

January 3, 2024

RIDEM Freshwater Wetlands Program
Attn: Martin Wencek
235 Promenade Street
Providence, RI 02908

Re: 22-0264 KenDan, LLC Application to Alter Wetlands

Dear Mr. Wencek,

Save The Bay objects to the proposed application to alter freshwater wetlands for the construction of an 80 room hotel and associated parking area, retaining wall, stormwater mitigation systems, and utilities. The work will permanently alter approximately 0.11 acres of swamp and over 1 acre of perimeter wetland. These wetland resources are associated with Silver Creek, located approximately 600 feet to the east of the proposed project site.

Save The Bay has been working with the Town of Bristol on habitat and water quality improvement projects in the Silver Creek watershed since 1999. The Town of Bristol, Save The Bay, the Natural Resource Conservation Service and other federal partners have conducted salt marsh and buffer restoration along the tidally influenced portion of Silver Creek, stormwater management through rain garden installation at Mount Hope High School, and most recently, freshwater wetland and riparian restoration at the Bristol Golf Course, immediately upstream of the proposed development. We are invested in improving the health and function of the wetlands in this watershed.

We are aware that a project similar to this application was denied in March 2016 and we urge the Department to deny this proposal, especially in light of more severe storms and the heavy rainfall that accompanies them. The Silver Creek watershed is subject to flooding under current conditions and the Town has identified downstream road crossings in their 2023 Hazard Mitigation Plan as critical infrastructure that is subject to flooding, including Chestnut Street and Hope Street. Loss of wetlands and their associated buffers and increased impervious surface in the watershed will worsen existing flooding of low-lying public infrastructure. Silver Creek's watershed has a relatively high percentage of impervious cover. In the larger Bristol Kickemuit watershed, impervious surfaces cover 18% of the land area. As you know, there is a clear link between the amount of impervious area in a watershed and a decrease in water quality. Water quality impacts can occur when impervious surfaces are as little as 10 percent of a watershed. Adding to the impervious surfaces in this watershed, especially within swamp and perimeter wetland, degrades more than just the wetlands that would be physically altered by this proposed project.

The proposed physical alterations to freshwater wetlands include at least clearing, filling,

grading, construction, paving, and landscaping. These alterations will result in the permanent elimination of swamp, perimeter wetlands, and forested habitat and will negatively impact wildlife species presently using the site. The site provides habitat for resident and migratory wildlife including a wide variety of birds, amphibians, reptiles, mammals, and insects. The property is mapped within a Rhode Island Natural Heritage Area, indicating the habitat is of high enough quality to support rare and unusual species. The direct loss of habitat will eliminate perching sites, nesting and brood rearing areas, sheltering cover, feeding sites, sources of food, roosting areas, and narrow an important wildlife travel corridor through central Bristol. This will have a detrimental effect on the wildlife communities occurring in these wetland areas. Wildlife inhabiting the remaining wetland habitat south and east of the proposed development will experience stress and increased competition, as resources become more constrained.

In addition to these direct, physical impacts to wetlands, the indirect impact of the project will result in further fragmentation of the swamp and increased edge effect in the forest. The project will create a new, cleared edge encroaching into the forest. This new edge includes a buffer that ranges from 0 to 10 feet in width, which is virtually useless in mitigating stormwater pollutants including phosphorus, nitrogen and sediment. This very narrow buffer and new edge will allow disturbances, including noise, light, and general human activity, to penetrate hundreds of feet further into forested areas of the wetland. This exposes wildlife to increased predation (through reducing cover), and invites non-native invasive plant species to colonize disturbed soils, lowering habitat value for many wildlife species. This aspect of the project does not meet review criteria outlined in Rule 1.10 (E)(3)(a) and (f).

Since the project will eliminate wildlife habitat, opportunities for members of the public to engage in active and passive enjoyment of wildlife and the natural area will be reduced. A loss of shade from trees on Gooding Avenue may make this road less walkable and bikeable. Fewer perching sites will mean less birdsong.

The size and scope of the project compared to the extent of wetland resources on the property results in unnecessary, avoidable, and significant detrimental alterations of the functions and values of these wetlands. There is room on this site, perhaps, to develop a single family residence similar to those immediately adjacent to the site on Gooding Avenue. There is not room on this site, 90% of which is wetland, to develop an 80 room hotel with a large parking lot. Since there are opportunities to avoid and minimize physical alterations to freshwater wetlands to access upland areas, this project is random, unnecessary and undesirable, and therefore does not meet review criteria outlined in Rule 1.10 (E).

We ask that you deny the application, finding that these alterations have not been avoided, or minimized, and thereby cannot be granted a permit under the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act.

Thank you for your time and consideration.

Sincerely,

Kate McPherson
Professional Wetland Scientist
Narragansett Bay Riverkeeper
kmcpherson@savebay.org