature recognizes that under Article I, section 17, the submerged lands of  
9 the state are impressed with a public trust and that the state is responsible for the protection of the  
10 public's interest in these lands. The state maintains title in fee to all soil within its boundaries that  
11 lies below the high water mark, and it holds that land in trust for the use of the public. In  
12 benefiting the public, the state preserves certain public rights which include, but are not limited  
13 to, fishery, commerce, and navigation in these waters and the submerged lands that they cover.

14 (2) Since its establishment in 1971, the ~~CRMC~~ [department](#) has had the authority to  
15 manage and plan for the preservation of the coastal resources of the state including, but not  
16 limited to, submerged lands. The legislature hereby declares that, in light of the unique size,  
17 scope, and overall potential impact upon the environment of large scale filling projects involving  
18 twenty-five (25) acres or more, any lease of tidal lands, or any license to use those lands, is  
19 subject to approval, disapproval, or conditional approval by the direct enactment of the general  
20 assembly by legislative action. ~~The CRMC~~ [Upon the effective date of this act forthwith, the](#)  
21 [department of coastal resources management](#) shall review all requests for leases, licenses to use  
22 the land, and other authority to use the land made by any applicant prior to presentation of the  
23 request to the general assembly, ~~and the CRMC~~ [The department of coastal resources](#)  
24 [management](#) shall make recommendations on the request to the general assembly. With the  
25 exception of any and all projects to fill land of twenty-five (25) acres or more, the general  
26 assembly hereby recognizes and declares that the ~~CRMC~~ [department](#) is delegated the sole and  
27 exclusive authority for the leasing of submerged and filled lands and giving licenses for the use of  
28 that land. Accordingly, the ~~CRMC~~ [department](#) will develop, coordinate, and adopt a system for  
29 the leasing of submerged and filled lands, and licenses for the use of that land, and will ensure  
30 that all leases and licenses are consistent with the public trust. Pursuant thereto, the ~~CRMC~~  
31 [department](#) shall impose a ~~maximum~~ [minimum](#) fee of ~~eighty thousand dollars (\$80,000)~~ [one](#)  
32 [hundred thousand dollars \(\\$100,000\)](#) per annum for any transatlantic cable that makes landfall in  
33 Rhode Island. All such fees collected shall be deposited into the Bays, Rivers and Watersheds  
34 Fund, established pursuant to section 46-31-12.1, and shall be disbursed according to the

1 purposes of that fund. Nothing contained in this subsection negates, repeals, or alters the  
2 provisions, processes, and requirements for the leasing of submerged land for the conduct of  
3 aquaculture as set out under chapter 10 of title 20. Therefore, nothing in this chapter shall be  
4 construed to limit or impair the authority of the state, or any duly established agency of the state,  
5 to regulate filling or dredging affecting tidal lands owned by the state or any other entity, and  
6 nothing in this chapter shall be construed to limit or impair the obligation of the applicant to  
7 obtain all applicable regulatory approvals. Specifically, and without limiting the foregoing,  
8 nothing in this subsection negates, repeals, or alters the provisions, processes, and requirements  
9 for water quality certification contained in chapter 12 of this title.

10 (3) Definitions.

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

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

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

18 **46-23-6.1. Newport "cliff walk" -- Public right-of-way -- Legal studies.** -- The ~~council~~  
19 [department of coastal resources management](#) is hereby directed to carry out any and all legal  
20 studies which it shall deem necessary in order to designate the Newport "cliff walk", so called, as  
21 a public right-of-way pursuant to section 46-23-6(5).

22 **46-23-6.2. Abandonment of rights-of-way.** -- No city or town shall abandon a right-of-  
23 way designated as such by the ~~former~~ council [and/or the department of coastal resources](#)  
24 [management](#) ~~unless the council approved the abandonment~~ [without the prior approval of the](#)  
25 [department](#).

26 **46-23-7. Violations.** -- (a) (1) In any instances wherein there is a violation of the coastal  
27 resources management program, or a violation of regulations or decisions of the ~~council~~  
28 [department](#), the ~~commissioner of coastal resources management~~ [director of the department of](#)  
29 [coastal resources management](#) shall have the power to order any person to cease and desist or to  
30 remedy any violation of any provisions of this chapter, or any rule, regulation, assent, order, or  
31 decision of the ~~council~~ [department](#) whenever the ~~commissioner of coastal resources management~~  
32 [director](#) shall have reasonable grounds to believe that such violation has occurred.

33 (2) ~~Council~~ [Department](#) staff, conservation officers within the department of  
34 environmental management, and state and municipal police shall be empowered to issue written

1 cease and desist orders in any instance where activity is being conducted which constitutes a  
2 violation of any provisions of this chapter, or any rule, regulation, assent, order, or decision of the  
3 council.

4 (3) Conservation officers within the department of environmental management, ~~council~~  
5 department staff, and state and municipal police shall have authority to apply to a court of  
6 competent jurisdiction for a warrant to enter on private land to investigate possible violations of  
7 this chapter; provided, that they have reasonable grounds to believe that a violation has been  
8 committed, is being committed, or is about to be committed.

9 (b) Any order or notice issued pursuant to subsection (a) shall be eligible for recordation  
10 under chapter 13 of title 34, and shall be recorded in the land evidence records in the city/town  
11 wherein the property subject to the order is located, and any subsequent transferee of the property  
12 shall be responsible for complying with the requirements of the order and notice.

13 (c) The ~~coastal resources management council~~ department of coastal resources  
14 management shall discharge of record any notice filed pursuant to subsection (b) within thirty  
15 (30) days after the violation has been remedied.

16 SECTION 3. Sections 46-23-2, 46-23-2.1, 46-23-3, 46-23-4, 46-23-4.1, 46-23-5, 46-23-6  
17 and 46-23-12 of the General Laws in Chapter 46-23 entitled "Coastal Resources Management  
18 Council" are hereby repealed.

19 ~~46-23-2. Coastal resources management council created --- Appointment of~~  
20 ~~members.~~ (a) ~~There is hereby created the coastal resources management council.~~

21 ~~(1) The coastal resources management council shall consist of sixteen (16) members, two~~  
22 ~~(2) of whom shall be members of the house of representatives, at least one of the members shall~~  
23 ~~represent a coastal municipality, appointed by the speaker, two (2) of whom shall be members of~~  
24 ~~the senate, each of whom shall represent a coastal municipality, appointed by the president of the~~  
25 ~~senate, two (2) of whom shall be from the general public appointed by the speaker of the house~~  
26 ~~for a term of two (2) years, two (2) of whom shall be from a coastal municipality appointed by the~~  
27 ~~speaker of the house for a term of three (3) years.~~

28 ~~(2) In addition, four (4) of the members shall be appointed or elected officials of local~~  
29 ~~government appointed by the governor, one of whom shall be from a municipality of less than~~  
30 ~~twenty five thousand (25,000) population, appointed to serve until January 31, 1972, one of~~  
31 ~~whom shall be from a coastal municipality of more than twenty five thousand (25,000)~~  
32 ~~population appointed to serve until January 31, 1973, and one of whom shall be from a coastal~~  
33 ~~municipality of less than twenty five thousand (25,000) population appointed to serve until~~  
34 ~~January 31, 1974, and one of whom shall be from a coastal community of more than twenty five~~

1 ~~thousand (25,000) population appointed to serve until January 31, 1975, the populations are to be~~  
2 ~~determined by the latest federal census; all members shall serve until their successors are~~  
3 ~~appointed and qualified; during the month of January, the governor shall appoint a member to~~  
4 ~~succeed the member whose term will then next expire for a term of four (4) years commencing on~~  
5 ~~the first day of February then next following and until his or her successor is named and~~  
6 ~~qualified; each municipal appointment shall cease if the appointed or elected official shall no~~  
7 ~~longer hold or change the office which he or she held upon appointment, and further, each~~  
8 ~~appointee shall be eligible to succeed himself or herself.~~

9 ~~(3) Three (3) members shall be appointed by the governor from the public, with the~~  
10 ~~advice and consent of the senate, one of whom shall serve until January 1, 1972, one of whom~~  
11 ~~shall serve until January 1, 1973 and one of whom shall serve until January 1, 1974; the members~~  
12 ~~and their successors shall represent a coastal community.~~

13 ~~(4) All members shall serve until their successors are appointed and qualified; during the~~  
14 ~~month of January, the governor shall appoint, with the advice and consent of the senate, a~~  
15 ~~member to succeed the members whose term will then next expire for a term of three (3) years~~  
16 ~~commencing on the first day of February next following and until his or her successor is named~~  
17 ~~and qualified. A member shall be eligible to succeed himself or herself. No more than two (2)~~  
18 ~~persons on the council shall be from the same community.~~

19 ~~(5) Appointments shall first be made by the governor, then by the president of the senate,~~  
20 ~~and then by the speaker. The commissioner of the environmental protection branch or his or her~~  
21 ~~designee within the department of environmental management shall serve ex officio. The ex~~  
22 ~~officio member shall not be counted as serving from any particular community.~~

23 ~~(b) In addition to the foregoing voting members, the council shall include a varying~~  
24 ~~number of other members who shall serve in an advisory capacity without the right to vote and~~  
25 ~~who shall be invited to serve by either the governor or the voting members. These advisory~~  
26 ~~members shall represent the federal agencies such as the navy, coast guard, corps of engineers,~~  
27 ~~public health service, and the federal water pollution control administration, and such regional~~  
28 ~~agencies as the New England river basins commission and the New England regional commission~~  
29 ~~and any other group or interest not otherwise represented.~~

30 ~~(c) There shall be established a coastal resources advisory committee which committee,~~  
31 ~~appointed by the executive director of the coastal resources management council, shall include,~~  
32 ~~but not be limited to, representation from the following groups: one of whom shall be a~~  
33 ~~representative of the University of Rhode Island Graduate School of Oceanography and the~~  
34 ~~College of Resources Development, one of whom shall be a representative of the Sea Grant~~

1 ~~National College Program, one of whom shall be a representative of the army corps of engineers,~~  
2 ~~one of whom shall be a representative of the federal environmental protection agency's~~  
3 ~~Narragansett Bay laboratory, one of whom shall be a representative of the coastal resources~~  
4 ~~management council, one of whom shall be the director of the department of environmental~~  
5 ~~management; one of whom shall be a member of the Rhode Island Marine Trade Association and~~  
6 ~~one of whom shall be a representative of a regional environmental group. The council shall have~~  
7 ~~the authority to appoint such additional members to said advisory committee as is deemed~~  
8 ~~necessary or advisable by the advisory committee or the council. It shall be the responsibility of~~  
9 ~~the committee to advise the coastal resources management council on environmental issues~~  
10 ~~relating to dredging and permitting related thereto, including, but not limited to, those issues~~  
11 ~~defined in sections 46-23-18.1—46-23-18.3, inclusive.~~

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

14 ~~**46-23-2.1. Members -- Term of office -- Vacancies.** --- (a) The term of office of the~~  
15 ~~appointed members shall be three (3) years, only so long as the members shall remain eligible to~~  
16 ~~serve on the council under the appointment authority.~~

17 ~~(b) The members are eligible to succeed themselves.~~

18 ~~(c) Elected or appointed municipal officials shall hold seats on the council, only so long~~  
19 ~~as they remain in their elected or appointed office. Members of the senate and house shall serve at~~  
20 ~~the pleasure of the appointing authority and shall not be subject to the provisions of subsection~~  
21 ~~(b).~~

22 ~~(d) A vacancy other than by expiration shall be filled in the manner of the original~~  
23 ~~appointment but only for the unexpired portion of the term. The appointing authority shall have~~  
24 ~~the power to remove its appointee for just cause.~~

25 ~~**46-23-3. Oath of members.** --- Each appointed member of the council, before entering~~  
26 ~~upon his or her duties, shall take an oath to administer the duties of his or her office faithfully and~~  
27 ~~impartially, and the oath shall be filed in the office of the secretary of state.~~

28 ~~**46-23-4. Officers of the council -- Quorum and vote required for action.** --- The~~  
29 ~~governor, upon the appointment of the appointed members of the council, shall select from the~~  
30 ~~appointed members a chairperson and vice chairperson. The council shall thereupon select a~~  
31 ~~secretary from among its membership or staff. The council may engage such staff, including legal~~  
32 ~~counsel, as it deems necessary. A quorum shall consist of seven (7) members of the council. A~~  
33 ~~majority vote of those present shall be required for action.~~

34 ~~**46-23-4.1. The commissioner of coastal resources management.** --- The council shall~~



1 ~~engage a commissioner of coastal resources management who shall be an employee of the council~~  
2 ~~and who shall not be a member of the council. The commissioner shall coordinate and liaison~~  
3 ~~with the director of the department of environmental management, and his or her staff shall be at~~  
4 ~~the same staff level as the other commissioners and shall work directly with the other~~  
5 ~~commissioners. The commissioner of coastal resources management shall be in the unclassified~~  
6 ~~service. The duties and powers of the commissioner of coastal resources management shall be~~  
7 ~~determined by the council. The council shall not engage a commissioner of coastal resources~~  
8 ~~management for more than five (5) years; provided, however, that the council may renew its~~  
9 ~~contract with the commissioner of coastal resources management.~~

10 ~~**46-23-5. Expenses of members.** -- (a) The members of the council and the chairperson~~  
11 ~~shall not be compensated for their service on the board, but the members and chairperson shall be~~  
12 ~~reimbursed for their actual expenses necessarily incurred in the performance of their duties.~~

13 ~~(b) [Deleted by P.L. 2005, ch. 117, art. 21, section 34.]~~

14 ~~**46-23-6. Powers and duties -- Rights of way.** -- In order to properly manage coastal~~  
15 ~~resources the council has the following powers and duties:~~

16 ~~(1) Planning and management.~~

17 ~~(i) The primary responsibility of the council shall be the continuing planning for and~~  
18 ~~management of the resources of the state's coastal region. The council shall be able to make any~~  
19 ~~studies of conditions, activities, or problems of the state's coastal region needed to carry out its~~  
20 ~~responsibilities.~~

21 ~~(ii) The resources management process shall include the following basic phases:~~

22 ~~(A) Identify all of the state's coastal resources, water, submerged land, air space, fin fish,~~  
23 ~~shellfish, minerals, physiographic features, and so forth.~~

24 ~~(B) Evaluate these resources in terms of their quantity, quality, capability for use, and~~  
25 ~~other key characteristics.~~

26 ~~(C) Determine the current and potential uses of each resource.~~

27 ~~(D) Determine the current and potential problems of each resource.~~

28 ~~(E) Formulate plans and programs for the management of each resource, identifying~~  
29 ~~permitted uses, locations, protection measures, and so forth.~~

30 ~~(F) Carry out these resources management programs through implementing authority and~~  
31 ~~coordination of state, federal, local, and private activities.~~

32 ~~(G) Formulation of standards where these do not exist, and reevaluation of existing~~  
33 ~~standards.~~

34 ~~(H) To develop comprehensive programs for dredging in tidal waters and related~~

1 ~~beneficial use, disposal, monitoring dewatering and transportation of dredge materials.~~

2 ~~(I) To accept and administer loans and grants from the federal government and from~~  
3 ~~other sources, public or private, for the carrying out of any of its functions, which loans or grants~~  
4 ~~shall not be expended for other than the purposes for which provided.~~

5 ~~(J) To encourage, participate in, or conduct studies, investigations, research, and~~  
6 ~~demonstrations relating to dredging, disposal of dredge materials and transportation thereof in the~~  
7 ~~tidal waters of the state as the coastal resources management council may deem advisable and~~  
8 ~~necessary for the discharge of its duties under this chapter.~~

9 ~~(K) To collect and disseminate information relating to dredging, disposal of dredge~~  
10 ~~materials and transportation thereof within the tidal waters of the state.~~

11 ~~(L) To work with the appropriate federal and state agencies to develop as provided for in~~  
12 ~~this chapter and in chapter 6.1 of this title, a comprehensive plan for dredging in tidal waters and~~  
13 ~~related beneficial use, disposal, monitoring dewatering and transportation of dredge materials.~~

14 ~~(M) To apply for, accept and expend grants and bequests of funds, for the purpose of~~  
15 ~~carrying out the lawful responsibilities of the coastal resources management council.~~

16 ~~(iii) An initial series of resources management activities shall be initiated through this~~  
17 ~~basic process, then each phase shall continuously be recycled and used to modify the council's~~  
18 ~~resources management programs and keep them current.~~

19 ~~(iv) Planning and management programs shall be formulated in terms of the~~  
20 ~~characteristics and needs of each resource or group of related resources. However, all plans and~~  
21 ~~programs shall be developed around basic standards and criteria, including:~~

22 ~~(A) The need and demand for various activities and their impact upon ecological~~  
23 ~~systems.~~

24 ~~(B) The degree of compatibility of various activities.~~

25 ~~(C) The capability of coastal resources to support various activities.~~

26 ~~(D) Water quality standards set by the director of the department of environmental~~  
27 ~~management.~~

28 ~~(E) Consideration of plans, studies, surveys, inventories, and so forth prepared by other~~  
29 ~~public and private sources.~~

30 ~~(F) Consideration of contiguous land uses and transportation facilities.~~

31 ~~(G) Whenever possible consistency with the state guide plan.~~

32 ~~(v) The council shall prepare, adopt, administer, and cause to be implemented, including~~  
33 ~~specifically through its powers of coordination as set forth in subdivision (3) of this section, a~~  
34 ~~marine resources development plan and such special area management plans as the council may~~

1 ~~determine to be appropriate or desirable as follows:~~

2 ~~(A) Marine resources development plan.~~

3 ~~(I) The purpose of the marine resources development plan shall be to provide an~~  
4 ~~integrated strategy for: (a) improving the health and functionality of Rhode Island's marine~~  
5 ~~ecosystem; (b) providing for appropriate marine related economic development; and (c)~~  
6 ~~promoting the use and enjoyment of Rhode Island's marine resources by the people of the state.~~

7 ~~(II) The marine resources development plan shall include specific goals and objectives~~  
8 ~~necessary to accomplish its purposes, performance measures to determine progress toward~~  
9 ~~achieving such goals and objectives, and an implementation program.~~

10 ~~(III) The marine resources development plan shall be prepared in cooperation with the~~  
11 ~~department of environmental management, the statewide planning program, and the economic~~  
12 ~~development corporation, with the involvement of such other state agencies as may be~~  
13 ~~appropriate, and with such technical support as may be necessary and appropriate from the~~  
14 ~~Narragansett Bay Estuary Program, the Coastal Institute at the University of Rhode Island, and~~  
15 ~~Rhode Island Sea Grant.~~

16 ~~(IV) The plan shall be responsive to the requirements and principles of the federal~~  
17 ~~coastal zone management act as amended, including, but not limited to, the expectations of the act~~  
18 ~~for incorporating the federal Clean Water Act into coastal zone management programs.~~

19 ~~(V) The marine resources development plan shall take into account local land use~~  
20 ~~management responsibilities as provided for under title 45 and harbor management~~  
21 ~~responsibilities, and the preparation of the plan shall include opportunities for involvement and/or~~  
22 ~~comment by cities and towns.~~

23 ~~(VI) The marine resources development plan shall be adopted by the council in~~  
24 ~~accordance with the provisions of this subsection by July 1, 2005, shall as appropriate incorporate~~  
25 ~~the recommendations of the Governor's Narragansett Bay and Watershed Planning Commission,~~  
26 ~~and shall be made consistent with systems level plans as appropriate, in order to effectuate the~~  
27 ~~purposes of systems level planning. The council shall update the marine resources development~~  
28 ~~plan at least once every five (5) years.~~

29 ~~(VII) The council shall administer its programs, regulations, and implementation~~  
30 ~~activities in a manner consistent with the marine resources development plan.~~

31 ~~(VIII) The marine resources development plan and any updates thereto shall be adopted~~  
32 ~~as appropriate as elements of the state guide plan pursuant to section 42-11-10.~~

33 ~~(B) Special area management plans.~~

34 ~~(I) The council shall adopt such special area management plans as deemed necessary and~~

1 ~~desirable to provide for the integration and coordination of the protection of natural resources, the~~  
2 ~~promotion of reasonable coastal dependent economic growth, and the improved protection of life~~  
3 ~~and property in the specific areas designated council as requiring such integrated planning and~~  
4 ~~coordination.~~

5 ~~(II) The integrated planning and coordination herein specified shall include, but not be~~  
6 ~~limited to, federal agencies, state agencies, boards, commissions, and corporations, including~~  
7 ~~specifically the economic development corporation, and cities and towns, shall utilize to the~~  
8 ~~extent appropriate and feasible the capacities of entities of higher education, including Rhode~~  
9 ~~Island Sea Grant, and shall provide for the participation of advocacy groups, community based~~  
10 ~~organizations, and private persons.~~

11 ~~(III) The council shall administer its programs, regulations, and implementation~~  
12 ~~activities in a manner consistent with special area management plans.~~

13 ~~(IV) Special area management plans and any updates thereto shall be adopted as~~  
14 ~~appropriate as elements of the state guide plan pursuant to section 42-11-10.~~

15 ~~(2) Implementation.~~

16 ~~(i) The council is authorized to formulate policies and plans and to adopt regulations~~  
17 ~~necessary to implement its various management programs. With respect to such policies and~~  
18 ~~plans which relate to matters where the coastal resources management council and the department~~  
19 ~~of environmental management have concurrent jurisdiction and upon formulation of the plans and~~  
20 ~~regulations, the council shall, prior to adoption, submit the proposed plans or regulations to the~~  
21 ~~director of the department of environmental management for the director's review. The director~~  
22 ~~shall review and submit comments to the council within thirty (30) days of submission to the~~  
23 ~~director by the council. The comments of the director shall include findings with regard to the~~  
24 ~~consistency of the policies, plans and/or regulations with the requirements of laws administered~~  
25 ~~by the department. The council shall consider the director's comments prior to adoption of any~~  
26 ~~such policies, plans or regulations and shall respond in writing to findings of the director with~~  
27 ~~regard to the consistency of said policies, plans and/or regulations with the requirements of laws~~  
28 ~~administered by the department.~~

29 ~~(ii) (A) The council shall have exclusive jurisdiction below mean high water for all~~  
30 ~~development, operations, and dredging, consistent with the requirements of chapter 6.1 of this~~  
31 ~~title and except as necessary for the department of environmental management to exercise its~~  
32 ~~powers and duties and to fulfill its responsibilities pursuant to sections 42-17.1-2 and 42-17.1-24,~~  
33 ~~and any person, firm, or governmental agency proposing any development or operation within,~~  
34 ~~above, or beneath the tidal water below the mean high water mark, extending out to the extent of~~

1 ~~the state's jurisdiction in the territorial sea, shall be required to demonstrate that its proposal~~  
2 ~~would not:~~

3 ~~(I) Conflict with any resources management plan or program;~~

4 ~~(II) Make any area unsuitable for any uses or activities to which it is allocated by a~~  
5 ~~resources management plan or program adopted by the council; or~~

6 ~~(III) Significantly damage the environment of the coastal region.~~

7 ~~(B) The council shall be authorized to approve, modify, set conditions for, or reject any~~  
8 ~~such proposal.~~

9 ~~(iii) The authority of the council over land areas (those areas above the mean high water~~  
10 ~~mark) shall be limited to two hundred feet (200') from the coastal physiographic feature or to that~~  
11 ~~necessary to carry out effective resources management programs. This shall be limited to the~~  
12 ~~authority to approve, modify, set conditions for, or reject the design, location, construction,~~  
13 ~~alteration, and operation of specified activities or land uses when these are related to a water area~~  
14 ~~under the agency's jurisdiction, regardless of their actual location. The council's authority over~~  
15 ~~these land uses and activities shall be limited to situations in which there is a reasonable~~  
16 ~~probability of conflict with a plan or program for resources management or damage to the coastal~~  
17 ~~environment. These uses and activities are:~~

18 ~~(A) Power generating over forty (40) megawatts and desalination plants.~~

19 ~~(B) Chemical or petroleum processing, transfer, or storage.~~

20 ~~(C) Minerals extraction.~~

21 ~~(D) Shoreline protection facilities and geographical features, and all directly~~  
22 ~~associated contiguous areas which are necessary to preserve the integrity of the facility and/or~~  
23 ~~features.~~

24 ~~(E) Coastal wetlands and all directly associated contiguous areas which are necessary to~~  
25 ~~preserve the integrity of the wetlands including any freshwater wetlands located in the vicinity of~~  
26 ~~the coast. The actual determination of freshwater wetlands located in coastal vicinities and under~~  
27 ~~the jurisdiction of the coastal resources management council shall be designated on such maps~~  
28 ~~that are agreed to in writing and made available for public use by the coastal resources~~  
29 ~~management council and the director, department of environmental management, within three (3)~~  
30 ~~months of [August 6, 1996]The CRMC shall have exclusive jurisdiction over the wetlands areas~~  
31 ~~described in this section notwithstanding any provision of chapter 1, title 2 or any other provision~~  
32 ~~except that the division of agriculture maintains jurisdiction over all farming consistent with~~  
33 ~~section 2-1-22(i) and (j). Within six (6) months of [August 6, 1996]the council in cooperation~~  
34 ~~with the director shall develop rules and regulations for the management and protection of~~

1 ~~freshwater wetlands, affected by an aquaculture project, outside of those freshwater wetlands~~  
2 ~~located in the vicinity of the coast and under the exclusive jurisdiction of the director of the~~  
3 ~~department of environmental management. For the purpose of this chapter, a "coastal wetland"~~  
4 ~~means any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters~~  
5 ~~reach the littoral areas through natural or artificial watercourses, and those uplands directly~~  
6 ~~associated and contiguous thereto which are necessary to preserve the integrity of that marsh.~~  
7 ~~Marshes shall include those areas upon which grow one or more of the following: smooth~~  
8 ~~cordgrass (*spartina alterniflora*), salt meadow grass (*spartina patens*), spike grass (*distichlis*~~  
9 ~~*spicata*), black rush (*juncus gerardi*), saltworts (*salicornia spp.*), sea lavender (*limonium*~~  
10 ~~*carolinianum*), saltmarsh bulrushes (*scirpus spp.*), hightide bush (*iva frutescens*), tall reed~~  
11 ~~(*phragmites communis*), tall cordgrass (*spartina pectinata*), broadleaf cattail (*typha latifolia*),~~  
12 ~~narrowleaf cattail (*typha angustifolia*), spike rush (*eleocharis rostellata*), chairmaker's rush~~  
13 ~~(*scirpus americana*), creeping bentgrass (*agrostis palustris*), sweet grass (*hierochloa odorata*), and~~  
14 ~~wild rye (*etlymus virginicus*).~~

15 ~~(F) Sewage treatment and disposal and solid waste disposal facilities.~~

16 ~~(G) Beneficial use, dewatering, and disposal of dredged material of marine origins,~~  
17 ~~where such activities take place within two hundred (200) feet of mean high water or a coastal~~  
18 ~~physiographic feature, or where there is a reasonable probability of conflict with a plan or~~  
19 ~~program for resources management or damage to the coastal environment.~~

20 ~~(3) Coordination. The council has the following coordinating powers and duties:~~

21 ~~(i) Functioning as a binding arbitrator in any matter of dispute involving both the~~  
22 ~~resources of the state's coastal region and the interests of two (2) or more municipalities or state~~  
23 ~~agencies.~~

24 ~~(ii) Consulting and coordinating actions with local, state, regional, and federal agencies~~  
25 ~~and private interests.~~

26 ~~(iii) Conducting or sponsoring coastal research.~~

27 ~~(iv) Advising the governor, the general assembly, and the public on coastal matters.~~

28 ~~(v) Serving as the lead state agency and initial and primary point of contact for dredging~~  
29 ~~activities in tidal waters and in that capacity, integrating and coordinating the plans and policies~~  
30 ~~of other state agencies as they pertain to dredging in order to develop comprehensive programs~~  
31 ~~for dredging as required by subparagraph (1)(ii)(H) of this section and chapter 6.1 of this title.~~

32 ~~The Rhode Island resource recovery corporation prior to purchasing cover material for the state~~  
33 ~~landfill shall first contact the CRMC to see if there is a source of suitable dredged material~~  
34 ~~available which shall be used in place of the purchase cover material. Other state agencies~~

1 ~~engaged in the process of dump closures shall also contact the CRMC to see if there is a source of~~  
2 ~~suitable dredged material available, which shall be used in place of the purchase cover material.~~  
3 ~~In addition, cities and towns may contact the CRMC prior to closing city or town controlled~~  
4 ~~dump sites to see if there is a source of suitable dredge material available, which may be used in~~  
5 ~~place of the purchase cover material.~~

6 ~~(vi) Acting as the state's representative to all bodies public and private on all coastal and~~  
7 ~~aquaculture related matters.~~

8 ~~(4) Operations.—The council is authorized to exercise the following operating functions,~~  
9 ~~which are essential to management of coastal resources:~~

10 ~~(i) Issue, modify, or deny permits for any work in, above, or beneath the areas under its~~  
11 ~~jurisdiction, including conduct of any form of aquaculture.~~

12 ~~(ii) Issue, modify, or deny permits for dredging, filling, or any other physical alteration~~  
13 ~~of coastal wetlands and all directly related contiguous areas which are necessary to preserve the~~  
14 ~~integrity of the wetlands, including, but not limited to, the transportation and disposal of dredge~~  
15 ~~materials in the tidal waters.~~

16 ~~(iii) Grant licenses, permits, and easements for the use of coastal resources which are~~  
17 ~~held in trust by the state for all its citizens, and impose fees for private use of these resources.~~

18 ~~(iv) Determining the need for and establishing pierhead, bulkhead, and harbor lines.~~

19 ~~(v) Enforcing and implementing riparian rights in the tidal waters after judicial decisions.~~

20 ~~(vi) The council may require an owner or operator of a commercial wharf or pier of a~~  
21 ~~marine commercial facility, as defined in 300.3 of the Rhode Island coastal resources~~  
22 ~~management program, but not including those facilities defined in 300.4 of the Rhode Island~~  
23 ~~coastal resources management program, and which is capable of offloading cargo, and is or will~~  
24 ~~be subject to a new use or a significant intensification of an existing use, to demonstrate that the~~  
25 ~~commercial wharf or pier is fit for that purpose. For the purposes of this subsection, a~~  
26 ~~"commercial wharf or pier" means a pier, bulkhead, wharf, docking facility, or underwater~~  
27 ~~utilities. The council may order said owner or operator to provide an engineering certification to~~  
28 ~~the council's satisfaction that the commercial wharf or pier is fit for the new use or intensification~~  
29 ~~of an existing use. If the council determines that the commercial wharf or pier is not fit, it may~~  
30 ~~order the owner or operator to undertake the necessary work to make the commercial wharf or~~  
31 ~~pier safe, within a reasonable time frame. If the council determines that the commercial wharf or~~  
32 ~~pier, because of its condition, is an immediate threat to public health and safety it may order the~~  
33 ~~commercial wharf or pier closed until the necessary work to make the commercial wharf or pier~~  
34 ~~safe has been performed and approved by the council. All work performed must conform to the~~

1 ~~council's management program. The council is also given the authority to develop regulations to~~  
2 ~~carry out this provision and to impose administrative penalties of five thousand dollars (\$5,000)~~  
3 ~~per day up to a maximum of twenty thousand dollars (\$20,000) consistent with section 46-23-7.1~~  
4 ~~where there has been a violation of the orders under this provision.~~

5 ~~(5) Rights of way.~~

6 ~~(i) The council is responsible for the designation of all public rights of way to the tidal~~  
7 ~~water areas of the state, and shall carry on a continuing discovery of appropriate public rights of~~  
8 ~~way to the tidal water areas of the state.~~

9 ~~(ii) The council shall maintain a complete file of all official documents relating to the~~  
10 ~~legal status of all public rights of way to the tidal water areas of the state.~~

11 ~~(iii) (A) The council has the power to designate for acquisition and development, and~~  
12 ~~posting, and all other functions of any other department for tidal rights of way and land for tidal~~  
13 ~~rights of way, parking facilities, and other council related purposes.~~

14 ~~(B) Further, the council has the power to develop and prescribe a standard sign to be~~  
15 ~~used by the cities and towns to mark designated rights of way.~~

16 ~~(iv) In conjunction with this subdivision, every state department controlling state owned~~  
17 ~~land close to or adjacent to discovered rights of way is authorized to set out the land, or so much~~  
18 ~~of the land that may be deemed necessary for public parking.~~

19 ~~(v) No use of land for public parking shall conflict with existing or intended use of the~~  
20 ~~land, and no improvement shall be undertaken by any state agency until detailed plans have been~~  
21 ~~submitted to and approved by the governing body of the local municipality.~~

22 ~~(vi) In designating rights of way, the council shall consider the following matters in~~  
23 ~~making its designation:~~

24 ~~(A) Land evidence records;~~

25 ~~(B) The exercise of domain over the parcel such as maintenance, construction, or~~  
26 ~~upkeep;~~

27 ~~(C) The payment of taxes;~~

28 ~~(D) The creation of a dedication;~~

29 ~~(E) Public use;~~

30 ~~(F) Any other public record or historical evidence such as maps and street indexes;~~

31 ~~(G) Other evidence as set out in section 42-35-10.~~

32 ~~(vii) A determination by the council that a parcel is a right of way shall be decided by~~  
33 ~~substantial evidence.~~

34 ~~(viii) The council shall be notified whenever by the judgment of the governing body of a~~



1 ~~coastal municipality, a public right of way to tidal water areas located in such municipality has~~  
2 ~~ceased to be useful to the public, and such governing body proposes an order of abandonment of~~  
3 ~~such public right of way. Said notice shall be given not less than sixty (60) days prior to the date~~  
4 ~~of such abandonment.~~

5 ~~(6) Pre-existing residential boating facilities.~~

6 ~~(i) The council is hereby authorized and empowered to issue assent for pre-existing~~  
7 ~~residential boating facilities constructed prior to January 1, 1985. These assents may be issued for~~  
8 ~~pre-existing residential boating facilities, even though such facilities do not meet current~~  
9 ~~standards and policies of the council; provided, however, that the council finds that such facilities~~  
10 ~~do not pose any significant risk to the coastal resources of the state of Rhode Island and do not~~  
11 ~~endanger human safety.~~

12 ~~(ii) In addition to the above criteria, the applicant shall provide clear and convincing~~  
13 ~~evidence that:~~

14 ~~(A) The facility existed in substantially the same configuration as it now exists prior to~~  
15 ~~January 1, 1985;~~

16 ~~(B) The facility is presently intact and functional; and~~

17 ~~(C) The facility presents no significant threat to the coastal resources of the state of~~  
18 ~~Rhode Island or human safety.~~

19 ~~(iii) The applicant, to be eligible for this provision, shall apply no later than January 31,~~  
20 ~~1999.~~

21 ~~(iv) The council is directed to develop rules and regulations necessary to implement this~~  
22 ~~subdivision.~~

23 ~~(v) It is the specific intent of this subsection to require that all pre-existing residential~~  
24 ~~boating facilities constructed on January 1, 1985 or thereafter conform to this chapter and the~~  
25 ~~plans, rules and regulations of the council.~~

26 ~~(7) Lease of filled lands which were formerly tidal lands to riparian or littoral owners.~~

27 ~~(i) Any littoral or riparian owner in this state who desires to obtain a lease from the state~~  
28 ~~of Rhode Island of any filled lands adjacent to his or her upland shall apply to the council, which~~  
29 ~~may make the lease. Any littoral or riparian owner who wishes to obtain a lease of filled lands~~  
30 ~~must obtain pre-approval, in the form of an assent, from the council. Any lease granted by the~~  
31 ~~council shall continue the public's interest in the filled lands including, but not limited to, the~~  
32 ~~rights of navigation, fishery, and commerce. The public trust in the lands shall continue and run~~  
33 ~~concurrently with the leasing of the lands by the state to private individuals, corporations, or~~  
34 ~~municipalities. Upon the granting of a lease by the council, those rights consistent with the public~~

1 ~~trust and secured by the lease shall vest in the lessee. The council may approve a lease of filled~~  
2 ~~lands for an initial term of up to fifty (50) years, with, or without, a single option to renew for an~~  
3 ~~additional term of up to fifty (50) years.~~

4 ~~(ii) The lessor of the lease, at any time, for cause, may by express act cancel and annul~~  
5 ~~any lease previously made to the riparian owner when it determines that the use of the lands is~~  
6 ~~violating the terms of the lease or is inconsistent with the public trust, and upon cancellation the~~  
7 ~~lands, and rights in the land so leased, shall revert to the state.~~

8 ~~(8) "Marinas" as defined in the coastal resources management program in effect as of~~  
9 ~~June 1, 1997, are deemed to be one of the uses consistent with the public trust. Subdivision (7) is~~  
10 ~~not applicable to:~~

11 ~~(i) Any riparian owner on tidal waters in this state (and any successor in interest to the~~  
12 ~~owner) which has an assent issued by the council to use any land under water in front of his or her~~  
13 ~~lands as a marina, which assent was in effect on June 1, 1997;~~

14 ~~(ii) Any alteration, expansion, or other activity at a marina (and any successor in interest)~~  
15 ~~which has an assent issued by the council, which assent was in effect on June 1, 1997; and~~

16 ~~(iii) Any renewal of assent to a marina (or successor in interest), which assent was issued~~  
17 ~~by the council and in effect on June 1, 1997.~~

18 ~~(9) "Recreational boating facilities" including marinas, launching ramps, and recreational~~  
19 ~~mooring areas, as defined by and properly permitted by the council, are deemed to be one of the~~  
20 ~~uses consistent with the public trust. Subdivision (7) is not applicable to:~~

21 ~~(i) Any riparian owner on tidal waters in this state (and any successor in interest to the~~  
22 ~~owner) which has an assent issued by the council to use any land under water in front of his or her~~  
23 ~~lands as a recreational boating facility; any alteration, expansion or other activity at a recreational~~  
24 ~~boating facility (and any successor in interest) which has an assent issued by the council, which~~  
25 ~~assent was in effect as of June 1, 1997; and~~

26 ~~(ii) Any renewal of assent to a recreational boating facility (or successor in interest),~~  
27 ~~which assent was issued by the council and in effect on June 1, 1997.~~

28 ~~**46-23-12. Representation from coastal communities.** -- Upon the expiration of a term~~  
29 ~~of a member appointed by the governor, as an appointed or elected official of local government~~  
30 ~~from a coastal municipality as set out in section 46-23-2, the governor shall appoint an appointed~~  
31 ~~or elected official of a coastal municipality which, at the time of the governor's appointment, has~~  
32 ~~no appointed or ex officio representation on the council.~~

33 SECTION 4. Chapter 46-23 of the General Laws entitled "Coastal Resources  
34 Management Council" is hereby amended by adding thereto the following sections:

1           **46-23-2.3. Department of coastal resources management established -- Transfer of**  
2 **functions.** – (a) There is hereby established within the executive branch of the state government a  
3 department of coastal resources management. The head of the department shall be the director of  
4 coastal resources management, who shall be in the unclassified service and who shall be  
5 appointed by the governor, with the advice and consent of the senate, and shall serve at the  
6 pleasure of the governor. Provided, this section shall not be construed to abrogate any contract in  
7 effect on the effective date of this act.

8           (b) Upon the effective date of this act, the coastal resources management council shall be  
9 abolished, and all functions, powers, duties, liabilities and obligations of the council conferred  
10 thereon pursuant to the provisions of this chapter shall be transferred to and administered by the  
11 department of coastal resources management.

12           (c) Without in any manner limiting the assumption of the former CRMC’s liabilities and  
13 obligations by the department, the department shall recognize and assume any and all leases,  
14 easements, and/or rights-of-way of which the council is a party as of the effective date of this act;  
15 provided, this shall not prohibit the department from making any modifications to such leases,  
16 easements, and/or rights-of-way allowed or provided for in the appropriate documents and/or  
17 otherwise permitted by law; nor shall the department be required to extend or renew any of said  
18 leases, easements, and/or rights-of-way. The provisions of this section shall be construed so as  
19 not to abrogate any contract in effect on the effective date of this act.

20           (d) Any reference to the coastal resources management council within the general laws  
21 shall now be construed to refer to the department of coastal resources management except where  
22 the context clearly provides otherwise.

23           (e) Recognizing that the former coastal resources management council has performed  
24 unique functions requiring a specialization and expertise, all employees of the former coastal  
25 resources management council shall be transferred to the department. Provided, this provision  
26 shall not apply to any present, current, and/or former members of the council. Employees of the  
27 department including, but not limited to, the director shall be in the unclassified service of the  
28 state; provided, this section shall not be construed to abrogate any contracts in effect on the  
29 effective date of this act.

30           (f) The director of the department of coastal resources management is authorized to  
31 review all decisions from within his or her staff, including, but not limited to, hearings for  
32 violations, administrative penalties, enforcement proceedings, and criminal penalties pursuant to  
33 the provisions of sections 46-23-7, 46-23-7.1, 46-23-7.2, 46-23-7.3, 46-23-7.4, and 46-23-7.5.  
34 All final decisions of the department shall be deemed a final order or decision for purposes of the

1 administrative procedures act, chapter 42-35, and shall be subject to judicial review as provided  
2 for in said chapter.

3 (g) The director of the department of coastal resources management shall promulgate  
4 rules and regulations to effectuate the provisions of this chapter and to carry forward the duties  
5 and responsibilities of this department. Such rules and regulations shall include, but not be  
6 limited to, the procedures for administrative hearings.

7 (h) Upon the creation of the department, all working year funds of the coastal resources  
8 management council shall be transferred to and utilized by the department of coastal resources  
9 management. From that time forward, the department shall be subject to funding through the  
10 regular budgetary process applied to other executive departments and agencies.

11 **46-23-2.4. Authorization to create advisory committees -- Hearing officers. -- (a)**

12 There shall be established a coastal resources advisory committee which committee, appointed  
13 by the director of the department of coastal resources management, shall include, but not be  
14 limited to, representation from the following groups: one of whom shall be a representative of the  
15 University of Rhode Island Graduate School of Oceanography and the College of Resources  
16 Development; one of whom shall be a representative of the Sea Grant National College Program;  
17 one of whom shall be a representative of the army corps of engineers; one of whom shall be a  
18 representative of the federal environmental protection agency's Narragansett Bay laboratory; one  
19 of whom shall be a representative of the department of coastal resources management; one of  
20 whom shall be the director of the department of environmental management; one of whom shall  
21 be a member of the Rhode Island Marine Trade Association and one of whom shall be a  
22 representative of a regional environmental group. The department of coastal resources  
23 management shall have the authority to appoint such additional members to said advisory  
24 committee as is deemed necessary or advisable by the advisory committee or the department of  
25 coastal resources management. It shall be the responsibility of the committee to advise the  
26 department of coastal resources management on environmental issues relating to dredging and  
27 permitting related thereto, including, but not limited to, those issues defined in sections 46-23-  
28 18.1 - 46-23-18.3, inclusive.

29 (b) The department shall have the authority to form committees of other advisory groups  
30 as needed from both its own members and others.

31 (c) The director shall have authority to appoint hearing officers for purposes of  
32 administrative hearings within the department as provided for in this chapter, including, but not  
33 limited to, any proceedings for administrative penalties, enforcement, and/or criminal penalties  
34 pursuant to sections 46-23-7.1, 46-23-7.2, and/or 46-23-7.3.

1           **46-23-5.1. Powers and duties -- Rights-of-way. -- In order to properly manage coastal**  
2 resources the department has the following powers and duties:

3           (1) Planning and management.

4           (i) The primary responsibility of the department shall be the continuing planning for and  
5 management of the resources of the state's coastal region. The department shall be able to make  
6 any studies of conditions, activities, or problems of the state's coastal region needed to carry out  
7 its responsibilities.

8           (ii) The resources management process shall include the following basic phases:

9           (A) Identify all of the state's coastal resources, water, submerged land, air space, fin fish,  
10 shellfish, minerals, physiographic features, and so forth.

11           (B) Evaluate these resources in terms of their quantity, quality, capability for use, and  
12 other key characteristics.

13           (C) Determine the current and potential uses of each resource.

14           (D) Determine the current and potential problems of each resource.

15           (E) Formulate plans and programs for the management of each resource, identifying  
16 permitted uses, locations, protection measures, and so forth.

17           (F) Carry out these resources management programs through implementing authority and  
18 coordination of state, federal, local, and private activities.

19           (G) Formulation of standards where these do not exist, and reevaluation of existing  
20 standards.

21           (H) To develop comprehensive programs for dredging in tidal waters and related  
22 beneficial use, disposal, monitoring dewatering and transportation of dredge materials.

23           (I) To accept and administer loans and grants from the federal government and from other  
24 sources, public or private, for the carrying out of any of its functions, which loans or grants shall  
25 not be expended for other than the purposes for which provided.

26           (J) To encourage, participate in, or conduct studies, investigations, research, and  
27 demonstrations relating to dredging, disposal of dredge materials and transportation thereof in the  
28 tidal waters of the state as the department may deem advisable and necessary for the discharge of  
29 its duties under this chapter.

30           (K) To collect and disseminate information relating to dredging, disposal of dredge  
31 materials and transportation thereof within the tidal waters of the state.

32           (L) To work with the appropriate federal and state agencies to develop as provided for in  
33 this chapter and in chapter 6.1 of this title, a comprehensive plan for dredging in tidal waters and  
34 related beneficial use, disposal, monitoring dewatering and transportation of dredge materials.

1           (M) To apply for, accept and expend grants and bequests of funds, for the purpose of  
2 carrying out the lawful responsibilities of the department.

3           (iii) An initial series of resources management activities shall be initiated through this  
4 basic process, then each phase shall continuously be recycled and used to modify the department's  
5 resources management programs and keep them current.

6           (iv) Planning and management programs shall be formulated in terms of the  
7 characteristics and needs of each resource or group of related resources. However, all plans and  
8 programs shall be developed around basic standards and criteria, including:

9           (A) The need and demand for various activities and their impact upon ecological systems.

10          (B) The degree of compatibility of various activities.

11          (C) The capability of coastal resources to support various activities.

12          (D) Water quality standards set by the director of the department of environmental  
13 management.

14          (E) Consideration of plans, studies, surveys, inventories, and so forth prepared by other  
15 public and private sources.

16          (F) Consideration of contiguous land uses and transportation facilities.

17          (G) Whenever possible consistency with the state guide plan.

18          (v) The department shall prepare, adopt, administer, and cause to be implemented,  
19 including specifically through its powers of coordination as set forth in subdivision (3) of this  
20 section, a marine resources development plan and such special area management plans as the  
21 department may determine to be appropriate or desirable as follows:

22          (A) Marine resources development plan.

23          (I) The purpose of the marine resources development plan shall be to provide an  
24 integrated strategy for: (a) Improving the health and functionality of Rhode Island's marine  
25 ecosystem; (b) Providing for appropriate marine-related economic development; and (c)  
26 Promoting the use and enjoyment of Rhode Island's marine resources by the people of the state.

27          (II) The marine resources development plan shall include specific goals and objectives  
28 necessary to accomplish its purposes, performance measures to determine progress toward  
29 achieving such goals and objectives, and an implementation program.

30          (III) The marine resources development plan shall be prepared in cooperation with the  
31 department of environmental management, the statewide planning program, and the economic  
32 development corporation, with the involvement of such other state agencies as may be  
33 appropriate, and with such technical support as may be necessary and appropriate from the  
34 Narragansett Bay Estuary Program, the Coastal Institute at the University of Rhode Island, and

1 Rhode Island Sea Grant.

2 (IV) The plan shall be responsive to the requirements and principles of the federal coastal  
3 zone management act as amended, including, but not limited to, the expectations of the act for  
4 incorporating the federal Clean Water Act into coastal zone management programs.

5 (V) The marine resources development plan shall take into account local land use  
6 management responsibilities as provided for under title 45 and harbor management  
7 responsibilities, and the preparation of the plan shall include opportunities for involvement and/or  
8 comment by cities and towns.

9 (VI) The marine resources development plan previously adopted by the council in  
10 accordance with the provisions of this subsection by July 1, 2005, shall as appropriate incorporate  
11 the recommendations of the Governor's Narragansett Bay and Watershed Planning Commission,  
12 and shall be made consistent with systems level plans as appropriate, in order to effectuate the  
13 purposes of systems level planning. The department shall update the marine resources  
14 development plan at least once every five (5) years.

15 (VII) The department shall administer its programs, regulations, and implementation  
16 activities in a manner consistent with the marine resources development plan.

17 (VIII) The marine resources development plan and any updates thereto shall be adopted  
18 as appropriate as elements of the state guide plan pursuant to section 42-11-10.

19 (B) Special area management plans.

20 (I) The department shall adopt such special area management plans as deemed necessary  
21 and desirable to provide for the integration and coordination of the protection of natural  
22 resources, the promotion of reasonable coastal-dependent economic growth, and the improved  
23 protection of life and property in the specific areas designated department as requiring such  
24 integrated planning and coordination.

25 (II) The integrated planning and coordination herein specified shall include, but not be  
26 limited to, federal agencies, state agencies, boards, commissions, and corporations, including  
27 specifically the economic development corporation, and cities and towns, shall utilize to the  
28 extent appropriate and feasible the capacities of entities of higher education, including Rhode  
29 Island Sea Grant, and shall provide for the participation of advocacy groups, community-based  
30 organizations, and private persons.

31 (III) The department shall administer its programs, regulations, and implementation  
32 activities in a manner consistent with special area management plans.

33 (IV) Special area management plans and any updates thereto shall be adopted as  
34 appropriate as elements of the state guide plan pursuant to section 42-11-10.

1           (2) Implementation.

2           (i) The department is authorized to formulate policies and plans and to adopt regulations  
3 necessary to implement its various management programs. With respect to such policies and  
4 plans which relate to matters where the department of coastal resources management and the  
5 department of environmental management have concurrent jurisdiction and upon formulation of  
6 the plans and regulations, the department shall, prior to adoption, submit the proposed plans or  
7 regulations to the director of the department of environmental management for the director's  
8 review. The director shall review and submit comments to the department within thirty (30) days  
9 of submission to the director by the department. The comments of the director shall include  
10 findings with regard to the consistency of the policies, plans and/or regulations with the  
11 requirements of laws administered by the department. The department shall consider the director's  
12 comments prior to adoption of any such policies, plans or regulations and shall respond in writing  
13 to findings of the director with regard to the consistency of said policies, plans and/or regulations  
14 with the requirements of laws administered by the department.

15           (ii)(A) The department shall have exclusive jurisdiction below mean high water for all  
16 development, operations, and dredging, consistent with the requirements of chapter 6.1 of this  
17 title and except as necessary for the department of environmental management to exercise its  
18 powers and duties and to fulfill its responsibilities pursuant to sections 42-17.1-2 and 42-17.1-  
19 24, and any person, firm, or governmental agency proposing any development or operation  
20 within, above, or beneath the tidal water below the mean high water mark, extending out to the  
21 extent of the state's jurisdiction in the territorial sea, shall be required to demonstrate that its  
22 proposal would not:

23           (I) Conflict with any resources management plan or program;

24           (II) Make any area unsuitable for any uses or activities to which it is allocated by a  
25 resources management plan or program adopted by the department; or

26           (III) Significantly damage the environment of the coastal region.

27           (B) The department shall be authorized to approve, modify, set conditions for, or reject  
28 any such proposal.

29           (iii) The authority of the department over land areas (those areas above the mean high  
30 water mark) shall be limited to two hundred feet (200') from the coastal physiographic feature or  
31 to that necessary to carry out effective resources management programs. This shall be limited to  
32 the authority to approve, modify, set conditions for, or reject the design, location, construction,  
33 alteration, and operation of specified activities or land uses when these are related to a water area  
34 under the agency's jurisdiction, regardless of their actual location. The department's authority



1 over these land uses and activities shall be limited to situations in which there is a reasonable  
2 probability of conflict with a plan or program for resources management or damage to the coastal  
3 environment. These uses and activities are:

4 (A) Power generating over forty (40) megawatts and desalination plants.

5 (B) Chemical or petroleum processing, transfer, or storage.

6 (C) Minerals extraction.

7 (D) Shoreline protection facilities and physiographical features, and all directly  
8 associated contiguous areas which are necessary to preserve the integrity of the facility and/or  
9 features.

10 (E) Coastal wetlands and all directly associated contiguous areas which are necessary to  
11 preserve the integrity of the wetlands including any freshwater wetlands located in the vicinity of  
12 the coast. The actual determination of freshwater wetlands located in coastal vicinities and under  
13 the jurisdiction of the department shall be designated on such maps that are agreed to in writing  
14 and made available for public use by the director of the department of coastal resources  
15 management and the director of the department of environmental management. Those  
16 designations in effect upon the effective date of this act shall remain in effect until changed as  
17 provided for in this chapter. The department of coastal resources management shall have  
18 exclusive jurisdiction over the wetlands areas described in this section notwithstanding any  
19 provision of chapter 1, title 2 or any other provision except that the division of agriculture  
20 maintains jurisdiction over all farming consistent with subsections 2-1-22(i) and (j). The  
21 department of coastal resources management in cooperation with the department of  
22 environmental management shall develop rules and regulations for the management and  
23 protection of freshwater wetlands, affected by an aquaculture project, outside of those freshwater  
24 wetlands located in the vicinity of the coast and under the exclusive jurisdiction of the director of  
25 the department of environmental management. For the purpose of this chapter, a "coastal  
26 wetland" means any salt marsh bordering on the tidal waters of this state, whether or not the tidal  
27 waters reach the littoral areas through natural or artificial watercourses, and those uplands directly  
28 associated and contiguous thereto which are necessary to preserve the integrity of that marsh.  
29 Marshes shall include those areas upon which grow one or more of the following: smooth  
30 cordgrass (spartina alterniflora), salt meadow grass (spartina patens), spike grass (distichlis  
31 spicata), black rush (juncus gerardi), saltworts (salicornia spp.), sea lavender (limonium  
32 carolinianum), saltmarsh bulrushes (scirpus spp.), hightide bush (iva frutescens), tall reed  
33 (phragmites communis), tall cordgrass (spartina pectinata), broadleaf cattail (typha latifolia),  
34 narrowleaf cattail (typha angustifolia), spike rush (eleocharis rostellata), chairmaker's rush

1 (scirpus americana), creeping bentgrass (agrostis palustris), sweet grass (hierochloe odorata), and  
2 wild rye (etlymus virginicus).

3 (F) Sewage treatment and disposal and solid waste disposal facilities.

4 (G) Beneficial use, dewatering, and disposal of dredged material of marine origins, where  
5 such activities take place within two hundred feet (200') of mean high water or a coastal  
6 physiographic feature, or where there is a reasonable probability of conflict with a plan or  
7 program for resources management or damage to the coastal environment.

8 (3) Coordination. The department has the following coordinating powers and duties:

9 (i) Functioning as a binding arbitrator in any matter of dispute involving both the  
10 resources of the state's coastal region and the interests of two (2) or more municipalities or state  
11 agencies. The director and/or his designee shall serve as such arbitrator in such instances.

12 (ii) Consulting and coordinating actions with local, state, regional, and federal agencies  
13 and private interests.

14 (iii) Conducting or sponsoring coastal research.

15 (iv) Advising the governor, the general assembly, and the public on coastal matters.

16 (v) Serving as the lead state department and initial and primary point of contact for  
17 dredging activities in tidal waters and in that capacity, integrating and coordinating the plans and  
18 policies of other state agencies as they pertain to dredging in order to develop comprehensive  
19 programs for dredging as required by subparagraph (1)(i)(H) of this section and chapter 6.1 of  
20 this title. The Rhode Island resource recovery corporation prior to purchasing cover material for  
21 the state landfill shall first contact the department of coastal resources management to see if there  
22 is a source of suitable dredged material available which shall be used in place of the purchase  
23 cover material. Other state agencies engaged in the process of dump closures shall also contact  
24 the department of coastal resources management to see if there is a source of suitable dredged  
25 material available, which shall be used in place of the purchase cover material. In addition, cities  
26 and towns may contact the department of coastal resources management prior to closing city or  
27 town controlled dump sites to see if there is a source of suitable dredge material available, which  
28 may be used in place of the purchase cover material.

29 (vi) Acting as the state's representative to all bodies public and private on all coastal and  
30 aquaculture related matters.

31 (4) Operations. The department is authorized to exercise the following operating  
32 functions, which are essential to management of coastal resources:

33 (i) Issue, modify, or deny permits for any work in, above, or beneath the areas under its  
34 jurisdiction, including conduct of any form of aquaculture.

1           (ii) Issue, modify, or deny permits for dredging, filling, or any other physical alteration of  
2 coastal wetlands and all directly related contiguous areas which are necessary to preserve the  
3 integrity of the wetlands, including, but not limited to, the transportation and disposal of dredge  
4 materials in the tidal waters.

5           (iii) Grant licenses, permits, and easements for the use of coastal resources which are held  
6 in trust by the state for all its citizens, and impose fees for private use of these resources.

7           (iv) Determining the need for and establishing pierhead, bulkhead, and harbor lines.

8           (v) Enforcing and implementing riparian rights in the tidal waters after judicial decisions.

9           (vi) The department may require an owner or operator of a commercial wharf or pier of a  
10 marine commercial facility, as defined in 300.3 of the Rhode Island coastal resources  
11 management program, but not including those facilities defined in 300.4 of the Rhode Island  
12 coastal resources management program, and which is capable of offloading cargo, and is or will  
13 be subject to a new use or a significant intensification of an existing use, to demonstrate that the  
14 commercial wharf or pier is fit for that purpose. For the purposes of this subsection, a  
15 "commercial wharf or pier" means a pier, bulkhead, wharf, docking facility, or underwater  
16 utilities. The department may order said owner or operator to provide an engineering certification  
17 to the department's satisfaction that the commercial wharf or pier is fit for the new use or  
18 intensification of an existing use. If the department determines that the commercial wharf or pier  
19 is not fit, it may order the owner or operator to undertake the necessary work to make the  
20 commercial wharf or pier safe, within a reasonable time frame. If the department determines that  
21 the commercial wharf or pier, because of its condition, is an immediate threat to public health and  
22 safety it may order the commercial wharf or pier closed until the necessary work to make the  
23 commercial wharf or pier safe has been performed and approved by the department. All work  
24 performed must conform to the department's management program. The department is also given  
25 the authority to develop regulations to carry out this provision and to impose administrative  
26 penalties of five thousand dollars (\$5,000) per day up to a maximum of twenty thousand dollars  
27 (\$20,000) consistent with section 46-23-7.1 where there has been a violation of the orders under  
28 this provision.

29           (5) Rights-of-way.

30           (i) The department is responsible for the designation of all public rights-of-way to the  
31 tidal water areas of the state, and shall carry on a continuing discovery of appropriate public  
32 rights-of-way to the tidal water areas of the state.

33           (ii) The department shall maintain a complete file of all official documents relating to the  
34 legal status of all public rights-of-way to the tidal water areas of the state.

1           (iii)(A) The department has the power to designate for acquisition and development, and  
2 posting, and all other functions of any other department for tidal rights-of-way and land for tidal  
3 rights-of-way, parking facilities, and other department related purposes.

4           (B) Further, the department has the power to develop and prescribe a standard sign to be  
5 used by the cities and towns to mark designated rights-of-way.

6           (iv) In conjunction with this subdivision, every state department controlling state-owned  
7 land close to or adjacent to discovered rights-of-way is authorized to set out the land, or so much  
8 of the land that may be deemed necessary for public parking.

9           (v) No use of land for public parking shall conflict with existing or intended use of the  
10 land, and no improvement shall be undertaken by any state agency until detailed plans have been  
11 submitted to and approved by the governing body of the local municipality.

12           (vi) In designating rights-of-way, the department shall consider the following matters in  
13 making its designation:

14           (A) Land evidence records;

15           (B) The exercise of domain over the parcel such as maintenance, construction, or upkeep;

16           (C) The payment of taxes;

17           (D) The creation of a dedication;

18           (E) Public use;

19           (F) Any other public record or historical evidence such as maps and street indexes;

20           (G) Other evidence as set out in section 42-35-10.

21           (vii) A determination by the department that a parcel is a right-of-way shall be decided by  
22 substantial evidence.

23           (viii) The department shall be notified whenever by the judgment of the governing body  
24 of a coastal municipality, a public right-of-way to tidal water areas located in such municipality  
25 has ceased to be useful to the public, and such governing body proposes an order of abandonment  
26 of such public right-of-way. Said notice shall be given not less than sixty (60) days prior to the  
27 date of such abandonment.

28           (6) Pre-existing residential boating facilities.

29           (i) The department is hereby authorized and empowered to recognize assent for pre-  
30 existing residential boating facilities constructed prior to January 1, 1985 and which were given  
31 assent by the former CRMC.

32           (ii) The department is directed to develop rules and regulations necessary to implement  
33 this subdivision.

34           (iii) It is the specific intent of this subsection to require that all pre-existing residential

1 boating facilities constructed on January 1, 1985 or thereafter conform to this chapter and the  
2 plans, rules and regulations of the department.

3 (7) Lease of filled lands which were formerly tidal lands to riparian or littoral owners.

4 (i) Any littoral or riparian owner in this state who desires to obtain a lease from the state  
5 of Rhode Island of any filled lands adjacent to his or her upland shall apply to the department,  
6 which may make the lease. Any littoral or riparian owner who wishes to obtain a lease of filled  
7 lands must obtain pre-approval, in the form of an assent, from the department. Any lease granted  
8 by the department shall continue the public's interest in the filled lands including, but not limited  
9 to, the rights of navigation, fishery, and commerce. The public trust in the lands shall continue  
10 and run concurrently with the leasing of the lands by the state to private individuals, corporations,  
11 or municipalities. Upon the granting of a lease by the department, those rights consistent with the  
12 public trust and secured by the lease shall vest in the lessee. The department may approve a lease  
13 of filled lands for an initial term of up to fifty (50) years, with, or without, a single option to  
14 renew for an additional term of up to fifty (50) years.

15 (ii) The lessor of the lease, at any time, for cause, may by express act cancel and annul  
16 any lease previously made to the riparian owner when it determines that the use of the lands is  
17 violating the terms of the lease or is inconsistent with the public trust, and upon cancellation the  
18 lands, and rights in the land so leased, shall revert to the state.

19 (8) "Marinas" as defined in the coastal resources management program in effect as of  
20 June 1, 1997, are deemed to be one of the uses consistent with the public trust. Subdivision (7) is  
21 not applicable to:

22 (i) Any riparian owner on tidal waters in this state (and any successor in interest to the  
23 owner) which has an assent issued by the department to use any land under water in front of his  
24 or her lands as a marina, which assent was in effect on June 1, 1997;

25 (ii) Any alteration, expansion, or other activity at a marina (and any successor in interest)  
26 which has an assent issued by the department, which assent was in effect on June 1, 1997; and

27 (iii) Any renewal of assent to a marina (or successor in interest), which assent was issued  
28 by the department and in effect on June 1, 1997.

29 (9) "Recreational boating facilities" including marinas, launching ramps, and recreational  
30 mooring areas, as defined by and properly permitted by the department, are deemed to be one of  
31 the uses consistent with the public trust. Subdivision (7) is not applicable to:

32 (i) Any riparian owner on tidal waters in this state (and any successor in interest to the  
33 owner) which has an assent issued by the department to use any land under water in front of his  
34 or her lands as a recreational boating facility; any alteration, expansion or other activity at a

1 recreational boating facility (and any successor in interest) which has an assent issued by the  
2 former CRMC, which assent was in effect as of June 1, 1997; and

3 (ii) Any renewal of assent to a recreational boating facility (or successor in interest),  
4 which assent was issued by the former CRMC and in effect on June 1, 1997.

5 **46-23-26. Reporting requirements. --** Within ninety (90) days after the end of each  
6 fiscal year, the department of coastal resources management shall approve and submit an annual  
7 report to the governor, the speaker of the house of representatives, the president of the senate, and  
8 the secretary of state, of its activities during that fiscal year. The report shall provide an operating  
9 statement, summarizing meetings or hearings held, including meeting minutes, subjects  
10 addressed, decisions rendered, applications considered and their disposition, rules or regulations  
11 promulgated, studies conducted, policies and plans developed, approved, or modified, and  
12 programs administered or initiated; a consolidated financial statement of all funds received and  
13 expended including the source of the funds, a listing of any staff supported by these funds, and a  
14 summary of any clerical, administrative or technical support received; a summary of performance  
15 during the previous fiscal year including accomplishments, shortcomings and remedies; a  
16 synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the  
17 department of coastal resources management; a summary of any training courses held pursuant to  
18 the provisions of this chapter; a briefing on anticipated activities in the upcoming fiscal year, and  
19 findings and recommendations for improvements. The report shall be posted electronically on the  
20 website of the secretary of state pursuant to the provisions of section 42-20-8.2. The director of  
21 the department of administration shall be responsible for the enforcement of this provision.

22 SECTION 5. Title 22 of the General Laws entitled "GENERAL ASSEMBLY" is hereby  
23 amended by adding thereto the following chapter:

24 CHAPTER 14.3

25 PERMANENT JOINT COMMITTEE ON COASTAL RESOURCES

26 **22-14.3-1. Permanent joint committee on coastal resources -- Composition. --** (a)  
27 There is hereby created a permanent joint committee on coastal resources. The permanent joint  
28 committee on coastal resources shall consist of nine (9) members: four (4) of whom shall be  
29 members of the senate, not more than three (3) from the same political party, to be appointed by  
30 the senate president; and five (5) of whom shall be members of the house of representatives, not  
31 more than four (4) from the same political party, to be appointed by the speaker of the house.

32 (b) The senate president and the speaker of the house shall consult with the house and  
33 senate minority leaders on the appointment of the minority members.

34 **22-14.3-2. Powers and duties of permanent joint committee on coastal resources. --**

1 The permanent joint committee on coastal resources shall have the authority to:

2 (1) Provide oversight of the department of coastal resources management and of the  
3 department of environmental management in all matters relating to the use, conservation,  
4 regulation and management of the coastal resources of this state;

5 (2) Confer, as the committee deems desirable, with the director and staff of the  
6 department of coastal resources management and with the director and staff of the department of  
7 environmental management;

8 (3) Issue subpoenas, subpoenas duces tecum and orders for the production of books,  
9 accounts, papers, records and documents, with the prior approval of both the speaker of the house  
10 of representatives and the president of the senate;

11 (4) Make recommendations to the general assembly and propose legislation regarding: (i)  
12 The use, conservation, regulation and management of the coastal resources of this state; and (ii)  
13 The operation of the department of coastal resources management and/or the department of  
14 environmental management; and

15 (5) To insure compliance with legislative benchmarks and standards.

16 SECTION 6. This act shall take effect upon passage.

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LC01294  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT  
COUNCIL

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1           This act would dissolve the current coastal resources management council and replace it  
2 with a new executive department to be known as the department of coastal resources  
3 management.

4           This act would take effect upon passage.

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