



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mike Walsh
nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: June 4, 2012

Comment Period Closes: July 4, 2012

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING/EXCAVATION OF THE INNER BASIN SHOAL AT THE HARBOR OF REFUGE FEDERAL NAVIGATION PROJECT, BLOCK ISLAND, RHODE ISLAND

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Federal navigation project, involving work in the navigable waters of this District. Attachment No. 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves removal of the northeast shoal in the 15-foot-deep Mean Lower Low Water (MLLW) Inner Basin of the Harbor of Refuge Federal navigation project. The Harbor of Refuge Federal navigation project was authorized by the River and Harbor Acts of July 11, 1870, and modified by Acts of August 2, 1882, August 5, 1886, June 3, 1896, and July 25, 1912. (See Attachment 1).

Character and Purpose of Work: Natural shoaling processes have reduced available depths in the northeast corner of the 15-foot deep Inner Basin making navigation into the Inner Basin hazardous at all stages of the tide. Maintenance dredging/excavation of approximately 3,000 cubic yards (cy) of sand from approximately 0.1 acres of the authorized project area will remove the northeast shoal in the Inner Basin. Dredging/excavation will be performed by land based, track mounted back-hoe. Dredged/excavated material will be transported by truck and will be disposed of at an upland beach site located adjacent to Corn Neck Road approximately ½ mile north of the Inner Basin. The dredge area is shown on Attachment 2 and the disposal area is shown on Attachment 3. The work will take place over a three month period in the years in which funds become available. This notice is intended to cover several maintenance dredging events over a 10-year period.

Disposal Area Options: The dredged/excavated material consists of clean sand with no fines based on sampling performed in September 2011. It is our preliminary determination that the

material is suitable for upland disposal at the proposed beach disposal site adjacent to Corn Neck Road.

Disposal Area: The dredged/excavated sandy material is proposed to be disposed of at an upland beach disposal site adjacent to Corn Neck Road located approximately ½ mile north of the harbor.

Additional Information: Additional information may be obtained from Mr. Michael Walsh, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, telephone number (978) 318-8586. Collect calls will be accepted weekdays between 9:00 a.m. and 3:00 p.m.

Coordination: The proposed work is being coordinated with the following Federal and State agencies:

Federal

Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State of Rhode Island

Department of Environmental Management
RI Coastal Resources Management Council
RI Historical Commission

Town of New Shoreham, Block Island, RI

Harbormaster

Environmental Impacts: An Environmental Assessment for this work is being prepared and will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with Rhode Island's Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operation will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. Local Sponsor: The town of New Shoreham is the local sponsor for the proposed work.
- b. Previous Dredging: Maintenance dredging of the Block Island Harbor of Refuge has been performed 27 times since 1928. Most recent maintenance dredging of the

entrance channel occurred in 2011 with disposal at a previously used nearshore site off of Crescent Beach.

- c. Alternate Disposal Methods: Alternate disposal options that have been considered include nearshore disposal, open-ocean disposal, beach disposal, and upland disposal. The Corps favors the upland beach disposal site north of the harbor adjacent to Corn Neck Road because it represents the most beneficial use of the sand and will keep the sand in the Crescent Beach system. The proximity of the proposed disposal site to the dredging/excavation area renders this alternative cost-effective.
- d. Non-Federal Dredging/Excavation: Currently no private dredging/excavation is being proposed in conjunction with this project. Facility owners within the harbor who may be interested in performing dredging/excavation concurrently with this project should be aware that work will require a permit from the Army Corps of Engineers under Section 10 of the Rivers and Harbors act and, depending on the location of the dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in open water, private dredged material must be determined to be suitable for such disposal.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species occur in the dredging area. However, several threatened or endangered species have the potential to occur near the project area. The Corps will consult with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- f. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- g. Cultural Resources: The proposed work consists only of maintenance, involving a previously dredged/excavated area and a previously used disposal area (by others), and will not affect any cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: It has been determined that dredging/excavation may have a temporary adverse effect on Essential Fish Habitat (EFH). The dredging/excavation site is contained within areas designated EFH as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996 for federally managed fish species. The Army Corps of Engineers has assessed the effects dredging is likely to have on EFH and has determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps will consult with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that all impacts will be minimized.

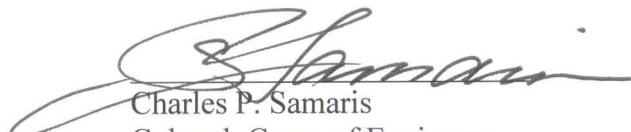
Additional Requirements: A request will be sent to the Rhode Island Coastal Resource Management Council for the State's concurrence with our determination of Federal consistency with the State's approved coastal zone management program.

The decision whether to perform the work 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 benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

Any person who has an interest which may be affected by the dredging/excavation and disposal of this material may request a public hearing. The request must be submitted in writing to me within 30 days of the date of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Michael Walsh, within 30 days of this notice.

1 June 12
Date


Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

ATTACHMENTS

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

Coastal Zone Management Act of 1972 [16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended through January 12, 2007 and amended by the Sustainable Fisheries Act of 1996

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

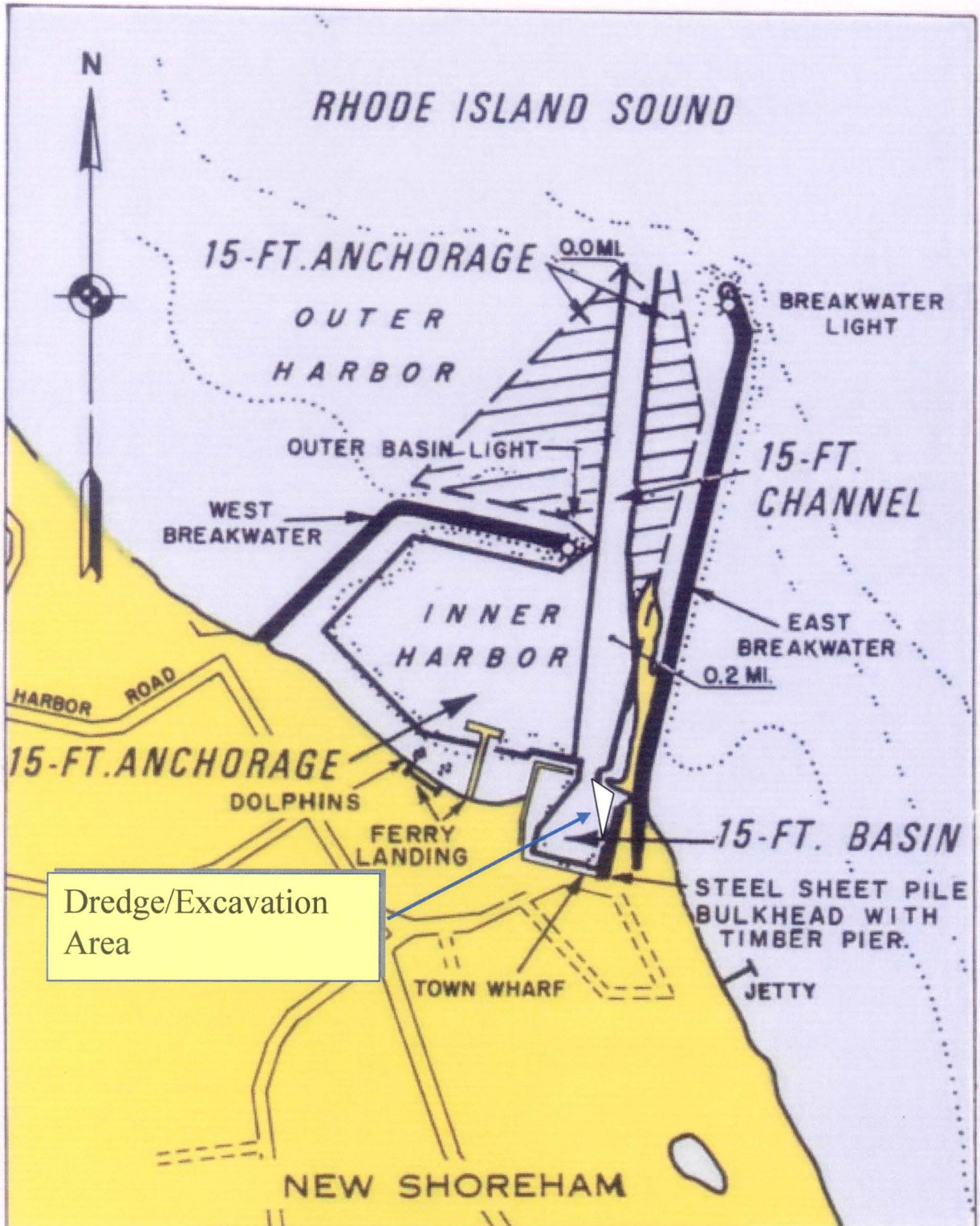
National Historic Preservation Act of 1966 (16 U.S.C. 470)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997



Dredge/Excavation Area

Inner Basin Shoal
 Block Island, Harbor of Refuge
 Attachment 2



**Attachment 3
Proposed Disposal Site**