

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title of Rule:** Rules and Regulations for Enforcement of the Farm, Forest, and Open Space Act

**Rule Identifier:** 250-RICR-40-20-1

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: 09/24/2018

Hearing Date: 10/17/2018

End of Public Comment: 10/24/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws Chapter 44-27

R.I. Gen. Laws §§ 44-5-39 through 41

**Summary of Rulemaking Action:**

The purpose of these regulations is to update the requirements for implementation of the Farm, Forest, and Open Space Act to include 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 non-technical changes. Reformatting of the regulation in accordance with RICR includes, but is not limited to, renumbering, movement of text, and elimination of duplicative or non-regulatory text, among other format changes. A summary of non-technical changes between current and proposed regulation by section is as follows:

Former Rule 3, Findings and Policy, was removed from the regulation.

Section 1.4 has been updated to add definitions of "generation unit" and "dual 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.

Section 1.7 has been updated to remove references to outdated RIDEM guidance documents and appendices.

Section 1.12, Severability, was removed from the regulation.

Former Rule 15, Effective Date, was removed from the regulation.

All appendices have been removed from the regulation.

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until October 24, 2018 by contacting the appropriate party at the address listed below:

Kenneth Ayars  
Department of Environmental Management  
Division of Agriculture  
235 Promenade Street  
Providence, RI 02908  
ken.ayars@dem.ri.gov

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 17, 2018 at 5:00 pm at 235 Promenade Street, Room 300, Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-5300 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**Regulatory Analysis Summary and Supporting Documentation:**

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 above.

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