



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 10, 2007

William T. Gowen  
Effins Last Resort, LLC.  
14 Lantern Brook Drive  
Lincoln, RI 02865

Re: Application No. 07-0369 in reference to the property located:

At 375 Farnum Pike, approximately 300 feet east of Farnum Pike, approximately 2,300 feet north of the intersection of Farnum Pike and George Washington Highway, Assessor's Plat 46, Lot 60E, Smithfield, RI.

Dear Mr. Gowen:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request to verify the delineated edge of freshwater wetlands**. This review included an inspection of the above referenced property ("subject property") as described by the site plans submitted with your application and received on September 14, 2007.

Based upon the Program's observations and review, it is our determination that freshwater wetlands are present on or are in close proximity to the subject property. These freshwater wetlands are regulated by this Department and include at least the following types:

- Swamp (A-, E-, G-, I-, J- and K- series flags)
- Perimeter Wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- Stream/Intermittent Stream
- River (between I- and J-series flags)
- Riverbank Wetland (the area of land within 100 feet of the edge of any flowing body of water less than 10 feet wide)
- Flood Plain

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. It is our determination that those wetland edges delineated on-site are substantially accurate. Corrections and/or modifications to the delineated edge are required, however, which include the following:

- Remove both D4 flags and flag D5 labeled "ASSF" on the plans. A swale or channel is not evident in this location.
- Remove Riverbank Wetland associated with the connection between off-site flags C14 and C15. A defined channel is not evident between these flags.
- Move flag E32 approximately 15 feet south/southwesterly.
- K-series flags are labeled "Forested Wetland" on the plans, but they delineate a portion of the Swamp.
- Remove the connection between flags K1 and K5.

Please note that our inspection of the subject property has revealed the presence of other freshwater wetlands not specifically delineated by you. Therefore, you should not infer that any verification of wetland edges carried out by this Department to date represents a determination that this is the extent of all wetlands on your property. **The Department has verified only those edges delineated and shown by you on-site and on site plans submitted with your application and as qualified in this letter.** Should you wish to verify the edge of these additional wetlands, an additional application will be required.

This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to Section 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules) a permit is required from this Program prior to the commencement of any activity which impacts or alters freshwater wetlands.

Please also be advised that a recent site inspection revealed the presence of apparent unauthorized activity within freshwater wetlands on your property, including both historical and recent alterations. No alterations in freshwater wetlands are allowed without a valid permit from this Department. This information has been forwarded to RIDEM's Office of Compliance and Inspection for further review.

In addition, you should note that freshwater wetlands are present on this property which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

In accordance with Rule 8.03(H) of the Rules, this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue.

Please contact Jane Kelly of this Office telephone: (401-222-6820, ext. 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Office of Water Resources  
Freshwater Wetlands Program  
MDW/JEK/jek

xc: Brian P. Thalmann, P.E., Thalmann Engineering Company, Inc.  
Briscoe Lang, Wetland Biologist, Pare Corporation  
Harold Ellis, RIDEM, Office of Compliance and Inspection  
Stephen Tyrrell, RIDEM, Office of Compliance and Inspection