

Legislative Task Force Meeting #2 on 10/24/2013
TALK #1 HISTORY - Summary of Prior Wetland Task Forces
Presented by Carolyn Murphy, RI DEM Office of Water Resources

I talked a bit about prior wetlands task forces at 9/19 meeting. There have been several wetland-related task forces or advisory groups since the Act was promulgated in 1971, some of which also included review of the septic system program. The Department values the high-level work that the groups have conducted, the expertise of the members, and especially the time members have invested.

Since the last meeting, I have had a chance to look again at the final reports for the **Governor's Advisory Committee on Wetlands and Septic Systems (dated 1995)** and the **Director's Wetlands Task Force (2001)** and research or remind myself of Actions completed since the reports.

As I said last month, the Gov. Advisory Committee was established by Executive Order of Gov. Almond. There were 17 total members, including Russ and Scott Morehead from this Task Force. **Per the Executive order, the charge was very broad to “*examine ways to improve the regulation of septic systems and the protection of wetlands.*” Also, to “*examine the timetables, staffing, funding, process for dispute resolution, and licensing as they pertain to these programs.*”**

There were 60 meetings.

The Final Report (1995) provided numerous recommendations, and it discussed the background and the benefits of each. There were 44 wetland specific or wetland-related recommendations including about funding, general administration, and enforcement.

In consultation with today's program supervisors, I identified that approximately ~45 % of the recommendations were partially or fully implemented. Many of the recommendations were to be implemented via revisions to the wetlands statute, which was attempted 4 times unsuccessfully. The greatest percent completion (~65 %) was of the general recommendations that were under the wetland program managers' authority to implement.

One of the Governor's Committee recommendations WR #4 - is related to this task force's scope. It reads: Redefine what are now considered perimeter wetlands and riverbank wetlands to regulate them as buffer zones and transition zones.

This was addressed in the bills in 1996 through 1999, and I recall was one of the primary issues driving the Committee to pursue the bills.

During this period there were other noteworthy actions that affected the wetlands program:

- The Department was reorganized, and the Division of Wetlands permitting and enforcement functions were split. The permitting functions was brought under the Office of Water Resources and the enforcement function and staff became part of the new Office of Compliance and Inspection;

- Also during this time, the General Assembly approved amendments to the State Coastal Management law that gave **authority for freshwater wetlands in the vicinity of the coast** to CRMC in order to eliminate duplicative permitting.
- Also, the wetland programs were staffed up in 1998-2000 with new scientist positions and the first wetland policy position.

In 2000, the then new Director initiated a series of permit streamlining task forces, starting with the wetlands program. *The objective was to investigate specific administrative, policy, regulatory and statutory changes that could be used to further streamline program operations, increase customer satisfaction and meet the mandates of the law.* There were 25 people invited to assist the Department and over 40 participated. The group identified 37 issues to pursue and they were assigned to 9 subgroups to discuss and report back on.

Members of the current task force who participated were from DOA, CRMC, RIBA, STB, and consultants Gary Ezovski and Scott Moorehead. Scott Rabidue participated for the House.

The Final Report (2001) did not recommend statutory changes at that time. It did recommend regulatory, policy, and outreach changes or projects to streamline the program. The Department has focused on implementing those and ~84 percent of them have been partially or fully completed. Noteworthy, I think, has been the completion of 3 phases of wetland rule revisions, including the significant re-authoring of the rules in 2007 for improved clarity.

The Task Force's Statutory subgroup and the Watershed Working Group discussed and provided recommendations on buffers and setbacks.

See Final Report page 21 for discussion from the Statutory subgroup. The group acknowledged that the bordering areas were worthy of protection and regulation based on their significance in protecting or enhancing the value of adjacent wetlands.

The Watershed Group included in their report a Tiered Buffer Model as a way to articulate the rationale for permit decisions. The buffers are tiered by wetland types based on the functions and values the wetland types provide.

Conclude: An advantage of this Task Force is its narrow focus on wetland buffers and setbacks.