

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES/FRESHWATER WETLANDS
235 Promenade Street, Providence, RI 02908-5767
Telephone: 401-222-6820, Telecommunication Device for the Deaf: 401-222-4462

**INSTRUCTIONS FOR SUBMITTAL
OF
FRESHWATER WETLANDS APPLICATIONS**

To Applicant:

THIS INFORMATION IS PROVIDED TO AID YOU IN COMPLETING YOUR FRESHWATER WETLANDS APPLICATION. PLEASE READ THIS ENTIRE PACKAGE PRIOR TO COMPLETING ANY APPLICATION.

You must refer to the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act](#) for specific requirements and criteria that must be addressed for the type of application you wish to file. Those filing a Request for Regulatory Applicability must use the form for that application type only. All other requests must use the General Application Form. Both types of application forms are attached in this package.

All applications require a fee. Make check payable to: General Treasurer of Rhode Island.

Applicants must mail or hand-deliver the application form and all supporting documentation along with fee **DIRECTLY TO:**

**Department of Environmental Management
Office of Water Resources
235 Promenade Street, Room 260
Providence, RI 02908-5767**

Availability of Information/Regulations/Forms:

These instructions, the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, application forms, fact sheets, guidance documents, and other information are available online at <http://www.dem.ri.gov/>

All applicants must ensure that:

- All applicable sections of the application form are completed.
- All necessary signatures are provided on the application form. (see **Rule 7.02**)
- The appropriate fee is submitted. (see **Rule 7.11**)
- The appropriate application form is submitted with all supporting plans, documents, studies, reports or additional information where required and applicable.
- Field markers (such as wetland edge flags) as required are placed and ready for DEM inspection. (see **Rules 7.04 & 7.05**)
- A completed [Site Work Affidavit Form](#) is submitted as required by the application form.

A. General Application Form - Required Enclosures for Individual Application Types:

Request to Determine Presence of Wetlands Only (see Rule 8.02)

- Triplicate (3) site plans of the subject property which clearly indicate the property location and property boundaries.

Request to Verify Wetland Edge (see Rule 8.03)

- Triplicate (3) site plans which identify the wetlands and their edge which the applicant wishes the Department to verify on the property.
- Completed wetland delineation forms as provided by the Department.
- Completed [Site Work Affidavit Form](#).

Request for Preliminary Determination (see Rule 9.00)

- Triplicate (3) site plans which include the overall project proposed or contemplated.
- Triplicate (3) copies of all required documentation including project scope, impact avoidance and minimization, and engineering (see Rule 9.02)
- Completed [Site Work Affidavit Form](#).

Application to Alter a Freshwater Wetland (see Rule 10.00)

- Triplicate (3) site plans which include the overall project proposed or contemplated. Note: Following initial Department review for completeness, the applicant will be contacted to provide additional full size copies of the site plans and reduced site plans for notice purposes. The actual number of required plans may vary based upon the number of municipalities, abutters, and interested parties involved.
- Proof of ownership in the form of a current certified copy of the deed of the subject property.
- A current list of the property owners whose property lies within two hundred feet (200') of the proposed project (see **Rule 10.02(B)(5) for measurement instructions**). This list must contain the current mailing address of each property owner and must be accompanied by a radius map drawn to scale of not less than one inch to one hundred feet (1"=100') showing the properties, lot numbers, and corresponding owners within two hundred feet (200') of the proposed wetland alterations.
- Triplicate (3) copies of all required documentation including description of project, impact avoidance and minimization statement, and evaluation of wetland functions, values and impacts (see **Rule 10.02(C)**).
- Completed [Site Work Affidavit Form](#).

Application For Permit Renewal (see Rule 11.02)

- No additional enclosures required.

Application For Permit Modification (see Rule 11.03)

- Triplicate (3) site plans which clearly depict the proposed modification.
- Written narrative and any additional data which describes and details the minor changes or modifications proposed, and the reasons for the modifications.

Application For Permit Transfer (see Rule 11.04)

- Certified copy of the deed of transfer of the property subject to the permit.
Note: Currently valid permits that have been properly recorded in the land evidence records are automatically transferred upon sale.

Change in Owner During Application Processing (see Rule 7.02(E))

- Certified copy of the deed of transfer for Application to Alter a Freshwater Wetland only.

B. Request for Regulatory Applicability Form - Required Enclosures:

- Triplicate (3) copies of a scaled plan which shows existing features on the property and proposed work (see Rule 8.04).
- Written description of the purpose, size, and location of proposed work or project.
- Photographs showing the existing site conditions in the location of the proposed work.

C. U.S. Army Corps of Engineers – PGP – Additional Submittal Requirements:

Your project may require a federal permit under nationwide laws that involve work affecting navigable waters including wetlands. Effective February 13, 2007, the New England Division of the U.S. Army Corps of Engineers (Corps) renewed a Programmatic General Permit (“PGP”) for the review of proposals in coastal and inland waters and wetlands within the State of Rhode Island. It covers work and structures that are located in or that affect navigable waters of the United States (regulated by the Corps under Section 10 of the River and Harbors Act of 1899), or involve the discharge of dredged or fill material (including certain discharges resulting from excavation activities) into the waters of the United States, including wetlands (regulated by the Corps under Section 404 of the Clean Water Act).

This PGP streamlines the permit process for certain projects by eliminating the need to apply to the Corps provided the required coordination between the agencies takes place and an approval is issued by the Department of Environmental Management (DEM). The approval (or Permit) issued by DEM will generally enable the Applicant to qualify for the PGP under the above-cited federal regulations without having to apply separately to the Corps. To learn whether the PGP applies to your project and to obtain the eligibility requirements, please contact the Corps at (800) 343-4789 or visit their website at: <http://www.nae.usace.army.mil/>

In order to facilitate a review under the PGP, certain additional application requirements will apply to you if your project includes fill or excavation activities within the following wetland types as defined by the Rules and Regulations Governing the Administration and Enforcement of the R.I. Freshwater Wetlands Act: *Swamp, Marsh, Pond, Bog, River, Stream/Intermittent Stream, Shrub or Forested Wetland, Emergent or Submergent Plant Community, or Special Aquatic Site*, as follows:

- A total of four (4) copies of site plans, written evaluations, impact avoidance and minimization statements, drainage computations and other such documentation (eight (8) copies if your project fits into “Category II” as defined by the “PGP”) must accompany your application (Note: these are not in addition to the triplicate copies ordinarily required by DEM for most applications as noted above).
- Wetland edges must be identified and flagged using the methodology described and incorporated within the January 1987 Army Corps of Engineers Wetlands Delineation Manual, which may be obtained on the web at: <http://el.erdc.usace.army.mil/elpubs/pdf/wlman87.pdf>. The Corps will generally rely on DEM’s interpretation of wetland delineations for purposes of assessing Clean Water Act jurisdictional boundaries.