

# Partnering for Protection

## *Wetlands Workshop for Municipal Officials*

May 22, 2008



**Please Note:** This presentation is for a workshop only and is not meant to be a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.

# **Exempt Activities and Emergency Alterations**

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# Exempt Activities - Rule 6.00

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- Exempt activities are projects listed in Rule 6.00 that do not need a permit from the freshwater wetlands program at RIDEM even if they are within state wetland jurisdiction.
- Does not replace or preclude the need for other permits such as an onsite wastewater treatment system permit, a building permit or a Coastal Resources Management Council permit.



# Exempt Activities - Rule 6.00, cont.

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- Different from those activities that need a permit but are considered insignificant alterations.
- Exempt activities still have “general conditions” similar to permitted projects.

# Goal and Objective

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- Designating some projects as exempt allows the department to focus on those activities that are of greater impact.
- This reduces the number of projects that need site inspection and review by DEM.
- This saves the public and the state agency time and money.

# New Exempt Activities

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- Cutting for invasive species control (6.02K)
- Vertical addition to 2 stories (6.05 & 6.06)
- Planting in perimeter & riverbank (6.18)
- High & significant hazard dams (6.19)
- Cutting/clearing at low hazard dams (6.20)

# General Categories of Exemptions

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- Limited clearing or cutting (6.02)
- Limited maintenance and repair (6.03)
- Demolition of buildings or accessory structures (6.04)
- Projects related to a single family residences and non-residential buildings (6.05 & 6.06)
- Emergency environmental protection (oil spill) (6.07)
- Utility emergencies/new utility lines (6.09 & 6.10)
- Emergency Water Withdrawal (firefighting) (6.17)
- Conservation Activities (6.13)
- Monitoring and Research (6.14)



# Exempt Vegetative Clearing

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- Threats to Safety (dead or dying branches or trees)
- Maintaining “existing or approved” fields, lawns, recreational areas etc.
- Tree harvest supervised by the DFE
- Required by the Dam Safety Program



# Exempt Vegetative Clearing, cont.

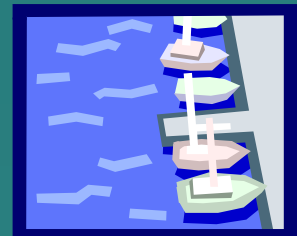
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- Vehicle Safety Access (10 feet)/existing or approved pedestrian trails
- Existing or Approved Utility Line right of way
- Non-mechanized removal of floating or submerged vegetation, 15 feet or less away from existing or approved docks, beaches, or swimming areas.
- Maintenance of drainage ditches and storm water facilities

# Exempt Maintenance

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- Maintaining structural integrity
- Replacement of functional drainage structures of same invert elevation,( more than 50' same type, size, length, and capacity...50' or less more flexible specifications).
- Cleaning drainage structures
- Repaving and normal roadway maintenance
- Repair of docks, foot bridges and boat ramps



# Exempt Maintenance, cont.

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- Bridge repair performed from the bridge decking (not from the freshwater wetland)
- Removing manmade trash from freshwater wetlands without any change in the profile or character of the wetland, and removal of obstructions in watercourses that prevent canoe access.
- Repair or in-kind/in-place replacement of shoreline stabilization structures



# Exempt Maintenance, cont.

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- Public utility service inspection, maintenance, and repair
- Repair and replacement of utility lines on bridges and in existing or approved roadways.
- Maintenance by municipalities of surface water impoundments used for drinking water (20 days notice)
- In-kind replacement of structures destroyed by fire



# Utility Emergencies

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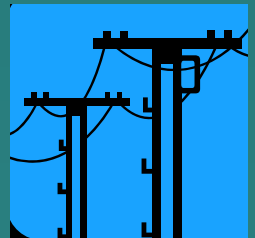
- Emergency access and repair OR replacement of utility lines, poles, structures, equipment or facilities due to
  - storm damage
  - acts of vandalism
  - accidents or
  - equipment failure
- All affected wetlands must be fully restored at project completion



# New Utility Lines

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- Installation of utility lines, poles, structures, equipment or facilities may occur on, above or beneath existing or approved paved roads and cleared shoulders, existing or approved railroad beds and cleared shoulders
- Must be done in accordance with Rule 6.01 AND antiseepage collars must be used where subdraining of the wetland could occur



# Specific Conditions for New Utility Lines

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- No change in flow of water or culvert function results
- No diversion of groundwater or surface water toward or away from a wetland
- Restore original contours
- All work done during low flow
- Stabilize and re-vegetate disturbed areas
- Use best management practices for any dewatering

# High & Significant Hazard Dams

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- Maintenance & Repair permissible
- Must adhere to DEM's *Rules and Regulations for Dam Safety*
- Cannot result in a “*substantial alteration of a dam*”



# Low Hazard Dams

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- Cutting & clearing does not exceed 15 from perimeter of dam, or is necessary for access
- Maintenance necessary to keep dam in working order, provided it is limited to repair of small eroded areas, lubricating & exercising equipment, and re-pointing masonry

# Low Hazard Dams, cont.

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- Inspection, maintenance & repair to water control structures, with written notice at least 10 days prior to commencement of activity;
- Explain activity to be performed and time for completion
- Where practicable, normal pool elevations (or temporarily lowered pool elev.) must be maintained with cofferdams

# General Conditions for Exempt Activities- Rule 6.01

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- Does not relieve you of responsibility to obtain other applicable permits
- All structures or fill must be maintained to ensure public safety and protect wetland functions
- You may need to install erosion controls (i.e. haybales, silt fence, check dam, coffer dam)
- You must remove all equipment after construction
- No exempt activity can jeopardize rare wetland types or species in any way
- Overall, are you protecting wetland functions and values?

# Things to think about

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- Avoidance. Can wetlands be avoided or impacts minimized
- Where is the wetland edge?
- Would the project result in fill in floodplain? Check with engineer or FEMA
- How close is the alteration (limit of work) to the wetland edge

# Available Options

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- Proceed as exempt (under all appropriate conditions)
- Submit an Application for Regulatory Applicability
- Obtain a permit if you do not clearly meet criteria for exemption, or alterations to wetlands are likely

# Emergency Alterations

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- Verbal or written requests for permission to proceed without a permit must be made to the Freshwater Wetlands Program by the owner of the property or easement where the emergency alteration is proposed OR by a municipal, state or federal agency official or public utility that is responsible for correcting the problem. An emergency that poses an imminent threat to health and safety will be considered under this Rule.

# Emergency Alteration Requests must include...

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- An explanation of the problem that makes the situation an emergency
- The reason it is considered an imminent threat to health and safety
- The site location where work will be done to correct the problem

# Emergency Alteration

## Requests must include... (cont)

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- An explanation of the proposed work that will correct the problem
- Who will oversee the proposed work and how to contact them
- Proposed subsequent measures to restore freshwater wetlands if necessary