



## Memorandum

To: Raymond Coia, CRMC Chair and Council members

From: James Boyd, CRMC Deputy Director

Date: January 5, 2022

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 addressed these comments in a response document included with the CRMC staff memo dated November 1, 2021.

The Council held a meeting on November 9, 2021 to consider adoption of the proposed rules and following brief discussion the Council voted to defer action to a later date. In addition, DEM was in the process of modifying the effective date of their freshwater wetland rules from January 15 to July 1, 2022. DEM held a public hearing on December 6, 2021 and filed their final rule with the Secretary of State on December 24, 2021. The new DEM freshwater wetland rules will be effective on July 1, 2022, which will provide additional time for agency staff and stakeholder training and development of guidance documents for rule implementation.

The CRMC staff recommends that the Council adopt the proposed rules as publicly noticed with a revision of the effective date in § 9.20 from January 15, 2022 to **July 1, 2022** for consistency with existing state law and in coordination with the DEM adopted Freshwater Wetland regulations to be effective on July 1, 2022.