

2009 -- S 0758

LC01893

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO WATERS AND NAVIGATION -- RHODE ISLAND WORKING
WATERFRONTS PROTECTION ACT

Introduced By: Senators Walaska, and Connors

Date Introduced: February 26, 2009

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative finds. The legislature hereby finds and declares:

2 (1) Rhode Island's working waterfronts are an economic engine responsible for thousands
3 of jobs and hundreds of millions of dollars in total economic impact for the state and region;

4 (2) Rhode Island's working waterfronts are a vital source of energy products, including
5 gasoline and home heating oil;

6 (3) Rhode Island's working waterfronts provide the state and region with critical raw
7 materials, including salt, cement, asphalt and petroleum products;

8 (4) Millions of tons of cargo move through Rhode Island's working waterfronts every
9 year;

10 (5) Rhode Island's working waterfronts house and service a vibrant commercial fishing
11 industry;

12 (6) The state of Rhode Island and the US Army Corps of Engineers recently invested
13 sixty-five million dollars (\$65,000,000) to dredge the Port of Providence's forty foot (40') federal
14 deep-water channel for the benefit of the state and region;

15 (7) Rhode Island's working waterfronts are a gateway to international trade;

16 (8) Rhode Island's working waterfronts are ideally situated to take advantage of the
17 economic opportunities brought about by the growth in international and domestic water-borne
18 shipping volumes;

1 (9) Rhode Island has been a center of sea-based shipping and commerce for more than
2 two hundred (200) years;

3 (10) Rhode Island has been rapidly losing valuable working waterfront property to non-
4 water dependent use;

5 (11) There are few if any relocation alternatives for water-dependent working waterfront
6 businesses;

7 (12) Many working waterfront activities are uses of regional benefit that must be
8 protected.

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

11 CHAPTER 32

12 RHODE ISLAND WORKING WATERFRONTS PROTECTION ACT

13 **46-32-1. Short title.** – This chapter shall be known and may be cited as "The Rhode
14 Island Working Waterfronts Protection Act."

15 **46-32-2. Definitions.** – As used in this chapter these terms shall, where the context
16 permits, be construed to mean:

17 (1) "Working waterfronts" means a parcel or parcels of real property that provide access
18 for water-dependent commercial activities or provide access for the public to the navigable waters
19 of the state. Recreational and commercial working waterfronts require direct access to or a
20 location on, over or adjacent to a navigable body of water. The term includes, but is not limited
21 to, water-dependent facilities that are open to the public and offer public access by vessels to the
22 waters of the state or that state are support facilities for recreational, commercial, research or
23 governmental vessels. These facilities include, but are not limited to, ports, piers, docks, wharfs,
24 lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing
25 facilities, boat construction facilities and other support structures over the water.

26 (2) "Water-dependent uses" means those uses and facilities which require direct access to,
27 or location in, marine or tidal waters, and which therefore cannot be located inland, including but
28 not limited to, ports, marinas, recreational uses, navigational and commercial fishing and boating
29 facilities, ship repair facilities, water-based recreational uses, navigation aids, basins and
30 channels, industrial uses dependent upon waterborne transportation or requiring large volumes of
31 cooling or process water which cannot reasonably be located or operated at an inland site.

32 (3) "Council" means the Coastal Resource Management Council as established in chapter
33 46-23.

34 **46-32-3. Determination of water dependent uses.** – (a) In carrying out its duties under

1 the provisions of this chapter, the council shall act to preserve and protect the rights in working
2 waterfronts for the inhabitants of the state by ensuring that working waterfronts are utilized only
3 for water-dependent uses or otherwise serve a proper public purpose. The council shall protect
4 and promote working waterfronts as a workplace for commercial fishing, shipping, passenger
5 transportation, boat building and repair, marinas and other activities for which proximity to the
6 water is either essential or highly advantageous.

7 (b) The council, upon recommendation by the coastal resources advisory committee, shall
8 issue reasonable rules and regulation governing the termination of projects that have a water
9 dependent use or non-water dependent use in accordance with this chapter.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION -- RHODE ISLAND WORKING
WATERFRONTS PROTECTION ACT

- 1 This act would establish a working waterfronts protection act to preserve and promote
- 2 working waterfronts as a workplace for commercial shipping, fishing, passenger transportation,
- 3 boat building and repair, marinas and other activities.
- 4 This act would take effect upon passage.

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