



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

February 26, 2026

The Honorable Carol Hagan McEntee
Chairwoman
House Committee on Judiciary
82 Smith Street
Providence, Rhode Island 02903

RE: H 7761 An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations

Dear Chairwoman Hagan McEntee,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to offer comments on H 7761, which would amend state law to remove existing liability limitations from applying to the state and municipalities. DEM has strong concerns regarding this legislation.

H 7761 would eliminate state and municipalities as landowners afforded protections under the Landowner Liability Act in the Recreational Use Statute. The initial passage of the Act in 1978, and the amendments made in 1996 adding the state and municipalities as protected landowners, have resulted in tens of thousands of acres being made available to the public for recreational uses. The passage of the Act in 1978, and its expansion of protection to the state and municipalities, were the result of a concerted effort of the state, municipalities, environmental groups, and the General Assembly to open lands to the public for recreation.

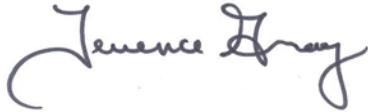
In total the state, municipalities, and nongovernmental organizations have protected approximately 160,000 acres of land which equates to nearly 22% of the state land area. Since 1996, DEM has worked to protect more than 30,000 acres of additional public lands. At the same time, municipalities and land trusts protected thousands of additional acres. Due to the protections afforded by the Landowner Liability Act, nearly all these lands are open without charge for public recreation. A 2017 study by the University of Rhode Island showed that our state parks attract over nine million visitors per year, providing millions of dollars in economic benefits.

Eliminating the afforded protections would result in the state, municipalities, and land trusts being forced to make difficult decisions regarding the continued availability of many parcels for recreation use. Many of the most scenic areas, especially along the coast, may require that access be terminated or restricted to protect the state and municipalities from litigation and liability

risks. The effects of this amendment would negatively impact Rhode Island residents and visitors who enjoy the use of many of the most spectacular places in our beautiful state.

We appreciate the opportunity to offer comments on this legislation and would be pleased to work with you to address the issues raised in this letter. Please feel free to contact Jason McNamee, Deputy Director for Natural Resources, at jason.mcnamee@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads "Terrence Gray". The signature is written in a cursive style with a large, sweeping initial "T".

Terrence Gray, P.E.
Director

cc: Members of the House Committee on Judiciary
The Honorable Robert E. Craven, Sr.
Nicole McCarty, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director