



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 17, 2011

RIDEM Division of Planning and Development  
Attn: Joseph Dias, Chief  
235 Promenade Street  
Providence, RI 02908

**Revised Permit**

**RE:** Application No. 08-0048 in reference to the property and proposed project located:

At the Turner Reservoir Dam, approximately 1300 feet north of Pleasant Street, approximately 600 feet east of the intersection of Reservoir Avenue and Hood Avenue, Assessor's Map 604, Block 1, Parcel 45, East Providence, RI.

Dear Mr. Dias:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your latest **Application for Permit Modification** and has evaluated your proposed modifications to the proposed Denil fish ladder, eel ladder, spillway apron removal, catwalk, overlook platform, interpretive signage, bituminous path, timber guard rail and chain link fence at Turner Reservoir ("Reservoir"), concerning revised language for permit condition number 13 as detailed in the originally approved permit for this application.

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 plan submitted with your application and approved by the DEM Wetlands Program on October 17, 2008. 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 plan, these terms and conditions shall be deemed to supersede the site plan.
4. The language of Permit Condition #13 from the original permit is revised as follows: Physically reducing water levels in the Turner Reservoir specifically associated with this project shall only occur between July 1 and October 15. No new or additional water level reductions associated with this project in the Fall are permitted beyond October 15 of any calendar year this revised permit is in effect. Surface water levels in the Turner Reservoir must be allowed to rise to the currently



existing spillway crest elevation of 47.55 feet NAVD88 within the Reservoir by April 1. Full pool elevation of 47.55 feet NAVD88 shall be achieved no later than April 15, weather permitting. Draw-down must not commence between October 15 and July 1. The aforementioned draw-down time tables are specifically applicable to this project.

5. A copy of the originally stamped approved site plan 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 plan must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the City of East Providence and supply this Program with written documentation obtained from the City showing this revised permit was recorded.
7. This revised permit expires four (4) years from the date of issue of the original letter of October 17, 2008, in addition to 598 days from the expiration date due to enacted tolling legislation, making the tolled expiration date for this permit June 17, 2014.

Except as authorized in this revised permit pursuant to the approved site plans, all terms and conditions previously specified in the Program's permit dated October 17, 2008 (copy enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

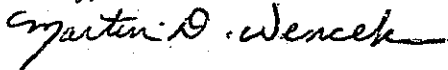
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 me at this Program (telephone: 401-222-6820 ext. 7403) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Permit letter of October 17, 2008.

xc: Jay McGinn, RIDEM, Planning and Development  
Paul Guglielmino, RIDEM, Dams Safety Program  
Phil Edwards, RIDEM, Fish and Wildlife



Reservoir must be allowed to rise to the currently existing spillway crest elevation of 47.55 feet NAVD88 within the Reservoir by March 15. Full pool elevation of 47.55 feet NAVD88 must be achieved no later than April 15, weather permitting. Draw-down must not commence between October 15 and July 15. The aforementioned draw-down time tables are specifically applicable to this project.

5. A copy of the originally stamped approved site plan 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 plan must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the City of East Providence and supply this Program with written documentation obtained from the City showing this revised permit was recorded.
7. This revised permit expires four (4) years from the date of issue of the original letter of October 17, 2008.

Except as authorized in this revised permit pursuant to the approved site plans, all terms and conditions previously specified in the Program's permit dated October 17, 2008 (copy enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

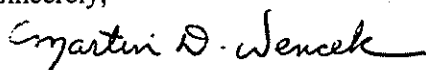
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 me at this Program (telephone: 401-222-6820 ext. 7403) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Permit letter of October 17, 2008

xc: Jay McGinn, RIDEM, Planning and Development  
Paul Guglielmino, RIDEM, Dams Safety Program  
Phil Edwards, RIDEM, Fish and Wildlife



October 17, 2008

RIDEM Division of Planning and Development  
Attn: Joseph Dias, Chief  
235 Promenade Street  
Providence, RI 02908

**Revised Insignificant Alteration – Permit**

**RE:** Application No. 08-0048 in reference to the property and proposed project located:

At the Turner Reservoir Dam, approximately 1300 feet north of Pleasant Street, approximately 600 feet east of the intersection of Reservoir Avenue and Hood Avenue, Assessor's Map 604, Block 1, Parcel 45, East Providence, RI.

Dear Mr. Dias:

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 Denil fish ladder, eel ladder, spillway apron removal, catwalk, overlook platform, interpretive signage, bituminous path, timber guard rail and chain link fence at Turner Reservoir ("Reservoir"), as illustrated and detailed on site plans submitted with your application. These site plans were received on July 3, 2008.

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 9.00 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. 08-0048:

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 July 3, 2008. 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 City of East Providence and supply this Program with written documentation obtained from the City 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 that 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 and cofferdams must be removed.
12. 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.
13. Physically reducing water levels in the Reservoir during the Fall season specifically associated with this project must be completed between September 15 and October 15. No new or additional water level reductions associated with this project in the Fall are permitted beyond October 15. Surface water levels in the Reservoir must be allowed to rise to the currently existing spillway crest elevation of 47.55 within the Reservoir by March 15. Full pool elevation of 47.55 must be achieved no later than April 15, weather permitting. Should Summer draw down of the Reservoir be necessary for work specifically associated with this project, such draw-down must not commence prior to July 15 and last no longer than October 15. The aforementioned draw down time tables are specifically applicable to this project.

14. In no instance shall the overall draw down exceed 42 inches below the currently existing spillway crest elevation of 47.55 within the Reservoir. Draw down levels between 42 and 30 inches for this project are only permitted for a single period of no more than two weeks. In no instance shall the overall draw down of 30 inches below the currently existing spillway crest elevation of 47.55 within the Reservoir be exceeded for a period exceeding three months. The aforementioned water level reductions are specifically limited to this project.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

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 (RIPGP, Permit No. 57). You are, therefore, not required to file a separate application with the Corps.

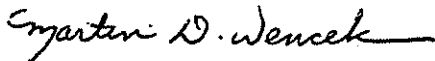
Please note that the attached RI PGP conditions apply to all activities authorized under this RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in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

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 Jane Kelly (telephone: 401-222-6820 x 7420) with any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

xc: John R. Kennelly, Chief of Planning, U.S. Army Corps of Engineers  
Kenneth Booth, East Providence Water Utilities Superintendent  
Stephen H. Coutu, East Providence Director of Public Works  
Neal Personcus, DEM Water Quality Certification Program  
Jay McGinn, RIDEM, Planning and Development  
Paul Guglielmino, RIDEM, Dams Safety Program  
Phil Edwards, RIDEM, Fish and Wildlife



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

October 15, 2008

RIDEM Division of Planning and Development  
Attn: Joseph Dias, Chief  
235 Promenade Street  
Providence, RI 02908

**Insignificant Alteration – Permit**

**RE:** Application No. 08-0048 in reference to the property and proposed project located:

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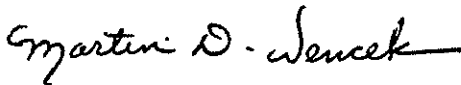
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Martin D. Wencek, Permitting Supervisor  
Office of Water Resources  
Freshwater Wetlands Program

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