

490-RICR-00-00-5

TITLE 490 – WATER RESOURCES BOARD

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 5 – Big River Management Area

5.1 Purpose

The purpose of this regulation is to set forth procedures that preserve the land acquired by the Big River – Wood River Reservoir Site Acquisition Act, P.L. 1964, Ch. 133 for the development of future water supply. Further, this regulation also ensures that any use of the Big River Management Area preserves and protects the quality and quantity of water in the aquifer, protects public safety and is consistent with the development and use of the area for water supply.

5.2 Legislative Authority

These regulations are promulgated pursuant to R.I. Gen. Laws §§ 37-20-1, 45-36-1(1) through (7), 46-15.1-19.1, 20-1-8 and R.I. Gen. Laws Chapter 42-17.1.

5.3 Definitions

- A. "Board" means the Water Resources Board and/or its authorized agents.
- B. "DCAMM" means the Rhode Island Department of Administration, Division of Capital Asset, Management & Maintenance.
- C. "Development" means permanent improvements and/or permanent alterations to the land.
- D. "Management area" means the Big River Management Area as acquired by the Big River-Wood River Site Acquisition Act, P.L., 1964, Ch. 133.
- E. "Materials" means any natural resource located on the land, to include but not be limited to, rock formations, boulders, trees, soil and water resources.
- F. "Motorized" or "Mechanized vehicle" means any mechanized mode of transportation, to include but not be limited to, any vehicle that operates via a combustible engine or natural gas or electricity or solar.

- G. "Open space use" means activities that have a minimal and/or non-permanent impact on the physical characteristics and/or nature of the land and water resources.
- H. "Passive recreation" means any form of hiking, backpacking, hunting, fishing, horseback riding, canoeing or kayaking.
- I. "RIDEM" means the Rhode Island Department of Environmental Management.

5.4 Allowed Uses in the Management Area

- A. Passive recreation or open space use activity shall include but not be limited to, hiking, backpacking, hunting and trapping (As permitted and regulated by RIDEM), fishing, canoeing and kayaking (limited to ponds and Big River), and horseback riding.
- B. Other uses or the above allowed uses in groups comprised of more than ten (10) persons must be reviewed and approved by RIDEM pursuant to § 5.7 of this Part and shall require a special use permit.
- C. Non-mechanized or non-motorized bicycles are permitted subject to restrictions and requirements that the Board may periodically adopt and publish in consultation with the RIDEM.

5.5 Prohibited Uses in the Management Area

- A. Development as defined in this regulation.
- B. Swimming, and camping.
- C. Removal of any materials and/or natural resources of any kind from the management area including but not limited to clear-cutting, firewood cutting, unless and until approved by the Board.
- D. Use of pesticides is strictly prohibited unless permitted and approved by RIDEM.
- E. Storage of hazardous materials is strictly prohibited unless permitted and approved by RIDEM.
- F. Use of Mechanized or Motorized vehicles as defined in § 5.3(E) of this Part is strictly prohibited.
- G. Other uses not explicitly allowed or prohibited in this regulation shall be evaluated on a case by case basis by the Board in consultation with RIDEM.

5.6 Leases for Residential, Non-Residential and Recreational Tenants

- A. All Residential, Non-Residential and Recreational Leases in the Management Area shall be determined and evaluated on a case by case basis by DCAMM in consultation with the Board.
- B. Tenants
 - 1. Original Residential Tenants
 - a. Original Residential Tenants means those persons whose names appear on the original deed and lease agreements signed in 1964 at the time of the land condemnation. Same shall continue to pay the original rent amount and shall not be subject to rent increases. This rent concession is:
 - (1) Exclusive to the original owner(s) of the premises in the Management Area while he or she is a tenant of DCAMM in that home which he or she owned at the time of condemnation.
 - (2) The lease shall terminate upon the death of the original owner or if the original owner fails to reside on a continuous and uninterrupted basis at the premises or upon termination of tenancy for breach or nonpayment.
 - (3) The lease cannot be assigned or transferred.
 - 2. Other Residential Tenants
 - a. Residential tenant means tenants other than those meeting the definition of an original owner in the Management Area. Same will be assessed fair market rent. DCAMM shall determine fair market rent.
 - 3. Non-Residential Tenants
 - a. Non-residential tenant's rent in the Management Area is subject to an annual cost of living increase using the Consumer Price Index (CPI) for the New England Region, effective the preceding year. DCAMM shall calculate this rent annually.
- C. As Residential, Non-Residential and Recreational Vacancies occur DCAMM shall ensure that no new leases issue and shall also ensure the demolition of any structures and shall ensure restoration of the property to its natural state. Extensions of existing leases are permissible on a case by case basis. DCAMM

shall be responsible for the demolition of any vacant property or structure in the Management Area.

D. Maintenance

1. The Tenant is responsible for keeping the interior and exterior of the leased Premises leased in good repair. Ordinary wear and tear are excepted.
2. Tenants must maintain the heating, plumbing, electrical, and all other mechanical and structural systems and must repair any damage caused by Tenant's misuse of all appliances within the leased Premises, including but without limiting the generality thereof: the plumbing facilities, heating appliances, electrical wires and fixtures, if any.

5.7 Requests to Use the Management Area - Subject to Issuance of a Use Permit From RIDEM

- A. Individuals, Groups and/or Organizations interested in conducting activities in the Management Area other than those allowed in § 5.4(A) of this Part must submit an application to RIDEM no less than thirty (30) days prior to the proposed activity date(s).
- B. RIDEM may require liability insurance coverage for some activities and may set other stipulations and requirements as RIDEM deems necessary.

5.8 Enforcement

RIDEM shall have the enforcement authority for the Management Area pursuant to R.I. Gen. Laws §§ 46-15.1-19.1, 20-1-8 and R.I. Gen. Laws Chapter 42-17.1.

