



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 19, 2011

Joseph Geaber
141 Brookwood Road
South Kingstown, RI 02879

Re: Application No. 10-0231 in reference to the location below:

Approximately 300 feet north of the terminus of Brookwood Road (at House No. 141), and approximately 1,650 feet north of its intersection with Worden's Pond Road, Assessor's Plat 61, Lots 24 and 68, South Kingstown, RI

Dear Mr. Geaber:

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 December 1, 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 Program and include at least the following types:

- Swamp
- 50-foot perimeter wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- River >10 feet wide (Mink Brook)
- 200 foot riverbank wetland (the area of land within 200 feet of the edge of any flowing body of water 10 feet wide or greater)
- Flood plain
- Area(s) Subject to Storm Flowage (ASSF) -2

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. It is our determination that the wetland edges delineated on-site are accurate. This wetland edge has been shown on the site plan submitted with your application and is referenced as wetland flags A-98 through A-125, and B-99 through B-110. The wetland edge flags delineate the edge of a swamp.

Please note that there is a second ASSF channel located on site that has not been flagged. This ASSF flows into the B-series wetland edge near flag B-110.



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.

In addition, please be advised that unauthorized wetland alterations were observed on site during inspection, including filling (in the form of brush, dirt, concrete, etc.) within at least the 50-foot perimeter wetland and up to the wetland edge between flags A-103 and A-104. Currently, the alterations are of a nature and extent that no further action will be taken at this time provided that you cease all unauthorized activity within the subject wetlands. Further unauthorized activity on site could result in enforcement action.

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 that 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 me (401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Senior Environmental Scientist
Office of Water Resources
Freshwater Wetland Program

NLF/SBH/sbh

xc: Daniel R. Cotta, American Engineering, Inc.
Kevin Fetzer, Ecotones, Inc.