



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 30, 2016

Daniel J. Cunningham  
177 Indian Trail South  
Wakefield, RI 02879

**REVISED PERMIT**

**RE:** Application No. 16-0142 in reference to the property and proposed project located:

Approximately 80 feet northeast of Indian Trail opposite Utility Pole No. 6957 (at House No. 177) and approximately 450 feet southeast of the intersection of Indian Trail South and Woodland Trail, Assessor's Plat 34-3, Lot 20, South Kingstown, RI.

Dear Mr. Cunningham:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted dock and walkway as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on August 30, 2016.

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 plans submitted with your application and received by the DEM on August 30, 2106. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which 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 plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit 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 plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of South Kingstown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.

Application No. 16-0142

6. This revised permit expires four (4) years from the date of issue of the original letter of July 13, 2016.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated July 13, 2016 (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.

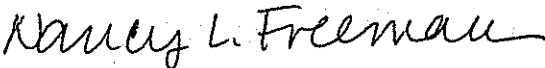
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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

Sincerely,



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

NLF/nlf

Enclosure: Approved revised site plans

cc: Jeffrey Campopiano, P.E.

xc: Jeffrey T. O'Hara, South Kingstown Building Official



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

July 13, 2016

Daniel J. Cunningham  
177 Indian Trail South  
Wakefield, RI 02879

**Insignificant Alteration – Permit**

**RE:** Application No. 16-0142 in reference to the property and proposed project located:

Approximately 80 feet northeast of Indian Trail opposite Utility Pole No. 6957 (at House No. 177) and approximately 450 feet southeast of the intersection of Indian Trail South and Woodland Trail, Assessor's Plat 34-3, Lot 20, South Kingstown, RI.

Dear Mr. Cunningham:

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 footpath with woodchip surface, dock, concrete pad and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on June 2, 2016.

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: 16-0142**

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 June 2, 2016. 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 Town of South Kingstown and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires on July 13, 2020 unless renewed pursuant to the Rules.
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 straw/hay bales and/or silt fence 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. You must allow the existing footpath and the well line as depicted on the approved site plans under cross-reference Application No. 07-0490 (still valid, see-enclosed) to continue to revegetate naturally without any further manicuring or maintenance.

**Pursuant to the provisions in Rule 7.09 and 11.04, as applicable, any property 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 General Permit (General Permit No. NAE-2011-2402), (RI GP). You can view this permit at [http://www.nae.usace.army.mil/Regulatory/SGP/RI\\_PGP.pdf](http://www.nae.usace.army.mil/Regulatory/SGP/RI_PGP.pdf). You are, therefore, not required to file a separate application with the Corps.**

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. 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.

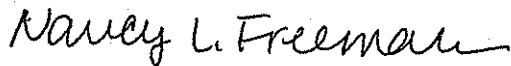
Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 8.03.

Please also be advised that mitigation plantings and permanent markers were conditioned under the original permit for this property under Application No. 07-0490, which have not yet been installed per the approved site plans. A copy of the original permit letter and approved site plan for Application No. 07-0490 has been enclosed for your review. You must notify this Program in writing immediately upon completion of the project.

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 me at (telephone: 401-222-6820 x 7408) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/nlf

Enclosures: Approved site plans  
Copy of Approved Site Plan from Application No. 07-0490  
Copy of Permit Letter from Application No. 07-0490

cc: Michael J. Elliott, U.S. ACOE  
xc: Jeffrey T. O'Hara, South Kingstown Building Official  
Jeffrey J. Campopiano, P.E.