

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
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October 15, 2015

Bonnet Shores Fire District
130 Bonnet Shore Road
Narragansett, RI 02882

RE: CRMC Maintenance Certification M 2015-09-060 – Maintain an existing drainage channel outlet/tidal inlet; maintain Wesquage Pond culverts and breachway through the flood tidal delta in Wesquage Pond north of Bonnet Point Road to the edge of open water as previously authorized, for a period of 10 years from the issuance of this assent.

Site Location: Bonnet Point Road, Narragansett

Dear Sir/Madam:

A site inspection and review of plans submitted to this office for the above cited project indicates it is in conformance with and will have no adverse effect on the plan and program adopted by the Coastal Resources Management Council.

The Coastal Resources Management Council will interpose no objection to the work proposed, as long as all work is done in accordance with plans/and or notice submitted into this office and provided the following stipulations are adhered to.

ADDITIONAL STIPULATIONS

General Stipulations

- A. Prior to work, authorization must be obtained from the Audubon Society who claims to own the "Pond Bottom".
- B. Prior to work, the contractor must schedule an on-site meeting with CRMC staff to discuss the equipment needs, operations and work plan.
- C. All sand excavated from the maintenance channel must be hauled to Bonnet Beach on the south side of Bonnet Point Road to be used as beach nourishment. No stockpiling of sediment is allowed in the pond or along the breachway.
- D. For the purpose of this permit, the coastal feature shall be the barrier beach, coastal beach and coastal wetland; and the inland edge of the coastal feature shall be the most inland/landward edge of the most inland coastal feature.

E. **North Channel (Culvert 1):** In cases where the channel north of Bonnet Point Road needs to be maintained, channel maintenance activities shall be scheduled such that work on portions of the channel both north and south of Bonnet Point Road are performed concurrently. Sediment excavated from the channel may not be stockpiled on site or along the channel either north or south of Bonnet Point Road. Rather, all sediment excavated from the channel shall be immediately hauled to the face of the beach for leveling and grading associated with beach nourishment. A clear path/haul road no more than 10' wide shall be established along the maintained channel for sediment removal and hauling purposes. This path/haul road shall run from the northernmost area of channel maintenance (100' north of the culvert) south across Bonnet Point Road and all the way to the beach to allow for the uninterrupted transport of material for beach nourishment. Once the channel clearing activities are completed, the haul road shall be level graded and seeded with switch grass to stabilize the haul road surface. No stockpiling of excavated channel sediment shall be retained on the haul road between channel maintenance intervals. This will minimize the opportunity for coastal storms to transport sediment stockpiled alongside the channel back into Wesquage Pond.

F. **South Channel (Culvert 1):** In cases where the channel south of Bonnet Point Road needs to be maintained on a more frequent basis, all sediment excavated from the channel shall be immediately hauled to the face of the beach for leveling and grading associated with beach nourishment. No stockpiling of excavated channel sediment shall be retained on the haul road between channel maintenance intervals.

G. **Pond Cross-Culverts (Culverts 2 and 3):** Sediment and Phragmites peat excavated for culvert and channel maintenance purposes shall be removed from the site and disposed of at an appropriate location approved by CRMC staff. The approved location and method of disposal must be suitable for controlling the potential spread of Phragmites. The location and method of cutting channels through the bordering Phragmites wetland must be approved on site by CRMC staff.

H. **Pond water levels:** Although the water levels in Wesquage Pond cannot be drawn down below the bottom of the tidal channel culvert (culvert 1), excess lowering of the water levels is a concern that must be monitored since culvert invert elevation information has not been provided. On this basis, the applicant must be careful not to perform work in a manner which causes any excess draw down of the pond's water level. The CRMC reserves the right to require water levels to be restored by modifying the culvert or channel if deemed necessary by the CRMC.

I. **Other approvals:** It shall be the applicant's responsibility to obtain any necessary RIDEM approvals (i.e., Water Quality Certificate) or ACE approval. The CRMC will provide copies of this permit and the associated staff review to the RIDEM and the ACE and will coordinate any necessary review efforts.

J. **Superseded Permits:** This CRMC permit shall supersede any other outstanding CRMC permits for the work authorized herein.

Earthwork Stipulations

A. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.

B. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

A copy of this certification to perform maintenance work shall be kept on site during construction. All conditions of original CRMC assents that pertain to this property will be adhered to unless otherwise modified by the CRMC.

Applicant agrees that as a condition to the granting of this certification, members of the Coastal Resources Management Council or its staff shall have access to his property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Permits issued by the CRMC confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification. This permit shall be valid for a period of ten years from the date of issuance. This permit will expire on **October 15, 2025**.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate

or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

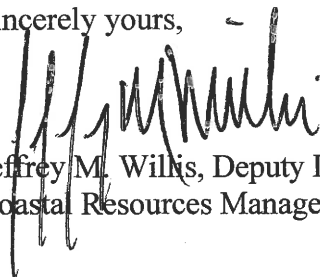
ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

The Coastal Resources Management Council wishes to thank you for being given the opportunity to assess and review these plans. If you need additional information, please feel free to contact this office.

Sincerely yours,



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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