

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, Section § 42-35-2.6 of the General Laws of Rhode Island, following is a concise explanatory statement:

AGENCY: Department of Environmental Management

DIVISION: Agriculture and Resource Marketing

RULE IDENTIFIER: 250RICR40201

RULE TITLE: Rules and Regulations for Enforcement of the Farm, Forest, and Open Space Act

REASON FOR RULEMAKING:

The purpose of these regulations is to update the requirements for implementation of the Farm, Forest, and Open Space Act to include the provision regarding dual use renewable energy standards, and to make additional amendments as necessary. The Department of Environmental Management, Divisions of Agriculture and Forest Environment, in cooperation with cities and towns are responsible for administering the program. These regulations will: define properties eligible for inclusion; set eligibility requirements; specify standards for continued eligibility. The purpose of this amendment is to reformat the regulation in accordance with the RICR and to make additional nontechnical changes. Reformatting of the regulation in accordance with RICR includes, but is not limited to, renumbering, movement of text, and elimination of duplicative or nonregulatory text, among other format changes.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: N/A

TESTIMONY, COMMENTS AND OBJECTIONS: Attached is DEM's Response to Comments.

CHANGE TO TEXT OF THE RULE: A summary of nontechnical changes between current and amended regulation by section is as follows:

Former Section 1.3, Findings and Policy, was removed from the regulation.

Section 1.4 has been updated to add definitions of "generation unit" and "dual use generation unit," and to revise existing language in several definitions, including language in relation to

conservation plan requirements.

Section 1.5 has been added in response to statutory amendments.

Section 1.6 has been updated to include a section allowing an agricultural operation to use solar panels or wind turbines as a secondary use of the land, thereby allowing for both energy production and farmland agriculture to occur in the same footprint under specified standards.

Former Section 1.13, Severability, was removed from the regulation.

Former Section 1.15, Application for Designation of Farmland or Forestland, was removed from the regulation, and this separate document was referenced in Section 1.7.

REGULATORY ANALYSIS: The Department has determined that small businesses will not be adversely impacted by the proposed regulations referenced above. However, the public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may believe that that may be adversely affected. For full regulatory analysis or supporting documentation see agency contact person Kenneth Ayars for the agency listed above.