



FACT SHEET

Office of Water Resources / June 2022

WETLANDS # 22-3

Jurisdictional Area and Buffer Zones Freshwater Wetlands Rules (250-RICR-150-15-3)

Within the Regions, buffer zones were designated as follows and further described below:

- On a statewide basis, the most sensitive vegetated wetland types were identified and designated the highest level of protection (100 feet). These include less common wetland types that are often sensitive to disturbance such as bogs, fens and marshes as well as evergreen swamps, swamps with Rhododendron understory and most vernal pools.
- On a statewide basis, buffers zones were increased to strengthen protection in water supply reservoir watersheds.
- In River Protection Regions 1 and 2, protection was strengthened by (1) increasing the buffer zones for headwater rivers, including cold water rivers as recognized as a need in the Legislative Task Force Report; (2) increasing the buffer zone on larger lakes and ponds that provide high recreational value and habitat functions and that currently have large amounts of intact shoreline buffer; and (3) increasing the buffer zone around larger swamps, some of which are also part of valuable wetland complexes providing multiple habitats.
- As practicable, buffer zone requirements were reduced in areas where existing land uses have already resulted in the alteration or loss of vegetated buffer. This applies primarily in the Urban Region.

Section 3.4 Key Definitions:

The Rules include new or revised definitions required by state law and that provide greater consistency among DEM and CRMC programs as well as clarity for applicants and the public. Key terms include:

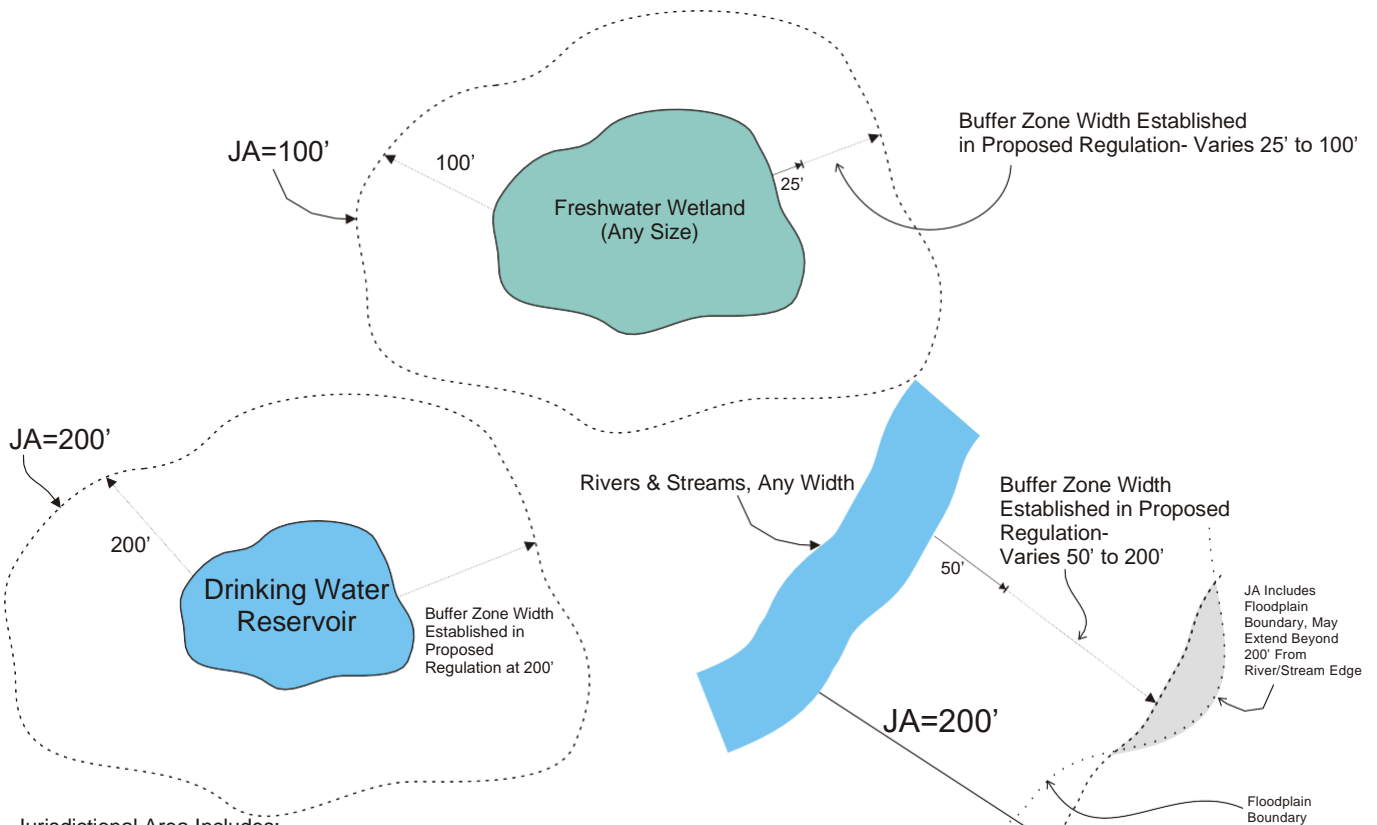
Freshwater wetlands: The definition of freshwater wetlands was changed and now refers to the resources to be protected under the Freshwater Wetlands Act. This includes vegetated wetlands and flowing and standing water wetlands. The new definition is broadly applicable with a limited exception for certain farming activities. The terms “perimeter wetland” and “riverbank wetland” are no longer used in the Rules. [Rule 3.4(A)(33)]

Jurisdictional Area: This new term defines the land and waters that are subject to regulation. It includes freshwater wetlands, buffers, floodplains, areas subject to storm flowage, areas subject to flooding and contiguous areas extending 200 feet outward from the edge of a river, stream or drinking water supply reservoir and 100 feet outward from all other wetlands. Persons planning new projects or regulated activities within the Jurisdictional Area will need to obtain a permit unless otherwise exempt. [Rule 3.4(A)(39)]

Buffer Zone: This new term is used to refer to the land that is contiguous to a freshwater wetland and within which vegetated buffer should be protected and in some situations created. Buffer zones are designated within or up to the limit of the jurisdictional area. Land within the buffer zones includes a range of land uses as well as areas defined as “buffer” (see below). [Rule 3.4(A)(11)]

Jurisdictional Area and Buffer Zones Illustrated

New Regulated Area: Jurisdictional Area (JA) Designated in Law As Defined Below



Jurisdictional Area Includes:

- Freshwater Wetland (Includes all marshes, swamps, bogs, ponds, streams, rivers, vernal pools)
- Buffers (Law requires Agency to establish standards in regulation, may be equal to or less than JA)
- Floodplains and Areas Subject to Flooding and Storm Flowage
- 200' Contiguous areas to rivers/streams and drinking water reservoirs
- 100' Contiguous areas from edge of all Freshwater Wetlands

Note: Freshwater Wetlands, Buffers, Floodplains are to be protected as directed by Law.

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Section 3.23 Statewide Buffer Zone Designations

Rivers and Streams:

The agencies are authorized to regulate the area within 200 feet of rivers and streams as part of the jurisdictional area. Rivers are defined as perennial streams as mapped by the United States Geological Survey (USGS). Under these Rules, streams include those other flowing bodies of freshwater that maintain a channel. These include streams not mapped as rivers by USGS as well as intermittent streams. Within these areas, buffer zones of varying widths have been designated in accordance with the following criteria.

Region	Buffer Zone Width as measured from the river or stream edge
River Protection Region 1 (Non-urban)	<ul style="list-style-type: none"> • 200 feet for rivers within watersheds of public drinking water supply reservoirs named in Rule 3.23(H)(1) • 200 feet for named rivers in the table in Rule 3.23(H)(5) • 150 feet for all other rivers. • 100 feet for streams.
River Protection Region 2 (Non-urban)	<ul style="list-style-type: none"> • 200 feet for rivers within watersheds of public drinking water supply reservoirs named in Rule 3.23(H)(1) • 200 feet for named rivers in the table in Rule 3.23(H)(5) • 150 feet for named rivers in the table in Rule 3.23(H)(6) • 150 feet for rivers designated as cold water fisheries in RI State Water Quality Regulations • 100 feet for any river not listed or identified above • 100 feet for streams
Urban Region	<ul style="list-style-type: none"> • 150 feet for rivers named in the table in Rule 3.23(I)(4): Blackstone River and portions of the South Branch of the Pawtuxet River. • 100 feet for named rivers in table Rule 3.23(I)(5) • 50 feet for other rivers not identified above • 50 feet for streams
Drinking Water Supply Reservoir Watershed	<ul style="list-style-type: none"> • 200 feet for rivers which are within the watersheds of the named public drinking water supply reservoirs in the Non-urban Region. See overlay on Region Map.

Lakes and Ponds:

The agencies are authorized to regulate the contiguous jurisdictional area within 100 feet of lakes and ponds of any size and within 200 feet of drinking water reservoirs.

Region	Buffer Zone Width as measured from the edge of lake or pond
River Protection Regions 1 and 2 (Non-urban)	<ul style="list-style-type: none"> • 100 feet for ponds contiguous to a river within the watershed of a public drinking water supply reservoir named in Rule 3.23(H)(1) • 100 feet for lakes and ponds ≥ 10 acres excluding those named in the table in Rule 3.23(H)(2)(b) • 50-foot buffer zone for lakes and ponds $\geq \frac{1}{4}$ acre and < 10 acres • 25-foot buffer zone on small ponds ($< \frac{1}{4}$ acre) and highway ponds of any size
Urban Region	<ul style="list-style-type: none"> • Maintain the 50-foot buffer zone for listed lakes and ponds in Table 3.23(I)(1) • Designate a 25-foot buffer zone for all other ponds and highway ponds of any size
Drinking Water Supply Reservoirs (Non-urban)	<ul style="list-style-type: none"> • 200 feet around named public drinking water supply reservoirs in the table in Rule 3.23(H)(1)

Other Freshwater Wetlands Resources: Swamps, Marshes, Bogs and Vernal Pools

Freshwater wetlands have been mapped in Rhode Island (RIGIS 1993) using a standardized classification scheme. Due to limitations in the mapping methods, the available data are used for planning and large-scale assessment purposes, but are not suitable for accurately identifying the location or extent of regulated wetlands on a specific site. The mapping does reveal that the most common wetland type in Rhode Island is deciduous swamp, which is found throughout the state. Other wetland types are much less common including bogs, marshes and vernal pools. The Rules include a provision for proposing an alternative configuration around a vernal pool. (Unless otherwise noted, the table below applies statewide.)

Type of Wetlands Resource	Buffer Zone Width as measured from the edge of the wetland
Bogs Marshes Evergreen forested swamps \geq 1 acre Swamps with Rhododendron \geq 1 acre	<ul style="list-style-type: none"> • 100 feet with some exceptions for <i>Phragmites</i> marshes and wet meadows • 25 feet for swamps with Rhododendron \geq 1 acre in Urban Region
Vernal Pools	<ul style="list-style-type: none"> • 100 feet where 50% or more of the Jurisdictional Area around the pool is undeveloped vegetated land • 50 feet where less than 50% of the Jurisdictional Area around the pool is undeveloped vegetated land
Shrub Swamps \geq 1 acre	<ul style="list-style-type: none"> • 75 feet for shrub swamps • 25 feet for swamps in Urban Region.
Deciduous Swamps \geq 1 acre	<ul style="list-style-type: none"> • 75 feet for swamps of 10 acres or more in the Non-urban Regions. • 50 feet for smaller swamps in the Non-urban Regions (1 to <10 acres). • 25 feet around swamps in Urban Region.
Small swamps < 1 acre	<ul style="list-style-type: none"> • 25 feet statewide
Wetland complexes where 1 or more differing wetland types or subtypes are present within 50 feet inward of a wetland edge	<ul style="list-style-type: none"> • 25 feet additional buffer zone width is added to the buffer zone widths specified above

A complete copy of the RIDEM Freshwater Wetlands Rules, fully effective on July 1, 2022, can be found at the RIDEM website at <http://www.dem.ri.gov/newwetlandrules>. They may also be obtained from the RIDEM Office of Customer and Technical Assistance located at the Foundry Corporate Office Complex at 235 Promenade Street, Providence (401 222-6822).

Disclaimer: This Fact Sheet is for general information purposes and is not meant to be used as a substitute for the Freshwater Wetlands Act (R.I. Gen. Laws §§ 2-1-18 et. seq.) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (250-RICR-150-15-3).