

# Revisions to the RI Freshwater Wetlands Act



2016 Land & Water Summit

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March 19, 2016

# A Short History

- 1971: RI Freshwater Wetlands Act passed (second such law in the country)
- 1974: Revisions made to define and regulate “perimeter wetlands” and “riverbank wetlands”
- 1988: Provisions added for farmers and farming activities

# **50-foot perimeter wetland**

- “Area of Land Within 50-Feet”
- ***A freshwater wetland* consisting of the area of land within fifty feet (50’) of the edge of any wetland consisting, in part or in whole, of a bog, marsh, swamp or pond as defined by the Rules.**

# 50 Foot Perimeter Wetlands Apply To:

Swamps

Marshes

Wetland  
Complexes

Ponds

Bogs

# Special Aquatic Sites (aka Vernal Pools)





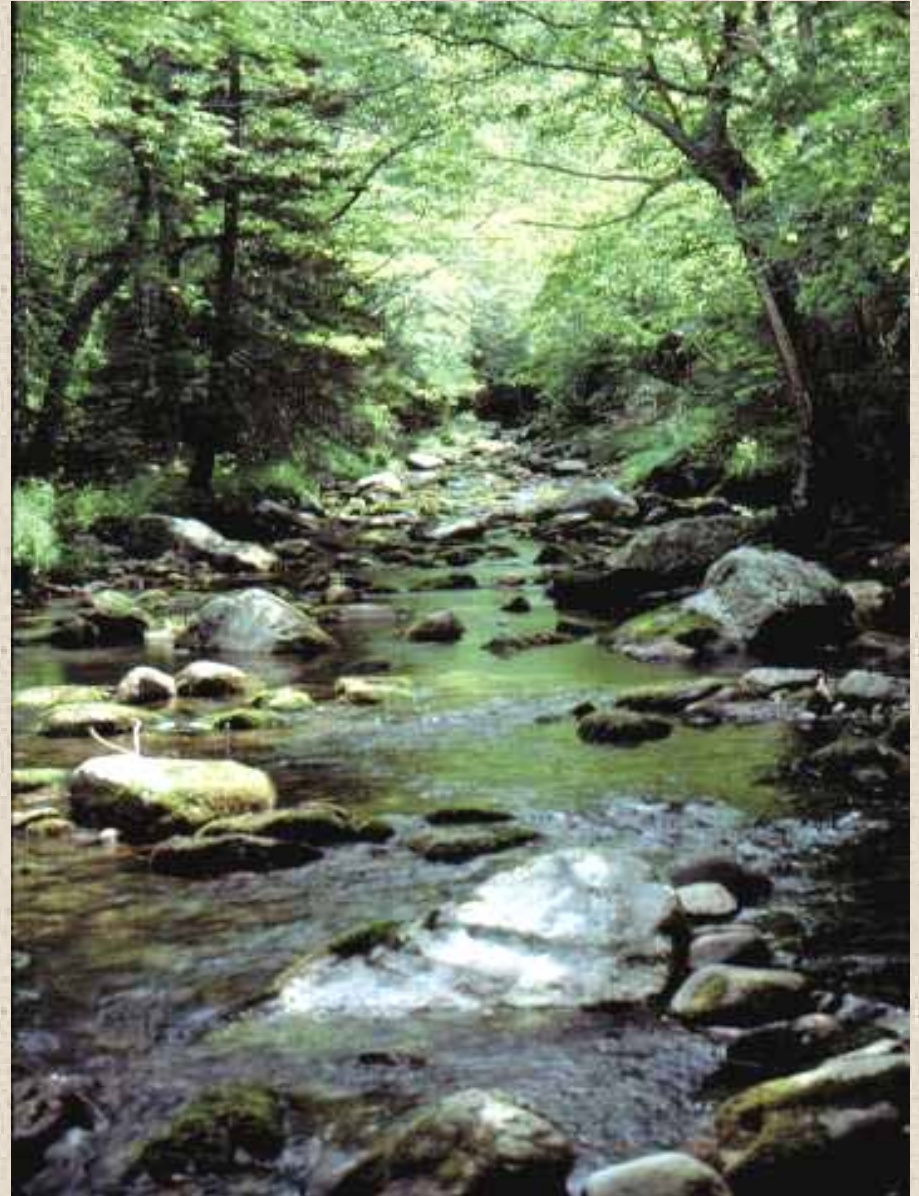
# Other Vegetated Wetlands

- Forested wetlands
- Shrub Wetlands
- Emergent Plant Communities
- Submergent Plant Communities



# Flowing Bodies of Water

- Rivers
- Streams





# **Riverbank Wetland**

**“That area of land within two hundred feet (200’) of the edge of any flowing body of water having a width of ten feet (10’) or more, and that area of land within 100 feet (100’) of the edge of any flowing body of water having a width of less than ten feet (10’) during normal flow.”**



# “Stormwater Wetlands”

- Areas subject to storm flowage
- Areas subject to flooding
- Floodplain



# Municipal Buffers & Setbacks

- 24 of 39 Cities and Towns currently have buffers or setbacks at or beyond what was provided by the Wetlands Act
- Distances ranged generally from 50' to 200' (1000' in 2 cases for hazardous waste facilities)
- Some applied to structures or disturbance, some applied solely to OWTs, some to both

# Problems with Current Standards

- State standards provide inadequate protection, prompting differing municipal standards
- Various municipal standards result in diverse outcomes
- Lack of uniform process is burdensome & unpredictable
- Duplicative reviews & competing interests add costs to businesses and landowners

# So Then This Happened

## R.I.G.L. 42-64.13-10 (2013)

- Created a Task Force to investigate the adequacy of current protections
- Intended to identify gaps in protection for various wetlands
- Created Task Force charged with providing recommendations for statutory & regulatory changes to establish standards
- Would prohibit municipalities from establishing larger buffers once changes put in place



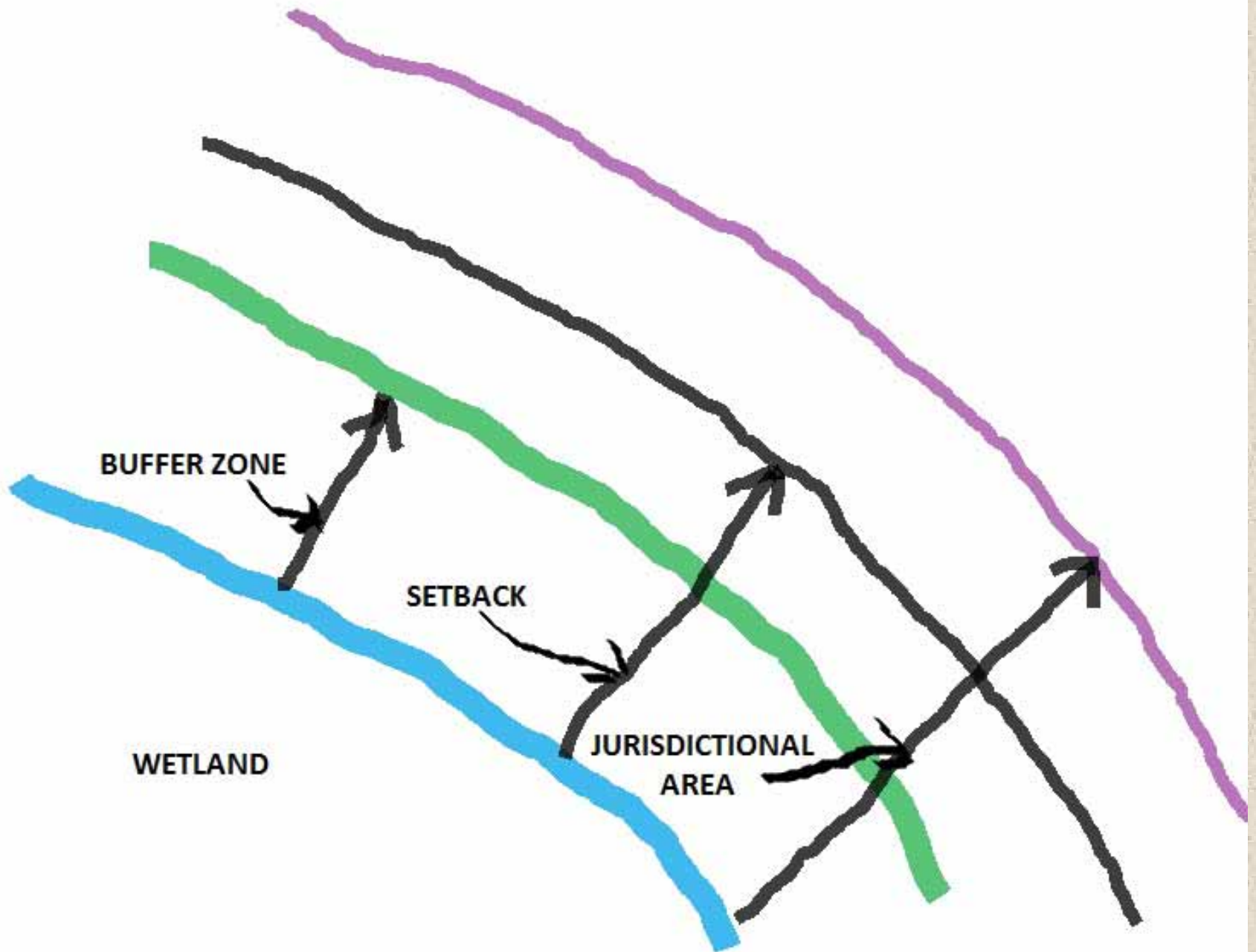
- Task force met monthly starting in September of 2013, with final meeting in November of 2014.
- Final Report Submitted December 31, 2014
- Legislation to Establish Statewide “Single Standard” submitted in January of 2015.
- It **didn't** die in committee!
- Signed into law by Governor Raimondo on July 10, 2015

# Resulting Jurisdictional Changes

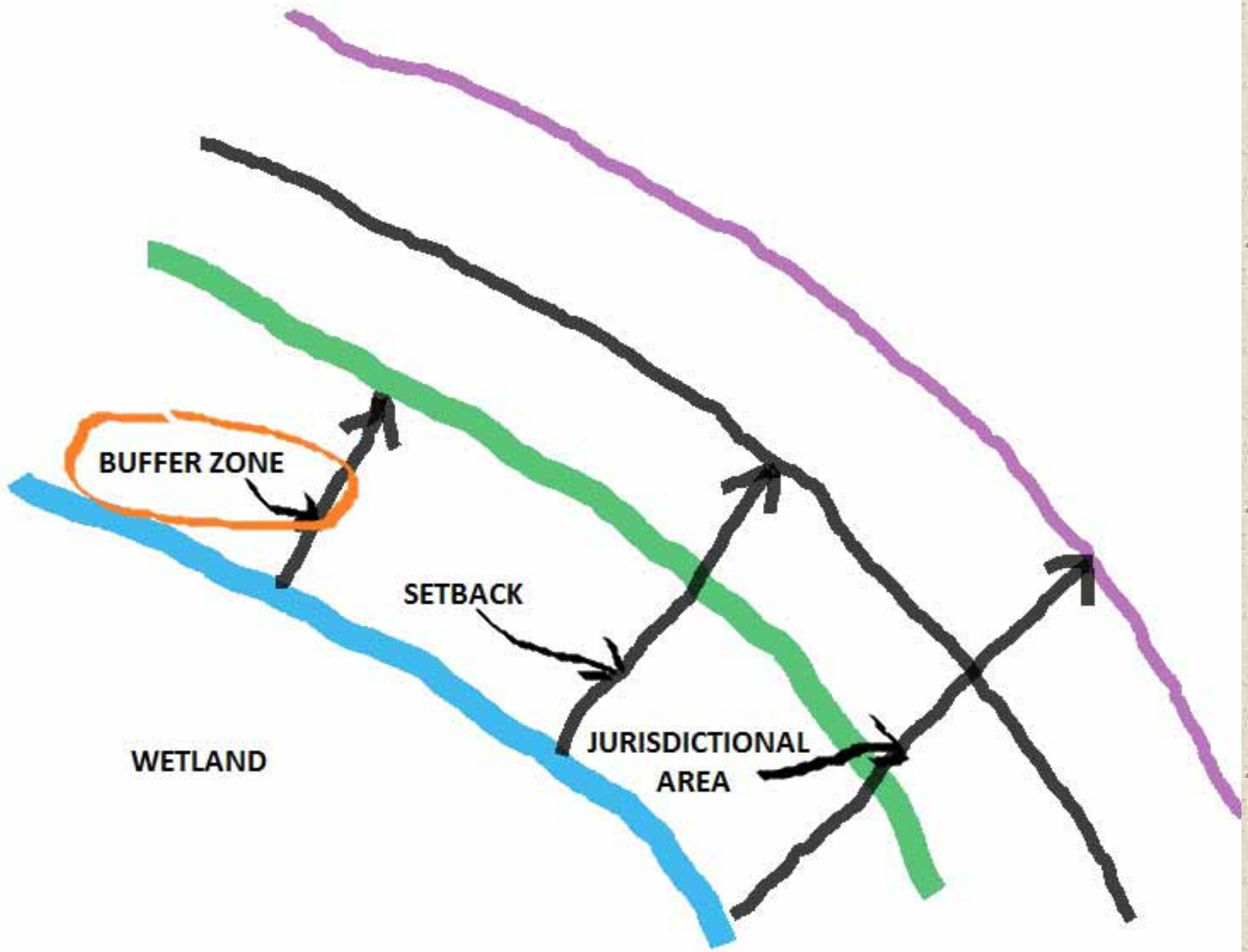
- Defined jurisdictional areas: 100 feet from all freshwater wetlands and 200 feet from all rivers, streams and drinking water supply reservoirs
- Maintained same authority to regulate floodplain, areas subject to flooding & areas subject to storm flowage

# Redefines/Clarifies Terminology

- “Freshwater Wetlands” include only actual wetland resources (swamps, marshes, streams, etc.) and **not** perimeter or riverbank wetlands
- Defines “buffers” & “jurisdictional area”
- Includes new definition for “vernal pool”;
- Defines “setback”
- Aims to use common terminology between DEM and CRMC







## “Buffer” Defined

“an area of undeveloped vegetated land adjacent to a freshwater wetland that is to be retained in its natural undisturbed condition, or is to be created to resemble a naturally occurring vegetated area.”

# Description of when approvals are needed revised to incorporate new terminology (2-1-21)

- No one may alter the character of any freshwater wetland, buffer or floodplain without approval of the Director
- No one may undertake any activity in jurisdictional area that may alter the character of any freshwater wetland, buffer or floodplain without approval.

# Increased Coordination with Municipalities

- “Veto” provision removed from the law;
- Emphasis on sharing information about new applications and decisions with cities and towns, with better opportunity for input during application review.
- Provides municipalities with opportunity to petition Department for greater buffer zones within jurisdictional areas.



# Establishes Single State Standard

- Once the Department establishes buffer standards for wetlands and OWTS throughout the State in the Rules and Regulations, there will be an orderly phase-out of local ordinances related to wetland standards.
- Municipalities will no longer be able to establish any buffer distances for wetlands or OWTS beyond that established by the State.

# Revised Rules & Regulations

- Required DEM and CRMC to promulgate standards for buffers and setbacks
- A petition process for municipalities to increase buffers will be incorporated
- Establish procedures to access permit application info and allow input during application process
- Seek ways to streamline and reduce regulatory burden where possible, emphasizing **protection** over **process**.

# Meetings, meetings and more meetings

- DEM and CRMC staff have been meeting on a weekly basis to work on revisions
- We're working with a small workgroup consisting of the original Legislative Task Force and a Water Supply Representative
- Legislation also called for an Agricultural Advisory Workgroup to address Agriculture concerns

And so now the **real** fun begins!!



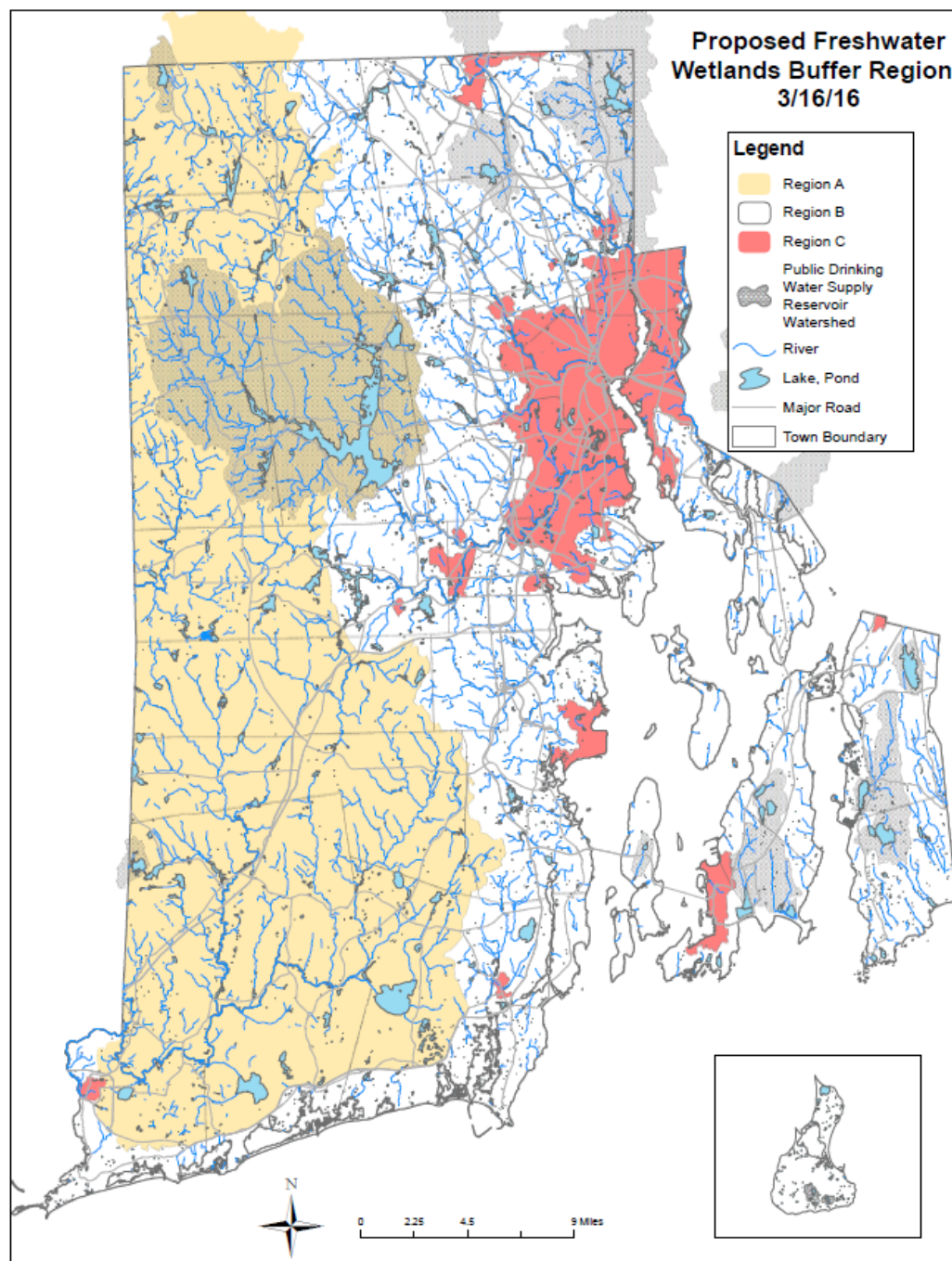


# Buffer Standards

- Tiered approach: considering watershed characteristics, existing land uses, vulnerability & extent of wetland resource, wetland functions & values, and other factors.
- Considering dividing State into three regions using watersheds and land use factors

# Regions

- **Region A:** high priority for fish & wildlife habitat conservation, water quality
- **Region B:** mix of land uses and watershed characteristics, including urban, suburban and rural characteristics
- **Region C:** Most densely developed areas, including metropolitan Providence area and other urban centers



# Buffer Zone Widths

- Considering a range of Buffer widths, referred to as “Buffer Zones”
- Width may vary with the Region, or based on wetland resource types
- With certain exceptions, Buffer Zone widths anticipated to generally decrease from Region A to Region C

# Maximum Buffer Zones

- Rivers in high value watersheds
- Rivers and certain contiguous wetlands and ponds within watersheds of drinking water supply reservoirs
- High-value habitat wetlands or rare wetland types (marshes, bogs, evergreen swamps, vernal pools with intact upland habitat)



# Minimum Buffer Zones

- Small, isolated wetlands
- Wetlands within Region C urban cores
- Wetlands located in median strips of travel corridors

❖ In No Case will a Buffer Zone be “zero”

## **“Buffer” Defined**

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Google earth



Imagery Date: 5/6/2015 41°25'46.47" N 71°34'03.54" W elev 89 ft eye alt 440 ft

# Municipal Petition Process

- The Act provides municipalities with opportunities to petition the Director to increase the size of buffers within one or more wetland resources
- Will need to provide technical justification
- No buffer zone distance can exceed the limit of the established Jurisdictional Area



# Streamlined Application Processing

- Significantly more jurisdictional area
- No additional staff
- Need to streamline process and reduce regulatory burden
- Focusing efforts on projects with greatest potential for impact while seeking additional streamlining measures

# Streamlining Options under Consideration

- Better clarification of what constitutes an “alteration”, especially beyond “jurisdictional areas”
- Establishing Buffer Standards and other Design Standards
- Expansion of Exemptions
- Promulgation of General Permits
- Specifying Exclusions

# Region B

No Mulch per RIDEM  
SAUGATUCKET POND

RESTORE PREVIOUSLY DISTURBED AREAS  
WITHIN PERIMETER WETLAND W/  
12 - 3 GAL RHODODENDRONS &  
6 - 2-3" CAL HOLLY &  
6 - 2-3 GAL WINTERBERRY  
SPACED 12-15' O.C. (TYP.)  
STABILIZE SOIL W CONSERVATION  
MIX, OR MULCH

AP 49-1 / LOT 146

ROOF DRYWELL  
DIRECT ALL ROOF RUNOFF TO CHAMBERS  
4 ADS STORM-TECH RC-310 CHAMBERS  
(34" WIDE X 7'6" LONG X 16" HIGH)  
14.7 CUBIC FEET OF STORAGE, PER UNIT  
SET IN 12" GRUSHED STONE ENVELOPE  
(32' X 5')± SEE DETAILS

AP 49-1 / LOT 147

MATERIAL STOCKPILE AREAS  
(SEE NOTES FOR TREATMENT OF PILES  
EXPOSED LONGER THAN 30 DAYS)

CONSTRUCTION ENTRANCE  
20' X 50' (TYP)

AP 49-1 / LOT 145

4" PROPOSED SEWER FROM EXISTING LATERAL

EXTEND WATER SERVICE  
(1" BLUE CTS CLASS 160 PSI PLASTIC TUBING  
EXISTING CURB BOX AT PROPERTY LINE)

AP 49-1 / LOT 143

AP 49-1 / LOT 141

OAKWOODS DRIVE

AP 49-1 / LOT 128

VEGETATED SWALE  
85' LONG X 4' WIDE X 9" DEPTH WITH  
3:1 SIDE SLOPES; CONSTRUCTED AS  
TWO 42.5' SWALES AT 4' WIDE EACH  
ALONG EACH SIDE OF DRIVEWAY  
DIRECT ALL PAVED DRIVEWAY RUNOFF TO  
SWALES

## LEGEND

- 101- EXISTING ELEVATION CONTOURS
- 101- PROPOSED ELEVATION CONTOURS
- EXISTING SITE CONDITIONS
- PROPOSED SITE CONDITIONS
- PARCEL LIMITS
- ZONING SETBACKS
- TREELINE
- STONE WALL
- UTILITY POLE
- WATER LINE
- UNDERGROUND UTILITIES
- WATER CURB STOP
- STORM DRAIN
- EROSION CONTROLS
- WETLAND EDGE

## GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.





## SITE PLAN PROPOSED ADDITION YUSHIN AMERICA PREPARED FOR TRAC BUILDERS

- = Edge of River
- = Designated Buffer
- = Former "Buffer" (now "Wilderness Area")
- = Designated Wetlands

### NOTES:

#### UTILITIES

1. ALL UTILITIES TO BE SERVICED THROUGH EXISTING BUILDING

#### TRAFFIC

1. NO NEW CURB CUTS PROPOSED
2. LOADING DOCK #1 MAXIMUM TRUCK DIMENSION IS 48'0" X 10'0"
3. LOADING DOCKS #2 AND #3 MAXIMUM TRUCK DIMENSION IS 48'0" X 10'0"

#### PARKING

1. 75 EXISTING PARKING SPACES TO REMAIN
2. 10 EMPLOYEES TO BE ADDED
3. 2 PARKING SPACES TO BE REMOVED
4. 16 NEW PARKING SPACES TO BE ADDED
5. REQUIRED PARKING AREA TO BE ADDED = 10, PROPOSED = 16, NET = 14 NEW PARKING SPACES, PER CITY OF ORANGE CODE 17.54.101 OFF-STREET PARKING
6. ALL PARKING SPACES TO BE ADDED WITHIN EXISTING PARKING AREA

#### STORMWATER

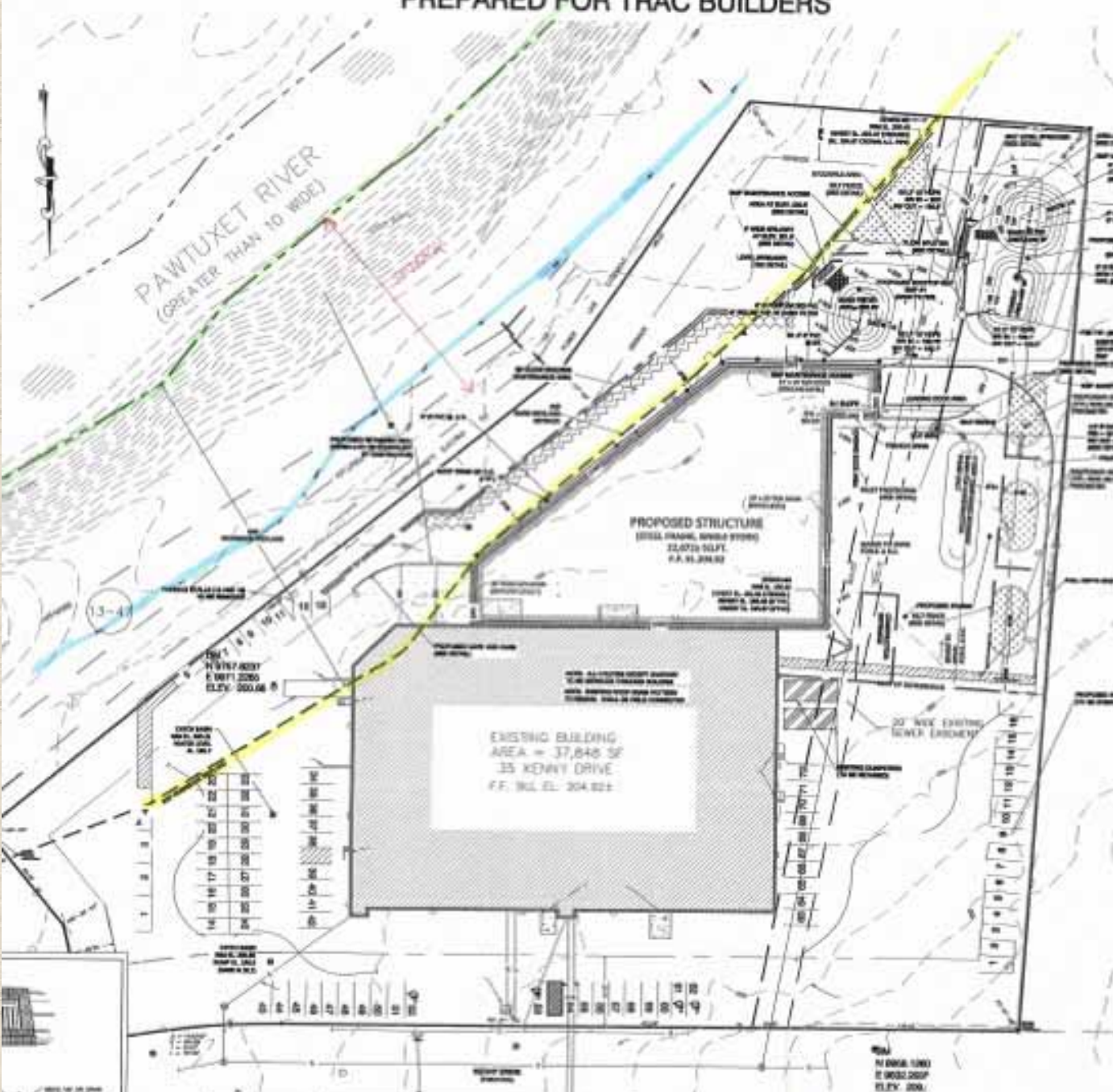
1. EXISTING BUILDING ROOF DRAINS TO REMAIN
2. PROPOSED ROOF LEADER TO BE DIRECTED TO BMP #1
3. PARKING AREAS AND LOADING DOCK AREAS TO BE DIRECTED TO BMP #2
4. BMP AREAS SHALL NOT BE USED FOR EQUIPMENT STORAGE OR AS STOCKPILES AFTER COMPLETION OF CONSTRUCTION

### EROSION CONTROL & SOIL STABILIZATION:

1. DENUDED SLOPES SHALL NOT BE UNATTENDED OR EXPOSED FOR GREATER THAN 7 DAYS OF TIME, SUCH AS THE INACTIVE WINTER SEASON.
2. DURING EACH CONSTRUCTION YEAR ALL DISTURBED SLOPES, EITHER NEWLY CREATED OR EXPOSED PRIOR TO OCTOBER 15, SHALL BE HYDRO-SEEDING OR PROTECTED BY THAT DATE.
3. TEMPORARY TREATMENTS SHALL CONSIST OF A HAY, STRAW, OR FIBER MULCH OR PROTECTIVE COVERS SUCH AS A MAT OR FIBER LINING (DURAP, JUTE, FIBERGLASS NETTING, EXCELORON BLANKETS). THEY SHALL BE INCORPORATED INTO THE WORK AS WARRANTED OR AS ORDERED BY THE ENGINEER.
4. HAY OR STRAW APPLICATIONS SHOULD BE IN THE AMOUNT OF 3,000 - 4,000 lbs./ac.
5. THE CONTRACTOR MUST REPAIR AND/OR RE-SEED ANY AREAS THAT DO NOT DEVELOP WITHIN THE PERIOD OF ONE YEAR AND HE SHALL DO SO AT NO ADDITIONAL EXPENSE.
6. ALL FILL SHALL BE THOROUGHLY COMPACTED UPON PLACEMENT IN STRICT CONFORMANCE WITH THE ROAD STANDARD SPECIFICATIONS SECTION 302.
7. ON BOTH STEEP AND LONG SLOPES CONSIDERATION SHALL BE GIVEN TO "COMBING" OR "TRACKING" TO TACK DOWN MULCH APPLICATIONS.
8. REFERENCE THE SEDIMENTATION CONTROL PROGRAM AND ORDER OF PRECEDENCE FOR PROPER COORDINATION.
9. THE OWNER AGREES TO ALLOW THE BUILDING INSPECTOR TO INITIATE ANY ADDITIONAL EROSION OR SEDIMENT CONTROL MEASURES NECESSARY TO MINIMIZE EROSION OR SEDIMENTATION.
10. EXTREME CARE SHALL BE EXERCISED SO AS TO PREVENT ANY UNSUITABLE MATERIAL EXITING THE PROJECT SITE.
11. DURING CONSTRUCTION THE CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE AND RUNOFF FLOW DURING STORMS AND PERIODS OF RAINFALL.
12. SEDIMENTATION CONTROL DEVICES SHALL BE INSPECTED CLOSELY AND MAINTAINED PROMPTLY AFTER EACH RAINFALL.
13. ADDITIONAL HAY BALES OR SANDBAGS SHALL BE LOCATED AS CONDITIONS WARRANT OR AS DIRECTED BY THE ENGINEER.
14. ALL SEDIMENTS SHALL BE REMOVED FROM THE DRAINAGE AND DETENTION FACILITIES WHEN DIRECTED BY THE ENGINEER.
15. REFERENCE THE "U.S. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK" PREPARED BY THE U.S. DEPT. OF AGRICULTURE, SOIL CONSERVATION SERVICE, 1989 REV. 2014, AS A GUIDE.
16. IMMEDIATELY UPON COMPLETION OF THE CLEARING AND GRADING OPERATION AND PRIOR TO ANY ROUGH GRADING, TEMPORARY HAY BALES AND SILT FENCE SHALL BE PLACED OUTSIDE THE LIMITS OF CONSTRUCTION AS PER THE PLANS.
17. ALL EROSION AND SEDIMENTATION CONTROL STRUCTURES SHALL BE PERIODICALLY MAINTAINED AS PER THE RESPECTIVE PROGRAMS FOR TEMPORARY CONTROL.
18. STRIP AND STOCK PILES AS SHOWN ON THE PLAN.
19. DUST CONTROL:
  - A. EXPOSED SOIL SURFACES SHOULD BE MOISTENED PERIODICALLY WITH ADEQUATE WATER TO CONTROL DUST.
  - B. CALCIUM CHLORIDE SHALL ONLY BE USED AFTER SEEKING APPROVAL FROM THE PUBLIC WORKS DEPT.
20. TRUCK TIRE CLEANING:
  - A. CONTRACTOR MUST CLEAN ALL STICKY SOIL FROM TRUCK TIRES BEFORE ALLOWING TRUCKS TO EXIT THE SITE.
  - B. IF WORK PROGRESS IS TO BE INTERRUPTED AT ANY TIME, REFERENCE THE EROSION AND SEDIMENTATION PROGRAMS FOR TEMPORARY CONTROL.

### LEGEND:

DEPARTMENT OFFICE  
FRESH  
ADDITION  
NO CHANGES  
APPROVED PLAN





# Municipal Input

- Need to make application information more accessible to Municipalities, preferably electronically
- Hoping to improve coordination with Municipalities by affording time to submit comments during application processing
- Will encourage attendance at pre-application meetings



# Hoping To Stay On Track







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