



Applicability for Projects or Activities Proposed Outside of Jurisdictional Area

Freshwater Wetlands Rules (250-RICR-150-15-3)

Consistent with Rule 3.5.6(B), certain projects or activities described below that are proposed outside of all jurisdictional area limits but which, because of their close proximity to freshwater wetlands or buffers, or because the size or nature of the project or activity, are likely to result in an alteration of the natural character of any freshwater wetland or buffer, may not be undertaken without approval from the Department. Such projects or activities generally are those that will:

1. Result in a change to the normal surface run-off characteristics which increases the rate or volume of water flowing into, or draining or diverting water away from, freshwater wetlands or buffers as a result of:
 - Creating or increasing impervious areas draining towards freshwater wetlands or buffers by 20,000 square feet or more;
 - Modifying run-off characteristics by grading land area of one (1) acre or more, or clearing and permanently modifying significant amounts of vegetative cover over areas (with no grading or grubbing) of five (5) acres or more draining to freshwater wetlands or buffers;
 - Diversion of and concentration of surface run-off through swales, ditches, grading, drainage systems and other surface run-off conveyance systems to or away from freshwater wetlands; or
 - Relocating outfall locations of drainage pipes or swales towards different receiving wetlands or watercourses or so as to divert flows to or from different areas of the existing receiving wetlands or watercourses.

2. Result in diversion of groundwater into or away from freshwater wetlands or buffers as a result of:
 - Large-scale excavation into and below groundwater tables (such as for gravel mining or other major topographical changes) so as to affect surface or groundwater characteristics of upslope or downslope wetlands or watercourses;
 - Installation of subdrains associated with a project involving one (1) acre or greater of disturbance which will lower groundwater elevations supplying freshwater wetlands or buffers, or will direct flow into freshwater wetlands or buffers;
 - Installation of underground utilities or drainage structures bedded in pervious materials without the use of impermeable drain plugs to prevent subsurface flow along the utility, or using improperly sealed pipe joints, which will act as a subdrain to divert groundwater away from, or concentrate such water towards, freshwater wetlands or buffers; or
 - Installation of wells with the capacity to withdraw 10,000 gallons per day or more which will remove significant amounts of water supplying or affecting any freshwater wetland.

3. Result in a modification to the quality of water reaching freshwater wetlands or buffers which could alter their natural character through projects or activities that will:
- Modify or change water elevations in any freshwater wetlands;
 - Modify or change water temperatures within any freshwater wetland;
 - Increase turbidity in any freshwater wetland;
 - Discharge any form of pollutants into or towards freshwater wetlands; or
 - Modify the amount of nutrients flowing to freshwater wetlands.

For any such project or activity that involves land disturbance of one (1) acre or more of land area, approval may be obtained under the Department's General Permit for Stormwater Discharge Associated with Construction Activity without a separate application to the Freshwater Wetlands Program.

A complete copy of the RIDEM Freshwater Wetlands Rules, fully effective on July 1, 2022, 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 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).