



**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-2007-518**  
**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

Anderson's Boatyard, LLC

## ACTIVITY

There has been a marina/boatyard in operation at this site for years but it has never been properly permitted. Lloyd Anderson started a marina at the site in 1947. The existing marina operation known as Anderson's Boatyard has been in business in its current configuration since 2002. This proposal is to give after-the-fact authorization to the 36 slip marina. It is to authorize the ramps, floats, pilings, and bulkheads. It will authorize everything as-built.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

The site is located at 115 Rocky Hollow Road in East Greenwich, Rhode Island. The seasonal marina is located on the western shoreline of Greenwich Cove in the southern half of the cove. The location is on the USGS East Greenwich, RI quadrangle sheet at lat/long coordinates N41° 39.197' and W71° 27.025 '.

## 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.

**CENAE-R**  
**FILE NO. NAE-2007-518**

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 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 0.97 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 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.

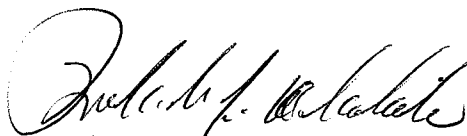
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in 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.
- ( ) 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](mailto: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.

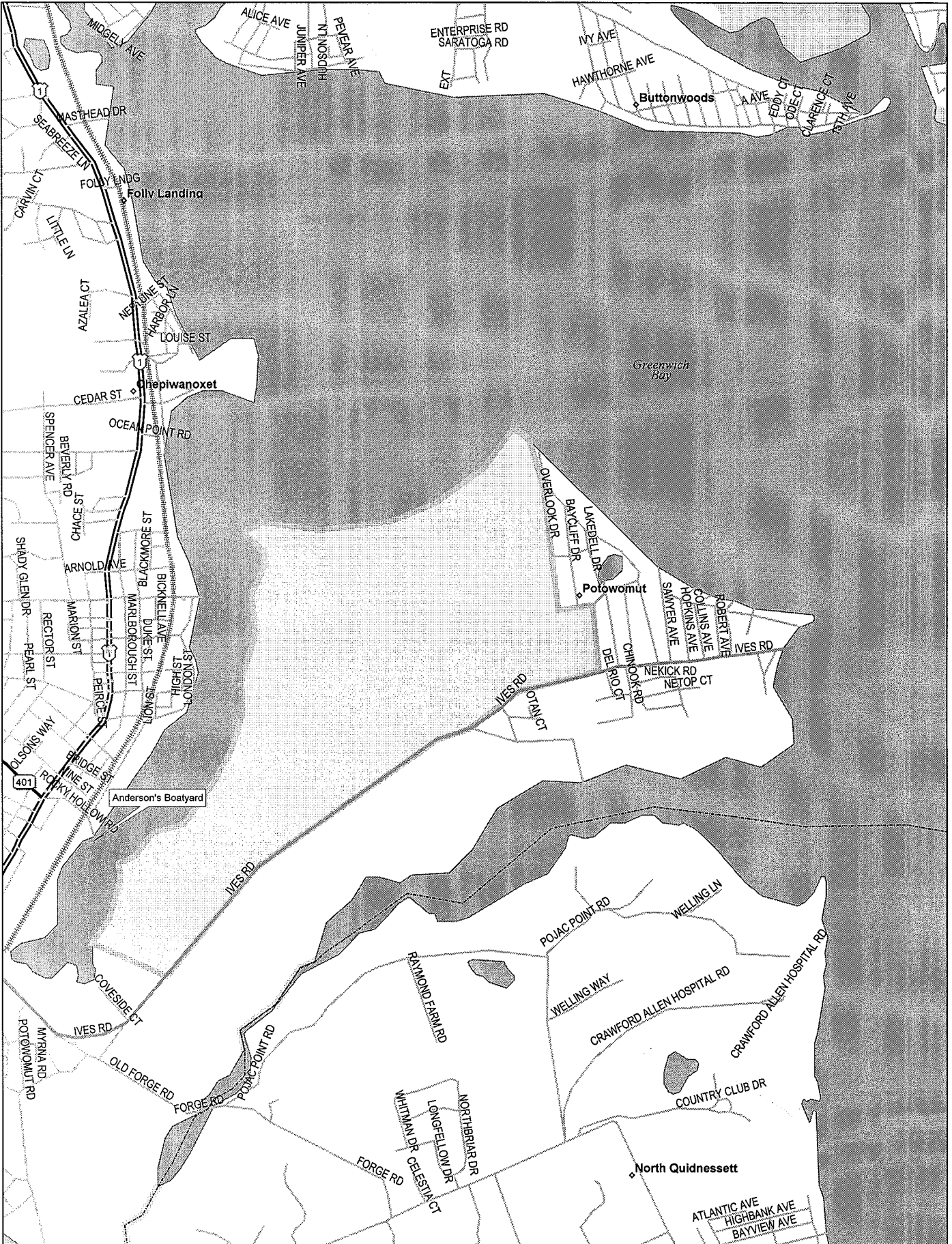
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

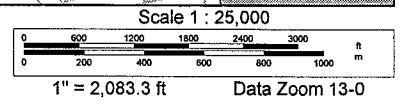
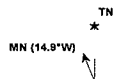
The project involves authorizing an existing marina/boatyard. The site has had differing float layouts and configurations throughout the years. This action is to authorize the entire marina as-built in its current configuration. There are two docks. The smaller northern dock is a ramp to a 6' x 108' float with a 4' x 16' L-dock at the seaward end. It extends 122' past mean high water in Greenwich Cove. Along the northern dock are the remains of an old 43' wooden bulkhead plus an existing 105' stone bulkhead. There is a marine railway separating the north and south docks.

There is a 145' wooden bulkhead at the south dock. From a 6' x 24' platform is a ramp leading to an 8' x 17' landing float which goes to a 6' x 163' main float with 7 finger floats extending north and 8 finger floats extending south. At the seaward end of the main float is a 6' x 40' T-float with two 4' x 24' finger floats. The structure extends 228' past mean high water. There is a proposed marina perimeter limit encompassing the site.

The work is described on the enclosed 8.5" x 11" sections of a large plan entitled "MARINA PERIMETER LIMIT PLAN FOR ANDERSON'S BOAT YARD" dated "NOV. 13, 2006" revised "JANUARY 25, 2007".

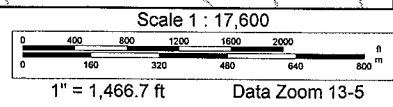
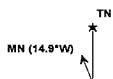


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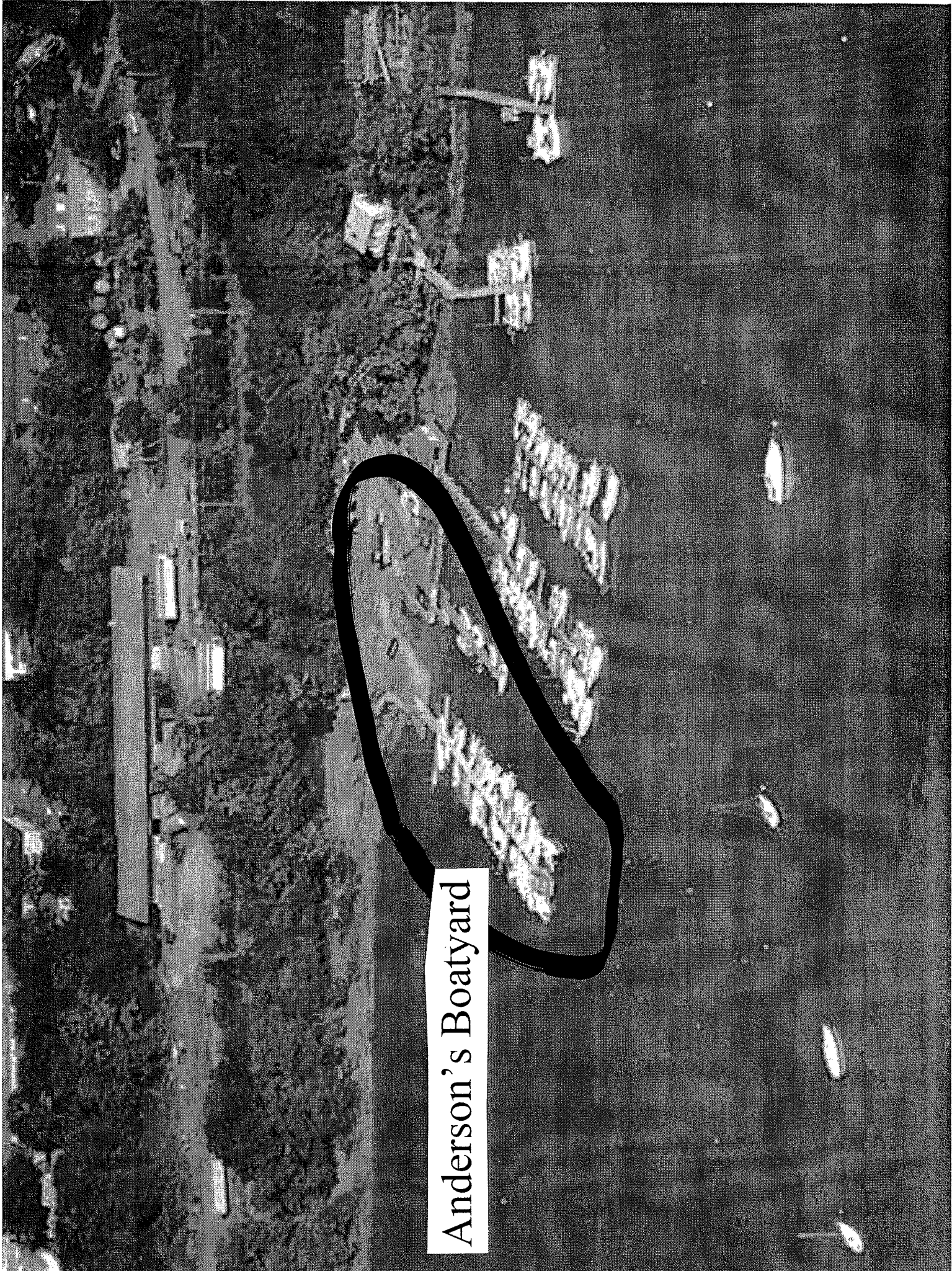




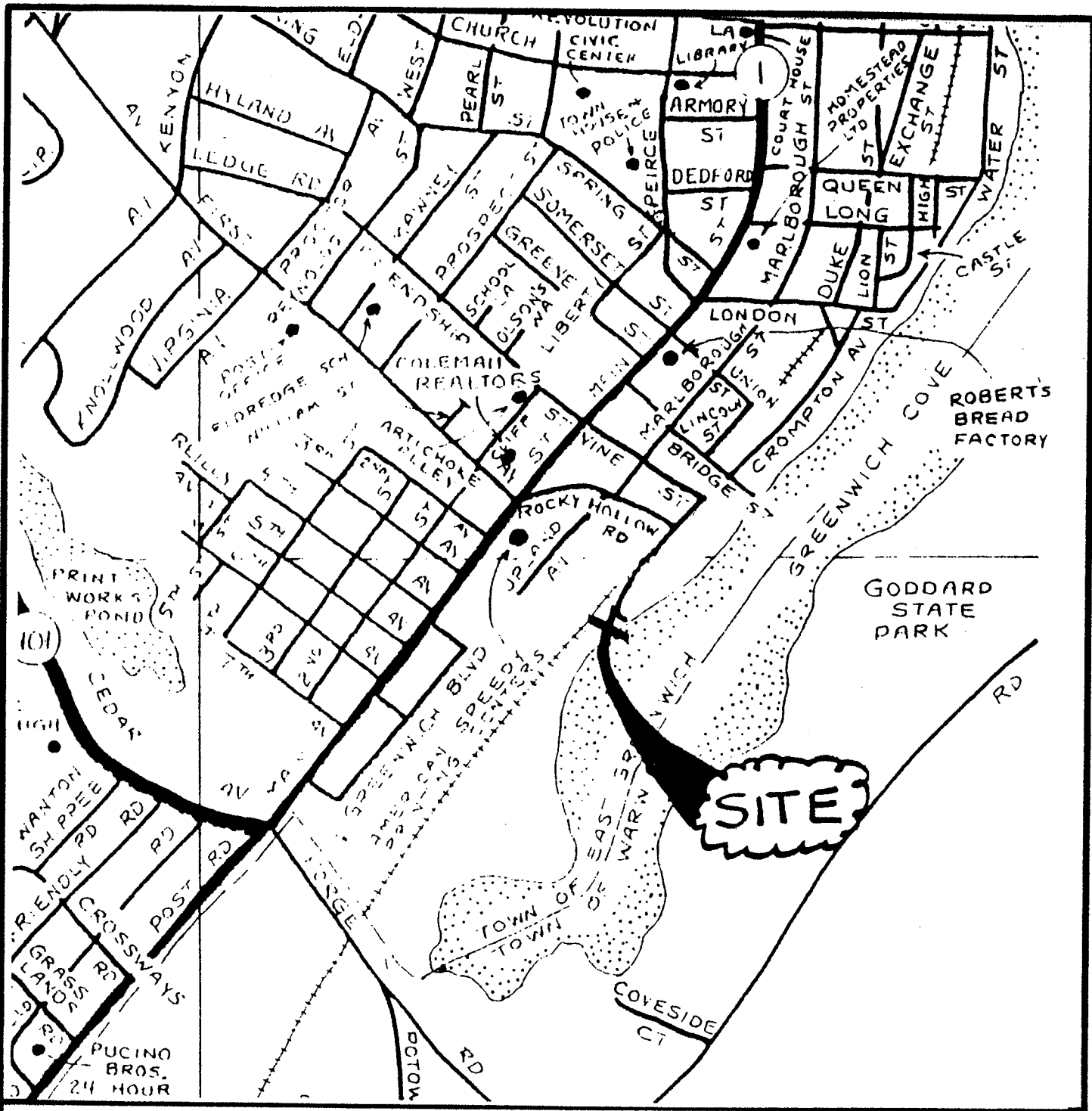
N41° 39.201'  
W71° 27.032'







Anderson's Boatyard



# LOCUS

NOT TO SCALE



FOLLOW

WOOD GUARDRAIL  
C/DISK H-2

APPROXIMATE  
MEAN HIGH  
WATER LINE

EXISTING ABUTTING DOCK

MARINA PERIMETER  
LIMIT LINE IS THE  
PROPERTY LINE  
EXTENSION

R.I. STATE  
COORDINATES  
N=207,613  
E=513,282

CRMC  
DISK H-2

EXISTING  
TOP OF  
SLOPE

DIRT  
AREA

EXISTING  
STONE  
BULKHEAD

GROUND  
ER AND  
TRIC LINES

IRT  
REA

151.50'

48'±

190°51'22"

153°38'57"

15.4'

83.68'

EXISTING DOCK

RAMP

EXISTING  
RAILS

WOOD  
BULKHEAD

UNDERGROUND  
WATER AND  
ELECTRIC LINES

146°02'47"

PL=55.5'

DIRT  
AREA

POST

APPROXIMATE  
MEAN HIGH  
WATER LINE

146°19'18"

POST

RT  
EA

RAMP

EXISTING DOCK

EXISTING DOCK

25.0'

91.31'

25.0'

118°32'24"

R.I. STATE  
COORDINATES  
N=207,463  
E=513,302

R.I. STATE  
COORDINATES  
N=207,408  
E=513,229

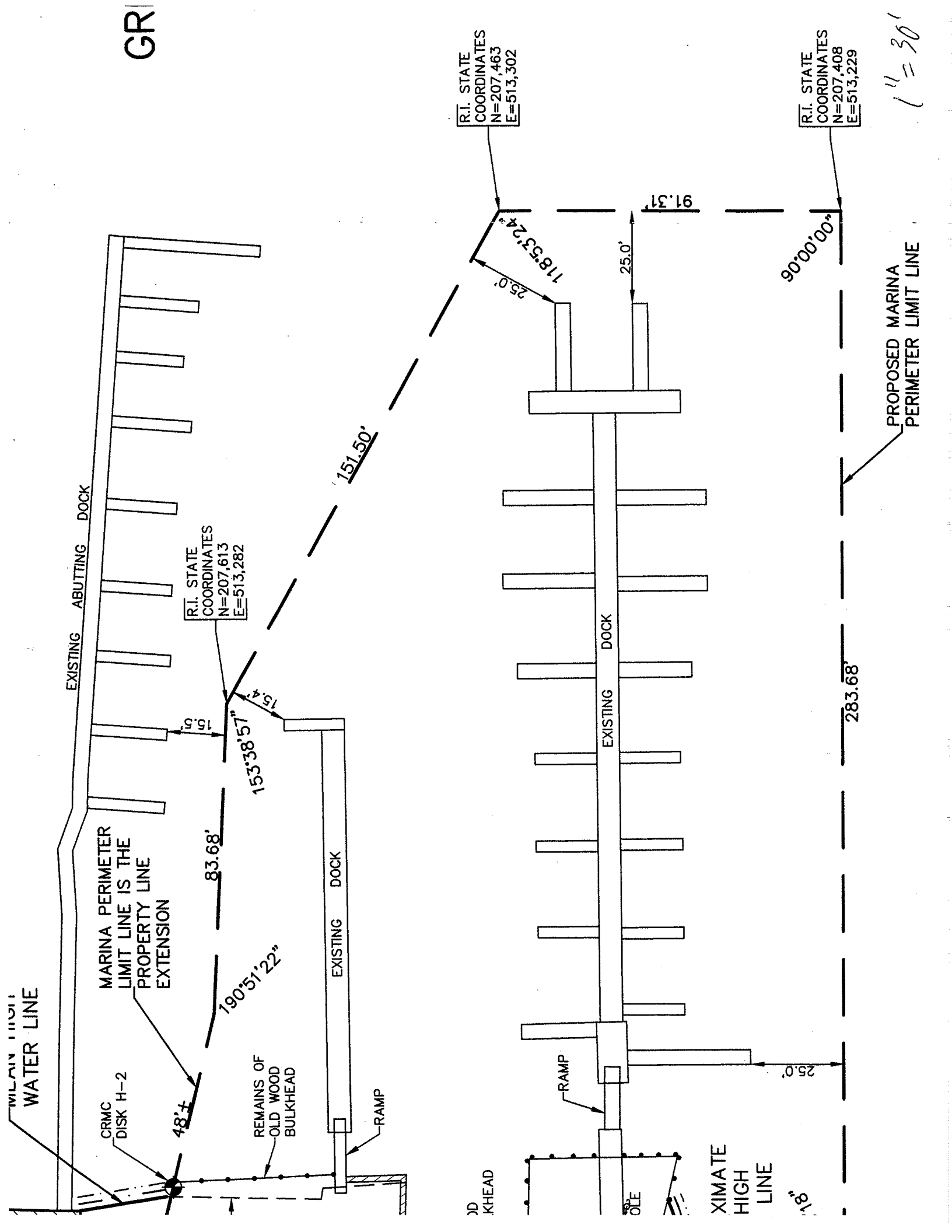
283.68'

90°00'00"

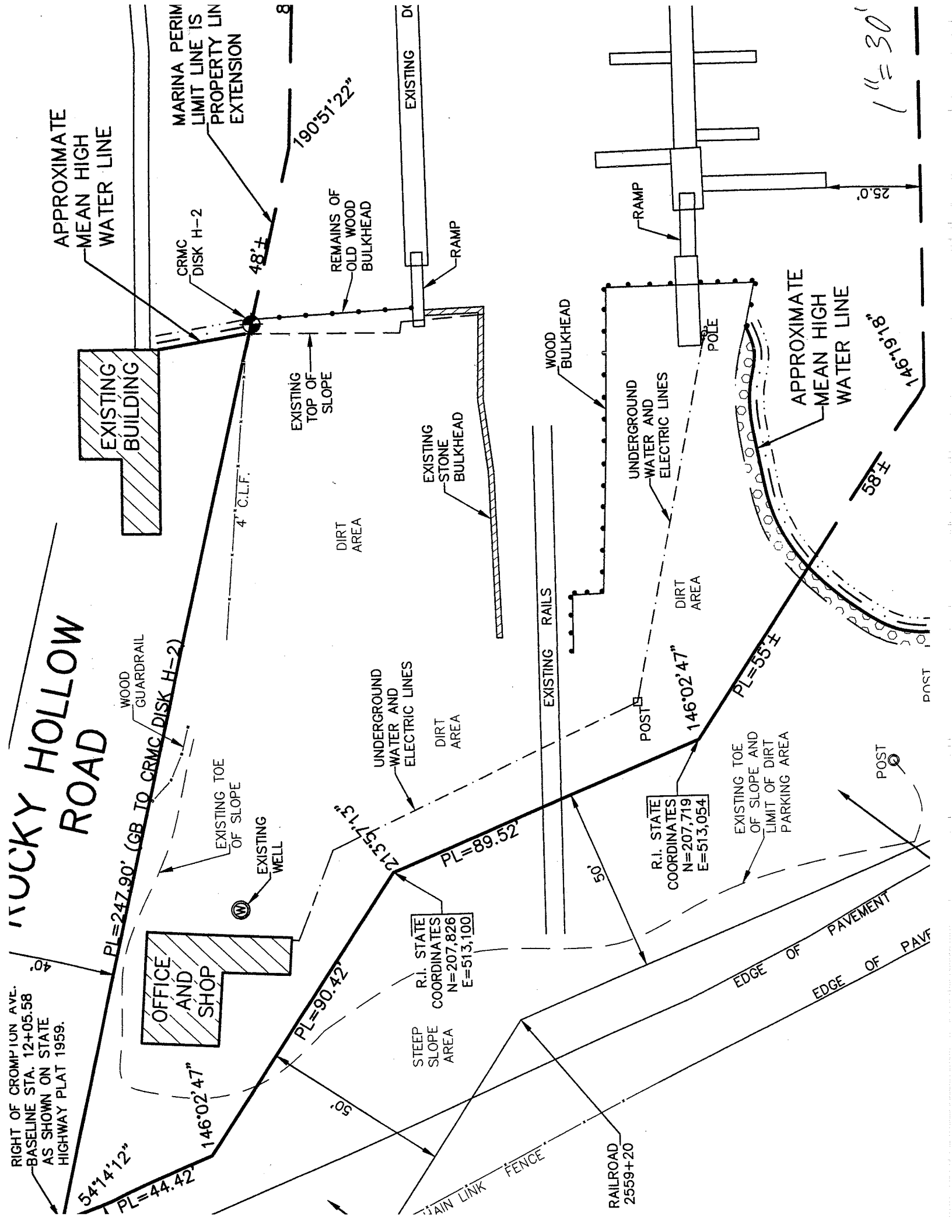
PROPOSED MARINA  
PERIMETER LIMIT LINE

GR

GR



1" = 30'



RIGHT OF CROMPTON AVE.  
 BASELINE STA. 12+05.58  
 AS SHOWN ON STATE  
 HIGHWAY PLAT 1959.

# TUCKY HOLLOW ROAD

WOOD GUARDRAIL  
 CRMC DISK H-2  
 4" C.L.F.

OFFICE AND SHOP

EXISTING BUILDING

APPROXIMATE MEAN HIGH WATER LINE

MARINA PERIM LIMIT LINE IS PROPERTY LINE EXTENSION

CRMC DISK H-2

EXISTING TOE OF SLOPE

EXISTING WELL

EXISTING TOP OF SLOPE

DIRT AREA

UNDERGROUND WATER AND ELECTRIC LINES

R.I. STATE COORDINATES  
 N=207,826  
 E=513,100

STEEL SLOPE AREA

EXISTING STONE BULKHEAD

CHAIN LINK FENCE

EXISTING RAILS

WOOD BULKHEAD

RAILROAD 2559+20

UNDERGROUND WATER AND ELECTRIC LINES

R.I. STATE COORDINATES  
 N=207,719  
 E=513,054

EDGE OF PAVEMENT  
 EDGE OF PAVF

EXISTING TOE OF SLOPE AND LIMIT OF DIRT PARKING AREA

POST

POST

POST

APPROXIMATE MEAN HIGH WATER LINE

58°±

146°19'18"

PL=55±

PL=89.52'

213.57'±

PL=90.42'

PL=44.42'

PL=247.90'

48'±

190°51'22"

REMAINS OF OLD WOOD BULKHEAD

RAMP

EXISTING DISK

RAMP

POLE

25.0'

1" = 30'