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ARTICLE 16 AS AMENDED

RELATING TO BAYS, RIVERS AND WATERSHEDS

SECTION 1. Chapter 46-31 of the General Laws entitled “The Rhode Island Bays, Rivers and Watersheds Coordination Team” is hereby repealed in its entirety:

~~46-31-1 Legislative findings.— The general assembly hereby finds and declares as follows:~~

~~(1) The bays, rivers, and associated watersheds of Rhode Island are unique and unparalleled natural resources that provide significant cultural, ecological, and economic benefit to the state.~~

~~(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other natural resources of the state; and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state; and for the preservation, regeneration, and restoration of the natural environment of the state.~~

~~(3) It is in the best interest of the state and its citizens to preserve, protect, and restore our bays, rivers, and associated watersheds.~~

~~(4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts, almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water related economic interests spans the three (3) states.~~

~~(5) There are a number of separate agencies of the state defined by statute, granted statutory authority, and appropriated state resources for the performance of distinct functions, the development of various programs, and the execution of diverse regulatory powers that affect the bays, rivers, and watersheds of Rhode Island including management, preservation, restoration, and monitoring of the natural resources, and promotion of sustainable economic development of the water cluster. It is important to retain these various agencies as separate and distinct entities. Each agency has essential and distinct responsibilities. However, each of these agencies has limited responsibilities and jurisdictions. No one agency has the statutory authority to adequately address the full range of issues that pertain to the bays, rivers, and watersheds.~~

1 ~~(6) The formation of an interagency group for the coordination of the functions,~~
2 ~~programs, and regulations that affect the bays, rivers, and watersheds is the most effective way to~~
3 ~~transcend the limited responsibilities and jurisdictions of each agency, address complex issues~~
4 ~~using an ecosystem based approach, and provide for continuity over time.~~

5 ~~(7) There is a need for coordination of the development and implementation of policies~~
6 ~~and plans for the management, preservation, restoration, and monitoring of the bays, rivers, and~~
7 ~~watersheds; and the promotion of sustainable economic development of businesses that rely~~
8 ~~directly or indirectly on the bays, rivers, and watersheds.~~

9 ~~(8) There is a need for the development of a systems level plan that synthesizes~~
10 ~~individual plans and coordinates separate authorities. The systems level plan must establish~~
11 ~~overall goals and priorities, set forth a strategy for obtaining goals which delineates specific~~
12 ~~responsibilities among agencies, identify funding sources and a timetable for obtaining goals,~~
13 ~~provide an estimate of the total projected cost of implementation, and oversee a monitoring~~
14 ~~strategy to evaluate progress in implementing the plan and to provide the necessary information~~
15 ~~to adapt the plan in response to changing conditions.~~

16 ~~(9) The implementation of a systems level plan needs to include the preparation of~~
17 ~~coordinated annual work plans, annual work plan budgets, and multi year funding plans in order~~
18 ~~to identify areas of duplicative or insufficient effort or funding.~~

19 ~~(10) The development and implementation of a systems level plan must be coordinated~~
20 ~~with local and federal efforts and efforts in Massachusetts and Connecticut and in some cases~~
21 ~~with other states in the region that have connections with the ecosystem and/or the water cluster.~~
22 ~~It must be accomplished with input from scientists, policy makers, non governmental~~
23 ~~organizations, and the general public.~~

24 ~~(11) There is a need for a structure and process that enhances the efficiency of the goal~~
25 ~~setting and oversight roles of the legislature including fiscal and performance accountability.~~

26 ~~**46-31-2. Definitions.** As used in this chapter, unless the context clearly indicates~~
27 ~~otherwise:~~

28 ~~(1) "Bays" means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich~~
29 ~~Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial~~
30 ~~waters that extend seaward three geographical miles from the shoreline including the area around~~
31 ~~Block Island.~~

32 ~~(2) "Chair" means the chairperson of the coordination team.~~

33 ~~(3) "Coordination" means to harmonize in a common action or effort and/or to function in~~
34 ~~a complementary manner.~~

1 ~~(4) "Coordination team" or "team" means the Rhode Island Bays, Rivers, and Watersheds~~
2 ~~Coordination Team that is the group of senior executive officials created in § 46-31-3.~~

3 ~~(5) "Ecosystem-based plan" means a plan that addresses the complex interrelationships~~
4 ~~among the ocean, land, air, and all living creatures including humans, and considers the~~
5 ~~interactions among multiple activities that affect entire systems.~~

6 ~~(6) "River" means a flowing body of water or estuary or a section, portion, or tributary~~
7 ~~thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.~~

8 ~~(7) "Systems level plan" means an interagency ecosystem-based plan for the bays, rivers,~~
9 ~~and watersheds that:~~

10 ~~(i) Establishes overall goals and priorities for the management, preservation, and~~
11 ~~restoration of bays, rivers, and watersheds and the promotion of sustainable economic~~
12 ~~development of the water cluster;~~

13 ~~(ii) Sets forth a strategy for attaining goals which delineates specific responsibilities~~
14 ~~among agencies;~~

15 ~~(iii) Identifies funding sources and a timetable for attaining goals;~~

16 ~~(iv) Provides an estimate of the total projected cost of implementing the plan including~~
17 ~~capital improvements; and~~

18 ~~(v) Guides a strategy for a monitoring program that evaluates progress in implementing~~
19 ~~the plan and to provide the necessary information to adapt the plan in response to changing~~
20 ~~conditions.~~

21 ~~(8) "Water cluster" means an economically interconnected grouping of businesses,~~
22 ~~institutions, and people relying directly or indirectly on the bays, rivers, and watersheds~~
23 ~~including, but not limited to, the following sectors:~~

24 ~~(i) Recreation, tourism, and public events;~~

25 ~~(ii) Fisheries and aquaculture;~~

26 ~~(iii) Boat and ship building;~~

27 ~~(iv) Boating related businesses;~~

28 ~~(v) Transportation;~~

29 ~~(vi) Military;~~

30 ~~(vii) Research; and~~

31 ~~(viii) Technology development and education.~~

32 ~~(9) "Watershed" means a land area which because of its topography, soil type, and~~
33 ~~drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing~~
34 ~~or planned public water supplies.~~

1 ~~**46-31-3. Coordination team and chair position created.**~~ (a) There is hereby created
2 and established within the office of the governor the "Rhode Island bays, rivers, and watersheds
3 coordination team". The coordination team shall include the senior executive official of the
4 following agencies of the state: the coastal resources management council; the Rhode Island
5 department of environmental management; the department of administration; the Rhode Island
6 water resources board; the Rhode Island rivers council; the Rhode Island economic development
7 corporation; and the Narragansett Bay commission.

8 ~~(b) A member of the coordination team may designate in writing a designee of that~~
9 ~~member's agency to act in the place of that member.~~

10 ~~(c) The members of the coordination team shall serve on said team without additional~~
11 ~~compensation.~~

12 ~~(d) The governor shall appoint a chair of the coordination team, with the advice and~~
13 ~~consent of the senate, within four (4) months of the passage of this act. The chair shall serve at~~
14 ~~the pleasure of the governor. Provided, in making the appointment of said chair, the governor~~
15 ~~shall select an individual from outside of those agencies listed in subsection (a) herein. The~~
16 ~~governor shall further provide the coordination team with suitable quarters and resources so as to~~
17 ~~enable it to perform its functions.~~

18 ~~(e) The chair of the coordination team may request the involvement of other state~~
19 ~~agencies as may be appropriate to carry out the duties of the team as set forth in this chapter.~~

20 ~~(f) The coordination team shall meet initially at the call of the governor until the chair has~~
21 ~~been appointed and qualified. The team shall remain in existence until such time as it is~~
22 ~~terminated by action of the general assembly.~~

23 ~~**46-31-4. Purpose and duties of the coordination team.**~~ (a) The purpose and duties of
24 ~~the coordination team shall include:~~

25 ~~(1) Preparing and adopting by rule a systems level plan as provided for pursuant to the~~
26 ~~provisions of § 46-31-5;~~

27 ~~(2) Coordinating the projects, programs, and activities carried out by the members of the~~
28 ~~team and its committees that pertain to the implementation of such plan pursuant to the provisions~~
29 ~~of § 46-31-6; and~~

30 ~~(3) Coordinating with other state agencies, local governments, federal agencies, other~~
31 ~~states, and non government entities, as necessary, to accomplish the purpose of preparing and~~
32 ~~implementing a systems level plan.~~

33 ~~(b) The coordination team shall be responsible for recommending to the governor and the~~
34 ~~general assembly actions necessary to effectuate the coordination of projects, programs, and~~

1 ~~activities described in this chapter.~~

2 ~~(c) The coordination team shall provide information to the general assembly on such~~
3 ~~projects, programs, and activities to assist the general assembly in the general assembly's exercise~~
4 ~~of oversight, in order to maximize the efficient use of state and available resources.~~

5 ~~(d) The coordination team shall meet on a quarterly basis or more often if deemed~~
6 ~~necessary by its members. In order to constitute a quorum for the transaction of any business, at~~
7 ~~least two thirds of the membership of the team must be present.~~

8 ~~(e) Within the first six (6) months after the passage of this act, the coordination team shall~~
9 ~~meet monthly at the call of the governor, and shall be chaired by the governor or a designee of the~~
10 ~~governor until such time when the chair of the team is appointed and qualified.~~

11 ~~(f) The team shall convene a joint meeting with the scientific advisory committee and the~~
12 ~~public advisory committee established pursuant to the provisions of this chapter, at least once per~~
13 ~~year.~~

14 ~~**46-31-5. Preparation of a systems level plan.**~~ (a) ~~The coordination team shall be~~
15 ~~responsible for the preparation of a systems level plan and may recommend adoption of all or~~
16 ~~portions of said plan by the state planning council as elements of the state guide plan. Nothing in~~
17 ~~this chapter shall be interpreted to contravene the statutory authority of the state planning council~~
18 ~~to adopt a state guide plan and elements thereof.~~

19 ~~(b) The systems level plan shall establish overall goals and priorities for the management,~~
20 ~~preservation, and restoration of the state's bays, rivers, and watersheds, and the promotion of~~
21 ~~sustainable economic development of the water cluster.~~

22 ~~(c) The systems level plan shall include a strategy for attaining goals, shall delineate~~
23 ~~specific responsibilities among agencies, and shall identify funding sources and a timetable for~~
24 ~~attaining goals.~~

25 ~~(d) The systems level plan shall include an estimate of the total projected cost of~~
26 ~~implementing the plan including capital improvements.~~

27 ~~(e) The systems level plan shall include, but not be limited to, planning for:~~

28 ~~(1) Reduction of pollution from point source discharges, including, but not limited to,~~
29 ~~municipal and industrial discharges, and storm water and combined sewer overflows;~~

30 ~~(2) Reduction of pollution from non point sources, including, but not limited to, on site~~
31 ~~individual sewage disposal systems, residential and agricultural fertilizing practices, animal~~
32 ~~wastes, recreational boating, and land use practices;~~

33 ~~(3) Protection and restoration of shellfish and finfish;~~

34 ~~(4) Protection and restoration of aquatic and terrestrial habitat;~~

- 1 ~~(5) Conservation of open space and promotion of smart growth practices;~~
- 2 ~~(6) Management of aquatic nuisance species;~~
- 3 ~~(7) Management of dredging and dredged material disposal;~~
- 4 ~~(8) Identification of research needs and priorities;~~
- 5 ~~(9) Promotion of education and outreach;~~
- 6 ~~(10) Promotion of equitable public access; and~~
- 7 ~~(11) Promotion of sustainable economic development of the water cluster.~~

8 ~~(f) The systems level plan shall include the development of strategies for both~~
9 ~~environmental and economic monitoring programs. The monitoring programs shall evaluate~~
10 ~~progress in implementing the plan and provide the necessary information to adapt the plan in~~
11 ~~response to changing conditions. The implementation of said programs shall be accomplished by~~
12 ~~the economic monitoring collaborative created by § 46-31-9(d) and the environmental monitoring~~
13 ~~collaborative created by § 46-31-9(e).~~

14 ~~(g) A scope of work for the systems level plan shall be completed within six (6) months~~
15 ~~of the passage of this act. A copy of said scope of work shall be submitted for review to the~~
16 ~~governor, the speaker of the house of representatives, and the president of the senate.~~

17 ~~(h) A draft of the systems level plan shall be completed on or before January 31, 2006. A~~
18 ~~copy of such draft shall be submitted for review to the governor, the speaker of the house of~~
19 ~~representatives, and the president of the senate.~~

20 ~~(i) The systems level plan shall be completed on or before June 30, 2006. A copy of such~~
21 ~~plan shall be submitted for review to the governor, the speaker of the house of representatives,~~
22 ~~and the president of the senate.~~

23 ~~**46-31-6. Implementation of the systems level plan.** (a) The team shall be responsible~~
24 ~~for coordinating the projects, programs, and activities necessary to implement the systems level~~
25 ~~plan.~~

26 ~~(b) In order to facilitate the coordination of the implementation of the systems level plan,~~
27 ~~the team shall prepare an annual work plan. The annual work plan shall prescribe the necessary~~
28 ~~projects, programs, and activities each member of the team shall perform for the following fiscal~~
29 ~~year to implement the systems level plan. It shall include, but not be limited to, the systems level~~
30 ~~plan priorities, individual work plan elements, and significant program products including~~
31 ~~proposed regulations, grant solicitations, schedules for production of environmental documents,~~
32 ~~and project selection processes. The preparation of the annual work plan shall include an~~
33 ~~evaluation of any needed revisions to the systems level plan including changes to the timetable~~
34 ~~for attaining goals or adaptations in response to the results of the monitoring programs.~~

1 ~~The first annual work plan shall be prepared for work to be completed during fiscal year~~
2 ~~2007 and each year thereafter.~~

3 ~~(c) In preparing an annual work plan the team shall coordinate the annual work plan~~
4 ~~activities with other relevant activities including, but not limited to, those prescribed by other~~
5 ~~state, local, federal, and non-governmental organization programs.~~

6 ~~(d) The team shall prepare a proposed annual work plan budget for inclusion in the~~
7 ~~governor's annual budget as submitted to the general assembly and for submittal to the speaker of~~
8 ~~the house of representatives, and the president of the senate which shall identify the total funds~~
9 ~~necessary to implement the annual work plan, including any proposed capital improvements. It~~
10 ~~shall also include any recommendations for the allocation of appropriated funds among agencies~~
11 ~~to achieve the purpose of this chapter. The first annual work plan budget shall be prepared for~~
12 ~~inclusion in the governor's annual budget for 2007, as submitted to the general assembly, and~~
13 ~~each year thereafter.~~

14 ~~(e) The team shall hold a minimum of one public hearing each year to solicit public~~
15 ~~comment on the annual work plan and annual work plan budget.~~

16 ~~(f) The team shall coordinate with federal agencies to develop proposed federal~~
17 ~~agreements to support the implementation of the systems level plan.~~

18 ~~(g) The team, in consultation with the scientific advisory committee, shall be responsible~~
19 ~~for coordinating the work of any entity that receives grants or other funding from the state of~~
20 ~~Rhode Island for research related to bay, river, and watershed management. The team shall seek~~
21 ~~to prioritize and direct areas of research in order to meet the goals and policies established by the~~
22 ~~systems level plan.~~

23 ~~(h) The team may facilitate the resolution of programmatic conflicts that may arise during~~
24 ~~the implementation of the systems level plan between or among members of the team.~~

25 ~~(i) The team shall develop a regulatory coordination and streamlining process for the~~
26 ~~issuance of permits and approvals required under local, state, and federal law as necessary to~~
27 ~~implement the systems level plan that reduces or eliminates duplicative permitting processes.~~

28 ~~(j) Within ninety (90) days after the end of each fiscal year, the team shall submit a~~
29 ~~written progress report that describes and evaluates the successes and shortcomings of the~~
30 ~~implementation of the annual work plan from the previous fiscal year to the governor, the speaker~~
31 ~~of the house of representatives, and the president of the senate. Where prescribed actions have not~~
32 ~~been accomplished in accordance with the annual work plan, the responsible members of the~~
33 ~~team shall include in the report written explanations for the shortfalls, together with their~~
34 ~~proposed remedies. The report shall also include an evaluation of the progress of the coordinative~~

1 ~~efforts and shall include any recommendations regarding modifications to the composition of the~~
2 ~~team, including, but not limited to, the proposed addition of any new members to the team.~~

3 ~~(k) Within six (6) months of the completion of the systems level plan, the team shall~~
4 ~~prepare a report and convene a public forum in order to disseminate information about the current~~
5 ~~condition of the environmental health of Rhode Island's bays, rivers, and watersheds; and the~~
6 ~~economic vitality of the water cluster using information collected by the economic and~~
7 ~~environmental monitoring collaboratives.~~

8 ~~(l) Within four (4) years after the completion of the systems level plan and every four (4)~~
9 ~~years thereafter, the team shall prepare a report and convene a public forum in order to~~
10 ~~disseminate information about the current condition of the environmental health of Rhode Island's~~
11 ~~bays, rivers, and watersheds; and the economic vitality of the water cluster using information~~
12 ~~collected by the economic and environmental monitoring collaboratives. The report shall include~~
13 ~~an evaluation of the progress made towards attaining the systems level plan's goals, and an~~
14 ~~evaluation of any updates necessary for the strategies for the economic and environmental~~
15 ~~monitoring programs.~~

16 ~~**46-31-7. Duties of chairperson.**~~ (a) ~~In addition to calling the meetings of the team, the~~
17 ~~chair shall facilitate the coordination necessary for the team to develop the systems level plan,~~
18 ~~and to prepare annual work plans, annual work plan budgets, reports, and any other documents~~
19 ~~requested under the provisions of this chapter.~~

20 ~~(b) The chair shall be responsible for presenting the systems level plan, annual work~~
21 ~~plans, annual work plan budgets, reports, and other documents to the governor, the speaker of the~~
22 ~~house of representatives, and the president of the senate.~~

23 ~~(c) The chair shall be responsible for the administration of all functions of the team~~
24 ~~including hiring support staff with appropriations, terminating staff when necessary, preparing~~
25 ~~budgets, contracting, and delegating administrative functions to support staff.~~

26 ~~**46-31-8. Powers of the coordination team.**~~ (a) ~~In order to accomplish the purposes of~~
27 ~~this chapter and to effectuate the coordination required by this chapter, the coordination team is~~
28 ~~authorized and directed to exercise the following powers:~~

29 ~~(1) Adopt procedures for the conduct of business as needed to carry out the provisions of~~
30 ~~this chapter;~~

31 ~~(2) Request reports from local, state, and federal entities or agencies in order to perform~~
32 ~~their duties as provided for in this chapter;~~

33 ~~(3) Make application for grants, services or other aids as may be available from public or~~
34 ~~private sources to finance or assist in effectuating any purposes or duties as set forth in this~~

1 ~~chapter, and receive and accept the same on such terms and conditions as may be required by~~
2 ~~general laws;~~

3 ~~(4) Employ the services of other public, nonprofit or private entities;~~

4 ~~(5) Enter into agreements and into contracts consistent with existing contracting practices~~
5 ~~of the department of administration;~~

6 ~~(6) Request assistance from state employees provided that such assistance does not~~
7 ~~adversely impact the operation of affected agencies; and~~

8 ~~(7) Such other powers as may be necessary or convenient to the performance of these~~
9 ~~functions.~~

10 ~~(b) The coordination team may:~~

11 ~~(1) Collect, compile, analyze, interpret, summarize, and distribute any information~~
12 ~~relative to Rhode Island's bays, rivers, and watersheds and the duties of the team, subject to any~~
13 ~~privileges or legal requirements of privacy;~~

14 ~~(2) Within available funding, employ any technical experts, other agents, and employees,~~
15 ~~permanent and temporary, that it may require to carry out its functions pursuant to this chapter,~~
16 ~~and determine their qualifications, duties, and compensation.~~

17 ~~(c) The team may have additional powers granted to it from time to time by the~~
18 ~~legislature as deemed necessary to perform its duties.~~

19 ~~(d) Nothing in this statute shall be construed to grant the coordination team the authority~~
20 ~~to impair, derogate or supersede constitutional, statutory, regulatory or adjudicatory authority or~~
21 ~~public trust responsibilities of any local, state or federal entity.~~

22 ~~**46-31-9. Committees.** (a) The coordination team may appoint such subcommittees,~~
23 ~~task forces or advisory committees to make recommendations to the team as it deems necessary~~
24 ~~to carry out the provisions of this chapter. The coordination team shall annually review the work~~
25 ~~done by, and the need for, any such subcommittees, task forces, and/or advisory committees, and~~
26 ~~shall terminate the existence of such entities that are deemed to have fulfilled their purpose and/or~~
27 ~~are no longer deemed necessary by the team.~~

28 ~~(b) A "scientific advisory committee" shall be established to advise the coordination team~~
29 ~~on research priorities, technical matters, and best management practices. The members of the~~
30 ~~scientific advisory committee shall be appointed by the governor to serve for terms of two (2)~~
31 ~~years. The members of said committee shall consist of members of the academic community as~~
32 ~~well as non-government organizations. The members of the scientific advisory committee shall~~
33 ~~receive no additional compensation for their services on the committee. The scientific advisory~~
34 ~~committee shall assist the coordination team in:~~

1 ~~(1) Ensuring that peer review is employed in the development of an environmental~~
2 ~~monitoring strategy;~~

3 ~~(2) Providing the team with unbiased reviews of current validated scientific knowledge~~
4 ~~relevant to their work; and~~

5 ~~(3) Assisting with the review of existing or future plans.~~

6 ~~The scientific advisory committee shall elect annually from among their members a chair~~
7 ~~and a vice chair.~~

8 ~~(e) A "public advisory committee" shall be established to advise the coordination team on~~
9 ~~the development and implementation of the systems level plan, and the preparation of annual~~
10 ~~work plans and annual work plan budgets. The members of the public advisory committee shall~~
11 ~~be appointed by the governor for terms of two (2) years each. The members of said public~~
12 ~~advisory committee shall include, but not be limited to, representatives from the following~~
13 ~~groups: commercial fishers, recreational fishers, environmental advocacy organizations, and~~
14 ~~economic advocacy organizations. The members of the public advisory committee shall receive~~
15 ~~no additional compensation for their services to the committee. The public advisory committee~~
16 ~~shall elect annually from among their members a chair and a vice chair.~~

17 ~~(d) An "economic monitoring collaborative" shall be established for the purpose of~~
18 ~~developing and implementing a strategy for an economic monitoring program as specified by this~~
19 ~~section. The members of the economic monitoring collaborative shall be appointed by the~~
20 ~~governor to serve for two (2) years and shall include, but not be limited to, a representative from~~
21 ~~the Rhode Island economic policy council and a representative from the Department of~~
22 ~~Environment and Natural Resource Economics at the University of Rhode Island. From among~~
23 ~~the members, the governor shall appoint a chair. Members of the economic monitoring~~
24 ~~collaborative shall serve without additional salary but may be paid expenses incurred in the~~
25 ~~performance of their duties. The strategy for the economic monitoring program shall include~~
26 ~~baselines, protocols, guidelines, and quantifiable indicators for assessing the economic health and~~
27 ~~performance of the water cluster. Economic indicators shall include, but not be limited to, the~~
28 ~~following aspects where or when appropriate and/or available:~~

29 ~~(1) Total gross state product originating in the water cluster;~~

30 ~~(2) Direct and indirect employment in the water cluster; and~~

31 ~~(3) Public expenditures for infrastructure to support the water cluster. The strategy for~~
32 ~~said economic monitoring program shall be developed by the economic monitoring collaborative~~
33 ~~and adopted by the coordination team within six (6) months of passage of this act; and shall be~~
34 ~~reviewed and updated every four (4) years, and included in the reports described in § 46-31-6(1)~~

1 ~~(e) An "environmental monitoring collaborative" shall be established for the purpose of~~
2 ~~developing and implementing a strategy for an environmental monitoring program as specified by~~
3 ~~this section or as otherwise provided for by statute. The environmental monitoring collaborative~~
4 ~~shall include, but not be limited to, one representative from each of the following: Coastal~~
5 ~~Institute at the University of Rhode Island (URI) Bay Campus (Chair); coastal resources~~
6 ~~management council; department of environmental management; department of health; URI~~
7 ~~Watershed Watch; URI Graduate School of Oceanography; Narragansett Bay commission;~~
8 ~~statewide planning program (RIGIS) division; and URI Environmental Data Center. Members of~~
9 ~~the environmental monitoring collaborative shall serve without additional salary but may be paid~~
10 ~~expenses incurred in the performance of their duties. The strategy for the environmental~~
11 ~~monitoring program shall be developed in consultation with the scientific advisory committee and~~
12 ~~shall include baselines, protocols, guidelines, and quantifiable environmental indicators.~~
13 ~~Environmental indicators shall include, but not be limited to, the following aspects where~~
14 ~~appropriate for rivers and bays:~~

15 ~~(1) Land cover or uses within the shoreline buffers;~~

16 ~~(2) Water temperature, salinity, and pH;~~

17 ~~(3) Concentrations of nitrogen, phosphorous, dissolved oxygen, and bacteria;~~

18 ~~(4) Water flows and circulation;~~

19 ~~(5) Species assemblages and relative abundances of finfish, shellfish, and benthic~~
20 ~~macroinvertebrates; and~~

21 ~~(6) Presence of aquatic nuisance species. The strategy for said monitoring program shall~~
22 ~~be developed by the environmental monitoring collaborative and adopted by the coordination~~
23 ~~team within six (6) months of passage of this act; and shall be reviewed and updated every four~~
24 ~~(4) years, and included in the reports described in § 46-31-6(1).~~

25 ~~(f) The data collected as part of the economic and environmental monitoring programs~~
26 ~~shall be analyzed, synthesized, and made accessible to the governor, the general assembly, and~~
27 ~~the general public.~~

28 ~~(g) The committees and collaboratives established pursuant to this chapter shall remain in~~
29 ~~existence so long as the coordination team is in existence. All committees shall expire and~~
30 ~~dissolve upon the expiration and/or dissolution of the coordination team.~~

31 ~~**46-31-10. Compliance with plans by local municipalities.** The statewide planning~~
32 ~~program established pursuant to the provisions of chapter 11 of title 42 shall advise the~~
33 ~~coordination team on issues of planning in general and also on local comprehensive plans, and~~
34 ~~shall consider recommendations for revisions to the state guide plan from the coordination team~~

1 as necessary to achieve consistency with the systems level plan for Rhode Island's bays, rivers,
2 and watersheds. As provided for in chapter 22.2 of title 45, cities and towns shall amend their
3 comprehensive plans to conform with the state guide plan elements adopted or amended to
4 effectuate this chapter, but not later than within one year.

5 ~~**46-31-11. Plans, reports, budgets, and other documents.**~~ All plans, reports, budgets
6 or other documents required to be produced pursuant to this chapter shall be submitted to the
7 speaker of the house of representatives, president of the senate, the chairpersons of the house of
8 representatives and senate finance committees, and the chairpersons of the appropriate house of
9 representatives and senate oversight entities; further, all plans, reports, budgets or other
10 documents required to be produced pursuant to this chapter shall be considered by the house of
11 representatives and senate finance committees in their current and future budget processes.
12 Adherence to such plans, reporting requirements, and budgets and the timely achievement of
13 goals contained therein shall be considered by the finance committees and the oversight entities
14 of the house of representatives and senate, among other relevant factors, in determining
15 appropriations or other systemic changes.

16 ~~**46-31-12. Staff and budget.**~~ (a) The coordination team may employ staff and make
17 such expenditures as may be authorized by the general assembly from time to time. The
18 coordination team shall annually prepare an operating budget for inclusion in the governor's
19 annual budget as submitted to the general assembly and for submittal to the speaker of the house
20 of representatives and the president of the senate.

21 (b) The office of the governor is authorized and directed to establish a position in the
22 unclassified service for the chair of the coordination team, and to perform such administrative
23 support functions as may be required.

24 ~~**46-31-12.1. Bays, Rivers and Watersheds Fund.**~~ (a) There is hereby established a
25 restricted receipt account within the Department of Environmental Management to be called the
26 Bays, Rivers and Watersheds Fund;

27 (b) The fund shall consist of any funds which the state may from time to time
28 appropriate, as well as money received as gifts, grants, bequests, donations or other funds from
29 any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the
30 leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-
31 12.11 for the disposal of septage;

32 (c) All funds, monies, and fees collected pursuant to this section shall be deposited in the
33 Bays, Rivers and Watersheds Fund, and shall be disbursed by the Rhode Island Bays, Rivers, and
34 Watersheds Coordination Team consistent with the purposes and duties of the team as set forth in

1 ~~chapter 46-31. All expenditures from the fund shall be subject to appropriation by the general~~
2 ~~assembly.~~

3 ~~**46-31-13. Assistance by state officers, departments, boards and commissions.**— (a)~~

4 ~~All state agencies may render any services to the coordination team within their respective~~
5 ~~functions as may be requested by the team.~~

6 ~~(b) Upon request of the coordination team, any state agency is authorized and empowered~~
7 ~~to transfer to the team any officers and employees as it may deem necessary from time to time to~~
8 ~~assist the team in carrying out its functions and duties pursuant to this chapter.~~

9 ~~**46-31-14. Severability.**— If any provision of this chapter or the application thereof to any~~
10 ~~person or circumstances is held invalid, such invalidity shall not affect other provisions or~~
11 ~~applications of the chapter, which can be given effect without the invalid provision or application,~~
12 ~~and to this end the provisions of this chapter are declared to be severable.~~

13 SECTION 2. Title 46 of the General Laws entitled “WATERS AND NAVIGATION” is
14 hereby amended by adding thereto the following chapter:

15 CHAPTER 46-31.1

16 THE RHODE ISLAND BAYS, RIVERS AND WATERSHEDS FUND

17 ~~**46-31.1-1. Legislative findings.** — The general assembly hereby finds and declares as~~
18 ~~follows:~~

19 ~~(1) The bays, rivers, and associated watersheds of Rhode Island are unique and~~
20 ~~unparalleled natural resources that provide significant cultural, ecological, and economic benefit~~
21 ~~to the state.~~

22 ~~(2) Pursuant to the provisions of R.I. Const., art. 1, § 17, it is the duty of the general~~
23 ~~assembly to provide for the conservation of the air, land, water, plant, animal, mineral, and other~~
24 ~~natural resources of the state; and to adopt all means necessary and proper by law to protect the~~
25 ~~natural environment of the people of the state by providing adequate resource planning for the~~
26 ~~control and regulation of the use of the natural resources of the state; and for the preservation,~~
27 ~~regeneration, and restoration of the natural environment of the state.~~

28 ~~(3) It is in the best interest of the state and its citizens to preserve, protect, and restore our~~
29 ~~bays, rivers, and associated watersheds.~~

30 ~~(4) Sixty percent (60%) of the watershed of Narragansett Bay is within Massachusetts,~~
31 ~~almost all of the watershed of Mount Hope Bay is within Massachusetts, and five percent (5%) of~~
32 ~~the watershed of Little Narragansett Bay is within Connecticut; further, a cluster of water-related~~
33 ~~economic interests spans the three (3) states.~~

34 ~~(5) There is a need to foster effective management, preservation, restoration, and~~

1 monitoring of the bays, rivers, and watersheds; and the promotion of sustainable economic
2 development of businesses that rely directly or indirectly on the bays, rivers, and watersheds; and
3 the promotion of sustainable economic development of businesses that rely directly or indirectly
4 on the bays, rivers, and watersheds.

5 **46-31.1-2. Definitions.** – As used in this chapter, unless the context clearly indicates
6 otherwise:

7 (1) "Bays" means the estuaries including Narragansett Bay, Mount Hope Bay, Greenwich
8 Bay, Little Narragansett Bay, the coastal ponds, the Sakonnet River, and Rhode Island territorial
9 waters that extend seaward three geographical miles from the shoreline including the area around
10 Block Island.

11 (2) "Coordination" means to harmonize in a common action or effort and/or to function in
12 a complementary manner.

13 (3) "River" means a flowing body of water or estuary or a section, portion, or tributary
14 thereof, including, but not limited to, streams, creeks, brooks, ponds, and small lakes.

15 (4) "Water cluster" means an economically interconnected grouping of businesses,
16 institutions, and people relying directly or indirectly on the bays, rivers, and watersheds
17 including, but not limited to, the following sectors:

18 (i) Recreation, tourism, and public events;

19 (ii) Fisheries and aquaculture;

20 (iii) Boat and ship building;

21 (iv) Boating-related businesses;

22 (v) Transportation;

23 (vi) Military;

24 (vii) Research; and

25 (viii) Technology development and education.

26 (5) "Watershed" means a land area which because of its topography, soil type, and
27 drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing
28 or planned public water supplies.

29 **46-31.1-3. Bays, Rivers and Watersheds Fund.** – (a) There is hereby established a
30 restricted receipt account within the Department of Environmental Management to be called the
31 Bays, Rivers and Watersheds Fund;

32 (b) The fund shall consist of any funds which the state may from time to time
33 appropriate, as well as money received as gifts, grants, bequests, donations or other funds from
34 any public or private sources, as well as all fees collected pursuant to § 46-23-1(f)(2) for the

1 [leasing of submerged lands for transatlantic cables, and all fees collected pursuant to chapter 46-](#)
2 [12.11 for the disposal of septage;](#)

3 [\(c\) All funds, monies, and fees collected pursuant to this section shall be deposited in the](#)
4 [Bays, Rivers and Watersheds Fund, and shall be utilized by the Department of Environmental](#)
5 [Management consistent with the purposes of §46-23.2-1 entitled, “The Comprehensive](#)
6 [Watershed and Marine Monitoring Act of 2004”, §46-12, “Water Pollution” and §46-6.2 entitled](#)
7 [“Resilient Rhode Island Act of 2014 – Climate Change Coordination Council”. All expenditures](#)
8 [from the fund shall be subject to appropriation by the general assembly.](#)

9 **46-31.1-4. Severability.** [– If any provision of this chapter or the application thereof to](#)
10 [any person or circumstances is held invalid, such invalidity shall not affect other provisions or](#)
11 [applications of the chapter, which can be given effect without the invalid provision or application,](#)
12 [and to this end the provisions of this chapter are declared to be severable.](#)

13 SECTION 3. Section 46-12.7-13 of the General Laws in Chapter entitled “Oil Spill
14 Prevention, Administration and Response Fund” is hereby amended to read as follows:

15 **46-12.7-13. Preventative uses of the fund.** – (a) Recognizing the importance of the
16 development of readiness and response programs, the legislature may allocate not more than two
17 hundred fifty thousand dollars (\$250,000) per annum of the amount then currently in the fund to
18 be devoted to research and development in the causes, effects and removal of pollution caused by
19 oil, petroleum products and their by-products on the marine environment and the monitoring of
20 baseline environmental and economic conditions.

21 (b) The two hundred fifty thousand dollars (\$250,000) per annum allocated for research,
22 development, and monitoring shall be allocated to the [Department of Environmental Management](#)
23 ~~Coordination Team established pursuant to chapter 31 of this title~~ and expended ~~by the~~
24 ~~Coordination Team~~ consistent with the purposes of ~~subsections 46-31-9(d) and 46-31-9(e).~~ [§46-](#)
25 [23.2-3 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004”.](#)

26 (c) The remaining moneys in the fund which the legislature may allocate to research,
27 development, and monitoring shall be used for purposes approved by the director. Such purpose
28 may include, but shall not be limited to:

- 29 (1) Sensitive area data management and mapping;
- 30 (2) Scientific research and monitoring which is directly relevant to state legislation; and
- 31 (3) Development of more effective removal and containment technologies, appropriate
32 for the cleanup and containment of refined fuel oils.

33 SECTION 4. Sections 46-23.2-2, 46-23.2-5, and 46-23.2-6 of the General Laws in
34 Chapter 46-23.2 entitled “The Comprehensive Watershed and Marine Monitoring Act of 2004” is

1 hereby amended to read as follows:

2 **46-23.2-2. Legislative findings.** – (a) The general assembly finds and declares that there
3 is a need for an environmental ~~marine~~ monitoring system in the state that is capable of:

4 (1) Measuring the changing conditions in the functionality and health of the waters of the
5 state, including, but not limited to, Narragansett Bay and its watersheds, with one purpose being
6 identifying and predicting potential problems in the marine and freshwater habitats;

7 (2) Providing a data-based management system that employs central database via the
8 internet to store an internet-based electronic system to monitor, store and ~~monitoring data and~~
9 disseminate the analysis of this data to decision-makers and the public;

10 (3) Establishing a mechanism to coordinate and make consistent, monitoring efforts
11 between government agencies, municipalities, nonprofit organizations and universities; and

12 (4) Providing the comprehensive data needed to assess a sudden perturbation in the
13 marine and freshwater environments and to contribute to efforts of disaster prevention,
14 preparedness, response and recovery as defined in chapter 15 of title 30 entitled "The Rhode
15 Island Emergency Management Act."

16 (b) The general assembly recognizes and declares that the health of the waters of the
17 state, including, but not limited to, Narragansett Bay and its watersheds needs to be monitored
18 comprehensively on a long-term basis in order to be proactive in planning and responsive to
19 potential problems in the ~~marine~~ environment, including those that may arise due to a changing
20 climate. The availability of consistent environmental data supports ~~systems-level~~ planning and
21 management and provides resource managers, decision-makers and citizens with information on
22 how marine and freshwater habitats are responding to management programs and what
23 adjustments need to be made to existing programs or what new programs must be implemented to
24 achieve a healthy marine and freshwater ~~environment~~ environments.

25 (c) The general assembly recognizes the need for an integrated mechanism by which
26 individual monitoring efforts can be coordinated and managed as a system in which the
27 functionality of Narragansett Bay, ~~and~~ its watersheds ~~is~~ and other watersheds are measured and
28 individual planning and management efforts are adjusted to respond to support effective
29 environmental management. ~~the needs of this marine environment~~.

30 **46-23.2-5. The Rhode Island environmental monitoring collaborative – Creation.** –

31 (a) There is hereby authorized, created and established the "Rhode Island environmental
32 monitoring collaborative" (also known as the "collaborative") with such powers as are set forth
33 in this chapter, for the purposes of organizing, coordinating, maintaining and supporting the
34 environmental monitoring systems within Narragansett Bay ~~and~~ its watersheds and other

1 [watersheds in Rhode Island](#). The collaborative shall consist of ten (10) members, one
2 representative from each of the following: Coastal Institute at the University of Rhode Island
3 ("URI") Bay Campus (chair); coastal resources management council; department of
4 environmental management, water quality; department of environmental management, fisheries;
5 department of health; URI Watershed Watch; URI Graduate School of Oceanography;
6 Narragansett Bay commission; Statewide Planning Program (RIGIS) Division; and URI
7 Environmental Data Center. Members of the collaborative shall serve without salary but may be
8 paid expenses incurred in the performance of their duties.

9 (b) The collaborative shall work with other organizations and agencies that monitor
10 Narragansett Bay and its watersheds to perform the powers and duties established herein. These
11 include, but are not limited to, the Environmental Protection Agency, National Oceanic and
12 Atmospheric Agency, Natural Resources Conservation Service, U.S. Fish and Wildlife, U.S.
13 Geological Survey, Massachusetts Executive Office of Environmental Affairs, Narragansett Bay
14 Estuary Program, Brown University, Roger Williams University, Rhode Island Natural History
15 Survey, Save the Bay, Rhode Island Sea Grant, URI Cooperative Extension, and the Rhode Island
16 Rivers Council.

17 **46-23.2-6. Powers and duties.** – The collaborative shall have the following powers:

18 (1) To effectuate and implement a state monitoring strategy that addresses critical state
19 resource management needs, including, but not limited to, water quality protection, water
20 pollution control, fisheries and wildlife management, habitat restoration, coastal management,
21 public health protection and emergency response and that assesses and tracks environmental
22 health and function. Within six (6) months of its enactment, the collaborative shall adopt a
23 statewide monitoring strategy that will provide cost-effective and useful policies, standards,
24 protocols and guidelines for monitoring programs undertaken for the waters of the state, ~~that will~~
25 ~~support system level planning.~~ This strategy shall be reviewed and updated every ~~three (3)~~ [five](#)
26 [\(5\)](#) years. This strategy shall include the following elements:

- 27 (i) An inventory of existing monitoring programs;
- 28 (ii) An outline of additional monitoring programs the state needs;
- 29 (iii) A list of indicators that will be used to measure the health of the marine [and](#)
30 [freshwater](#) habitats of the state;
- 31 (iv) ~~A list~~ [Identification](#) of data standards and protocols that will be used on a reasonable
32 and consistent basis by monitoring programs that contribute data to the state monitoring system;
- 33 (v) A ~~mechanism~~ [plan](#) for data sharing among all monitoring programs that [optimizes the](#)
34 [ability of enables](#) both monitors and users to securely access monitoring data via the Internet and

1 to retain the integrity of such data;

2 (vi) A plan to provide data from the state ~~marine~~ environmental monitoring system for
3 disaster prevention, preparedness, response and recovery efforts in the marine environment; and

4 (vii) A communications strategy to provide for public access to monitoring data.

5 (2) To assist with the development and implementation of a state water monitoring and
6 assessment program, developed consistent with guidance issued by the United States
7 Environmental Protection Agency, and to augment ~~and implement~~ such a program to achieve the
8 purposes of this strategy set forth in subdivision (1).

9 (3) To prepare an annual report in the month of January to the governor and general
10 assembly on the activities for the preceding year as well as the predicted financial needs of the
11 system for the upcoming fiscal year.

12 (4) To enter into data sharing agreements with federal and state agencies, municipalities
13 and nongovernmental organizations for the purposes of coordination and management of
14 monitoring data and programs.

15 (5) To accept grants, donations and contributions in money, services, materials, or
16 otherwise, from the United States or any of its agencies, from this state and its agencies, or from
17 any other source, and to use or expend those moneys, services, materials or other contributions in
18 carrying out the purposes of this chapter.

19 (6) To enter into agreements for staff support that it deems necessary for its work, and to
20 contract with consultants for the services it may require to the extent permitted by its financial
21 resources.

22 SECTION 5. This article shall take effect as of July 1, 2015.