



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

November 1, 2018

Newport National Real Estate, LLC
John Perreira, President
300 Commercial Street
Malden, MA 02148

REVISED PERMIT

Re: Application No. 07-0229 in reference to the location below:

Approximately 1100 feet west of Mitchell's Lane, by Utility Pole No. 57, approximately 3000 feet north of the intersection of Mitchell's Lane and Wyatt Road, Assessor's Plat 118, Lot 132, Assessor's Plat 123, Lots 12 & 700, Assessor's Plat 124, Lots 5, 29, & 108, Middletown, RI.

Dear Mr. Perreira:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted nine-hole golf course as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on September 6, 2018.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on September 6, 2018. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Middletown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on February 15, 2020.

Except as authorized in this revised permit, pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated June 27, 2007 (copy enclosed) remain in effect. **Specifically, please be advised that all conditions related to permitted flyover areas in wetland remain in effect and must be strictly followed.**

This revised permit is valid for the original applicant only unless transferred pursuant to Rule 7.09 of the Rules.

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Claire Swift of this Program (telephone: 401-222-6820 ext. 7418) should you have any questions regarding this letter.

Sincerely,



Martin D. Wenczek, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/CVS/cvs

Enclosure: Approved revised site plans

cc: Jack Kane, Town of Middletown Building Official
Christopher Duhamel, PE, DiPrete Engineering



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 27, 2007

Newport National Golf Club
c/o Donald S. Bierer
10 Post Office Square, Suite 750
Boston, MA 02109

Aquidneck Land Trust
c/o Ted Clement, Jr., Executive Director
790 Aquidneck Avenue
Middletown, RI 02842

Insignificant Alteration – Permit

RE: Application No. 07-0229 in reference to the property and proposed project located:

Approximately 1,100 feet west of Mitchell's Lane, by Utility Pole No. 57, approximately 3,000 feet north of the intersection of Mitchell's Lane and Wyatt Road, Assessor's Plat 118, Lot 132, Plat 123, Lots 12 & 700, Plat 124, Lots 5, 29, & 108, Middletown, RI.

Dear Messrs. Bierer and Clement:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed nine (9) hole golf course and clubhouse as illustrated and detailed on site plans submitted with your application. These site plans were received on May 25, 2007.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.03 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No: 07-0229

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 *et seq.*
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on May 29, 2007. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter freshwater wetlands are not authorized without a permit from the DEM.

3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Middletown and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
8. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of hay bales and/or silt fence must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

14. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. Any plantings that fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
15. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
16. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

This permit is valid for the original applicant only and is not transferable to another person unless the new owner completes and submits an **Application for Permit Transfer** in accordance with Rule 9.08.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island Programmatic General Permit (RI PGP, Permit No. 57). You are, therefore, not required to file a separate application with the Corps.

Please note that the attached RI PGP conditions apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

Kindly be advised that this Permit is not equivalent to a verification of the types and extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 9.02.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact me at (telephone: 401-222-6820 Ext. 7412) should you have any questions regarding this letter.

Sincerely,



W. Joseph Casey, Senior Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources

MDW/JC/jc

Enclosure: Approved site plans
PGP permit conditions

xc: John Kane, Jr., Middletown Building Official
Robert DeSista, U.S. Army Corps of Engineers
Eric Offenber, P.E., Northeast Engineers & Consultants, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.



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Martin D. Wencek, Permitting Supervisor
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