



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

January 19, 2023

Portsmouth Holdings, LLC  
c/o Denis Dowdle  
c/o McCue Environmental, LLC  
650 Ten Rod Road  
North Kingstown, RI 02852

RE: Application No. 22-0469 in reference to the property located:

At 367 East Main Road and approximately 1400 feet northeast of the intersection of East Main Road (Route 138) and Selina Lane, near Utility Pole Nos. 726-729, Assessor's Plat 61, Lot 16, Portsmouth, RI.

Dear Mr. Dowdle:

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 December 22, 2022.

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

- River Protection Region 2

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
- Areas subject to storm flowage (ASSFs)

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

- Stream and 100-foot buffer zone
- Pond, less than one quarter acre, and 25-foot buffer zone

- Swamp and 75-foot buffer zone, with an additional 25 feet in accordance with Section 3.23.F.2 of the Rules where the stream (a differing wetland type) is present within 50-feet of the delineated wetland edge (approximately along at least Flags GC #115 through GC #124).

Please note that in the event of the documented presence of a rare plant, rare animal or rare freshwater wetland type, the Department reserves the right to increase the associated buffer zone width, in accordance with Rule 250-RICR-150-15-3.23(F)(5).

The DEM has completed an inspection and review of the wetland edge delineated by you on-site. It is our determination that the wetland edges delineated on-site are accurate. These wetland edges have been shown on the site plan submitted with your application and are referenced as Flag Nos. GC #101 through GC #153.

Please note that our inspection of the subject property has revealed the presence of other freshwater wetlands not specifically delineated by you. Specifically, a pond, two Areas Subject to Storm Flowage (ASSF), and a stream were observed within the property. 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.

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.

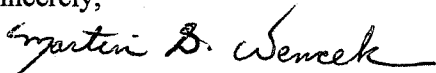
This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

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 Jessica Lord of this Office telephone: (401-222-6820, ext. 277-7416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Supervising Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
MDW/JAL/jal

ec: Joseph McCue, McCue Environmental, LLC