



Rhode Island Department of Environmental Management

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DEM REMINDS PUBLIC OF JULY 1 EFFECTIVE DATE OF FRESHWATER WETLANDS RULES

PROVIDENCE, RI – Aiming to deliver higher levels of clarity, consistency, and efficiency to an important regulatory program while also strengthening resource protection, the Rhode Island Department of Environmental Management (DEM) is reminding the public that its new freshwater wetlands rules will go into full effect on Friday, July 1. The rules, which were originally scheduled to go into effect Jan. 15, were pushed back to allow DEM staff time to provide training and create guidance, factsheets, and new application forms as part of the transition to the new rules. Mandated by state law, the DEM rules also are consistent with similar rules adopted by the Rhode Island Coastal Resources Management Council (CRMC).

“The new freshwater wetlands regulations provide a balance between the benefits of environmental protection, the economic interests of land development, and the need for more affordable housing in our state,” said DEM Director Terry Gray. “The regulations provide greater certainty and consistency on the standards for wetlands permitting across the state and more options for quicker, streamlined permitting for development and affordable housing projects. At the same time, the rules establish standards for protecting vegetated buffer around wetland resources helping to ensure their functions and values are maintained. This includes the value that wetlands provide in mitigating the impacts of climate change, such as flooding, in our watersheds.”

The just-enacted fiscal year 2023 budget authorizes DEM to add three FTEs to its wetlands permitting program, with the agency expecting an expanded workload because of the new rules. DEM’s focus in filling the positions is both on customer service by improving permit processing times and supplementing compliance monitoring efforts. The new budget also includes funding to fully implement a modernization of the outdated permit data system currently relied on by both DEM and the CRMC, one of the two state agencies, with DEM, that regulates wetlands. The new IT system is integral to improving the permitting process.

Calling it “transformative,” Gray said DEM appreciates the increased staff and IT support that Governor McKee, Speaker of the House Joseph Shekarchi, Senate President Dominick J. Ruggiero, the House and Senate Finance Committee Chairs, and members of the Rhode Island General Assembly provided in the budget.

“With the lack of affordable housing at a crisis level in Rhode Island, it is obviously critical that viable, rule-abiding projects addressing this crisis receive timely permits,” Gray said. “At the same time, we intend to

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step up the inspecting of permitted projects and sites to ensure that they are being done properly, the way the permit requires.”

The process of revising the freshwater wetlands rules began in 2015 when state law was amended to reflect the recommendations of a legislative task force formed to assess the adequacy of state wetland protection and examine the overlap with local requirements.

[Click here to see the rules.](#)

DEM has conducted extensive outreach activities to prepare for the implementation of the rules. This includes holding four public training workshops that drew hundreds of participants including many design, engineering, planning, and construction professionals who are involved in the filing of freshwater wetlands applications. Over the past two years, DEM has met many times with representatives of the Rhode Island Builders Association and leading environmental advocacy organizations to discuss and slightly amend the regs.

DEM has developed a new webpage with training and guidance materials that include videos of recorded workshops, frequently asked questions, and a series of factsheets and guidance documents. Recordings of the training sessions, guidance materials, and links to mapping tools [are available here](#). Also, DEM has developed mapping tools ([click here](#)) aimed at helping property owners in identifying which wetland buffer zone region applies to a site and the buffer zone designation for surface water features including rivers, lakes, and ponds. DEM looks forward to continuing to work with stakeholders to identify additional areas of improvement with the launch of the rules.

“This is a big transition for a very active program,” Gray said. “Our entire team is committed to working with applicants, builders, and environmental advocates as we implement the rules. It’s a big change, but when we get through the switch, we will have a more flexible, protective, and consistent program statewide.”

DEM strongly encourages members of the public, state and local governments, and private industry to take advantage of [pre-application meetings](#). Guided by the [Office of Customer and Technical Assistance \(OCTA\)](#), “pre-app meetings” are intended to provide an applicant with a clear understanding of the types of permits that will be required, the information that must be submitted as part of a permit application, and the process that DEM will follow in reviewing and making a decision concerning the application. The meetings are not intended to review specific issues concerning regulatory decisions that must be made as part of the permit review process. DEM will explain specific rules but will not make decisions concerning how they may apply to a specific project until the project is fully reviewed under the permitting process. Pre-app meetings can be scheduled by contacting Ron Gagnon at ron.gagnon@dem.ri.gov or Joseph Antonio at joseph.antonio@dem.ri.gov.

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