



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

OFFICE OF WATER RESOURCES

235 Promenade Street
Providence, Rhode Island 02908

April 9, 2020

Meredith and Jason Spitalnik
44 Wapping Road
Portsmouth, RI 02871

Re: Application No. 20-0012 in reference to the location below:

Approximately 300 feet south of Glen Road, at the southwest corner of the intersection of Glen Road and Glen Farm Road, Utility Pole Nos. 16 through 20, Assessors Plat 59, Lot 22, Portsmouth, RI.

Dear Mr. and Ms. Spitalnik:

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 January 16, 2020.

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:

- Marsh/Swamp
- 50-foot Perimeter Wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- Emergent Plant Community
- Stream
- 100-foot Riverbank Wetland (that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow)
- 100-year Floodplain

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 substantially accurate. These wetland edges have been shown on the site plan submitted with your application and are referenced as wetland flags WF-100 through WF-114, WF-200 through WF-208, and WF-300 through WF-312. Wetland edge flags of the 100 and 200 series delineate the edge of a marsh/swamp wetland complex. Please note that a stream flows within this wetland that was not delineated and was not verified under this application. The 300 series flags delineate the edge of an emergent plant community.

Minor corrections and/or modifications to the delineated edge are required which include the following:

- Relocate Wetland Flag No. WF-111 approximately 15 feet to the west.
- Place one additional flag approximately 32 feet northeast of flag WF-301, to connect to flag WF-302.

Other than these corrections, all other wetland flags are considered accurate.

Please note that 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 by you on site and shown 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.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to R.I. Gen. Laws § 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR150-15-1, 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 250-RICR-150-15-1.8(C)(8), 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. Gen. Laws § 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 Claire Swift of this Office telephone: (401-222-6820, ext. 7418) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

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

NLF/CVS/cvs

cc: Joseph P. McCue, Mason & Associates, Inc.