

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*.

Request for Regulatory Applicability

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Background and Purposes

- Formal, but flexible, quick and simple, procedure to determine if permit needed
- Professional services not (typ.) required
- Primary objectives
 - Exempt activities
 - Activities on developed property
 - Small projects where edges are known AND work is not adjacent to regulated areas
- Trial period

Requirements

- Separate application form
- Drawing showing key features
- Write-up of work proposed and measures to avoid impacts
- Photos

To Print RRAP Form Only, Push This Button, Set Page Range to 6-7

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

REQUEST FOR REGULATORY APPLICABILITY FORM

AGENCY USE ONLY
Application No.:

AGENCY USE ONLY
Application Received:

Part A Purpose of Application:

Please type or print _____

Use this application form only if you desire confirmation that your proposed project does not require a permit under the Freshwater Wetlands Rules. (see Rules 5.02, 7.01, 7.02 and 8.04 for a description of application types, submittal requirements and application outcomes.) Please be informed that many projects or activities occurring outside of wetlands may directly or indirectly alter the character of wetlands. Applicants proposing development in undisturbed areas in or near wetlands should use the Request for Preliminary Determination (Rule 9) and General Application Form to obtain a suitable determination in cases where applicability of the Freshwater Wetlands Rules is likely.

Part B Applicant Information:

- Name of Applicant (see Rules 7.02): _____
Note: The applicant must be the owner of the property or easement which is the subject of this application or must be the government agency or entity with power of condemnation over such property or easement.
- Mailing Address of Applicant:

Street/Road P.O. Box

City/Town State Zip Code Telephone No.
- Location of Property subject to this Application (if different from mailing address):

City/Town Street Abutting Site Street address number (if applicable)

Nearest street intersection and its distance and direction from site
Nearest utility pole number(s): _____ Direction to site from abutting street: N _____ S _____ E _____ W _____
Tax Assessor's Plat(s) and Lot No (s): _____
Recorded Plat (s) and Lots No. (s) (if no Tax Assessor Plat and Lots available): _____

Part C General Information and Checklist:

- Any previous application for this site? Yes ___ No ___ Provide Application No. (s) _____
- Any previous enforcement action for this site? Yes ___ No ___ Provide File No(s) _____
- Fee Enclosed - \$150.00 made payable to the General Treasurer of Rhode Island Check No. _____
- Attach 3 copies of plan illustrating the current and proposed conditions of the property and location of wetlands
- Attach written project description including purpose, size, and area(s) on the property where project is proposed
- Attach photograph(s) of the current site conditions where work is proposed

What DEM will do

- Send confirmation of receipt
- Check for application completeness
- Check past files or any violations
- May visit site (unusual) or call applicant or professional
- No deficiencies are issued
- Issue decision in writing on application form, with comment as appropriate and date stamped copy of submittal materials

Experience thus far

- 31 applications
 - 15 successful
 - 12 not successful*
 - 4 captures activity not likely to have applied
- Examples of success
 - Approval to replace shoreline wall - exempt
 - Replacement of dwelling near pond on existing foundation – no alter
 - Enclosure of porch, no foundation work – no alter
 - Rebuilding of walkways in city park near pond – no alter



Experience thus far (cont'd)

- Examples of failure
 - Subdivision of land
 - Shoreline RR tie wall replacement w/concrete
 - DOT project installing CBs off-roadway in perimeter wetland
- Warning!!!
 - WYSIWYG?
 - What you SUBMIT is what you get – meaning, the more complete and accurate the info provided, the more value in the decision; in other words, if part of the proposed work is not described or detailed, or the submission is in error, the decision may be worthless or invalid.

Summary

- New process to help catch the easy work
- Confirmation and assurances for property owner
- Refinements may be expected
- Check regularly for updates to form
- Questions?

