

## **Minutes from the Wetlands Task Force Meeting January 20, 2000**

The Wetlands Task Force meeting began on Thursday, January 20, 2000. Jan Reitsma chaired the meeting and spoke to the need to provide a mechanism to resolve problems that involve the Wetlands program. It was his intention to review this program along with other DEM regulatory programs for improvements that could be attained through program administrative, policy and regulatory changes. The process may also lead to statutory changes. He discussed the possibility of statutory changes with Representative Ginaitt. Although the last day to introduce a bill is next week, Representative Ginaitt indicated it would be possible to extend this deadline.

Tom Getz then gave a broad review of the Draft Wetlands Report that was prepared and distributed for this meeting.

The members were then asked to provide the department with three problems / concerns that they wanted the task force to address. The problems were then categorized into administrative, policy, regulatory and statutory issues. Attachment A below is a compilation of these issues.

A discussion was then held on how to resolve some of the problems. The group started with the issues that required statutory revisions.

The statutory definition of a wetland was discussed at length. It was agreed that Alan Shoer of DEM would gather information concerning the current definition and the definition used in last years proposed legislation.

The issue of municipal oversight / veto of projects was discussed and it was recommended that Alan Shoer (DEM), Jeff Brownell (Save the Bay) and Jennifer Perkins (Local Cities & Towns) would work on the issue and report back at the next meeting. In general, the municipality representatives were looking at the veto provision favorably.

The term of a permit was discussed and there seemed to be agreement that the term of the permit could be lengthened to three years. It also was thought that longer permitting times could be allowed for projects if the applicant noted the need in the beginning of the process and if site conditions were not expected to change substantially. DEM will draft language for further discussion at the next meeting.

The next meeting was scheduled for Thursday, February 3, 2000 at 8:30-10 AM. Future meetings will be scheduled for the first Thursday of the month. Meeting notes will be distributed prior to the meeting.

## **Administrative**

1. Categorize applications to allow simple applications to be processed first.
2. Encourage meetings with wetlands staff and applicants throughout the application process.
3. Initiate additional public outreach explaining the positive portions of DEM activities in the program. (Two comments)
4. The statewide wetlands program would benefit from DEM / CRMC program consistency.
5. Utilize and maintain the Internet for communication, public education and application retrieval purposes.
6. Continue to improve the administrative permitting process.

## **Policy**

1. If a construction activity infringes on a wetland, the problem activity currently needs to be removed, and an application then needs to be filed to address the wetland problem. Could the policy be changed to immediately stop the construction activity and then file an application, with the possibility that the wetland application can address the infringement of the wetland?
2. Program emphasis should include an oversight function that assures that permit conditions are being implemented in the field. (two comments)
3. Incorporate watershed concept into wetlands program.
4. Allow for local input on decisions concerning wetlands issues, especially who determines if a project is 'big' or 'small'. (two comments)
5. Cities and towns are not following proper procedures with respect to exempt activities and DEM should consider this sector for increased compliance activities. This sector should be setting an example for the private sector.
6. DEM should provide better feedback to the public in response to complaints concerning potential violations of the Wetlands Act.
7. DEM staff should be more proactive in the application process by providing advice on how to overcome regulatory problems.
8. The public needs to be better informed on wetland issues. This may lead to fewer conflicts about the development of marginal land. (three comments)
9. The process needs to be more predictable. DEM should provide more guidelines or outreach activities on wetland issues.

(Attachment A continued)

## **Regulation**

1. Allow flexibility that permits the elimination of definitional wetlands of no value.
2. Third party access to a property in order to delineate wetlands is problematic.
3. Regulations are value neutral and apply the same level of protection to all wetlands.
4. Regulations need to assess cumulative alterations on a wetlands system.
5. Small wetlands could be unique and need to be considered in the program.
6. Definition of jurisdictional area needs to be clarified. (This may be a statute issue.)
7. Projects that have a beneficial environmental impact should be processed quicker. (This was mentioned by three participants.)
8. Some of the existing exemptions should be reevaluated. Consider keeping the exemptions if BMP's are included in the project design.
9. Increase the number of exemptions.
10. Change the regulation to either allow for minor modifications to be processed under the regulations even if minor increases in limits of disturbance were proposed, or empower the supervisory staff to allow such processing despite the current restrictions of the Rule.

## **Statute**

1. Definition of jurisdictional area should be reevaluated.
2. The Wetlands Program should include municipal control and oversight provisions.
3. Permit expiration dates should be reviewed and lengthened.

### Footnote

Director Reitsma is interested in a discussion about the handling of application deficiencies.