

# **Freshwater Wetlands in RI & Ramifications of the NWPR**



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# Topics for Today

- **What freshwater wetlands are protected by Rhode Island law?**
- **Which of these State-protected wetlands are no longer protected by the NWPR?**
- **What are the Programmatic Consequences for Applicants?**

# Freshwater Wetlands

- **Scientific Definition (Federal Overlap)**
- **Buffers**



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# Swamps



Freshwater Wetlands in RI

# Marshes



# Ponds



# Bogs



# Special Aquatic Sites

(aka Vernal Pools)



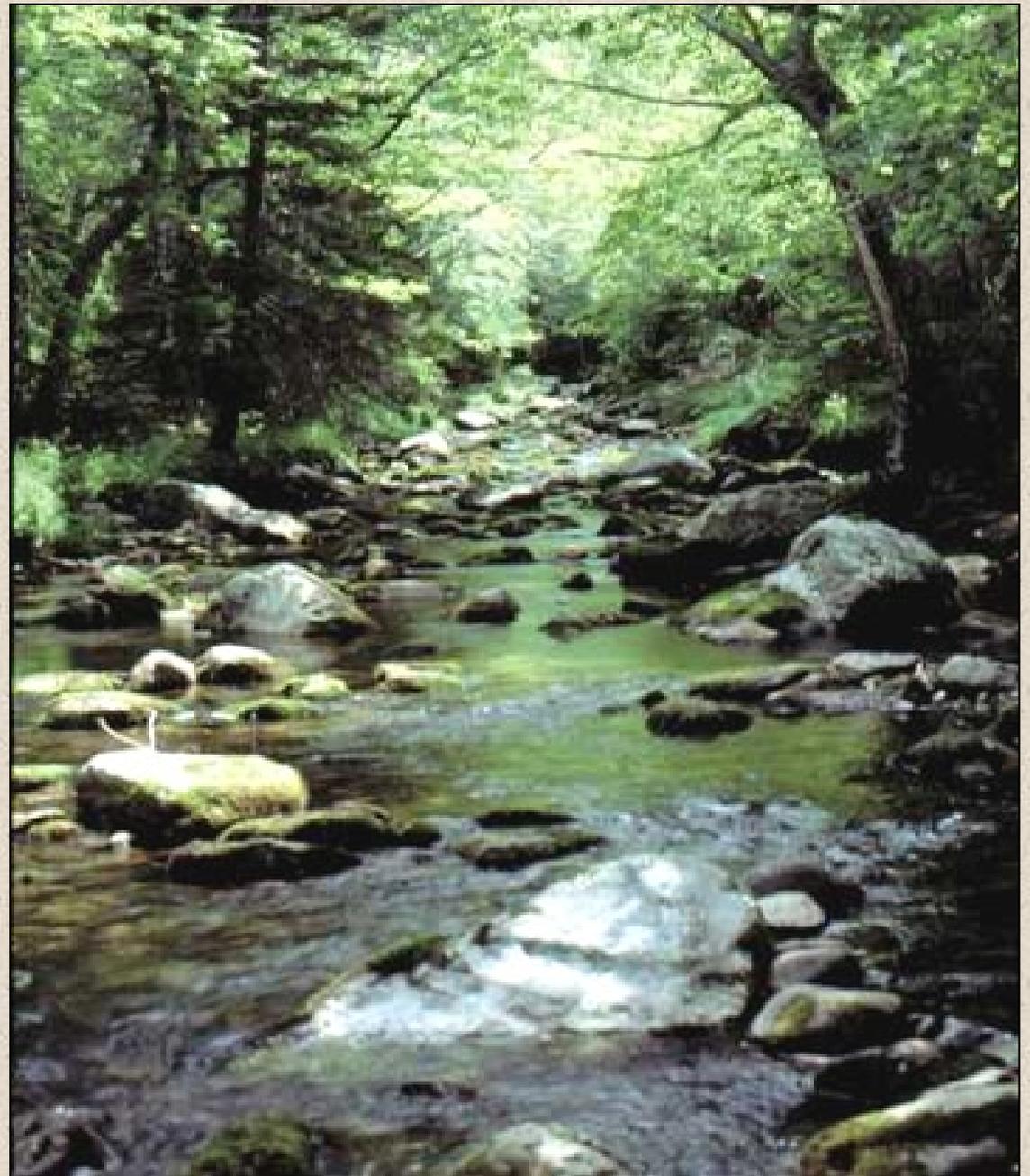
# Other Vegetated Wetlands

- **Forested wetlands**
- **Shrub Wetlands**
- **Emergent Plant Communities**
- **Submergent Plant Communities**



# Flowing Bodies of Water

- Rivers
- Streams



# “Stormwater Wetlands”

- Areas subject to storm flowage
- Areas subject to flooding
- Floodplain



# Effect of NWPR in RI

- **The NWPR has no effect on regulation of freshwater wetlands by the State...all wetland types still receive State-level regulation and protection**
- **Some of these State-regulated wetlands would no longer be protected as Waters of the United States**

# Some Examples

- **Isolated Wetlands (e.g. vernal pools, bogs, kettle ponds)**
- **Areas Subject to Storm Flowage (i.e. Ephemeral Streams)**
- **Larger wetlands only connected to downstream WOTUS by ASSF's**
- **Interstate Waters that do not meet new WOTUS definition**

# Programmatic Consequences for Permitting

- **No change in State requirements (all projects needing State permits prior to NWPR still need State permits)**
- **Some projects previously needing Federal Section 404 Permit will no longer need the Federal Permit.**
- **Slight reduction in the number of projects needing a Water Quality Certification**
- **For now, no change in submittal requirements (presumption of applicability)**

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