



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: November 18, 2008

Comment Period Ends: December 19, 2008

File Number: NAE-2008-3177

In Reply Refer To: Michael J. Elliott

Or by e-mail: michael.j.elliott@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below and on page 4 of this Public Notice. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation. Full size plans are available for review at the Corps offices located at 696 Virginia Road in Concord, MA.

APPLICANT

Mill Creek Marina, Inc.

ACTIVITY

To construct a new marine services facility located on the western shoreline of Allen Harbor within the Quonset Business Park in North Kingstown, Rhode Island. The marina will house 168 boats in an upland dry rack storage building. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

The site is located on Westcott Road off of Davisville Road in North Kingstown, Rhode Island. The marina is located on the western shore of Allen Harbor. The location is on the USGS Wickford, Rhode Island quadrangle sheet at approximate lat/long coordinates N41° 37.072' and W71° 24.848'

AUTHORITY

Permits are required pursuant to:

Section 10 of the Rivers and Harbors Act of 1899

Section 404 of the Clean Water Act

Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed

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activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Michael Elliott at (978) 318-8131, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact approximately 0.38 acres of Essential Fish Habitat (EFH) for haddock (larvae), red hake (larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), American plaice (larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), bluefish (juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), summer flounder (larvae, juveniles, adults), scup (eggs, larvae, juveniles, adults), black sea bass (juveniles, adults), king mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), cobia (eggs, larvae, juveniles, adults) and sand tiger shark (larvae). The habitat consists of silt, sand and gravel. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

106 REVIEW COMPLETE

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for

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listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- () Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.



Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696

Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The project involves creating a new marine services facility in Allen Harbor. On-land structures include a dry rack storage building to hold 168 boats, sales and office space, public restrooms, a maintenance and repairs building, three parking areas, a boat wash facility and a boat fueling station. An existing fixed pier with a ramp and float will be removed from the site.

In-water facilities to be installed include a 24'-wide boat ramp constructed with precast concrete panels, two fork-lift boat launch/drop slips and two 4' x 25' service floats for the boat launches. Approximately 85 linear feet of shoreline will have a steel sheet-pile bulkhead in the boat launch area; the rest of the shoreline will remain rock riprap. There will be an 8' x 33' access pier with a 6' x 80' ramp leading to an 8' x 504' line of pile-secured floats to temporarily secure boats for marina customers utilizing the dry rack storage system. No boats will be berthed permanently at the docks; there are no wet slips. The most seaward structure will extend approximately 45' past mean high water (MHW) in Allen Harbor.

The only fill below the high tide line (HTL) is the lower boat ramp where 42 cubic yards (CY) of precast concrete planks will be placed below HTL in a 1,125 square foot (SF) area.

An approximately 10,785 square foot area will be dredged to a maximum dredge depth of -6.5' below mean low water (MLW) in the area of the two boat drops and -5.0' below MLW at the floating dock locations. The approximately 900 CY of dredge material will be disposed of upland on-site as backfill behind the steel sheet-pile bulkhead and to provide subgrading for the pavement. The dredging is to construct the boat ramp, the two fork-lift boat drops and to ensure adequate depth at the floating docks.

There are no moorings proposed. A sewer pump-out station will be installed. A marina perimeter limit will be established encompassing the marina.

The work is described on the enclosed plans and 8.5" x 11" sections of large plans titled "MILL CREEK MARINA NORTH KINGSTOWN, RI (ALLEN HARBOR)" dated "10/03/2008".

Summary of Essential Fish Habitat (EFH) Designation

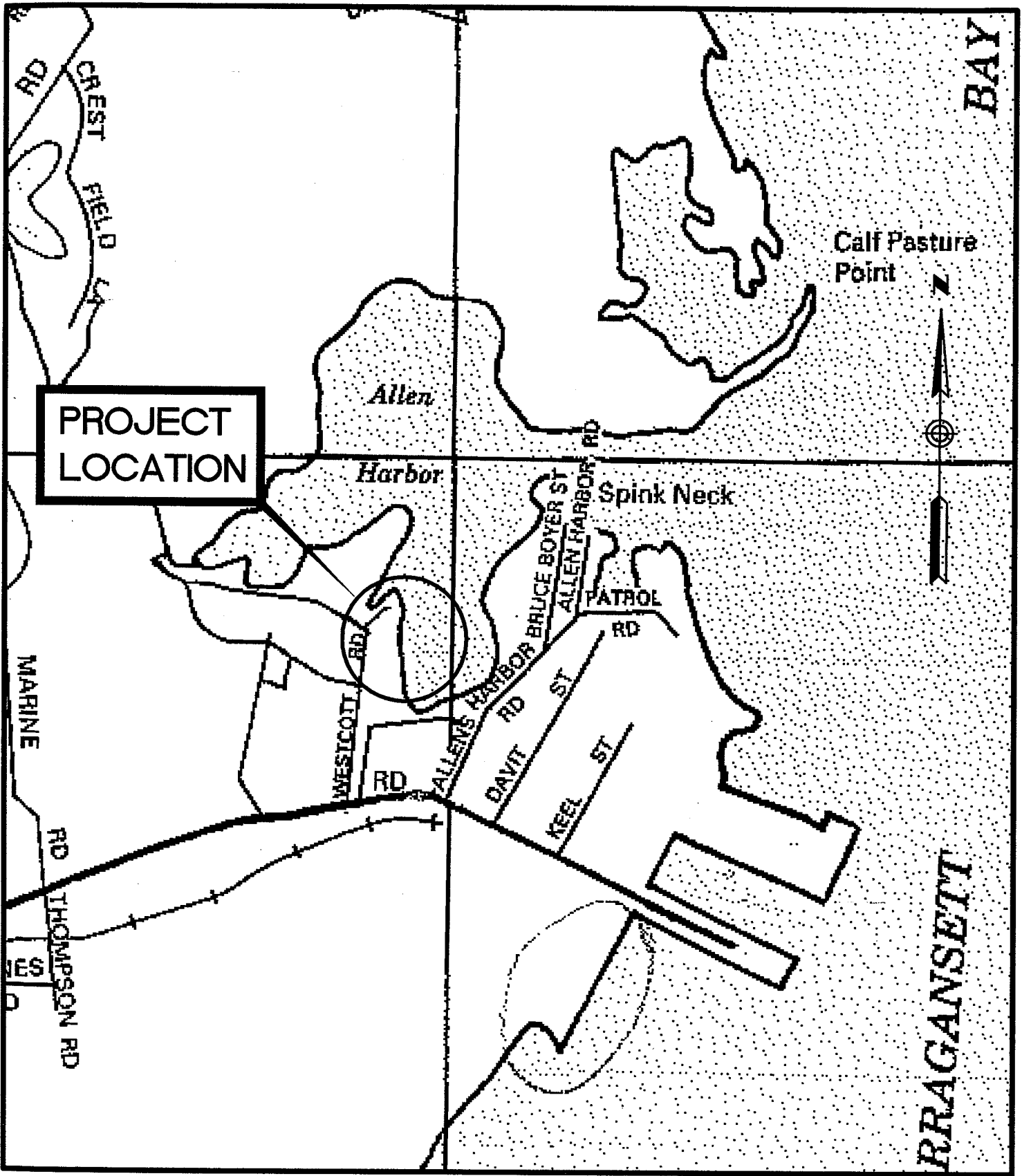
10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 40.0' N	71° 20.0' W	41° 30.0' N	71° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the square within Narragansett Bay affecting the following: south of Rhode I., including the western half of the East Passage the West Passage, and the northern half of Conanicut Island. Also affected are: Calf Pasture Pt., Allen Harbor, Davisville Depot, Sauga Pt. and Poplar Pt. on Fishing Cove east of Wickford, RI., Lone Tree Pt., Wild Goose Pt., Fox I., Bissel Cove, Rome Pt, Green Pt., Plum Beach east of Barber Heights, RI., Casey Pt., Saunderstown, RI., and Dutch I., all on the mainland, and on Conanicut I., from Sand Pt., south to Jamestown, RI., west of the island along with Potter Cove and Taylor Pt. northeast of Jamestown, RI. on the east side of the island. Other important areas affected: National Estuarine Sanctuaries around Hope I., Despair I., and Gooseberry I., and around the northwest portion of Prudence I., including Potter Cove, Gull Pt., Bear Pt., Providence Pt., Coggeshall Cove, Sheep Pen Cove, and Pine Hill Pt. Also affected are, Patience I. and the very tip of Warwick Pt. on Warwick Neck, south of Warwick, RI., the waters within and around Greenwich Cove east of East Greenwich, RI., and waters around Potowomut Neck on Greenwich Bay, including on the Potowomut River" Sandy Pt., Marsh Pt., Pojac Pt., and Bluff Pt, the Potowomut River, Tibbets Creek, Mount View, RI., Cold Spring Rock, Round Rock, Hunt Ledge, and Flat Rock, Old Seargent, and the Annaquatacut River.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)				
haddock (<i>Melanogrammus aeglefinus</i>)		X		
pollock (<i>Pollachius virens</i>)				
whiting (<i>Merluccius bilinearis</i>)				
red hake (<i>Urophycis chuss</i>)		X	X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)				
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)		X	X	X
ocean pout (<i>Macrozoarces americanus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a		

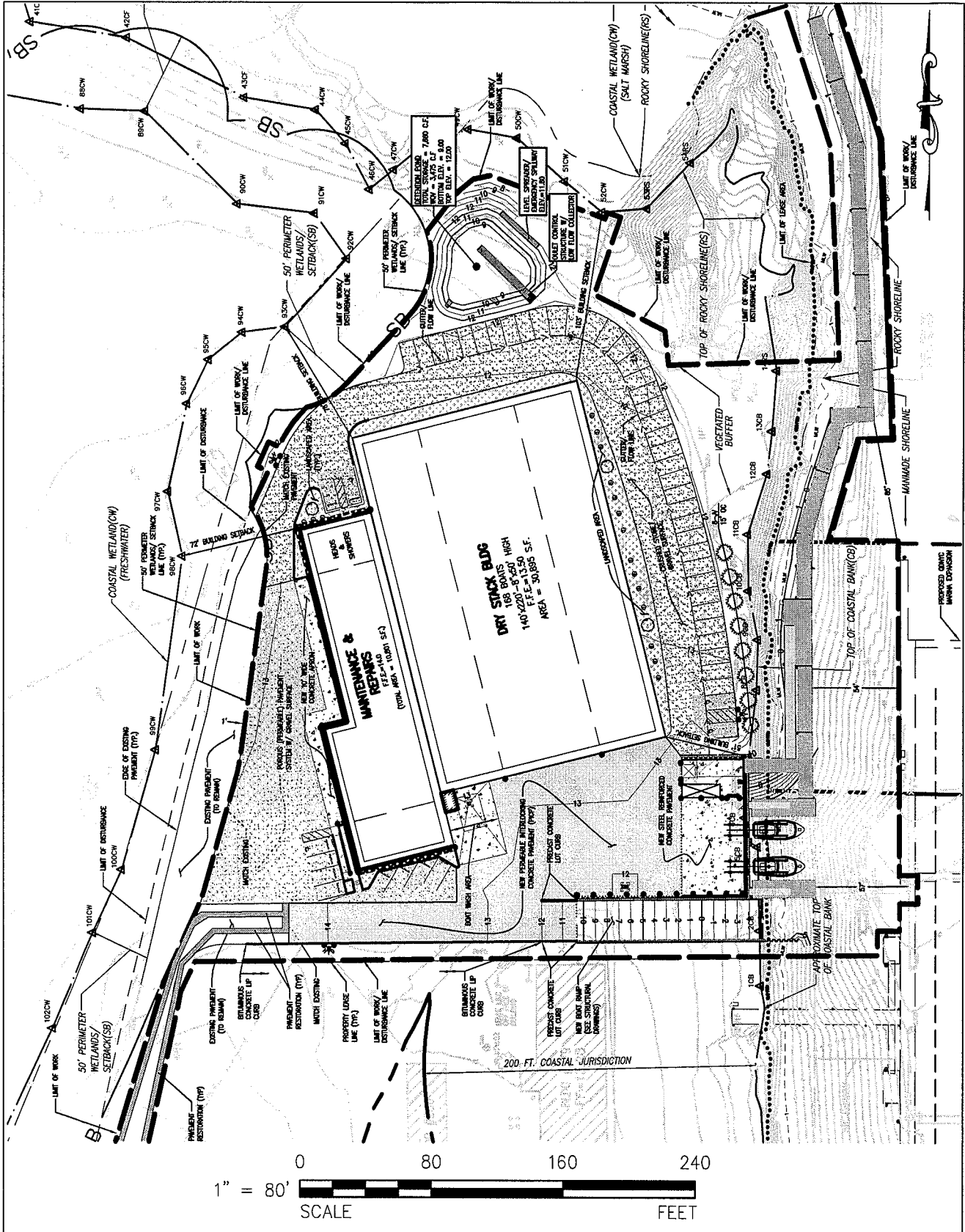
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)		X	X	X
scup (<i>Stenotomus chrysops</i>)	X	X	X	X
black sea bass (<i>Centropristus striata</i>)	n/a		X	X
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Odontaspis taurus</i>)		X		



SCALE: 1" = 1000'

MILL CREEK MARINA LOCUS

DRAWING FILE: N:\Projects\1845B.00-Mill_Creek_Marina\A-40\DWG\TEMP\spcab.dwg PLOT DATE: Nov 10 2008 2:56PM

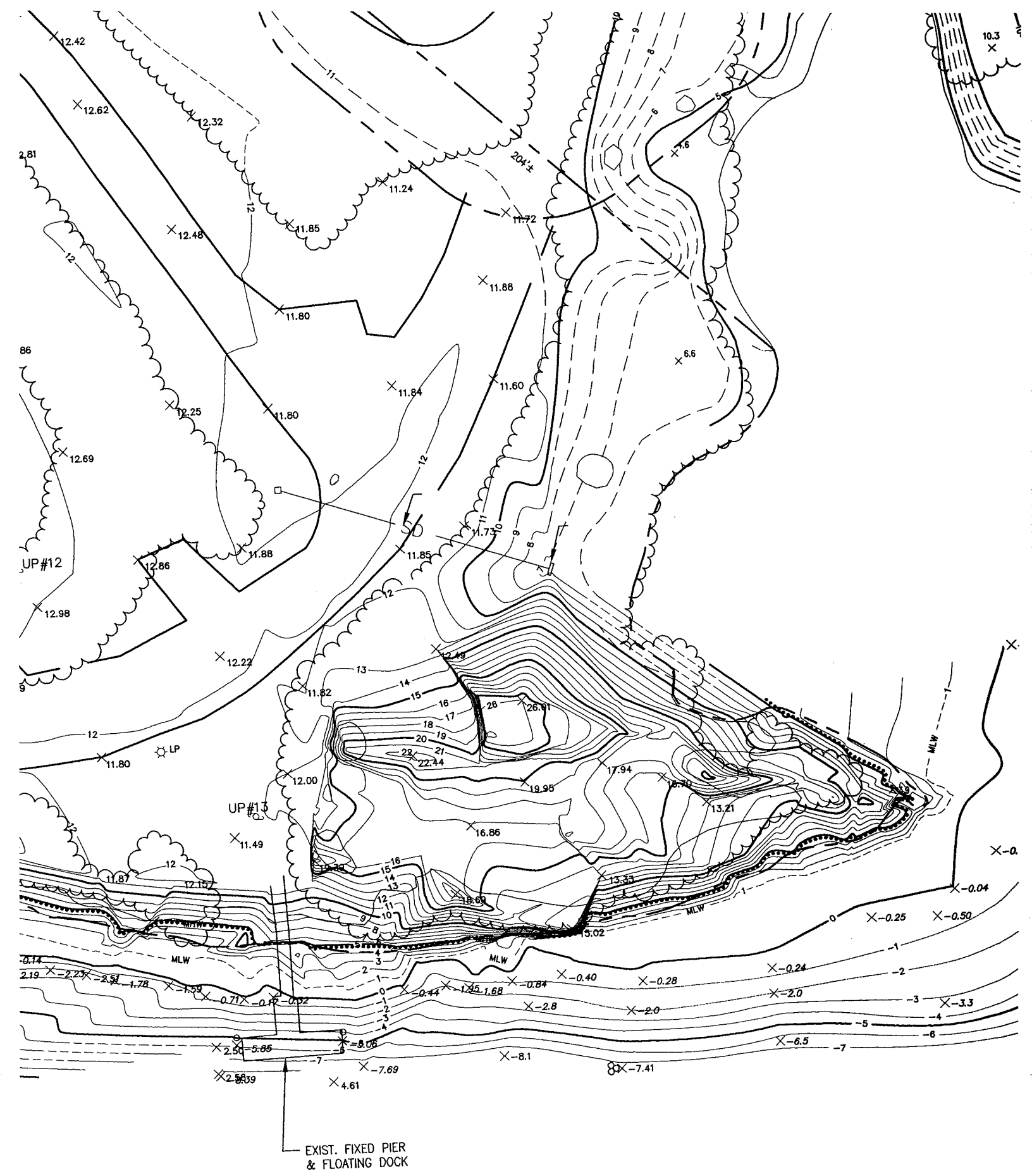


Maguire Group Inc.
 Architects/Engineers/Planners
 33 Commercial Street, Suite #1
 Foxborough, Massachusetts 02035

MILL CREEK MARINE INC.
MILL CREEK MARINA
SITE PLAN

REF: C04
 DRAWN BY: JTS
 CHK'D BY: JMM
 DATE: 10/03/08

PROJ. NO. 18458
 DWG. NO.
SCK-A
 SHEET 1 OF 1



Existing

12.00 LT.

STA. 1+79.22
33.67 LT.

N 195196.4208
E 351229.2294

2+00

STA. 2+08.37
40.73 LT.

STA. 1+97.78
84.46 LT.

DRY

140'

AF

STA. 2+49.92
12.00 RT.

STA. 2+49.92
12.00 LT.

N 195,205.4964
E 351,359.2599

3+00

☉ BERTH DROP IN ☉ BERTH DROP IN

7+00

17' 22' 17'

STA. 7+61.73
28.98 LT.

MHW

MLW

MHW

MLW

MHW

MLW

4+00

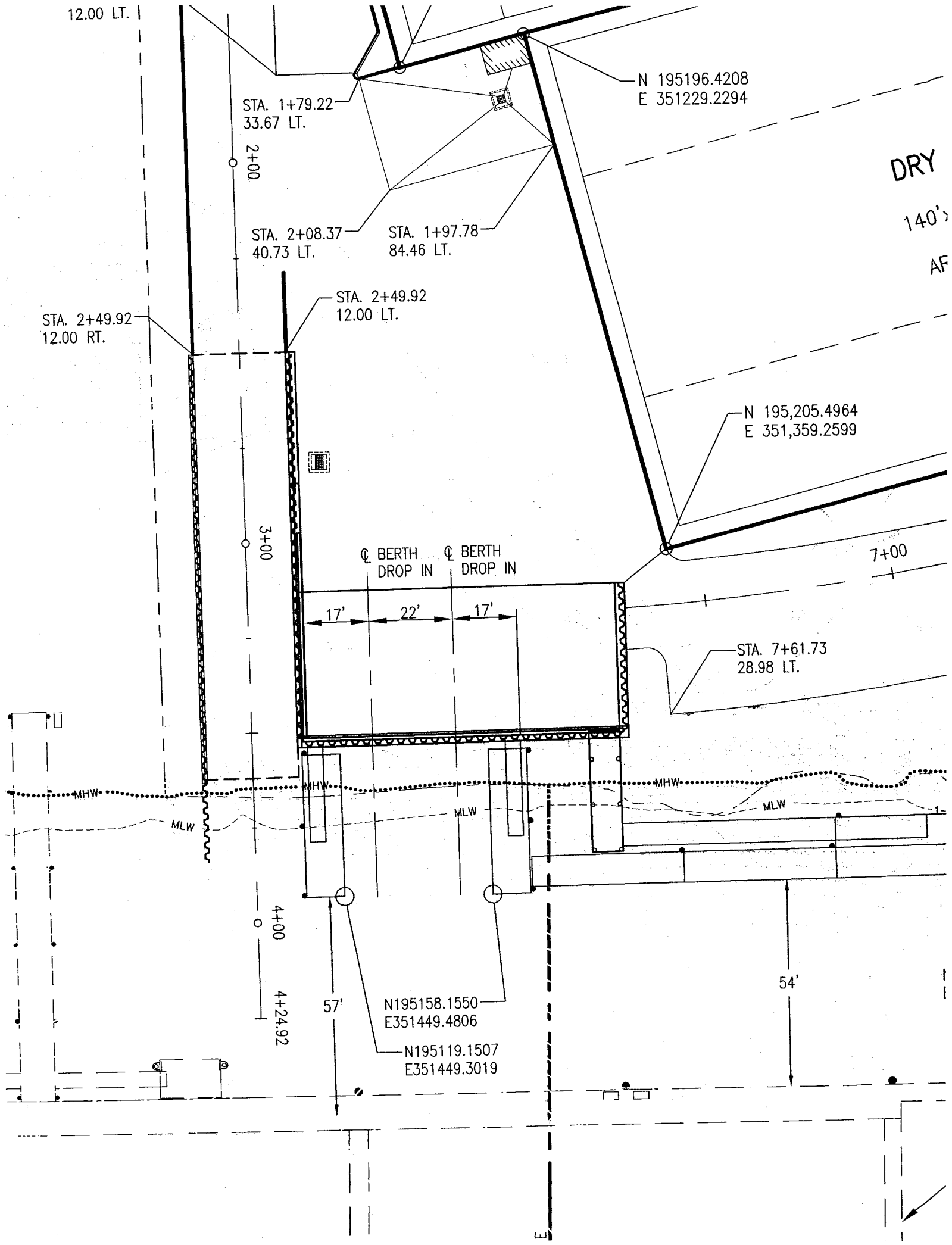
4+24.92

57'

N195158.1550
E351449.4806

N195119.1507
E351449.3019

54'

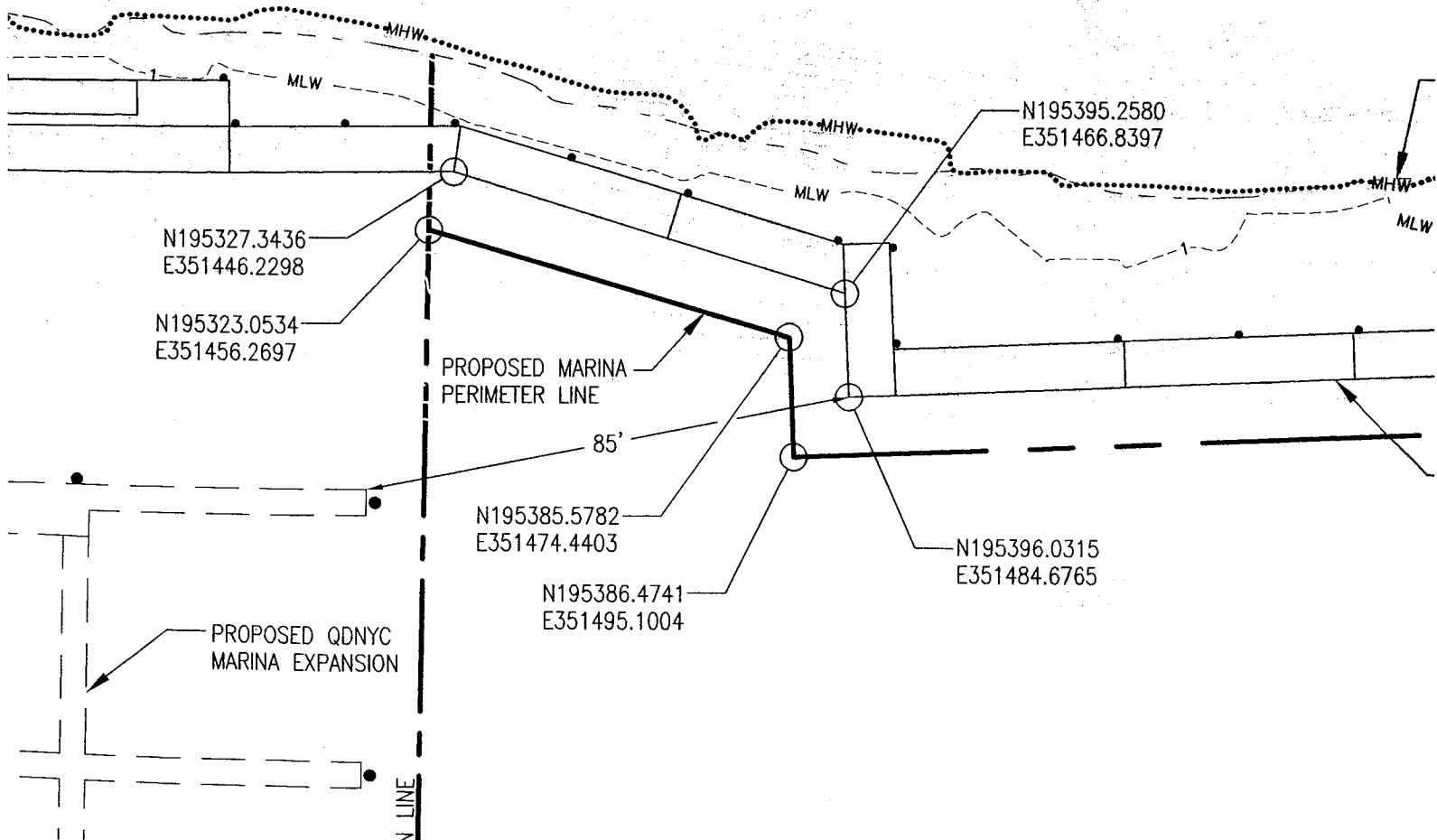
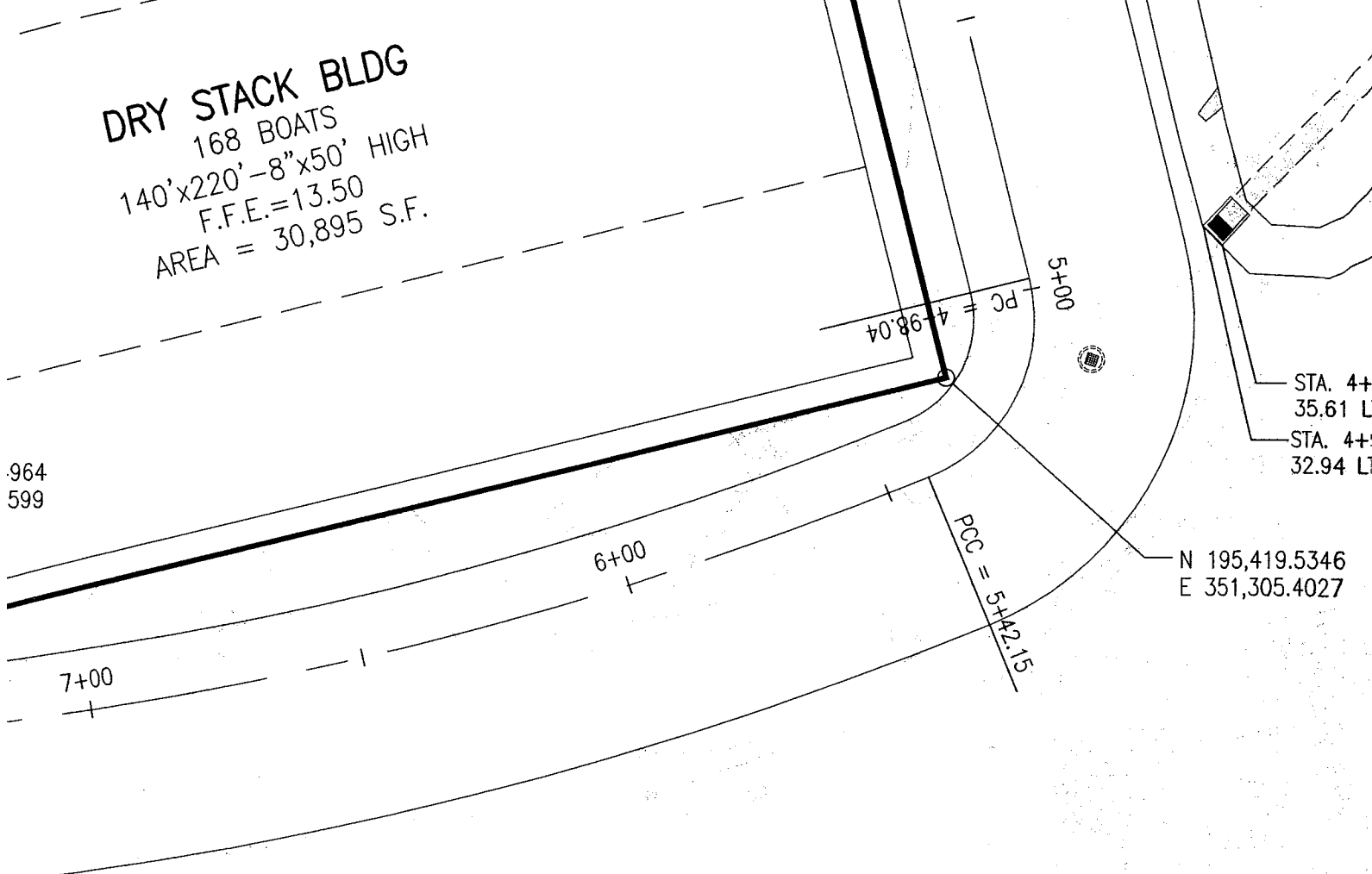


DRY STACK BLDG
 168 BOATS
 140'x220'-8"x50' HIGH
 F.F.E.=13.50
 AREA = 30,895 S.F.

.964
 599

STA. 4+
 35.61 L
 STA. 4+
 32.94 L

N 195,419.5346
 E 351,305.4027



STA. 4+91.14
89.33 LT.

STA. 5+01.21
64.82 LT.

-99.20
T.
96.27
T.

X-0.10

X-0.20

N195638.2838
E351408.2291

MLW

LIMIT OF LEASE AREA

PROPOSED MARINA
PERIMETER LINE

MLW

N195563.8738
E351477.3982

X-0.25

X-0.50

N195639.8989
E351452.4949

DROP OFF DOCKS
(8'X40' TYP.)

N195565.6803
E351487.3292

N195654.4048
E351458.2295

X-1.00



EXIST. LEASE LINE

133.5' (89 SHEETS)

112'±

WP #10

10.0' CLEAR

24' CLEAR

WP #1

PRECAST CONC. PANEL BOAT RAMP

WALL "D"

BASELINE "B"

WALL "A"

3+00

WP #9

LIMIT OF CONC. APRON

WP #5

WP #8

WP #6

WP #2

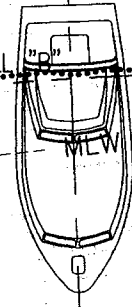
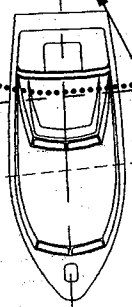
MHW

WP #11

MLW

LIMIT OF NEW BOAT RAMP

WALL "C"



☉ BERTH DROP IN

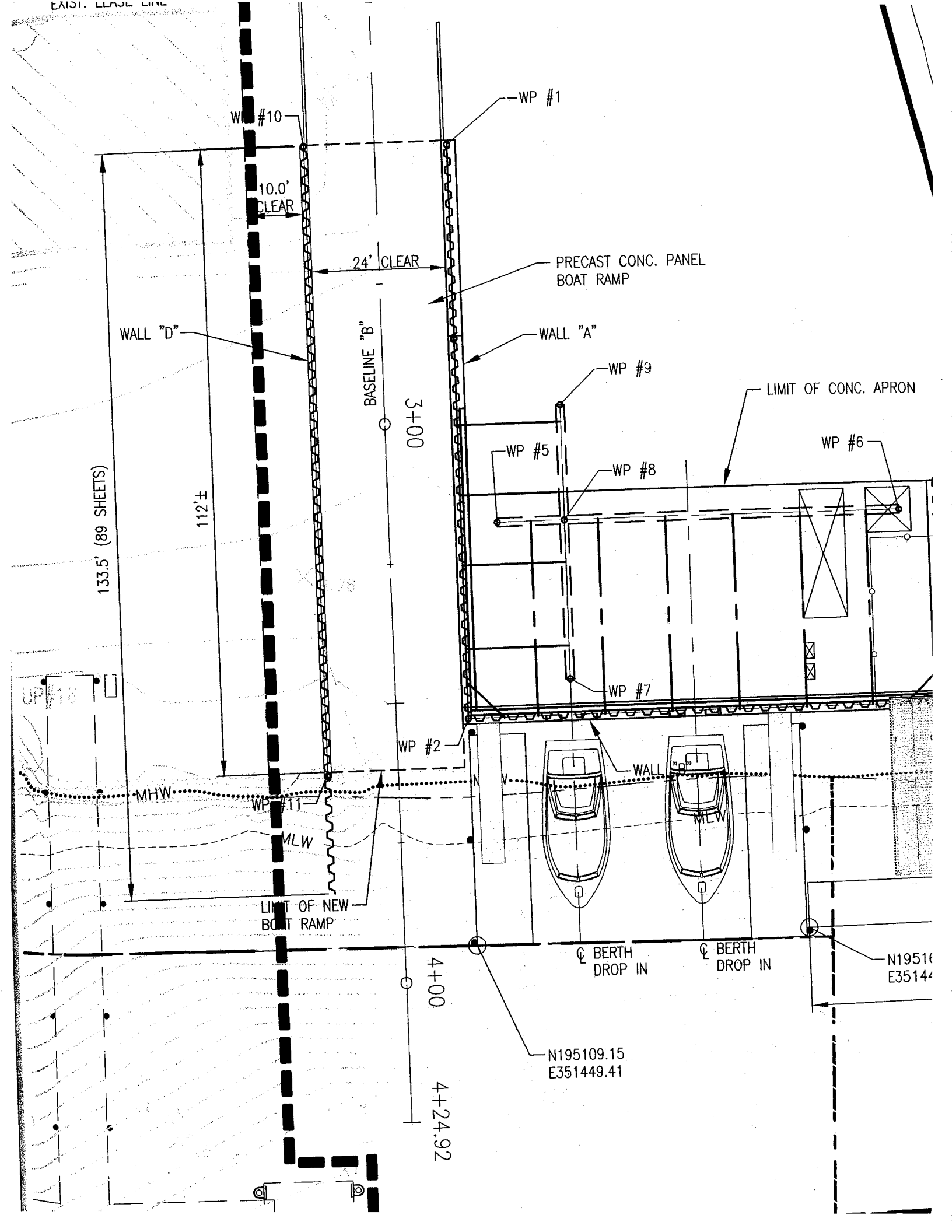
☉ BERTH DROP IN

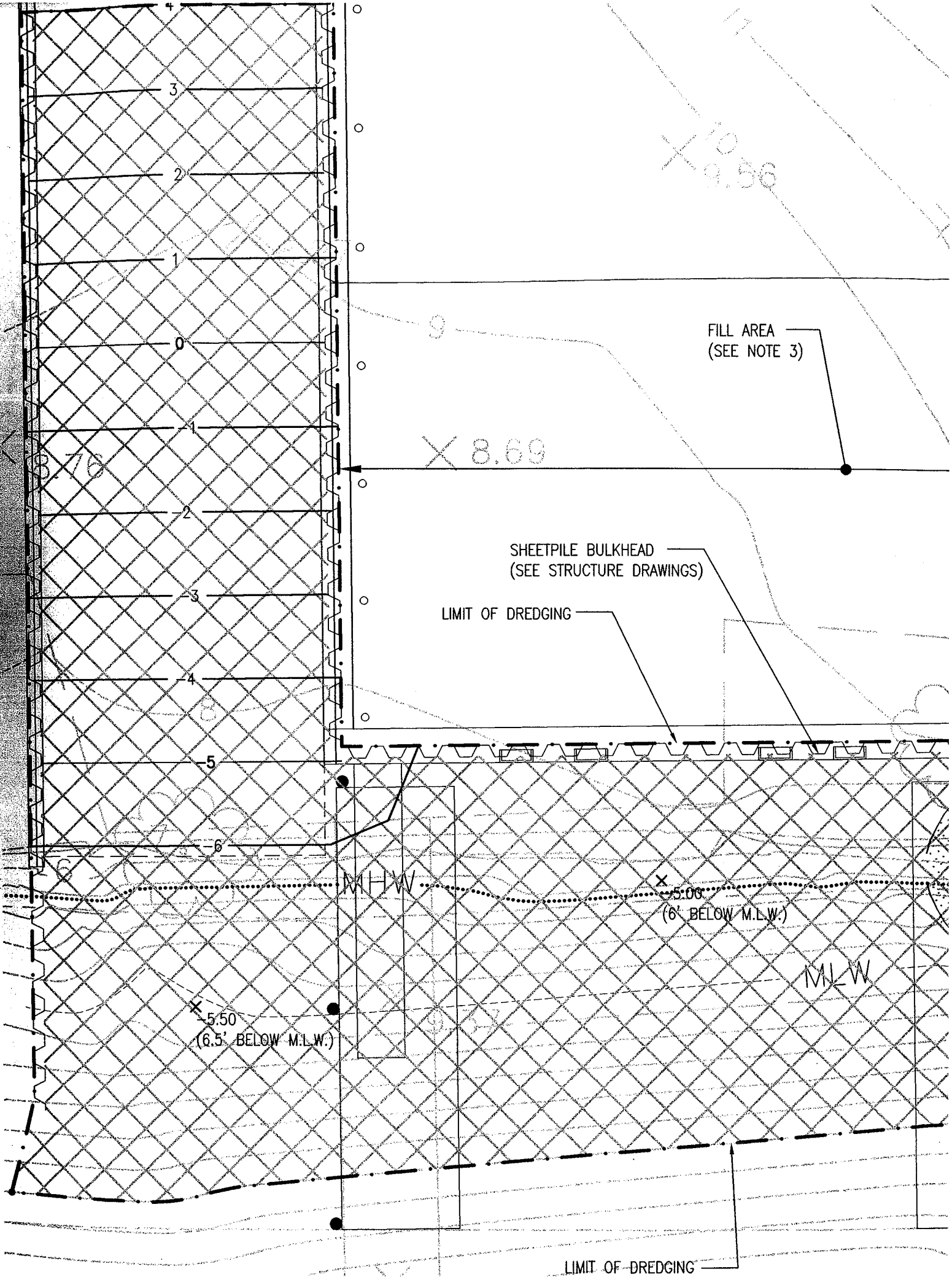
N19516
E35144

4+00

N195109.15
E351449.41

4+24.92





FILL AREA
(SEE NOTE 3)

SHEETPILE BULKHEAD
(SEE STRUCTURE DRAWINGS)

LIMIT OF DREDGING

M.H.W.

M.L.W.

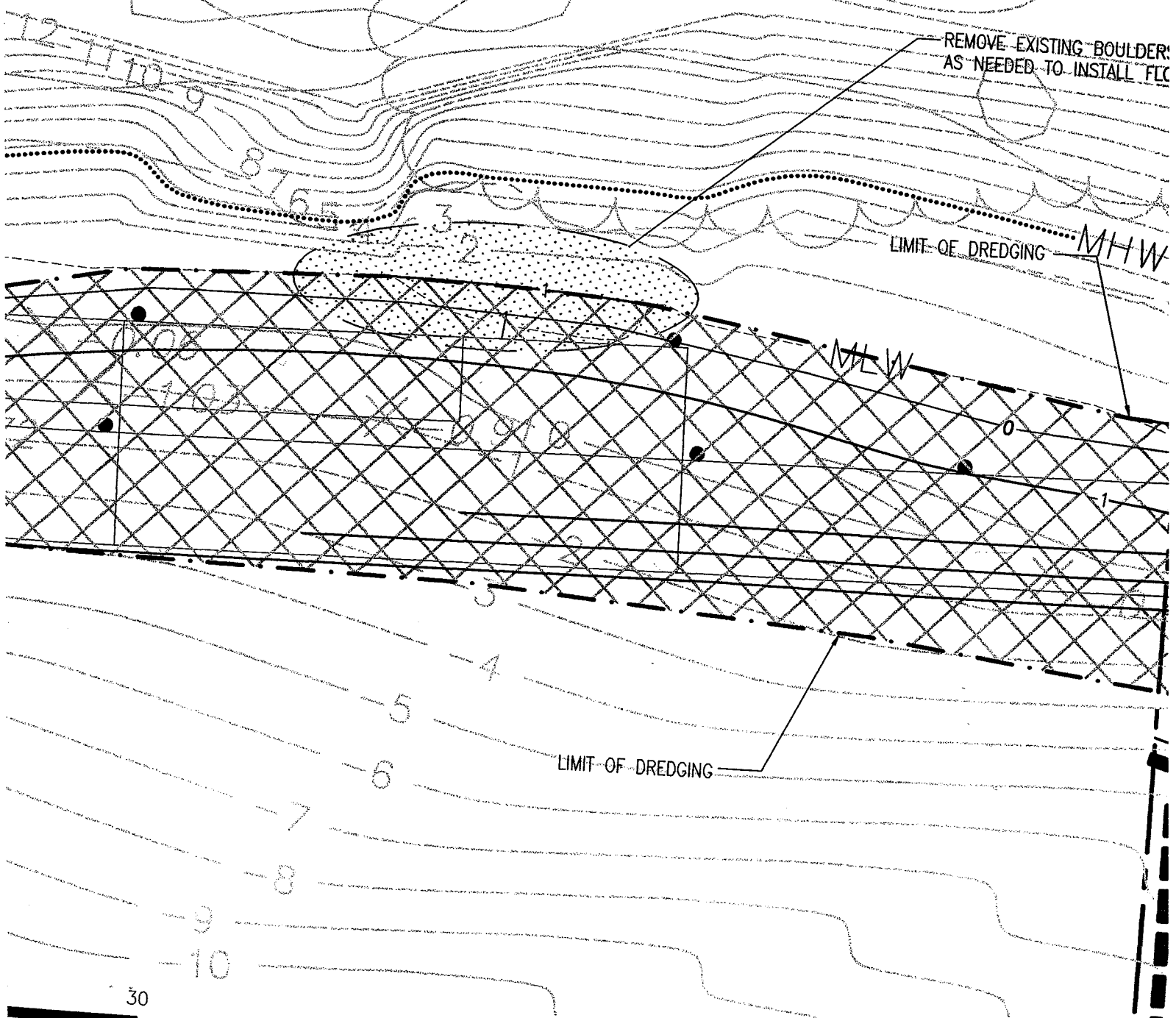
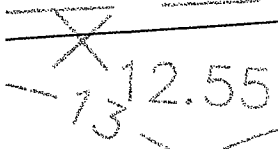
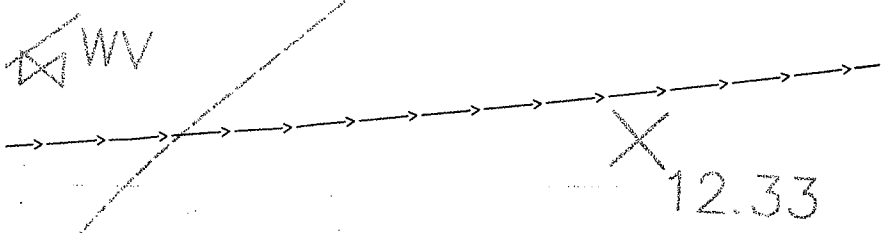
X 5.50
(6.5' BELOW M.L.W.)

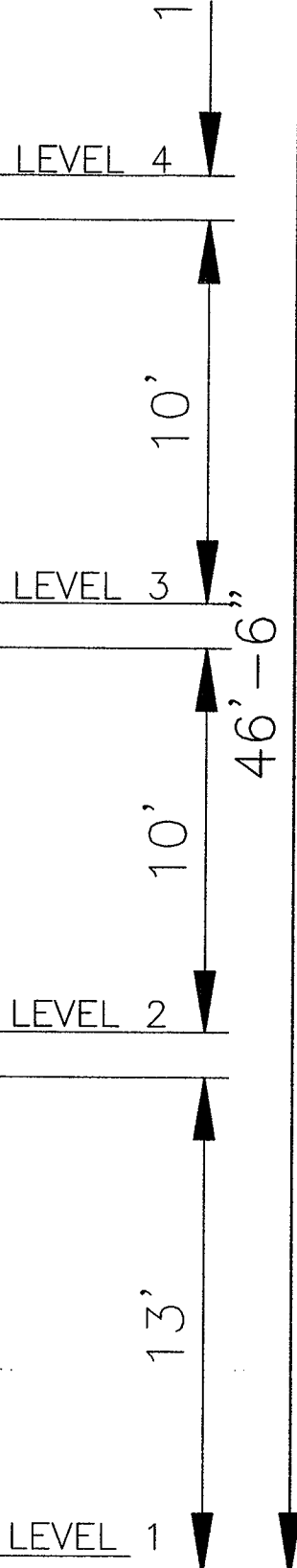
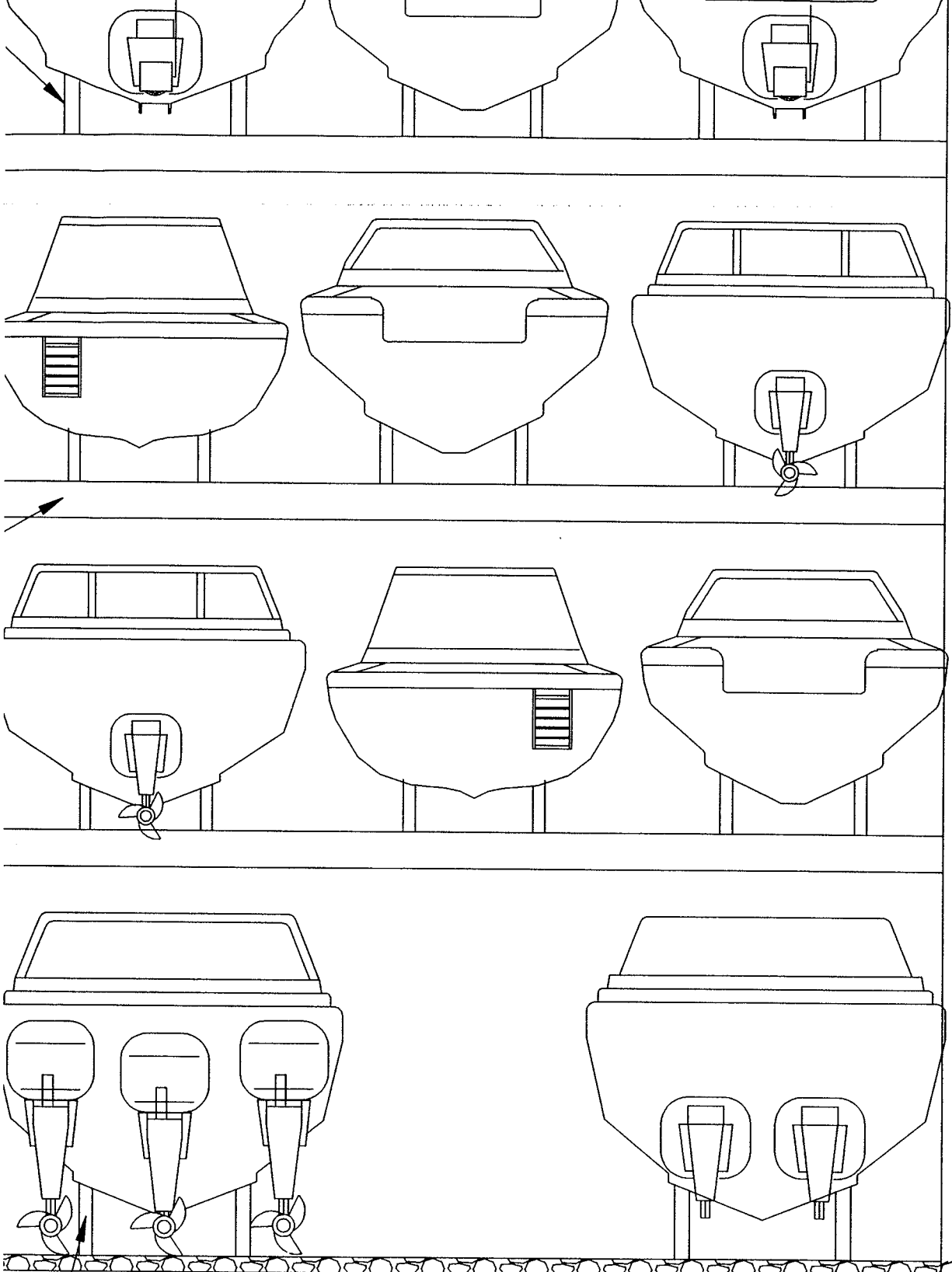
X 5.00
(6' BELOW M.L.W.)

LIMIT OF DREDGING

HORIZONTAL = NAD 83 (RHODE ISLAND STATE PLANE)

M.H.W. = 4.70
M.L.W. = +1.0
M.L.L.W. = -0.84





RACK ELEVATION
31'-4" BAYS
4 HIGH

DS
1