

Attachment 2

USACE Approval – Main Street Fishway



REPLY TO
ATTENTION OF

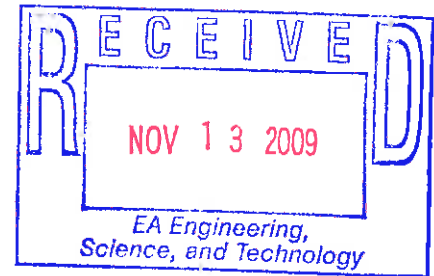
DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

November 10, 2009

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2009-1167

Pawtucket Hydropower
87 Senexet Road
Woodstock, Connecticut 06281

Narr Electric Co dba National Grid
ATTN: Michael Ryan
280 Melrose Street
Providence, Rhode Island 02901



Dear Sir/Madam:

We have reviewed the application to install a Denil-style fish ladder and an eel ladder in the Pawtucket River to facilitate anadromous fish (river herring and alewife) passage past the Main Street Dam. Downstream bypass will be achieved by using the powerhouse intake on the northwest side of the dam and building a new downstream bypass sluice through the existing hydropower building. Water will be diverted through the existing powerhouse plus a cofferdam will be installed to enable work to proceed in the dry. The project is shown on the attached plans and 8.5" x 11" sections of large plans titled "BLACKSTONE RIVER FISH PASSAGE RESTORATION PROJECT MAIN STREET FISHWAY PAWTUCKET, RHODE ISLAND" dated "APRIL 2009".

Based on the information you have provided, we have determined that the proposed activity will have only minimal individual or cumulative impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the attached Federal permit known as the Rhode Island Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP and in compliance with the following special conditions:

- 1). You must comply with the attached signed Memorandum of Agreement (MOA) between the USDA-NRCS and RI-SHPO.
- 2.) All in-river work must be limited to May 15 to December 15.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully, in particular the PGP conditions beginning on Page 7, to familiarize yourself with its contents. You should

ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

This authorization expires on February 13, 2012, unless the PGP is modified, suspended or revoked. You must complete the work authorized herein by February 13, 2012. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend you contact us before this permit expires to discuss a time extension or permit reissuance.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

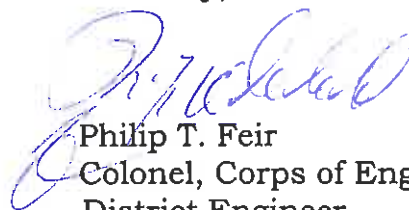
This authorization requires you to complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 2 of the PGP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Michael Elliott of my staff, at (978) 318-8131 if you have any questions.

Sincerely,



Philip T. Feir
Colonel, Corps of Engineers
District Engineer

Attachments

Copies Furnished:

Rita Martini
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, Rhode Island 02879-1900

✓ Sam Whitin
EA Engineering
2350 Post Road
Warwick, Rhode Island 02886

Andy Lipsky
USDA - NRCS
60 Quaker Lane, Suite 46
Warwick, Rhode Island 02886

Attachment 3

USACE Approval – Slater Mill Fishway



REPLY TO
ATTENTION OF

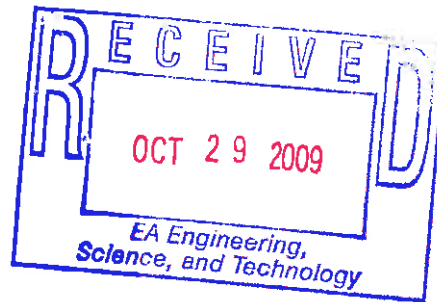
DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

October 26, 2009

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2009-2085

Old Slater Mill Association
c/o Allen Chatterton, President
67 Roosevelt Avenue
Pawtucket, Rhode Island 02862

Narragansett Electric Company
dba National Grid
ATTN: Michael Ryan
280 Melrose Street
Providence, Rhode Island 02907



Dear Messrs Chatterton and Ryan:

We have reviewed your application to construct a Denil-style fish ladder and eel ladder on the east side of the Blackstone River to provide passage for anadromous fish past the Slater Mill Dam. This goal of this fish ladder project along with other proposed fish ladders on the Blackstone is to restore herring and alewives to the area above the Main Street Dam up to the Ashton Dam. A cofferdam and bypass pumps will be installed around the construction area to allow work to be performed in the dry. Downstream passage will be achieved through a notch cut in the sill of the dam. The project is described in your RIDEM application, number 09-0118, and is located at Roosevelt Avenue in Pawtucket, Rhode Island. The project is shown on the attached plans and 8.5" x 11" sections of large plans titled "BLACKSTONE RIVER FISH PASSAGE RESTORATION PROJECT SLATER MILL FISHWAY" dated "APRIL 2009".

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the attached Federal permit known as the Rhode Island Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP and the following special conditions:

- 1). You must comply with the attached signed Memorandum of Agreement (MOA) between the USDA-NRCS and RI-SHPO.

2.) All in-river work must be limited to May 15 to December 15.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully, in particular the PGP conditions beginning on Page 7, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

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We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Michael Elliott of my staff, at (978) 318-8131 if you have any questions.

Sincerely,

Philip T. Feir
Colonel, Corps of Engineers
District Engineer

Attachments

Copy Furnished:

✓ Sam Whiten
EA Engineering
2350 Post Road
Warwick, Rhode Island 02886

MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL
RESOURCES CONSERVATION SERVICE
AND THE
STATE OF RHODE ISLAND HISTORICAL PRESERVATION AND HERITAGE
COMMISSION
REGARDING THE RESTORATION OF FISH RUNS ON THE BLACKSTONE RIVER AT
PAWTUCKET, RHODE ISLAND

WHEREAS the Natural Resources Conservation Service (NRCS) plans to provide federal funds for the Restoration of Fish Runs on the Blackstone River at Pawtucket, Rhode Island, an undertaking pursuant to the Wildlife Habitat Incentives Program (WHIP), 16 U.S.C. 383a, 7 CFR Part 636 (CFDA 10.914); and

WHEREAS the undertaking will involve constructing Denil fish ladders to restore fish passage through the Main Street Dam and Slater Mill Dam, two historic waterpower dams that contribute to the significance of the Old Slater Mill Historic Site, a historic industrial complex listed on the National and State Registers of Historic Places and as a National Historic Landmark; and

WHEREAS NRCS has determined that the undertaking will have an adverse effect on the Old Slater Mill Historic Site, and has consulted with the Rhode Island Historical Preservation and Heritage Commission, the State Historic Preservation Office (SHPO), pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS NRCS has determined that the undertaking will have an adverse effect on the Old Slater Mill Historic Site, and has consulted with the public and conducted public outreach regarding the effects of the undertaking on the Old Slater Mill Dam and Main Street Dam; and

WHEREAS, NRCS has consulted with the Executive Director of the National Park Service John H. Chafee Blackstone River Valley National Heritage Corridor Commission (JHCBRVNHCC) regarding the effects of the undertaking on historic properties and has invited him to sign this MOA as a concurring party, and (JHCBRVNHCC) has chosen to participate as a consulting party; and

WHEREAS, in accordance with 36 C.F.R. § 800.10(c), NRCS has invited the Secretary of the Interior to participate in consultation because adverse effects may result to a National Historic Landmark, and the Secretary of the Interior has chosen not to participate in the consultation; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), NRCS has notified the Advisory

Council on Historic Preservation (ACHP) of its adverse effect determination with required documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, NRCS and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NRCS shall ensure that the following measures are carried out:

- I. NRCS will provide the RISHPO with documentation of the following design details at least 30 days prior to commencing construction:
 - a. Confirmation that the building code will allow for the replacement of the segments of the existing railing on the east side of the Blackstone River abutting the proposed fish ladder without improving all of the existing railing to meet the new building code.
 - i. If it is determined that improvements to all of the railing are required to meet the building code, NRCS will submit designs of the new railing and/or fencing to the RISHPO for review and approval.
 - b. Confirmation that the owners of the two dams upriver from the Slater Mill Dam, at Elizabeth Webbing and Valley Falls, have consented to allow the construction of fish passages at those sites.
 - c. A construction schedule provided by the contractor hired by NRCS.
- II. To ensure minimal visual impacts to the historic setting, a minimum of 30 days prior to implementation, NRCS will provide the RISHPO with detailed designs for review and approval that provide the following for the Denil ladder at the Main Street Dam:
 - a. specifications for a form liner that matches the masonry of the Main Street bridge, to be followed, when available, by a sample of the exterior finish material for the fish ladder;
 - b. specifications for rounded or chamfered exterior corners on the Denil ladder;
 - c. specifications for a visually compatible treatment of the fish ladder's interior concrete, e.g. gray concrete, darkened sand, possible stain, with a coarse finish;
 - d. specifications for the bypass structure with an exterior finish and aggregate that matches the Denil ladder.

III. To ensure minimal visual impacts to the historic setting, a minimum of 30 days prior to implementation, NRCS will provide the RISHPO with detailed designs for review and approval that provide the following for the Denil ladder at the Slater Mill Dam:

- a. specifications for a form liner that matches the river wall at the east end of the Dam, to be followed, when available, by a sample of the exterior finish material for the fish ladder;
- b. specifications for rounded or chamfered exterior corners on the Denil ladder;
- c. specifications for a visually compatible treatment of the fish ladder's interior concrete, e.g. gray concrete, darkened sand, possible stain, with a coarse finish;
- d. specifications for the bypass structure with an exterior finish and aggregate that matches the Denil ladder;
- e. elevations, plans and specifications of the gate/wall/railing (both on land and over the fish ladder) to access the top of the fish ladder;
- f. a fencing design for the overflow structure that matches the fence on the west river wall at Slater Mill;
- g. documentation regarding the use of wood as the preferred surface finish of the breakaway (hinged flashboard). If wood cannot be used, then color specification is required for the material selected for the breakaway.

IV. NRCS will prepare documentation of the Main Street and Slater Mill Dams for the RISHPO's Rhode Island Historic Resources Archive prior to any construction. The documentation will include archival quality photographs of the structures (RISHPO to specify quantity and view points). NRCS will also contact the Historic American Buildings Survey, which previously documented Slater Mill, to inquire as to whether they would like to carry out any further documentation within NRCS's schedule.

V. NRCS will develop interpretive signs (using John H. Chafee Blackstone River Valley National Heritage Corridor Commission/National Park Service or other approved format) to be installed at the project location to provide the public with an account of the historical development of the river at these locations.

VI. Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800 to consider such an amendment.

VII. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, SHPO may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI below.

VIII. POST-REVIEW DISCOVERIES

NRCS Does not anticipate the discovery of any historic properties or unanticipated effects on historic properties. If unanticipated historic properties or unanticipated effects on historic properties

do occur, NRCS will follow 36 CFR Part 800.13.

IX. MONITORING AND REPORTING

NRCS will provide a summary report as each project milestone is achieved including: dewatering of each dam site; review and selection of concrete treatment and fence specificity; post-concrete installation treatment; completion of fence erection; project completion. These summary reports will begin upon the execution of this MOA and continue until it expires or is terminated. NRCS shall provide all parties to this MOA, and the ACHP if desired, a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS's efforts to carry out the terms of this MOA.

X. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, NRCS shall consult with such party to resolve the objection.

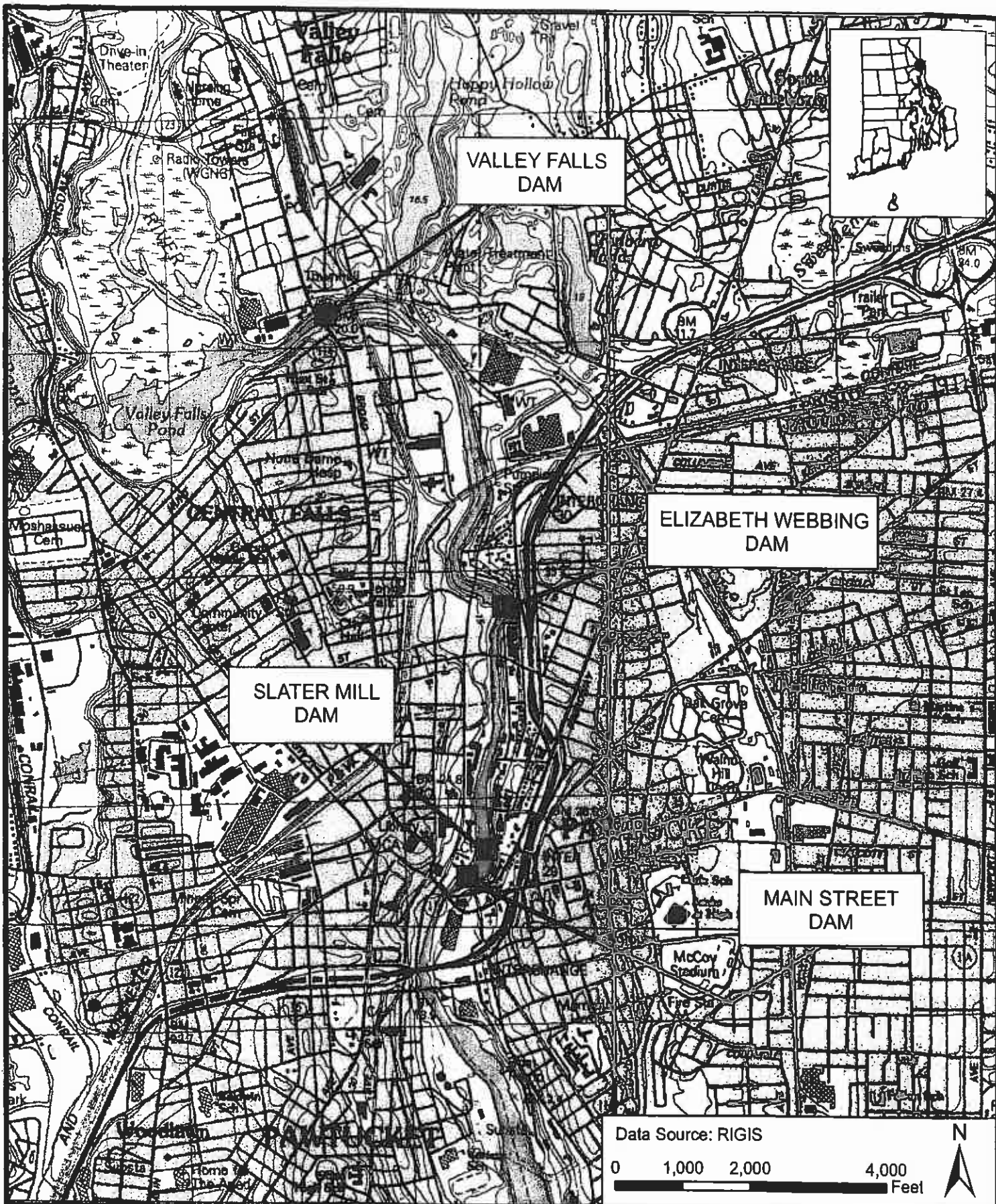
If NRCS determines that such objection cannot be resolved, NRCS will forward all documentation relevant to the dispute, including the NRCS's proposed resolution, to the ACHP. The ACHP shall provide NRCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

NRCS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

XI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

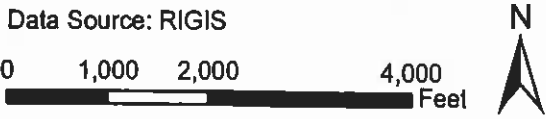


VALLEY FALLS
DAM

ELIZABETH WEBBING
DAM

SLATER MILL
DAM

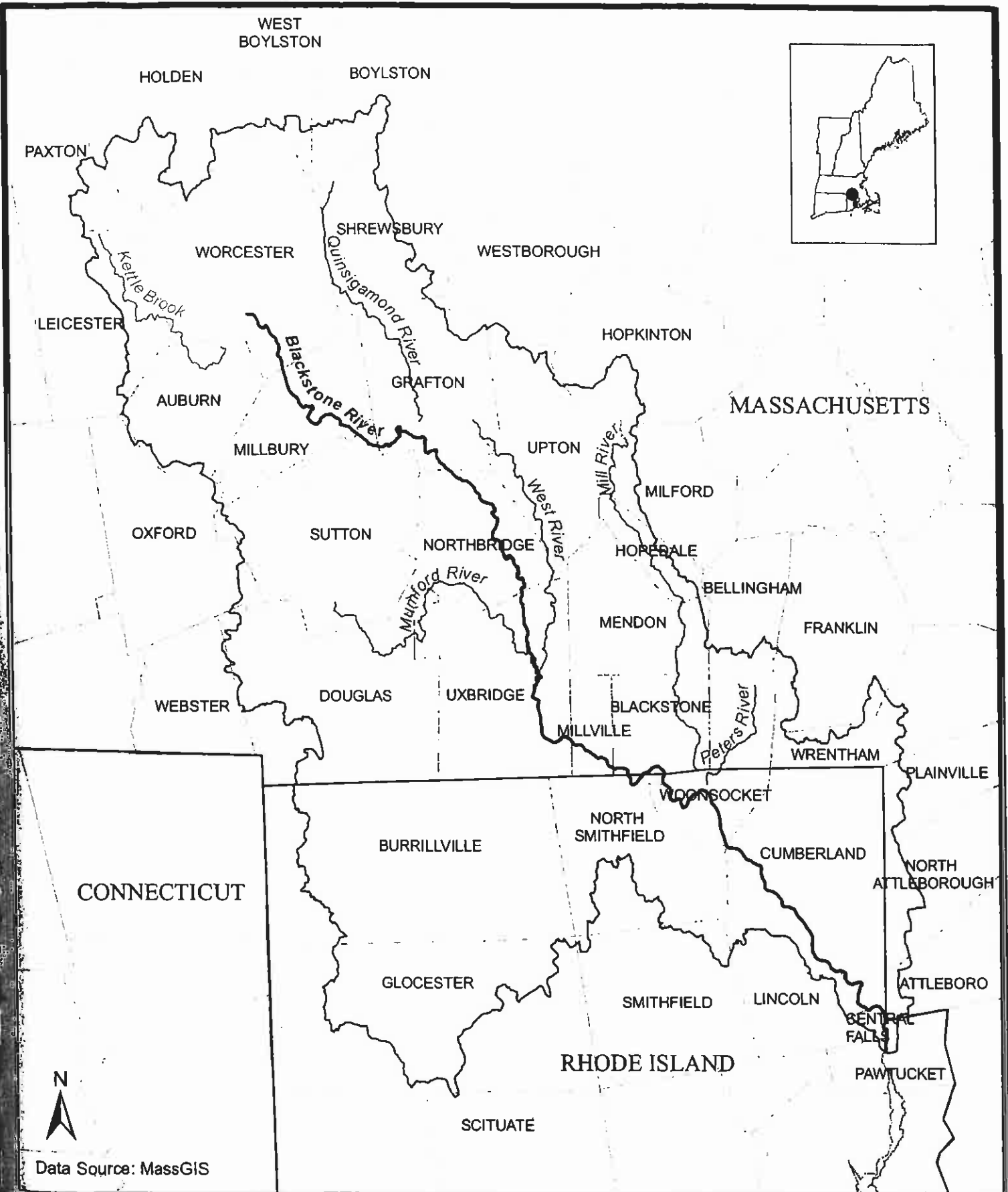
MAIN STREET
DAM



MAIN STREET AND SLATER MILL DAMS
FISH PASSAGE RESTORATION PROJECT

FIGURE 1:
SITE LOCUS

PROJECT MGR: SW	DESIGNED BY: MR	CREATED BY: MR	CHECKED BY: SW	SCALE: AS SHOWN	DATE: MAY 2009	EA PRJT NO: 62130.12	FILE: FIG 1 LOCUS.MXD
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**MAIN STREET AND SLATER MILL DAMS
FISH PASSAGE RESTORATION PROJECT**

**FIGURE 2:
BLACKSTONE RIVER
WATERSHED AREA**

PROJECT MGR:
SW

DESIGNED BY:
MR

CREATED BY:
MR

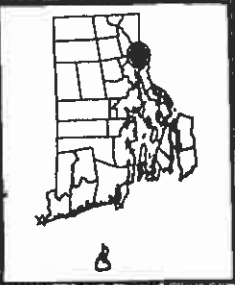
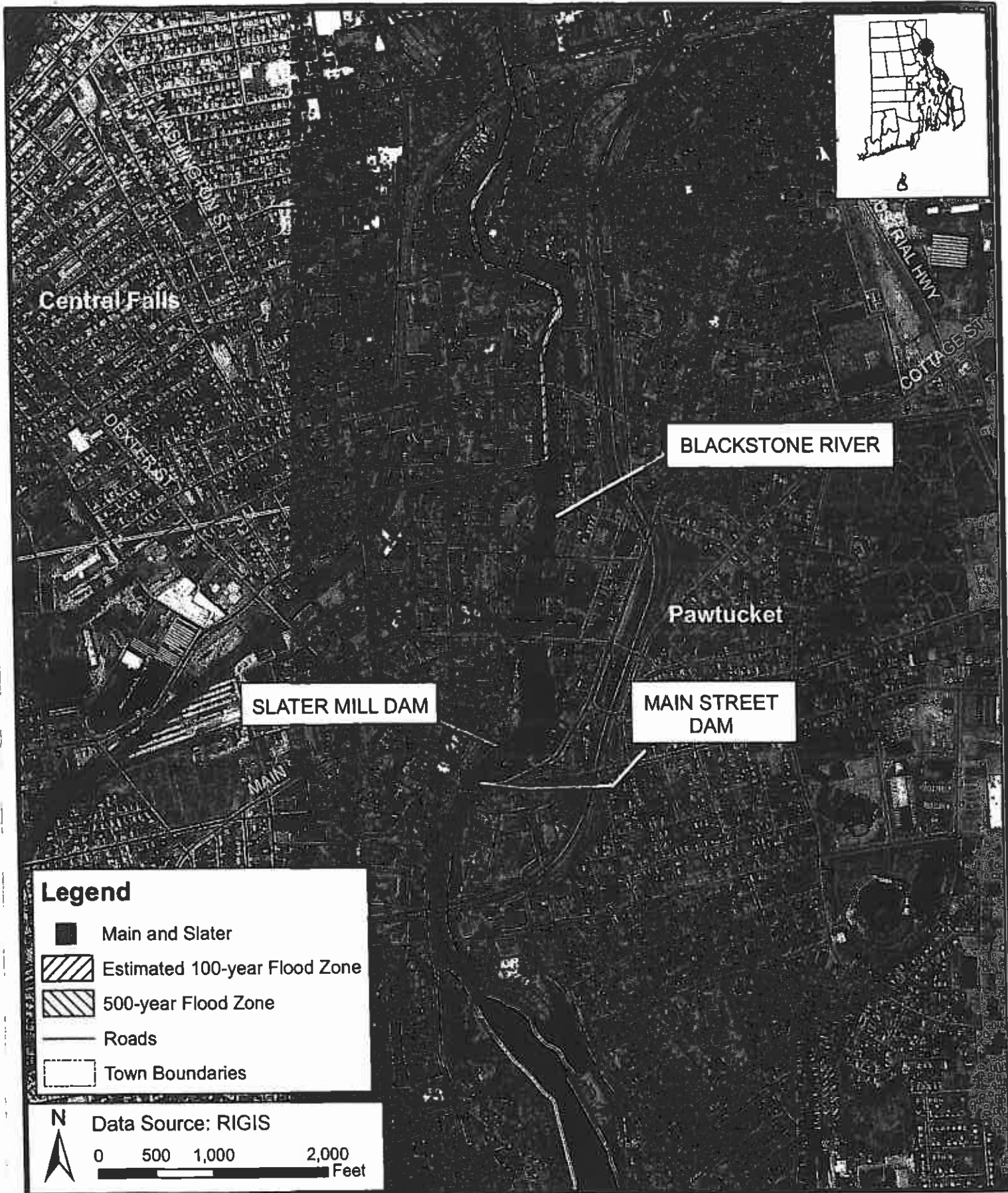
CHECKED BY:
SW

SCALE:
NONE

DATE:
MAY 2009

EA PRJT NO:
62130 12

FILE:
FIG2 BLACKSTONE.MXD



Central Falls

BLACKSTONE RIVER

Pawtucket

SLATER MILL DAM

MAIN STREET DAM

Legend

- Main and Slater
- ▨ Estimated 100-year Flood Zone
- ▩ 500-year Flood Zone
- Roads
- - - Town Boundaries

N
 Data Source: RIGIS
 0 500 1,000 2,000
 Feet



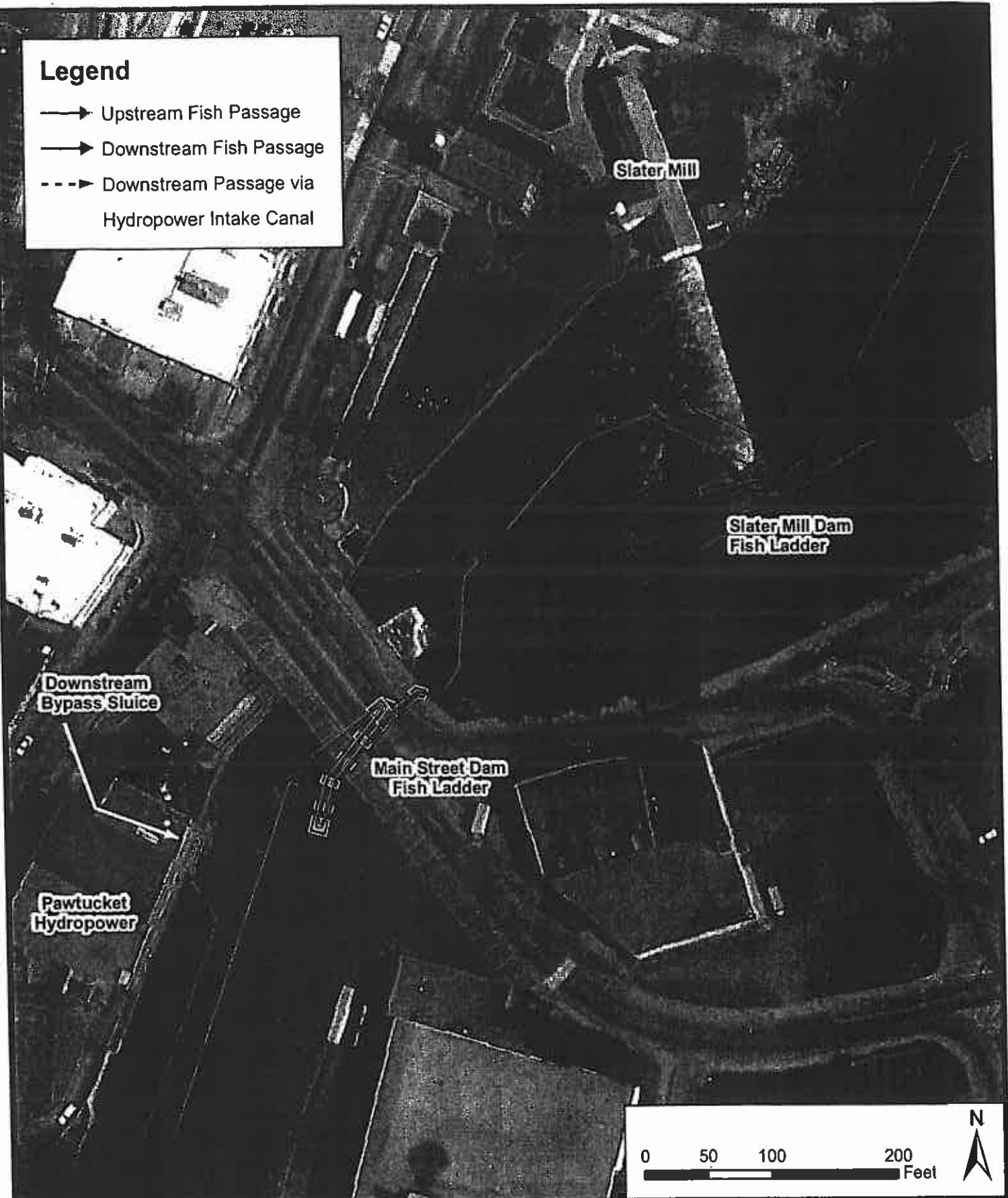
MAIN STREET AND SLATER MILL DAMS
 FISH PASSAGE RESTORATION PROJECT

FIGURE 3:
 FEMA FLOOD ZONES

PROJECT MGR: SW	DESIGNED BY: MR	CREATED BY: MR	CHECKED BY: SW	SCALE: AS SHOWN	DATE: MAY 2009	EA PRJT NO: 62130.12	FILE: FIG 3 FEMA ZONES.MXD
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Legend

- Upstream Fish Passage
- Downstream Fish Passage
- - - → Downstream Passage via Hydropower Intake Canal



BLACKSTONE RIVER FISH PASSAGE RESTORATION

FIGURE 5: FISH PASSAGE ROUTE

PROJECT MGR:
SW

DESIGNED BY:
MR

CREATED BY:
PT

CHECKED BY:
SW

SCALE:
AS SHOWN

DATE:
MAY 2009

EA PRJT NO:
62130.12

FILE:
FIG 5 FISH ROUTE.MXD

RCH

BENCHMARK:
CHISEL SQUARE IN
COR RET WALL FOUND
EL. 34.29'

CREST
ELEV=22.78

SLATER
MILL DAM

BLACKSTONE RIVER

DAM CREST

STATION #8
MAG NAIL SET
N 289179.46
E 360150.14
EL. 18.09'

CONCRETE
FOOTING

CREST
EL. 23.47'

NATURAL ROCK
LEDGE WITH
DENTAL CONCRETE

CONC
ABUTMENT

STONE

EL. 30.62'

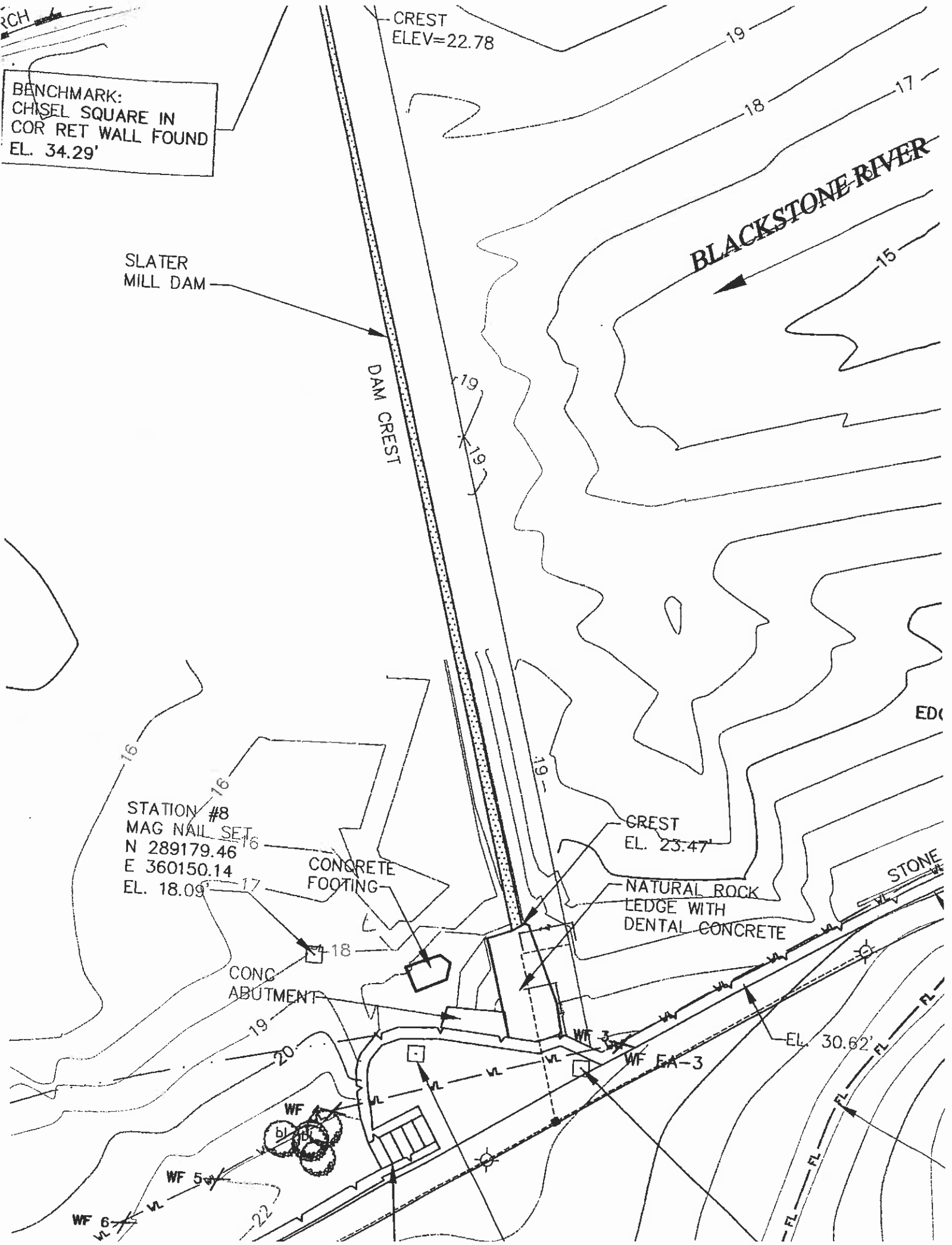
WF
bl
WB

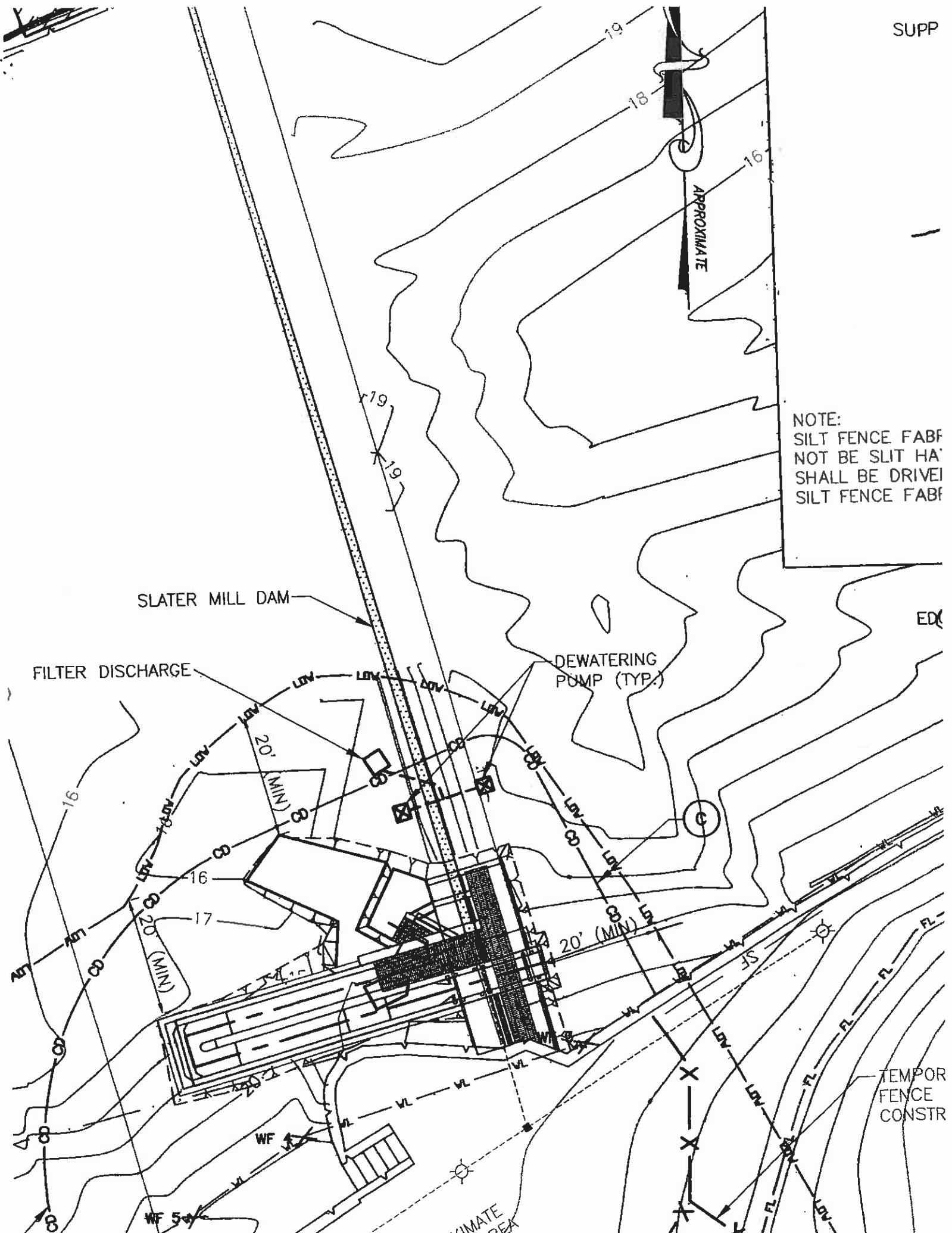
WF 5

WF 6

WF 3

WF EA-3





NOTE:
 SILT FENCE FABR
 NOT BE SLIT HA
 SHALL BE DRIVE
 SILT FENCE FABR

SLATER MILL DAM

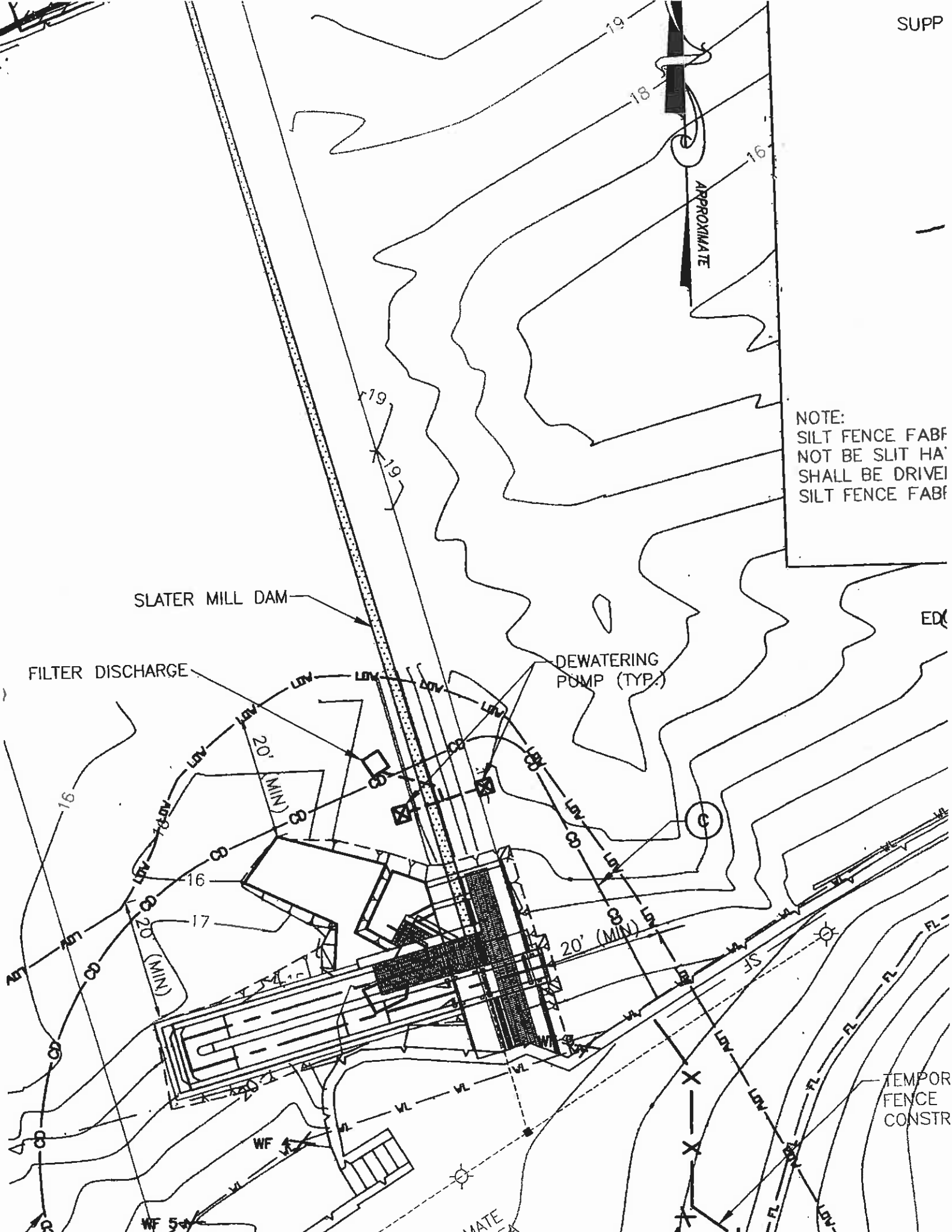
FILTER DISCHARGE

DEWATERING PUMP (TYP.)

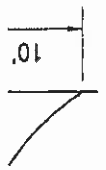
APPROXIMATE

TEMPOR FENCE CONSTR

OXIMATE AREA



3/16" MIN.
OR AS NOTED ON PLANS



PLAN VIEW

SECTION CONTROL DETAIL

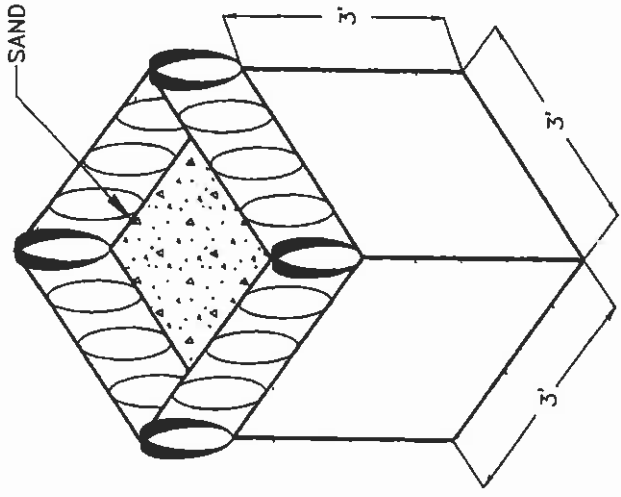
A

SCALE N.T.S.

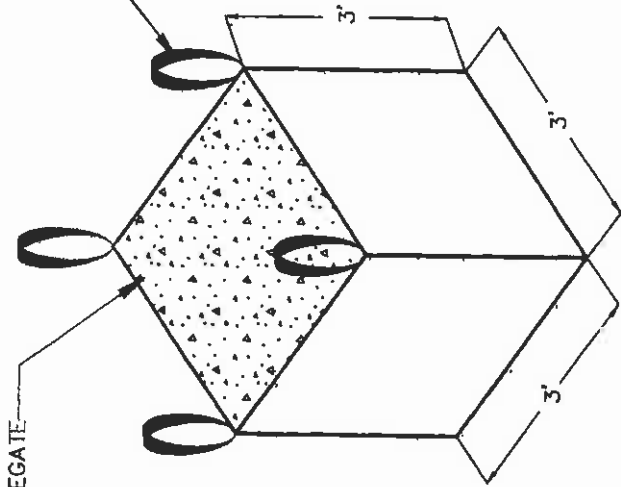
STABILIZED CONSTRUCTION ENTRANCE

NOT TO SCALE

B

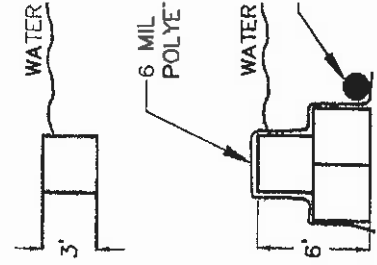
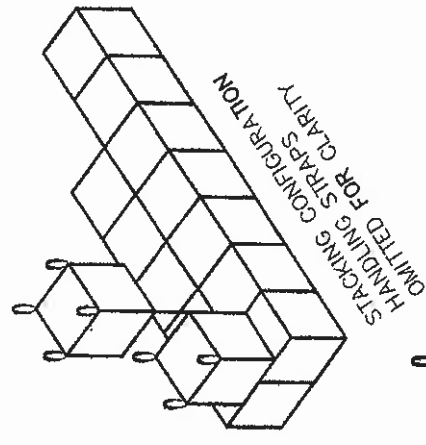


MODULAR COFFERDAM
DUFFLE TOP STYLE



MODULAR COFFERDAM
OPEN TOP STYLE

2" NYLON WEBBING
HANDLING STRAPS
4 EA. AS SHOWN



MODULAR COFFERDAM SPECIFICATIONS

MODEL	HEIGHT	SAND FILLED WEIGHT (APPROX)
INDUSTRIAL GRADE POLY BAG WITH WEATHERPROOF COATING SAFE WEIGHT CAPACITY 4000#	19"	1425#
	24"	1806#
	36"	2700#
	49"	3475#

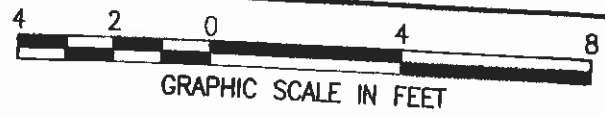
MODULAR COFFERDAM DETAIL

C

NOT TO SCALE

LIMIT OF EXCAVATION

FISH LADDER PLAN



MASONRY (TO E)

FISH LADDER CONCRETE

LIMIT OF EXCAVATION

TURNING POOL
EL. 18.54 FT

20'-
LADD

STAFF
GAUGE



11'-6"

10'
TURNING
POOL

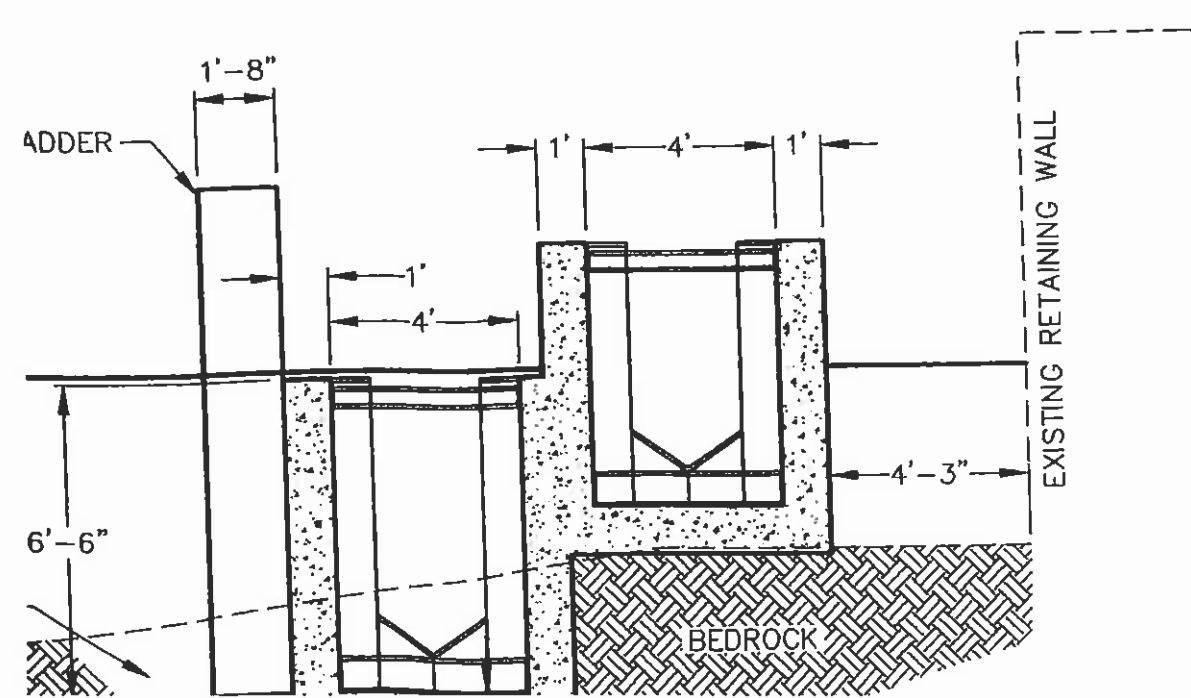
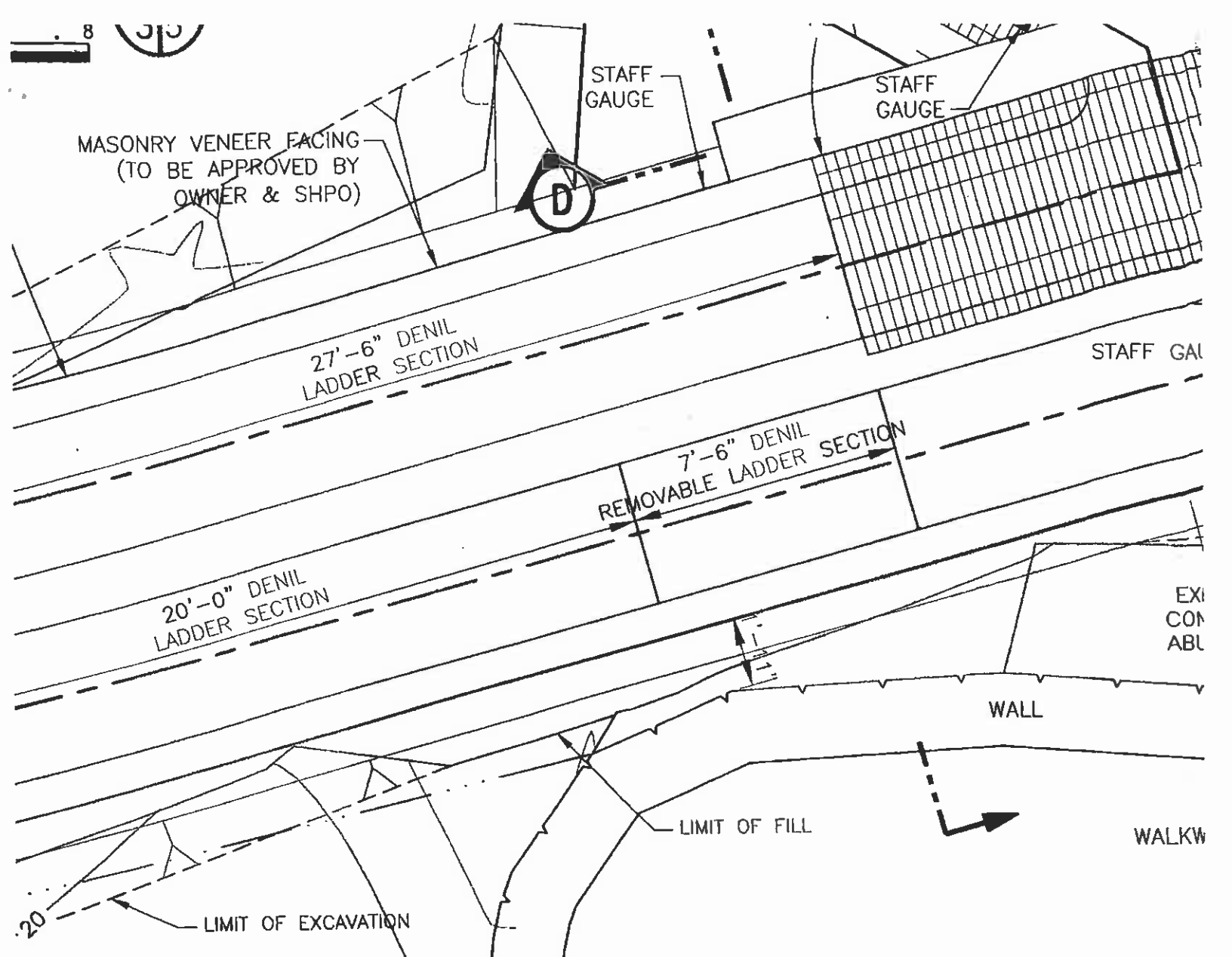
20'

LIM

EEL LADDER



CREST OF DAM
EL. 23.10'



EL. 14.10

BOARD



EEL LADDER

END OF
TIMBER DAM

STAFF
GAUGE

STAFF
GAUGE

STAFF GAUGE

7'-6" DENIL
REMOVABLE LADDER SECTION

EXISTING
CONCRETE
ABUTMENT

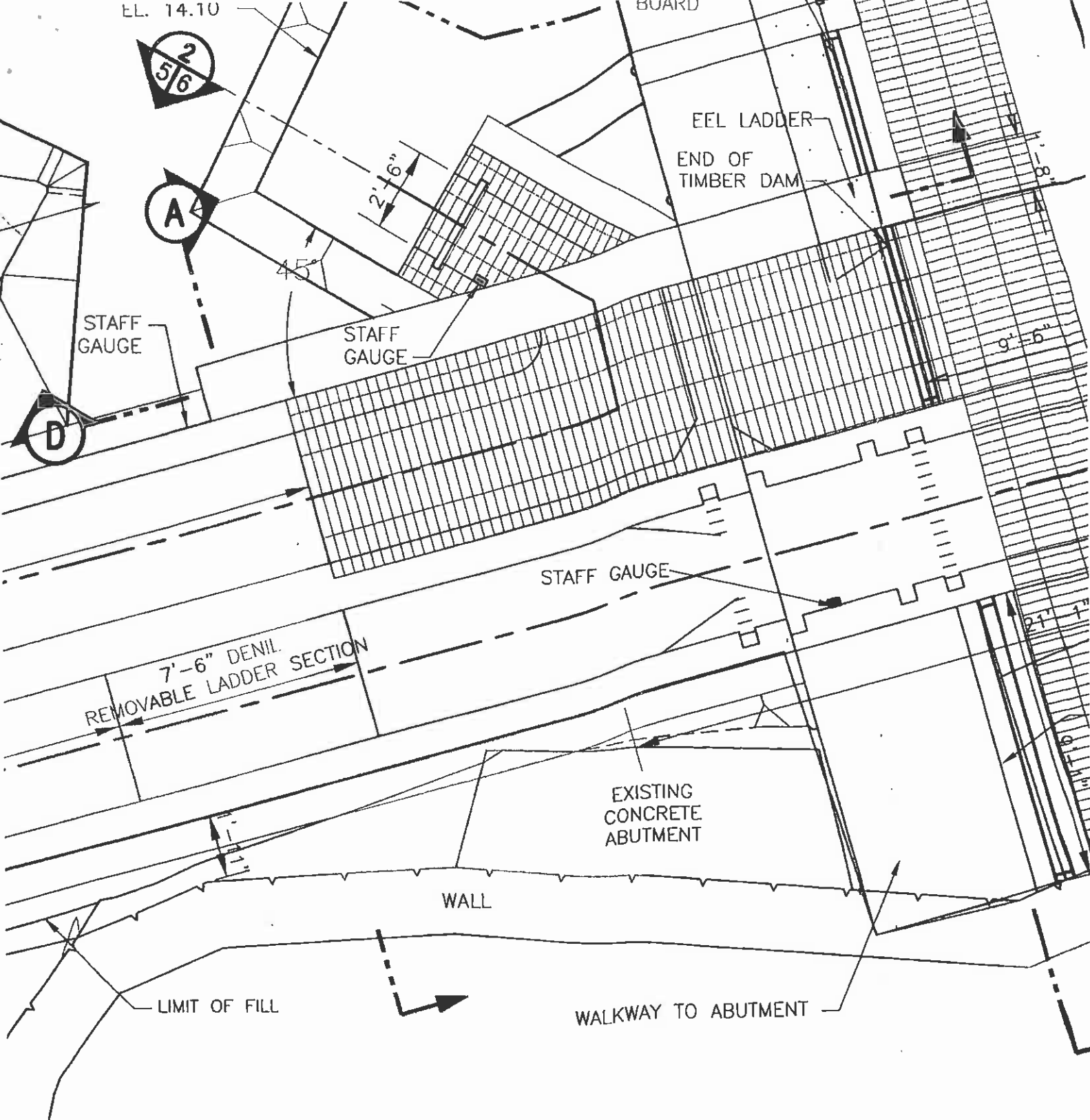
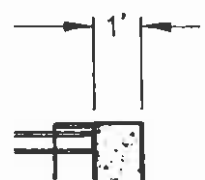
WALL

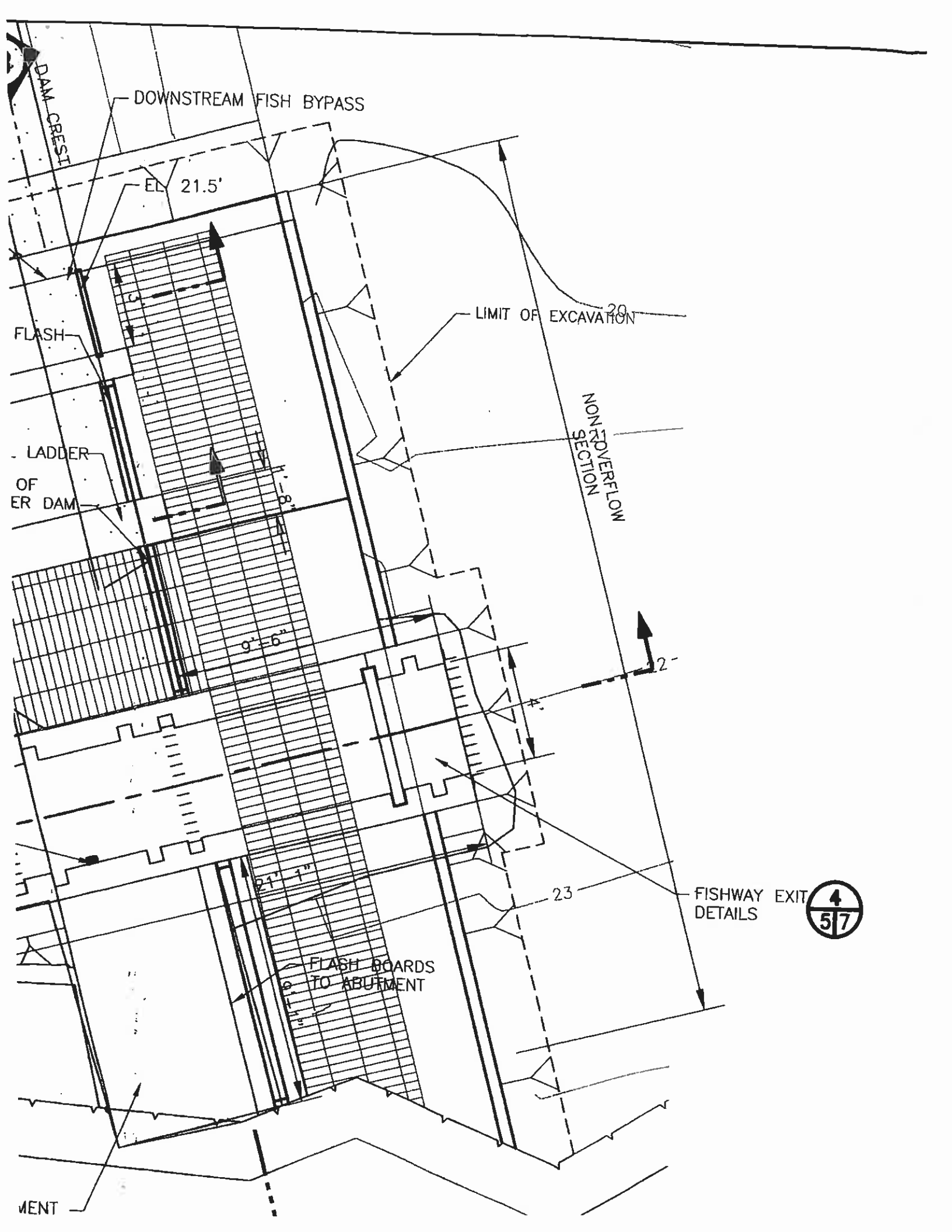
LIMIT OF FILL

WALKWAY TO ABUTMENT

AINING WALL

NOTE:
EXISTING GRADE IS ROCK, FISHL
SHOWN BENEATH THE EXISTING





Attachment 4
CRMC Approval



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.: 2009-10-050 CRMC Assent No.: A2009-10-050

Whereas, **Narragansett Electric Co.** **Old Slater Mill Association** **Pawtucket Hydropower**
d/b/a National Grid **67 Roosevelt Avenue** **87 Senexet Road**
40 Sylvan Road, E3716 **Pawtucket, RI 02862** **Woodstock, CT 06281**
of **Waltham, MA 02451**

has applied to the Coastal Resources Management Council for assent to construct fish passage systems on Main Street and Slater Mill dams per the approved plans, and represents that they are the owner(s) 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: **construct fish passage systems on Main Street and Slater Mill dams per the approved plans**; located at Main Street & Roosevelt Avenue, 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 December 7, 2012, 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

Narragansett Electric Co.
CRMC Assent A2009-10-050
December 4, 2009
Page Two

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 manmade shoreline; and the inland edge of the coastal feature shall be the top of the manmade shoreline.
- B. The approved site plan shall be those entitled Blackstone River Fish Passage Restoration Project Slater Mill Fishway, Pawtucket...USDA/NRCS"...total seven (7) sheets dated 5/14/09 by Thomas C. Cook, RPE AND "Blackstone River Fish Passage Restoration Project Main Street Fishway, Pawtucket...USDA/NRCS...total ten (10) sheets dated 5/14/09. 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. The applicant shall notify CRMC staff at least 10 days in advance of the approximate date of the start of construction and shall submit a dewatering plan within 45 days of the start of construction, attn. Assent #2009-10-050.
- D. Replanting of impacted vegetation shall occur immediately following construction.
- E. All work shall be conducted in accordance with the RIDEM Freshwater Wetlands and Water Quality Certification approvals dated September 18, 2009 as well as the MOA signed between USDA/NRCS and RIHPHC signed 7/31/09.

- F. No work shall be undertaken without first obtaining an ACOE approval.
- G. In-water work is limited to May 15 – December 15 of each year.
- H. Available monitoring reports shall be annually submitted to the CRMC, attn. Assent #2009-10-050.
- I. Note CRMC has made no determination as to ownership of the subject parcels, and in the event any information is found to be inaccurate, this Assent is subject to revocation.

Earthwork Stipulations

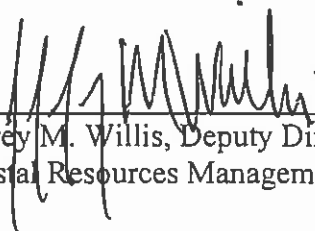
- A. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.
- B. Upon successful stabilization of exposed soils all haybales and stakes shall be removed from site and disposed of at a suitable, legal upland location.
- C. All catch basins and drains in the area, into which sediment laden waters may flow shall be ringed with haybales staked and toed in 4 inches or protected per Standard "SD" of the RISESCH. These controls shall be properly maintained by timely removal of accumulated sediment and replacement of bales as needed.
- D. All discharges which result from dewatering operations, must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity in accordance with RISESCH Standard "FB". Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated coastal buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.
- E. There shall be no stockpiling or disposal of soils, construction materials, debris, etc., on the coastal feature nor in coastal waters
- F. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction. No materials shall be deposited on the coastal feature, within 200 feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.
- G. All excavated material shall be cast on the upslope side of the excavation so as to minimize sedimentation.

H. All materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

I. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

J. 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.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 7th day of December in the year two-thousand-nine.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/kc

Attachment 5

RIDEM WQC Approval



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 18, 2009

Pawtucket Hydropower
Attn: Mr. Charlie Rosenfield
87 Senexet Road
Woodstock, CT. 06281

And

Narragansett Electric
Attn: Michael F. Ryan
280 Melrose Street
Providence, RI 02901

**RE: Water Quality Certificate - Main Street Fish Passage Project
WQC File No. 09-031**

Dear Mr. Rosenfield and Mr. Ryan,

The RIDEM-Office of Water Resources has reviewed the above referenced project for compliance with the State Water Quality Regulations. The proposed activity consists of constructing a Denil-style fish ladder and eel ladder on the southeast side of the Main Street Dam within the Blackstone River. The project purpose is to allow unimpeded diadromous fish passage during adult and juvenile migration periods. Downstream bypass will be achieved by utilizing the existing powerhouse intake on the northwest side of the dam and installing a new downstream bypass sluice through the existing hydropower intake when traveling downstream and will travel through a new 3-ft wide bypass that will be installed through the building's stone foundation wall. A sluice will be installed to convey fish back to the river downstream of the rock ledge on the river bank adjacent to the intake building. The fish ladder and eel passage will be installed within the existing spillway and will be constructed in-place. Construction of the fish ladder, eel passage, and downstream bypass sluice will occur in two phases over a 3-year construction period. Phase I will include the construction of the fish ladder and eel passage and Phase II will consist of the construction of the downstream bypass sluice within the powerhouse building. Construction of the fish ladder and eel passage will occur over two seasons. During the first year, a cofferdam and bypass pumps will be installed on the southeast side of the dam to allow for the construction of the fishway exit at the dam sill. Water levels upstream of the dam and tailrace will be maintained at crest of dam during Phase I of construction by diverting the majority of river flow through the existing powerhouse. Concurrently with this work, the construction of the most downstream section of the fish ladder below the bedrock outcrops will occur via barge. During the second year, construction of the remainder of the fish ladder and eel passage will be completed. The cofferdam will be reinstalled and the construction of the remaining portion of the fish ladder and eel passage will occur via a barge. Phase II construction of the downstream bypass sluice will occur during the third year. Stop-logs will be used to keep fish from entering the fish ladder until Phase II is complete. As part of Phase II, new trash rack system will be installed within the existing powerhouse during Phase II construction. Sediment removal at the trash rack area will be required.

We have reviewed the subject application and site plans entitled "Blackstone River Fish Passage Restoration Project Main Street Fishway Pawtucket, Rhode Island," sheets 1 through 10, dated April, 2009. The State water associated with this project is the Blackstone River, Class SB1(a).

It is the determination of the Water Quality Certification Program that said project is in compliance with the requirements of the State Water Quality regulations provided that the applicant complies with the above plans and the following conditions.

1. Material used for fill and construction is clean and free of matter that could cause pollution of the waters of the State.
2. Proper erosion and sedimentation controls/procedures, as identified in the above referenced plans, are installed prior to construction and maintained in functional condition for the duration of construction activities.
3. Sediment dewatering shall occur within the parking lot associated with the hydroelectric facility. Sedimentation and erosion controls shall be installed prior to sediment excavation.
4. The sedimentation and erosion controls for the sediment dewatering area shall consist of filter socks which shall surround the dewatering site. No other dewatering site is authorized as part of this permit.
5. All sediment generated from the trash rack area shall be permanently disposed at the Rhode Island Resource Recovery Corporation. No other disposal area is authorized under this permit.
6. Sediment shall be transported to the permanent disposal location in lined trucks.
7. No sewage, refuse, or waste of any kind shall be discharged into waters of the State from this facility.
8. All in-water work in the waterway is restricted to the period between May 15 and December 15.
9. The staging and launching areas identified on the above referenced site plans shall be the only areas utilized for staging and launching.
10. Upon completion of each construction season, the temporary fill associated with the access ramp for working upstream of the dam shall be removed.
11. Upon completion of the project, the area utilized for the temporary access ramp shall be restored to pre-project conditions.
12. Upon completion of each construction year, the cofferdam, bypass pumps (if utilized), and all construction materials shall be removed and river flow will be returned to normal.
13. This WQC does not relieve your obligation to obtain any other applicable local, state, and federal permits prior to commencing construction.

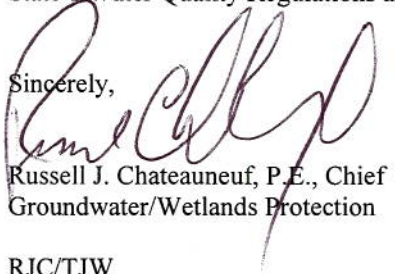
In addition to any necessary enforcement actions stemming from the violation of any of the terms or conditions of this Water Quality Certificate, issuance of this Water Quality Certificate does not bar the Department, or any of its various Divisions, from instituting any investigation and /or enforcement actions that it may deem necessary for violations of any and all applicable statutes, regulations and/or permits, including but not limited to violations of the terms or conditions of any previous Water Quality Certificate(s) issued to you as an applicant or for this site.

This Water Quality Certificate shall expire three (3) years from the date of issuance if project construction is not initiated within that time.

September 18, 2009
Pawtucket Hydropower/
Charlie Rosenfield
WQC File No. 09-031
Page 3 of 3

This is the State's Water Quality Certification, which shall have the full force and effect of a permit issued by the Director. Violation of the terms and conditions of this Certification may result in violation of the State's Water Quality Regulations and appropriate enforcement action.

Sincerely,



Russell J. Chateaufneuf, P.E., Chief
Groundwater/Wetlands Protection

RJC/TJW

Ecopsy: Lisa McGreavy, RIDEM
WQ/WR Team, RIDEM
Terry Walsh, RIDEM
Meghan Walters, NRCS
Sam Whitin, EA Engineering

Attachment 6

RIDEM Wetlands Permit Approval



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 18, 2009

The Narragansett Electric Company
c/o Michael F. Ryan, Regional President
280 Melrose Street
Providence, RI 02901

Old Slater Mill Association
c/o Allen H. Chatterton, President
67 Roosevelt Avenue
Pawtucket, RI 02862

REVISED PERMIT

RE: Application No. 09-0118 in reference to the property and proposed project located:

Approximately 150 feet northwest of Broadway, approximately 300 feet north of the intersection of Broadway and Main Street (Rt. 15), at the Slater Mill Dam, Assessor's Plat 22, Lot 287, Pawtucket, RI.

Dear Messrs Ryan and Chatterton:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed construction of a fish ladder as illustrated and detailed on site plans submitted with your application. These site plans were received on May 18, 2009. Further review of the permitted time frames for work in the river and in an effort to coordinate this project with the "Main Street Dam Fish Ladder Project" **this permit has been revised to allow a broader time frame for in-river work.**

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.00 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 09-0118:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 *et seq.*
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on May 18, 2009. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter freshwater wetlands are not authorized without a permit from the

DEM.

Application No. 09-0118

Page 2

3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM or City representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the City of Pawtucket and supply this Program with written documentation obtained from the City showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue unless renewed pursuant to the Rules.
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of hay bales and/or silt fence must be removed.
12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

14. All construction activities involving disturbances within watercourses must be limited to the low flow period (i.e., the period from May 15 to December 15 of any calendar year). Disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.

Pursuant to the provisions in Rule 7.09 and 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with Rule 8.03.

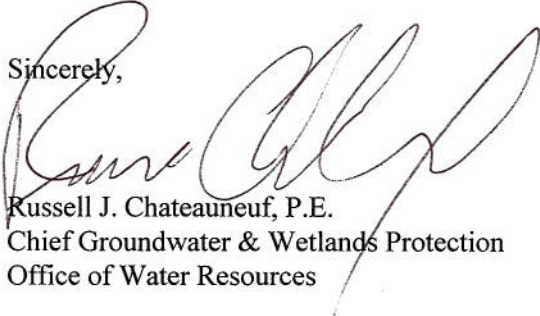
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact me at (telephone: 401-222-6820, Ext. 7412) should you have any questions regarding this letter.

Sincerely,



Russell J. Chateauf, P.E.
Chief Groundwater & Wetlands Protection
Office of Water Resources

- xc: Ronald F. Travers, Pawtucket Building Official
Sam Whitin, Project Manager, EA Engineering, Science, and Technology
Robert DeSista, U.S. Army Corps of Engineers
Grover J. Fugate, Executive Director CRMC
Blackstone River Watershed Council
Lisa McGreavy, RIDEM Wetland Restoration Team

Attachment 7

SHPO/NRCS Memorandum of Agreement

MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL
RESOURCES CONSERVATION SERVICE

AND THE

STATE OF RHODE ISLAND HISTORICAL PRESERVATION AND HERITAGE
COMMISSION

REGARDING THE RESTORATION OF FISH RUNS ON THE BLACKSTONE RIVER AT
PAWTUCKET, RHODE ISLAND

WHEREAS the Natural Resources Conservation Service (NRCS) plans to provide federal funds for the Restoration of Fish Runs on the Blackstone River at Pawtucket, Rhode Island, an undertaking pursuant to the Wildlife Habitat Incentives Program (WHIP), 16 U.S.C. 383a, 7 CFR Part 636 (CFDA 10.914); and

WHEREAS the undertaking will involve constructing Denil fish ladders to restore fish passage through the Main Street Dam and Slater Mill Dam, two historic waterpower dams that contribute to the significance of the Old Slater Mill Historic Site, a historic industrial complex listed on the National and State Registers of Historic Places and as a National Historic Landmark; and

WHEREAS NRCS has determined that the undertaking will have an adverse effect on the Old Slater Mill Historic Site, and has consulted with the Rhode Island Historical Preservation and Heritage Commission, the State Historic Preservation Office (SHPO), pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS NRCS has determined that the undertaking will have an adverse effect on the Old Slater Mill Historic Site, and has consulted with the public and conducted public outreach regarding the effects of the undertaking on the Old Slater Mill Dam and Main Street Dam; and

WHEREAS, NRCS has consulted with the Executive Director of the National Park Service John H. Chafee Blackstone River Valley National Heritage Corridor Commission (JHCBRVNHCC) regarding the effects of the undertaking on historic properties and has invited him to sign this MOA as a concurring party, and (JHCBRVNHCC) has chosen to participate as a consulting party; and

WHEREAS, in accordance with 36 C.F.R. § 800.10(c), NRCS has invited the Secretary of the Interior to participate in consultation because adverse effects may result to a National Historic Landmark, and the Secretary of the Interior has chosen not to participate in the consultation; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), NRCS has notified the Advisory

Council on Historic Preservation (ACHP) of its adverse effect determination with required documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, NRCS and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NRCS shall ensure that the following measures are carried out:

- I. NRCS will provide the RISHPO with documentation of the following design details at least 30 days prior to commencing construction:
 - a. Confirmation that the building code will allow for the replacement of the segments of the existing railing on the east side of the Blackstone River abutting the proposed fish ladder without improving all of the existing railing to meet the new building code.
 - i. If it is determined that improvements to all of the railing are required to meet the building code, NRCS will submit designs of the new railing and/or fencing to the RISHPO for review and approval.
 - b. Confirmation that the owners of the two dams upriver from the Slater Mill Dam, at Elizabeth Webbing and Valley Falls, have consented to allow the construction of fish passages at those sites.
 - c. A construction schedule provided by the contractor hired by NRCS.
- II. To ensure minimal visual impacts to the historic setting, a minimum of 30 days prior to implementation, NRCS will provide the RISHPO with detailed designs for review and approval that provide the following for the Denil ladder at the Main Street Dam:
 - a. specifications for a form liner that matches the masonry of the Main Street bridge, to be followed, when available, by a sample of the exterior finish material for the fish ladder;
 - b. specifications for rounded or chamfered exterior corners on the Denil ladder;
 - c. specifications for a visually compatible treatment of the fish ladder's interior concrete, e.g. gray concrete, darkened sand, possible stain, with a coarse finish;
 - d. specifications for the bypass structure with an exterior finish and aggregate that matches the Denil ladder.

III. To ensure minimal visual impacts to the historic setting, a minimum of 30 days prior to implementation, NRCS will provide the RISHPO with detailed designs for review and approval that provide the following for the Denil ladder at the Slater Mill Dam:

- a. specifications for a form liner that matches the river wall at the east end of the Dam, to be followed, when available, by a sample of the exterior finish material for the fish ladder;
- b. specifications for rounded or chamfered exterior corners on the Denil ladder;
- c. specifications for a visually compatible treatment of the fish ladder's interior concrete, e.g. gray concrete, darkened sand, possible stain, with a coarse finish;
- d. specifications for the bypass structure with an exterior finish and aggregate that matches the Denil ladder;
- e. elevations, plans and specifications of the gate/wall/railing (both on land and over the fish ladder) to access the top of the fish ladder;
- f. a fencing design for the overflow structure that matches the fence on the west river wall at Slater Mill;
- g. documentation regarding the use of wood as the preferred surface finish of the breakaway (hinged flashboard). If wood cannot be used, then color specification is required for the material selected for the breakaway.

IV. NRCS will prepare documentation of the Main Street and Slater Mill Dams for the RISHPO's Rhode Island Historic Resources Archive prior to any construction. The documentation will include archival quality photographs of the structures (RISHPO to specify quantity and view points). NRCS will also contact the Historic American Buildings Survey, which previously documented Slater Mill, to inquire as to whether they would like to carry out any further documentation within NRCS's schedule.

V. NRCS will develop interpretive signs (using John H. Chafee Blackstone River Valley National Heritage Corridor Commission/National Park Service or other approved format) to be installed at the project location to provide the public with an account of the historical development of the river at these locations.

VI. Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800 to consider such an amendment.

VII. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, SHPO may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI below.

VIII. POST-REVIEW DISCOVERIES

NRCS Does not anticipate the discovery of any historic properties or unanticipated effects on historic properties. If unanticipated historic properties or unanticipated effects on historic properties

do occur, NRCS will follow 36 CFR Part 800.13.

IX. MONITORING AND REPORTING

NRCS will provide a summary report as each project milestone is achieved including: dewatering of each dam site; review and selection of concrete treatment and fence specificity; post-concrete installation treatment; completion of fence erection; project completion. These summary reports will begin upon the execution of this MOA and continue until it expires or is terminated. NRCS shall provide all parties to this MOA, and the ACHP if desired, a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS's efforts to carry out the terms of this MOA.

X. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, NRCS shall consult with such party to resolve the objection.

If NRCS determines that such objection cannot be resolved, NRCS will forward all documentation relevant to the dispute, including the NRCS's proposed resolution, to the ACHP. The ACHP shall provide NRCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

NRCS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

XI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XII. TERMINATION

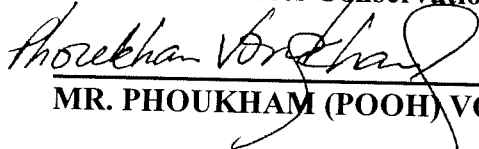
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, NRCS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. NRCS shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the NRCS and SHPO and implementation of its terms evidence that NRCS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

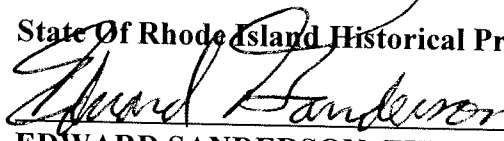
SIGNATORIES:

Natural Resources Conservation Service

 Date 7/31/09

MR. PHOUKHAM (POOH) VONGKHAMDY, STATE CONSERVATIONIST

State Of Rhode Island Historical Preservation And Heritage Commission

 Date 7/31/2009

EDWARD SANDERSON, EXECUTIVE DIRECTOR; DEPUTY SHPO

CONCURRING PARTY:

John H. Chafee Blackstone River Valley National Heritage Corridor Commission

 Date 7/31/09

JAN REITSMA, EXECUTIVE DIRECTOR

Attachment 8

SHPO Letter with Conditions for Approval



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

TEL (401) 222-2678

FAX (401) 222-2968

TTY (401) 222-3700

Website www.preservation.ri.gov

10 June 2009

Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

Dear Mr. Nelson:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) has been working with the United States Department of Agriculture Natural Resources Conservation Service (NRCS) for more than a year on a project to restore fish runs on the Blackstone River in Rhode Island. The project will provide passage over four historic dams located between Main Street in Pawtucket, at the south, and Broad Street in Cumberland/Central Falls, at the north.

The two southernmost dams, at Main Street and at the Slater Mill Historic Site, in Pawtucket, have progressed through the planning process and are nearing the start of construction. Both dams are contributing resources in the Old Slater Mill Historic Site National Historic Landmark District.

The RIHPHC and the NRCS have agreed that the adverse effects caused by the construction of Denil-style fish ladders at both dams can be satisfactorily mitigated by the following measures.

At the Main Street Dam:

- use of a form liner on the fish ladder, to match the masonry of the Main Street bridge;
- incorporate rounded or chamfered exterior corners on the fish ladder;
- incorporate a visually compatible treatment of the fish ladder's interior concrete.

At the Slater Mill Dam:

- use of a form liner on the fish ladder, to match the river wall at the east end of the Slater Mill Dam;
- incorporate rounded or chamfered exterior corners on the fish ladder;
- incorporate a visually compatible treatment of the fish ladder's interior concrete;
- design the downstream fish bypass with an exterior finish and aggregate that matches the ladder;
- provide elevations, plans and specifications for the gate/wall/entry (both the metal work on top of the concrete and for the rail fence) to access the top of the fish ladder;
- provide a fencing design for the overflow structure that matches the fence on the west river wall at Slater Mill.

We look forward to working with the Advisory Council and the NRCS to develop final mitigation documents for this project. If you have any questions please contact Jeffrey Emidy, Project Review Coordinator of this office.

Very truly yours,



Edward F. Sanderson, Executive Director
Deputy State Historic Preservation Officer

- C: Charlene Dwin Vaughn, ACHP
Sarah Bridges, NRCS
Reena Shaw, NRCS
Andy Lipsky, NRCS
Andrian Paquette, Slater Mill Historic Site
Jan Reitsma, JHCBRVNHCC
Joanna Doherty, JHCBRVNHCC