



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

May 7, 2024

Regulatory Division
File No. CENAE-R-2024-01164

VIA FEDEX

NOTICE OF VIOLATION

Quidnessett Country Club, Inc.
PO Box 860
East Greenwich, RI 02818

Quidnessett Country Club
950 N Quidnessett Road
North Kingstown, RI 02852

Dear Quidnessett Country Club:

This letter is in reference to work that you conducted at 950 North Quidnessett Road in North Kingstown, Rhode Island. The work involves waters below mean high water of Narragansett Bay and/or wetlands under jurisdiction of the U.S. Army Corps of Engineers (USACE). Information received in this office indicates that you are a party associated with this activity, either as a property owner or as a person performing or causing the performance of this work.

Section 10 of the Rivers and Harbors Act of 1899 (RHA), 33 USC 403, prohibits the installation of any structure in or over navigable waters of the United States and the excavation from or depositing material into such waters unless the work has been properly authorized by a Department of the Army permit. In accordance with the Alternatives Fines Act, 18 U.S.C. §3571, criminal penalties may include fines of up to \$100,000 for individuals (up to \$200,000 for corporations), imprisonment for up to 1 year, or both. Section 404 of the Clean Water Act (CWA), 33 U.S.C. 1344, prohibits the discharge of dredged or fill material into waters of the United States unless such discharge has been properly authorized by a Department of the Army permit. Violations of Section 10, a criminal statute, can result in imprisonment of up to one year, and/or fines of up to \$100,000 for individuals or \$200,000 for organizations by operation of the Alternative Fines Act, 18 U.S.C. § 3571. Violations of the CWA can result in administrative penalties, civil penalties of a maximum of up to \$22,585 per violation and a maximum of \$56,461 per day of violation, criminal fines or imprisonment. Every day unauthorized fill remains in place is a separate day of violation. Injunctive relief, including restoration, is also available.

Section 404 of the CWA, 33 U.S.C. 1344, prohibits discharges of dredged or fill material into waters of the United States and their adjacent wetlands unless the work has been authorized by Department of the Army permit. Please be aware that CWA violations may result in

administrative penalties, civil penalties of up to \$37,500 per day of violation, criminal fines and/or imprisonment. Every day unauthorized fill remains in place is a separate day of violation. Restoration of the area to its pre-violation condition may also be required.

Some or all of the work undertaken at the property identified above appears to be within USACE jurisdiction, but we have no record that you have obtained a Department of the Army permit from this office. A fact sheet that includes a summary of our authority, jurisdiction, definitions and permit requirements is attached to this letter. Note that no additional work within our jurisdiction may be started or allowed to continue until you receive a permit signed by the District Engineer or his authorized representative. Any such future work without a permit could be considered a willful and knowing violation of Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act warranting legal action.

Federal Regulations provide that we investigate unauthorized work that has occurred in areas subject to our jurisdiction. To assist us in this investigation we request that you respond, in writing, to the following questions:

1. Explain how you believe the work was authorized by the USACE pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.
2. Provide the name of all persons or entities that have ownership interest in the parcel(s) identified above and when that ownership was attained.
3. Submit a description of the work that you have undertaken (land clearing, discharge of fill in wetlands and in named waters and unnamed tributaries, erection of structures) in areas subject to Federal jurisdiction (wetlands and waters below ordinary high water).
4. For each one of the activities identified above identify the footprint (area in square feet or acres) of impact to waters and or wetlands and linear feet of any authorized structures. This should include those areas grubbed (removal of stumps), graded or covered with fill material, and otherwise altered through modification of drainage patterns.
5. Identify the timeframe (e.g., days, months, years) that the work was undertaken. Be as specific as possible, giving the starting and ending dates for each area or type of activity under USACE jurisdiction.
6. Provide copies of all correspondence including, but not limited to, any permits or applications for permits with any local, state or federal agency pertaining to the placement, retention or removal of dredged or fill material or work/structures occurring in wetlands or waterways at the site.
7. Identify the types of equipment used to excavate or move soil material within waters or the wetland.

8. Identify, where feasible, pre-construction characteristics and habitat type of wetlands and waters filled or altered and/or provide any environmental or ecological assessment reports or survey of the resources already completed on the parcel(s).

9. Identify any alternatives that would accomplish the project purpose while avoiding impact to wetlands or waters, and why these alternatives were not used.

No additional regulated work within our jurisdiction may be started or allowed to continue until you receive a permit signed by the District Engineer or his authorized representative. Any such future work without a permit may be considered willful, repeated, or flagrant per 33 CFR Part 326.5(a) warranting legal action.

Please respond to our request for information within **fifteen (15) days** of the date of this letter. If you fail to respond to this notification or to provide the requested information within the specified time frame we may seek immediate legal action to halt any ongoing activity, conduct our investigation with the information available to us and take enforcement action as allowed by federal law. Our action may include referral to the U.S. Environmental Protection Agency, the U.S. Attorney's Office or the Environment and Natural Resources Division of the U.S. Department of Justice.

In summary, we request that you respond to our information request within 15 days of the date of this letter. Also, note that this letter will not foreclose our options to initiate appropriate legal action or to later require a submission of a permit application. If you have any questions or wish to arrange a meeting to discuss this matter, please contact Elizabeth Waterhouse of my staff at (978) 318-8943 or elizabeth.c.waterhouse@usace.army.mil.

Sincerely,

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, CT/RI Section
Regulatory Division

Enclosure

cc:

Ray Putnam, U.S. EPA New England, Region 1, OEP Wetland Enforcement, USEPA SUITE 100 (Mail Code OES05-1), 5 Post Office Square - Suite 100, Boston, MA 02109-3912.

Lisa A. Turner, Office Manager and Record Keeper, Programming Services Officer, Coastal Resources Management Council, Oliver Stedman Government Center, 4808 Tower Hill Road; Room 116, Wakefield, RI 02879



**US Army Corps
of Engineers** ®
New England District

JURISDICTION FACT SHEET

Under **Section 10 of the Rivers and Harbors Act of 1899** (USC 403), a U.S. Army Corps of Engineers (USACE) permit is required for all work, including structures, seaward of the mean high water line in navigable waters of the U.S. In New England, for purposes of Section 10, navigable waters of the U.S. are those subject to the ebb and flow of the tide, as well as a few of the major rivers used to transport interstate or foreign commerce.

Under **Section 404 of the Clean Water Act** (CWA) (33 U.S.C. 1344), a permit from USACE is required for activities which involve the **discharge of dredged or fill material** into waters of the United States (U.S.), including not only navigable waters of the U.S. but also inland rivers, lakes, streams, and **wetlands**. In inland waters, USACE jurisdiction under the CWA extends landward to the **ordinary high water mark** or the **landward limit** of any wetlands, whichever is more extensive.

The term **"wetlands,"** as used above, is defined by Federal regulations as "...areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." (33 CFR 328.3(c)(16)). Forested and meadow areas that lack standing water can also be wetlands. Note that such boundaries might not be the same as wetland boundaries determined by state or local regulations, since those agencies sometimes use different criteria to delineate wetlands.

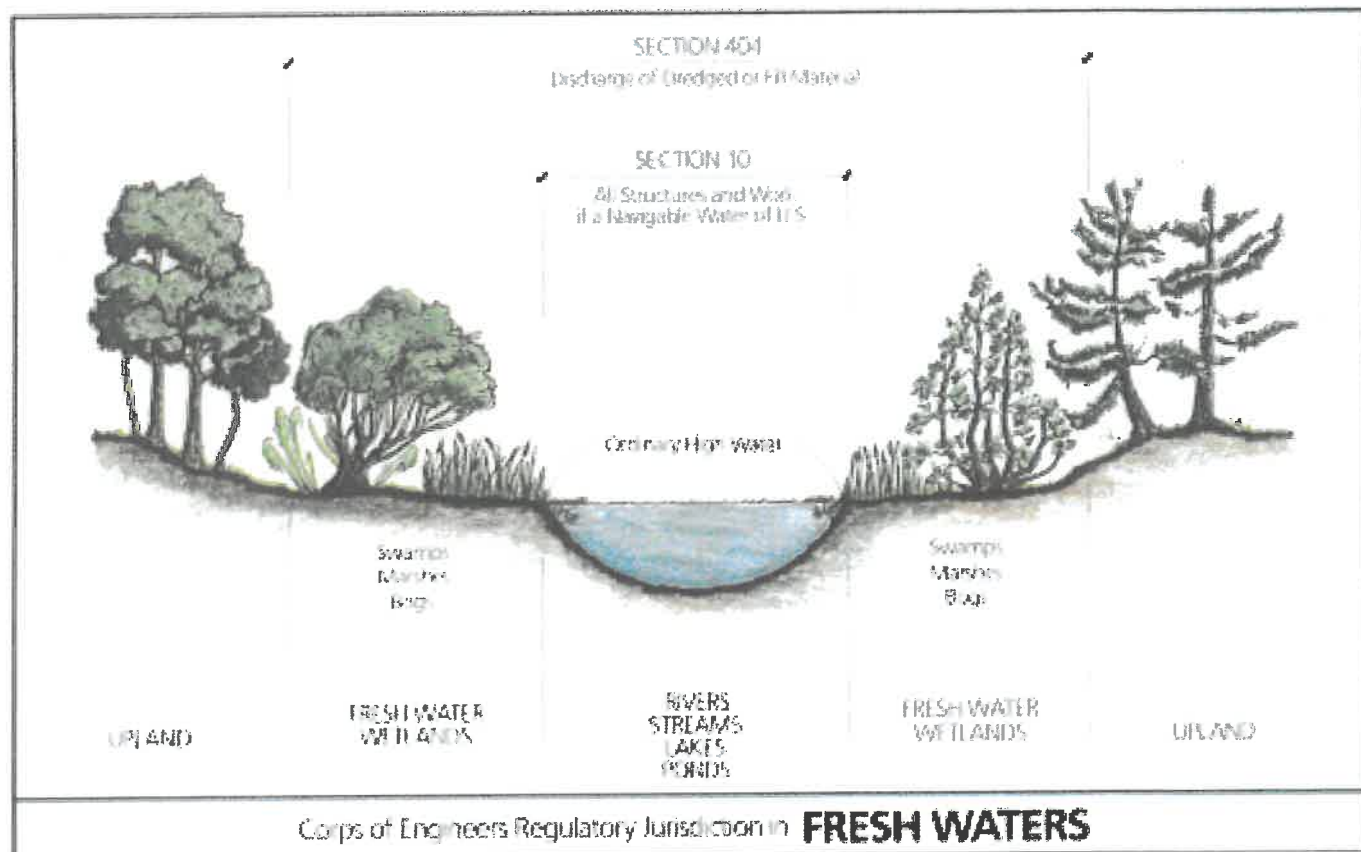
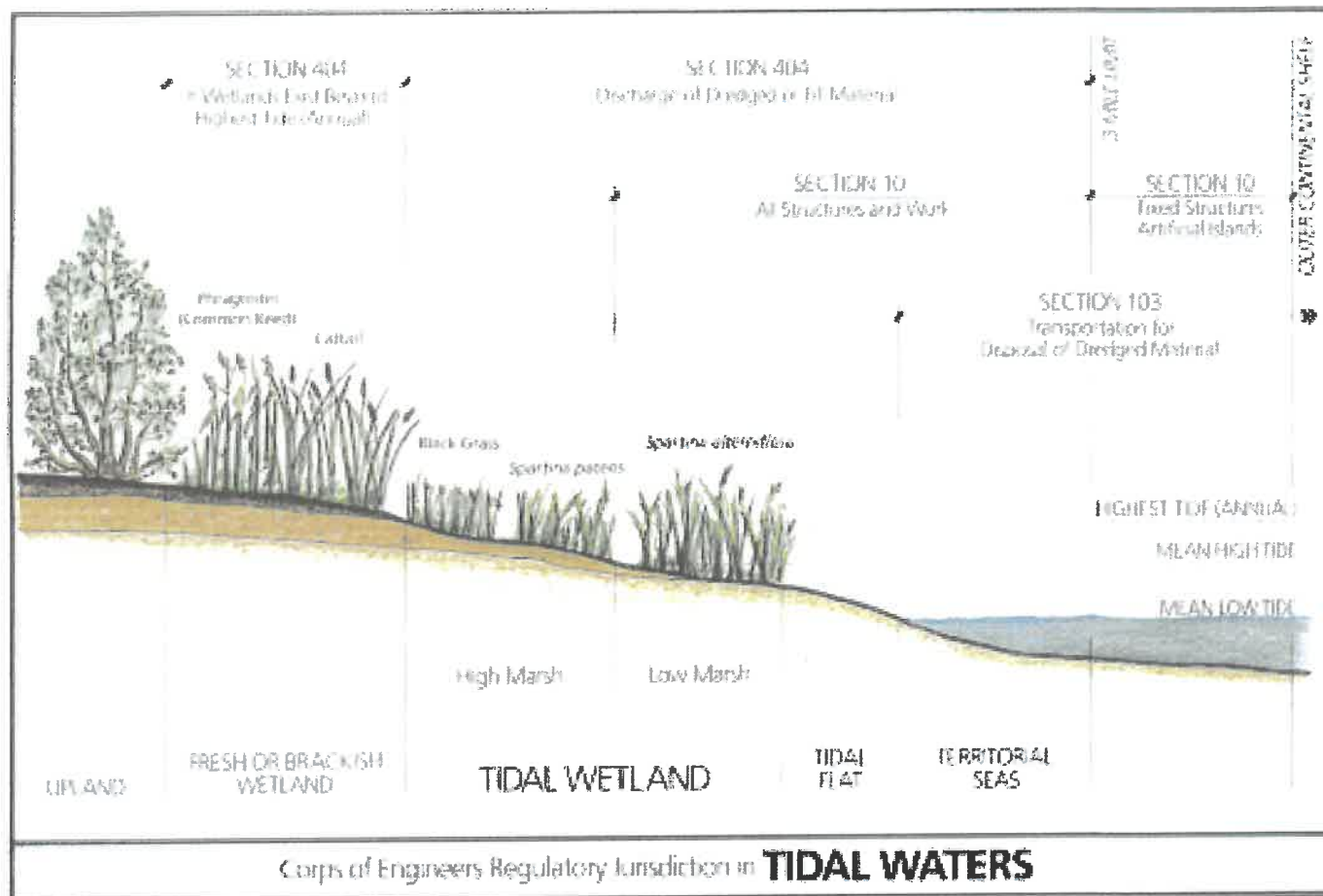
The term **"discharge"** is defined as the addition of dredged or fill material into waters of the U.S. This may include the redeposition of wetland soils such as occurs during mechanized land clearing activities, including grubbing, grading, and excavation.

The term **"fill material"** is defined by Federal regulation as "...material placed in waters of the U.S. where the material has the effect of: (i) Replacing any portion of a water of the U.S. with dry land; or (ii) Changing the bottom elevation of any portion of a water of the U.S. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the waters of the U.S. The term fill material does not include trash or garbage." (33 CFR 323.2 (e), May 9, 2002 Federal Register). The Environmental Protection Agency is responsible for regulating discharges of wastes and other pollutants.

You must obtain authorization for any work within USACE jurisdiction before you can legally undertake such work. USACE permits are a limited form of authorization containing a stated set of terms and conditions which must be complied with. Before starting any work in waters of the U.S., people doing such work or having such work done for them should: (1) be certain that a DA permit has been obtained or is not needed and (2) familiarize themselves and their contractor with the terms and conditions of the permit. Performing any work which requires, but is not authorized by, a USACE permit, or failing to comply with the terms and conditions of a USACE permit, may subject the developer, the landowner or other responsible party, including the contractor, to criminal and/or civil liability.

The USACE New England District has issued general permits (GPs) for each New England state and these are located at www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits. Projects in USACE jurisdiction may be authorized under GPs or may require an individual permit (IP) if the project exceeds the thresholds of the GPs. A pre-construction notification (PCN) to USACE is not required for activities meeting self-verification and all the terms and conditions of the GPs, but a self-verification notification is required in some states (see the GPs for more details). Project proponents performing work under the assumption that the work is eligible for self-verification are responsible to ensure compliance with the terms and conditions of the GPs. They should carefully check the GPs or consult our office for verification. The same situation applies if someone incorrectly determines that a project is outside USACE jurisdiction. Activities that require a PCN or individual permit require applicants to submit an application to our office for project-specific authorization in writing before work in USACE jurisdiction may commence.

February 12, 2024





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 24, 2025

Regulatory Division
File Number NAE-2024-01164
CRMC Enforcement File No. 23-0185

Ms. Janice Matthews
Quidnessett Country Club
950 N Quidnessett Road
North Kingstown, RI 02852
janicem@jancompanies.com

Ms. Matthews:

This letter is in reference to work conducted at 950 North Quidnessett Road in North Kingstown, Rhode Island at the Quidnessett Country Club (QCC). The work involved the placement of approximately 3,382 SF of fill below the High Tide Line (HTL) of Narragansett Bay without the proper authorizations in violation of Section 10 of the Rivers and Harbors Act of 1899 (RHA) and Section 404 of the Clean Water Act (CWA).

In order to resolve this violation, you must remove all fill below the HTL. On a phone call between the U.S. Army Corps of Engineers (USACE) and QCC on July 31, 2024, you stated that it was the intent of QCC to remove all fill below the HTL and requested instruction on our application process. This information was provided to you via email on August 1, 2024. As explained in the August 1 email, "restoration work for the removal of all fill below the high tide line would require a PCN authorization under GP10." USACE sent you another email requesting an application and your anticipated schedule for removal of the unauthorized fill on December 12, 2024. Specifically, that email requested "an update on when you intend to apply for a USACE permit to remove the fill within our jurisdiction (approximately 3,382 SF placed below the High Tide Line)." The email further referenced your intent "to move forward with USACE restoration regardless of your interactions with CRMC."

We received your application to remove fill below the HTL via email on March 3, 2025. Upon review, the work proposed in your application is insufficient to resolve your violations of Section 10 of the RHA and Section 404 of the CWA. Since July 31, 2024, USACE had anticipated an application proposing the removal of all 3,382 SF of fill below the HTL. This restoration requirement was most recently communicated to you on February 5, 2025. Your permit application proposes the removal of only 2,766 SF of fill (rock) below HTL and to keep fill below the HTL in place for engineering slope and

stability concerns. The plans show 352 SF of fill below HTL to remain and the application form states 0.0139 acres (606 SF) of fill below HTL will remain.

To resolve your violations of Section 10 and Section 404, you must remove all fill below HTL. Please provide us with a permit application showing complete removal of all fill below HTL. Your permit application must include project plans clearly showing the restoration of the area below HTL to include all permanent (fill removal) and temporary (sandbags, cofferdams, site access, etc.) impacts.

No additional regulated work within our jurisdiction may be started or allowed to continue until you receive a permit signed by the District Engineer or his authorized representative. Any such future work without a permit may be considered willful, repeated, or flagrant per 33 C.F.R. § 326.5(a) warranting legal action.

If you fail to respond to us with the requested complete permit application, we may take enforcement action as allowed by federal law. Our action may include referral to the U.S. Environmental Protection Agency, the U.S. Attorney's Office or the Environment and Natural Resources Division of the U.S. Department of Justice.

If you have any questions or wish to arrange a meeting to discuss this matter, please contact Elizabeth Waterhouse of my staff at (978) 318-8943 or elizabeth.c.waterhouse@usace.army.mil.

Sincerely,

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, CT/RI Section
Regulatory Division

cc:

Tammy Turley, USACE, Regulatory Division Chief, tammy.r.turley@usace.army.mil
Ryan Maltrund, USACE, Regulatory Deputy Division Chief,
ryan.m.malterud@usace.army.mil
Matthew Harris, USACE, Assistant District Counsel, matthew.j.harris@usace.army.mil
Elizabeth Waterhouse, USACE, Senior Project Manager,
elizabeth.c.waterhouse@usace.army.mil
Jennifer Cervenka, esq., jcervenka@cgdesq.com
Jeff Willis, CRMC, jwillis@crmc.gov
Brian Harrington, CRMC, bharrington@crmc.ri.gov
Chuck Horbert, RI DEM, Providence, RI, chuck.horbert@dem.ri.gov

Neal Personeus, RI DEM, Providence, RI, neal.personeus@dem.ri.gov
Erica Sachs-Lambert, US EPA, Region 1, Boston, MA, sachs.eric@epa.gov
Sabrina Pereira, NOAA, Gloucester, MA, sabrina.pereira@noaa.gov



**CHERENZIA
& ASSOCIATES, LTD.**

Civil Engineers • Land Surveyors
Land Use Planners • Environmental Consultants

Raymond F. Cherenzia, P.E., L.S., Founder
Sergio F. Cherenzia, P.E., President

February 27, 2025

Elizabeth Waterhouse
U.S. Army Corps. of Engineers
Senior Project Manager
RI State Lead
New England District
696 Virginia Road
Concord, MA 01742-2751

Subject: Application for the Department of the Army Permit
File Number NAE-2024-01164
Quidnessett Country Club
950 N Quidnessett Road
North Kingstown, RI 02852


On behalf of our clients, Quidnessett Country Club, Cherenzia & Associates, Ltd. is pleased to submit the following application materials for an Application for the Department of the Army Permit at the above-referenced location. The following items are submitted for your review:

1. Completed Application for the Department of the Army Permit
2. Site Photographs
3. ESA Section 7 List
4. IPaC Species List
5. Site Plans (11"x17") titled, "Rock Removal Below High Tide Line," Sheets C-0, C-1, & C-2, prepared by Cherenzia & Associates, Ltd., dated February 27, 2025 and Existing Conditions Plan Sheet SV-1, prepared by Cherenzia & Associates, Ltd., dated June 7, 2024, revised February 27, 2025.

Should you have any questions or concerns, please contact me at 401-596-7747.

Sincerely,

Sergio F. Cherenzia, P.E.
President

| | | |
|---|----------------------|---|
| U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT For use of this form, see 33 CFR 325. The proponent agency is CECW-COR. | | Form Approved - OMB No. 0710-0003 Expires: 2027-10-31 |
| <p>The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.</p> | | |
| PRIVACY ACT STATEMENT | | |
| <p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dod.defense.gov/Privacy/SORNs/index/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx</p> | | |
| (ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS) | | |
| 1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED |
| 4. DATE APPLICATION COMPLETE | | |
| (ITEMS BELOW TO BE FILLED BY APPLICANT) | | |
| 5. APPLICANT'S NAME First - Middle - Last - Company - Quidnessett Country Club Inc. E-mail Address - janice@jancompanies.com | | 8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Sergio Middle - F Last - Cherenzia Company - Cherenzia & Associates, Ltd. E-mail Address - sergio@cherenzia.com |
| 6. APPLICANT'S ADDRESS: Address- 950 N. Quidnessett Road City - North Kingstown State - RI Zip - 02852 Country - USA | | 9. AGENT'S ADDRESS: Address- PO Box 513 City - Westerly State - RI Zip - 02891 Country - USA |
| 7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 401-884-1100 | | 10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 860-629-6500 |
| STATEMENT OF AUTHORIZATION | | |
| 11. I hereby authorize, <u>Sergio Cherenzia</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. | | |
|  SIGNATURE OF APPLICANT | | DATE |
| NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY | | |
| 12. PROJECT NAME OR TITLE (see instructions) Quidnessett Country Club Rock Removal Below High Tide Line | | |
| 13. NAME OF WATERBODY, IF KNOWN (if applicable) Narragansett Bay | | 14. PROJECT STREET ADDRESS (if applicable) Address 950 N. Quidnessett Road |
| 15. LOCATION OF PROJECT Latitude: •N 41°38'40.92"N Longitude: •W 71°24'31.70"W | | City - North Kingstown State- RI Zip- 02852 |
| 16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 10844 Municipality North Kingstown Section - Township - Range - | | |

17. DIRECTIONS TO THE SITE

Rock removal area is located at the existing revetment on the northeastern shoreline of the project site. Access to the site should be coordinated with the contractor for access over the abutting property to the north via Crawford Allen Hospital Road or the country club front office at 950 North Quidnessett Road for access over the golf course.

18. Nature of Activity (Description of project, include all features)

The nature of the activity is to remove rock from below the high tide line.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to remove rock from below the high tide line.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

- In response to the emergency erosion occurring on site, stone was placed at the toe to control erosion of the coastal bank. The severity of the erosion was compromising the integrity of the entire bank and associated landside features. In two cases, the stone is scheduled to remain below high-tide line (HTL); (1) 80 feet at the southern end of the work area, due to the excessive and unnecessary impacts to the naturally accumulated beach, (2) 60 feet along the northern portion of the work area where additional and significant engineering is required to provide a stable and safe working environment to systematically stabilize the toe and slope for proper removal.
- It is noted that the intent of this project is to remove as much of the rock below the high-tide line in a timely but safe manner and additional phases to be permitted will consider modifications to any and all areas of the work.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

| Type Amount in Cubic Yards | Type Amount in Cubic Yards | Type Amount in Cubic Yards |
|-------------------------------|-------------------------------|-------------------------------|
| Toe Stone/Armor - 22.4 CY | | |

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.0139 AC

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

This project aims to avoid and minimize impacts to waters of the US by removing as much of the stone in a timely and practical manner. On the southern end of the area, 80 feet of stone is scheduled to remain due to the unnecessary impacts to the coastal environment that has established in this area (rocky shoreline/beach). On the northern end, the Engineer has identified two areas (60 feet total) that stone removal at the toe could result in widespread and uncontrolled failures of large portions of the slope and is a significant safety hazard. Additional engineering is currently evaluating potential options to address this in the future. Appropriate erosion controls shall be utilized to prevent impacts to the surrounding areas. The existing natural rocky shoreline will remain in place and not be disturbed.

24. Is Any Portion of the Work Already Complete? ☒ Yes ☐ No IF YES, DESCRIBE THE COMPLETED WORK

This project aims to remove stones previously placed below the high-tide line. As noted above, approximately 140 linear feet (of ~570 total linear feet) is proposed to remain.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

a. Address- Bayview Real Property LLC, 1608 ROUTE 88, Ste 200

City - Brick

State - NJ

Zip - 08724

b. Address- Quidnessett Country Club Inc., PO Box 860

City - East Greenwich

State - RI

Zip - 02818

c. Address- Fouad Zeidan Declaration of Trust, c/o Fouad Y. Zeidan, Trustee, 3107 Beluche Dr

City - Galveston

State - TX

Zip - 77551

d. Address-

City -

State -

Zip -

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

| AGENCY | TYPE APPROVAL* | IDENTIFICATION NUMBER | DATE APPLIED | DATE APPROVED | DATE DENIED |
|--------|----------------|--------------------------|--------------|---------------|-------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



Photograph 1: Current Site – 2/10/2025.



Photograph 2: Current Site – 2/10/2025.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104



In Reply Refer To:

02/27/2025 17:48:04 UTC

Project Code: 2025-0061957

Project Name: Quidnessett Country Club Rock Removal Below High Tide Line

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at newengland@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List
- Coastal Barriers

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

PROJECT SUMMARY

Project Code: 2025-0061957

Project Name: Quidnessett Country Club Rock Removal Below High Tide Line

Project Type: Restoration / Enhancement - Wetland

Project Description: 950 N. Quidnessett Road, North Kingstown, RI 02852

22.4 cubic yards of rock removal area at the existing revetment located on the northeastern shoreline of the project site.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.64499925,-71.40865957516752,14z>



Counties: Washington County, Rhode Island

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

| NAME | STATUS |
|---|------------------------|
| Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 | Proposed Endangered |

BIRDS

| NAME | STATUS |
|--|------------|
| Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083 | Endangered |

INSECTS

| NAME | STATUS |
|---|------------------------|
| Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743 | Proposed Threatened |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

| UNIT | NAME | TYPE | SYSTEM UNIT ESTABLISHMENT DATE | FLOOD INSURANCE PROHIBITION DATE |
|------|-----------------|------|-----------------------------------|-------------------------------------|
| D02B | Prudence Island | SU | 11/16/1990 | 11/16/1990 |

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Joseph Klinger
Address: PO Box 1131
City: East Greenwich
State: RI
Zip: 02818
Email: jklinger@ecotonesinc.com
Phone: 4013591924

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



Drawn Action Area & Overlapping S7 Consultation Areas

Area of Interest (AOI) Information

Area : 2,363.8 acres

Feb 6 2025 13:57:06 Eastern Standard Time



Summary

| Name | Count | Area(acres) | Length(mi) |
|-----------------------------|-------|-------------|------------|
| Atlantic Sturgeon | 2 | 2,581.78 | N/A |
| Shortnose Sturgeon | 1 | 1,290.89 | N/A |
| Atlantic Salmon | 0 | 0 | N/A |
| Sea Turtles | 4 | 5,163.54 | N/A |
| Atlantic Large Whales | 4 | 298.95 | N/A |
| In or Near Critical Habitat | 0 | 0 | N/A |

Atlantic Sturgeon

| # | Feature ID | Species | Lifestage | Behavior | Zone | From | Until | From (2) | Until (2) | Area(acres) |
|---|-----------------|-------------------|-----------|----------------------|------------------|-------|-------|----------|-----------|-------------|
| 1 | ANS_NRB_SUB_MAF | Atlantic sturgeon | Subadult | Migrating & Foraging | Narragansett Bay | 01/01 | 12/31 | N/A | N/A | 1,290.89 |
| 2 | ANS_NRB_ADU_MAF | Atlantic sturgeon | Adult | Migrating & Foraging | Narragansett Bay | 01/01 | 12/31 | N/A | N/A | 1,290.89 |

Shortnose Sturgeon

| # | Feature ID | Species | Life Stage | Behavior | Zone | From | Until | From (2) | Until (2) | Area(acres) |
|---|-----------------|--------------------|------------|----------------------|------------------|-------|-------|----------|-----------|-------------|
| 1 | SNS_NRB_ADU_MAF | Shortnose sturgeon | Adult | Migrating & Foraging | Narragansett Bay | 04/01 | 11/30 | N/A | N/A | 1,290.89 |

Sea Turtles

| # | Feature ID | Species | Life Stage | Behavior | Zone | From | Until | From (2) | Until (2) | Area(acres) |
|---|-----------------|--------------------------|----------------------|----------------------|--|------|-------|----------|-----------|-------------|
| 1 | GRN_STS_AJV_MAF | Green sea turtle | Adults and juveniles | Migrating & Foraging | Massachusetts (S of Cape Cod) through Virginia | 5/1 | 11/30 | No Data | No Data | 1,290.89 |
| 2 | KMP_STS_AJV_MAF | Kemp's ridley sea turtle | Adults and juveniles | Migrating & Foraging | Massachusetts (S of Cape Cod) through Virginia | 5/1 | 11/30 | No Data | No Data | 1,290.89 |
| 3 | LTR_STS_AJV_MAF | Leatherback sea turtle | Adults and juveniles | Migrating & Foraging | Massachusetts (S of Cape Cod) through Virginia | 5/1 | 11/30 | No Data | No Data | 1,290.89 |
| 4 | LOG_STS_AJV_MAF | Loggerhead sea turtle | Adults and juveniles | Migrating & Foraging | Massachusetts (S of Cape Cod) through Virginia | 5/1 | 11/30 | No Data | No Data | 1,290.89 |

Atlantic Large Whales

| # | Feature ID | Species | Lifestage | Behavior | Zone | From | Until | From (2) | Until (2) | Area(acres) |
|---|-----------------|----------------------------|----------------------|---------------|--------------------------------|------|-------|----------|-----------|-------------|
| 1 | RIT_WRN_AJV_FOR | North Atlantic right whale | Adults and juveniles | Foraging | Northeast (ME to Cape Cod, MA) | 1/1 | 12/31 | No Data | No Data | 74.74 |
| 2 | RIT_WRN_AJV_WIN | North Atlantic right whale | Adults and juveniles | Overwintering | Northeast (ME to Cape Cod, MA) | 11/1 | 1/31 | No Data | No Data | 74.74 |
| 3 | FIN_WFN_AJV_WIN | Fin whale | Adults and juveniles | Overwintering | Northeast (ME to Cape Cod, MA) | 11/1 | 3/31 | No Data | No Data | 74.74 |
| 4 | FIN_WFN_AJV_FOR | Fin whale | Adults and juveniles | Foraging | Northeast (ME to Cape Cod, MA) | 1/1 | 12/31 | No Data | No Data | 74.74 |



**DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751**

February 5, 2025

Regulatory Division
File Number NAE-2024-01164
CRMC Enforcement File No. 23-0185

**VIA FEDEX
CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Ms. Janice Matthews
Quidnessett Country Club
950 N Quidnessett Road
North Kingstown, RI 02852
janicem@jancompanies.com

Ms. Matthews:

This letter is in reference to work conducted at 950 North Quidnessett Road in North Kingstown, Rhode Island at the Quidnessett Country Club (QCC). The work involved the placement of approximately 3,382 SF of fill below the High Tide Line (HTL) of Narragansett Bay without the proper authorizations in violation of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

In order to resolve this violation, you must remove all fill below the HTL. On a phone call between the U.S. Army Corps of Engineers (USACE) and QCC on July 31, 2024, you stated that it was the intent of QCC to remove all fill below the HTL and requested instruction on our application process. This information was provided to you via email on August 1, 2024. USACE sent you another email requesting an application and your schedule for removal of the unauthorized fill on December 12, 2024. We have not received a response to either of these emails.

Please provide us with a complete permit application within 15 days of the date of this letter. Your complete permit application must include project plans clearly showing the restoration of the area below HTL to include all permanent (fill removal) and temporary (sandbags, cofferdams, site access, etc.) impacts below the HTL. We have detailed our other application requirements in our previous coordination (enclosed).

The restoration work may be eligible for review under our Rhode Island General Permits (GPs). The GPs are available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Rhode->

Island-General-Permit. Applicants are responsible for applying for and obtaining any other federal, state, or local authorizations required by law.

No additional regulated work within our jurisdiction may be started or allowed to continue until you receive a permit signed by the District Engineer or his authorized representative. Any such future work without a permit may be considered willful, repeated, or flagrant per 33 C.F.R. § 326.5(a) warranting legal action.

If you fail to respond to provide us with the requested complete permit application within 15 days, we may take enforcement action as allowed by federal law. Our action may include referral to the U.S. Environmental Protection Agency, the U.S. Attorney's Office or the Environment and Natural Resources Division of the U.S. Department of Justice.

If you have any questions or wish to arrange a meeting to discuss this matter, please contact Elizabeth Waterhouse or my staff at (978) 318-8943 or elizabeth.c.waterhouse@usace.army.mil.

Sincerely,

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, CT/RI Section
Regulatory Division

Enclosure

cc:

Tammy Turley, USACE, Regulatory Division Chief, tammy.r.turley@usace.army.mil
Ryan Maltrund, USACE, Regulatory Deputy Division Chief,
ryan.m.malterud@usace.army.mil
Matthew Harris, USACE, Assistant District Counsel, matthew.j.harris@usace.army.mil
Elizabeth Waterhouse, USACE, Senior Project Manager,
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Erica Sachs, US EPA, Region 1, Boston, MA, sachs.eric@epa.gov
Sabrina Pereira, NOAA, Gloucester, MA, sabrina.pereira@noaa.gov

