



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

October 17, 2017

Leslie B. Hull
A.L. Ballard & Ballard Properties, LP
1021 Main Street, Suite 2310
Houston, TX 77002

Insignificant Alteration - Permit

Re: Application No. 17-0164 in reference to the location below:

Approximately 400 feet north of Beacon Hill Road, and approximately 500 feet south of the intersection of Beacon Hill Road and Khaki Terrace, Utility Pole No. 44, Assessor's Plat 41, Lot 404, Newport, RI

Dear Ms. Hull & Mr. Ballard:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter Freshwater Wetlands**. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed excavation of an existing ornamental pond and cutting of non-native vegetation, with associated cofferdams, stockpiles, dewatering and installation of a catch basin as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received by the DEM on October 6, 2017.

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 does not appear to involve significant alterations to the subject freshwater wetlands and may therefore be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No 17-0164:

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 October 6, 2017. 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 again 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 or City 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 City of Newport and supply this Program with written documentation obtained from the City showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the effective date unless revised pursuant to Rule 11.02.
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 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. All construction activities involving soil disturbances within watercourses and the pond must be limited to the low flow period (*i.e.*, the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
14. With respect to the western side of the pond, and as noted on the plan, cutting is to be limited to non-native, invasive shrubs and overhanging branches. Native shrubs (*e.g.* *Salix sp.*) are to remain.

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.

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 "Self-Verification" ("SV") activity under GP No. 10 of the Rhode Island General Permit (General Permit No. NAE-2016-2264), (RI GP).

You can view this permit at:

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/Rhode Island General Permits 2017.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/Rhode%20Island%20General%20Permits%202017.pdf). **You are, therefore, not required to file a separate application with the Corps.**

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

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 feel free to contact me (telephone: 401-222-6820 x 7402) should you have any questions regarding this letter.

Sincerely,


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

Enclosure: Approved site plans

cc: Taylor Bell, U.S. Army Corps of Engineers, New England District
Joseph McCue, Mason & Associates, Inc.
Susan Capasso, P.E., David D. Gardner & Associates, Inc.