



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

(401) 783-3370
Fax (401) 783-2069

REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: <u>1994-09-044</u>	(including extensions) Expiration Date: _____
Name of Assent Holder: <u>Benjamin W. Walker</u>	
Location of Project: <u>1157 Succotash Road</u>	
City/Town: <u>Narragansett</u>	Plat: <u>I-J</u>
	Lot: <u>64-3</u>

Name of Present Owner: <u>Benjamin W. Walker</u>	
Mailing Address: <u>422D South Road</u>	
City/Town: <u>Wakefield</u>	State: <u>Rhode Island</u>
	Zip: <u>33469</u>
Phone Number: <u>401.787.4249</u>	Email Address: <u>bwpropertiesllc@yahoo.com</u>
Abutters: <u>Gilbane Family Real Estate, 1159 Succotash Road, Narragansett</u>	
<u>Dorothy L. Hutchins Rev. Trust, 1155 Succotash Road, Narragansett</u>	

I hereby certify that the names and addresses of adjacent property owners whose property adjoins the project site are accurate and current as of the date of application. If said names and addresses are found to be not accurate and/or current, any subsequent Assent may become Null and Void. Signed: _____

Describe the proposed modification(s): <u>Revision to Marina Perimeter Limit and change in number / configuration of floats. See the attached narrative for more information.</u>
Reason: <u>Mutual agreement plan with neighboring parcel owners to reduce congestion in the area. See the attached narrative for more information.</u>
What state of construction is the project in: <u>Common Site Plan has been developed for neighboring dock facilities. See attached narrative for more information.</u>

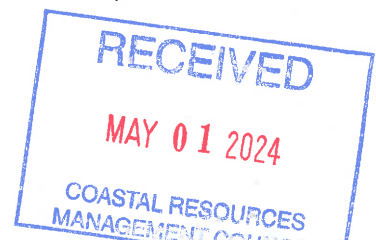
Benjamin W. Walker

Owner Name (PRINT)

Owner's Signature (SIGN)

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5/00

/ajt 10-2021





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879-1900
(401) 277-2476

CORRECTED

ASSENT

File Number: 94-9-44

Assent Number: A94-9-44

Whereas, P. JOSEPH FITZGERALD
1157 SUCCOTASH ROAD
of NARRAGANSETT, RI 02882

has applied to the Coastal Resources Management Council for assent to maintain the existing residential boating facility as approved by the Harbors and Rivers Commission. The description of the facility will be as per assent no. 14 P.J.P. - 1955, and hereby represents that HE is the owner 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: maintain the existing residential boating facility as approved by the Harbors and Rivers Commission, location of the residential boating facility is 1157 Succotash Road, Narragansett, No Plat, No Lot, in accordance with said plans submitted to this Council and approved by the Harbors and River Commission.

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. This time provision of 50 years does not apply to residential structures.

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.

A copy of the legal decision may be acquired by contacting the CRMC office in writing.

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.

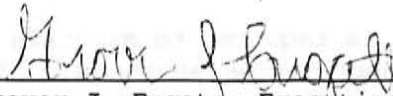
Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control 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.

P. Joseph Fitzgerald
CRMC Administrative Assent A94-9-44
November 16, 1994
Page 3

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this sixteenth day of November in the year nineteen hundred ninety-four.


Grover J. Fugate, Executive Director
Coastal Resources Management Council

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.

ATTENTION: ALL STRUCTURES 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.

ADDITIONAL STIPULATIONS

A. THE APPLICANT SHALL RECORD THIS ASSENT IN ITS ENTIRETY (ALL PAGES OF IT) IN THE LAND EVIDENCE RECORDS OF THE TOWN OF NARRAGANSETT WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE. ALL PAGES OF THIS ASSENT MUST BE CERTIFIED BY THE TOWN CLERK'S OFFICE THAT THIS STIPULATION IN FACT HAS BEEN COMPLIED WITH. COASTAL RESOURCES MANAGEMENT COUNCIL SHALL BE FURNISHED WITH, BY THE APPLICANT, A FULL COPY (ALL PAGES) OF THE ASSENT STAMPED BY THE TOWN CLERK'S OFFICE WITHIN FIFTEEN (15) DAYS THEREAFTER. FAILURE TO COMPLY WITH THIS PROVISION WILL RENDER THIS ASSENT NULL AND VOID.

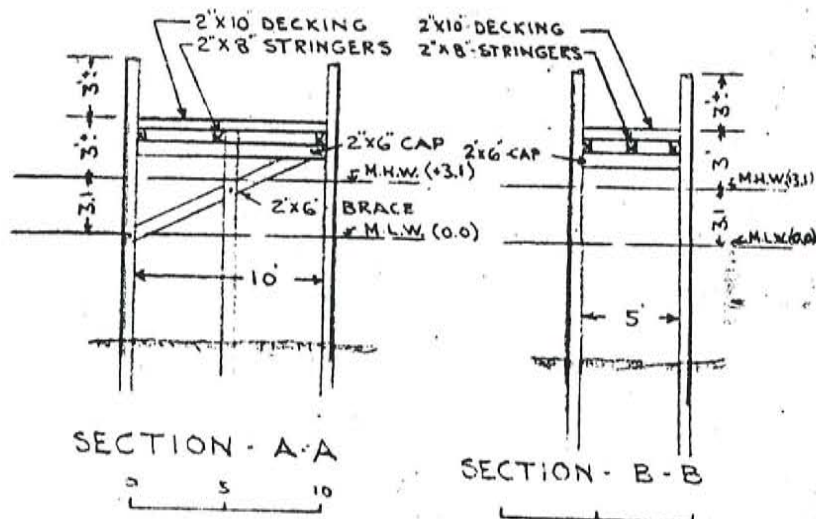
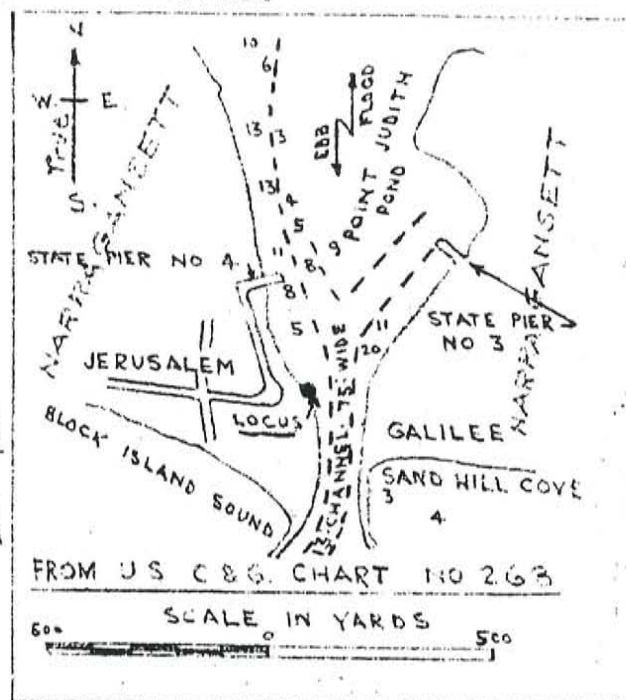
P. Joseph Fitzgerald
CRMC Administrative Assent A94-9-44
November 16, 1994
Page 4

B. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

C. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.

/jmm

BOSTON, MASS



REGISTERED
PROFESSIONAL ENGINEER

SOUNDINGS ARE IN FEET AND
REFER TO MEAN LOW WATER



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
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(401) 783-3370
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CORRECTED ASSENT

CRMC File No.: 1994-09-044

CRMC Assent No.: A1994-09-044

Whereas,
of

Benjamin W. Walker
422D South Road
Wakefield, RI 02879

has applied to the Coastal Resources Management Council for assent for: Limited Marina, establish Marina Perimeter Limit (MPL) with ten (10) boat capacity per approved plans; and represents that he is the owner 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: **Limited Marina, establish Marina Perimeter Limit (MPL) with ten (10) boat capacity per approved plans; located at plat I-J, lot 64-3; 1157 Succotash Road, Narragansett, 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 **January 10, 2026** 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 this assent or what was detailed on the CRMC approved plans will require a separate application and review. Additionally, 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 ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island 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 lands adjacent to tidal waters and/or access to these lands may be impacted or rendered unusable in the future due to sea level rise, storm surge, and shoreline erosion. Online resources including STORMTOOLS, Shoreline Change Maps, and Sea Levels Affecting Marshes Model (SLAMM) Maps can be accessed through the CRMC website (www.crmc.ri.gov). The Council recommends the use of these resources to evaluate the flood extent and inundation from sea level rise, storm surge and erosion and damages to land, aquatic life, loss of public access and other natural resources on and near the site of the above assent. The project life may be shortened by these processes and may require additional adaptation measure up to and including relocation of the project. By issuing this assent the granting authority neither explicitly nor implicitly assumes any liability or responsibility for the stability or permanence of said project under future climate and shoreline conditions.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the City/Town of Narragansett within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.
- B. For the purpose of this permit, the coastal feature shall be the manmade shoreline; and the inland edge of the coastal feature shall be the top of the wall.
- C. The approved plan shall be those entitled "Existing Conditions, Lot 64-3, Plat I-J, Benjamin W. Walker, 1157 Succotash Road, Narragansett." dated July 19, 2022 as last revised 11/17/2022 by Jeffrey K. Balch, PLS. stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- D. This lot may be subject to sea level rise in the near and long term, and is therefore at increased risk of flooding.

E. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site, excepting the removal of the southern/northern float extensions shown on the approved plans.

F. No earthwork or ground disturbing activities are authorized by this permit.

G. This Assent corrects the existing grandfathered marina to a Limited Marina, consistent with 1994 regulations; the owner shall refer to Redbook 650-RICR-20-00-01 for additional regulations and guidance for marinas, in particular Sections 1.3.1(D) & 1.3.1(N).

Earthwork Stipulations

A. There shall be no discharge or disposal of toxic waste, hazardous materials, oil, grease and other lubricants, excess fertilizer, pesticides or other chemicals or controlled materials either on site or in any area which may enter a wetland, watercourse or groundwater. All spills of such materials shall be reported to the RI Department of Environmental Management for appropriate remediation. All used lubricants, excess chemicals, fertilizers, pesticides, etc., shall be removed from the site for transport, handling and disposal in accordance with all applicable state and federal regulations.

Pier/Float Stipulations

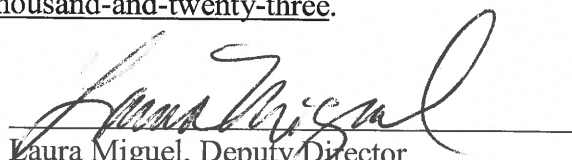
A. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

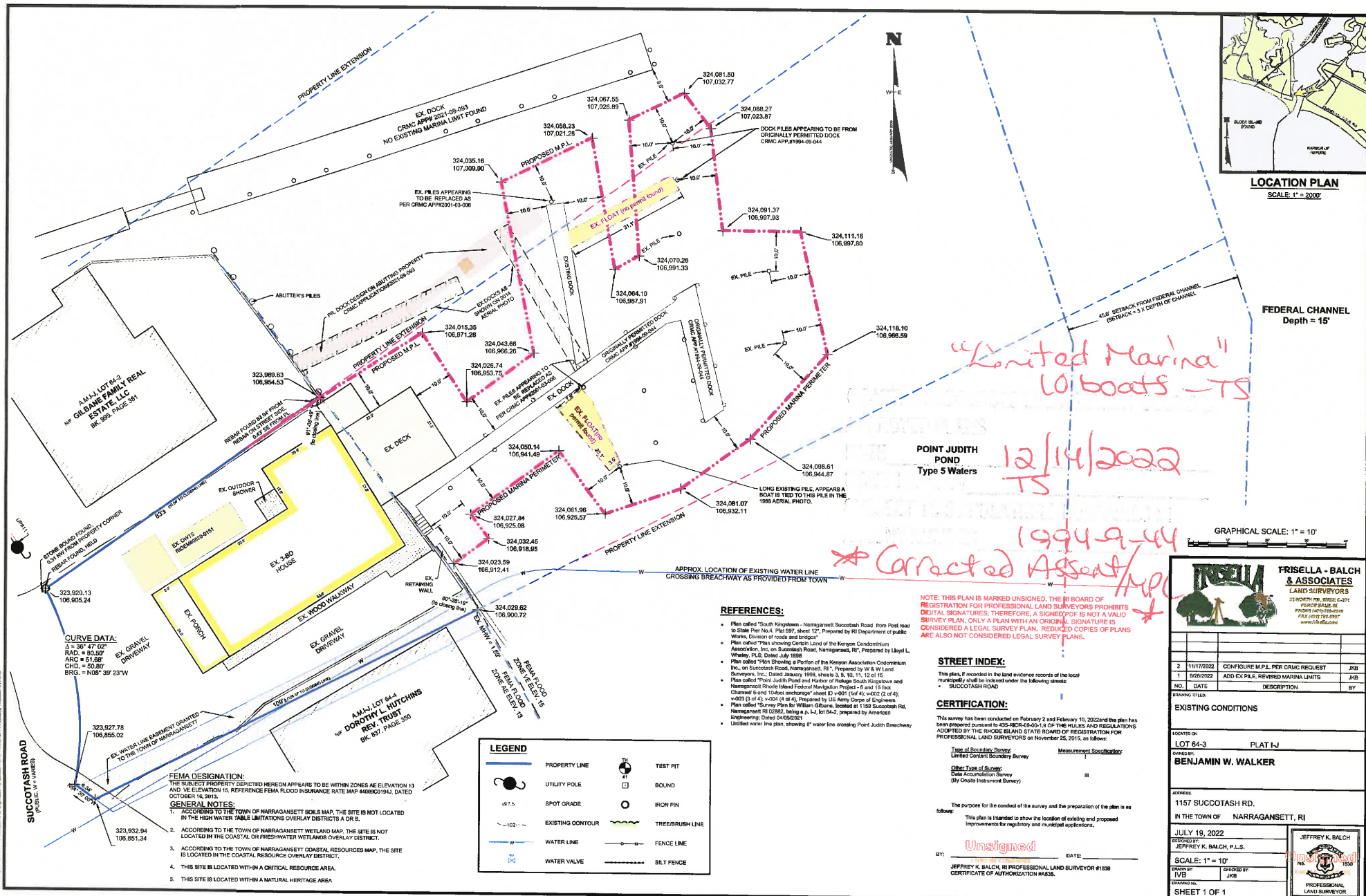
B. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.

Marina Perimeter Stipulations

- A. The approved marina perimeter limit (MPL) shall be that shown on the approved plan.
- B. The assented capacity of the marina shall be ten (10) boats.
- C. This marina and its facilities are subject to whatever public trust rights exist at this site.
- D. This marina and its facilities are subject to whatever public rights-of-way exist at this site.

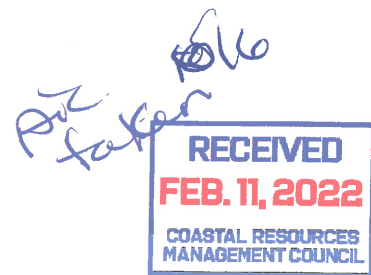
In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 10th day of January in the year two-thousand-and-twenty-three.


Laura Miguel, Deputy Director
Coastal Resources Management Council





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



(401) 783-3370
Fax (401) 783-3767

August 18, 2014

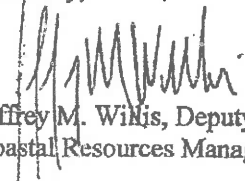
Stephen B. Kenyon, Esq.
133 Old Tower Hill Road; Suite 1
Wakefield, RI 02879

RE: 1157 Succotash Road, Narragansett
Assent No. A1994-09-044

Dear Mr. Kenyon:

The CRMC has reviewed the information that you have provided concerning the boating facility at 1157 Succotash Road and it has been determined that a revised permit will be issued for a Limited Marina as per RICRMP Section 300.4.A.7 for a boat count of ten (10). Once the property has been transferred to the new owners and CRMC is in receipt of ownership documentation, the new permit will be issued under the new name.

Sincerely,



Jeffrey M. Wilis, Deputy Director
Coastal Resources Management Council

/lat

cc: G. Baribault, Eng Tech IV

94-9-44

REGISTRATION FORM

RESIDENTIAL BOATING FACILITY

COASTAL RESOURCES MANAGEMENT COUNCIL
 Oliver Stedman Government Center
 4808 Tower Hill Road, Wakefield, RI 02879-1900

DATE:

7-16-93

Dock Assent File No. 14A Judith Pond REG # 045

Dock Location (Address) 1157 Succotash Rd		City/Town Wakefield	
Owner P JOSEPH F. FERRARO	Plat No. 164	Lot No. 53	
Address 1157 Succotash Rd		Tel # 789-1765	
Original PERMIT BRUSH	Address	Tel #	
Property Owner (If Known)			
Previous Permit History: 14 POINT JUDITH POND 1955			
(If Available)			
Name of Waterway: PT. JUDITH POND		TYPE:	

FEE SCHEDULE:

Temporary Dock Application: \$100.00
 Registration of Structure: 20.00

IS THIS RESIDENTIAL BOATING FACILITY SUBJECT TO A COASTAL VIOLATION? YES NO X

IF YES, YOU MUST INDICATE N.O.V OR C&D NUMBER.

The applicant acknowledges by evidence of their signature that this residential boating facility has been constructed and is currently maintained in accordance with the conditions and/or stipulations of its authorization, permit, and/or assent; that if the CRMC finds that a residential boating facility is not in compliance with its authorization, permit or Assent, the owner of the dock may be required, by the CRMC, to bring the dock into compliance and may be subject to fines and penalties of both the CRMC Dock Registration Program and the Rhode Island Coastal Resources Management Program; and that they or their heirs and successor agrees to submit an application for a new dock or remove the dock applied for within the time frame specified on permit and they agree to be bound by the Council decision on said matter. Applications may be subject to approval, modification, or denial. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking the state assent. Applicant acknowledges that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

Owner's Signature

Notary Public

Subscribed and sworn to before me this 16th day of July 19 93.

State of Rhode Island and Providence Plantations

045 lost
now 1439

ASSENT.



NO. 14 - POINT JUDITH POND - 195

Whereas, Percy C. Brown, Receiver for Nathan G. Kenyon Hairs
of South Kingstown, R. I. has applied to the Department of Public Works,
Division of Harbors and Rivers for assent to maintain an existing wooden pier on the west
shore of Point Judith Pond at Jerusalem, Narragansett, R. I.
and hereby represents that he represents is the owner of the riparian rights attached to the property in-
volved and has submitted plans of the work to be done.

Now, said Department and Division, having fully considered said application, does hereby authorize
said applicant, subject to the provisions of Chapter one hundred and twelve of the General Laws of 1938
and of all laws which are or may be in force applicable thereto, to maintain an existing wooden
finger pier in Point Judith Pond at Jerusalem. Said pier is about 240.5 ft. S.E.
from bend in Succotash Road (to north) and at an approximate angle of 86° with
the easterly property line of said road. The pier extends approximately 99'
channelward from M.H.W. line and has a 70 ft. x 10 ft. T-head at the channel
end, all

in accordance with said plans, ~~provided this work is begun within six months from date hereof and~~
~~and being completed on or before~~ ~~the date hereof~~
~~assent is not to be construed as to impair the legal rights of any person.~~

Nothing in this assent shall be construed as to impair the legal rights of any person.

No responsibility for the stability or permanence of said wooden finger-pier
is assumed by the granting of this assent.

In Witness Whereof, said Department of Public Works, Division of Harbors and Rivers have hereto
set their hands and seal this twenty-second day of March in the year
nineteen hundred fifty-five.

Joseph M. Vallone
Department of Public Works

Director

Henry Isé
Division of Harbors and Rivers

Chief

DATA REQUIRED BY THE PRIVACY ACT OF 1974
(5 U.S.C. 552a)

TITLE OF FORM

Application for a Department of the Army Permit

PRESCRIBING DIRECTIVE

ER 1145-2-303

AUTHORITY

Section 10 River & Harbor Act 1899, Section 103 Marine Protection, Research & Sanctuaries Act of 1972, and Section 404 Federal Water Pollution Control Act

2. PRINCIPAL PURPOSE(S)

Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.

3. ROUTINE USES

Describes the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

The application is made at the District level and subsequently the content is made a matter of public record through issuance of a public notice.

The content of the application is made available to any requesting agency, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request.

The form (or copies) could be kept on file at District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know; such as U.S. Fish & Wildlife; Environmental Protection Agency; etc.

4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION

The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data, the permit application cannot be processed. The need for a Social Security number, name, address and phone number is necessary, in case the permit application becomes involved in litigation, as a Justice Department requirement.

DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings v. Chicago*, 188 U. S. 410.)

NEDNP

APPROVAL OF PLANS

NEW ENGLAND DIVISION, CORPS OF ENGINEERS
~~United States Engineer-Officer~~
857 Commonwealth Avenue, Boston 15, Mass.
12 APRIL, 1955.

Mr. John Bellegris
c/o Harold W. Demopulos, Attorney
1133 New Industrial Trust Building
Providence 3, Rhode Island

Dear Sir:

Referring to written request dated March 14, 1955, for the
approval of the attached plans of a pile and timber T-head pier
(Describe structure or work)

which has been ~~ex-is-being~~ constructed in Point Judith Pond
(Name waterway)

at Jerusalem, in the Town of Narragansett, Rhode Island, about 800 feet south
(Give definite location with respect to well-known locality)

of State Pier No. 4, and about 1000 feet from the entrance to the Pond,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," said plans are approved by the Secretary of the Army, subject to the following conditions:

1. That no attempt shall be made by the occupant or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the said structure.


2. That if future operations by the United States require an alteration in the position of the structure herein approved, or if in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army to remove or alter the structure or obstruction caused thereby without expense to the United States so as to render navigation reasonably free, easy, and unobstructed. No claim shall be made against the United States on account of any such removal or alteration.

3. That if the display of lights and signals on the structure hereby approved is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the owner.

4. That the approval herein given shall not impose any liability upon the United States for any damage or injury to the structure which may be caused by or result from future operations undertaken by the United States for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

By authority of the Secretary of the Army:

Plan attached


ROBERT J. FLEMING, JR.
Colonel, Corps of Engineers
Division Engineer