

2016 -- H 8148

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LC005806
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY - AGRICULTURE FUNCTIONS OF
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Introduced By: Representatives Handy, Serpa, and Shekarchi

Date Introduced: May 04, 2016

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 2-1-20.1 of the General Laws in Chapter 2-1 entitled "Agricultural
2 Functions of Department of Environmental Management" is hereby amended to read as follows:

3 **2-1-20.1. Rules and regulations.** -- (a) The director is authorized to adopt, modify, or
4 repeal rules and regulations that are in accord with the purposes of §§ 2-1-18 -- 2-1-27 and are
5 subject to the administrative procedures act, chapter 35 of title 42, except for those freshwater
6 wetlands located in the vicinity of the coast as set out in chapter 23 of title 46 which shall be
7 regulated by the coastal resources management council consistent with the provisions of chapter
8 23 of title 46 and §§ 2-1-18 -- 2-1-20.1 and 2-1-27.

9 (b) The director is authorized to establish jurisdictional areas through regulation. The
10 rules and regulations promulgated pursuant to § 2-1-20.1 shall apply within the jurisdictional
11 areas defined in § 2-1-20 and subject to the provisions of § 2-1-22(k) and to activities as provided
12 for in § 2-1-21.

13 (c) Within ~~twelve (12)~~ eighteen (18) months from enactment of this section, the
14 department and the coastal resources management council shall promulgate standards for
15 freshwater wetland buffers and setbacks into state rules and regulations pursuant to their
16 respective authorities. The department and the coastal resources management council shall
17 collaborate to develop the state standards for freshwater buffers and setbacks that will be
18 incorporated into the programs of both agencies. State regulations designating buffers shall

1 include a procedure that allows a municipality to petition the agency director with jurisdiction to
2 increase the size of the buffer within the designated jurisdictional area protecting one or more
3 freshwater wetland resources.

4 (d) In developing standards specified in § 2-1-20.1(c), the department and the coastal
5 resources management council shall take into consideration agricultural and plant-based green
6 infrastructure practices and activities, while ensuring protection of the state's natural resources. In
7 setting criteria, the department shall take into account, at a minimum, existing land use, watershed
8 and wetland resource characteristics, and the type of activity including acceptable best
9 management practices. The director shall establish by appointment an advisory work group to
10 facilitate input on the development of criteria for freshwater wetland setbacks and buffers
11 applicable to agricultural activities and plant-based green infrastructure. The advisory group shall
12 include, at minimum, the following: one representative from the Rhode Island Farm Bureau, one
13 representative of the Rhode Island nursery and landscape association, one representative of the
14 department of environmental management agency agricultural advisory committee, an operator of
15 a small-scale agricultural enterprise, and one professional with expertise in soil and water
16 conservation practices.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO AGRICULTURE AND FORESTRY - AGRICULTURE FUNCTIONS OF
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

1 This act would extend by six (6) months, the deadline for the department of
2 environmental management and the coastal resources management council to promulgate
3 standards for freshwater wetland buffers and setbacks into state rules and regulations.

4 This act would take effect upon passage.

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