



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: January 6, 2009

Comment Period Ends: February 6, 2009

File Number: NAE-2008-3498

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

Lockwood Commercial, LLC

ACTIVITY

To expand the existing 87 slip Lockwood Marina located in Point Judith Pond in South Kingstown, RI. The marina expansion project would install 20 new slips for a total of 107 slips and revise the marina perimeter limit to encompass the new float layout. There is no dredging proposed. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

The site is located at 650 Succotash Road in South Kingstown, Rhode Island. The marina is located in Point Judith Pond near the entrance channel to Potters Pond. The location is on the USGS Kingston, RI quadrangle sheet at approximate lat/long coordinates N41° 23' 16" and W71° 31' 30".

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.

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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 0.23 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, 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

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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. 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 a marina expansion in Point Judith Pond with the number of boat slips increasing from 87 to 107 slips. The most seaward structure will extend 262' past mean high water in Point Judith Pond.

The southernmost line of floats will have a new 4' x 48' main float extension with two 3' x 16' finger floats extending south, two 3' x 16' finger floats extending north plus a 3' x 24' finger float extending east (seaward). The line of floats to the north will also have a new 4' x 48' main float extension with two 3' x 16' finger floats extending south, two 3' x 16' finger floats extending north plus a 3' x 24' finger float extending east (seaward).

There is no dredging or filling proposed as part of this application.

There is a proposed revised marina perimeter limit encompassing the expanded marina float layout.

The work is described on the enclosed plans entitled "MARINA EXPANSION PLAN PREPARED FOR: LOCKWOOD COMMERCIAL, LLC 650 SUCCOTASH ROAD IN THE TOWN OF SOUTH KINGSTOWN MAP 87-2, LOT 4" dated "9/5/08".

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

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

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within affecting the following: Point Judith Harbor, R. I., from the Marsh (northwest of Point Judith, R. I.) to halfway down Quonochontaug Beach. Also the following are affected by these waters: the eastern half of Quonochontaug Beach, Jerusalem R. I., Matunuck, R. I., and Green Hill, R. I., within Block Island Sound, along with Point Judith Pond, the Nebraska Shoal, and Charlestown Breachway.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)				X
haddock (<i>Melanogrammus aeglefinus</i>)				
pollock (<i>Pollachius virens</i>)				
whiting (<i>Merluccius bilinearis</i>)				
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)				
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>)				
yellowtail flounder (<i>Pleuronectes ferruginea</i>)				
windowpane flounder (<i>Scophthalmus aquosus</i>)				
American plaice (<i>Hippoglossoides platessoides</i>)				
ocean pout (<i>Macrozoarces americanus</i>)				
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)				X
monkfish (<i>Lophius americanus</i>)				

bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)				
summer flounder (<i>Paralichthys dentatus</i>)				
scup (<i>Stenotomus chrysops</i>)	n/a	n/a		
black sea bass (<i>Centropristus striata</i>)	n/a			
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		
blue shark (<i>Prionace glauca</i>)				X



*Location Map
(Not To Scale)*

Legend



MARINA EXPANSION PLAN

PREPARED FOR:

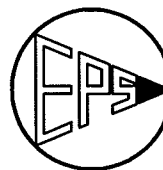
**LOCKWOOD COMMERCIAL, LLC
650 SUCCOTASH ROAD
IN THE TOWN OF SOUTH KINGSTOWN
MAP 87-2, LOT 4**

9/5/08

JOB NUMBER: 7316.001

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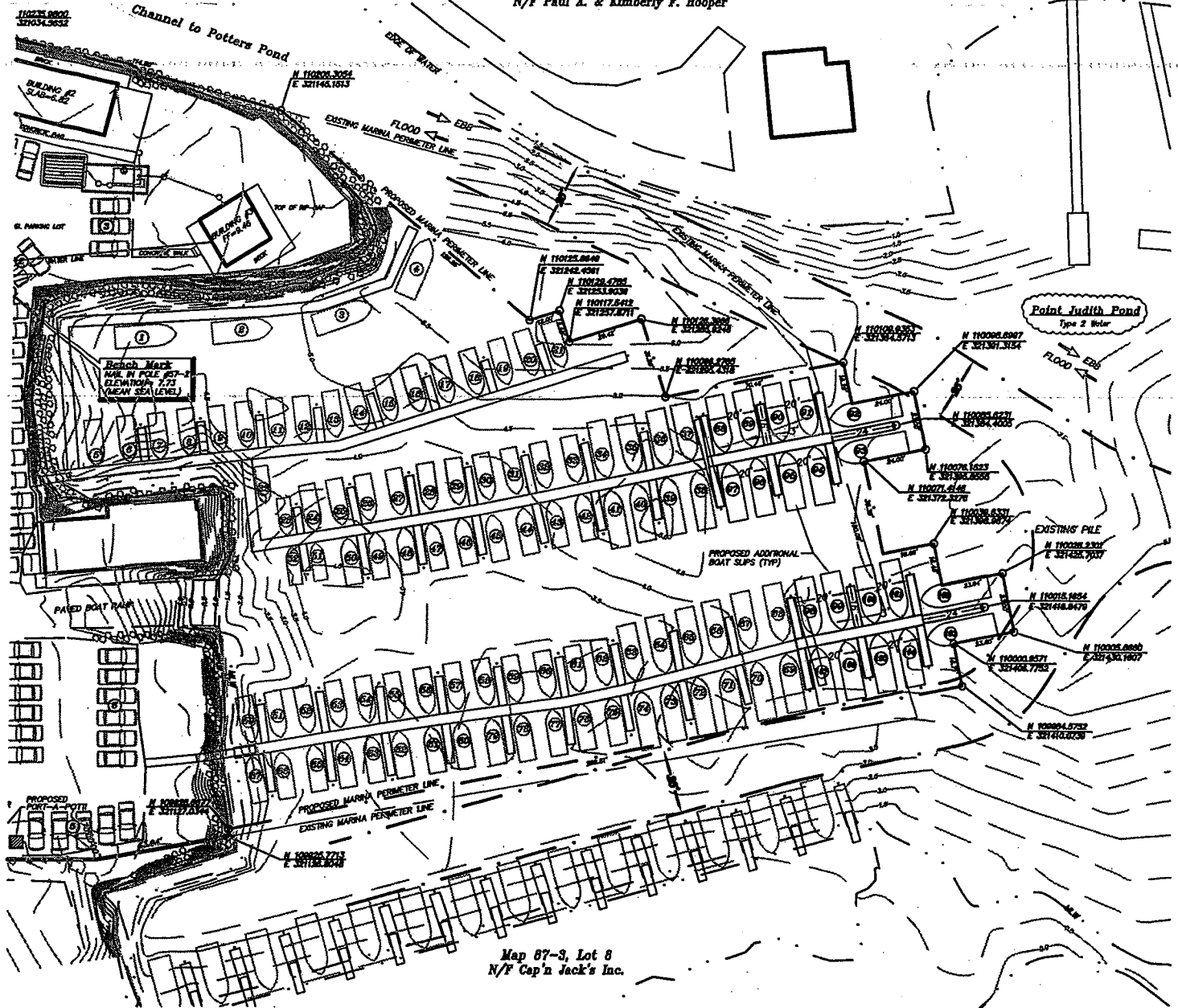
Environmental Planning & Surveying, Inc.



*Civil Engineering
Surveying
C A D Drafting*

52 Dugway Bridge Road West Kingston, Rhode Island 02892 (401) 789-3628

Map 87-2, Lot 5
N/F Paul A. & Kimberly F. Hooper



Map 87-3, Lot 8
N/F Cap'n Jack's Inc.

SITE PLAN
SCALE: 1"=60'

MARINA EXPANSION PLAN

PREPARED FOR:

LOCKWOOD COMMERCIAL, LLC
650 SUCCOTASH ROAD
IN THE TOWN OF SOUTH KINGSTOWN
MAP 87-2, LOT 4

9/5/08

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WESLEY GRANT III

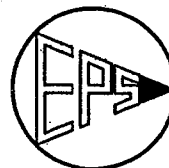


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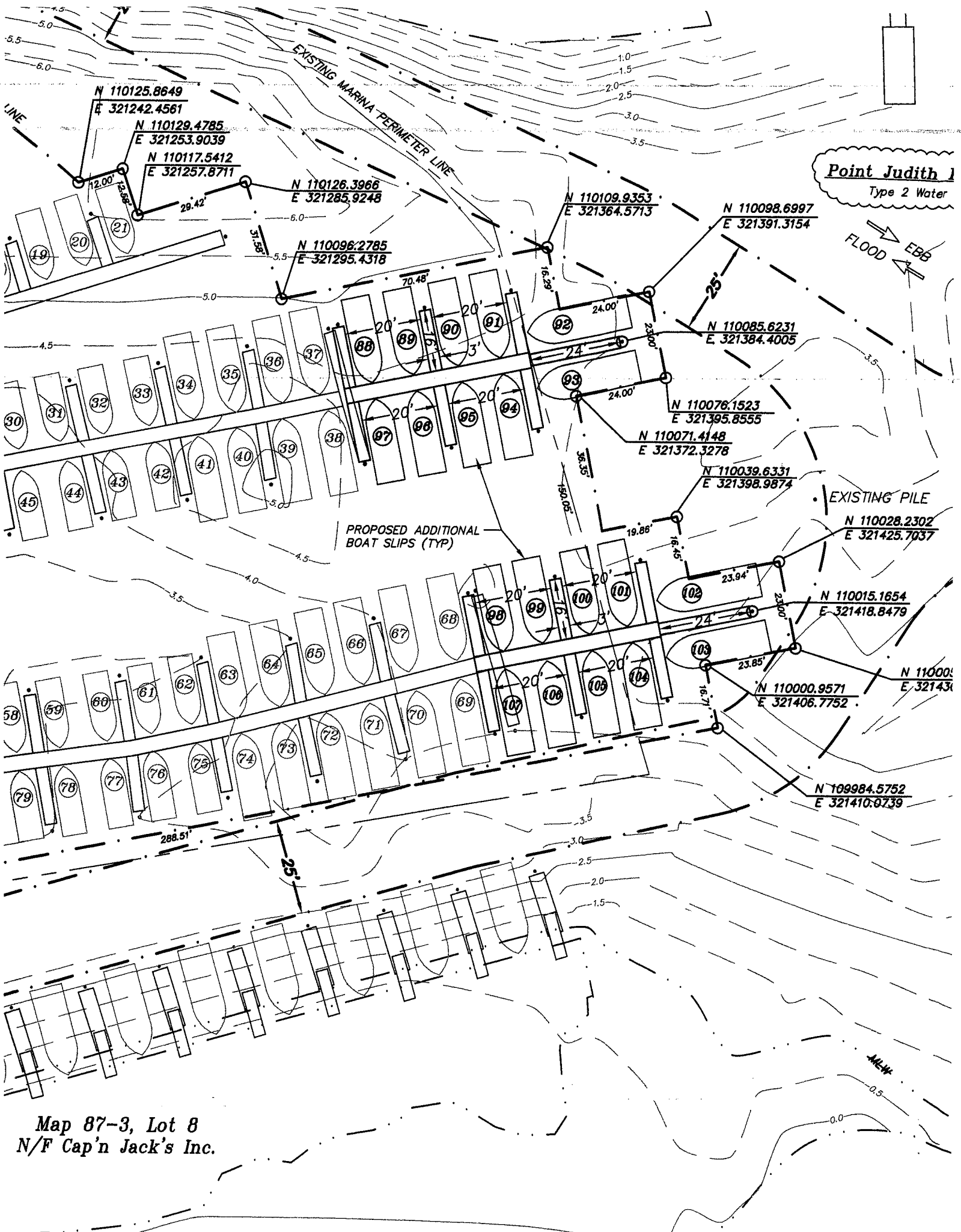
REGISTERED
PROFESSIONAL ENGINEER

Environmental Planning & Surveying, Inc.



Civil Engineering
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C A D Drafting

52 Dugway Bridge Road West Kingston, Rhode Island 02892 (401) 789-3628



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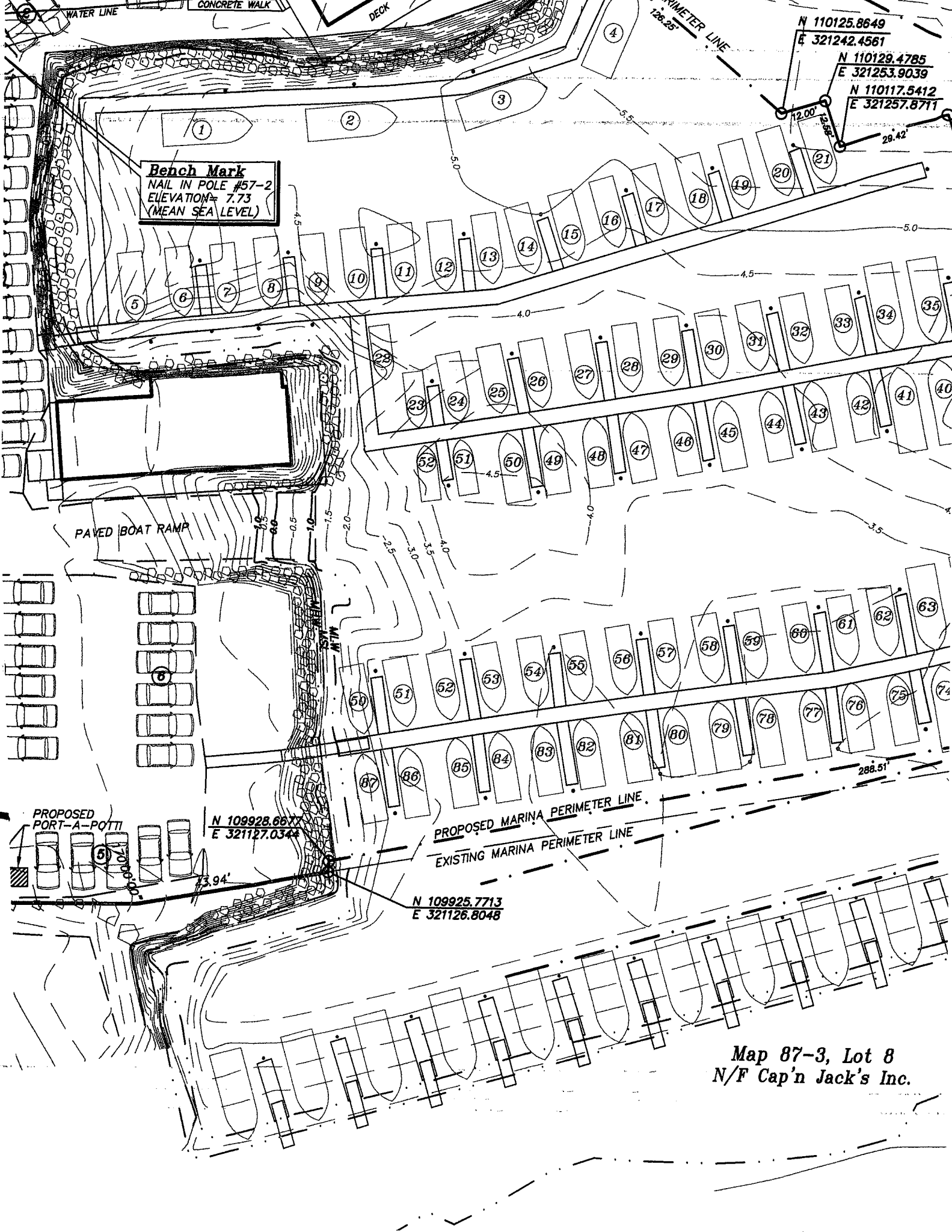
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Map 87-3, Lot 8
N/F Cap'n Jack's Inc.



Map 87-3, Lot 8
N/F Cap'n Jack's Inc.