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RHODE ISLAND

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FACT SHEET

Office of Water Resources / June 2022

WETLANDS # 22-8

Guidelines for Determining Wetland Connections Across Barriers for Purposes of Determining Size of Wetland Units

Freshwater Wetlands Rules (250-RICR-150-15-3)

Background: In determining the Buffer Zone Designations described in Rules 3.23 (H) and (I), there are multiple instances where a determination of the size of the freshwater wetland in question must be made (Rule 3.23(F)(3)). This is fairly straightforward for unfragmented wetlands. For wetlands that are fragmented by various barriers, however, it must be determined whether the wetlands on either side of a barrier are considered as one wetland unit or whether the barrier has in fact separated the wetland into two independent units for purposes of determining size. Such barriers may be physical/manmade barriers (e.g., roadway crossings), or they may be natural (watercourse channels or narrow upland areas between wetland units).

Identification of barriers and the limits of freshwater wetlands should, to the greatest extent practicable, be identifiable by professionals experienced in using remote aerial photography in conjunction with other corroborating data, including GIS freshwater wetland and soil survey data. For cases where this is not possible (e.g., natural barriers, physical barriers with no clear culvert or bridge connections), field confirmation may be required. Connections must be hydrological in nature, such that there is a clear surface-water connection with little to no difference in hydrologic regime between the wetland units that may be separated with a barrier.

Guidelines: The following guidelines should be followed in determining whether two separated wetland units will be considered one unit for purposes of calculating size in the course of applying Rules 3.23(H) and (I) to determine the designated Buffer Zone distances, as applicable. The guidelines are broken down into two primary sections: 1) Wetlands separated by Physical/Manmade Barriers, and 2) Wetlands separated by natural barriers. In all cases barriers are considered to be existing or approved; if barriers are an unauthorized condition, connection will be determined by taking into account restoration.

Man-Made Barriers:

1. Wetland units separated by barriers such as four-lane highways, Interstate highways or other similar barriers (roads, railways, runways, buildings etc.) of 50 feet or greater in width (measured toe-of-slope to toe-of-slope) will be considered connected if the entirety of the wetland is spanned by a bridge.

2. Wetland units separated by barriers less than 50-feet wide such as two-lane roadways, railways, bike paths, driveways or buildings will be considered connected if the wetland units are connected by bridge spans and/or by culverts of any size, with wetlands on either side of the road exhibiting similar hydrological characteristics.
3. Wetland units separated by unpaved cart paths, fire lanes, farm lanes, forestry roads, utility access roads, stone walls or similar features equal to or less than 10-feet in width will be considered connected regardless of whether a culvert is present.
4. Wetland units separated by a man-made dam will not be considered connected.

Natural Barriers:

1. Wetland units separated by upland areas with no surface water connection will not be considered connected as the same unit, regardless of the distance of separation.
2. Wetland units connected only by an Area Subject to Storm Flowage will be considered connected if separated by a distance of 10 feet or less.
3. Wetland units connected only by an open water body or by a river or stream channel will be considered connected as one unit if separated by a distance of less than 50 feet.
4. Wetland units separated by beaver dams will be considered connected.

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).