

Wetlands Watershed Working Group

SUMMARY OF MAJOR RECOMMENDATIONS

June 2000

INTRODUCTION

Seven issues identified by the RIDEM Wetlands Task Force in January 2000 were assigned to the Wetlands Watershed Working Group for discussion. This report summarizes major recommendations of the group. The group's recommendations are organized in accordance with the major issue identified by the Task Force (identified below in ***bold italics***). Other important issues that arose during deliberations of the group are included at the end of this summary. Over the course of four meetings the working group developed a list of over thirty recommendations (see Appendix A). The working group ranked these recommendations and renumbered them by priority. This summary presents the group's high and moderate priority recommendations, in order of overall rank, and consolidates similar recommendations under a single heading.

MAJOR RECOMMENDATIONS

1. Regulations are value neutral and apply the same level of protection to all wetlands.

While the existing permitting staff does consider each project on a case-by-case basis, recognizing each individual wetland's values, there is a concern that the importance of the wetland in the larger watershed context is often overlooked. Also, there are no rules or guidelines that articulate the degree to which the level of protection is related to wetland functions and values. The following recommendations were therefore made:

- A. The level of wetland protection afforded by RIDEM should consider the wetland's importance in the context of its watershed (with regard to water - related functions). The context for evaluating certain wetland functions such as wildlife habitat may include other types of evaluation areas (e.g. contiguous tracts of forest that might span watershed divides).
- B. The level of wetland protection should relate to the type, functions, and values of a wetland and its sensitivity to certain land uses / site development activities. Table 1 provides an example approach where buffer zone width is tiered by type of wetland (tiered buffer zone approach). Such a table helps to articulate the rationale for wetland permit decisions. It also can provide communities guidance regarding its own resource protection initiatives.

2. *Regulation of adjacent upland areas should be discussed and these areas should be evaluated for [indirect] wetland impacts.*

The working group agreed that RIDEM should identify mechanisms to minimize impacts to the physical, chemical and biological character of wetlands caused by alteration of adjacent uplands. Specifically:

- A. RIDEM should develop guidelines, BMPs and/or performance standards for major projects outside of wetland jurisdictional resource areas that have the potential for significant wetland impacts (pursuant to Rule 7.01 B). In addition, more specific examples of qualifying projects should be developed (e.g. moderate to high yield wells, landfill caps/liners, golf courses, creation of large impermeable surfaces).

3. *Regulations need to assess cumulative alterations on a wetlands system.*

There was much discussion in the working group on this issue. The group recognized that the RIDEM Freshwater Wetlands Program does a fine job in preventing loss of wetlands in the state. The real issue is the program's ability to prevent the deterioration of wetland systems as a result of cumulative indirect impacts. There was the thought that cumulative alterations were changing the characteristics of some wetland systems. The group also recognized that there is currently insufficient guidance available to assess these cumulative impacts. The following recommendations received the highest priority:

- A. In absence of a protocol for cumulative impact assessment, RIDEM should deal with potential cumulative impacts by promoting avoidance and minimization of project impacts to wetlands as required by current regulation.
- B. RIDEM wetland policies, review criteria, and/or guidelines should address cumulative impacts of alterations to small wetlands and the significance of individual wetland alterations in light of a watershed's specific wetland functions and values.
- C. Existing and potential future Exempt Activities (Rule 6.00) should be evaluated with respect to their cumulative effect on wetlands.

4. *Allow for local input on decisions concerning wetlands issues, especially who determines if a project is significant or insignificant.*

There is a concern that important information regarding a project's impact on wetlands is sometimes overlooked by RIDEM because knowledgeable parties are not aware of all wetland permit applications submitted to RIDEM. The working group therefore made the following recommendation:

- A. RIDEM should provide information and allow input from citizens, watershed stakeholders, and local government in RIDEM's determinations of project significance. Input could be active where DEM notifies groups of preliminary meetings or can be passive by posting information on the DEM homepage.

5. *Incorporate watershed concept into wetlands program.*

RIDEM wetlands permitting, enforcement and planning/policy groups should be integrated into the watershed approach. A draft report entitled “Rhode Island Watershed Approach Framework” provides the following definition:

“Watershed Approach: A strategy that promotes the integration of both public and private stakeholder interests in working towards a common goal – to support the sustainable use of natural resources. The approach is based on the understanding that many environmental management issues are best addressed at the watershed level, and that management is greatly enhanced by the involvement and collaboration of a wide range of people living and working in the area.” (RI Watershed Approach Committee Writing Committee, Draft June 1999)

RIDEM should articulate specific aspects of the wetlands program that should employ the watershed approach and how it should be done. Specific recommendations include:

- A. The RIDEM wetland application form (and all applications) should be amended to add a space to enter the watershed within which the proposed project occurs.
- B. Wetland alteration data should be maintained by watershed and made available on the Internet. Information should include: formal actions of the department, wetland gains and losses, alterations outside of biological wetlands (especially alterations to Perimeter Wetland and Riverbank Wetland).
- C. RIDEM should develop guidelines for use by staff and consultants on the application of the watershed approach to the assessment of wetland functions, project impacts, and mitigation. For example, RIDEM should provide guidelines regarding watershed scales to be used for project evaluations.
- D. RIDEM should provide guidance & incentives for individual watershed groups to focus on wetlands and develop an action agenda and management plan to address needs/problems. Specifically, RIDEM outreach to communities should incorporate information/guidance on watershed approach (education, funding, model ordinances, etc.), and provide guidance on development of special area management plans.
- E. The wetland component to the watershed approach should be integrated into land acquisition planning by RIDEM itself and through RIDEM technical assistance and grants to others.
- F. Include consideration of wetlands in water quality standards (& decisions) per EPA “Draft Core Essential Elements of Comprehensive State & Tribal Wetlands Program” Specifically, RIDEM should assign designated uses to wetlands, improve water quality standards, establish biological assessment methods and biological standards, and incorporate wetlands into anti-degradation policy.

6. *A wetland mitigation policy should be considered.*

- A. RIDEM should have a wetland mitigation policy and guidelines which follow the “sequencing” articulated in the federal Memorandum of Agreement on mitigation, i.e. avoidance, minimization, and compensation, in that order.
- B. Best management practices (& performance standards) should be articulated for different types of projects and project features as they relate to wetland protection. (consider matrix approach: project type/feature by wetland type/function).

7. *Allow flexibility that permits the elimination of definitional wetlands of limited value.*

The working group recommended that the original wording of this issue be changed from “...wetlands of no value.” to “... wetlands of limited value.” in recognition of the fact that most wetland professionals believe that all wetlands have some value. Even with this change, the working group could not easily articulate what criteria could safely be used to identify such “limited value wetlands”. It was agreed that such determinations are best made on a case-by-case basis as is now the practice.

OTHER IMPORTANT RECOMMENDATIONS:

The following additional recommendations arose during the group’s discussion of the seven Task Force issues discussed above:

1. *Improved Interagency Coordination*

- A. CRMC’s regulation of freshwater wetlands in the vicinity of the coast should be consistent with any new policies, regulations and procedures implemented as a result of these recommendations.
- B. RIDEM should continue to foster improved interagency coordination amongst federal, state, and local authorities.

2. *Enhanced Community Involvement in Wetland Protection*

- A. RIDEM should promote/support improved wetland protection through local initiatives tailored to the needs and capabilities of individual communities and watersheds:
 - RIDEM outreach to communities should incorporate information/guidance on watershed approach (education, funding, model ordinances, etc.).
 - Provide guidance on development of special area management plans.

- Work with RIDOA Statewide Planning regarding State Guide Plans and local Comprehensive Plans. (e.g. through development of issue oriented Guide Plans such as the RI Nonpoint Source Pollution Management Plan, and watershed oriented Guide Plans such as the Scituate Reservoir Watershed Management Plan).
- Possible use of local conservation commissions / agents for RIDEM wetland compliance inspections (follow-up on permits and restorations) – training would be required.
- Provide means for local conservation commissions to have more impact on RIDEM wetland decisions.
- Assist local commissions or groups in the identification and protection of vernal pools by providing guidance and training.
- Provide guidance on development of watershed protection regulations, more stringent ISDS regulations (e.g. wastewater management districts), and extended buffer zones and setbacks.

develop **Table 1. Tiered buffer zones and key considerations in assignment of wetland types to buffer tiers.**

<i>Tier/Wetland type</i>	<i>Key considerations</i>
<i>TIER 1 (150-ft buffer)</i>	
<ul style="list-style-type: none"> • Perennial watercourses 	<ul style="list-style-type: none"> • <i>High aquatic habitat value</i> • <i>High water-based recreation potential</i> • <i>High water supply potential</i> • <i>High aesthetic value</i> • <i>Provides linkages among other wetland types</i> • <i>High sensitivity to water quality impacts</i> • <i>High offsite impact potential</i> • <i>High wetland wildlife habitat value in bordering land</i> • <i>Bordering land is detritus source for aquatic food chains</i> • <i>High flood hazard in bordering land</i> • <i>High erosion hazard in bordering land</i>
<i>TIER 2 (100-ft buffer)</i>	
<ul style="list-style-type: none"> • Permanent or semi-permanent standing water bodies and permanently or semipermanently flooded vegetated wetlands 	<ul style="list-style-type: none"> • <i>High aquatic habitat value</i> • <i>High water-based recreation potential</i> • <i>High water supply potential</i> • <i>High-moderate flood storage potential</i> • <i>High aesthetic value</i> • <i>High sensitivity to water quality impacts</i> • <i>Moderate offsite impact potential</i> • <i>High wetland wildlife habitat value in bordering land</i> • <i>Bordering land is detritus source for aquatic food chains</i> • <i>High-moderate flood hazard in bordering land</i> • <i>High-moderate erosion hazard in bordering land</i>

Table 1. (Continued)

<i>Tier/Wetland type</i>	<i>Key considerations</i>
<ul style="list-style-type: none"> • Bogs and fens 	<ul style="list-style-type: none"> • <i>Unique or restricted flora</i> • <i>High-moderate habitat value for wetland-dependent wildlife</i> • <i>High aesthetic value</i> • <i>High educational value</i> • <i>Extremely high sensitivity to nutrient additions</i> • <i>Extremely high sensitivity to human foot traffic</i>
<ul style="list-style-type: none"> • Natural Heritage sites 	<ul style="list-style-type: none"> • <i>Rare, threatened, or endangered plants, animals, or habitats</i> • <i>High educational and research value</i> • <i>High sensitivity to water quality impacts</i> • <i>High aesthetic potential</i>
<ul style="list-style-type: none"> • Critical amphibian habitats (CAH)¹ 	<ul style="list-style-type: none"> • <i>Required for reproduction by listed species</i> • <i>Extremely high sensitivity to water quality impacts</i> • <i>Essential amphibian nonbreeding habitat in bordering land</i> • <i>Bordering land is detritus source for aquatic food chains</i>

TIER 3 (75-foot buffer)

<ul style="list-style-type: none"> • Seasonal standing water bodies other than CAH¹ 	<ul style="list-style-type: none"> • <i>High-moderate habitat value for wetland-dependent wildlife</i> • <i>High-moderate flood storage value</i> • <i>Essential habitat for certain aquatic invertebrates</i> • <i>Extremely high sensitivity to water quality impacts</i> • <i>Bordering land is detritus source for aquatic food chains</i>
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Table 1. (Concluded)

<i>Tier/Wetland type</i>	<i>Key considerations</i>
<ul style="list-style-type: none"> Seasonally or temporarily flooded vegetated wetlands other than CAH¹ 	<ul style="list-style-type: none"> <i>High-moderate habitat value for wetland-dependent wildlife</i> <i>High-moderate flood storage value</i> <i>High water quality improvement value</i> <i>Potential detritus source for aquatic food chains</i> <i>Seasonal water-based recreation potential</i> <i>Moderate sensitivity to water quality impacts</i> <i>Potential flood hazard in bordering land</i> <i>High water table hazard in bordering land</i>
<ul style="list-style-type: none"> Intermittent watercourses 	<ul style="list-style-type: none"> <i>High-moderate aquatic habitat value</i> <i>Low-moderate water supply potential</i> <i>High sensitivity to water quality impacts</i> <i>High offsite impact potential</i> <i>Bordering land is detritus source for aquatic food chains</i> <i>High-moderate flood hazard in bordering land</i> <i>High-moderate erosion hazard in bordering land</i>
<i>TIER 4 (50-ft buffer)</i>	
<ul style="list-style-type: none"> <i>Seasonally saturated vegetated wetlands</i> 	<ul style="list-style-type: none"> <i>High water quality improvement value</i> <i>High open space value</i> <i>Moderate-high wildlife habitat value</i> <i>Moderate groundwater discharge value</i> <i>High water table hazard in bordering land</i>

¹Critical amphibian habitats (CAH) are those freshwater wetland habitats, commonly referred to as vernal pools, that support breeding wood frogs, spotted salamanders, or marbled salamanders.