



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

July 25, 2023

Christopher Champi, General Manager  
Kingston Water District  
14 Frank Avenue  
West Kingston, RI, 02892

**RE:** Application No. 22-0181 in reference to the property located:

Approximately 1,400 feet northwest of Fairgrounds Road, at Utility Pole No. 52, and approximately 1,530 feet northeast of its intersection with Liberty Lane, Assessor's Plat 21-3, Lots 10 & 25, South Kingstown, RI.

Dear Mr. Champi:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Request to verify freshwater wetland edges. 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 May 20, 2022.

Please be advised that although this application was submitted under old Rules (250-RICR-150-15-1), new Rules (250-RICR-150-15-3) has since been incorporated and any proposed activities would be regulated under these new Rules. Therefore, the Jurisdictional Areas and Buffer Zones as currently defined and found on the subject property are listed within this letter.

Per Rule 250-RICR-150-15-3.23, the **Statewide Buffer Zone Designation**, your property falls within:

- River Protection Region 1

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 and other jurisdictional areas are regulated by this Department and include, but are not limited to, at least the following types:

**Jurisdictional Areas:**

- Freshwater Wetlands (see below)
- Buffer: All areas of undeveloped vegetated land adjacent to a freshwater wetland that is to be retained in its natural undisturbed condition or is to be created to resemble a naturally occurring vegetated area. For the purpose of defining buffer in these Rules, "adjacent to" means land area within the buffer zone.
- Floodplain
- Contiguous areas that extend outward two-hundred (200') feet from the edge of a river or stream
- Contiguous areas that extend one-hundred feet (100') from the edge of all other freshwater wetlands

**Freshwater Wetlands and associated Statewide Buffer Zone Designation** (include at least the following types):

- **River (Chickasheen Brook)** = 200-foot Buffer Zone.
- **Vernal Pool**, Greater than or equal to fifty percent (50%) undeveloped vegetated land within one hundred feet (100') of its edge = 100-foot Buffer Zone.
- **Marsh** = 100-foot Buffer Zone.
- **Swamp** = greater than 10 acres = 75-foot Buffer Zone, plus an additional 25 feet for subtype within 50 feet = 100-foot Buffer Zone (Marsh appears to be within 50-feet of the swamp edge at flags WF-139 & WF-140).

The DEM has completed an inspection and review of the wetland edge delineated by you on-site and are referenced as Flag Nos. WF-128 to WF-159. It is our determination that this wetland edge delineated on-site is substantially accurate. Corrections and/or modifications to the delineated edge are required, however, which include the following:

- Eliminate Wetland Flags 128 to 131 and extend the wetland edge southwest from Wetland Flag 132 to the property line.
- Wetland Flags 148-153 delineate an isolated vernal pool. The northern edge of this wetland should be delineated with additional flagging on future submissions.
- Connect Wetland Flag 146 to 155 while eliminating Wetland Flags 147 and 154 to delineate the Swamp.

Please note that our inspection of the subject property has revealed the presence of other freshwater wetlands not specifically delineated by you. Therefore, 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 or jurisdictional areas on your property. The Department has verified only those edges delineated and shown by you on-site and on the site plans submitted with your application and as qualified in this letter. Should you wish to verify the edge of these 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. 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-RICR150-15-3, 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-150-15-3.9.3(H), this verification of the delineated edge of freshwater wetlands is valid for a limited period of five (5) years from the date of issue.

Please contact Lucianna Faraone Coccia of this Office telephone: (401-222-6820, ext. 2777270) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Charpentier". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andy Charpentier, Principal Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
ASC/LFC/lfc

cc: Jeff Faulkner, PE, Tighe&Bond  
Matthew Regan, Tighe&Bond  
David G. Harwood, Verdantas  
Megan DiPrete, Chief, RI DEM Division of Planning & Development

