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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO WATERS AND NAVIGATION -THE JOHNSON'S POND PROTECTION
ACT

Introduced By: Senators Raptakis, Archambault, Anderson, Calkin, Sosnowski, and
Lombardo

Date Introduced: February 08, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Short title. This act shall be known and cited as "The Johnson's Pond
2 Protection Act".

3 SECTION 2. Section 46-18-1 of the General Laws in Chapter 46-18 entitled "Damages
4 from Milldams" is hereby amended to read as follows:

5 **46-18-1. Right of owner to continue and improve dam and pond.**

6 (a) Whenever any person, either upon his or her own land or upon the land of another with
7 his or her consent, shall have set up any water mill or dam for the purpose of forming a pond to
8 supply water to any mill or mills upon the stream whereon the dam is located, the owner of the mill
9 or dam may continue and improve the pond and keep up the dam thereof on his or her own land for
10 his or her advantage without molestations, except as provided in subsection (b).

11 (b) The provisions of this section shall be governed by the provisions of chapter 1 of title
12 2 (the "fresh water wetlands act"), specifically with respect to a certain parcel of land located within
13 the town of Coventry, commonly known as "Johnson's Pond".

14 SECTION 3. Section 2-1-23 of the General Laws in Chapter 2-1 entitled "Agricultural
15 Functions of Department of Environmental Management" is hereby amended to read as follows:

16 **2-1-23. Violations.**

17 (a) In the event of a violation of § 2-1-21, the director of environmental management has
18 the power to order complete restoration of the freshwater wetland, buffer, floodplain, or other

1 jurisdictional area involved by the person or agent responsible for the violation. If the responsible
2 person or agent does not complete the restoration within a reasonable time following the order of
3 the director of the department of environmental management, the director has the authority to order
4 the work done by an agent of the director's choosing and the person or agent responsible for the
5 original violation is liable for the cost of the restoration. The violator is liable for a fine not
6 exceeding five thousand dollars (\$5,000) for each violation, except that if the violator knowingly
7 or recklessly alters a freshwater wetland, buffer, floodplain or other jurisdictional area without a
8 permit or approval from the director; knowingly or recklessly alters a freshwater wetland, buffer,
9 floodplain or other jurisdictional area in violation of the rules or regulations promulgated by the
10 director; or alters a freshwater wetland, buffer, floodplain or other jurisdictional area in violation
11 of a permit issued by the director, then the violator is liable for a fine not exceeding ten thousand
12 dollars (\$10,000) for each violation, except if the violation occurs on the land commonly known as
13 "Johnson's Pond", the fine shall be sixty thousand dollars (\$60,000) per day.

14 SECTION 4. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
15 hereby amended by adding thereto the following chapter:

16 CHAPTER 19.1

17 JOHNSON'S POND COVENTRY

18 **46-19.1-1. Regulation of water levels.**

19 The town of Coventry shall at all times, including during a weather emergency, have the
20 sole and exclusive authority to maintain and control the water levels of Johnson's Pond and to
21 maintain, operate, and monitor the control gates that regulate the flow of water from Johnson's
22 Pond into the Pawtuxet River, between April 1 and November 1, each year. This section shall take
23 precedence over any agreements that are not consistent with provisions contained herein.

24 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make the Mill Damn Act subject to the provisions of the Freshwater
2 Wetlands Act as it related to Johnson's Pond in the town of Coventry. It would also grant the
3 exclusive authority to the town of Coventry to regulate the water levels and flow rates of Johnston's
4 Pond, between April 1 and November 1, each year. This act would also increase the fines for failing
5 to restore the wetland at Johnson's Pond to sixty thousand dollars (\$60,000) per day.

6 This act would take effect upon passage.

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