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

July 17, 2023

Chris Correia, Director of Buildings and Grounds
Town of Johnston
1385 Hartford Ave.
Johnston, RI, 02919

RE: Application No. **23-0135** in reference to the property located:

Approximately 500 feet north of Hartford Avenue, and approximately 490 feet northeast of the intersection of Hartford Avenue and Memorial Avenue, Assessor's Plat 53, Lots 24, 25, 26, 34, 71, 72, & 114, Johnston RI

Dear Mr. Correia:

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 June 16, 2023.

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 (ASSF)

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

- Swamp "B" – between 1 acre and 10 acres in size = **50-foot buffer zone.**
- Swamp "C" – between 1 acre and 10 acres in size = **50-foot buffer zone.**
    - Subtype (stream) within 50-feet of swamp edge from **flags C1-C3, and flags C8-C15 = 75-foot buffer zone.**

- Stream (unnamed) = **100-foot buffer zone.**
    - Stream begins near flag B14 and continues into swamp. The stream is within 50 feet of the swamp edge from **flags C1-C3, and flags C8-C15.**
- Pocasset River = **150-foot buffer zone.**
- Pocasset Pond = **50-foot buffer zone.**
- Pond (unnamed and west of "A" flags) = **50-foot buffer zone**
    - Flags A1 to A5 delineate a swamp less than 1 acre adjacent to this Pond = **25-foot buffer zone** plus an additional 25 feet due to subtype (Pond) within 50-feet = **50-foot buffer zone.**

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 be advised that Flag C15 should be moved outward, west, approximately 18 feet. Flag C17 should be moved outward, west, approximately 12 feet.

- Please be advised that the flagging depicted on the site plans along the Pocasset River (PR1-PR11), and along the unnamed pond (PondA-1-PondA-6) with a fringe swamp (A1-A5) were not found onsite. However, RIDEM finds that this flagging appears generally accurate.

- Please note that an ASSF flows into the "B" swamp in the vicinity of depicted flag B6. This ASSF must be depicted on future submissions.

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,

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

ec: Timothy Twohig, DiPrete Engineering
Brian P. Thalmann, DiPrete Engineering