

**Legislative Task Force Meeting #2 on 10/24/2013**  
**TALK #2 Existing DEM RULES - Freshwater Wetlands**  
**Presented by Carolyn Murphy, RI DEM Office of Water Resources**

At our first meeting I told you about the Rhode Island Freshwater Wetlands Act and the public policy stated in it to preserve and protect freshwater wetlands for the public benefits that they provide.

I also introduced you to the definition of Freshwater Wetlands in the Law and some of the common wetland types. *The Law does not define the terms Buffer Zone or Setback, but it does define, and the State does regulate, the 50-Foot Perimeter around swamps, marshes, bogs, and ponds, and a 100-Foot or 200-Foot Riverbank adjacent to rivers and streams.* One purpose of regulating activities in these areas is that they act as buffer zones, amongst other things.

Today I am going to talk about related Rules and Regulations.

The Rules and Regulations define other Freshwater Wetland types, including Forested Wetland, Shrub Wetland, Emergent Plant Community, Submergent Plant Community, and Special Aquatic Site. Just quickly, *a Special Aquatic Site* is commonly known as a vernal pool. The wetland types I just mentioned, including vernal pools, do not have any associated protection or review areas around them.

Unlike the Law, the Rules and Regulations do define **the term Buffer Zone as an area of undeveloped vegetated land retained in its natural undisturbed condition, or created to resemble a naturally occurring vegetated area that mitigates the negative impact of human activities on wetland functions and values (Rule 4.00)**

The DEM wetland permitting program uses the term Buffer Zone to describe the area of a property that is to remain vegetated and undisturbed after a permitted project is built. It is the remaining vegetated jurisdictional area (or area to be planted), beyond an approved project's limit of clearing and disturbance. See attached illustration.

The wetland compliance program may use the term Buffer Zone in conversation with property owners. The concept of protecting or restoring a Buffer Zone is more easily understood than the terms perimeter wetland or riverbank wetland.

The Rules do not define Setback or Setbacks, and use the term Setbacks once, to describe as a mitigation measure "Maximizing setbacks of septic systems and other land disturbances from wetlands" (Rule 9.02 D(3)(n)).

The wetland Rules include one requirement regarding septic disposal systems, i.e., that a wetland permit is required for new systems with leaching fields proposed within fifty feet (50') of any Emergent, Shrub, or Forested Wetland, Special Aquatic Site, Area Subject to Flooding, or Area Subject to Storm Flowage (Rule 5.01 B(4)).

(Note, many of the wetland types named are the small ones that do not otherwise have an associated 50-Foot Perimeter Wetland. This rule gives them a 50-foot area within which new septic systems must be reviewed for impacts to wetlands.)

CM/102313