



Rhode Island Department of ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

CERTIFIED MAIL

June 27, 2024

Rhode Island Airport Corporation
c/o Brittany Morgan, Chief Legal Counsel/Chief of Staff
2000 Post Road
Warwick, RI 02886

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Wetlands Application No. 23-0169 in reference to the location below:

At 300 Jenckes Hill Road, and approximately 500 feet west of the intersection of Jenckes Hill Road and Albion Road, Assessor's Plat 45, Lots 47 and 50, Assessor's Plat 48, Lots 44 and 44B, Smithfield, RI and Assessor's Plat 28, Lot 6, Lincoln, RI.

Dear Ms. Morgan:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for a Significant Alteration** regarding the proposed selective clearing of vegetation encroaching within 15-feet of the protected air surfaces in order to satisfy Federal Aviation Administration (FAA) safety standards as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on April 5, 2024. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. Gen. Laws § 2-1-18 et seq.) and the procedures set forth in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-3, specifically in 250-RICR-150-15-3.12.

The Program did not receive any written comments relating to this application during the public notice period.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands **subject to all controlling Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Wetlands Application No. 23-0169:

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 5, 2024. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter jurisdictional areas 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 Lincoln and the Town of Smithfield and supply this Program with written documentation obtained from the Towns showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the date of this letter unless renewed pursuant to 250-RICR-150-15-3.12.6(F).
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. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the activity of this project to minimize soil erosion and prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils or upon project completion, temporary erosion and/or sediment controls including any wetland matting used must be removed.
12. Only vegetation removal is authorized. No stumping or grubbing is authorized in freshwater wetlands or buffers under this permit. Herbicides use can only be applied for invasive species management as indicated below in condition number 15.
13. Trees proposed for removal are penetrating or within 15' of penetrating protected air surfaces. All trees proposed for removal will be geo-located using GPS equipment and flagged in the field prior to proposed work.
14. In areas proposed for clearing along rivers and streams, maintain as much vegetation that is not penetrating or within 15' of the regulated airspace as feasible to provide shading and avoid cutting to ground level.

15. The clearing authorized in this permit must be conducted in a way which discourages any more than a minimal intrusion of or increase in, invasive or exotic plant species in the freshwater wetland or buffer (*e.g.* allowing the spread of *Phragmites australis* in the wetland resulting from clearing the subject areas). Should invasive plant species begin to colonize the cleared areas, measures to be taken that can include treatment with herbicides shall be carried out by a licensed herbicide applicator. This measure must be implemented for two years following the issuance of this permit to promote eradication of the invasive species.
16. An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive a written report from the consultant regarding compliance with this permit upon the Program's receipt of a Notice of Termination of Work (NOT) form or within one year of the date of this permit, whichever comes first.
17. Access points within freshwater wetlands for proposed work are to be temporary only. If mechanized equipment is used, matting must be utilized to further protect wetland soils. Clearing and filling to create access roads or paths in freshwater wetlands is not authorized under this permit. Any clearing necessary for access is to be limited to the minimum necessary and accomplished in a manner that allows for rapid revegetation.

Pursuant to the provisions in 250-RICR-150-15-3.8.13 and 250-RICR-150-15-3.14.4(A) of the Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Pursuant to the provisions in 250-RICR-150-15-3.14.4(B), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

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 against you by the DEM.

In permitting the proposed alterations, the Department assumes no responsibility for damages resulting from faulty design or construction. 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 are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Suite 350, Providence, RI 02908. A copy of the request should also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

"The request for a hearing shall state clearly and concisely the specific issues which are in dispute, and the facts in support thereof, the relief sought, if any, the license or permit sought or involved, and any additional information required by applicable statutes and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in

compliance with 250-RICR-10-00-1, R.I. Gen. Laws Chapter 42-35-1 et seq., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Jessica Lord of my staff at this office (telephone: 401-537-4249).

Sincerely,



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

Enclosure: Approved Site Plans

ec: Elizabeth Waterhouse, U.S. Army Corps of Engineers, New England District
 Micheal Phillips, Town of Smithfield Planner
 Joshua Berry, Town of Lincoln Planner
 Gregg Cohen, Associate, Stantec
 Jason Ringler, Principal Ecologist/Project Manager, TRC Companies