



FACT SHEET

Office of Water Resources / Fall 2007

WETLANDS # 9

PERIMETER, RIVERBANK & FLOOD PLAIN WETLANDS

Not sure if you have a wetland on your property? There are many different types of freshwater wetlands in Rhode Island as defined by the *Freshwater Wetlands Act* and the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*. This fact sheet is designed to help you understand **perimeter, riverbank, and flood plain** wetlands.

Following are the official definitions of perimeter wetland, riverbank wetland, floodway and flood plain, which can also be found within the *Act* or in *Rule 4.00*:

PERIMETER WETLAND

- An **Area of Land Within 50 Feet** (*used interchangeably with Perimeter Wetland*) is a freshwater wetland consisting of the area of land within 50 feet of the edge of any freshwater wetland consisting in part, or in whole, of a bog, marsh, swamp or pond, as defined in the Rules. For purposes of identification, this area shall be measured horizontally, without regard for topography, from the edge of such a wetland.
- **Perimeter Wetland.** See the definition of Area of Land within 50 Feet.

RIVERBANK WETLAND

- A **Riverbank** is that area of land within 200 feet of the edge of any flowing body of water having a width of 10 feet or more, and that area of land within 100 feet of the edge of any flowing body of water having a width of less than 10 feet during normal flow. **Act Section 2-1-20(9)**
- **Width During Normal Flow** is the distance between the opposite edges of the flow channel of the river, stream, or intermittent stream, as determined by the criteria set forth in Appendix 2C of the *Rules*. The criteria includes: identification of the ordinary high water mark, observation of physical characteristics, or presence of characteristics associated with lentic and lotic ecosystems.

FLOOD PLAIN WETLANDS

- A **Floodway** is the channel of a river or stream and any immediately adjacent areas that must be kept free of encroachment to allow 100-year flood waters to be carried without increase in flood heights or flows and without endangering life or property.
- A **Flood Plain** is that land area adjacent to a river or stream or other flowing body of water that is, on average, likely to be covered with flood waters resulting from a 100 year frequency storm. A storm of this nature is one that is to be expected to be equaled or exceeded once in 100 years, and hence may be said to have a one percent probability of being equaled or exceeded in any given year. Rainfall intensity data for such a storm are those established for New England locations by the National Weather Service (formerly the U.S. Weather Bureau). **Act Section 2-1-20(3)**

One of the more confusing parts of the regulatory process is determining which wetlands have perimeter wetland and riverbank wetland associated with them (determined by the size of the wetland in most cases). The following chart should help to clarify how the wetland types and sizes are related. Check marks indicate where each condition does or does not apply. Remember that all wetlands, including the 50-foot perimeter and the 100-foot and 200-foot riverbank wetlands, must be avoided and protected.

WETLAND TYPE		50 FOOT PERIMETER WETLAND	100 FOOT RIVERBANK WETLAND	200 FOOT RIVERBANK WETLAND	NO PERIMETER OR RIVERBANK
Regulatory Term	Applicable Size				
Vegetated Wetlands					
Swamp	3 or more acres	✓			
Marsh	1 or more acres	✓			
Bog	Any size	✓			
Forested Wetland	Less than 3 acres				✓
Shrub Wetland	Less than 3 acres				✓
Emergent Plant Community	Less than 1 acre				✓
Submergent Plant Community	Less than 1/4 acre				✓
Flowing And Standing Water Wetlands					
Pond	1/4 acre or larger	✓			
Special Aquatic Site					✓
Stream/Intermittent Stream	10 feet wide or greater			✓	
Stream/Intermittent Stream	Less than 10 feet wide		✓		
River	10 feet wide or greater			✓	
River	Less than 10 feet wide		✓		
Area Subject to Storm Flowage					✓
Area Subject to Flooding					✓
Flood Plain Wetlands					
Floodway					✓
Flood Plain					✓

Note: There are frequent cases where a wetland type that does not by itself have an associated perimeter wetland will receive a perimeter because it is adjacent with a type that does. For example, a shrub wetland less than 3 acres will have a 50 foot perimeter wetland if it is adjacent to a pond. This example could be called a “pond-wetland complex.”

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*.