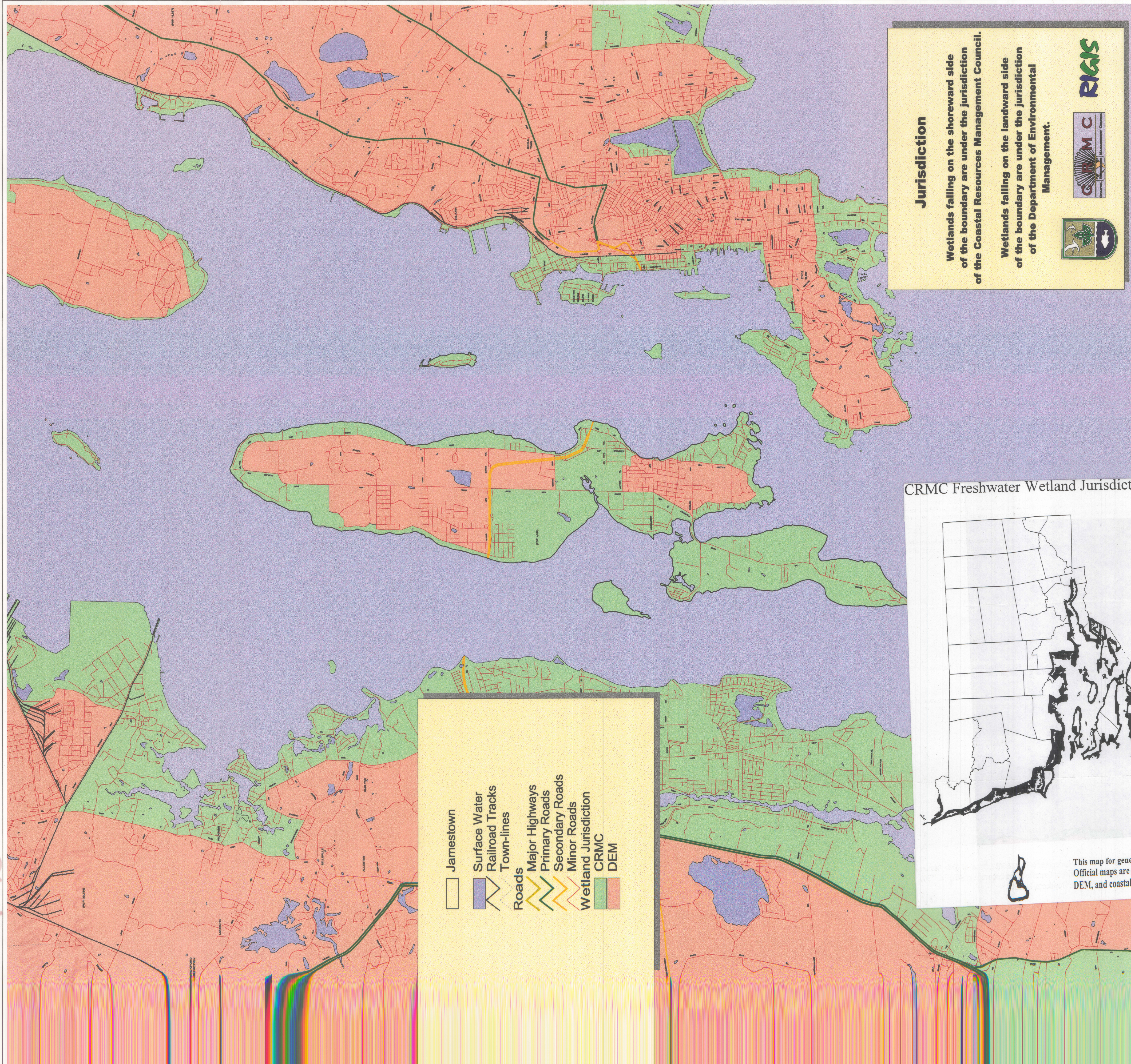


HPF 246A



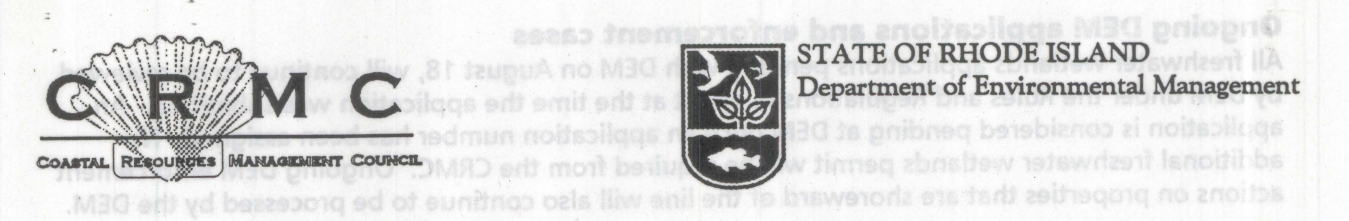
Jurisdiction

Wetlands falling on the shoreward side of the boundary are under the jurisdiction of the Coastal Resources Management Council.

Wetlands falling on the landward side of the boundary are under the jurisdiction of the Department of Environmental Management.

Wetland Jurisdictional Boundary
Jamestown

Durham - 687



Freshwater Wetlands in the Vicinity of the Coast

Background
For many years, freshwater wetlands near Rhode Island's coast have been under the regulatory jurisdiction of both the Department of Environmental Management (DEM) and the Coastal Resources Management Council (CRMC). Due to the recent enactment of a state law intended to eliminate duplicative permitting, CRMC and DEM have jointly established a line that clearly delineates separate areas of freshwater wetlands regulatory jurisdiction. Pursuant to recently promulgated regulations, the jurisdictional line takes effect August 18, 1999.

The jurisdictional line
Biologists from the CRMC and DEM have worked together to establish a line that delineates freshwater wetlands jurisdiction between the two agencies. Generally, the jurisdictional line coincides with state and local roads. In the instances where roadways were not used, for the most part, the line follows local right-of-ways or property boundaries. As of August 18, all freshwater wetlands that are shoreward of the line, i.e., in the vicinity of the coast, will be under the jurisdiction of the CRMC. Those freshwater wetlands that are landward of the line will remain under the authority of the DEM. New applications for freshwater wetlands permits for activities proposed shoreward of the line will be submitted to the CRMC. Applications for freshwater wetlands permits landward of the jurisdictional line will be submitted to the DEM Wetlands Program.

Farmers
The only exception to this change to freshwater wetlands regulation pertains to farmers. The jurisdictional line does not apply to farmers pursuing farm-related projects. DEM will continue to be the freshwater wetlands regulatory agency for all farmers, regardless of the location of the farm.

Rules and regulations
The CRMC has promulgated *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* which will become effective August 18, 1999. The Rules are similar to the DEM's wetlands Rules with some definitional and procedural changes to allow for consistency with CRMC's ongoing program and procedures. A separate fact sheet prepared by CRMC describes these differences. DEM's Rules are expected to be updated as well this fall to reflect these latest jurisdictional changes. It is the goal of both agencies to continue to fully protect the integrity of freshwater wetlands and minimize disruption to ongoing projects.

Existing DEM wetlands permits
There will be a transitional period after these new Rules and Regulations are implemented and both agencies are committed to working with the regulated community to ease the transition. All determinations, verifications, and permits issued by DEM prior to August 18 will remain valid for the specified time periods. Any Application for Renewal of a valid permit that was granted by DEM prior to the effective date of the CRMC Rules and Regulations will be submitted to DEM for processing. Similarly, any Application for Permit Modification will be submitted to DEM. If DEM determines that the modification requires a new permit, the applicant would be required to submit a new application to CRMC for review and approval.

Ongoing DEM applications and enforcement cases
All freshwater wetlands applications pending with DEM on August 18, will continue to be reviewed by DEM under the Rules and Regulations in effect at the time the application was submitted. An application is considered pending at DEM once an application number has been assigned. No additional freshwater wetlands permit will be required from the CRMC. Ongoing DEM enforcement actions on properties that are shoreward of the line will also continue to be processed by the DEM.

Projects on the line
The CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast specify which agency will handle road and utility projects that fall on the jurisdictional line. On the rare occasion that an application for a project straddles the line, the agencies have agreed to decide on a case-by-case basis whether one agency or both agencies should review the project. When planning for a project that straddles the line, a request should be submitted to the CRMC for the clarification of regulatory jurisdiction. CRMC will be the gatekeeper for these projects, will coordinate with the DEM, and will notify the applicant of the appropriate wetland review agency.

Other CRMC regulatory programs
Those portions of the Coastal Resources Management Program (CRMP) and the Special Area Management Plans (SAMPs) that pertain to freshwater wetlands will remain in effect. In all cases where there is more than one protection standard or provision from the CRMP, the SAMP, and the new Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast, then the more stringent standard shall apply. There will be certain circumstances where both DEM and CRMC will continue to be involved in the regulation of the same freshwater wetland. This may arise where CRMC's 200-foot contiguous area or the limit of a CRMC Special Area Management Plan extends landward of the new jurisdictional line.

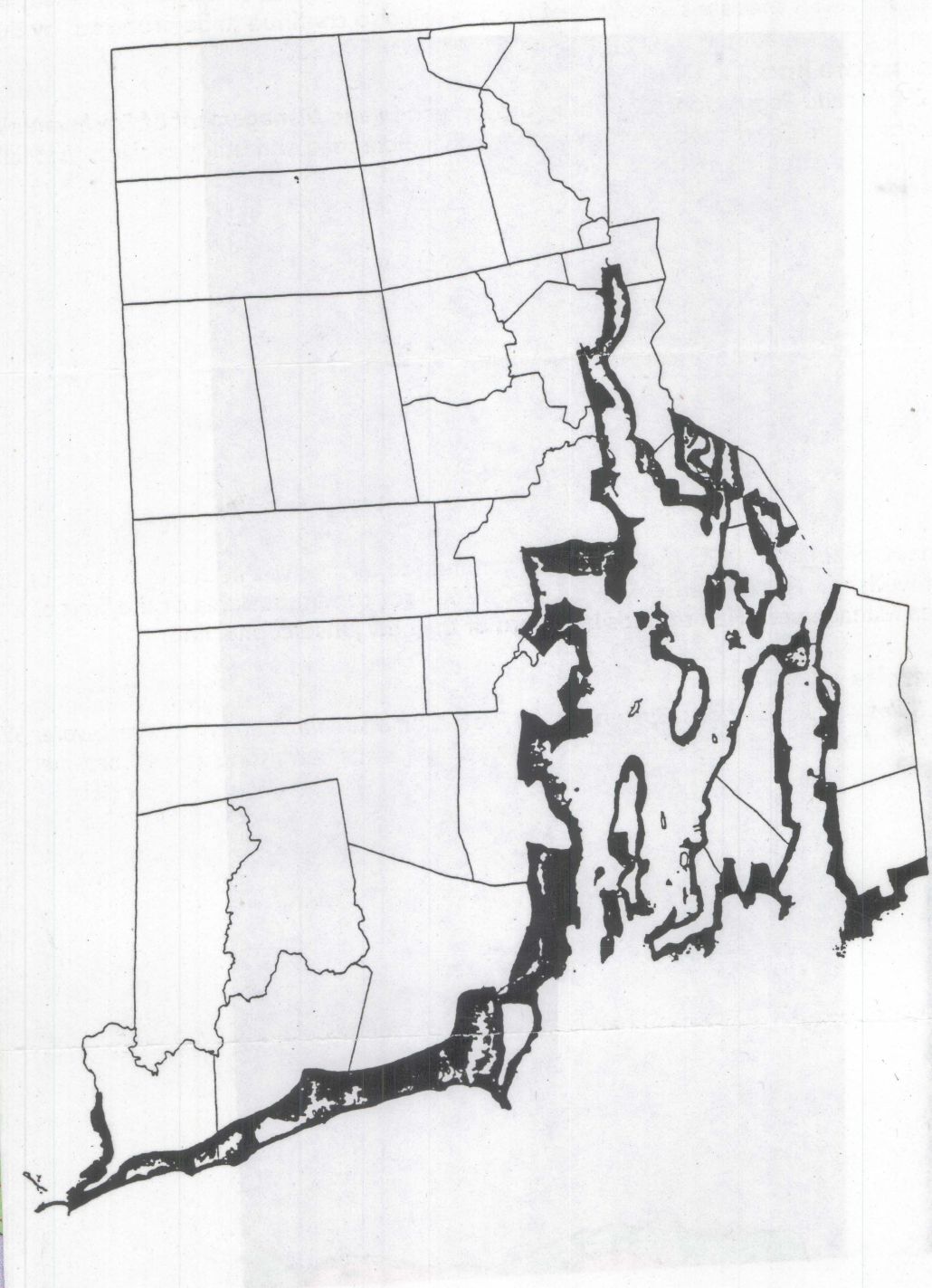
Other permits
The CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast pertain to State freshwater wetlands permitting and enforcement only. These Rules do not eliminate the need to obtain other local, state, federal, or other permits. When applicable to freshwater wetlands in the vicinity of the coast, the U.S. Army Corps of Engineers Programmatic General Permit will be administered by CRMC. The DEM will continue to administer the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems (ISDS Rules) and the Water Quality Regulations throughout the State.

Availability of maps, Rules, forms, etc.
The maps that illustrate the jurisdictional line are available for inspection at the CRMC, the DEM Office of Technical and Customer Assistance, and the applicable Coastal Town and City Halls. At this time, maps may be borrowed from the CRMC to have paper copies made. Hard disk "ARCVIEW" versions of the maps are expected to be available in the winter of 2000. Copies of the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast are available from the CRMC, as are application forms, data sheets, etc.

For further information please contact
CRMC at Oliver H. Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI 02879; Phone (401) 222-2476

DEM Office of Technical and Customer Assistance at (401) 222-6822, Office of Water Resources at (401) 222-6870, Office of Compliance and Inspection at (401) 222-1360. All

CRMC Freshwater Wetland Jurisdiction



This map for general information only. Official maps are available at CRMC, DEM, and coastal municipalities.

Legend

- Jamestown
- Surface Water
- Railroad Tracks
- Town-lines
- Roads
 - Major Highways
 - Primary Roads
 - Secondary Roads
 - Minor Roads
- Wetland Jurisdiction
 - CRMC
 - DEM