



June 2, 2022

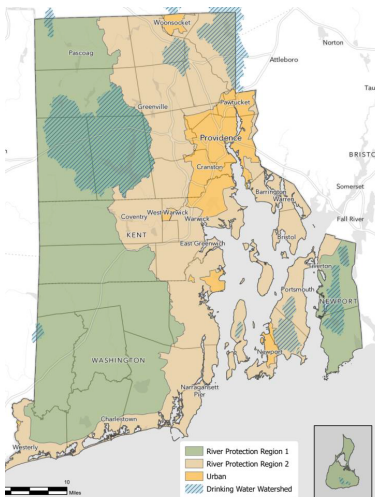
Governor: Daniel McKee
Re: Timing of new wetland regulations

Honorable Dan McKee,

We are writing to you today to recommend a course of action that we feel is in the best interest of both the environment, land use, local government, and the future development capacity of the State of Rhode Island.

As we are all aware, in a few weeks, new wetland rules that were years in the making will take effect, increasing or decreasing current environmental restrictions on the local level and placing the responsibility in the hands of DEM. While opinions on the effect of these new regulations are still debated and tweaks may, or may not, still occur, I write to you to express concern about the implications of the timing of these new rules and the potential calamity that is likely to occur on the local level.

In short, with the House of Representatives currently studying land use and low mod reforms, and with these new policies likely to arrive in the next 24 months, our experience with local government, and within the building industry, strongly lead us to concur that the timing of the new wetland rules should be coordinated with the forthcoming new Land Use and LMI laws. Hence, we are bringing to your attention the possibility to either delay the new wetland rules until the new State laws on Land Use and LMI are ready to be implemented, or potentially staggering the phases to align with land use reforms. As an example, per the diagram below, perhaps starting with new urban rules first and then aligning region 2 and region 1 at a later time. This type of implementation strategy, if considered, may prove to be a more efficient and effective rollout, and may help diminish confusion, and /or reveal issues along the way. We suggest this course of action as wetlands rules and land use go together and can affect each other rather dramatically.



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The analogy that comes to mind, and which is a pattern we all hope to avoid, is the paving of a road only to dig it up for other purposes soon afterward. In this case, we are rather confident that the new wetland regs - when implemented in July - will trigger a reactionary response from municipalities as they adjust to State wetland regs by changing their land use ordinances to counter the effects on their local planning and zoning processes. This newly paved road will then be followed by new State Land Use laws that will then either remove, replace, limit, or empower new local rules. In the meantime, all this constant change will create the potential for irreputable harm and confusion to local property owners, developers, engineers, and builders as we/they try to implement and build the housing needed to deal with our current shortages.

Additionally, the other issues that can't be overlooked are the staffing and technology shortfalls that currently exist at DEM, and the potential surge of new applications that may inundate the process. A strategy to align the rollout with land use reform can also be staggered to align with staffing increases, and data capacity in the regulating agency.

As a quick aside, it should also be noted that thousands of existing homes will be affected and that communication to local permitting authorities and to those who will now have additional restrictions on their property are yet to occur – this issue would also benefit from a staggered implementation.

So, to be brief, the RI Builders Association respectfully wishes to point out the issues above. We know you have only the best intention and are diligently working to make the best decisions for the benefit of all, so please know that our goal here is to offer only perspective and some information as you make your final decisions on these matters. If we can be of any assistance going forward, or if you have any questions regarding the above, we will of course make our resources available to you.

Respectfully


John Marcantonio
Executive Officer
RI Builders Association

Cc: Tom Deller, Terry Grey, Josh Saal, Lynne Urbani, Nora Crowley, Antonio Afonso

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