



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES- Groundwater and Freshwater Wetlands Protection
FRESHWATER WETLANDS PROGRAM
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REQUIRED ENCLOSURES FOR FRESHWATER WETLANDS APPLICATIONS

I. General Information

1. Please refer to the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act \(250-RICR-150-15-3\)](#) where referenced in this document and as necessary while preparing your application.
2. The applicant must be the owner of the property or easement which is the subject of this application or must be a governmental agency or entity with the power of condemnation over such property or easement.
3. All applications require submission of the following, unless otherwise noted under the specific application type:
 - (a) A completed application form with acceptable signature(s) as detailed in [§3.83](#). The following application forms are available on the [RIDEM Application & Forms website](#)¹:
 - Application for a Freshwater Wetlands Determination or Permit, including:
 - Request to Determine the Presence of Jurisdictional Area.
 - Request to Verify Freshwater Wetlands Edges.
 - Application for a Freshwater Wetlands Permit (with or without variance).
 - Joint Permit Application, OWTS Permit and Application for Freshwater Wetlands Permit.
 - Application for a Significant Alteration.
 - Application for Permit Modification.
 - Request for Regulatory Applicability.
 - Application for Permit Renewal.
 - Application for Permit Transfer.
 - (b) Appropriate fee according to the Fee Schedule in [§3.8.9](#), in the form of a check or money order made payable to the Rhode Island General Treasurer.
4. If the project requires a RIPDES Construction General Permit (CGP), a Stormwater Groundwater Discharge/Underground Injection Control (GWD/UIC) Permit and/or a Water Quality Certification (WQC)² in addition to a freshwater wetlands permit, the following additional enclosures are required³:
 - (a) A completed [Stormwater Construction and WQC Application Form](#).

¹ For information on required enclosures for Applications Relating to Farmers, please visit the [Division of Agriculture website](#).

² If the project requires a FWW permit and a WQC but there is no stormwater component (i.e., water withdrawal, certain hydro-power projects) please visit the [RIDEM Water Quality Certification Website](#) for guidance on additional project-specific submittal requirements.

³ For more information, visit the [RIDEM Stormwater Construction Permitting Website](#) or the [RIDEM Water Quality Certification Website](#).

- (b) Two (2) copies of a completed [Appendix A Checklist](#).
- (c) Two (2) copies of a Stormwater Management Plan (Refer to [Stormwater Management Plan Guidance](#); include two (2) copies of an Operation and Maintenance (O&M) Plan and a Soil Erosion and Sediment Control (SESC) Plan).
- (d) One (1) additional copy of Site Plans.
- (e) If the project requires a federal 401 WQC, a separate application may need to be submitted to the Water Quality Certification Program. Consult the [Water Quality Certification Application Instructions and Required Enclosures](#) Document for additional instructions and requirements.

II. Request to Determine the Presence of Jurisdictional Area (§3.9.2)

- 1. Two (2) copies of a site plan of the subject property or a tax assessor's map that include and/or meet the following requirements:
 - (a) A title block and locus map to a scale no smaller than one inch 1" = 100'.
 - (b) Sufficient fixed reference points that can be used to confirm the property boundaries on site.
 - (c) If submitting a tax assessor's map, it must be legible and clearly depict property boundaries.
 - (d) If submitting a site plan, it should meet relevant requirements [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document.

III. Request to Verify Freshwater Wetlands Edges (§3.9.3)

- 1. Three (3) copies of site plans that include and/or meet the following requirements:
 - (a) Prepared by a qualified professional ([§3.8.7](#)).
 - (b) Meet the requirements of [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document.
 - (c) Depict the freshwater wetland(s), labeled flag locations delineating wetland edge(s), and the associated jurisdictional area that the applicant requests the Department to verify.
 - (d) Contour elevations are required when a request to verify the edge of the 100-year flood plain has been made or the freshwater wetland edge is located along or within a parcel exceeding 10 acres (however depiction of contours is always encouraged).
 - (e) The applicant must follow the verification steps in [§3.9.3\(E\)](#) regarding delineating, surveying, and flagging freshwater wetland edges and depict the following on the site plans:
 - The freshwater wetland edge showing the location and number/letter of the flag corresponding with those flags at the site.
 - Periodic measurements (i.e., at least 1 for every 100 feet of surveyed edge), indicating the distance from the surveyed edge to fixed reference points on the property.
- 2. Completed [Wetland Edge Delineation Forms](#).

IV. Application for a Freshwater Wetlands Permit (§3.11)

- 1. Three (3) copies of site plans that:
 - (a) Meet the requirements of [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document.

- (b) Depict the freshwater wetland edges, associated buffers and buffer zones, floodplains, areas subject to flooding and areas subject to storm flowage that are on the property.
2. Three (3) copies of a written project narrative that includes the following:
 - (a) A description of the entire scope of the project.
 - (b) Project size, purpose, location, and type.
 - (c) A description of applicable jurisdictional area(s).
 - (d) Site history and a description of the areas evaluated including nearby roadways and adjacent land uses.
 - (e) A description of the documented occurrence of [rare native plants](#), [rare native animals](#) or [rare freshwater wetland types](#) as specified on lists maintained by the Department.
 - (f) Documentation of how the proposed project has satisfied the standards specified in [§3.7.1](#).
 3. Engineering Requirements
 - (a) Applications for proposed projects that increase impervious area or that trigger the redevelopment standard specified in the [Stormwater Management, Design, and Installation Rules](#), must submit two (2) copies of supporting calculations, documents, and reports to demonstrate that the proposed project meets or exceeds the applicable review in [§3.11.3](#) and in [§3.7.2](#).
 - (b) Applications for proposed projects on individual residential lots of record may use the [Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development](#) in place of the Stormwater Management, Design, and Installation Rules.
 - (c) Applications for projects that propose one (1) acre or more of land disturbance must include two (2) copies of a [Soil Erosion and Sediment Control Plan](#) (SESC) as specified in the Department's [General Permit for Storm Water Discharge Associated with Construction Activity](#).
 - (d) Applications for projects that propose to place fill or structures within a floodplain or floodway, or which otherwise may alter the rate at which flood water is stored by any freshwater wetland, must submit a completed [Stormwater Construction and WQC Application Form](#) and two (2) copies of supporting calculations, documents, and reports to demonstrate that the proposed project meets or exceeds the review criteria set forth in [§3.7.2](#).
 4. If a proposed project does not meet all the standards specified in [§3.7.1](#), an applicant must provide a narrative description documenting how the proposed project will satisfy the variance criteria specified in [§3.7.3](#). Be sure to select the "with variance" option on the application form.
 5. Joint On-site Wastewater Treatment System and Freshwater Wetlands Application ([§3.8.1\(A\)\(5\)\(b\)\(2\)](#)):
 - (a) If the proposed project allows for concurrent submission of a Joint Onsite Wastewater Treatment System (OWTS) Permit Application with the Application for a Freshwater Wetlands Permit, select "with Joint On-Site Wastewater Treatment System (single-family lot only)" on the Application Form and submit the following items in total (not in addition to the number of copies listed above.) **NOTE:** Joint permit applications shall only be used for single-family lots and cannot be used for an OWTS variance or repair application, an application in CRMC jurisdiction, Freshwater Wetland Permit with Variance, or a proposed significant alteration of freshwater wetlands.
 - One (1) original and one (1) copy of the [Application for Freshwater Wetlands Determination or Permit form](#).
 - One (1) multi-part OWTS Construction Permit Application form set and one (1) photocopy of the top OWTS application form.

- Six (6) sets of site plans and any associated documents required by [Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems 250-RICR-150-10-6 \(OWTS Rules\) §6.18\(E\) or §6.18\(F\)](#) (each set must be collated).
 - Two (2) copies of a written narrative as described in this section above.
6. Applicants for major land development or major subdivision projects, as defined in [R.I. Gen. Laws § 45-23-32](#), must submit the following:
- (a) Local Master Plan approval; or
 - (b) Local conditional approval of a combined Master and Preliminary Plan; or
 - (c) A letter from an authorized municipal official certifying compliance with local low impact development site planning and design requirements as contained within the local zoning ordinance, land development and subdivision Regulations, or other pertinent Regulations.

V. Application for a Significant Alteration (§3.12)

1. Three (3) copies of Site Plans that:
 - (a) Meet the requirements of [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document.
 - (b) Are prepared and stamped by a Rhode Island Registered Professional Engineer
 - (c) Accurately depict the location, extent and type of all freshwater wetlands, buffers, buffer zones, floodplains, areas subject to flooding and areas subject to storm flowage within and near the project.
 - (d) Following notification from the Department, the applicant must provide the required number of full size and reduced site plans required to provide to the municipality, the abutters, and other interested parties.
2. Proof of ownership in the form of a current certified copy of the deed of the subject property. A certified deed has been attested to be a valid copy by the Town/City Clerk and typically has a raised or embossed Town/City seal.
3. A list of abutters within 200' of the proposed project along with an abutters map that meets the requirements listed in [§3.12.2\(A\)\(2\)\(e\)](#).
4. Three (3) copies of written documentation that includes the following:
 - (a) A Table of Contents that lists all section titles and their corresponding page numbers.
 - (b) A project description that includes the following:
 - The entire scope of the project.
 - Project size, purpose, location, and type.
 - A description of all applicable jurisdictional area(s).
 - Site history and overall areas evaluated including nearby roadways and adjacent land uses.
 - A description of the documented occurrence of [rare native plants](#), [rare native animals](#) or [rare freshwater wetland types](#) as specified on lists maintained by the Department.
 - (c) A narrative description documenting how the proposed project will satisfy the variance criteria specified in [§3.7.3](#).

- (d) A Written Evaluation of Functions, Values and Impacts that meets the requirements specified in [§3.12.2\(A\)\(4\)](#).
- 5. Applicants for major land development or major subdivision projects, as defined in [R.I. Gen. Laws § 45-23-32](#) must submit the following:
 - (a) Local Master Plan approval; or
 - (b) Local conditional approval of a combined Master and Preliminary Plan; or
 - (c) A letter from an authorized municipal official certifying compliance with local low impact development site planning and design requirements as contained within the local zoning ordinance, land development and subdivision Regulations, or other pertinent Regulations.

VI. Application for Permit Modification (§3.14.3)

- 1. Three (3) copies of revised site plans that clearly depict the proposed modification and comply with all requirements stipulated in the original application, and [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document.
- 2. One (1) copy of a written narrative and any additional data describing the minor changes or modification proposed and the reason for the modification.
- 3. If the project involves modification to the stormwater design, the applicant must also provide the following:
 - (a) One (1) copy of the [Stormwater Construction and WQC Application Form](#) with Original Signature.
 - (b) Two (2) copies of the Stormwater Management Plan (Refer to [Stormwater Management Plan Guidance](#); include two (2) copies of an Operation and Maintenance (O&M) Plan and, if applicable, a Soil Erosion and Sediment Control (SESC) Plan).
 - (c) One (1) additional copy of the narrative.
- 4. If requesting a permit modification for a previously issued Joint Permit, submit the following items in total (not in addition to the number of copies listed above.)
 - (a) One (1) original and one (1) copy of the [Application for Freshwater Wetlands Determination or Permit form](#).
 - (b) One (1) multi-part OWTS Construction Permit Application form set and one (1) photocopy of the top OWTS application form.
 - (c) Six (6) sets of site plans and any associated documents required by [Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems 250-RICR-150-10-6 \(OWTS Rules\) §6.18\(E\) or §6.18\(F\)](#) (each set must be collated).
 - (d) Two (2) copies of a written narrative and additional necessary data detailing minor changes and the reason for the modification.

VII. Request for Regulatory Applicability (§3.9.4)

- 1. Three (3) copies of a site plan drawn to scale that includes and/or meets the following requirements:
 - (a) Illustrates and describes current and proposed conditions based on measured distances.
 - (b) Clearly depicts limits of clearing and disturbance.
 - (c) A locus map.

- (d) The location of any freshwater wetlands, freshwater wetland edges, buffer zones or buffers of concern.
- 2. Two (2) copies of a written project description including the purpose, size, and location of the project and a description of how potential freshwater wetland impacts have been avoided to the maximum extent possible.
- 3. Photographs depicting the current site conditions in the area of proposed work.
- 4. Documentation of a verified freshwater wetland edge, if available (this is not required but can be helpful in certain situations where the proposed project is close to the wetland edge).

VIII. Application for Permit Renewal (§3.14.2)

- 1. No additional requirements.

IX. Application for Permit Transfer (§3.14.4)

- 1. A certified copy of the deed of transfer.
- 2. Note that permits issued by the Department that are recorded in the land evidence records of the municipality in which the property subject to the permit is located are automatically transferred upon the sale of the property to the new owner.
- 3. If requesting a permit transfer for previously issued Joint Permit, submit the following items in total (not in addition to the number of copies listed above).
 - (a) One (1) original and one (1) copy of the [Application for Freshwater Wetlands Transfer form](#).
 - (b) One (1) completed multi-part OWTS Construction Permit Application form set (OWTS Designer's signature not required) and one (1) photocopy of the top OWTS (Transfer) application form.
 - (c) Two (2) copies of the certified deed of property transfer.

X. Application for Emergency Alterations (§3.14.1)

- 1. There is no application form for an Application for Emergency Alterations.
- 2. An oral or written request for permission to proceed made by the owner of the property or easement or by an appropriate official of a town, city, State or Federal agency or public utility responsible for correcting problems which arise on an emergency basis. The request must include the following, at a minimum:
 - (a) An explanation of the problem necessitating an emergency alteration.
 - (b) The reason why the problem represents an imminent threat to health and safety.
 - (c) The location of the area in which corrective activity is required.
 - (d) The proposed actions necessary to correct the problems.
 - (e) The person responsible for overseeing the activity, including immediate means of contact.
 - (f) The means proposed to restore the freshwater wetlands, buffer, floodplain, area subject to storm flooding or area subject to storm flowage following the emergency alteration, as appropriate.
- 3. Unless otherwise notified by the Department, submit an as-built plan or a plan of restoration to the Department no later than 45 days following the action necessary to correct the emergency problem. The site plan must comply with the Site Plan Requirements in [§3.8.4](#) and [§3.8.5](#), as summarized in **Section XI Site Plan Requirements** of this document. Site plans must depict the emergency activity undertaken, the jurisdictional area affected, any alteration which resulted from the activity, all

restoration activities undertaken or still required.

XI. Site Plan Requirements (§3.8.4 and §3.8.5)

1. All site plans require the following:
 - (a) Must be drawn to scale (not to exceed 1" = 100' but preferably 1" = 40').
 - (b) Must be at least 8-1/2" x 11" in size and shall not exceed 24" x 36" unless requested.
 - (c) Plans including more than one sheet must be numbered consecutively.
 - (d) Plans must have markings permanently fixed.
 - (e) Indication of whether baseline data (physical features, distances, contour elevations, etc.) were obtained by on-site survey, aerial photogrammetry sources, or reproductions from other maps/plans. If developed from on-site surveys, note the class or standard the survey meets. If developed from photogrammetry or reproduction from other sources, estimate the maximum possible horizontal or vertical error.
 - (f) Each site plan sheet prepared by a registered professional must bear the stamp of that professional, along with the date and his/her signature.
 - (g) All plans must include the following:
 - Title Block containing the following:
 - Name of the person/party involved.
 - Proposed project title.
 - Principal street or road abutting the site.
 - Tax assessor's plat and lot number(s).
 - City or Town.
 - Name of the preparer.
 - Scale of the plan.
 - Original date of the plan and date of the latest revision, if applicable.
 - Depiction of the following:
 - Street(s) abutting site with fixed reference point (e.g., utility poles and numbers, house numbers or similar structures).
 - Distance and direction to the nearest intersection.
 - Magnetic north arrow.
 - Entire property boundary outline and dimension, which may be shown on a separate plan sheet.
 - Insert map showing site location in the community (locus plan).
 - Scale of Plans.
 - Legend which explains all markings and symbols.
2. If site plans require depiction of the edge of freshwater wetlands, applicable buffer zones, buffers, and the limits of other applicable jurisdictional areas, the following must be included:
 - (a) The edge of any freshwater wetlands relied on for depiction of associated buffer zones.
 - (b) The edge and direction of flow of any river, stream, area subject to flooding or area subject to

storm flowage.

- (c) The outer extent of any applicable buffer zone.
 - (d) The edge and elevation of any flood plain and the limit of any floodway except in the following situation:
 - Pre-determined 100-year flood elevations are not available from published sources including previous engineering studies and
 - A Registered Professional Engineer provides clear and convincing documented evidence that the project site is above any probable 100-year flood elevation.
 - (e) The outer extent of the jurisdictional area.
 - (f) The name of any surface or flowing water body or any other freshwater wetlands where applicable.
3. If the application includes a proposed project, the following must be depicted on the site plans:
- (a) Both current and proposed contour lines at maximum intervals of 2 feet, when grade changes are proposed. If no grade changes are proposed, include a notation stating that.
 - (b) Profiles and cross sections drawn to scale.
 - (c) A labeled 'limit of disturbance' that includes all proposed temporary and permanent vegetative clearing and surface or subsurface disturbance associated with the proposed project.
 - (d) All temporary and permanent erosion and sediment controls.
 - (e) All temporary and permanent stormwater, flood protection and water quality management controls, and all best management practices.
 - (f) All proposed measures to conduct, contain or otherwise control the movements of surface water, groundwater, or stormwater flows, and the ultimate destination of such flows.
 - (g) All construction activities either above or just below the earth's surface proposed to occur within a jurisdictional area, including the height of buildings.
 - (h) Any additional specific requirements contained in any applicable application package checklists for proposed projects.
 - (i) Any area within a buffer zone that is to be created and maintained as buffer.