



Johnson's Pond Redevelopment Plan Coventry, Rhode Island

MEMORANDUM ON JOHNSON'S POND HISTORY, CONTEXT, AND FUTURE GOVERNANCE RESPONSIBILITIES

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1. JOHNSON'S POND HISTORY AND CONTEXT

Johnson's Pond / Flat River Reservoir is a large impoundment on the South Branch of the Pawtuxet River, at/near its confluence with the Flat River—created by damming for industrial waterpower and flow control and now used primarily for recreation and as an ecological/wetland-supporting impoundment.¹

A. HISTORICAL DEVELOPMENT (BRIEF TIMELINE)

1800s: Industrial reservoir era

- The reservoir was created in the 1800s as a mill/industrial water supply system, supporting downstream industrial users (the Quidnick interests are repeatedly referenced as the historic industrial ownership/beneficiary structure)².
- Over time, as the mill economy declined, the Pond's functional center of gravity shifted away from industrial waterpower toward seasonal lake/recreation use and residential shoreline development.

1900s–2010s: Recreation and dam-safety management challenges

- Like many legacy New England impoundments, the Dam's purpose increasingly became: (1) keep the Pond at customary seasonal levels for recreation, while also (2) meeting modern dam-safety standards and (3) maintaining downstream flows and wetlands/ecology.³
- Public reporting shows periodic water-level drawdowns tied to dam repair needs (typical of dams with high or significant hazard classification maintenance cycles)

2020–2024: Ownership change and escalation into regulatory & court conflict

- March 2020: the current dispute era begins when Soscia acquired the Pond and its Dam (including the spillway system and associated hydraulic infrastructure) from Quidnick, and the Town–owner relationship (lease agreement) became contentious around maintenance, water levels, and compliance.⁴ The key compliance responsibilities were to operate/allow use consistent with public recreation during the lease term, dam upkeep and seasonal water-level management in support of recreation. These responsibilities include regulated dam responsibilities governing

¹ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov

² Smith, R. (2023, June 26). *Judge Allows Suit Against State Over Johnson's Pond to Go Forward.* ecoRI News. Available at: ecoRI News

³ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov

⁴ The lease between Quidnick and the Town included a series of agreements concerning the repair and maintenance of the Dam and the maintenance of the water levels in the Pond to maximize the Pond's recreational use during the months of May through September of each year. *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov. Once transferred, the lease required Coventry to maintain and repair the Dam but Soscia retained the right to operate and maintain the control gates on the Dam and the right to regulate and maintain the water levels in the Pond. *Soscia Holdings, LLC v. Terrance Gray, Director of RIDEM and David E. Chopy, Administrator for RIDEM, Office of Compliance and Inspection. Civil No. 22-cv-266-LM-AKJ Opinion No. 2024 DNH 021 P.* United States District Court for the District of Rhode Island (2024). Available at: <https://www.nhd.uscourts.gov/sites/default/files/Opinions/2024/24NH021P.pdf>



high-hazard dams in Rhode Island.⁵ Rhode Island Department of Environmental Management’s (RIDEM) Dam Safety Program and enforcement posture became central, including orders governing streamflow/water level operation pending permits.⁶ A RIDEM Office of Compliance & Inspection Notice of Violation (NOV) to Soscia Holdings, LLC (File No. OCI-FW-23-67) regarding Flat River Reservoir Dam / Johnson’s Pond, lays out these compliance responsibilities (what the Respondent must do and by when).

1) Core operational compliance duties (dam operation / water level law)

- Obtain the required RIDEM dam operation permit.
 - i. RIDEM states Soscia was required to apply for a permit to raise or lower the water level behind the dam under the law effective June 27, 2022, and its implementing regulations effective May 29, 2023, and that they failed to comply as of the NOV date.
- Until a permit is issued, operate consistent with “Historic Use”
 - i. The NOV says the owner/operator must operate the dam consistent with historic use as determined by RIDEM until a dam operation permit is issued.
 - ii. The NOV includes a detailed seasonal “Historic Use” operating regime (months, target pond levels relative to spillway, and minimum downstream flow targets).

2) Immediate and ongoing ORDERED actions (Section E “ORDER”)

- Immediately adjust gates to attain a streamflow of 40 cfs in the South Branch Pawtuxet River.
- June 1 – September 30 operations (until permit issued)
 - i. During June 1 through September 30, unless necessary to protect dam safety, only adjust the LLO gates if the pond is below spillway level, and adjust to achieve a streamflow consistent with RIDEM’s Regional Streamflow Approach referenced in April 20, 202.
- October 1 – May 30 operations (until permit issued)
 - i. During October 1 through May 30, unless necessary to protect dam safety, only adjust the low-level outlet (LLO) gates in a manner consistent with the “Historic Use” described in the NOV.

⁵ Regulated Dam Responsibilities; <https://rules.sos.ri.gov/regulations/part/250-130-05-1>

- Register the dam with RIDEM using the required form within 60 days of acquiring/transfer of property containing a regulated dam.
- Notify RIDEM and the local municipal emergency management authority within 30 days of: transfer of legal title, or changes to mailing address/phone/emergency contact.
- Provide records RIDEM requests (e.g., drawings, reports, and “records documenting reservoir water levels and/or control structure settings”).
- Visual inspection at least every 2 years.
- Repairs / alterations (high hazard) - No repair of a high hazard dam may occur until plans/specs are filed and approved by the RIDEM Director.
- Reservoir / water-level operations: permits may be required - If the dam stores > 1,400 normal storage acre-feet, has a control structure, and is not a public water supply impoundment, the owner/operator must obtain a RIDEM dam operation permit to raise or lower the reservoir water level. Until a permit is issued, RIDEM says the dam must be operated consistent with historic use as determined by DEM.
- State law requires Emergency Action Plans (EAPs) for significant and high hazard dams.

⁶ Notice of Violation, In Re; Soscia Holdings, LLC. File No.: OCI-FW-23-67. State of Rhode Island Department of Environmental Management Office of Compliance & Inspection. Available at: [RIDEM](#)



- Dam safety override—but with engineering constraint
 - i. Regardless of the above seasonal orders, the owner must operate to protect dam safety at all times; however, any deviations from the ordered seasonal operations must be consistent with advice from a qualified engineer (as defined in the Dam Safety rules) and necessary to protect the safety of the dam.

3) Financial compliance duties (penalty payment)

- RIDEM assesses an administrative penalty of \$23,000, payable within 30 days of receipt of the NOV, with payment instructions (check/money order/wire).
- The NOV states that each day a violation continues may constitute a separate offense and additional penalties/costs may accrue (though RIDEM may suspend accrual if it determines reasonable efforts are being made).

4) Administrative process responsibilities (hearing rights and deadlines)

- If Soscia wants to contest the NOV: Must submit a written request for hearing to RIDEM’s Administrative Adjudication Division within 20 days of receipt. The request must state whether they deny violations and/or claim the penalty is excessive, and clearly identify disputed issues, supporting facts, and requested relief. Failure to request a hearing timely, the NOV becomes a Final Compliance Order enforceable in Superior Court, and the penalty becomes final.

5) “Continuing obligation” warnings

- The NOV warns failure to comply may subject respondents to additional civil and/or criminal penalties.
- It also states the NOV does not preclude RIDEM or other government entities from taking additional enforcement action.

B. THE TOWN’S EMINENT DOMAIN/CONDEMNATION (PROCEDURE)

Coventry’s Stated Rationale

In 2024, Coventry adopted local legislation stating that:

- Private ownership of the Pond/Dam was untenable, and
- Recent events showed private ownership was inconsistent with public safety, environmental stewardship, and public recreational use, and
- The Town intended to acquire the Pond/Dam to protect the environment, ensure public safety, and expand/secure public access (boat ramps, parking, facilities, etc.).⁷

⁷ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at courts.ri.gov



Key Legislative Actions (as reflected in court & municipal records)

- Ordinance No. 2024-03 / Chapter 187 (May 2024): set local findings and the purpose to acquire, maintain, and redevelop Johnson's Pond and related structures, including public access improvements, it also contemplated transfer of redevelopment rights to a Town agency.⁸
- Resolution No. 2024-42 (June 2024): authorized acquisition by eminent domain/condemnation of the Pond/Dam/associated structures (and certain necessary lands/rights) for environmental protection, public safety, and recreation/public access.⁹
- Condemnation petition & order (June 2024): Coventry filed in RI Superior Court under the condemnation statute process described in the decision, recorded the resolution, and was ordered to deposit estimated just compensation (the decision recites \$157,000 deposited into the court registry).¹⁰

Where it stands (as of the court decision rendered on November 7, 2025, in KM-2024-0578)

- A Rhode Island Superior Court decision recounts the Town's actions, the deposit, and related Town steps including later transfer of redevelopment rights to an agency (i.e., the Coventry Redevelopment Agency).¹¹
- Separate reporting indicates the former owner contests the taking and compensation; the court decision confirms the dispute is active in the judicial process.¹²

C. CORE ISSUES COVENTRY CURRENTLY FACES (PRACTICAL, LEGAL, AND TECHNICAL)

The same categories of responsibilities outlined in the NOV now apply to the Town: (1) permit compliance; (2) operating regime / seasonal gate management; (3) dam safety oversight, including qualified engineer sign-off for any deviations; and (4) documentation and recordkeeping to support and defend operational decisions. In addition to these baseline obligations, the Town faces the following associated practical, technical, and legal requirements:

1.1.1 Dam Safety Liability and Capital Repairs

Owning the Dam means the Town of Coventry inherits:

⁸ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov

⁹ Town of Coventry. *Resolution of the Town Council Resolution No. 2024-42.* Available at: coventryri.civicweb.net

¹⁰ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov

¹¹ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov

¹² *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578.* State of Rhode Island Superior Court (2025). Available at: courts.ri.gov



- Regulatory compliance under RIDEM dam safety rules (including operation permits where applicable) and potential enforcement exposure if deficiencies aren't addressed¹³.
- A likely significant capital expenditure (CAPEX) backlog (vegetation, embankment/spillway condition, low-level outlets, gatehouse/controls, inspection regime, EAP updates, etc.).¹⁴
- The need to establish a durable operation and maintenance (O&M) program (inspection frequency, instrument monitoring if warranted, maintenance contracting, emergency drawdown capability, staffing/consultant support).

1.1.2 Water Level Management

Water level management becomes a three-way constraint problem and Coventry must manage water levels to simultaneously satisfy:

1. **Dam safety risk management** (including drawdowns when required),
2. **Downstream flow/ecology/wetlands** requirements and permit constraints, and
3. **Recreation / shoreline resident expectations** for historic seasonal levels.¹⁵

This is a common challenge for municipal dam owners: operational decisions often involve competing interests, and in most cases, the appropriate resolution is usually a permitted, transparent operating plan coupled with an enforceable communications protocol.

1.1.3 Ongoing Litigation / Just Compensation Exposure

Following the condemnation proceeding, the matter now pending in Rhode Island Superior Court is an action to determine just compensation for the taking, as between Soscia Holdings, LLC and the Town of Coventry, including related litigation and expert costs associated with valuation.

1.1.4 Public Access, Recreation Infrastructure and Management Model

Coventry's own findings/actions emphasize public access expansion (e.g., ramps, parking, facilities), which raises implementation questions:

- Where access should be located, how it's funded, and how to manage user conflict (e.g., speed/wake, fishing, paddling, shoreline erosion).¹⁶

¹³ RIDEM. *Dam Operations Permits*. Available at: [RIDEM](#)

¹⁴ *Notice of Violation, In Re; Soscia Holdings, LLC. File Nos.: Dam State I.D. No. 167 and OCI-DAMS-23-28*. State of Rhode Island Department of Environmental Management Office of Compliance & Inspection. Available at: [RIDEM](#)

¹⁵ *Notice of Violation, In Re; Soscia Holdings, LLC. File No.: OCI-FW-23-67*. State of Rhode Island Department of Environmental Management Office of Compliance & Inspection. Available at: [RIDEM](#)

¹⁶ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578*. State of Rhode Island Superior Court (2025). Available at: courts.ri.gov



- Whether the Town runs it directly, via a dedicated agency, or via agreements with other entities. To this end, the Coventry Redevelopment Agency was created to autonomously manage matters under its control – of which the oversight of the redevelopment of Johnson’s Pond was transferred to its control by the Town.
 - The court decision explicitly references Town ordinances regarding transferring rights to the Coventry Redevelopment Agency.¹⁷

1.1.5 Water Quality and Cyanobacteria Bloom Risk

Recent Rhode Island Department of Health (RIDOH) / RIDEM notices show the reservoir has had two cyanobacteria (blue-green algae) bloom advisories in 2025.¹⁸

This is not just a public health issue, it affects public confidence, recreation revenue/usage, and it can influence nutrient management priorities in the overall watershed.

1.1.6 Governance and Funding

Once a Town owns a major impoundment, recurring challenges can include paying for:

- Dam engineering (annual inspections, 5-year evaluations, special inspections after storms),
- Repairs and capital upgrades,
- Water quality monitoring/mitigation,
- Police/harbormaster-like enforcement (if needed),
- Insurance and risk management.

The Town’s creation and initiation of redevelopment mechanisms in parallel with the eminent domain/condemnation signals Coventry anticipated a structured public benefit plan (not just emergency dam stabilization).¹⁹

¹⁷ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578. State of Rhode Island Superior Court (2025). Available at: courts.ri.gov*

¹⁸ RIDEM Freshwater Cyanobacteria Bloom Dashboard. 2025 Monitoring Season. Available at: <https://www.arcgis.com/apps/dashboards/d5780051f06f4c1b906bb692ccd7309a>

¹⁹ *Decision, In Re: Town of Coventry. C.A. No. KM-2024-0578. State of Rhode Island Superior Court (2025). Available at: courts.ri.gov*



2. TOWN OF COVENTRY FLAT RIVER RESERVOIR RESPONSIBILITIES

A. GOVERNANCE, LEGAL AUTHORITY AND PROGRAM ADMINISTRATION

Near-Term

- Establish a management entity/structure (Town department leads, Coventry Redevelopment Agency, or dedicated commission), with decision rights for water level operations, public access, contracting, and enforcement.
- Define operating policies (such as seasonal water levels, drought/flood operations, emergency drawdown triggers, advisory response protocols).
- Put in place interagency coordination (RIDEM Dam Safety, RIDEM Office of Water Resources, RIDOH Cyanobacteria Monitoring Program, RIDEM Fish and Wildlife, Coventry Emergency Management Agency, Police/Fire/Rescue).

Long-Term

- Maintain a durable governance model (including budgets, asset management plans, annual reporting, and transparency).
- Maintain easements/rights-of-way/access agreements as needed for long-run access and shoreline management.

B. DAM SAFETY COMPLIANCE AND ASSET MANAGEMENT (TOWN OBLIGATION)

Near-Term

- Maintain a dam safety compliance calendar: inspections, monitoring, reporting, and any required filings.
- Update the existing Dam Emergency Action Plan (EAP) and notification lists; conduct periodic tabletop exercises.
- Create a Dam O&M Manual containing items such as routine inspection checklist, vegetation management, debris control, outlet/spillway operation, winter protocols.
- Procure on-call engineering for inspections, storm response, and design support.

Long-Term

- Maintain instrumentation/monitoring (as warranted): staff gage, seepage observation points, settlement markers; formalize post-storm inspection triggers.
- Implement a capital improvement plan (CIP) for the dam/spillway/outlet works and appurtenances (gatehouse, control structures, embankment



- Plan for life-cycle replacement and future climate hydrology (larger storms, spillway capacity evaluation).

C. RESERVOIR OPERATIONS: WATER LEVELS, FLOWS AND FLOOD RESILIENCE

Near-Term

- Adopt a seasonal reservoir operations plan that balances:
 - dam safety and structural limits.
 - downstream flow needs.
 - recreation expectations.
 - ecological considerations (e.g., wetlands, fish spawning windows).
- Create a high-water / flood operations protocol and a low-water / drought protocol with communications.
- **Long-Term**
- Evaluate whether a formal operating permit / operating regime is needed (and keep this updated).
- Integrate watershed hydrology & climate adaptation (e.g., design storms, sedimentation trends, drought frequency).

D. PUBLIC HEALTH PROTECTION: CYANOBACTERIA BLOOMS, FISH CONSUMPTION AND ADVISORIES

Near-Term

- Maintain a clear cyanobacteria response program:
 - monitoring coordination with RIDEM/RIDOH.
 - town communication templates.
 - signage deployment plan (boat ramps, common access points).
 - pet exposure warnings and incident response.
- Create a standing protocol for reopening after advisories (removal of signs, public notifications).

Long-Term

- Support/implement a nutrient reduction strategy (as recurrent blooms often correlate with nutrient inputs), including but not limited to septic outreach, fertilizer controls, stormwater retrofits, and buffer restoration.



- Coordinate fish consumption messaging aligned with the mercury impairment status and any RIDEM/RIDOH guidance (don't reinvent guidance—amplify it).

E. WATERSHED AND SHORELINE ECOLOGICAL MANAGEMENT

Near-Term

- Establish a baseline ecological and water quality monitoring plan (e.g., sampling locations, frequency, parameters, Quality Assurance and Quality Control).
- Identify priority erosion and sediment source areas (e.g., shoreline hot spots, inflow points, stormwater outfalls).
- Begin a defined invasive aquatic plant management approach (e.g., establish goals first, then methods), since invasives have been documented as impairments for fish/wildlife habitat.

Long-Term

- Implement a comprehensive management plan (multi-year) that can include:²⁰
 - invasive control (mechanical harvesting, targeted treatments where permitted).
 - shoreline buffer restoration.
 - Sediment management planning.
 - Habitat improvements (fish/wildlife).
- Maintain a measurable performance dashboard that can include bloom days, Secchi depth, nuisance vegetation extent, shoreline stabilization acreage, septic compliance outreach metrics.

F. STORMWATER, SEPTIC AND LAND-BASED NUTRIENT/SOURCE CONTROLS

Near-Term

- Inventory stormwater inputs (municipal and private) and prioritize retrofit opportunities (e.g., catch basin/outfall maintenance, swales, infiltration, treatment units).
- Coordinate a septic system education and compliance initiative in the watershed (especially near-shoreline systems).
- Evaluate ordinances/policies for fertilizer limits, buffer protection, and erosion controls.

Long-Term

- Deliver a program of capital stormwater retrofits (public and private partnerships).

²⁰ RIDEM recommends addressing aquatic invasive plant management as part of a comprehensive lake management plan. See *Freshwater Lake and Pond Water Quality*, available at: <https://dem.ri.gov/environmental-protection/water-resources/waters-wetlands/lakes-ponds/lake-pond-water-quality>



- Maintain enforcement capacity for illicit discharges, failed systems, and shoreline disturbance.

G. PUBLIC ACCESS, RECREATION IMPROVEMENTS AND OPERATIONS

Near-Term

- Define the public access network: where people can legally enter, launch, park, fish, and swim; where they cannot.
- Safety upgrades: signage, railings, delineation buoys, ramp condition, ADA considerations (where feasible).
- Establish a rules-of-use framework: hours, wakes/speed zones, quiet coves, fishing access, seasonal closures during blooms.

Long-Term

- Plan, design and permitting for new or enhanced access points: ramps, docks, small parking areas, carry-in launches, trail connections, viewpoints.
- Provide ongoing facility operations: trash, restrooms (if any), maintenance, winterization, periodic dredging of launch areas if needed.

H. SAFETY, POLICING, ENFORCEMENT (WATER AND LAND)

Near-Term

- Clarify enforcement jurisdiction: Coventry Police Department, RIDEM Division of Law Enforcement, harbormaster-like function (if used).
- Implement no-wake/speed/nuisance enforcement plan and incident reporting.
- Integrate pond risks into Emergency Medical Services/Fire rescue planning (ice safety, drowning response, cyanobacteria bloom exposure for responders).

Long-Term

- Sustained seasonal enforcement presence (peak weekends) and consistent penalties for repeat violations.
- Formalize agreements for mutual aid and incident command for dam events or severe bloom events.

I. COMMUNITY ENGAGEMENT AND STAKEHOLDER COORDINATION

Near-Term

- Establish a standing stakeholder forum which Town Agencies will coordinate including:
 - riparian owners (which currently do not exist)



- civic associations
- anglers
- paddlers
- youth recreational groups
- neighborhood representatives
- Publish a transparent annual report (such as a State of the Pond report) outlining: water levels, safety work, blooms, investments, upcoming priorities.

Long-Term

- Maintain a stewardship partnership program: volunteer monitoring, shoreline plantings, education, lake-friendly yard certifications.

J. FUNDING, PROCUREMENT, INSURANCE AND RISK MANAGEMENT

Near-Term

- Create a multi-category budget including but not limited to:
 1. dam safety O&M and inspections.
 2. dam capital repairs.
 3. lake ecology/water quality program.
 4. public access and recreation facilities.
 5. enforcement/operations.
- Procure appropriate insurance and adopt risk management protocols (including contractor safety, public event risk).

Long-term

- Maintain a 10–20-year Capital Improvement Plan and funding stack (state/federal grants, capital bonds, special district where appropriate, user fees where feasible).
- Create standing contracts: on-call engineering, environmental monitoring, invasive management, facilities maintenance.

K. PHASED RESPONSIBILITY ROADMAP

- 0–6 months (stabilize and govern): governance, EAP/O&M, inspection schedule, advisory protocol, baseline monitoring, and signage/enforcement basics.
- 6–24 months (restore and build access): permitting and design for Dam repairs and access



upgrades; stormwater and septic initiatives; and invasive species management strategy.

- 2–10 years (optimize and adapt): major capital projects, watershed retrofits, long-term ecological targets, climate adaptation upgrades, and program institutionalization.



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