



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

October 31, 2024

Rhode Island Energy
c/o Marc Smith, Lead Environmental Professional
280 Melrose Street
Providence, RI 02907

Freshwater Wetlands Permit

Re: Application No. 24-0176 for the property and project located:

Along the L14 and M13 Transmission Line Right-of-Way (ROW), from the state line with Massachusetts south to the Canonicus Substation in Tiverton, RI, continuing south to approximately Evans Avenue in Tiverton, RI (where CRMC jurisdiction takes over) and then south from Boyds Lane (south of its intersection with Anthony Road) in Portsmouth, RI, easterly across Route 24 near Anson Road, then continuing south approximately parallel to Route 24, then crossing back over Route 24 to the west and over Turnpike, continuing south than back east of Route 24 to Dexter Street, culminating at the Dexter Street Substation in Portsmouth, RI.

Dear Mr. Smith:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for a Freshwater Wetlands Permit** as described in Rule 3.11 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-3 ("Rules"). This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed re-build of the L14 and M13 Mainline, which includes replacement of utility structures either installed with concrete caisson foundations or direct-embed, construction of new roadways and existing roadway improvements with clearing, grading, landscaping, temporary erosion controls and matting and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on July 12, 2024, the RIDEM approved portion of the project includes Sheet Nos. 1- 23 (Sheets 1-3 are general locus and notes for the overall project and Sheet 23 is mostly CRMC jurisdiction with just a minor overlap with DEM) and Sheets 34 through 47. Work depicted within Massachusetts (e.g. at least Sheets 4 and 5) has not been reviewed, nor approved by RIDEM. Work depicted within CRMC Jurisdiction on sheets enumerated above that overlap slightly into CRMC Jurisdiction, e.g. at least Sheet 23) and Sheets 24-33 (pulled from the DEM site plan set) will be reviewed by CRMC under separate cover.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of jurisdictional areas are proposed. However, pursuant to Rule 3.7.3A of the Rules, this project meets the General Variance Criteria, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 24-0176: and RIPDES No. RIR102688.

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 determination also includes your final authorization to discharge storm water associated with construction activity under the **2020 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR102688**. This RIPDES CGP permit is not transferable to any person except after written notice to the Director, in the form of a Permit Transfer Form available on the RIDEM Stormwater Construction Permitting website.
3. 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 July 12, 2024. In addition to the LOD associated with the outer edge of work pads, pullpads, grading areas and road improvements within the ROW and access areas depicted on the site plans, new overhead wires that span between these areas are considered as part of the overall project limits. The stamped approved site plans include Sheets 1 through 23 of 47, and Sheets 34 through 47 of 47. 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.
4. 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.
5. 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.
6. 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.
7. The effective date of this permit is the date this letter was issued. This permit expires five (5) years from the date of this letter unless renewed pursuant to the Rules.
8. Any material utilized in this project must be clean and free of matter that could pollute any jurisdictional area.
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 life of this project to minimize soil erosion and to prevent sediment from being deposited in any**

freshwater wetland, buffer, floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas not subject to disturbance under this permit.

11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
12. Access roads and work pads within freshwater wetlands and buffers are to be restored by loaming and applying an appropriate conservation seed mix.
13. All rivers and streams are to be crossed with elevated construction mat bridges or similarly low impact bridge. No soil disturbance or construction activities within rivers or streams is authorized under this permit. Bridges must span the river or stream so that stream flow is not impacted.
14. You are obligated to install, utilize, follow, and maintain all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetland, buffer, floodplain, or area subject to storm flowage or other jurisdictional areas and the functions and values provided by such freshwater wetlands and buffers, floodplain, or other jurisdictional areas.
15. You are responsible for the proper installation, operation, maintenance, and stability of any temporary mitigative features such as de-watering basins and controls, construction access areas, temporary stormwater measures, and other systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent freshwater wetland, buffer or floodplain, or other jurisdictional areas.
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 monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete.
17. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, remaining double-sided sheets with CRMC Jurisdiction or CRMC/DEM overlap have been labeled accordingly.
18. Any tree clearing within Freshwater Wetlands and Buffers within the ROW shall be limited to only that which is necessary, such as taller trees below the conductors and danger or hazard trees to provide safe clearance between the vegetation and transmission line conductors as described in the documents submitted.

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 by this Department.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands or jurisdictional areas on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with 250-RICR-150-15-3.9.3. Please note that the

area identified as an Area Subject to Flooding (ASF) on sheet 18 of 47 does not meet the definition of an ASF and contains a small area of wetland categorized as a wet meadow with a 25-foot buffer zone.

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 have not already done so, or in order to check on the status of their review please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project: website: <https://www.nae.usace.army.mil/Missions/Regulatory/or> email at cenae-r-ri@usace.army.mil . Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

Please contact me (telephone: 401-537-4236) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Environmental Scientist III
Office of Water Resources
Freshwater Wetlands Program

NLF/SGD/sgd

Enclosure: Approved site plans

ec: Melissa Kaplan, Licensing and Permitting Team Lead, BSC Group
James Durand, Senior Project Manager, Power Engineers
Kevin R. Kotelly, US Army Corps of Engineers, New England District
Daniel B. Breen, US Army Corps of Engineers, New England District
cenae-r-ri@usace.army.mil
Gareth Eames, Building Official, Town of Portsmouth, RI
John M. Hoyle, Jr. Building/Zoning Official, Town of Tiverton, RI
Neal Personcus, RIDEM Stormwater Program
Amy Silva, Supervisor, CRMC