

Freshwater wetlands in the vicinity of the coast – Rules 3.02 & 3.03

DEM Rules 3.02 and 3.03 help to clarify who will review projects that are on or straddle the DEM/CRMC jurisdictional boundary, where that boundary is located, and who is responsible for valid permits in these areas.

Rule 3.02 – Agency Jurisdiction

Freshwater wetlands in the vicinity of the coast fall under the jurisdiction of the CRMC.

After January 1, 2002, this includes the renewal, transfer, modification, and enforcement of permits originally issued by DEM.

DEM retains permit authority over:

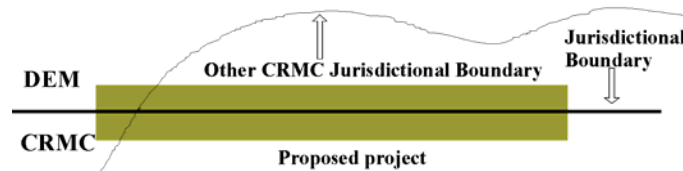
- A.) Farming-related activities;
- B.) Determinations and permits completed by DEM prior to August 18, 1999 (these remain valid for the specified period);
- C.) Any permits that are the subject of an outstanding order or action;
- D.) Permits pertaining to a legal case against DEM;
- E.) Enforcement actions initiated by DEM prior to August 18, 1999; and
- F.) Projects that lie on or straddle the jurisdictional boundary per Rule 3.03.

Rule 3.03 – Projects on the Boundary

Rules for applications for projects that are on the jurisdictional boundary or that straddle the boundary are described as follows:

Rule 3.03 A (1)

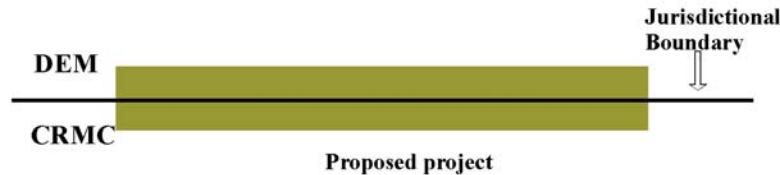
If the project is on the boundary and within other CRMC jurisdictions...



...then CRMC will review the project.

Rule 3.03 A (2)

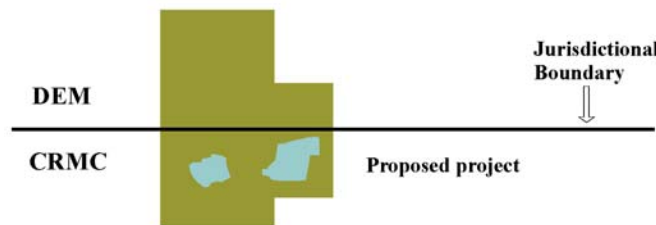
If the project is on the boundary and is entirely outside CRMC other jurisdictions...



...then DEM will review the project.

Rule 3.03 B (1)

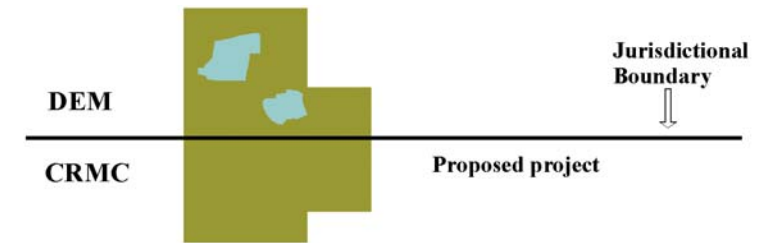
If the project is on both sides of the boundary and all freshwater wetlands are on the seaward side of the boundary...



...then CRMC will review the project.

Rule 3.03 B (2)

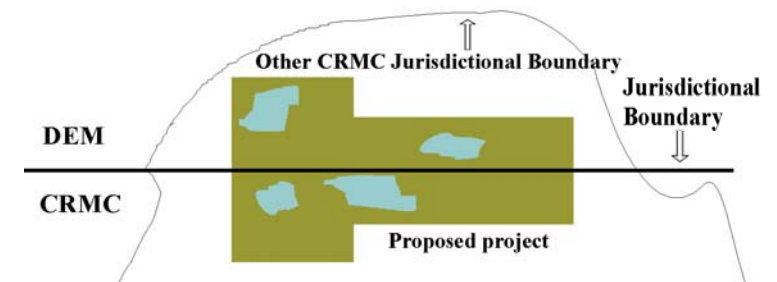
If the project is on both sides of the boundary and all freshwater wetlands are on the landward side of the boundary...



...then DEM will review the project.

Rule 3.03 B (3a)

If a project is on both sides of the boundary, wetlands are on both sides, the project is non-linear and the project is partially or entirely within other CRMC jurisdictions...

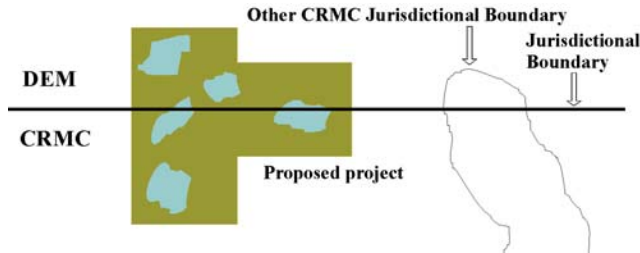


...then CRMC will review the project.

This brochure is a summary only. Please refer to DEM and CRMC Rules and Regulations for complete information.

Rule 3.03 B (3b)

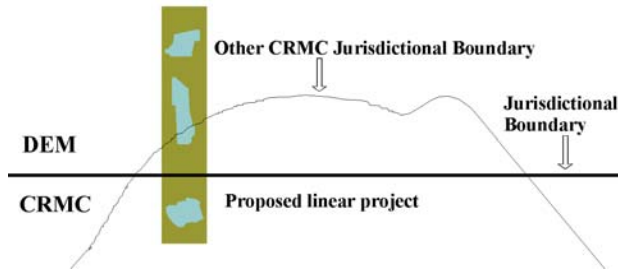
If the project is on both sides of the boundary, wetlands are on both sides, and the project is entirely outside other CRMC jurisdictions...



...then DEM will review the project.

Rule 3.03 B (4)

If the project is a long linear project on both sides of the boundary, and the project is partially or entirely within other CRMC jurisdictional areas...



...then DEM and CRMC will determine the reviewing agency on a case-by-case basis.

Rule 3.03 C

The agency that issues a permit for a project on the line or on both sides of line

- renews,
- transfers,
- modifies, and
- enforces the permit

Maps that illustrate the boundary are available for viewing at:

- Department of Environmental Management
Office of Technical and Customer Assistance
235 Promenade St.
Providence, RI 02908
Hours: Mon. – Fri. 8:30 – 4:00
Phone: 401-222-6822
- Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Rd.
Wakefield, RI 02879
Hours: Mon. – Fri. 8:30 – 4:00
Phone: 401-783-3370
- Applicable coastal city and town halls
- On the web at:
www.dem.ri.gov/maps/wetjuris.htm; and
www.crmc.ri.gov/maps/index.html



STATE OF RHODE ISLAND
Department of Environmental
Management

235 Promenade Street • Providence, RI 02908
For Environmental Matters: 401-222-1357
General Information: 401-222-6800/401-222-4700
24-hour Hotline (Emergencies/Complaints):
401-222-3070
www.dem.ri.gov



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DEM Rules and Regulations
Effective June 2007

*A summary of DEM and CRMC
regulation of “freshwater wetlands
in the vicinity of the coast”*

