



FACT SHEET

Office of Water Resources / August 2022 **WETLANDS # 22-12**

Use of Professionals for Application Preparation

[Freshwater Wetlands Rules](#) (250-RICR-150-15-3) Amended

Do I need to hire a professional consultant to prepare my application package?

Rule [3.8.7](#) of the Freshwater Wetlands Rules (250-RICR-150-15-3) as Amended outlines the requirements and recommendations for the use of professionals in the preparation of freshwater wetlands applications. There may be simpler application types and projects for which a layperson may be able to successfully prepare an application. In general, however, most applications - regardless of application type - require the hiring of a professional to ensure all requirements of the Rules can be met and that application documents can serve as a proper and accurate public record. Reasons for the use of a professional include, but are not limited to, the following:

- Identification of freshwater wetlands and their various jurisdictional limits often require trained biologists and other professionals to ensure all limits are accurately delineated.
- Correctly determining “buffer zones” as described in Rule [3.23](#), particularly for vegetated freshwater wetlands, will often require trained professionals who can a) correctly classify freshwater wetlands as to type, b) accurately identify and flag the edge of the wetland feature, c) correctly calculate the size of the wetland in question where applicable, and d) accurately identify instances where a different wetland type or subtype may be present inward and within 50 feet of a wetland edge.
- Accurate depiction of property boundaries, as well as property features (e.g., buildings, driveways, utilities, landscaping limits, etc.), on a site plan often requires a professional land surveyor or engineer. DEM usually needs plans prepared to high degrees of accuracy in order to adequately assess impacts to freshwater wetlands and so that the plan may serve as an accurate publicly available document describing exactly what DEM has authorized. Accurately surveyed plans are often required to ensure effective monitoring of compliance of permitted project limits.
- Design of project features such as septic systems, stormwater treatment systems, flow conveyance systems, utilities, creation of new buffer, and changes in grades requires trained professionals, including land surveyors, soil scientists, landscape architects, and engineers, to ensure compliance with DEM standards.

- Projects that are located near or within floodplain will require the use of a Registered Professional Engineer to accurately identify floodplain limits as well as to design projects to avoid impacts to flooding and flood storage.
- State law requires that site plans prepared for Applications for Significant Alteration be prepared by a Registered Professional Engineer. Also, preparation of an evaluation of impacts to freshwater wetland functions and values required for Applications for Significant Alteration will require an array of professionals to meet the requirements of the Rules.

A few examples of applications that **may** not require the use of a professional are:

- An Application for Determination of Jurisdictional Area for smaller lots where an Assessor's Plat plan can be used (a land surveyor may still be needed to mark property boundaries on site);
- A Request for Regulatory Applicability for simple projects that are likely to meet the description of an Exempt Activity under [Rule 3.6](#) and for which the applicant is merely seeking written confirmation; and
- An Application for General Permit for small projects on existing developed lots where all activity is proposed in cleared areas outside of all buffer or well outside of buffer zone limits. Also, in cases where the defined buffer zone is associated with a clearly identifiable wetland type, such as a river, stream or pond where the edge is distinct and where adjacent vegetated freshwater wetland is either non-existent or is narrow enough that its assigned buffer zone won't extend beyond the buffer zone assigned to the river, stream or pond, and where the project can occur entirely outside of that clearly identifiable buffer zone.

The bottom line is that, even for simpler projects, the use of a professional improves the chances that your project will satisfy all the requirements of the Rules, thereby increasing the likelihood of a timely and favorable decision.

For more information, 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 intended to be used for general information purposes only and it 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.