



FACT SHEET

Office of Water Resources / July 2022

WETLANDS # 22-9

Request to Verify Freshwater Wetland Edges – Frequently Asked Questions Freshwater Wetlands Rules (250-RICR-150-15-3)

Question: **Will RI DEM flag the wetland edges on my property?**

Answer: No, RI DEM does not have staff available to visit a property to identify and flag the edges of freshwater wetlands. It is the responsibility of the applicant to have freshwater wetlands on their property identified and flagged by a qualified professional. Information on hiring a qualified professional for identifying and flagging freshwater wetland edges can be found at

<http://www.dem.ri.gov/programs/benviron/water/wetlands/pdfs/guidewet.pdf>

Question: **How can I get freshwater wetland edges verified on my property?**

Answer: The first step is to have all freshwater wetland edges flagged with brightly-colored surveyor's ribbon (fluorescent colors are best) that is sequentially numbered/labeled. Since most applicants do not have the training and knowledge necessary to accurately identify the edge of many freshwater wetlands, this flagging is usually completed by a qualified professional biologist hired by the landowner. Once flagged, a Professional Land Surveyor will survey-locate all of the wetlands onto a site plan that also depicts other relevant fixed reference points such as property boundaries, stone walls, buildings, utility poles, topographical contours, and other relevant information. This material is included with an application form and fee that is sent to RI DEM in the form of a [Request to Verify Freshwater Wetland Edges](#) (Rule 3.9.3). At that time, RI DEM will inspect the site to verify the accuracy of the flagged wetland edges.

Question: **What can I expect to receive from RI DEM when I submit a Request to Verify Wetland Edges?**

Answer: After RI DEM inspects the site, and (if necessary) after it receives revised site plans correcting any flagging errors it may observe, RI DEM will issue a findings letter which confirms the accuracy of the flagged wetland edges. The letter may include any minor corrections to flagging locations that may be required. The findings letter will also identify what freshwater wetland types are present with their designated buffer zones as well as any other jurisdictional areas that are identified on the property. If floodplain is present, and RI DEM has been asked to verify an elevation, that will also be included in the findings letter.

Question: **Do all freshwater wetlands and buffer zones on my property need to be flagged for a Request to Verify application?**

Answer: No, not all freshwater wetlands need to be flagged for the verification application ...only those freshwater wetlands that RI DEM is being asked to specifically verify. Additionally, pursuant to Rule 3.8.5(B)(4), field delineation (flagging) of streams, rivers, areas subject to storm flowage, buffers, buffer zones, floodplain, or the contiguous jurisdictional areas that extend outward from the edges of freshwater wetlands is not required.

Question: **When I request the verification of the wetland edges, can I also include a proposed project on the site plans?**

Answer: Per Rule 3.9.3(B), site plans submitted with a [Request to Verify Freshwater Wetland Edges](#) cannot depict any proposed project or activities. Only existing conditions and the flagged, surveyed edges and any associated jurisdictional area limits can be depicted on the site plans.

Question: **Is a Verification of Freshwater Wetland Edges always required before an application can be submitted for a proposed project or activity?**

Answer: A verification of freshwater wetland edges is never a pre-requisite for submitting any application for a proposed project. It is a service that RI DEM offers to applicants as a useful, and sometimes important, planning tool for applicants and their professional consultants that will assist them in designing a proposed project that meets all standards outlined in Rule 3.7. Some municipalities may require that a landowner obtain a verification of freshwater wetland edges from RI DEM as part of their planning review process, particularly if it is required to perform density calculations for subdivisions or to ensure proper adherence to local zoning regulations. RI DEM recommends that an applicant submit a [Request to Verify Freshwater Wetland Edges](#) for instances where vegetated wetland edges are not easily identifiable and where the accuracy of the flagged wetland edges must be known in order to accurately depict the assigned buffer zones where an applicant is proposing to design a project to meet all Buffer Protection Standards 3.7.1(B).

Question: **Is “flagging” of freshwater wetland edges always required?**

Answer: There are some circumstances where flagging of wetland edges may not be necessary in order to proceed with an application for a proposed project, including (as identified in Rule 3.8.5(B)(3)):

- A freshwater wetland has well-defined edges (such as at the toe of a steep slope or a wall), so long as the edge is otherwise accurately survey-located, depicted and labeled on the site plan;
- The proposed project is located entirely within an already disturbed area that is not considered to meet the definition of “Buffer;” and

- The freshwater wetland is present on adjacent property and permission cannot be obtained to flag the wetland edges, so long as the edges are depicted and labeled on the site plan based on the best available mapping or other available information and sufficient fixed references are available to allow for on-site confirmation by RI DEM.

Question: **Are there other situations where it may not be necessary to submit a Request to Verify Freshwater Wetland Edges?**

Answer: Other examples of situations in which a verified freshwater wetland edge may not be necessary before proceeding with an application for a proposed project include:

- The freshwater wetland in question is not a vegetated freshwater wetland and its edge is readily identified on site and it is survey-located onto site plans, such as for rivers, streams, and some ponds or some vernal pools.
- The vegetated freshwater wetland is adjacent or contiguous to a river, stream or pond, but it is of a type or size such that its designated buffer zone per Rule 3.23 does not extend to or beyond the designated buffer zone of the river, stream or pond.
- The proposed project contemplated will involve encroachment into freshwater wetlands or buffers even when required measures have been taken to avoid and minimize alterations to freshwater wetlands and buffers and all variance requirements have been addressed.
- When the anticipated application will be an [Application for a Significant Alteration](#), since RI DEM will verify the limits of all freshwater wetlands and jurisdictional area as part of its review process for that application type.

Question: **Where can I get more information regarding Requests to Verify Freshwater Wetland Edges?**

Answer: Your first source of information should always be the Rules, particularly Rules 3.8.5 and 3.9.3. Freshwater Wetlands Program Staff is always available to answer questions at (401) 222-6820 between the hours of 8:30 am and 4:00 pm.

A complete copy of the RIDEM Freshwater Wetlands Rules can be found at the RIDEM website at <http://www.dem.ri.gov/newwetlandrules>. They may also be obtained from the RIDEM Office of Customer and Technical Assistance located at the Foundry Corporate Office Complex at 235 Promenade Street, Providence (401 222-6822).

Disclaimer: This Fact Sheet is intended to be used for general information purposes and is not meant to be used as a substitute for the Freshwater Wetlands Act (R.I. Gen. Laws §§ 2-1-18 et. seq.) or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* (250-RICR-150-15-3).