



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

June 3, 2022

East Passage Estates Lot Owners Association
c/o Gregory Borge, Association President
P.O. Box 207
Jamestown, RI 02835

Insignificant Alteration – Permit

Re: Application No. 22-0149 for the property and project located:

Approximately 50 feet north of Intrepid Lane and approximately 700 feet east of its intersection with America Way, Assessor's Plat 2, Lot 216, Jamestown, RI.

Dear Mr. Borge:

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 construction of a 350-foot-long boardwalk within portions of an existing trail through at least a forested wetland contiguous with Rainbow Pond with 4-foot lengths of 4" x 4" or 6" x 6" wooden footings to support 10-foot lengths of 2" x 8" wooden planks (two planks wide for a total of 16" wide as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on April 25, 2022 (site locus Sheet 1) and the Revised Rainbow Pond Boardwalk Proposal received by the DEM on May 24, 2022 (Sheet 2 and Sheet 3).

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. 22-0149:

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 April 25, 2022 (Sheet 1) and May 24, 2022 (Sheet 2 and Sheet 3). The Limit of Disturbance (LOD) is comprised of existing footpaths and is not to exceed the dimensions indicated on the approved plans except for any minor trimming required (See Condition No. 12 below). The start point of the LOD is at 41.545268, -71.368568 and the end point is at 41.546230, -71.368090. 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 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 town 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 Town of Jamestown and supply this Program with written documentation obtained from the Town 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 date of this letter unless renewed pursuant to the Rules.
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. You are obligated to install, utilize, maintain, 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.
11. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, the site plan sheets have been numbered sequentially (1 of 3 through 3 of 3).
12. No clearing of trees or shrubs within regulated freshwater wetlands is authorized for the installation of the footbridge, only trimming of branches as necessary.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

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.

If you have not already done so, or in order to check on the status of their review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; website: <https://www.nae.usace.army.mil/Missions/Regulatory/or> email at cenaer@usace.army.mil . Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

Please contact Jessica Lord of this office (telephone: 401-222-6820, ext. 2777416) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Principal Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/JAL/jal

Enclosure: Approved site plans

cc: Michael Gray, P.E., Director of Public Works, Town of Jamestown
Kevin R. Kotelly, P.E., US Army Corps of Engineers, NE District, Regulatory Division