



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

February 12, 2021

The James H. Clausen Revocable Trust and
Regal, LLC, Allen Shers, Managing Partner
c/o James Clausen
7067 Villa Estelle Drive
Orlando, FL 32819

RE: Application No. 20-0073 in reference to the property located:

Approximately 300 feet southeast from Valley Road at Utility Pole #51, and approximately 1200 feet southeast from the intersection of Valley Road and West Main Road, Assessor's Plat 107NE, Lot 402, Middletown, RI.

Dear Mr. Clausen:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Request to verify the delineated edge of freshwater wetlands. 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 March 30, 2020.

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 are regulated by this Department and include, but are not limited to, at least the following types:

- Emergent Plant Community (A and B-series);
- River (Bailey Brook);
- Riverbank Wetland (that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow);
- Flood plain (Associated with Bailey Brook); and
- Area subject to storm flowage (northwest property corner within 100' Riverbank Wetland);

The DEM has completed an inspection and review of the wetland edges 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: A1 through A10, and B1 through B7.

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 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 any other potential wetlands, an additional 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-RICR150-15-1, 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.

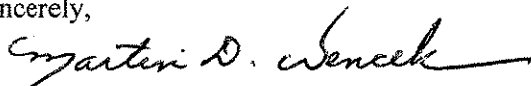
In addition, you should note that freshwater wetlands are present on this property which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

In accordance with 250-RICR-150-15-1.8(C)(8), this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue. You are hereby advised that on July 10, 2015, significant revisions to the RI Freshwater Wetlands Act (R.I. Gen. Laws § 2-1-18 et. seq.) were signed into law. These revisions modify, among other things, the "jurisdictional areas" recognized by the State of Rhode Island. The Department is currently in the process of amending the Rules. If you are contemplating a project on your property and submit the application prior to the promulgation of the revised Rules, you can expect the wetlands jurisdictional areas to correspond as described in this verification letter.

Any application submitted after promulgation of the Rules will be expected to conform to the then existing and duly promulgated Rules. While these changes will not affect the location of flagged wetland edges as verified in this letter, they may affect how activities located in adjacent jurisdictional upland areas will be regulated. You are advised, in the meantime, to monitor the rulemaking process.

Please contact Sophie Clode of this Office telephone: (401-222-6820, ext. 77419) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencsek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/SC/sc

cc: GERALYN SMALL, Senior Project Manager, Northeast Engineers & Consultants, Inc.
SCOTT P. RABIDEAU, President, Natural Resource Services, Inc.