



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

July 20, 2016

Whipple, Metcalf & Barns, LLC
Vincent A. Indeglia, Esq., Manager
C/o Southern Sky Renewable Energy
117 Metro Center Boulevard #2007
Warwick, RI 02886

RE: Application No. 16-0149 in reference to the property located:

Approximately 500 feet south of Kilvert Street near Utility Pole 34 (extending south to the T.F. Green Airport Connector Road) and approximately 1,000 feet south/southeast of the intersection of Kilvert Street and Metro Center Boulevard, Assessor's Plat 278, Lot 146, Warwick, RI.

Dear Mr. Indeglia:

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 June 9, 2016.

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:

- Pond/Marsh/Swamp (A-Series Wetland Complex)
- perimeter wetland associated with the A-Series (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- River (Three Ponds 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 during normal flow.
- Floodplain
- ASSF: Area(s) subject to storm flowage (ASSF 300-306; ASSF CL1-CL5 continuing into the A-Series wetland and off-site ASSF 100-102)

The DEM has completed an inspection and review of the wetland edge delineated by you on-site. It is our determination that:

The wetland edge delineated on-site is substantially accurate. The wetland edge has been shown on the site plan submitted with your application and is referenced as: Flag Nos. A2 through A81 Corrections and/or modifications to the delineated edge are required, however, which include the following:

1. Place an additional flag 25 feet south of Flag A8 and 15 feet east/northeast of Flag A9. Connect A8 to the new flag that then connect the new flag to A9 to encompass additional wetland.

2. Relocate Flag A28, 15 feet northeast to encompass additional wetland.

Please note the following clarifications as requested:

1. The delineated D-Series is not a shrub wetland; however, it does collect water temporarily. Portions which are channeled or form a swale can be considered part of the ASSF on future submittals.
2. The two depressions labelled as "Areas of Leaf Staining" are not regulated freshwater wetlands.
3. The drainage swale originating from the outfall on AP 278/ Lot 143 labelled "existing ditch" is not an ASSF.

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 other 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. **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 me at (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 Wetlands Program
NLF/nlf

cc: Laura H. Gluck, Pare Corp.
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