



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

ASSENT

CRMC File No.: 2007-03-014 CRMC Assent No.: A2007-03-014

Whereas,
of

Narragansett Electric Company
Attn: Michele Leone
25 Research Drive
Westborough, MA 01532

has applied to the Coastal Resources Management Council for assent to: Excavate approximately 500 cy of material over approximately 425 lineal feet of roadway located south and east of the substation as shown on the approved plan; the material will be tested and used either as on-site fill or disposed of at a properly licensed facility, and represents that they are the owners of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **Excavate approximately 500 cy of material over approximately 425 lineal feet of roadway located south and east of the substation as shown on the approved plan; the material will be tested and used either as on-site fill or disposed of at a properly licensed facility; located at plat 65B, lot 645; 6 Thornton Street, Pawtucket, RI, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before March 14, 2010 after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).**

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's 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.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, 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.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

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

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

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in 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.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. For the purpose of this permit, the coastal feature shall be the coastal bank; and the inland edge of the coastal feature shall be top of the bank.
- B. The approved plan shall be that titled "Former Tidewater Facility, Pawtucket Rhode Island Short Term Response Action Plan..." 1 sheet dated 12/19/2006 by GZA GeoEnvironmental Inc., which was received by the CRMC for review on March 6, 2007. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- C. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site.

Earthwork Stipulations

- A. The approved soil erosion and sediment controls shall be those shown on the approved plan.
- B. Prior to initiation of any grading, construction, or earthwork activity, a line of staked haybales and/or silt fence in accordance with RISESCH Standard "ST" shall be placed along the downslope perimeter of the proposed area of construction as shown on the approved plan. Bales and/or silt fence shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained by the replacement of bales as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.
- C. Upon successful stabilization of exposed soils all haybales and stakes shall be removed from site and disposed of at a suitable, legal upland location.
- D. There shall be no stockpiling or disposal of soils, construction materials, debris, etc., on the coastal feature, within 200 feet of the inland edge of the coastal feature or in coastal waters.
- E. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.
- F. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.
- G. 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, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.
- H. The only work approved by this Assent is the work associated with the roadway remediation efforts. The work shown on the plan at the "South Washout Area" is specifically **not** authorized at this time.
- I. The project shall be conducted in strict accordance with the RIDEM's Short Term Response Action Approval letter for this project dated February 6, 2007.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 14th day of March in the year two-thousand-seven.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

NOTICE OF

ASSENT

CRMC Assent No.: A2007-03-014

Date: March 14, 2007

This certifies that Narragansett Electric Company has permission to Excavate 500 cy of material over approximately 425 lineal feet of roadway located south and east of the substation As shown on the approved plan; the material will be tested and used either as on-site fill or disposed of at a properly licensed facility.

situated at 6 Thornton Street
Plat No. 65B

Lot No. 645

Said construction operations to be done in accordance with an approved assent on file in the Offices of the Coastal Resources Management Council and subject further to all the provisions of the building ordinances of the :

City/Town of Pawtucket

and to all the applicable State, Local and Federal provisions. This assent shall expire three (3) years from date of issuance.


Official Designee
Coastal Resources Management Council

**THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION.**

**Coastal Resources Management Council
Commencement of Work Notice**

Name

File No.

Date work begun:

Estimated Completion date:

Contractor:

Inspected by:

Date:

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Waketfield, RI 02879-1900

PLACE
STAMP
HERE