



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 16, 2015

Mr. George H. Lenihan
Mr. Joseph V. Paglia
39 Thayer Avenue
Narragansett, RI 02882

Re: Application No. 15-0201 in reference to the location below:

Approximately 320 feet north of South Pier Road, near Utility Pole No. 28, and approximately 2740 feet east of the intersection of Point Judith Road and South Pier Road, Assessor's Plat H, Lots 92 & 93, Narragansett, RI

Dear Messrs. Lenihan and Paglia,

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 11, 2015.

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, but are not limited to, at least the following types:

- Swamp (flags A1 through A19)
- ~~Perimeter wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)~~
- Forested wetland (flags B1 through B4, D6 through D19, D1 through D5, 7B through B10, and C2 through C23)
- River (Crooked Brook)
- Riverbank Wetland (that area of land within two hundred feet (200') feet of the edge of any flowing body of water having a width of ten feet (10') or more)
- 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:

- Connect flag 7B to D5
- Remove flag B11 and connect flags B1 and B10
- Move flag D6 northeast 15 feet and connect flag B4 to the relocated D6.
- Remove both "B5" flags (note: only one B5 flag was found in the field) and the B8 flag depicted between B5 and 7B (labeled B6 in the field)
- Move flag D19 southwest 10 feet
- Move flags C16 and C18 northeast 10 feet
- Crooked Brook is a river greater than 10 feet wide with a 200-foot riverbank wetland

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. **You are hereby advised** that on July 10, 2015, significant revisions to the RI Freshwater Wetlands Act (R.I.G.L. Section 2-1-18 *et. seq.*) were signed into law. These revisions modify, among other things, the "jurisdictional areas" recognized by the State of Rhode Island. The Department is currently in the process of amending the Rules. If you are contemplating a project on your property, and submit the application prior to the promulgation of the revised Rules, you can expect the wetlands jurisdictional areas to correspond as described in this verification letter.

Any application submitted after promulgation of the Rules will be expected to conform to the then existing and duly promulgated Rules. While these changes will not affect the location of flagged wetland edges as verified in this letter, they may affect how activities located in adjacent jurisdictional upland areas will be regulated. You are advised, in the meantime, to monitor the rulemaking process, which will include opportunities for public input and comment.

Please contact Kate McPherson of this Office telephone: (401-222-6820, ext. 7732) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/KHM/khm

xc: Amy N. Sonder, PLS, Easterbrooks & Associates, LLC

ec: Kathleen P. Mangan