



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: March 6, 2007
Comment Period Ends: April 4, 2007
File Number: NAE-2006-1305
In Reply Refer To: Stephen D. DiLorenzo

The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

Patrick T. Conley, Esq.
Rhode Island State Pier Properties, LLC
180 Allens Avenue
Providence, Rhode Island 02903

ACTIVITY

The applicant proposes to retain and maintain unauthorized structures and fill located in the Providence River off of his property located at 180 Allens Avenue, Providence, Rhode Island.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Providence River at 180 Allens Avenue at Providence, Rhode Island. The proposed location on the USGS PROVIDENCE quadrangle sheet is at UTM coordinates 4631 N and 02985 E.

PROPOSED WORK AND PURPOSE

The proposed work includes the retention and maintenance of unauthorized structures and fill in navigable waters. The structures are owned by the Rhode Island Public Transit Authority (RIPTA) but installed on the property by the applicant stated above. The unauthorized structures include a 90' x 16' float attached perpendicular to the existing solid filled pier and the addition of 4 – 12" diameter fibreglass piles. The structures are for the seasonal ferry boat service between Providence and Newport operated by RIPTA. The trap rock/riprap runs approximately 270 linear feet by 25' seaward of the high tide line and for the safety of the general public visiting this area.

The work is described on the enclosed plans entitled "PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES TRAILER, PROVIDENCE RIVER, PROVIDENCE, RHODE ISLAND, APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC," on six sheets, and dated "12/01/06".

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 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.

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 8,200 square feet of Essential Fish Habitat (EFH) for species and life stages shown on sheets 5 & 6. This habitat consists of rubble, silt and sand. Loss of this habitat may adversely affect the species shown on sheets 5 & 6. 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.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

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

- 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.

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 Stephen D. DiLorenzo, Senior Project Manager at (978) 318-8335, (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.

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.

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

CENAE-R-PEB
FILE NO. NAE-2006-1305

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Robert J. DeSista
Chief, Permits and 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: _____

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

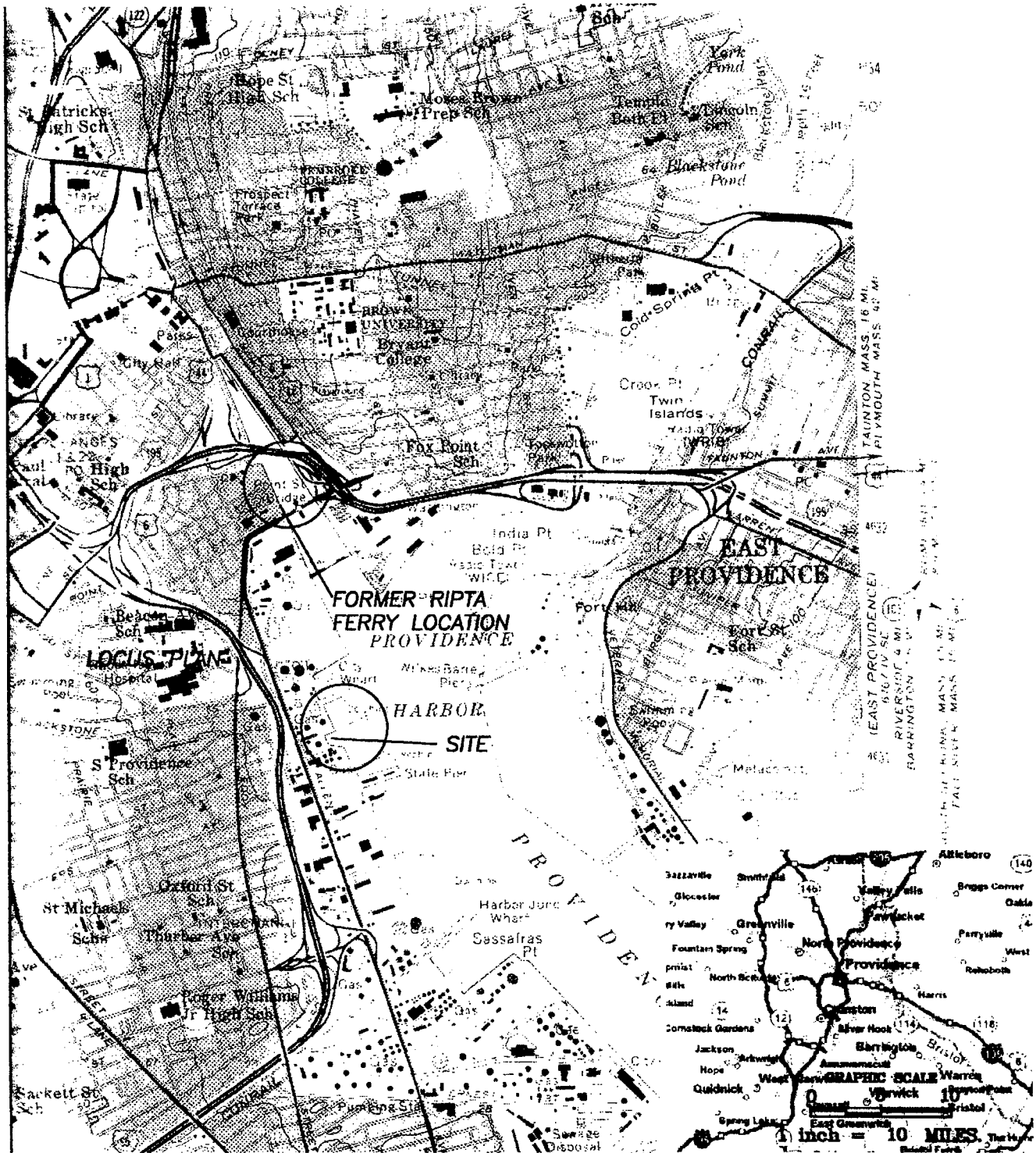
Boundary	North	East	South	West
Coordinate	41° 50.0' N	71° 20.0' W	41° 40.0' N	71° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square within the Providence River, within Narragansett Bay, affecting all cities, towns, and features within or adjacent to it, from Nayatt Pt. and south of Nayatt, RI., north, as well as from Warwick Pt. north. Also, these waters affect within and around Greenwich Bay, northeast of East Greenwich, RI., and north of Sally Rock Pt. on Potowomut Neck, and all other towns, cities, and features within or adjacent to those waters including Apponaug Cove, Buttonwoods Cove, Brush Neck Cove, and Warwick Cove.

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>)				
offshore hake (<i>Merluccius albidus</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>Scopthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)		X	X	X
ocean pout (<i>Macrozoarces americanus</i>)				

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Atlantic halibut (<i>Hippoglossus hippoglossus</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



PURPOSE: RELOCATION OF RIPTA FERRY TERMINAL TO CONLEY'S WHARF PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND
 DATUM: MLLW = 0.0 MLW = 0.18 MHW = 4.70 HTL = 6.41
AGENT:
 CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738

LOCATION PLAN
 GRAPHIC SCALE
 0 1000 2000
 1 INCH = 2000 FEET.
REF: USGS PROVIDENCE QUADRANGLE

PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES TRAILER PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND
APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC
DATE: 12/01/06 SHEET 1 OF 6

SPRAGUE ENERGY CORP.
144 ALLENS AVENUE
PROVIDENCE, RI 02903

CONCRETE BULKHEAD
P r o v i d e n c e
R i v e r

Assessor's Plat 46 Lot 160
C.H. SPRAGUE & SON
COMPANY

FEDERAL CHANNEL

Assessor's Plat 46 Lot 481
STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS
AREA: 7.010 ACRES
LAND : 109,577 SQ. FT.
(TO M.H.W. LINE)
WATER : 195,768 SQ.FT.

NARRAGANSETT ELECTRIC COMPANY
EASEMENT (25'x 341')

Assessor's Plat 46 Lot 128
CARGIL INCORPORATED
AREA: 0.540 ACRES

Assessor's Plat 46 Lot 489
RI STATE PIER PROP. LLC
AREA: 2.014 ACRES
LAND : 75,952 SQ. FT. (TO
M.H.W.) WATER : 11,775
SQ.FT.

HTL ELEV. 6.4'
MHW ELEV. 4.7'

Assessor's Plat 46 Lot 501
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
AREA: 3.141 ACRES
LAND : 2,060 SQ. FT. (TO M.H.W. LINE)
WATER : 134,772 SQ.FT.

Public - 80.00' wide
ALLENS AVENUE

PUBLIC STREET
Public - 50.15' wide

Assessor's Plat 46 Lot 323
N/F PETE'S TIRE BARN OF
RHODE ISLAND, L.L.C.

Assessor's Plat
46 Lot 325
STATE OF
RHODE ISLAND
& PROVIDENCE
PLANTATIONS

P r o v i d e n c e
R i v e r
HTL ELEV. 6.4'
MHW ELEV. 4.7'

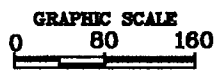
Assessor's Plat 46 Lot
361 STATE OF RHODE
ISLAND & PROVIDENCE
PLANTATIONS

Assessor's Plat 46 Lot
361 STATE OF RHODE
ISLAND & PROVIDENCE
PLANTATIONS

PURPOSE: RELOCATION OF
RIPTA FERRY TERMINAL TO
CONLEY'S WHARF
PROVIDENCE RIVER

AGENT:
CLE ENGINEERING, INC.
15 CREEK RD. MARION, MA 02738

ABUTTERS PLAN

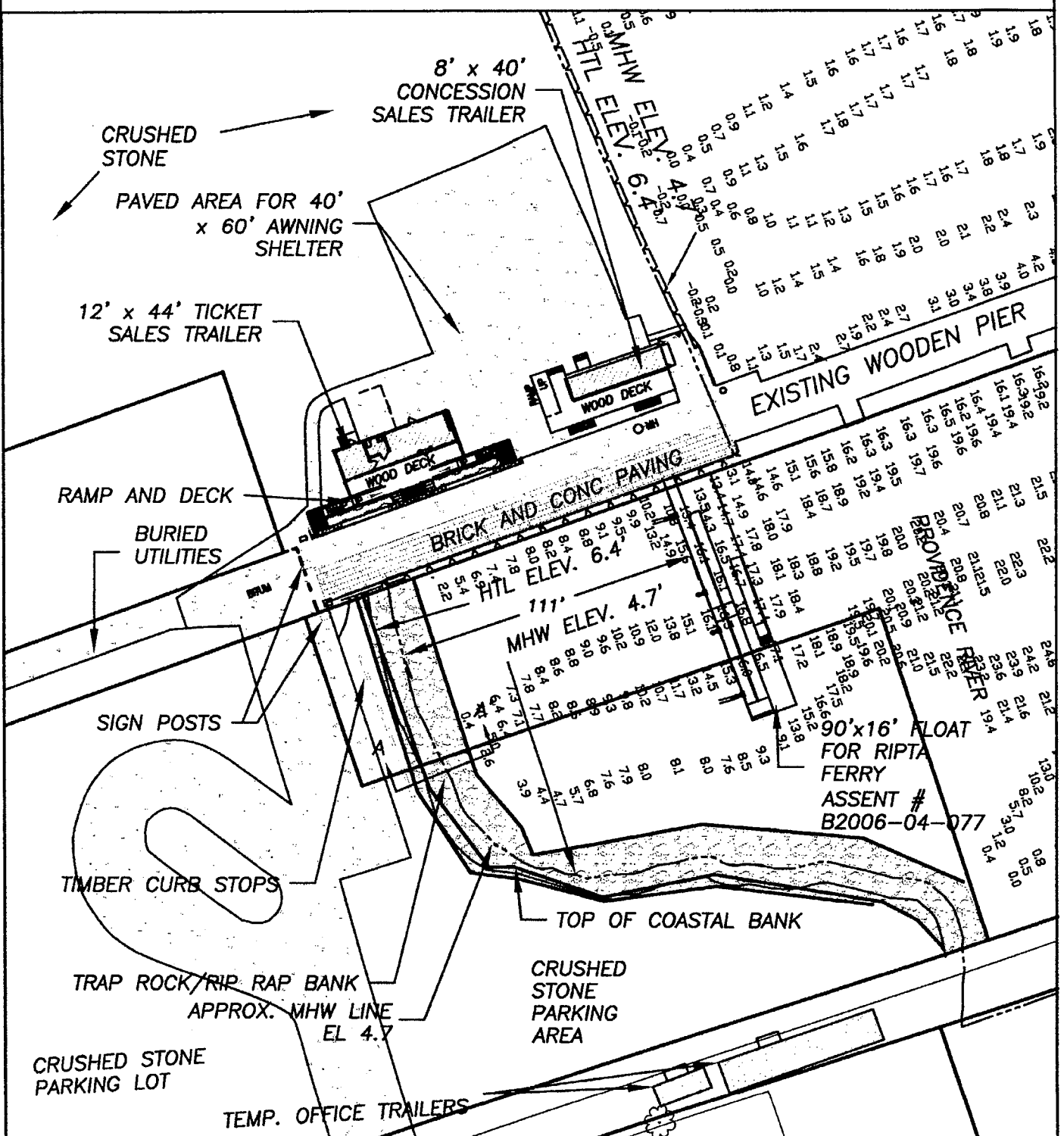


1 INCH = 160 FEET.

REF: PROVIDENCE CITY
ASSESSORS PLAT #46

PILE ANCHORED FLOAT AND RAMPS
WITH TICKET SALES TRAILER
180 ALLENS AVENUE
PROVIDENCE, RHODE ISLAND
APPLICATION BY: RHODE ISLAND
STATE PIER PROPERTIES. LLC

DATE: 12/01/06 SHEET 2 OF 6



PURPOSE: RELOCATION OF RIPTA FERRY TERMINAL TO CONLEY'S WHARF PROVIDENCE RIVER

DATUM: MLLW = 0.0 MLW = 0.18 MHW = 4.70 HTL = 6.41

AGENT: CLE ENGINEERING, INC. 15 CREEK RD. MARION, MA 02738

RIPTA FERRY TERMINAL SITE PLAN

GRAPHIC SCALE

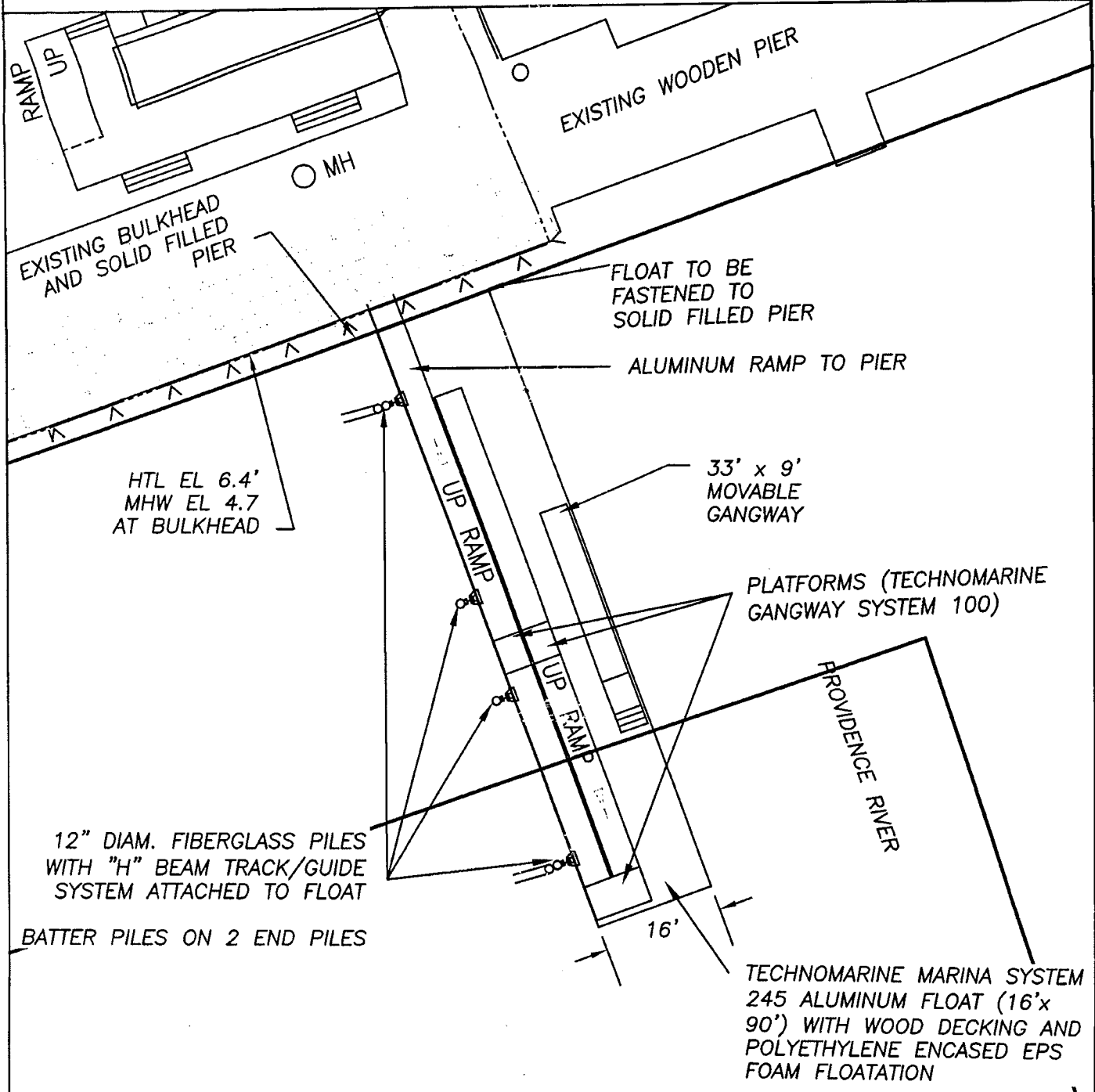
0 25 50

1 INCH = 50 FEET.

PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES TRAILER PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND

APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC

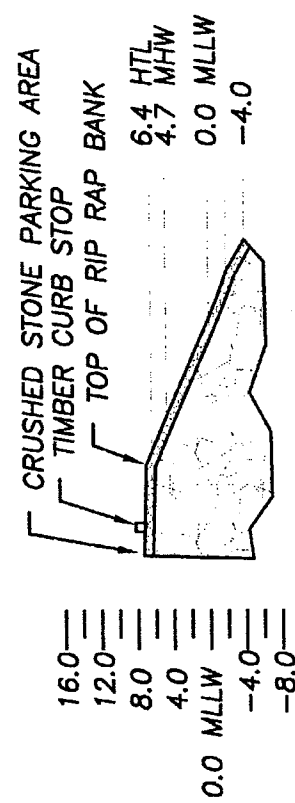
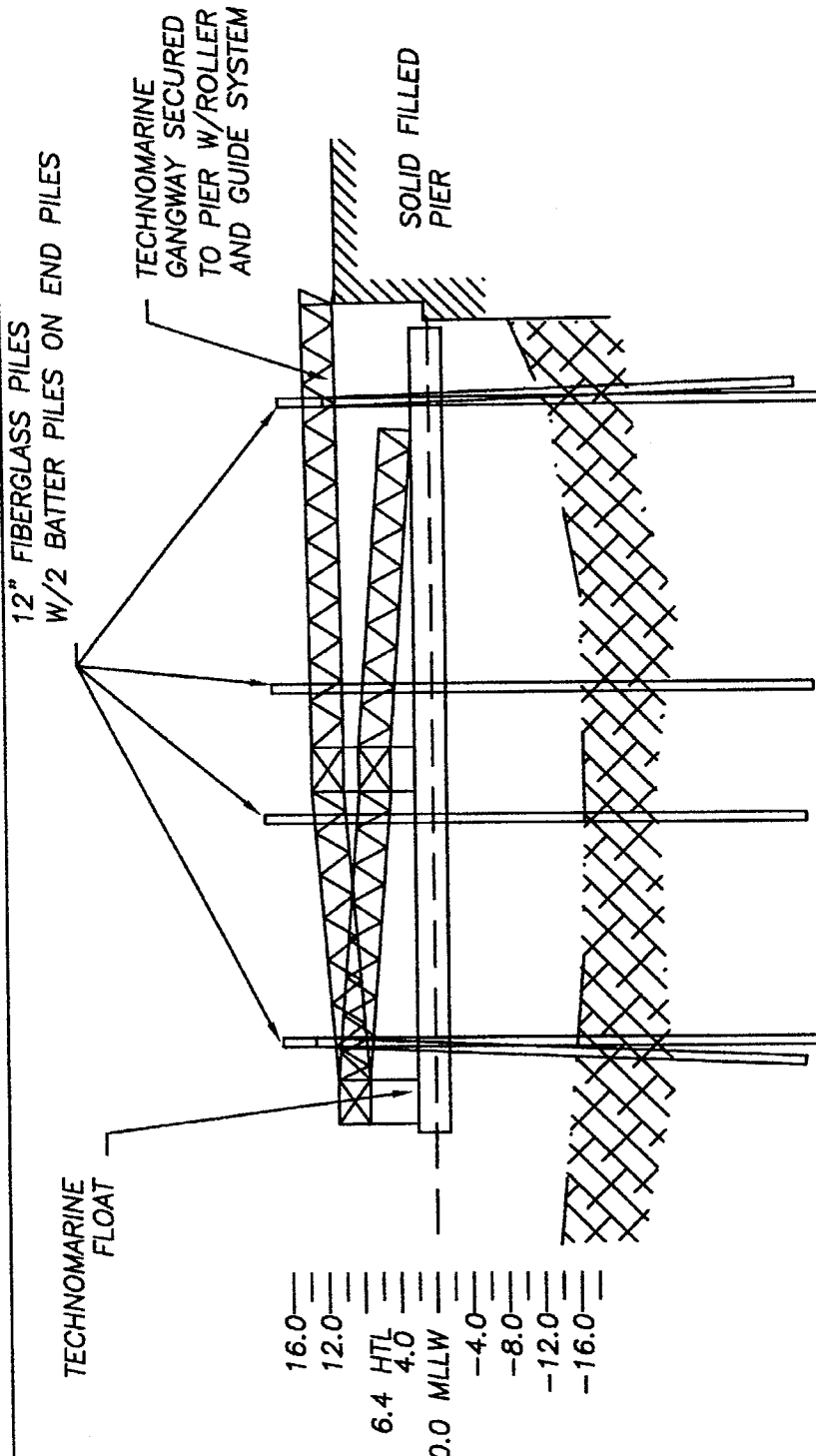
DATE: 12/01/06 SHEET 3 OF 6



PURPOSE: RELOCATION OF RIPTA FERRY TERMINAL TO CONLEY'S WHARF PROVIDENCE RIVER
 DATUM: MLLW = 0.0 MLW = 0.18 MHW = 4.70 HTL = 6.41
 AGENT: CLE ENGINEERING, INC. 15 CREEK RD. MARION, MA 02738

RIPTA FERRY FLOAT AND RAMP DETAILS
 GRAPHIC SCALE
 0 10 20
 1 INCH = 20 FEET.

PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES TRAILER PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND
 APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC
 DATE: 12/01/06 SHEET 4 OF 6



SECTION A-A'

PURPOSE: RELOCATION OF RIPTA FERRY TERMINAL TO CONLEY'S WHARF PROVIDENCE RIVER
 DATUM: MLLW = 0.0 MLW = 0.18 MHW = 4.70 HTL = 6.41
 AGENT: CLE ENGINEERING, INC. 15 CREEK RD. MARION, MA 02738

RIPTA FERRY FLOAT AND RAMP SECTIONS & BANK SECTION
 GRAPHIC SCALE
 0 10 20
 1 INCH = 20 FEET.

PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES BOOTH PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND
 APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC
 DATE: 12/01/06 SHEET 5 OF 6

NOTES:

1. FERRY IS NOT TO REMAIN AT FLOAT IN THE EVENT OF A 25 KNOT OR GREATER WIND CONDITION.
2. THE FLOAT MUST BE MOVED OFF THE PILES AND SECURED ELSEWHERE IN THE EVENT OF ANTICIPATED WIND SPEEDS GREATER THAN 60 KNOTS.
3. RESULTS OF HYDROGRAPHY FROM SURVEY DATED 09-22-05.
4. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MEAN LOWER LOW WATER.
5. BENCHMARK IS BENCHMARK 400B 1979, REF. PROVIDENCE 845000.
6. COORDINATES ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE STATE OF RHODE ISLAND, AND WERE TAKEN FROM CONTROL FURNISHED BY OTHERS AND WAS NOT INDEPENDENTLY VERIFIED.
7. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF HYDROGRAPHIC SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE SEABED CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, SHORELINES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
8. LANDSIDE FEATURES, PROPERTY LINES AND LOT INFORMATION IS FROM A "SURVEY IN PROGRESS" PLAN DATED OCTOBER 18, 2005 AND A PLAN ENTITLED "SURVEY OF PROPERTY, PARCELS 1-7, ALLENS AVENUE AND PUBLIC STREET, PROVIDENCE, RHODE ISLAND" DATED APRIL 3, 2006 AND REVISED AUGUST 4, 2006 PROVIDED BY GILBERT & MALONEY, ENGINEERS AND LAND SURVEYORS, 170 RHIODES STREET, PROVIDENCE, RI 02903.
9. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.

THE FOLLOWING INFORMATION WAS PROVIDED BY THE APPLICANT OR MANUFACTURER AND WAS NOT INDEPENDENTLY VERIFIED BY CLE ENGINEERING, INC.

RAMP AND FLOAT SYSTEM WERE RELOCATED FROM THE RIPTA TERMINAL AT THE POINT STREET LANDING. IT IS A PREFABRICATED SYSTEM BUILT IN 1996 CONSISTING OF THE TECHNOMARINE MARINA SYSTEM 245 AND TECHNOMARINE GANGWAY SYSTEM 100.

THE SYSTEM PROVIDES A BERTHING FACILITY FOR A 100 PASSENGER RIVER FERRY BOAT.

THE SYSTEM OF ALUMINUM GANGWAYS AND PLATFORMS ARE DESIGNED TO HANDLE A 10' TIDAL FLUCTUATION WHILE MAINTAINING HANDICAP ACCESS STANDARDS.

THE ALUMINUM FLOATING DOCK SYSTEM IS DESIGNED TO ABSORB THE IMPACT OF A 50 TON VESSEL HITTING THE DOCK AT A 45° ANGLE AT AN INCOMING SPEED OF 2 KNOTS.

SPECIFICATIONS:

OVERALL FLOAT DIMENSIONS: 90' X 16'

FREEBOARD: 20"

NET BUOYANCY: 55 PSF

STRUCTURAL CAPACITY: 100 PSF

GANGWAY CAPACITY: 100 PSF

ANCHORING: FOUR "H" BEAMS AND "H" BEAM GUIDES AND BRACES DESIGNED TO RESIST 20 MPH WINDS AT FULL OCCUPANCY

THE FLOAT SYSTEM IS ANCHORED BY SIX (6) FIBERGLASS 12" DIAMETER PILES THAT WERE INSTALLED BY MEANS OF A VIBRATING HAMMER FROM A BARGE MOUNTED CRANE.

<p>PURPOSE: RELOCATION OF RIPTA FERRY TERMINAL TO CONLEY'S WHARF PROVIDENCE RIVER DATUM: MLLW = 0.0 MLW = 0.18 MHW = 4.70 HTL = 6.41 AGENT: CLE ENGINEERING, INC. 15 CREEK RD. MARION, MA 02738</p>	<p>NOTES</p>	<p>PILE ANCHORED FLOAT AND RAMPS WITH TICKET SALES BOOTH PROVIDENCE RIVER PROVIDENCE, RHODE ISLAND APPLICATION BY: RHODE ISLAND STATE PIER PROPERTIES, LLC DATE: 12/01/06 SHEET 6 OF 6</p>
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