

Assignment:

Work on a list of activities for agent approvals. This can be done much in the same manner that a list was established in the regulated activity definition. Concepts to keep in mind...I haven't fully considered these; I just want to give you some ideas

- We may be able to begin this list by looking at the activities established in the regulated activity definition. What type of activities might be one step above, but that have minimal impact? Building a new vegetable garden? Technically, a new vegetable garden could be an exempt activity under 4.1.a. of the wetlands regs (statutory exemption). However, the homeowner was planning on starting the project this weekend and doesn't want to wait two weeks for the IWWC to rule on the activity. Are there locations, or sizes that the agent could approve? The user-friendly agent approval in lieu of declaratory/jurisdictional ruling.

"4.1.a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;"

- Also, I encourage you to consider how this agent approval approach could be beneficial from a compliance standpoint. Let's say I'm out doing an inspection on a neighboring property and see the landscaper installing the new vegetable garden without a permit. I can have them apply for an agent approval immediately and get them into compliance without making a big fuss / initiating a formal enforcement matter / dragging them to the Commission. Or worse, just ignoring the violation because it is too minor to justify the time, effort, resources, and potential hostility. We have a great opportunity to make wetlands regulations more practical and user friendly rather than burdensome and clunky.
- I would not be comfortable issuing agent determinations on activities in the upland review area of calcareous fens or vernal pools based on the sensitivity of those resources.
- While high gradient streams are also very sensitive, the topography of the area is more likely to create physical impediments to pollution finding its way into a watercourse (I'm not sure if I have explained that well).
- I would really like to simplify the process for minimal planting activities. For example, if someone wants to plant 5 river birches within 25 feet of the lake. What is a practical process?

- If a 25' vegetative buffer is a best practice, should anything within 25' be eligible for an agent determination?
- The Zoning Regulations state that:

"No principal building shall be located within seventy-five(75) feet, and no attached deck or detached accessory building shall be located within fifty (50) feet of a water body or watercourse regulated by The Salisbury Conservation Commission. In the Lake Protection Overlay District no principal building or attached deck or accessory building shall be located within seventy-five (75) feet of the lake shoreline ordinary high-water mark as described under Article IV Lake Protection Overlay District."

However, there is a special permit process whereby someone can request a reduced setback for certain types of structures. Therefore, I would suggest that structures within 50' of a wetland NOT be eligible for agent determination.

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