



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

October 29, 2021

Town of New Shoreham
Maryanne Crawford, Town Manager
PO Box 220
Block Island, RI 02807

Insignificant Alteration – Permit

Re: Application No. 21-0164 for the property and project located:

Throughout northern, western, and eastern portions of Block Island within various roadways, private driveways, and other areas such as maintained lawn.

Dear Ms. Crawford:

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 broadband conduit installation with connection to existing utility poles and residences, trenching, temporary erosion controls and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on October 5, 2021 and include three separate site plan sets labeled West Area (8 sheets), East Area (12 Sheet) and North Area (5 Sheets).

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 250-RICR-150-15-1.9 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-1, this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 21-0164:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 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 5, 2021. 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 of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon

completion of the project. The Start of Construction Form can be found on the webpage: dem.ri.gov/stormwaterconstruction.

5. A copy of the stamped approved site plans and a copy of this permit must be kept by the Town and also provided to the contractor who must keep it at the sites where active work is occurring 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 or property owner upon request.
6. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of this letter unless renewed pursuant to the Rules.
7. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
8. 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. Within regulated freshwater wetlands, erosion controls shall be installed within cleared and disturbed areas along roadways and driveways and shall be installed in a manner to avoid clearing of trees or shrubs.
9. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
10. Any dewatering required within regulated freshwater wetlands, must take place within existing cleared and disturbed areas with no tree or shrub removal authorized. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
11. 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.
12. All disturbed soils and trenching activities shall be returned to pre-existing grades post construction and stabilized, where necessary, with a suitable grass seed mixture. Please note that the conduit proposed at Dig Site # 1102 is depicted crossing a DEM approved wetland restoration area. Please ensure that if any restoration plantings are disturbed by the conduit installation, plantings must be replaced in kind after completion.
13. All conduits must connect to existing utility poles (unless connecting to a conduit already installed within unregulated upland areas). If any connections to existing utility poles requires an alteration to freshwater wetlands that are not depicted on the approved site plans, a new application and subsequent permit will be required for that location. Any new poles, if required, that are not depicted on the site plans must meet the Exempt Activities per the Rules (§1.6(J)(1) (a-f)) or a new application and subsequent permit will be required.

14. The approved limit of disturbance is that area depicted on site plans as the "Proposed Conduit" and adjacent erosion controls (see-Condition No. 8 above). Any alterations to freshwater wetlands outside of these depicted conduit locations will require an additional application and subsequent permit.
15. Work at the following dig site locations noted below may not commence until the Town of New Shoreham receives written notarized authorization from the corresponding landowners of property within which freshwater wetlands will be directly altered as a result of the proposed project who have not yet signed the Town of New Shoreham's Terms and Conditions agreement. The Terms and Conditions agreement was provided in your correspondence to DEM dated October 6, 2021 and entitled DEM Permit Property Owner Permission. Such written, notarized authorizations must be provided to the Town of New Shoreham and must expressly authorize the Town to apply for the proposed site alterations in order to conduct the proposed work on the affected properties in accordance with this permit and as depicted on the site plans submitted with the application as described the Rules (§ 1.7(A)(2)(c)). Such written, notarized authorizations must in turn, be provided to the Program. Please note that alterations occurring within existing roadways and cleared shoulders, whether paved or unpaved, are exempt activities per the Rules (§ 1.6(J)(1) (a-f)), and do not require authorization from DEM. Dig Sites requiring written notarized authorization as described above include at least the following locations unless exempt per the Rules:

- Dig Site No. 141 (East)
- Dig Site No. 133 (East)
- Dig Site No. 242 (East)
- Dig Site No. 298 (East)
- Dig Site No. 299 (East)
- Dig Site No. 467 (East)
- Dig Site No. 478 (East)
- Dig Site No. 583 (East)
- Dig Site No. 1893 (East)
- Dig Site No. 792 (North)
- Dig Site No. 1077 (North)
- Dig Site No. 1270 (North)
- Dig Site No. 1799 (North)
- Dig Site No. 1809 (North)
- Dig Site No. 846 (West)

Unless determined to be an exempt activity, it is incumbent upon the Town and the responsibility of the Town to obtain the notarized authorizations described above prior to commencing any of the proposed work described herein on the subject Dig Sites that are listed above or any others where the property owners have not yet signed the Town of New Shoreham's Terms and Conditions Agreement.

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.

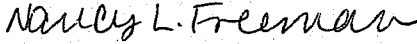
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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 250-RICR-150-15-1.8(C).

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 Sophie Clode of this office (telephone: 401-222-6820, ext. 2777419) should you have any questions regarding this letter.

Sincerely,


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

Enclosure: Approved site plans

cc: Brian Shanley, Pike Telecom & Renewables, LLC
Scott P. Rabideau, President, Natural Resource Services, Inc.
Amy Silva, CRMC
Tom Risom, Building Official, Town of New Shoreham