



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

November 15, 2023

Dominique Poirier
9515 Center Street
Vienna, VA 22181

Re: Application No. 23-0237 in reference to the location below:

North of Black Hut Road (at 770 Black Hut Road), approximately 225 feet NW of the intersection of Black Hut Road and Pinecrest Road, Assessor's Plat 93, Lot 112, Burrillville, RI

Dear Ms. Poirier:

Attached is the determination concerning your Request for Regulatory Applicability under the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-3. Also enclosed is one copy of a written description, and accompanying site photographs, stamped received by the Office of Water Resources on October 27th, 2023, describing the project that was reviewed.

If the determination is that a permit under the subject regulations is not required, please note that other federal, state, or local permits may be required prior to proceeding with your project. Also note that for projects or activities determined to be exempt from permitting requirements, certain general restrictions and best management practices still apply, including placement and maintenance of erosion and sediment controls, in accordance with 250-RICR-150-15-3.6.1(A)(1)(E) in order to ensure protection of wetland resources.

In this case, the project was determined to be exempt based on the application materials provided, including the description of work presented in the project narrative. The project narrative describes that the existing stone wall will be removed, and an in-place replacement concrete block wall will be constructed. The proposed concrete block wall is to be constructed in the same location as previous wall and is to be the same height and width. No site plans were submitted that depict this proposed work; RIDEM relied solely on the written description provided.

Since the proposed project is considered exempt from permitting, we did not require written authorization from other property owners allowing you to apply for work off of your property. This determination, however, does not represent any authorization to perform work off of your property nor does it relieve you of any obligation to obtain appropriate permission from adjacent property owners for work on any portion of the wall that does not lie entirely within the borders of property that you own or have an easement on. It merely confirms that, assuming proper authorizations or easements are in place to allow work off of your property, the project proposed is exempt from the need for a permit from DEM's Freshwater Wetlands Program.

If you have any questions concerning the determination, please feel free to contact Michael Arguello at (401) 222-6820, ext. 2777602.

Sincerely,

A handwritten signature in blue ink that reads "Charles A. Horbert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles A. Horbert, Deputy Administrator
Office of Water Resources
Groundwater & Freshwater Wetlands Protection

Enclosure: Determination
Written description and site photos

cc: Scott Rabideau, Natural Resource Services, Inc.



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF WATER RESOURCES - Groundwater and Freshwater Wetlands Protection
FRESHWATER WETLANDS PROGRAM
 235 Promenade Street, Providence, RI 02908
 Telephone: 401-222-6820; Rhode Island Relay: 711
www.dem.ri.gov/wetlands

FOR RIDEM USE ONLY
Complete Application Received Date: OCT 27 2023
Water Resources
FWW File#: _____

FRESHWATER WETLANDS REQUEST FOR REGULATORY APPLICABILITY

INSTRUCTIONS: Use this form to request a determination as to whether a proposed project does or does not require a permit under the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, [250-RICR-150-15-3 "Rules"]. [Refer to §3.8 for other application types and general submission requirements.]

Submit this completed Request Form with fee and all documents required by § 3.9.4 to:
Permit Application Center (PAC), RIDEM, 235 Promenade Street, Providence, RI 02908
 (Check or money order must be made payable to the Rhode Island General Treasurer.)

Note: Many projects or activities occurring outside of wetlands may directly or indirectly alter the character of wetlands. Applicants proposing development in undisturbed areas in or near wetlands should submit an Application for Freshwater Wetlands Determination or Permit to obtain a suitable determination in cases where applicability to the Rules is likely.

PAYMENT INFORMATION			
Fee Payment Amount: \$150.	Check #: 4607	Check Issued By:	Dominique Poirier

GENERAL INFORMATION and SUBMISSION CHECKLIST			
Provide file numbers associated with this site:			
Any previous Freshwater Wetlands application for this site?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
If yes, provide File(s) #:	23-0093		
<i>Note: Confirm by viewing permit information from the Wetlands Online Permit Search at: www.ri.gov/DEM/wetlands/</i>			
Any previous enforcement action for this site?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
If yes, provide File(s) #:			
RIDOT PTSID # (if applicable):			
Select documents enclosed with this form. [Refer to §3.9.4 for a complete list of submission requirements.]			
<input checked="" type="checkbox"/>	Three (3) copies of plan illustrating the current and proposed conditions of the property and locations of wetlands.		
<input checked="" type="checkbox"/>	Two (2) copies of a written project description including purpose, size and area(s) on the property where project is proposed.		
<input checked="" type="checkbox"/>	Two (2) copies of a written description of how potential freshwater wetland impacts have been avoided to maximum extent possible.		
<input checked="" type="checkbox"/>	Photograph(s) of the current site conditions where work is proposed.		
<input type="checkbox"/>	Verified Freshwater Wetland Edge Decision (preferred, not required.)		
<input type="checkbox"/>	Supplemental Document(s) for Additional Applicant Information and Certification (required only for more than one Applicant.)		

PROPERTY, SITE and PROJECT INFORMATION	
<i>Note: For sites located in more than one municipality, designate the city/town where property has an occupied building as the primary; otherwise the larger portion of land will determine the primary city/town. Include all plat(s) and lot(s) that are part of the site, regardless of ownership</i>	
Project Name:	Project Type: Stone Wall Replacement along Spring Lake
Primary City/Town: Burrillville	Street Abutting Site, with Address # (if applicable): 770 Black Hut Road
Nearest Intersecting Street: Pinecrest Rd	Distance (in feet) and Direction to Site from nearest street intersection: +/- 140 feet southwest
Primary City/Town Tax Assessor's Plat(s) and Lot(s): A.P. 93, Lot 112	Nearest Utility Pole No.:
Secondary City/Town (if Applicable):	Secondary City/Town Tax Assessor's Plat(s) and Lot(s):

APPLICANT INFORMATION	
<i>Note: Requests for Regulatory Applicability being submitted for a project with more than one applicant may provide the <u>Supplemental Document, Audit and Applicant Information and Certification</u> in addition to this form.</i>	
Applicant's Name (required): Dominique Poirier	Title:
<i>The applicant must be the owner of the property or easement which is the subject of this application or must be the government agency or entity with power of condemnation over such property or easement.</i>	
Name of Representative (if Applicant is an Agency or Entity):	
Email: dpoirier1@verizon.net	Phone: (703)244-3726
Mailing Address: 9515 Center Street	
City/Town: Vienna	State: VA Zip Code: 22181

APPLICANT CERTIFICATION

Select the Certification for Regulatory Applicability Determination to be issued by RIDEM (required):

- I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge. I hereby authorize RIDEM personnel access to the property for purposes of observing conditions pertinent to this application and assessing compliance with any permit or determination resulting from this application, including any sampling, monitoring or surveying that may be deemed appropriate, consistent with RIDEM's Administrative Inspection Guidelines [250-RICR-20-00-3]

Note any special conditions for access:

Applicant's Signature:

Date of Signature: 10/19/2023

PROFESSIONAL'S INFORMATION (if any)

Note: The prime professional (e.g. engineer, biologist, land surveyor, landscape architect, etc.) who participated in the submission and or preparation of this Request for Regulatory Applicability must sign below.

Professional's Name: Scott P. Rabideau

Title: Wetland Biologist

Email: scott@nrswetlands.com

Phone: (401)568-7390

Mailing Address: PO Box 311

City/Town: Harrisville

State: RI

Zip Code: 02830

PROFESSIONAL'S CERTIFICATION

Select the Certification for Regulatory Applicability Determination to be issued by RIDEM (required):

- I hereby certify that I have been authorized by the applicant to prepare documentation to be submitted in support of this Application; that such documentation is in accordance with the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act [250-RICR-150-15-3 "Rules"]; and that such documentation is true, accurate and complete to the best of my knowledge.

Note any special conditions for access:

Professional's Signature:

Date of Signature: 10/25/23

REGULATORY APPLICABILITY DETERMINATION DECISION (FOR RIDEM USE ONLY)

In accordance with the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act [250-RICR-150-15-3.14.2 or "Rules"], DEM issues the following determination concerning your proposed project based on reliance on the above information and accompanying attachments to your application. Any change in your project, or the existence of property characteristics that differ from descriptions that were provided to the DEM, may invalidate this determination.

Freshwater Wetlands Permit #: _____

- Permit not required - you may proceed with your project
 - Freshwater Wetland Rules are not applicable to the project as proposed. [NOTAPPLICA]
 - Project is exempt as proposed and described. [EXEMPT]
 - Project is not exempt, but does not alter the character of wetlands.

- Further application required - you may NOT proceed with your project.
 - Alteration of freshwater wetland is proposed. [PERMITREQ]
 - Unable to make an applicability based on information provided. [INDETERM]

Staff Comments: Note that portions of the wall appear to be located on property you do not own or control. See letter for more details.

For additional details, findings and instructions for further required actions, see enclosed letter dated: 11/15/2023

Please contact the Freshwater Wetlands Program by email at DEM.FWW@dem.ri.gov or call (401) 222-6820, option #3, if you have questions regarding this decision.

Signature of DEM Official:

Decision Date: 11/15/2023