



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

April 15, 2021

Margaret Millikin Trust
c/o Charles Millikin
PO Box 856
Block Island, RI 02807

RE: Application No. 21-0027 in reference to the property located:

At 1232 Pilot Hill Road, approximately 750 feet southeast from the intersection of Pilot Hill Road and Seaweed Lane, Assessor's Plat 8, Lot 194-2, New Shoreham, RI.

Dear Mr. Millikin:

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 February 1, 2021.

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 with contiguous Shrub Wetland (A-series) and associated Perimeter Wetland (that area of land within fifty feet (50') of the edge of any freshwater wetland consisting in part, or in whole, of a bog, marsh, swamp or pond)
- Emergent Plant Community (B-series)
- Shrub Wetland (D and E-series)
- Special Aquatic Site (C and F-series)
- Area subject to storm flowage connecting A and B-series wetlands.
- Perimeter Wetland associated with offsite Ponds west of Pilot Hill Road and south of D-series Shrub Wetland

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:

- Flags 9A and 10A should be deleted.
- Flag 11A should be moved 11-feet east and should connect to flag 8A.
- Flag C3 should be relocated 12 feet west.

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 and shown by you on-site and on-site plans submitted with your application and as qualified in this letter. **Please note that E and F-series wetlands were not verified** due to prohibitive vegetation and per correspondence with your consultant who stated that the verification of Wetlands E and F were not required under this review. Should you wish to verify the edge of any additional wetlands, a new application will be required.

This letter does not constitute an approval or permit for any proposed project on the subject property. Please note that work shown on the submitted site plans as proposed has not been approved under this Request to verify the delineated edge of freshwater wetlands application. 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 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 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 be advised that the cut paths installed for this verification exceeded that which was necessary to perform the required site work and that which is authorized under Rule 250-RICR-150-15.1.6.B(1)(g) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"). In order for you to conform with the Rules, you are required to:

Allow all paths cut within freshwater wetlands (including the 50-foot Perimeter Wetland to revegetate naturally without further mowing and manicuring.

Within ten (10) days of receipt of this letter, you must notify this office in writing of your intent to comply with the requirements of this letter. Failure to notify this office of your intent to comply or failure to satisfy the requirements of this letter within a timely and appropriate manner could subject you to more severe enforcement action as allowed by RIGL and/or the Rules.

Please contact Sophie Clode this Office telephone: (401-222-6820, ext. 77419) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

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

NLF/SC/sc

c: Kenneth R. Cole, Environmental Scientist, Ninigret Environmental
David Hilbern, PLS, Hilbern Land Surveying