



## Rhode Island Forest Conservator's Organization, Inc.

September 23, 2019

RIDEM/Office of Water Resources  
235 Promenade Street  
Providence, RI 02908  
Attn: D. Cullinan

Re: Comments on the Proposed Changes to the Freshwater Wetlands Regulations

Dear Madam/Sirs:

The RI Forest Conservator's Organization, Inc. (RIFCO) is a statewide non-profit forest landowner's association representing the interests of woodland owner's, foresters, the forest industry, and other interested conservationists. Our mission concerns the protection and wise use of RI's woodland resources.

We are writing to provide comments on the proposed amendments to the Freshwater Wetlands Regulations. For context, RIFCO has participated in this process in the past, and in coordination with the RI DEM Division of Forest Environment (DFE) we developed a printed guide of the Best Management Practices for Water Quality Protection that explained the DFE's guidelines for silvicultural operations within regulated wetlands, based upon Rule 6.02 (re-codified in 2018 as 250-RICR-150-15-1.6(B)) of the current regulations. A copy of that guidebook is enclosed for your reference.

Our primary concern is the increased complexity of the proposed buffer zones, as they vary across the state, and the expanded jurisdiction the proposed buffers and applicability of the rules represent. Elimination of the  $\frac{1}{4}$  acre minimum size for ponds and three (3) acres in size for wetlands amounts to a significant increase in the jurisdictional area of these regulations, and may impact the ability of woodland owners and woods operators to carry out their allowed use of their property.

In reference to the proposed amendments as advertised, Rule 1.5 B.e.DD does provide similar exemptions for normal silvicultural activities within wetlands and for crossing of streams up to 10 feet in width. The changes in language in this rule, along with the above-referenced buffer zone and jurisdictional area changes, will require that the DFE develop improved guidelines on the structures and their implementation that they will approve. We are concerned that there will be some issues with interpretations of this rule and applicable jurisdictional areas until such time as the DFE is able to develop and publish improved guidelines.

We do note that the rules for Farmers have not changed. Normal forestry and silvicultural activities are covered by the state's Right to Farm Act. We propose that the Office of Water Resources recognizes this important distinction, and that routine timber harvesting and forest management activities are covered by the same rule that applies to Farmers. We propose that silvicultural activities are added to Rule 1.11.C to allow woodland owners, including farmers, to continue to operate under the existing guidelines of the RI BMP Guide, as developed by the RI DFE.

We thank you for this opportunity to provide comments on the proposed regulations, and look forward to continue our work with the RI DFE to provide sensible approaches to the traditional forest management activities that have taken place in Rhode Island woodlands for hundreds of years.

If you have any questions about these comments, please feel free to contact me. I can be reached by e-mail at [info@rifco.org](mailto:info@rifco.org).

Respectfully,

A handwritten signature in blue ink, appearing to read "Richard Went".

Richard Went, President

Cc: Catherine Sparks, RI DEM  
TeeJay Boudreau, State Forester, RI DEM DFE  
Fern Graves, Stewardship Forester, RI DEM DFE