

2023 -- S 1120

LC003224

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

CONCURRENT RESOLUTION

RELATING TO APPROVAL FOR A SUBMERGED LAND LEASE IN CONNECTION WITH
THE REVOLUTION WIND PROJECT

Introduced By: Senator Alana DiMario

Date Introduced: June 13, 2023

Referred To: Senate Judiciary

1 WHEREAS, Revolution Wind, the "Project", is a planned 704 to 880 megawatt offshore
2 wind farm to be constructed and operated by Revolution Wind, LLC, and located approximately
3 15 miles south of the Rhode Island coast with a plan for up to 79 offshore wind turbine generators
4 that will provide Rhode Island with approximately 400 megawatts of power (the "Project"); and

5 WHEREAS, In connection with the Project, Revolution Wind, LLC proposes two
6 submarine export transmission cables associated with the Project to be contained in one
7 continuous corridor where such cables enter Rhode Island state waters, through the Narragansett
8 Bay West Passage, to a landfall location at Quonset in North Kingstown, Rhode Island (the
9 "Cables"); and

10 WHEREAS, The total length of the corridor containing the Cables will be twenty-three
11 (23) miles, and within this corridor each cable will run parallel with a targeted spacing of six
12 hundred fifty-six (656) feet between the Cables. This corridor will be, in total, one thousand three
13 hundred twelve (1,312) feet wide and will result in a total lease area of three thousand six
14 hundred fifty-eight (3,658) acres in Rhode Island state waters; and

15 WHEREAS, Article I, Section 17 of the Rhode Island Constitution states, "...it shall be
16 the duty of the general assembly to provide for the conservation of the air, land, water, plant,
17 animal, mineral and other natural resources of the state, and to adopt all means necessary and
18 proper by law to protect the natural environment of the people of the state by providing adequate
19 resource planning for the control and regulation of the use of natural resources of the state and for

1 the preservation, regeneration and restoration of the natural environment of the state"; and

2 WHEREAS, Pursuant to the public trust doctrine long recognized in federal and Rhode
3 Island State law, title in fee simple to land, or any portion thereof, within state boundaries,
4 including all submerged lands of the State, cannot be acquired by, or transferred to, any private
5 individual or entity unless conveyed by explicit grant from the General Assembly for public trust
6 purposes; and

7 WHEREAS, The General Assembly, by its enactments, establishes the policies for the
8 preservation and use of natural resources of the State which are held in public trust by the State,
9 and has the responsibility and sole authority to balance the interests of competing proposed uses
10 for land, or any portion thereof, within State boundaries, including submerged lands, and that
11 determination shall be deemed to be, and accepted as, the authoritative definition of the public
12 interest in relation to the preservation and use of such lands; and

13 WHEREAS, The Coastal Resources Management Council (CRMC) has the responsibility
14 of managing the preservation of the State's coastal resources including submerged lands pursuant
15 to Rhode Island General Law § 46-23-1 and § 46-23-6; and

16 WHEREAS, Pursuant to Rhode Island General Law § 46-23-1, due to the size and scope
17 of the Project, any lease of submerged lands, or any license to use such lands, is subject to
18 approval, disapproval, or conditional approval from the General Assembly; and

19 WHEREAS, The Rhode Island Constitution Article VI, Section 1 states, "The general
20 assembly shall pass all laws necessary to carry the Constitution into effect"; and

21 WHEREAS, The Rhode Island Constitution Article VI, Section 2 states, "The
22 concurrence of the two houses shall be necessary to the enactment of laws."; now, therefore be it

23 RESOLVED, That this General Assembly of the State of Rhode Island hereby finds that
24 following extensive negotiations and proceedings between CRMC and Revolution Wind, LLC
25 conditions have been mutually agreed to resulting in the CRMC issuing a finding that the Project
26 is consistent with the policies of Rhode Island's approved management program, as evidenced by
27 that certain RI CRMC Federal Consistency Review of the Revolution Wind Project-Staff
28 Decision Recommendation for Concurrence, dated April 25, 2023, CRMC File No. 2021-06-029;
29 and be it further

30 RESOLVED, That in accordance with RIGL 46-23-1(f)(2), the General Assembly hereby
31 authorizes the CRMC to enter into a submerged land lease in connection with the installation,
32 construction, reconstruction, repair, replacement, maintenance, operation, uses, inspection, patrol,
33 decommissioning and removal of the Cables, in accordance with applicable law and relevant
34 CRMC regulations, which lease shall be for an initial term of no more than twenty-five (25)

1 years and provide for, among other terms, a total lease payment in the aggregate amount of not
2 less than two million and 00/100 Dollars (\$2,000,000.00), and shall contain such other terms and
3 conditions mutually agreed upon by CRMC and Revolution Wind pursuant to applicable law and
4 relevant rules and regulations of CRMC.

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