



**US Army Corps  
of Engineers**®  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins: September 11, 2012**  
**Comment Period Ends: October 12, 2012**  
**File Number: NAE-2011-356**  
**In Reply Refer To: Michael J. Elliott**  
**Phone: (978) 318-8131**  
**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.

**APPLICANT:** Town of Charlestown, 4540 South County Trail, Charlestown, Rhode Island 02813

**ACTIVITY:** Perform maintenance and new hydraulic dredging with the material beneficially reused as beach nourishment. A detailed description and plans of the activity are attached.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the Ninigret Pond Sedimentation Basin, Relief Channel and Secondary Sedimentation Basin. The dredged material will be deposited in the intertidal zone on Charlestown Beach. The site is in Charlestown, Rhode Island. The proposed location on the USGS Quonochontaug, Rhode Island quadrangle sheet is at Lat/Long N 41d-21'-34.28"; W 71d-38'-19.48" (NAD 83).

## **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

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also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**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).

The dredging portion of this project will impact approximately 12.14 acres of Essential Fish Habitat (EFH) for those species listed on the attached list and their life stages. Habitat at this site can be described as sands and silts. Loss of this habitat may adversely affect some of the above mentioned species. 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.

The dredged material disposal is proposed for a 1200-foot long intertidal zone of Charlestown Beach. This site provides Essential Fish Habitat for those species listed on the attached sheet. Habitat at this site can be described as sands and silts. Loss of this habitat may adversely affect some of the above mentioned species. 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 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 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(s)

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.

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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 Michael J. 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.

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.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at [www.nae.usace.army.mil/reg](http://www.nae.usace.army.mil/reg), under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit [www.nae.usace.army.mil](http://www.nae.usace.army.mil) for more information on the New England District Corps of Engineers programs.

**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](mailto: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 proposed Town of Charlestown project involves maintenance and new dredging. The maintenance dredging of the sedimentation basin and relief channel are a component of the Ninigret and Cross Mills Pond Habitat Restoration Project. That project was funded and conducted by the Corps of Engineers and the state of Rhode Island (RI-CRMC and RIDEM) from 2006-2008. Work in that project included dredging 122,000 cubic yards (CY) from the Charlestown Breachway, 75,000 CY from the sedimentation basin and relief channel, and the restoration of approximately 40 acres of eelgrass habitat.

In addition to maintenance dredging the sedimentation basin and relief channel the Town proposes new dredging to create a secondary sedimentation basin further within Ninigret Pond. There is an issue with the sedimentation basin and relief channel filling up with sediments faster than anticipated and it was determined that a secondary sedimentation basin is necessary. The project purpose is to maintain navigational access to Ninigret Pond for boaters and to maintain the Ninigret and Cross Mills Pond Habitat Restoration Project.

The sedimentation basin located within the channel of the Charlestown Breachway measures approximately 251,856 square feet (SF) or 5.78 acres. Sediment will be removed to a depth of 8-feet below mean low water with an acceptable overdredge of 1 foot. The estimated volume of sediment to be removed here is 59,000 CY. The relief channel measures approximately 108,138 (2.48 acres). Sediment will be removed to a depth of 4.5-feet below mean low water with an acceptable overdredge of 1 foot. The estimated volume of sediment to be removed is approximately 16,345 CY. The secondary sedimentation basin will be created in the southerly portion of the relief channel with an approximate area of 169,056 SF (3.88 acres). Sediment will be removed to a depth of 8-feet below mean low water with an acceptable overdredge of 1 foot. The estimated volume of sediment to be removed here is approximately 28,176 CY

The total estimated volume of sediment to be dredged per dredging event from the sedimentation basin, relief channel and secondary sedimentation basin is approximately 100,000 CY. All dredging will be hydraulic dredging with the material piped approximately 4,500 feet east of the Charlestown Breachway to a 1200 linear foot section of Charlestown Beach. The material will be pumped into the intertidal zone where it will naturally be washed up on the shore and become beach nourishment. The dredged material has undergone physical testing for grain size testing. It is our preliminary determination that the material is acceptable for beach nourishment.

There is no salt marsh or eelgrass at either the dredging or disposal sites. There is salt marsh and eelgrass in Ninigret Pond but not in the dredging areas. Without dredging, eelgrass areas could be covered up and buried by excess sediments coming into the tidal pond.

There is no dredging proposed for the 2012 dredging season which runs from October 15, 2012 until January 31, 2013. This is an application for a 10 year project which would allow the Town of Charlestown more flexibility in planning, scheduling and budgeting their dredging operations. Dredging operations will depend on how fast sediments accumulate in the two sedimentation basins and relief channel. Storm events can sometimes cause rapid sediment deposition requiring maintenance dredging that fall/winter so the accumulating material doesn't fill in the navigational channel or habitat areas suitable for eelgrass and wading birds. Maintenance dredging will be performed as needed but is estimated to be every 3-4 years.

The work is described on the enclosed plans entitled "Ninigret Pond Dredging" dated "JULY 2012."

### Summary of Essential Fish Habitat (EFH) Designation

#### 10 x 10 Square Coordinates:

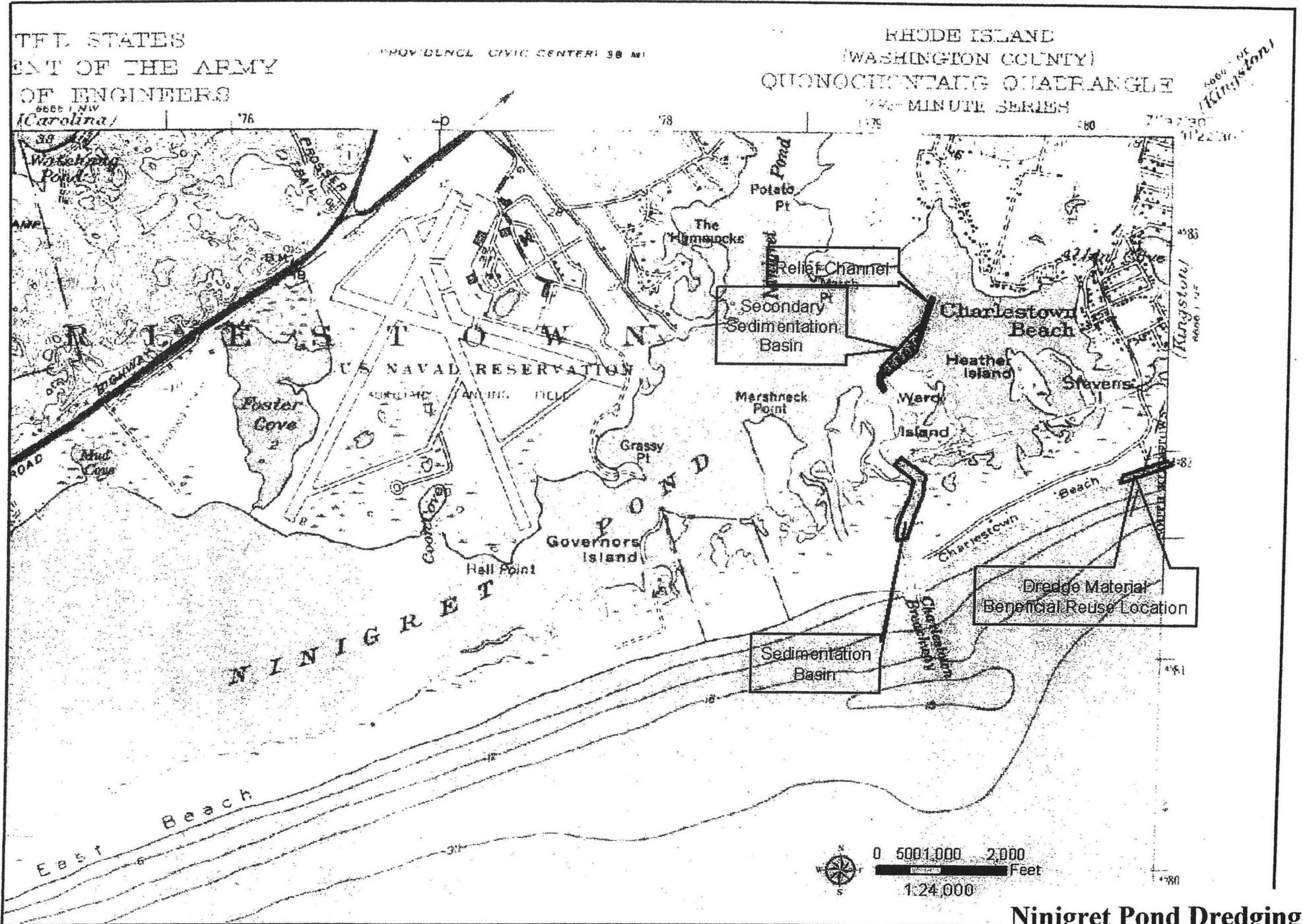
Boundary	North	East	South	West
Coordinate	41° 30.0 N	71° 30.0 W	41° 20.0 N	71° 40.0 W

**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>Pseudopleuronectes americanus</i> )				
yellowtail flounder ( <i>Limanda 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 pealeii</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>Centropristis 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>Carcharias taurus</i> )		X		
blue shark ( <i>Prionace glauca</i> )				X

Figure 1 - Site Locus Map



Ninigret Pond Dredging  
July 2012

Figure 2 - Project Overview



Figure 2 - Project Overview

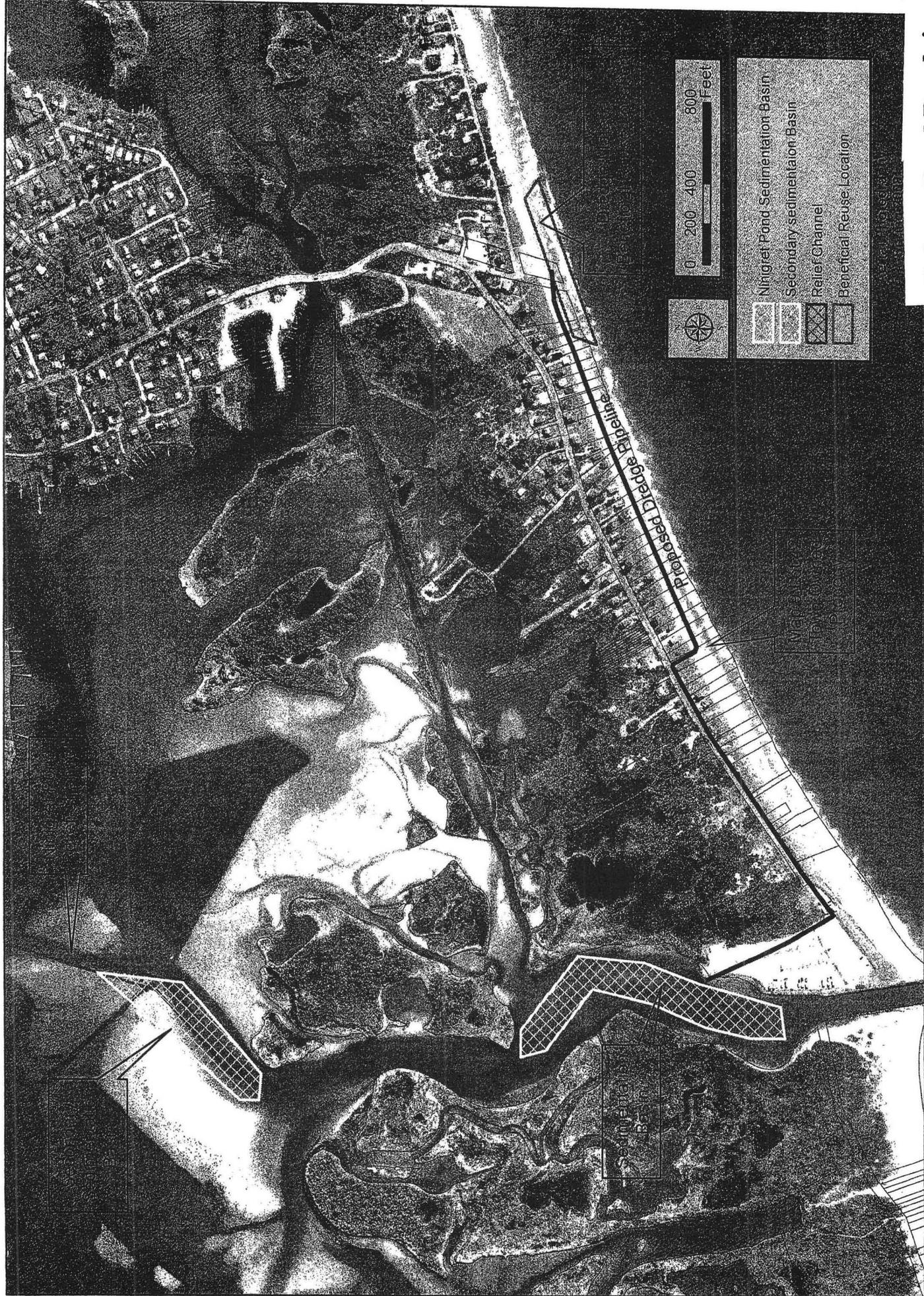
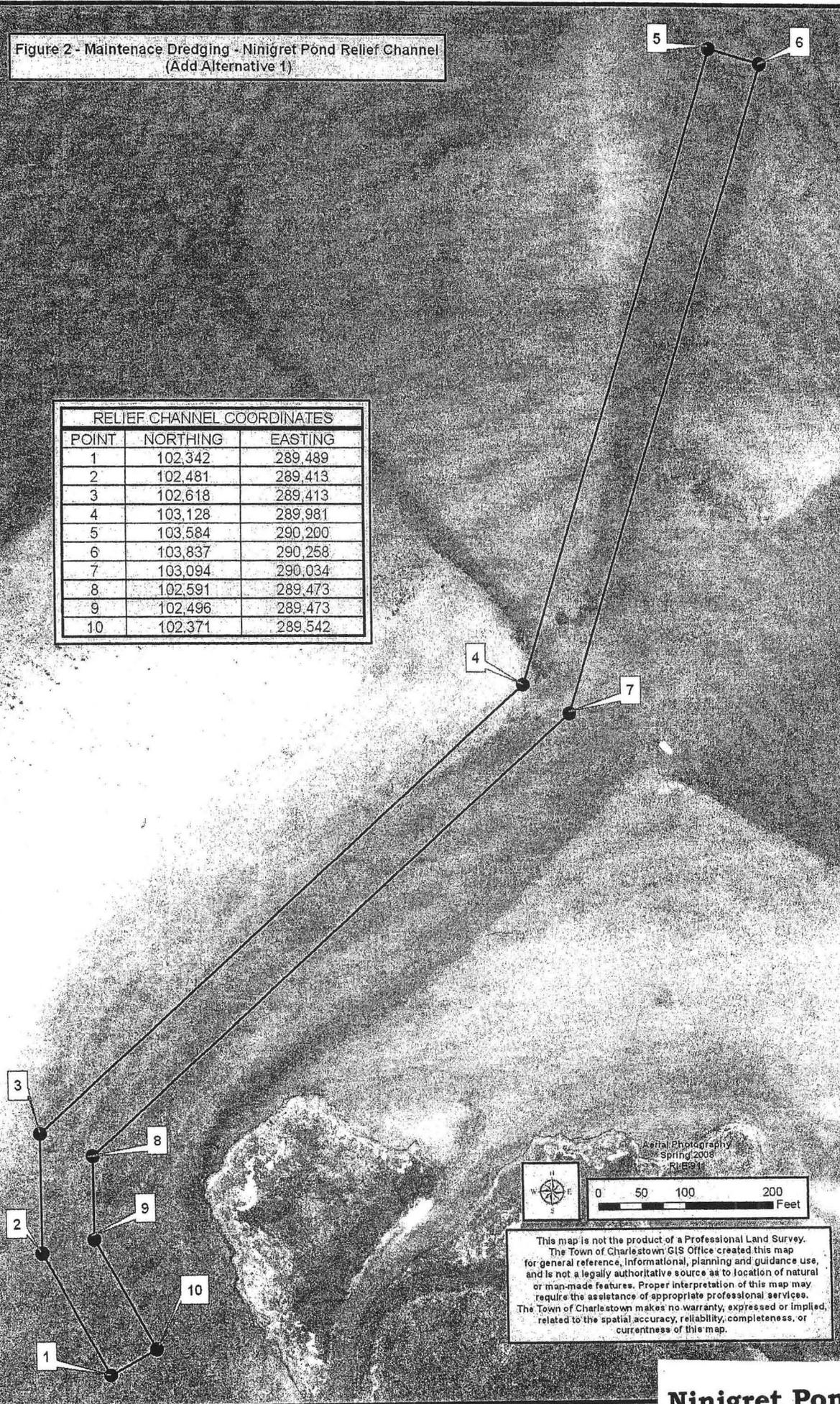


Figure 1 - Project Overview



Figure 2 - Maintenance Dredging - Ninigret Pond Relief Channel  
(Add Alternative 1)

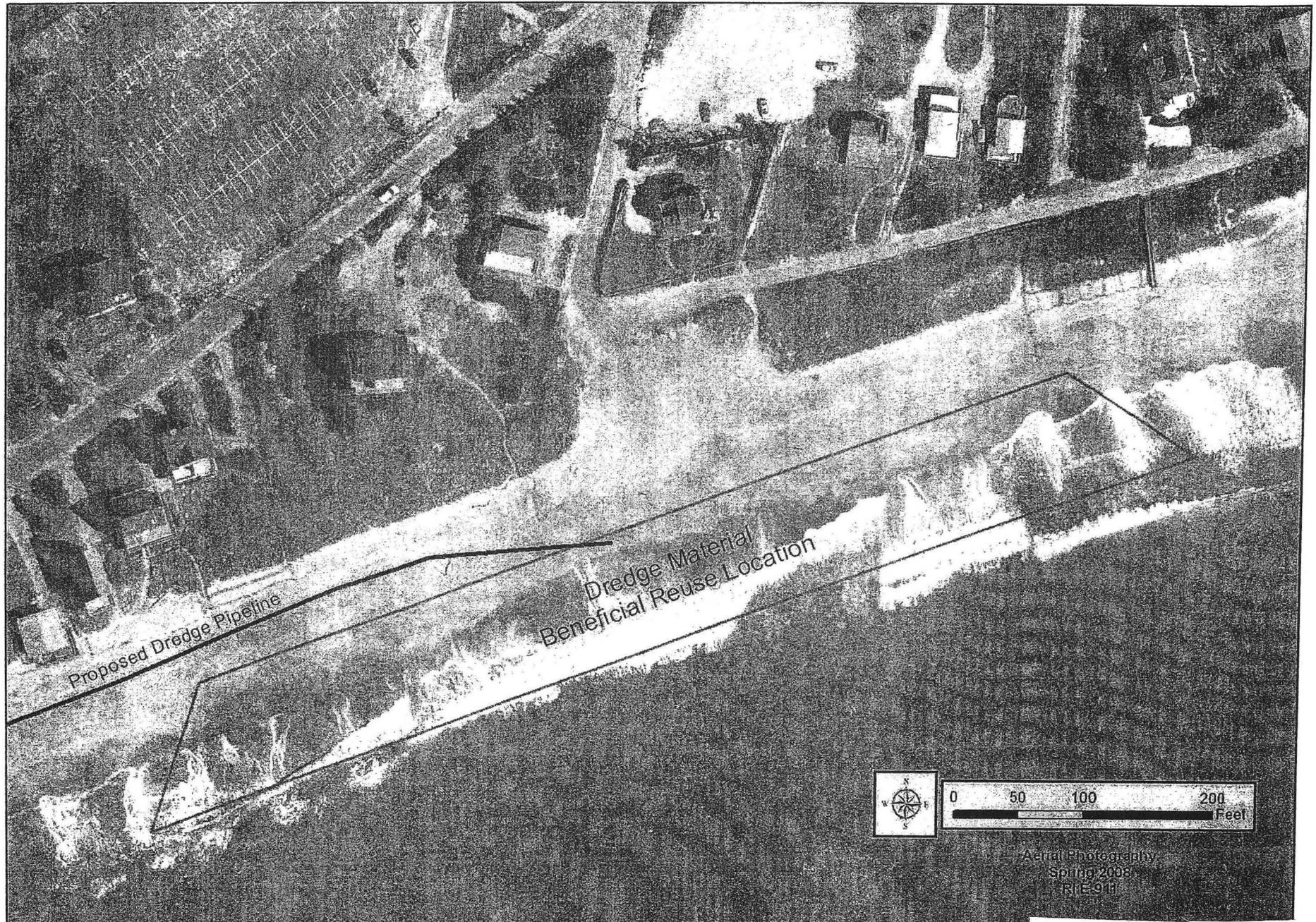
RELIEF CHANNEL COORDINATES		
POINT	NORTHING	EASTING
1	102,342	289,489
2	102,481	289,413
3	102,618	289,413
4	103,128	289,981
5	103,584	290,200
6	103,837	290,258
7	103,094	290,034
8	102,591	289,473
9	102,496	289,473
10	102,371	289,542



Aerial Photography  
Spring 2008  
R10011

This map is not the product of a Professional Land Survey. The Town of Charlestown GIS Office created this map for general reference, informational, planning and guidance use, and is not a legally authoritative source as to location of natural or man-made features. Proper interpretation of this map may require the assistance of appropriate professional services. The Town of Charlestown makes no warranty, expressed or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.

Figure 3 - Maintenance Dredging - Material Beneficial Reuse Location



**Ninigret Pond Dredging  
July 2012**