

RIDEM Wetlands Task Force Watershed Working Group Meeting

15 March 2000

Draft Meeting Notes by C. Mason

Attendees:

Russ Chateaufneuf, Gary Ezvoski, Tom Getz, Frank Golet, Eugenia Marks, Chris Mason, Carol Murphy, Sarah Porter, Richard Ribb, Alison Walsh

DISCUSSION

We began with a discussion of two issues which some feel may lie outside our workgroup scope, namely:

- the “large vs. small” project issue (regarding local input on what constitutes an insignificant vs. significant impact project), and
- indirect wetland impacts from development occurring outside of RIDEM jurisdictional areas

Several group members felt it was reasonable for us to be considering these issues, and there may be some overlap with work being done by other groups. The following points were raised during the discussion:

- the nexus of watershed level wetland concerns with development outside DEM jurisdiction is non-point source (NPS) pollution
- there is a basic problem of inadequate data regarding impacts to wetlands from various pollutants
- we should develop a means of addressing situations where there is a clear wetland impact resulting from a project occurring outside DEM jurisdiction
- BMPs and performance standards should take care of such potential problem (NPS loading) through RIDEM water quality regulations
- Existing RIDEM wetland regulation exemptions could cause problems due to cumulative impacts
- In absence of a protocol for cumulative impact assessment, we should deal with potential cumulative impacts by minimizing impacts of all projects

Richard Ribb of RIDEM described some of the activities RIDEM has underway which address some of these concerns:

- The TMDL development process is still in the assessment phase, addressing problems identified and prioritized in the RI 303(d) list
- Some watershed water quality modeling is underway
- Implementation of Phase II Stormwater regulations
- Watershed Approach being implemented for two pilot watersheds
- Watershed groups focus on specific needs within watersheds
- Watershed groups can focus on wetlands and develop an action agenda
- \$50 million bond for land acquisition

The Massachusetts and Connecticut implementation of the watershed approach was discussed. These states appear to have a longer track record in watershed approach implementation than RI. Both MA and CT are funding numerous projects (with federal Clean Water Act funds, in part) that have been developed to address specific needs within specific watersheds. The Massachusetts Environmental Policy Act (MEPA) likely provides some measure of wetland protection from indirect impacts through assessment of upland development. MA and CT have certain advantages with regard to wetland protection because wetland regulation is primarily at the local level.

The discussion then turned to the existing and potential roles of local conservation commissions in Rhode Island. Twenty-four of the 39 cities and towns have local conservation commissions. The principal role of the local conservation commissions appears to be as an advisor to the local planning board (e.g. local subdivision review). Some towns have regulations related to wetlands protection (often indirectly) which provide additional protection beyond that afforded by RIDEM wetland regulations. Ideas related to local initiatives for better wetlands protection were mentioned:

- expanded BMPs or more stringent BMPs – for example requiring increased removal rates for pollutants in stormwater in watersheds of impaired waterbodies (e.g. Newport water supply watersheds)
- watershed specific BMPs / guidelines
- locality can require RIDEM wetlands review
- increased buffer zones / setbacks
- performance standards
- special area management plans
- role for RIDOA Statewide Planning regarding State Guide Plans
- role of RIDEM in promoting local wetland protection initiatives (education, funding, model ordinances, etc.)
- RIDEM education outreach to communities should incorporate information/guidance on watershed approach
- possible use of local conservation commissions / agents for RIDEM Wetland compliance inspections (follow-up on permits and restorations) – training would be required
- means for local conservation commissions to have more impact on RIDEM wetland decisions
- have local commissions identify vernal pools

It was pointed out that the watershed approach is in its infancy in RI, and that we need to start to get data together. It was recommended that the RIDEM wetland application form (and other types of applications?) be amended to add a space to enter the watershed within which the proposed project occurs.

It was recommended that RIDEM permit staff could be organized on a watershed basis (MADEP does this already, but their wetlands staff is more in an oversight role than RIDEM's staff which actually processes permits).

HOMEWORK

Watershed Working Group participants are requested to bring the following items to the next Working Group meeting:

1. Any additional recommendations for the group to consider. (C. Mason to collate all recommendations made so far).

NEXT MEETING

The next meeting will be held in the RIDEM Director's conference room (conference room A) at 8:30 AM on Wednesday, 28 March 2000. The agenda will focus on recommendations.