

**Section 300.17.
Wetland Walkover Structures**

A. Definitions

1. Wetland walkover structures are raised pile-supported facilities which provide passage over a wetland for purposes of providing pedestrian access between areas of upland isolated by the presence of wetland.

B. Findings

1. Physical passage to portions of property suitable for access is sometimes restricted due to the presence of wetland.

2. Certain types of wetlands are tolerant of minor amounts of foot-traffic without incurring significant environmental damage.

3. Wetlands which have high habitat values for fish and wildlife, high scenic value, or due to their relative size, vegetation types, and other characteristics are more susceptible to environmental damage, or have a higher probability of sustaining loss of habitat or scenic values, when altered.

4. The abundance and diversity of plant and animal life (ref. Section 300.1(5)), overall habitat values for feeding, nesting and resting cover for wildlife, fish productivity, and the probability of providing acceptable habitat for rare and sensitive species of plant and animal life, often improve dramatically as coastal wetlands increase in size. Further, certain species depend exclusively on large tracts of uninterrupted salt marsh. Consequently, activities and alterations which disturb or bisect large tracts of coastal wetland into smaller segments cause ecological damage commonly referred to as "habitat fragmentation." The Council recognizes that habitat fragmentation and other disturbances of large areas of coastal wetland may significantly impact important ecological values, or may cause the decline, or eventual elimination of certain species of plant and animal life.

5. Minor alterations of wetlands associated with wetland walkover structures may be considered appropriate for access upon property when proposed in accordance with this section.

C. Policies

1. It is the policy of the Council to prohibit wetland walkover structures unless it is demonstrated that the structure provides the only reasonable access available to an applicant for access on his/her property for passive recreational pedestrian purposes, and that the wetland will incur significant environmental damage from foot-traffic. In cases where the Council finds that wetlands will not incur significant environmental damage from foot-traffic, dependent on individual site assessments, the Council may deny wetland walkover structures.

2. Wetland walkover structures proposed to extend beyond the limit of emergent vegetative wetlands are considered residential boating facilities (see Section 300.4).

D. Prerequisites

1. Wetland walkover structure applications in Type 2 waters, and in coastal wetlands designated for preservation or restoration, shall be considered Category B applications (see Section 300.1). Wetland walkover structures in Type 3, 4, 5, and 6 waters shall be considered Category A* applications.

E. Prohibitions

1. Activities including but not limited to attached decks, docks, observation platforms, floats, or other similar structures are prohibited on or adjacent to wetland walkover structures.

2. Wetland walkover structures are prohibited in Type 1 waters. Wetland walkover structures are prohibited in Type 2 waters where there are (a) wetlands having 10 acres or more of salt marsh habitat in total area; (b) wetlands determined to have high fish and wildlife habitat value based on staff review; and/or (c) wetlands which provide high scenic value as determined by the Council. Wetland walkover structures greater than 100 feet in length are prohibited.

3. Wetland walkover structures are prohibited from crossing any salt marsh pools, tidal creeks or pannes, open waters of coastal ponds, or any other open tidal or nontidal waters, excluding freshwater streams, rivers, and salt marsh mosquito ditches.

4. Wetland walkover structures are prohibited over wetlands contained within wildlife refuges, state management areas, and other public properties, unless the structure is to be used by the public and is determined by the Council to have no significant environmental impact.

F. Standards

1. Wetland walkover structures crossing marshes shall be constructed during the winter dormant season, December 1 through March 15.

2. Construction over wetlands shall be thirty inches (30") in height above the ground (wetland substrate) surface as measured from the decking of the structure. In certain cases, to protect wetlands having tall vegetative life forms, and based on individual site assessments, the Council may require that the structure be elevated to a maximum height of 50 inches.

3. Maximum width of wetland walkover structures shall be two and one-half (2½) feet.

4. Installation of pilings shall be conducted manually and spaced 15 feet on center, spanning the wetland if possible.

5. Deck spacing shall be one (1") inch minimum using 5/4" decking material, for light penetration.

6. In order to minimize the scenic impact of wetland walkover structures, the use of handrails shall be strictly avoided. Where it is determined a wetland walkover structure constructed to CRMP height standards without handrails represents a safety concern, the Council may choose to grant a variance to the height standard rather than authorize handrails.

7. Construction materials of wetland walkover structures shall be limited to timber or recycled timber products, except for timber connection hardware. The use of creosote as a wood preservative is prohibited.

8. Site plans for wetland walkover structures shall be drawn to scale, accurately show all property lines and the affected wetland, accurately describe the type of wetland to be spanned, and include all necessary construction details. A site plan prepared by a RI-certified professional engineer or registered land surveyor shall be

required for wetland walkover structures greater than 30 feet in length, and a biologist may be required to flag the wetland edge.

9. Wetland walkover structures shall be limited to one (1) per lot of record.

10. See standards in Section 300.2 "Filling, Removing, or Grading of Shoreline Features," as applicable.

11. See Section 300.3, subsections "F. Flood Zone Construction" and "G. Guidelines for Construction in Flood Hazard Zones," as applicable.