



**US Army Corps  
of Engineers**<sup>®</sup>  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

In Reply Refer to: Programs/Project  
Management Division

Date: June 25, 2007

Comment Period Closes: July 25, 2007

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## 30 DAY PUBLIC NOTICE

### **Maintenance Dredging of the Bullocks Point Cove Federal Navigation Project, Barrington and East Providence, 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 at Bullocks Point Cove, involving work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and to authorize such work in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment No. 1 lists pertinent laws, regulations, and directives.

**Project Description:** The Federal Navigation Project (FNP) in Bullocks Point Cove was authorized by the River and Harbor Act of 1954 and provides for an entrance channel, 8-foot deep and 75-foot wide from deep water in the Providence River to a point just inside the cove; an inner channel, 6-foot deep and 75-foot wide extending from the entrance channel to a point opposite Haines Memorial Park; an 8.3 acre south mooring basin, 6-foot deep on the west side of the inner harbor, and; a 2.9 acre mooring and turning basin, 6 feet deep at the head of navigation.

**Character and Purpose of Work:** The proposed work involves maintenance dredging to remove approximately 60,000 cubic yards (cy) of predominantly silt and clay from the FNP. Natural shoaling processes have reduced the available depths in the eight foot deep entrance channel; the six foot deep inner channel; the six foot deep, south mooring basin and the six foot deep mooring and turning basin, located at the head of navigation. These shoals create hazardous conditions for vessels using the project and limit the available area to moor vessels. Maintenance dredging would restore the project to its authorized dimensions. A mechanical dredge will perform the proposed work and will place the dredged material into attendant scows for transportation to the designated disposal area. The work will take place over a four-month period from 1 October through 31 January in the years in which funds become available. The areas to be dredged are depicted on Attachment 2.

**Disposal Area:** Disposal of the dredged material from the Bullocks Point Cove maintenance dredging project will be at a Confined Aquatic Disposal (CAD) cell located in the Fox Point Reach of the Providence River (See Attachment 3). These CAD cells, or underwater pits, were originally constructed as part of the Providence River and Harbor maintenance dredging project and were designed to create capacity to isolate dredged material from the aquatic environment. The CAD cells are currently being used for the disposal of dredged material from private dredging projects within Narragansett Bay. The material to be dredged from the areas mentioned above in Bullocks Point Cove has been tested and found to be suitable for disposal as proposed in the CAD cells.

**Additional Information:** Additional information may be obtained from Mr. Bill Kavanaugh, Programs/Project Management Division, at the return address shown, by email at [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) or by telephone at (978) 318-8328 between 9:00 a.m. and 3:00 p.m.

**Coordination:** The proposed work has been 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

**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 work 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 the Coastal Zone Management Program:** I have determined that maintenance dredging of the authorized FNP is consistent, to the maximum extent practicable, with the applicable Coastal Zone Management Program (CZMP) established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program. The Rhode Island Coastal Resource Management Council has concurred with my determination of consistency with the Rhode Island CZMP.

## **Other Information:**

- a. Previous Dredging: Maintenance dredging of the 8-foot deep, entrance channel portion of the Federal project at Bullocks Point Cove occurred in 1995.
- b. Alternate Disposal Methods: Alternate disposal options were considered as part of this project. They include: near-shore disposal, open water disposal, beach disposal, and upland disposal. The material to be dredged has undergone physical and chemical testing and it was determined that the grain size is not compatible with direct beach disposal or near-shore disposal. Upland sites for disposal of the dredged material were investigated and no suitable site was identified. Open water disposal was considered; however, additional costly biological testing would be required to determine the material's suitability for open water disposal while providing no incremental benefits over disposal at the CAD cells.
- c. Endangered Species: In accordance with the Endangered Species Act of 1973 (87 Stat. 844), the proposed work was coordinated with National Marine Fisheries Service and the United States Fish and Wildlife Service to determine if any Federally-listed, threatened or endangered species under their jurisdictions, would be impacted by the proposed work. Both agencies indicated that no threatened or endangered species under their jurisdictions occurred in the project area; therefore, the proposed project will not significantly affect any species or critical habitat designated as endangered or threatened.
- d. Non-Federal Dredging: RIDEM Division of Planning and Development is considering dredging approximately 700 cubic yards of sediments by mechanical means from the Haines Memorial State Park boat ramp to the existing channel in Bullocks Cove.
- e. 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.
- f. Cultural Resources: The proposed work consists of maintenance dredging of previously dredged areas and disposal of the dredged material at a previously used disposal area, therefore, it is anticipated that the proposed work will not affect any cultural or archaeological features or resources.
- g. Essential Fish Habitat Assessment: The proposed project area is located in areas designated as Essential Fish Habitat (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, in coordination with the National Marine Fisheries

Service, have determined that the proposed work may have a temporary adverse effect on EFH; however, these impacts will be short-term and localized and because the work will be performed between October 1 and January 31<sup>st</sup> there will be no significant long-term impacts on the designated fisheries resources.

- h. Additional Requirements: The proposed work involves maintenance dredging and disposal of dredged material and is required to comply with State or interstate requirements to control the discharge of dredged or fill material in accordance with the Clean Water Act of 1977 (P.L. 95-217). A Water Quality Certification covering the proposed work has been received from Rhode Island Department of Environmental Management.

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 and disposal of this dredged 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: Bill Kavanaugh, within 30 days of this notice.

15 June 2007

Date

Curtis L. Thalken

Curtis L. Thalken  
Colonel, Corps of Engineers  
District Engineer

Attachments

## **PERTINENT LAWS, REGULATIONS, AND DIRECTIVES**

Clean Water Act, as amended (33 U.S.C. 1251 et. seq.)

Code of Federal Regulation, Title 33, Parts 335 through 338

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

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

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, et. seq.)

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

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

Sections 307(c)(1) and (2)

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

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

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

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.)

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 and amended by the

Sustainable Fisheries Act of 1996

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

## **Attachment 1**



