



Memorandum

To: Raymond Coia, CRMC Chair and Council members

From: James Boyd, CRMC Deputy Director

Date: November 3, 2021

Re: For Council action: Adoption of proposed new *CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* (650-RICR-20-00-9)

The CRMC issued a public notice for rulemaking on September 27, 2020 for proposed adoption of new *CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast*. The Council held a public hearing in this matter on October 19, 2021 in conformance with R.I. Gen. Laws § 42-35-2.8. No public testimony was offered at the October 19 public hearing. The public comment period closed on October 27, 2021 and two set of written comments were received during the 30-day public comment period. The Rhode Island Builders Association (RIBA) filed written comments with attachments dated October 12, 2021 and Save The Bay (STB) filed written comments dated October 18, 2021. Both sets of comments were provided to the Council in advance of the October 19, 2021 public hearing.

CRMC staff have prepared a separate document "Response to Public Comments on Proposed Adoption of New CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-9)," dated November 1, 2021 to address and respond in detail to the issues raised by the comments. RIBA argues that the proposed CRMC freshwater wetland rules are too restrictive, while STB argues the proposed rules are not protective enough of freshwater wetland resources. Based on those two opposing positions, it would appear that the Agencies, CRMC and DEM, have found the correct balance in the jointly developed draft statewide freshwater wetland rules that provide adequate regulation to protect freshwater wetland resources, as required by state law, while providing for new development and economic growth within the Agencies' expanded jurisdictional area.

The CRMC staff recommends that the Council adopt the proposed rules as publicly noticed for consistency with existing state law and in coordination with the already adopted and soon to be effective DEM Freshwater Wetland regulations.