



STATE OF RHODE ISLAND
Department of Environmental Management

Freshwater Wetlands in the Vicinity of the Coast

Background

For many years, freshwater wetlands near Rhode Island's coast were under the regulatory jurisdiction of both the Department of Environmental Management (DEM) and the Coastal Resources Management Council (CRMC). Due to the enactment of a state law intended to eliminate duplicative permitting, CRMC and DEM jointly established a line and regulations that clearly delineate areas of freshwater wetlands regulatory jurisdiction. The jurisdictional line took effect August 18, 1999 and was revised in 2001 and 2007.

The jurisdictional boundary

Biologists from the CRMC and DEM worked together to establish the line that delineates freshwater wetlands jurisdiction between the two agencies. Generally, the jurisdictional line coincides with state and local roads. In the instances where roadways were not used, for the most part, the line follows local right-of-ways or property boundaries. As of August 18, 1999, all freshwater wetlands activities that are seaward of the line, or, *in the vicinity of the coast*, have been under the jurisdiction of the CRMC. All freshwater wetlands activities that are landward of the line remain under the authority of the DEM. (Rule 3.02)

Farmers

The only exception to this change to freshwater wetlands regulation pertains to farmers. The jurisdictional line does not apply to farmers pursuing farm-related projects. DEM will continue to be the freshwater wetlands regulatory agency for all farmers, regardless of the location of the farm. (Rule 3.02A)

Rules and regulations

The CRMC's *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* were similar to the DEM's at the time they were promulgated in 1999. Effective June 1, 2007, DEM amended its *Rules and Regulations* with resulting procedural and definition differences between the agencies. It is the goal of both agencies to continue to fully protect the integrity of freshwater wetlands.

Existing DEM wetlands permits

All determinations, verifications, and permits issued by DEM remain valid for the specified time periods (Rule 3.02B). As of January 1, 2002, the renewal, transfer, and modification of all valid permits originally issued by DEM fall under CRMC jurisdiction unless there is outstanding enforcement action or a legal proceeding related to the permit. After January 1, 2002, all new applications relating to the original permit must be submitted to CRMC, even though you may have received your original permit from DEM. (Rule 3.02)

Ongoing DEM enforcement cases

Ongoing DEM enforcement actions on properties that are seaward of the line will continue to be processed by DEM. (Rule 3.02E)

Projects on the boundary or that straddle the boundary

The agencies have further minimized duplicative permitting by designating a single review agency for most situations where projects are on the boundary or that straddle the boundary. (Rule 3.03)

Other CRMC regulatory programs

Those portions of the Coastal Resources Management Program (CRMP) and the Special Area Management Plans (SAMPs) that pertain to freshwater wetlands will remain in effect. In all cases where there is more than one protection standard or provision from the CRMP, the SAMP, and the *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast*, then the more stringent standard shall apply.

Other permits

The CRMC *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* pertain to State freshwater wetlands permitting and enforcement only. These Rules do not eliminate the need to obtain other local, state or federal permits. When applicable to freshwater wetlands in the vicinity of the coast, the U.S. Army Corps of Engineers Programmatic General Permit will be administered by CRMC. The DEM will continue to administer the *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Rules) and the *Water Quality Regulations* throughout the State.

Availability of maps, Rules, forms, etc.

The maps that illustrate the jurisdictional line are available for inspection at the CRMC, the DEM Office of Technical and Customer Assistance, and the applicable coastal Town and City Halls. These maps are also available on the web at: www.dem.ri.gov/maps/wetjuris.htm or www.crmc.ri.gov/maps/index.html. Copies of the *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* are available from the CRMC, as are application forms, data sheets, etc.

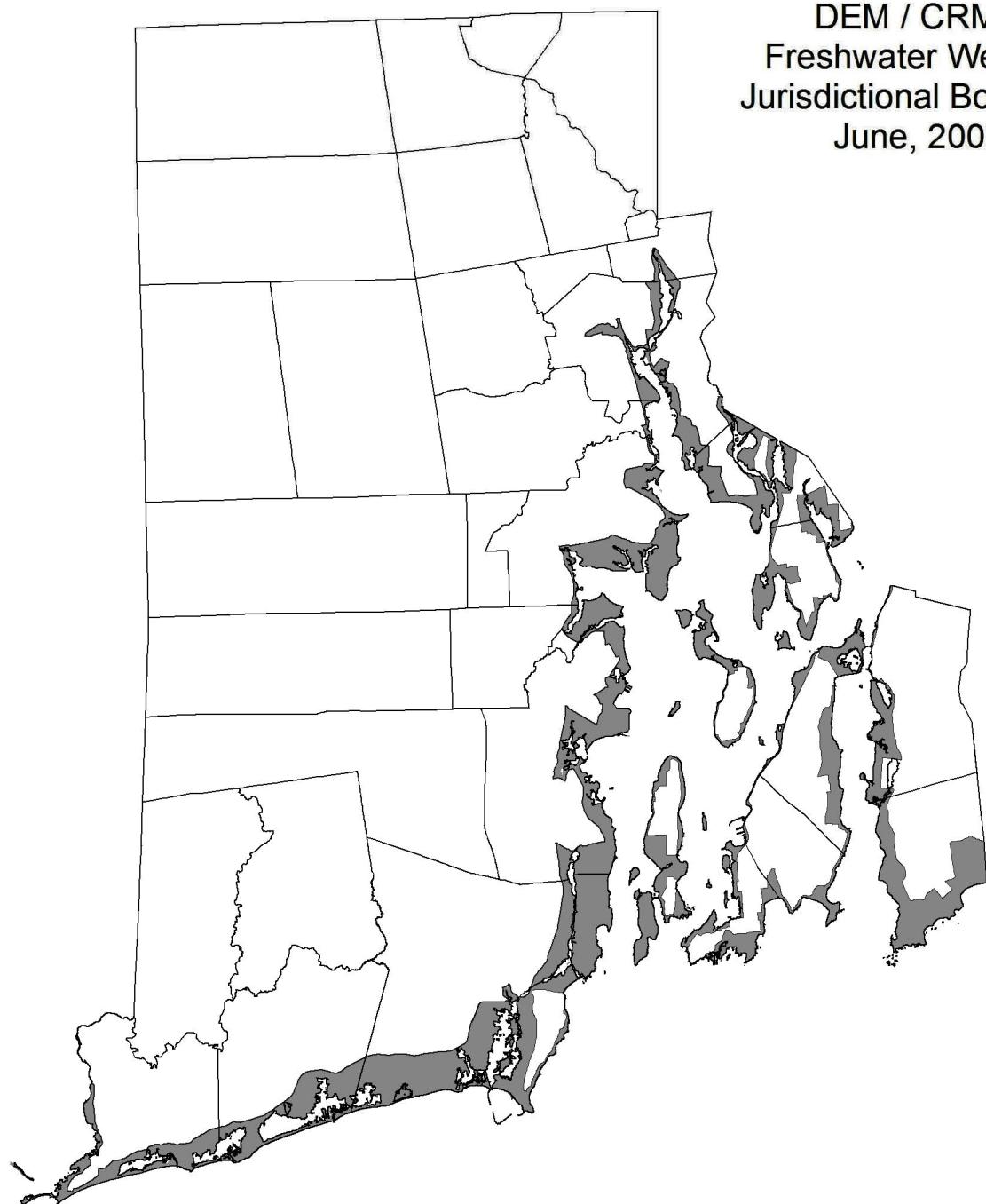
For further information please contact

CRMC at Oliver H. Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI 02879; Phone (401) 783-3370.

DEM Office of Technical and Customer Assistance at (401) 222-6822, Office of Water Resources Wetlands Program at (401) 222-6820, Office of Compliance and Inspection at (401) 222-1360, and Division of Agriculture at (401) 222-2781. All DEM Offices are at 235 Promenade Street, Providence, RI 02908.

Note: The Rule numbers referenced throughout this factsheet are from the DEM *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.

DEM / CRMC
Freshwater Wetland
Jurisdictional Boundary
June, 2007



AGENCY

- CRMC
- DEM



0 3 6 12 Miles