

2011 -- S 0008

LC00034

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO WATERS AND NAVIGATION

Introduced By: Senators Tassoni, Bates, and Lombardo

Date Introduced: January 11, 2011

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 6.2

4 RHODE ISLAND ARTIFICIAL REEF PROGRAM

5 **46-6.2-1. Declaration of Purpose. --**

6 WHEREAS, In the past, the United States Navy has used unneeded ships as targets for
7 military exercises known as sinking exercises; and

8 WHEREAS, Now the Navy has devised an alternative means of disposing of obsolete
9 Navy vessels that allows the vessels to serve in a productive capacity for hundreds of years past
10 their intended use; and

11 WHEREAS, The National Defense Authorization Act for Fiscal Year 2004 allows
12 appropriate decommissioned ships to be donated for use as artificial reefing; and

13 WHEREAS, The process of using obsolete vessels as man-made artificial reefs not only
14 promotes marine life and fishing but relieves pressure on natural coral reefs; and

15 WHEREAS, The measure allows the Navy to accomplish the overall process for the cost-
16 effective donation and transfer of available naval vessels; and

17 WHEREAS, The United States Maritime Administration (MARAD) will coordinate the
18 federal agency solicitation and application for obtaining the vessels for use as artificial reefs; and

19 WHEREAS, The donation and transfer application for all United States Navy and

1 MARAD ships available for use as artificial reefs may be submitted only by states,
2 commonwealths, territories and possessions of the United States, or municipal corporations or
3 political subdivisions thereof; and

4 WHEREAS, The placement in Florida waters of the U.S.S. Spiegel Grove in 2002 the
5 U.S.S. Oriskany in 2006, and the U.S.S. General Hoyt S. Vandenburg in 2009 has already
6 provided a substantial economic benefit to the state and to communities and businesses in the
7 proximity of the placements; and

8 WHEREAS, Rhode Island already has defined Marine Recreation in the Ocean Special
9 Area Management Plan (SAMP), a collection of locations that are open to the public in Rhode
10 Island and which currently include four themes, those themes being Marine Recreation in the
11 SAMP Area, Cruise Ship Tourism, Recreational Activities Adjacent to the SAMP Area, and
12 Economic and Non-Market Value of Recreation and Tourism in the SAMP Area; and

13 WHEREAS, This act would add a new, fifth theme to the Ocean Special Area
14 Management Plan, a United States Navy vessel theme; and

15 WHEREAS, The program provides a practical option for disposing of inactive naval
16 vessels in a cost-effective and environmentally sound manner that can continue to promote
17 ecotourism associated with recreational diving and fishing in Rhode Island; now, therefore be it

18 RESOLVED, The general assembly determines that a statewide matching grant program
19 to secure and place United States Maritime Administration (MARAD) and United States Navy
20 decommissioned vessels in Rhode Island waters as artificial reefs would be of great benefit to
21 Rhode Islanders in promoting ecotourism associated with recreational diving and fishing in
22 Rhode Island. The general assembly further finds that a pilot program for the preparation and
23 deployment of the U.S.S. TBD in Block Island Sound would assist in the appropriate
24 development of procedures for the placement of decommissioned vessels in Rhode Island waters.
25 Therefore, the general assembly hereby authorizes the planning and development of a statewide
26 matching grant program and a pilot program as described in this subsection to be administered by
27 the Rhode Island Commission on Tourism. The programs will be implemented subject to
28 appropriations.

29 **46-6.2-2. Objectives of program.** – (a) Assist in reducing the pressures on natural reefs
30 in Rhode Island waters and increasing the opportunities for recreational diving and fishing.

31 (b) Provide a mechanism through which local counties and municipalities that are
32 permitted to place vessels in Rhode Island waters as artificial reefs can apply for and receive state
33 matching grants for the placement of decommissioned United States Maritime Administration
34 (MARAD) and United States vessels.

1 (c) Provide state funds that would be matched with local funds, federal funds, and funds
2 from local businesses.

3 (d) Establish criteria to determine eligibility for such state matching funds.

4 (e) Assist local counties and municipalities with the donation and transfer application for
5 United States Navy and MARAD decommissioned vessels available for use as artificial reefs in
6 accordance with MARAD application evaluation criteria.

7 (f) Develop a master plan for the purposes of maximizing the number and type of vessels
8 to be placed in Rhode Island waters that provides for the location of vessels in the most
9 geographically effective and beneficial manner.

10 (g) Establish and promote standards for the placement of MARAD and United States
11 Navy decommissioned vessels in Rhode Island waters, consistent with current environmental
12 standards and the mandate of Section 3516 of the National Defense Authorization Act for Fiscal
13 Year 2004 and the 2006 publication, “National Guidance: Best Management Practices for
14 Preparing Vessels Intended to Create Artificial Reefs”, published jointly by the United States
15 Environmental Protection Agency and the United States Maritime Administration, which
16 emphasized minimization of the release of harmful substances into the environment while
17 decommissioned vessels are at anchorage and are undergoing disposal processes.

18 (h) Provide for and receive interagency comments from the agencies responsible for the
19 permitting of artificial reefs and the Rhode Island department of environmental management,
20 allowing for a review period consistent with MARAD and United States Navy application
21 deadlines.

22 (i) Establish a United States Navy vessel component as a fifth (5th) theme for Rhode
23 Island’s Recreation in the Ocean Special Area Management Plan (SAMP), consistent with the
24 responsibilities of the Rhode Island Commission on Tourism and the Office of Tourism, Trade,
25 and Economic Development with respect to nature-based tourism and heritage tourism.

26 (j) Provide for title of decommissioned vessels to be transferred to the state.

27 **46-6.2-3. Rhode Island Decommissioned Vessel Placement Program- Matching grant**
28 **program.** – The department of environmental management is authorized to establish the Rhode
29 Island decommissioned vessel placement program, a matching grant program for the securing and
30 placement of United States Maritime Administration (MARAD) and United States Navy
31 decommissioned vessels in Rhode Island waters to serve as artificial reefs and, pursuant thereto,
32 to make expenditures and enter into contracts with local governments and nonprofit corporations
33 for the purpose of securing and placing MARAD and United States Navy decommissioned
34 vessels as artificial reefs in Rhode Island waters.

1 **46-6.2-4. Artificial Reef Program.** – To carry out the provisions as set forth in this
2 chapter, the department of environmental management is authorized to adopt regulations
3 regarding the placement of vessels in state waters to form artificial reefs; authorizing the planning
4 and development of a statewide matching grant program to secure and place United States
5 Maritime Administration and United States Navy decommissioned vessels in Rhode Island waters
6 as artificial reefs; authorizing the planning and development of a pilot program for the preparation
7 and deployment of a specified decommissioned vessel in Block Island Sound to serve as a model
8 for the development of procedures for the placement of such vessels in Rhode Island waters;
9 providing for administration of the programs by the Rhode Island commission on tourism;
10 providing for implementation of the programs subject to appropriations; providing objectives of
11 the programs; providing for the establishment of the Rhode Island decommissioned vessel
12 Placement Program and matching grant program by the Rhode Island commission on tourism;
13 providing a limitation on the total annual allocation of funds for the grant program; providing a
14 limitation on individual grants awarded under the program; specifying the percentage of the state
15 matching grant; and providing procedures and requirements with respect to the programs.

16 **46-6.2-5. Grant approval.** – (a) The Rhode Island commission on tourism shall have
17 final approval of grants awarded through this program.

18 (b) The total annual allocation of funds for the grant program may not exceed twelve
19 million dollars (\$12,000,000). Each grant awarded under the program shall be limited to no more
20 than three million dollars (\$3,000,000) and shall be matched by non-state dollars. The limit for a
21 state matching grant shall be thirty-three percent (33%) of the total cost of securing and placing
22 the vessel.

23 (c) The Rhode Island commission on tourism may:

24 (1) Receive submissions of requests for matching funds and documentation relating to
25 those requests;

26 (2) Approve requests for matching funds; and

27 (3) Allocate matching funds to local governments or nonprofit corporations.

28 (d) To demonstrate that a local government or nonprofit corporations meets the required
29 criteria, the local government or nonprofit corporation must submit formal agreements, written
30 pledges, memorandums of understanding, financing arrangements, or other documents
31 demonstrating that non-state matching funds are available for securing and placing the vessel
32 prior to submission of an application. Matching grant funds shall be released only upon
33 documentation that the applicant meets all established criteria.

34 (e) The commission is authorized to adopt rules necessary to administer the matching

1 grants provided in this section.

2 (f) The Rhode Island commission on tourism shall establish a pilot program to fund the
3 preparation and deployment of the U.S.S. (TBD) in the waters of Block Island Sound and shall,
4 by January 1, 2011, and each year thereafter, provide to the governor, the president of the senate,
5 and the speaker of the house of representatives an annual report on the success and outcomes
6 achieved by the pilot program, with a recommendation as to whether the pilot program shall be
7 continued, terminated, or expanded. The Rhode Island commission on tourism shall also report on
8 the procedures developed and used for the proper preparation and deployment of the U.S.S.
9 (TBD) consistent with the objectives stated.

10 (g) To the extent that funding is made available, the pilot program shall provide funds in
11 the amount of two million dollars (\$2,000,000) to pay for a portion of the cost of the preparation
12 and deployment of the U.S.S. (TBD) in the waters off Block Island. Such funds are in addition to
13 any other funds appropriated for this purpose. The Rhode Island commission on tourism shall
14 develop procedures for conducting the pilot program, including, but not limited to, procedures for
15 determining eligibility, providing payment, ensuring that payment is limited solely to the costs of
16 preparing and deploying the vessel, and ensuring that payments are made to eligible persons or
17 local governments in the order in which each is determined eligible until the funds are exhausted.
18 The Rhode Island commission on tourism shall examine use, and to the extent possible, other
19 available options for funding the cost of the preparation and deployment of the U.S.S. (TBD),
20 including the use of funds raised by private agencies or persons.

21 **46-6.2-6. Appropriation.** – The sum of five million dollars (\$5,000,000) is appropriated
22 for the 2011-2012 fiscal year out of any money in the treasury not otherwise appropriated, to the
23 marine resources conservation trust fund. Any unexpended and unencumbered funds remaining at
24 the end of 2011-2012 fiscal year shall be carried over and remain available to the Rhode Island
25 commission on tourism for the uses and purposes set forth in this chapter.

26 **46-6.2-7. Annual report.** – Annual report. No later than January 1, 2012, and each
27 January 1 thereafter, the Rhode Island commission on tourism shall submit a report to the
28 governor, the president of the senate, and the speaker of the house of representatives detailing the
29 expenditure of the funds appropriated to it for the purposes of carrying out the provisions of this
30 chapter.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION

- 1 This act would create the Rhode Island Artificial Reef Program.
- 2 This act would take effect upon passage.

=====
LC00034