

## CONCISE EXPLANATORY STATEMENT

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In accordance with the Administrative Procedures Act, Section § 42-35-2.6 of the General Laws of Rhode Island, following is a concise explanatory statement:

**AGENCY:** Department of Environmental Management (RIDEM)

**DIVISION:** *Office of Water Resources*

**RULE IDENTIFIER:** 250-RICR-150-15-3

**RULE TITLE:** RULES AND REGULATIONS GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF THE FRESHWATER WETLANDS ACT

**REASON FOR RULEMAKING:** To amend the rules by direct file rulemaking to eliminate the variance fee and improve clarity of the application fee table and to correct the RICR references to the corresponding CRMC regulations in the definition section of the rule.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:**

**R.I.G.L. § 2-1-18. Declaration of intent.** ...*Whereas freshwater wetlands, buffers, and floodplains, are increasingly threatened by random and frequently undesirable projects for drainage, excavation, filling, encroachment, or other forms of disturbance or destruction, and that a review of scientific literature indicates that aspects of existing state standards to protect these areas need to be strengthened; and ...*

**TESTIMONY, COMMENTS AND OBJECTIONS:** No comments on the rule changes were received in response to the public notice which specified a comment period from June 15, 2022 to July 15, 2022.

**CHANGE TO TEXT OF THE RULE:**

Rule 3.4 Definitions: The numerical RICR reference to CRMC rules in A. 14 and A.34 was corrected to read 650-RICR-20-00-9.

Rule 3.8.9 Fee Schedule: The reference to an additional variance fee in A. Table 2, Line 11 is deleted and replaced by a statement that any variance fee paid after July 1 will be reimbursed. In B. Table 3, the text “Fee for” is added to column headings for clarification. In C. table 4, the text is modified in the heading for clarity and consistency and the column of asterisks is deleted.

**REGULATORY ANALYSIS:**

Regarding the Regulatory Flexibility Analysis as required by RIGL § 42-35.1-4), RIDEM finds that the rule changes do not have an adverse impact on small businesses but rather will result in a beneficial impact for certain applicants by reducing fees for any project that is associated with a variance request. The elimination of the variance fee results in a more appropriate schedule of fees and in particular relieves the regulatory burden on smaller scale projects including development of single-family residential lots.