

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title of Rule:** Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act

**Rule Identifier:** 250-RICR-150-15-3

**Rulemaking Action:** Proposed Adoption

**Important Dates:**

Date of Public Notice: 11/23/2021

Hearing Date: 12/06/2021

End of Public Comment: 12/23/2021

**Authority for this Rulemaking:**

R.I. Gen. Laws §§ 2-1-20.1, 42-17.1-1 et seq., 42-17.6-1 et seq., 46-23-6

R.I. Gen. Laws § 42-35-1 et seq.

**Summary of Rulemaking Action:**

The proposed regulation on the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetland Act was previously put through the full rulemaking process (posted for comment on 11/23/2020, a hearing was held on 01/06/2021, public comment period ended on 01/22/2021.) The purpose of this rulemaking is to re-file the regulation in its final form, but with a new effective date of July 1, 2022. Aside from the effective date, the proposed rule is identical in substance to the previously proposed regulation (that was posted for comment on 11/23/2020], a hearing held on 01/06/2021, public comment period ended on 01/22/2021]). Due to the technical requirements of the Secretary of State's system, the rule will now be numbered 250-RICR-150-15-3. Attached to this notice is the original Notice of Proposed Rulemaking, the originally posted proposed rules, the Concise Explanatory Statement and summary of public comments that were the result of the prior rulemaking process. The new effective date is proposed in order to allow a more orderly transition to the new rules. Within the proposed rule, Section 3.19 on Superseded Rules was modified to align with the revised effective date and to clarify the applicability of the Rules to projects in the expanded jurisdictional area that possess building permits. Section 3.20 proposes a new effective date of July 1, 2022. During the transition period, the Department will continue to administer existing Freshwater Wetland Rule (250-RICR-150-15-1).

This Part is connected to the following Parts

250-RICR-150-15-1

250-RICR-150-15-2

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until December 23, 2021 by contacting the appropriate party at the address listed below:

Sue Kiernan, Deputy Administrator  
Department of Environmental Management  
Office of Water Resources  
235 Promenade Street, Room 200  
Providence, RI 02903  
sue.kiernan@dem.ri.gov

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed adoption shall be held on December 6, 2021 at 11:00 am at RIDEM, Room 300, 235 Promenade Street, Providence, RI 02903 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**Regulatory Analysis Summary and Supporting Documentation:**

The proposed change in effective date does not affect the societal cost-benefit regulatory analysis or determination of small business impacts previously completed for these rules. The required fiscal note was updated to reflect the change in effective date and is available upon request to DEM.

For full regulatory analysis or supporting documentation see agency contact person above.