



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: April 3, 2007
Comment Period Ends: May 3, 2007
File Number: NAE-2007-453
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

Joseph and Vera Lavin (dba Lavin's Landing Marina)

ACTIVITY

The project involves expanding an existing permitted marina. The applicant proposes to add 12 more boat slips for a total of 62 boat slips at the site. Also, the two fixed piers extending south by the existing boat launch ramp will be lengthened by 30'. A new marina perimeter limit is proposed to encompass the expanded marina.

WATERWAY AND LOCATION OF THE PROPOSED WORK

The site is located on the right of way known as Meadow Lane. The address is 60 Sportsman Road in Charlestown, Rhode Island. The marina is situated on the northern shore of tidal Ninigret Pond. The location is on the USGS Quonochontaug, RI quadrangle sheet at lat/long coordinates N41° 21.504' and W71° 41.377'.

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 0.25 acres of Essential Fish Habitat (EFH) for Atlantic cod (adults), Atlantic sea herring (adults), bluefish (juveniles, adults), long finned squid (juveniles, adults), king mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), cobia (eggs, larvae, juveniles, adults), sand tiger shark (larvae) and blue shark (adults). The habitat consists of silt and sand. 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 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:

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- 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.

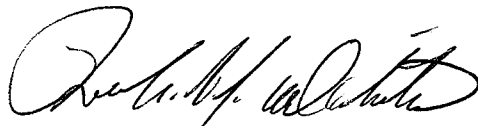
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in 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.
- () 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 adding 12 more boat slips to the existing 50 slip marina for a total of 62 boat slips. The 6' wide main dock will be lengthened by 50'. The outer 6' x 95' T-float will be moved to the end of the lengthened main dock and will be lengthened to 6' x 143'. The five 3' x 20' fingers floats extending seaward from the T-float will be relocated to the new T-float location. Also, two new 3' x 24' finger floats will be installed extending south from the T-float. Four new 3' x 20' finger floats will be added to the main dock with two finger floats on the east side and two finger floats on the west side.

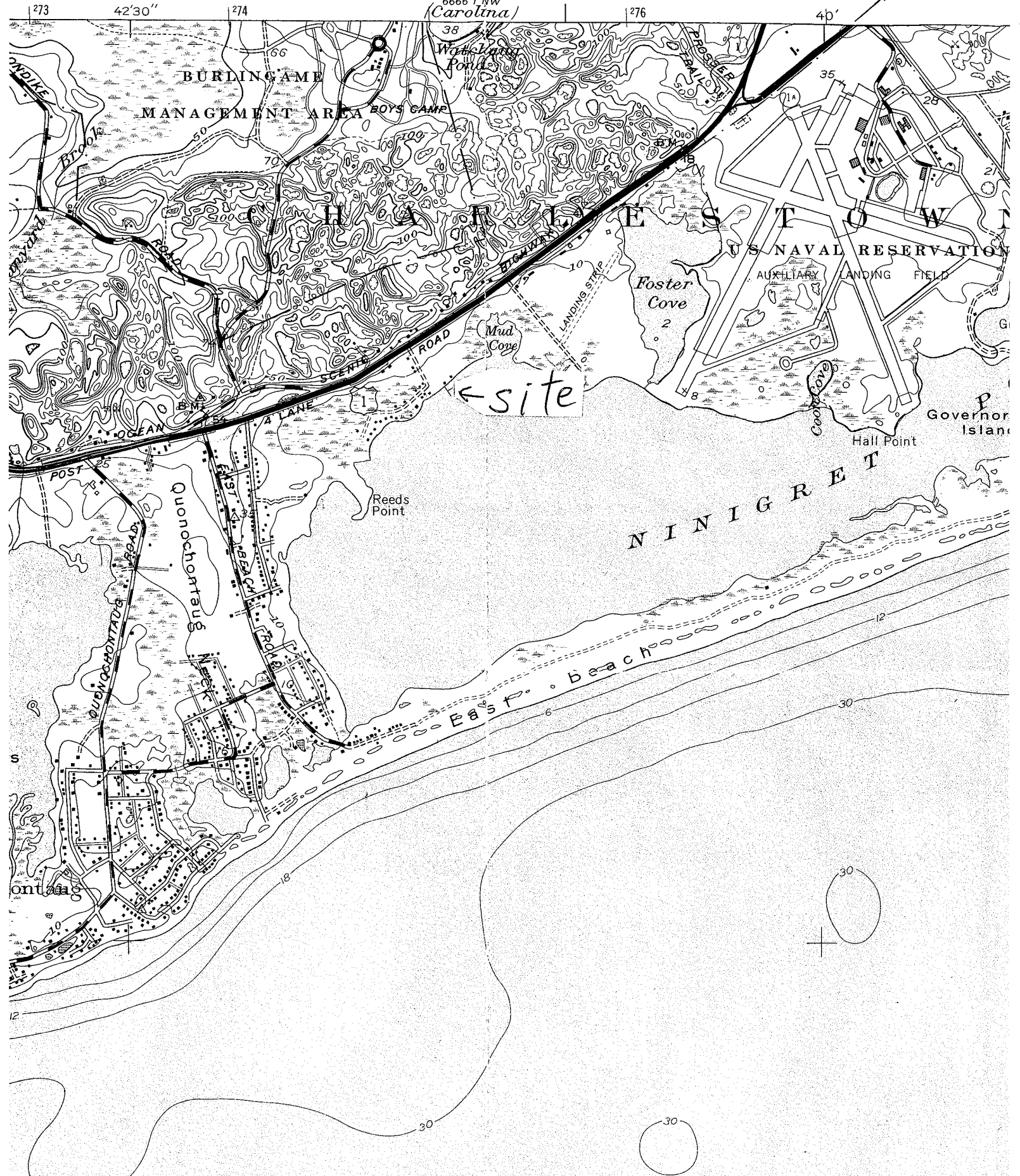
The two boat launching ramp fixed piers will be extended. Both 4' x 55' launching ramp piers will be extended 30' seaward (south) so both pile-supported piers will be 4' x 85'. There are no changes to the launch area boat ramp itself. There is no dredging, filling or regarding proposed. Also, the marina perimeter limit will be modified to encompass the expanded marina.

The marina currently extends 245' past mean high water in Ninigret Pond. With the expansion it will extend 295' past mean high water. It is approximately 4500' to the opposite shore of Ninigret Pond.

The work is described on the enclosed undated plans and 8.5" x 11" sections of large plans entitled "PROPOSED MARINA EXPANSION PREPARED FOR JOSEPH AND VERA LAVIN PLAT 5, LOT 15 CHARLESTOWN, R.I."

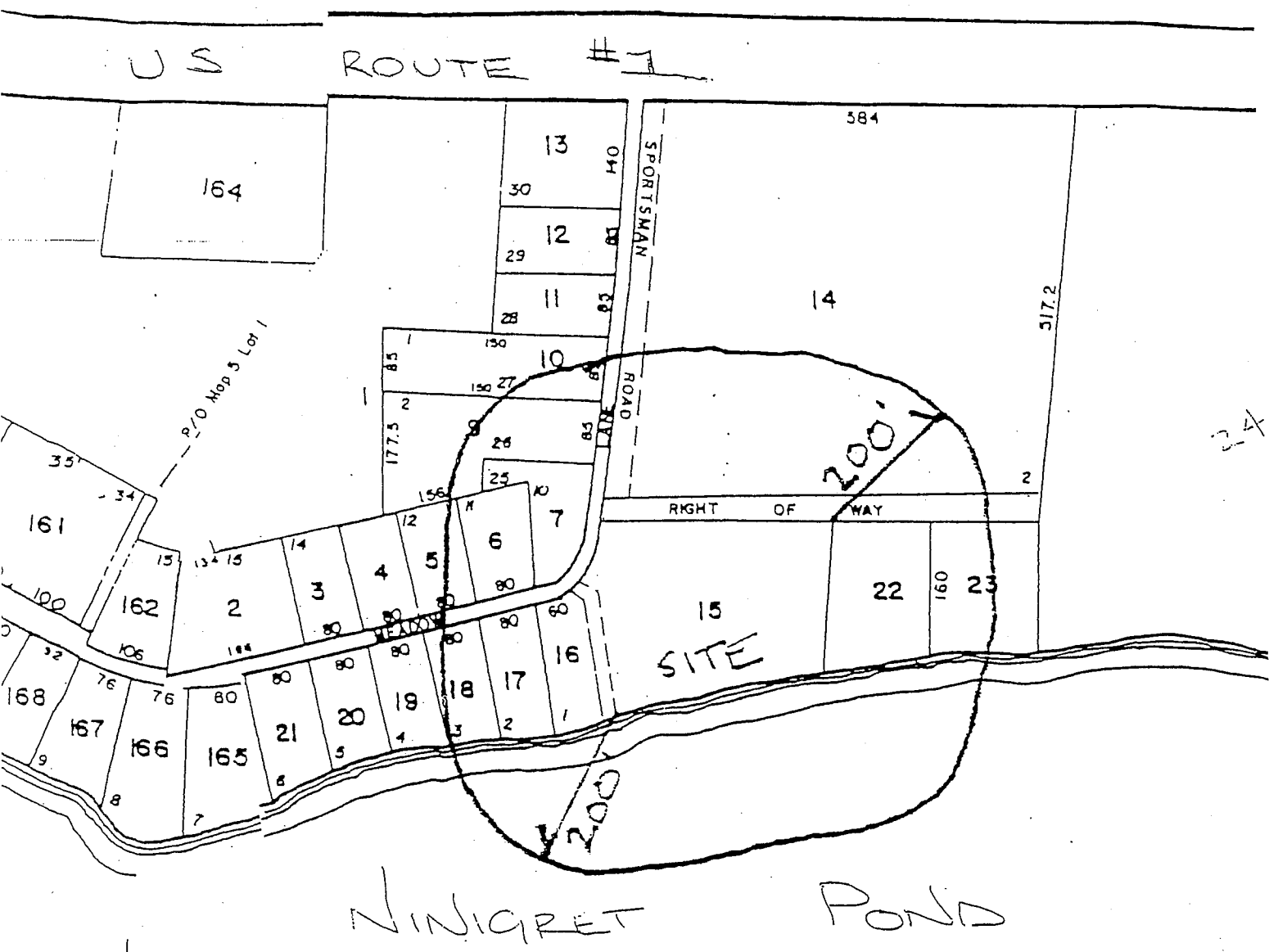
UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

PROVIDENCE (CIVIC CENTER) 38 A



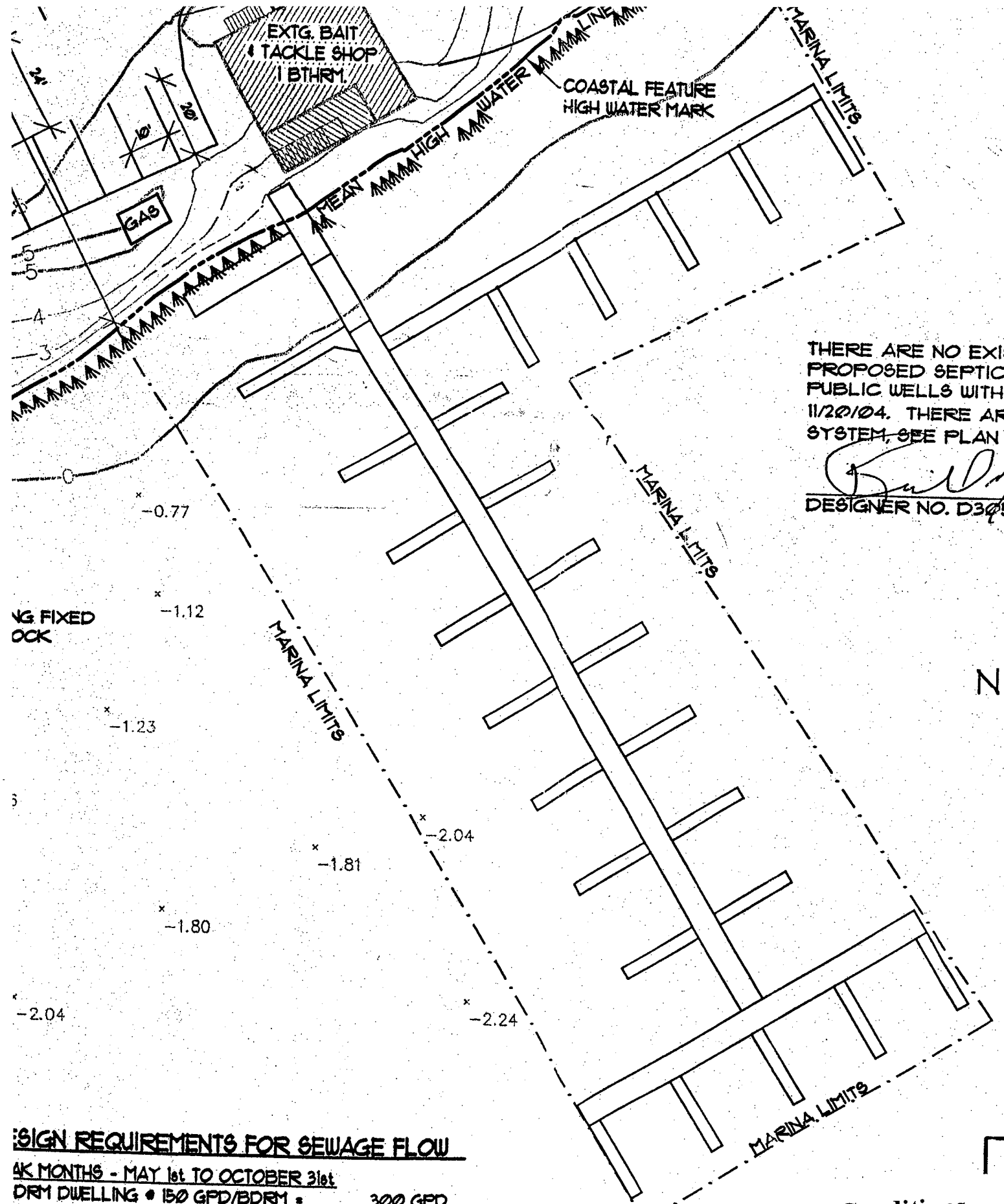
200 Foot Abutters Map

Prepared For:
 Joseph and Vera Lavin
 Plat 5 Lot 15
 Meadow Lane
 Charlestown, Rhode Island



Prepared By:
 A.R.M. Engineering, Inc.
 211 Main Street
 PO Box 507
 Ashaway, RI 02804
 (401) 377-0080





THERE ARE NO EXISTING PROPOSED SEPTIC SYSTEMS OR PUBLIC WELLS WITHIN 100 FEET OF THE MARINA AREA. THERE ARE NO SEPTIC SYSTEMS, SEE PLAN FOR DETAILS.
[Signature]
 DESIGNER NO. D3055

NIN

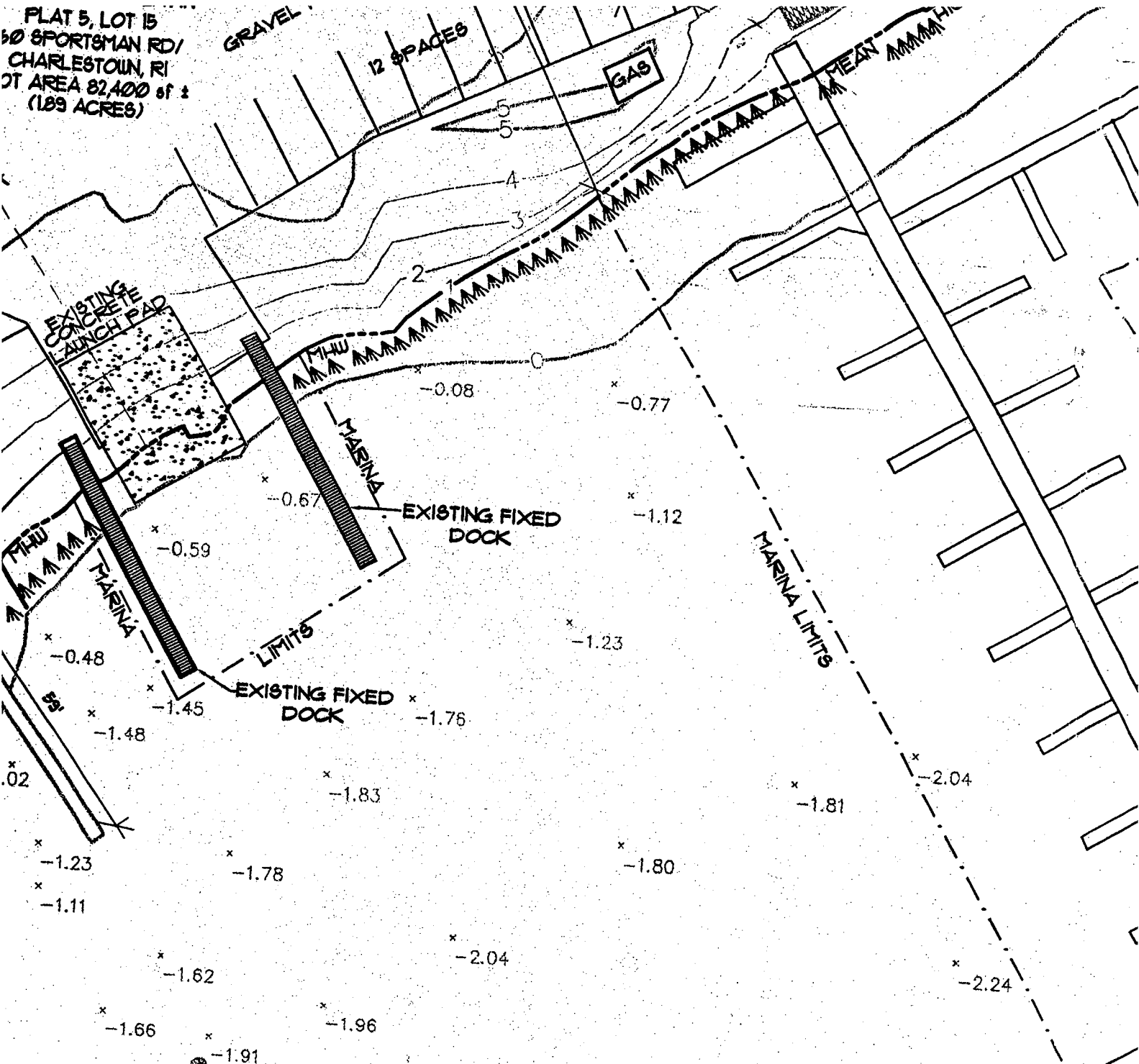
DESIGN REQUIREMENTS FOR SEWAGE FLOW

6 MONTHS - MAY 1st TO OCTOBER 31st

DRY DWELLING • 150 GPD/BDRM •	300 GPD
1 BDRM COTTAGES • 150 GPD/BDRM •	300 GPD
1 BDRM APARTMENTS • 150 GPD/BDRM •	600 GPD
BOATS • 25 GPD/BOAT •	1,550 GPD
EMPLOYEES IN BAIT SHOP • 15 GPD •	45 GPD
TOTAL •	2,795 GPD

DEPARTMENT OF PUBLIC WORKS
 DIVISION OF MARINE AFFAIRS
Existing Conditions
Marina Area
 1" = 30'
 DATE 11.8.05

FLAT 5, LOT 15
 50 SPORTSMAN RD/
 CHARLESTOWN, RI
 TOTAL AREA 82,400 sq ft
 (1.89 ACRES)



DESIGN REQUIREMENTS FOR SEWAGE FLOW

PEAK MONTHS - MAY 1st TO OCTOBER 31st

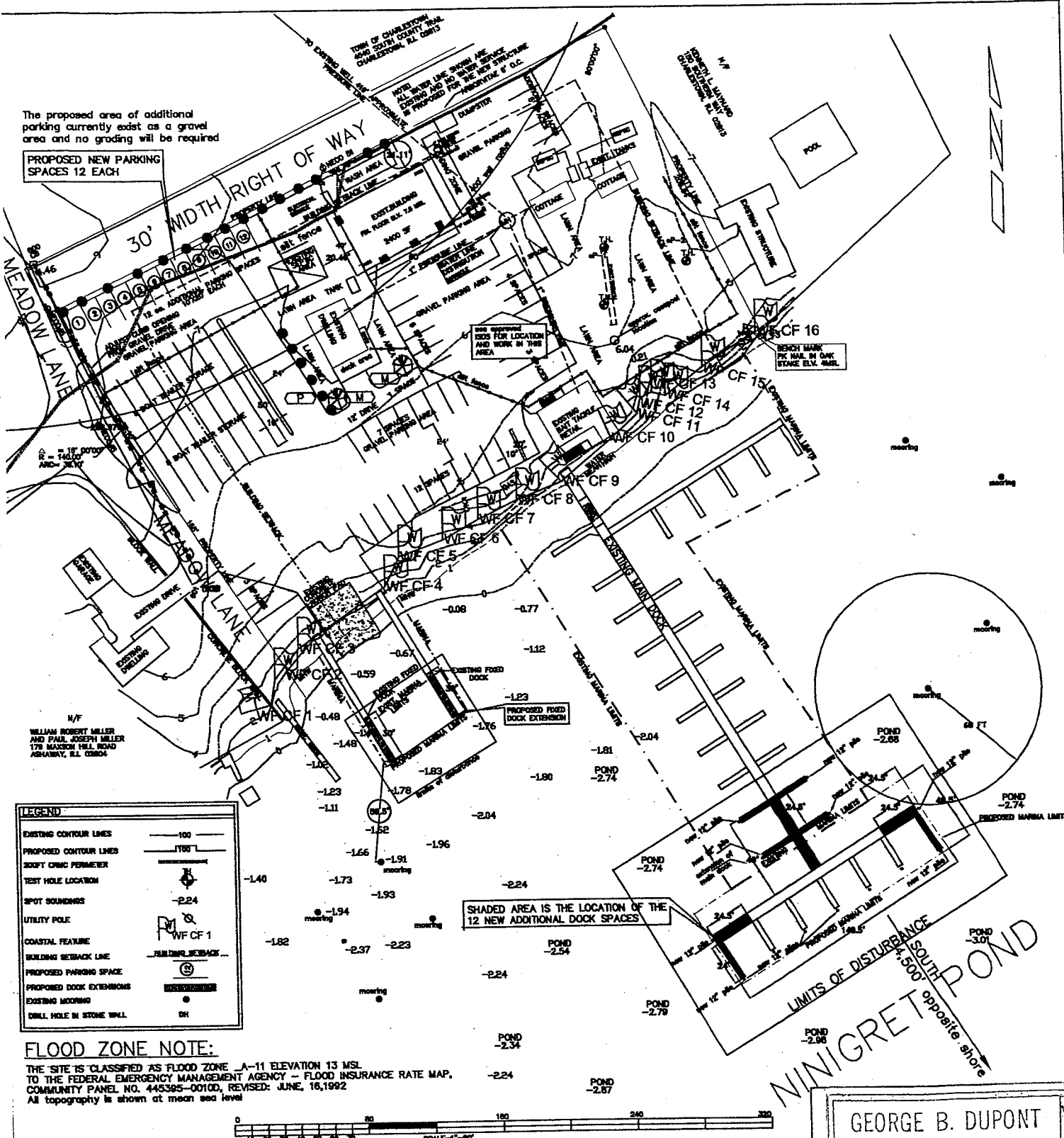
2 BDRM DWELLING • 150 GPD/BDRM •	300 GPD
2 - 1 BDRM COTTAGES • 150 GPD/BDRM •	300 GPD
4 - 1 BDRM APARTMENTS • 150 GPD/BDRM •	600 GPD
62 BOATS • 25 GPD/BOAT •	1,550 GPD
3 EMPLOYEES IN BAIT SHOP • 15 GPD •	45 GPD
TOTAL:	2,795 GPD

OFF-PEAK MONTHS - NOVEMBER 1 TO
 2 BDRM DWELLING • 150 GPD/BDRM
 2 - 1 BDRM COTTAGES • 150 GPD/BDRM
TO

Existing Conditions
Boat Launch Ramp Area
 1" = 30'

The proposed area of additional parking currently exist as a gravel area and no grading will be required

PROPOSED NEW PARKING SPACES 12 EACH



LEGEND	
EXISTING CONTOUR LINES	100
PROPOSED CONTOUR LINES	1700
300 FT CURVE PERIMETER	
TEST HOLE LOCATION	
SPOT SOUNDINGS	-2.24
UTILITY POLE	
COASTAL FEATURE	WF CF 1
BUILDING SETBACK LINE	
PROPOSED PARKING SPACE	
PROPOSED DOCK EXTENSIONS	
EXISTING MOORING	
DRILL HOLE IN STONE WALL	DH

FLOOD ZONE NOTE:
 THE SITE IS CLASSIFIED AS FLOOD ZONE A-11 ELEVATION 13 MSL TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY - FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 445395-00100, REVISED: JUNE, 16, 1992
 All topography is shown at mean sea level



- PROPOSED WORK THIS APPLICATION**
- #1 TO EXTEND THE EXISTING LAUNCHING RAMP FIXED DOCKS 30 FT. SOUTH. (SOUTHWEST CORNER OF SITE)
 - #2 TO ADD 12 PARKING SPACES TO NORTHWEST CORNER OF THE EXISTING GRAVEL STORAGE AREA.
 - #3 TO INSTALL AN APPROVED I.S.D.S. TO ACCOMMODATE ALL EXISTING AND PROPOSED USE. (EASTERLY PORTION OF THE PROPERTY (SEE APPROVED PLANS) NOTE THAT NO APARTMENTS ARE PROPOSED OVER GARAGE/STORAGE BUILDING)
 - #4 TO ADD 12 BOAT SLIPS BY EXTENDING THE EXISTING MAIN DOCK 50 FT SOUTH.
 - #5 TO ALTER THE EXISTING MARINA LIMITS LINE TO ACCOMMODATE #1 ABOVE

PROJECT OVERVIEW
PROPOSED MARINA EXPANSION
 Prepared for
JOSEPH AND VERA LAVIN
 Plat 5, Lot 15
 CHARLESTOWN, R.I.

PREPARED BY
 ARM ENGINEERING INC.
 211 MAIN ST. P.O. BOX 507
 ASHAWAY R.I. 02804
 (401) 577-0080
 (401) 577-8330 FAX

GEORGE B. DUPONT

 NO. 3300
 REGISTERED PROFESSIONAL ENGINEER

(9)

#4 TO ADD 12 BOAT SLIPS BY EXTENDING THE EXISTING MAIN DOCK 50FT SOUTH.

#5 TO ALTER THE EXISTING MARINA LIMITS LINE TO ACCOMODATE #1 ABOVE

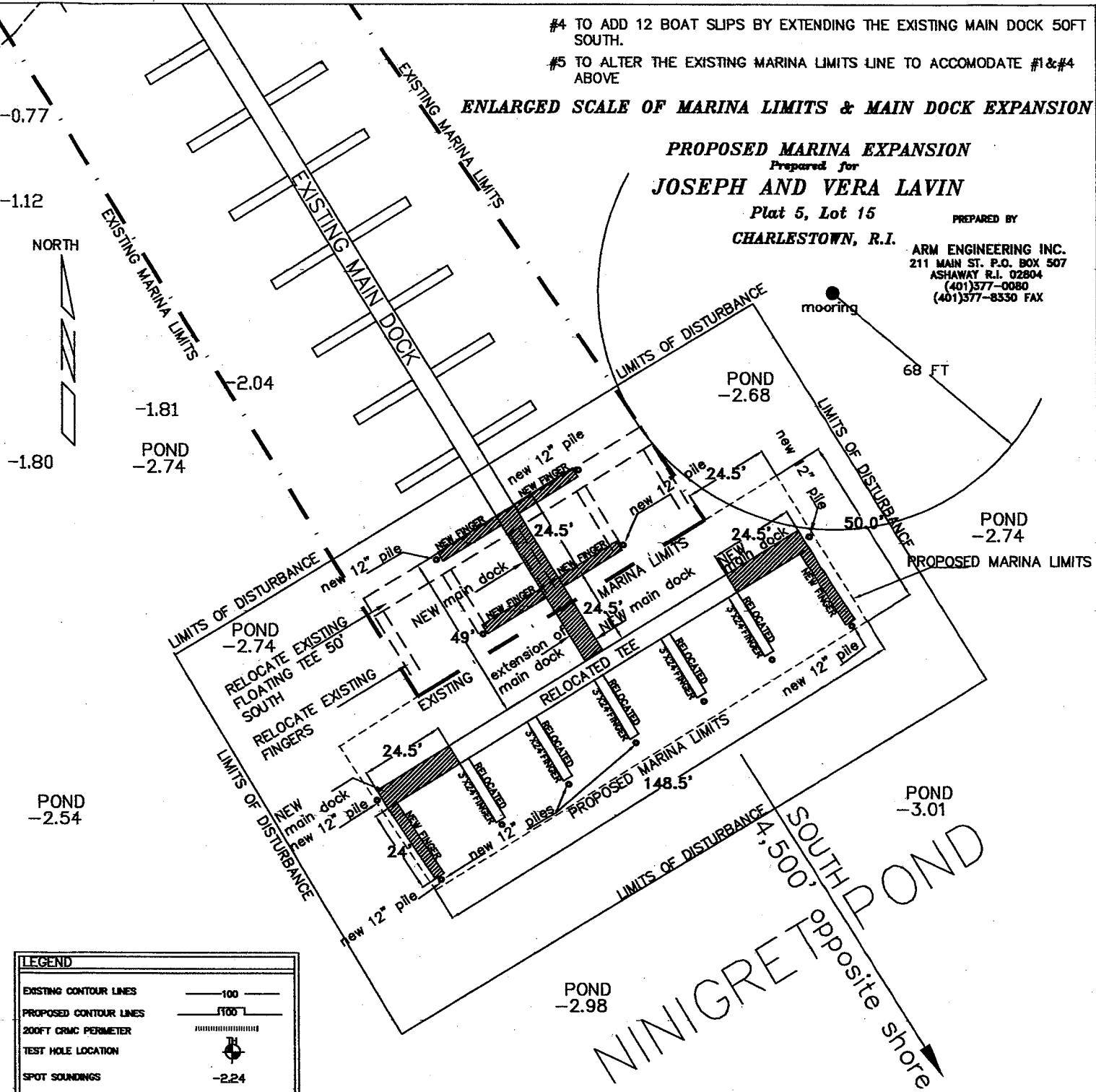
ENLARGED SCALE OF MARINA LIMITS & MAIN DOCK EXPANSION

PROPOSED MARINA EXPANSION
Prepared for
JOSEPH AND VERA LAVIN

Plat 5, Lot 15
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LEGEND	
EXISTING CONTOUR LINES	— 100 —
PROPOSED CONTOUR LINES	— 100' —
200FT CRMC PERIMETER	
TEST HOLE LOCATION	⊕
SPOT SOUNDINGS	-2.24
UTILITY POLE	⊗
COASTAL FEATURE	WF CF 1
BUILDING SETBACK LINE	BUILDING SETBACK
PROPOSED PARKING SPACE	⊙
PROPOSED DOCK EXTENSIONS	▨
EXISTING MOORING	•
DRILL HOLE IN STONE WALL	DH

NOTE
ALL PROPOSED PILES ATTACHED TO THE NEW FLOATING DOCKS SHALL HAVE A CUT OF HEIGHT OF EL. 15MSL TYPICAL



Scale 1" = 40 ft

GEORGE B. DUPONT

NO. 3300
REGISTERED
PROFESSIONAL ENGINEER

George B. Dupont

⑨

5, 4
CHARLESTON

mooring
68

POND
-2.74
PROPOSED MARINA

LIMITS OF DISTURBANCE

LIMITS OF DISTURBANCE

POND
-2.68

50.0'

new 12" pile

new 12" pile

NEW main dock

NEW FINGER

new 12" pile
CUT OFF HEIGHT EL. 15.00 MSL

RELOCATED

3'X24' FINGER

new 12" pile

NEW FINGER

24.5'

new 12" pile

NEW FINGER

MARINA LIMITS

NEW main dock

24.5'

RELOCATED

3'X24' FINGER

RELOCATED

3'X24' FINGER

RELOCATED TEE

RELOCATED

3'X24' FINGER

RELOCATED

3'X24' FINGER

PROPOSED MARINA LIMITS

148.5'

LIMITS OF DISTURBANCE

SOUTH
4,500

POND
-2.90

LIMITS OF DISTURBANCE

new 12" pile
CUT OFF HEIGHT EL. 15.00 MSL

LOCATE EXISTING
COATING TEE 50'
JUNCTION

NEW main dock

LOCATE EXISTING
FINGERS

49.0'

EXISTING

extension of
main dock

24.5'

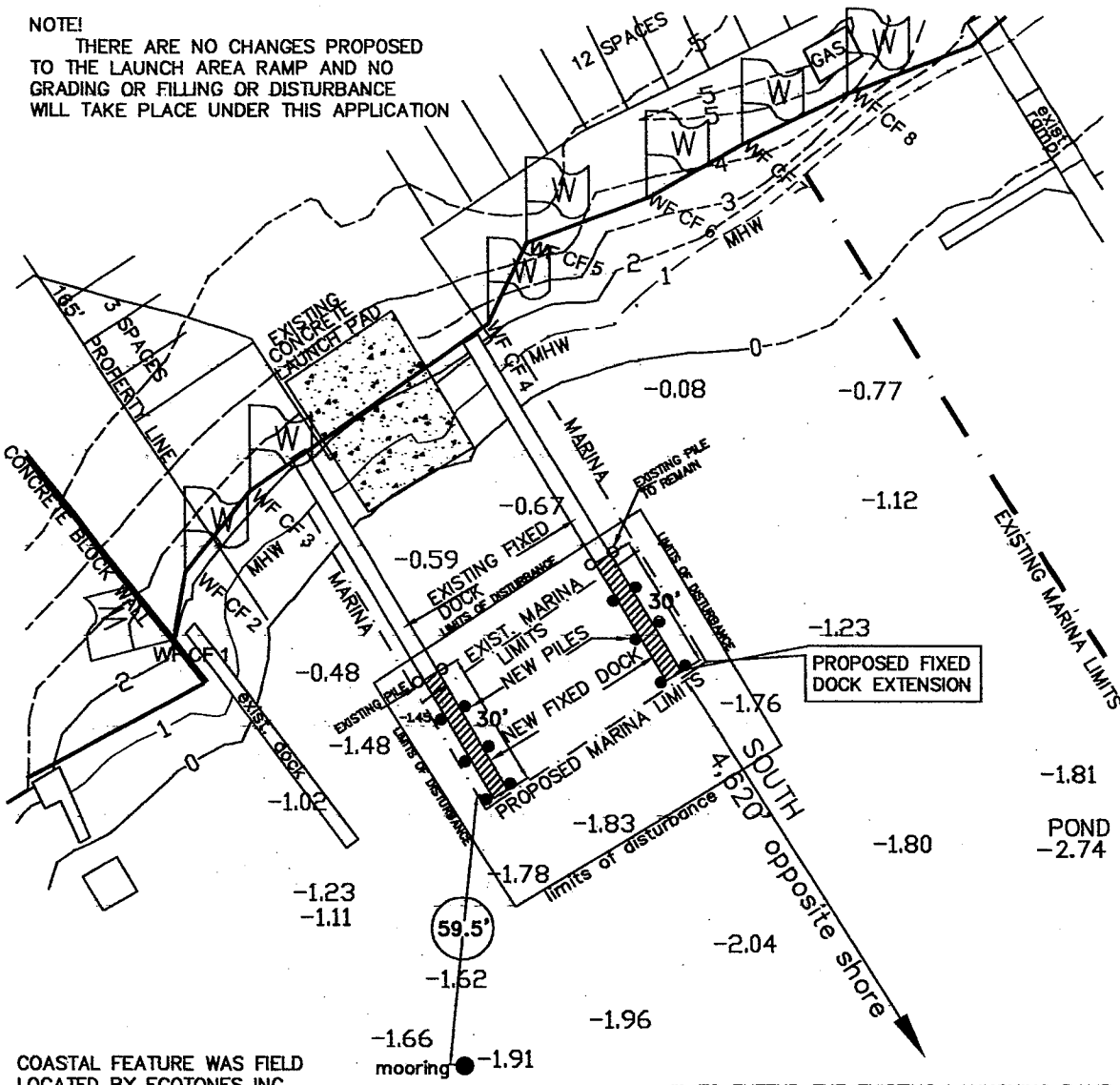
dock
12" pile

NEW FINGER

24'

new 12" piles
HEIGHT EL. 15.00 MSL

NOTE!
 THERE ARE NO CHANGES PROPOSED TO THE LAUNCH AREA RAMP AND NO GRADING OR FILLING OR DISTURBANCE WILL TAKE PLACE UNDER THIS APPLICATION

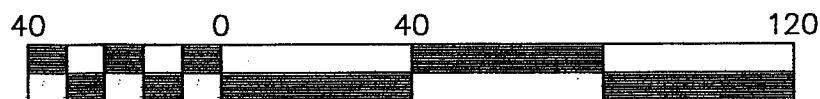


COASTAL FEATURE WAS FIELD LOCATED BY ECOTONES INC. IN OCT. 06

- #1 TO EXTEND THE EXISTING LAUNCHING RAMP FIXED DOCKS 30 FT. SOUTH. (SOUTHWEST CORNER OF SITE)
- #5 TO ALTER THE EXISTING MARINA LIMITS LINE TO ACCOMODATE #1

ENLARGED SCALE OF MARINA LIMITS & LAUNCH DOCK EXPANSION

LEGEND	
EXISTING CONTOUR LINES	— 100 —
PROPOSED CONTOUR LINES	— 100 —
200FT CRAC PERIMETER	
TEST HOLE LOCATION	⊕
SPOT SOUNDINGS	-2.24
UTILITY POLE	⊗
COASTAL FEATURE	WF CF 1
BUILDING SETBACK LINE	— BUILDING SETBACK —
PROPOSED PARKING SPACE	(S)
PROPOSED DOCK EXTENSIONS	▨
EXISTING MOORING	•
NEW PILES	•



Scale 1" = 40 ft

PROPOSED MARINA EXPANSION
 Prepared for
JOSEPH AND VERA LAVIN
 Plat 5, Lot 15
 CHARLESTOWN, R.I.

PREPARED BY
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No. 3300

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 REGISTERED
 PROFESSIONAL ENGINEER

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HERE ARE NO CHANGES PROPOSED
E LAUNCH AREA RAMP AND NO
JG OR FILLING OR DISTURBANCE
AKE PLACE UNDER THIS APPLICATION

