



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

August 5, 2022

Naval Station Newport
c/o David D. Dorocz, EV Director
1 Simonpietri Drive
Newport, RI 02841

Re: Application No. 22-0276 in reference to the location below:

Approximately 100 feet southeast of Defense Highway, approximately 250 feet south of its intersection with Green Lane, Assessor's Plat 101, Lot 20, Middletown, RI.

Dear Mr. Dorocz:

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 June 24, 2022.

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:

- Two (2) Swamps (flags #1-104 & #1-32 of **W-MJR-1** & **W-MJR-2**)
- 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 (**W-MJR-3** & **W-MJR-5**)
- Forested Wetland (flags #3-28 of **W-MJR-1**)
- Special Aquatic Site (**W-MJR-4**)
- Stream/Intermittent Stream (**S-MJR-2**; unnamed, no WBID)
- Three (3) Intermittent Streams (within **W-MJR-1** flag series #1-104)
- River (**S-MJR-1**; unnamed tributary to the East Passage; RI0007029R-09)
- 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)
- Area Subject to Storm Flowage (ASSF)
- Flood plain

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:

- Please relocate flag WLF #14 of **W-MJR-1** flag series WLF #1-32 ten (10) feet south of its depicted position
- Remove flags #15 through 17 of **W-MJR-1** flag series WLF #1-32 and connect the relocated flag #14 directly to flag #18
- Please relocate flag WLF #E21 of **W-MJR-2** approximately 10' west of its depicted location
- Please relocate flag WLF #E40 of **W-MJR-2** approximately 10' east of its depicted location

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 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. Should you wish to verify the edge of these 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.

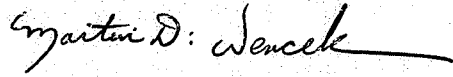
In addition, you should note that freshwater wetlands are present on this property which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration 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.

Please note that the corresponding jurisdictional areas associated with the wetlands reviewed in this verification may not be the same as defined in the new Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act in effect as of July 1, 2022. Any application submitted after July 1, 2022 will be expected to conform to the recently promulgated and current 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.

Please contact Rene Legault of this Office telephone: (401-222-4700, ext. 2777732) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/RJL/rjl

cc: Jason Ringler, ESS Group, LLC.
Jason Gold, PE, ESS Group, LLC.