



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: [Programs/Project Mgmt Div](#)

E-Mail: nae-pn-nav@usace.army.mil

Date: [December 22, 2008](#)

Comment Period Closes: [January 22, 2009](#)

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE 18-FOOT ENTRANCE CHANNEL AT THE GREAT SALT POND 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, under the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532) and 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 proposed work involves maintenance dredging of portions of the 18-foot-deep Mean Lower Low Water (MLLW) entrance channel to the Great Salt Pond Federal navigation project (FNP) on Block Island, RI. The existing project was authorized in the Rivers and Harbor Act of June 3, 1896, and modified by the Acts of June 13, 1902 and March 2, 1945. (See Attachment 2)

Character and Purpose of Work: Natural shoaling processes have reduced available depths to as little as 3.5 feet MLLW in the entrance channel. Town of New Shoreham officials have requested that this project be maintained.

There is a particularly hazardous shoal at the eastern (inner) end of the entrance channel, which is making navigation to and from the pond hazardous at all stages of the tide. The Corps is pursuing the option of an expedited dredging effort focused on removing that shoal down to approximately 12.0 feet below MLLW using the Corps' special purpose dredge CURRITUCK. Maintenance dredging of up to approximately 29,000 cubic yards (cy) of sand from the most hazardous shoal within the authorized project area will restore the project to reasonably safe conditions. This work is expected to take 2 to 3 weeks to accomplish in the year(s) in which funds become available, contingent upon availability of necessary approvals.

Disposal Area Options: The dredged material has undergone physical analysis, in coordination with State and Federal resource agencies. The dredged material is clean sand, and we have determined that it is suitable for unconfined open-water disposal, as discussed in the

project Environmental Assessment. The material will be placed at a nearshore disposal site in sub-tidal water on the west side of the island, either adjacent to Charleston Beach (See Attachment 2) or adjacent to Sachem Pond (See Attachment 3). Both of these disposal sites provide the benefits of keeping the clean sand material within the beach system as well as accommodating use of the CURRITUCK.

Additional Information: Additional information regarding this proposal may be obtained from Mr. Michael Walsh, Programs/Project Management Division; at the return address shown above, by e-mail at nae-pn-nav@usace.army.mil; or by telephone at (978) 318-8586.

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

Federal

Environmental Protection Agency
US Fish and Wildlife Service
NOAA Fisheries

State of Rhode Island

Coastal Resources Management Council
Department of Environmental Management
Historic Preservation & Heritage Commission

Town of New Shoreham, Block Island, RI

Harbor Master
New Shoreham Town Manager

Environmental Impacts: The project Environmental Assessment for this work is being updated to include the additional northern near-shore disposal site (See Attachment 3) and, when completed, will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement 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 State of Rhode Island's 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, Block Island, RI, is the local sponsor for the proposed work.
- b. Previous Dredging: The last complete maintenance dredging was performed in 1982, with previous dredging projects occurring in 1972 and 1963. Emergency dredging efforts were performed in 2000 and 2004, in which 12,250 and 9,970 cubic yards of material respectively were removed from a hazardous shoal area and disposed of at the near-shore disposal site located off Charleston Beach on the west side of the island (See Attachment 2).
- c. Alternate Disposal Methods: Alternate disposal options that have been considered include open-ocean disposal, beach disposal, and upland disposal. The Corps favors the near-shore disposal option because it keeps the sand dredged from the Great Salt Pond channel within the littoral sediment transport system, and will accommodate the CURRITUCK. The proximity of the proposed near-shore disposal sites to the dredging area renders these alternatives cost-effective.
- d. Non-Federal Dredging: Currently no private dredging is being proposed in conjunction with this project. Facility owners within the harbor who may be interested in performing dredging 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 and endangered species have the potential to occur near the proposed disposal areas. The Corps will consult with NOAA Fisheries 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 previously dredged areas, and will not affect any cultural or archaeological features or resources in the area of dredging. There are two wrecks in proximity to the proposed Charleston beach near-shore disposal area that have already been coordinated with the State Historic Preservation & Heritage Commission.
- h. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). The dredging and disposal sites are 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 NOAA Fisheries and the United States Fish and Wildlife Service to ensure that all impacts will be minimized.

- i. Additional Requirements: An application for Water Quality Certification associated with disposal of the dredged material will be submitted to the Rhode Island Department of Environmental Management, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217), along with a request for the State's concurrence with our determination of Federal consistency with the State's approved coastal zone management program. The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

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, Programs/Project Mgmt Div, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Michael Walsh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.



Philip T. Feir
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 Regulations, 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)

Sections 307(c)(1) and (2), Coastal Zone Management Act of 1972

[16 U.S.C. 1456(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

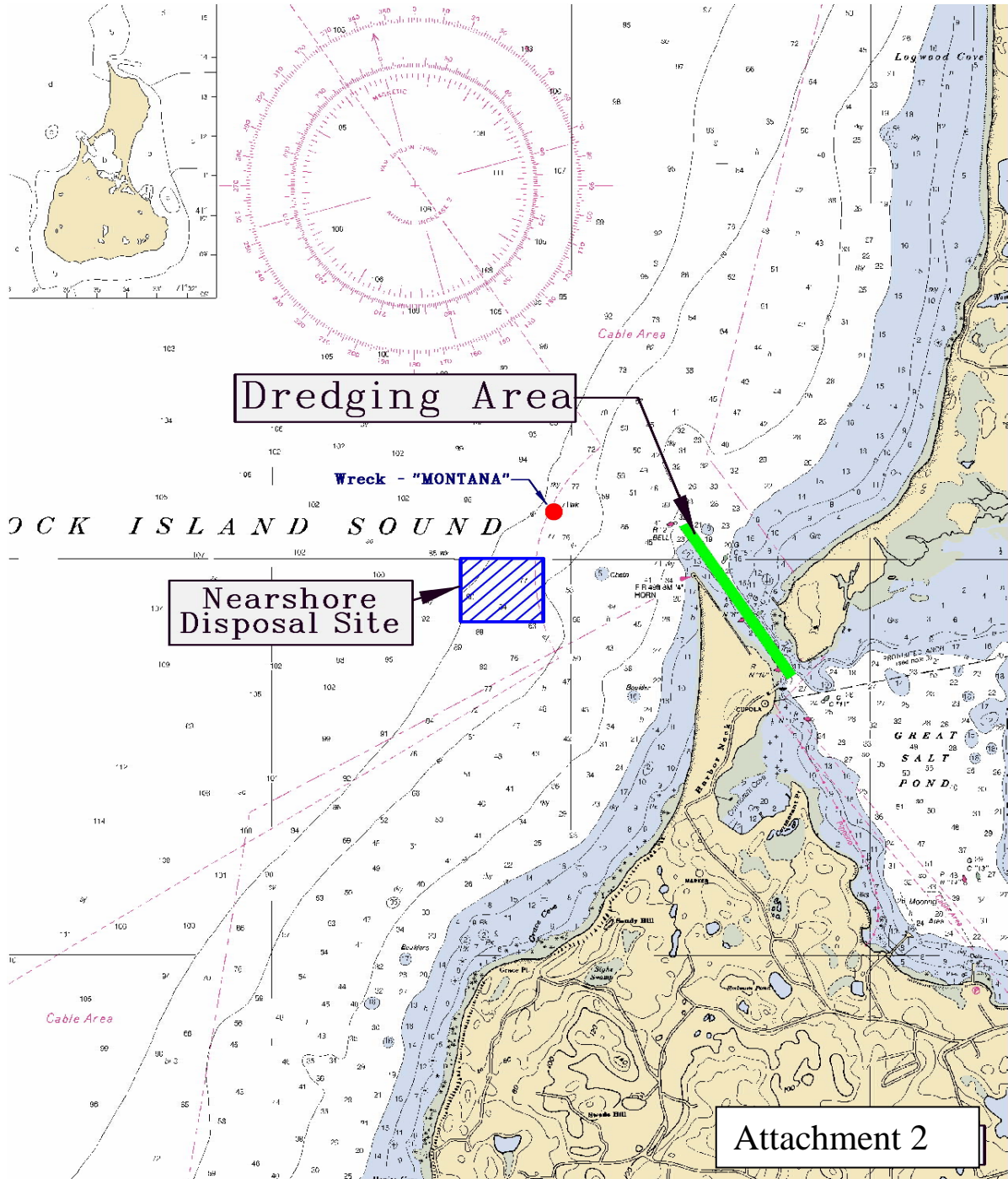
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority

Populations and Low Income Populations, 11 February 1994

Attachment 1

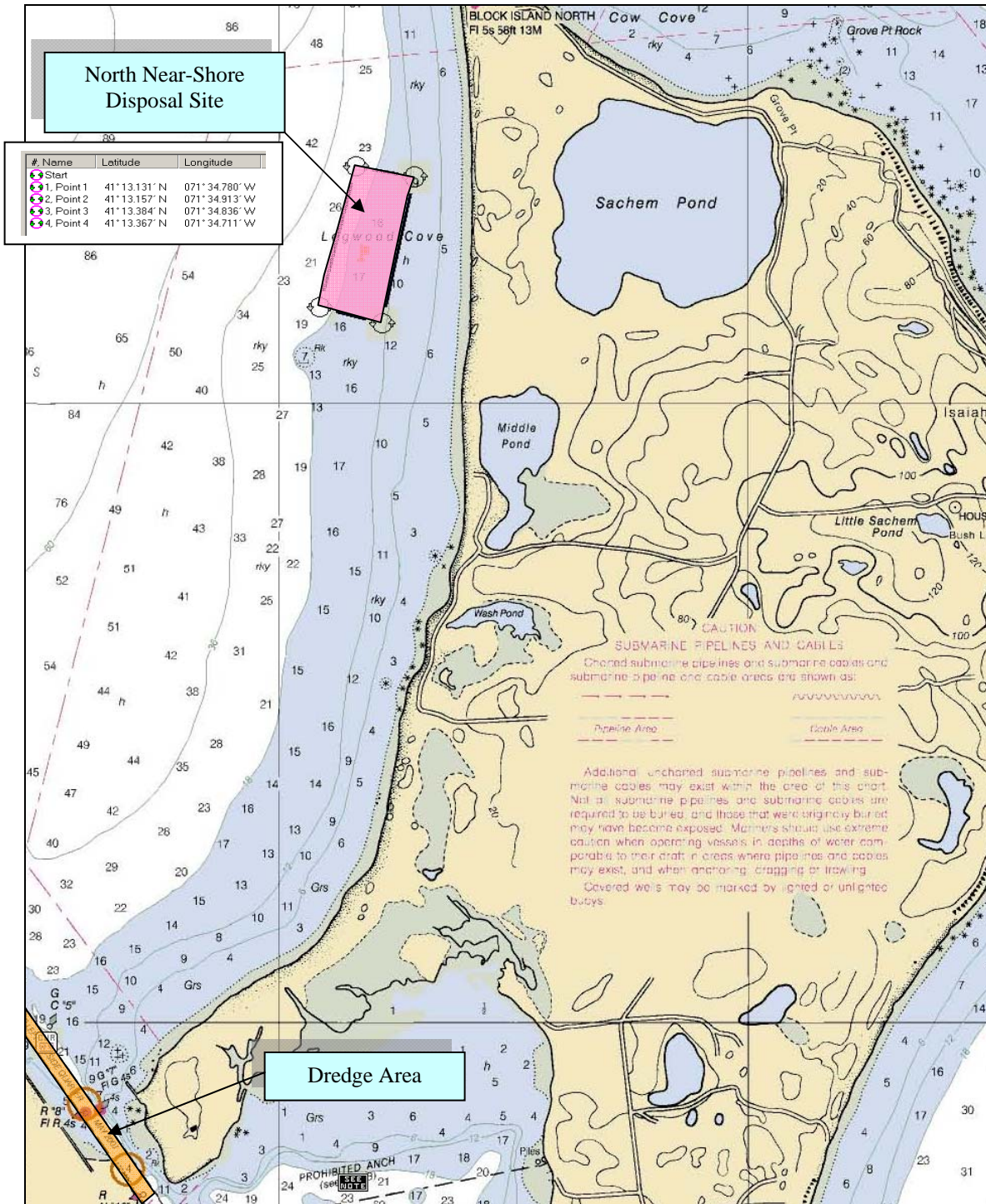
GREAT SALT POND

Proposed South Near-Shore Disposal Site



GREAT SALT POND

Proposed North Near-Shore Disposal Site



Attachment 3