



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 23, 2010

City of Newport
Julia A. Forgue, Public Works Director
70 Halsey Street
Newport, RI 02840

Re: Application No. 10-0046 in reference to the location below:

At the Lawton Valley Water Treatment Plant, 2154 West Main Road, east of West Main Road, Utility Pole No. 165, and approximately 830 feet south of the intersection of Almeida Terrace and West Main Road, Assessor's Plat 56, Lot 5, Portsmouth, RI

Dear Ms. Forgue:

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 March 17, 2010.

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:

Pond ("Lawton Valley Reservoir")

perimeter wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)

shrub wetland (not flagged; see comments below)

forested wetland

river

riverbank wetland (the area of land within 200 feet of the edge of any flowing body of water 10 feet wide or greater).

Four (4) areas subject to storm flowage ("ASSF") located as follows:

- Flowing along Old West Main Road and entering the forested wetland near flag WF#3-12;
- Flowing from West Main Rd. (u.p. #155), entering the forested wetland near flag WF#3-1;
- Flowing from an 18" RCP and entering the forested wetland near wetland flag WF#1-1
- Flowing from a 15" RCP west of the cemetery, entering the forested wetland near wetland flag WF#2-14.

floodplain



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 wetland classifications are required, however, which include the following:

1. The river depicted on the site plans has a width greater than 10 feet and requires a 200 foot riverbank wetland; not a 100 foot riverbank wetland as depicted..
2. The forested wetland (delineated within the wetland flags and located between Old West Main Road and West Main Road) and the Areas Subject to Storm Flowage (ASSF) do not require a 50 foot perimeter wetland.
3. Two ASSF's which flow to the forested wetland are present, but have not been depicted. One ASSF is located northwest of Flag WF1-1, and flows from the depicted 18" RCP. The second ASSF also drains from West Main Road, originates approximately twenty (20) feet southwest of utility pole 160, flows approximately 15 feet north of the cemetery and enters the wetland north of flag WF2-14.
4. A shrub wetland is present northeast of the "raw water pump station" and east of Old West Main Road which has not been delineated. If future projects are proposed in this vicinity, this wetland will need to be properly depicted. Note also that an ASSF flows out of this wetland to the river.

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 any additional wetlands, an additional application will be required.

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

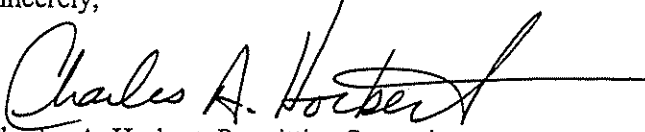
This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

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 Andrew Charpentier of this Office telephone: (401-222-6820, ext.7414) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Charles A. Horbert". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/AC/ac

xc: Dwight R. Dunk, Camp Dresser & McKee Inc.