

FACT SHEET

Office of Water Resources / Fall 2007

WETLANDS # 2

EXEMPT ACTIVITIES FOR HOMEOWNERS

WHAT ARE EXEMPT ACTIVITIES?

“Exempt activities” are minor projects that DEM has determined have little or no impact on freshwater wetlands and therefore may be completed without obtaining a wetlands permit. *Rule 6.00* of the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* lists specific exempt activities as well as conditions and restrictions related to those activities. To fully qualify as an exempt activity, a project must be conducted in accordance with all the general conditions described in *Rule 6.01*, as well as all the specific conditions and restrictions described throughout the *Rule*. No part of *Rule 6.00* reduces DEM’s jurisdiction over wetlands, nor does it imply exemption from other state, local, or federal permits.

If you are planning alterations, repairs, or maintenance to your property, you should first consider whether your activity would qualify as exempt. Be sure to carefully read all the general and specific conditions and restrictions in *Rule 6.00* before deciding if your project is exempt. If you are unsure whether or not you need a permit, you may file a *Request for Regulatory Applicability* application for an official response from DEM about whether your project is indeed exempt. Some common exempt activities for homeowners are described below.

Note below: According to the *Rules*, “existing” refers to those conditions which were present as of the enactment of the *Freshwater Wetlands Act* or its applicable amendments that have continually remained the same, conditions which were subsequently approved, or conditions that have occurred naturally.

CAN I ADD ON TO MY HOUSE WITHOUT A PERMIT?

Yes, additions to an “existing” or approved single-family house may be completed without a permit, if:

- ✓ The conditions of *Rules 6.01* and *6.05* are followed.
- ✓ Construction disturbance is within “existing” cleared areas such as lawns, parking areas or cultivated fields.
- ✓ All work is located at least 25 feet from any pond, marsh, swamp or wetland complex, at least 50 feet from any flowing body of water or bog, and not within any 100-year floodplain.
- ✓ Additions and new stand-alone structures are not larger than 600 square feet in footprint.
- ✓ Vertical additions are no more than two stories.
- ✓ New accessory structures (*Rule 4.00*) meet the conditions of *Rule 6.00*.

You should also be aware that:

- No artificial lighting may be directed toward any wetland as a result of these activities.
- Erosion and sedimentation control devices must be used throughout the construction period.
- All disturbed areas must be stabilized at the earliest possible date.

Common additions and accessory structures include rooms, garages, decks, porches, patios, ramps, amateur radio towers, flagpoles, swing sets, slides, gardens, sheds, swimming pools, fences that do not obstruct public access to waterbodies or streams, treehouses, drinking water wells that withdraw no more than 500 gallons per day, walls, stairs, walks, and pervious driveways.

CAN I REPAIR OR MAINTAIN MY PROPERTY WITHOUT A PERMIT?

Yes, an “existing” structure located in wetlands can be repaired or maintained without a permit, if:

- ✓ The conditions of *Rules 6.01* and *6.03* are followed.
- ✓ Erosion and sedimentation controls are used.
- ✓ The “existing” structure is currently in use.
- ✓ The structure is not enlarged, unless necessary to maintain its integrity.
- ✓ The work is normal maintenance of an “existing” accessory structure.
- ✓ It is a replacement drinking well (*Rule 6.03R*) and,
 - No other upland is available for relocation.
 - The wetland disturbance is limited as much as possible.
 - All cleared vegetation is allowed to regrow naturally.
 - The new well provides the same service and uses no more than 500 gallons per day.
- ✓ It is a repair to a failed septic system (*Rule 6.03S*). However, it may require a permit from DEM’s OWTS program.
- ✓ It is a shoreline structure (*Rule 6.03K*), such as a stone or masonry wall, and it is not enlarged or changed to cause erosion by high surface water flows.
- ✓ It is a beach (*Rule 6.03M*) and it is not enlarged.
- ✓ It is a replacement of an “existing” building or accessory structure destroyed by fire or other natural causes (*Rule 6.03T*).

ARE THERE EXEMPTIONS FOR CLEARING OR CUTTING IN A WETLAND?

Yes, limited clearing or cutting of trees or bushes in wetlands is allowed without a permit, if:

- ✓ The conditions of *Rules 6.01* and *6.02* are followed.
- ✓ Clearing is for vegetation encroaching into “existing” fields, landscaped areas, or recreation areas.
- ✓ The area is not designated by DEM to be replanted by permit or enforcement action.
- ✓ Cutting firewood for non-commercial, individual use is done selectively to protect forested wetland habitat.
- ✓ No motorized vehicles are used in the wetland.

CAN I MOOR MY BOAT WITHOUT A WETLAND PERMIT?

Yes, one mooring for a single boat is allowed per waterfront lot without a wetland permit provided that the mooring does not exceed a weight of 100 pounds.

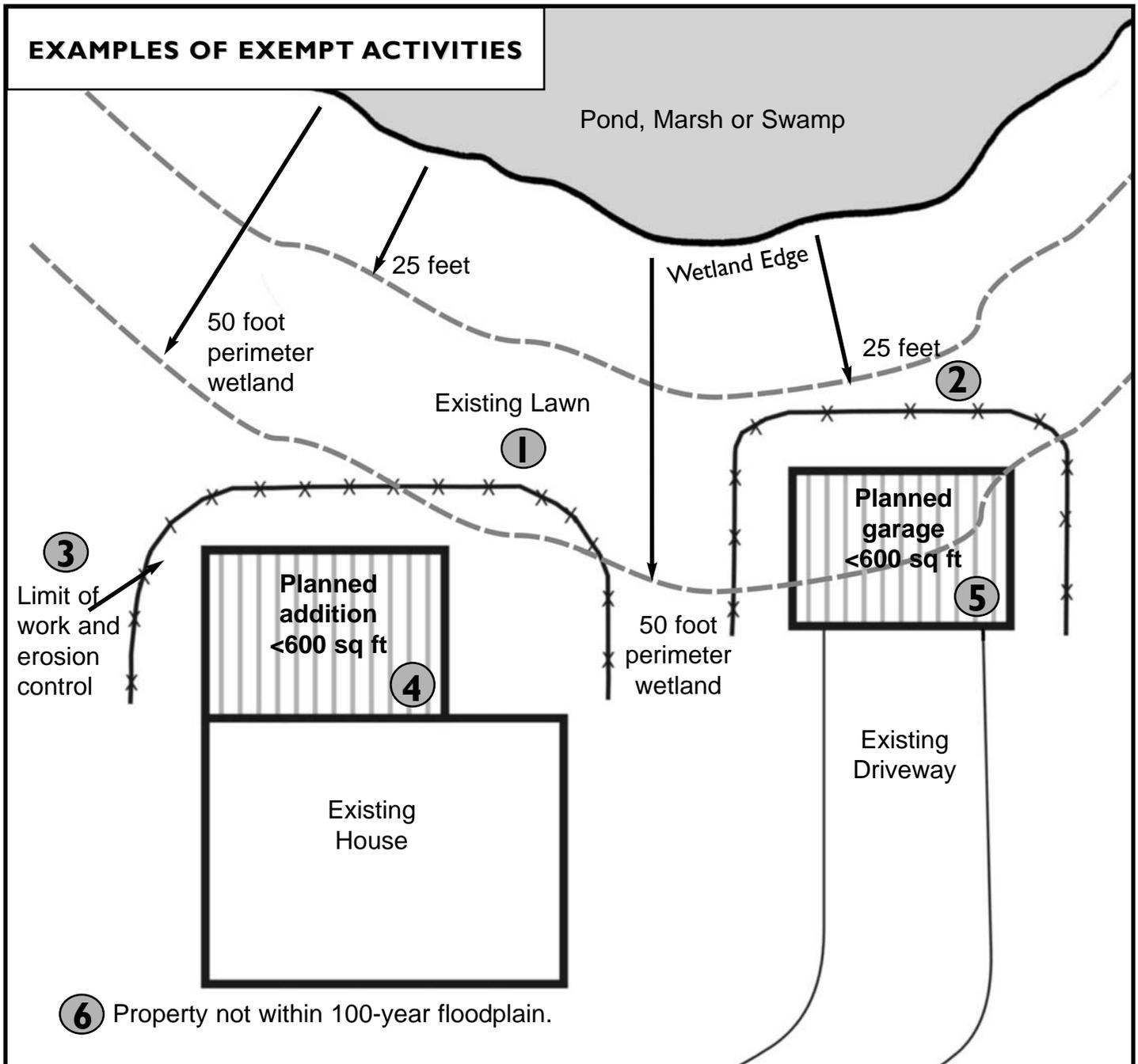
HOW CAN I OBTAIN A COPY OF DEM’S WETLAND REGULATIONS?

A complete copy of DEM’s *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* can be obtained from DEM’s Office of Technical and Customer Assistance located at the Foundry Office Complex at 235 Promenade Street, Providence (401 222-6822). You may also find this information on the DEM website at <http://www.dem.ri.gov>.

Disclaimer: This Fact Sheet is for general information purposes only and is not meant to be used as a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.

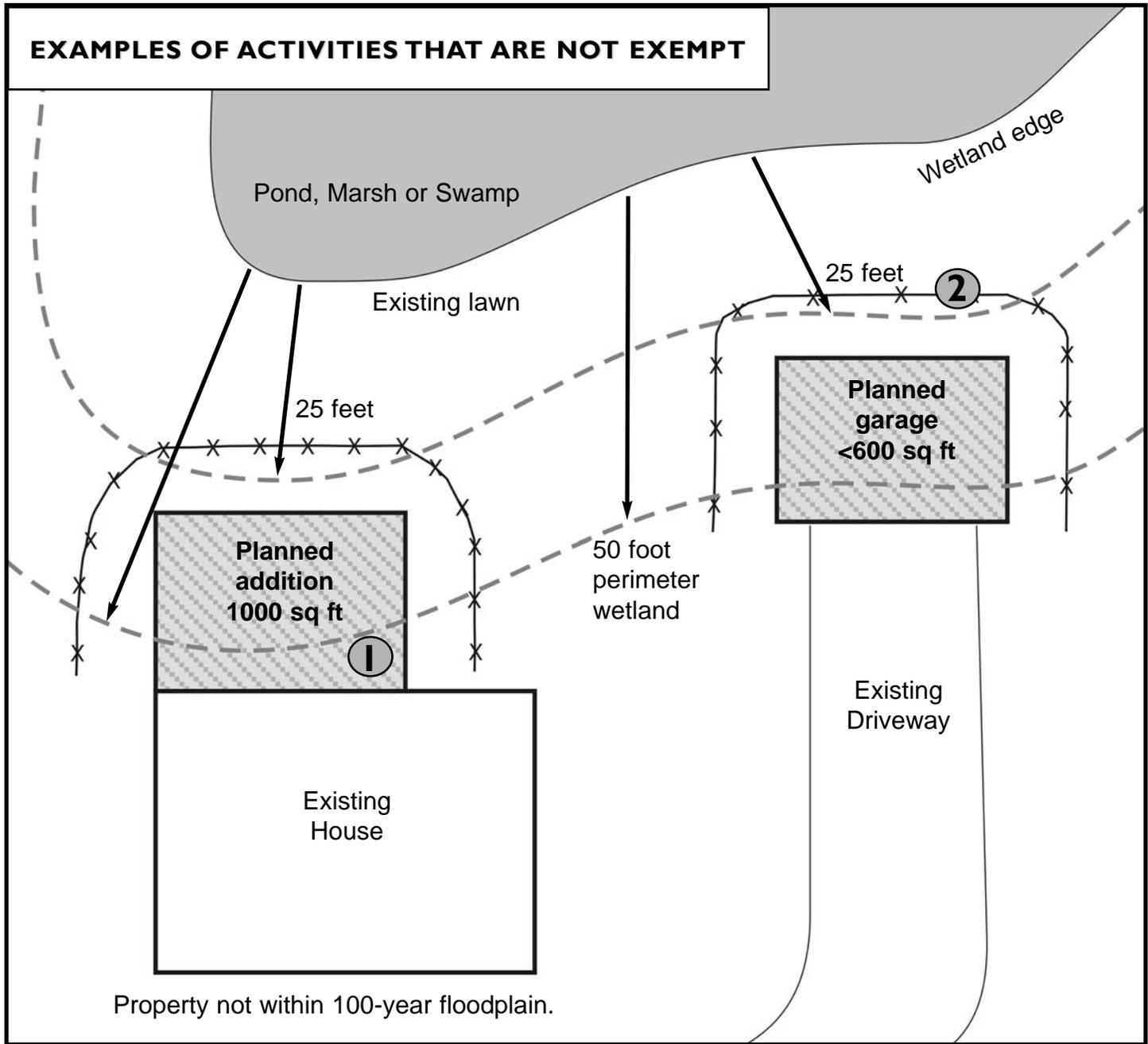
WETLAND FACT SHEET #2: ATTACHMENT

Examples of Exempt and Non-Exempt Activities for Homeowners



The above diagram shows some examples of common activities that a homeowner may be planning. The proposed home addition and garage will take place in a Perimeter Wetland and would normally require a wetland permit. However, each of these projects would be considered an **exempt** activity, per *Rule 6.00*, for the following reasons:

- #1) The work will take place in an existing cleared lawn,
- #2) The limit of the work is 25 feet or greater from the edge of a pond, marsh or swamp,
- #3) Erosion controls (hay bales or silt fence) will be placed along the limit of work to protect wetland,
- #4) The proposed addition to the house is less than 600 square feet in footprint,
- #5) The proposed garage is less than 600 square feet in footprint, and
- #6) The property is not located within 100-year floodplain.



This illustration shows similar projects that **do not qualify as exempt** activities for the following reasons:

- #1) The proposed house addition is greater than 600 square feet in footprint, and
- #2) The limit of work around the proposed garage is less than 25 feet from the edge of the pond, marsh or swamp.