



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Programs/Project Management Division

Issue Date: July 27, 2007

Comment Period Closes: August 27, 2007

Email Address: nae-pn-nav@usace.army.mil

30 DAY PUBLIC NOTICE

STABILIZATION OF THE EAST BULKHEAD BLOCK ISLAND HARBOR OF REFUGE BLOCK ISLAND, RHODE ISLAND

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform repairs to the East Bulkhead portion of the Federal navigation project, 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 the pertinent laws, regulations, and directives.

Project Description: The proposed work involves stabilization of the 257 foot long bulkhead, running along the east side of the boat basin in the Harbor of Refuge on Block Island. The Harbor of Refuge Federal navigation project was authorized by the River and Harbor Act of July 11, 1870, and modified by Acts of August 2, 1882, August 5, 1886, June 3, 1896, and July 25, 1912. The east bulkhead and dock were originally constructed in 1940 and 1970 respectively. (See Attachment 2).

Character and Purpose of Work: The steel sheet pile bulkhead on the east side of the boat basin is failing and is creating a safety hazard to pedestrians and workers in the area adjacent to the east dock. The Corps plans to stabilize the bulkhead with a stone revetment (See Attachments 3 and 4). The extent of the revetment will remain beneath the footprint of the existing east dock. To perform the work the decking of the existing dock will need to be removed and replaced. The work will take place over a three month period in the years in which funds become available.

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 above, telephone number (978) 318-8586 or by email at nae-pn-nav@usace.army.mil.

Coordination: The proposed work will be coordinated with the following Federal and State agencies, and local interests:

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: This project is being conducted under our Generic Environmental Assessment for “Breakwater, Jetty, Seawall, and Groin Repair in New England” signed in 1994. It is our preliminary determination that no significant adverse environmental impacts will occur as a result of this project. 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 Rhode Island’s Coastal Zone Management Program: I find that replacement of the existing bulkhead with a stone revetment 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 revetment construction 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 Bulkhead Construction: The east bulkhead of the boat basin at Block Island Harbor of Refuge was originally constructed in 1940 to protect a failing stone bulkhead wall, and was subsequently repaired in 1970 when the east dock was added in front of the bulkhead.
- c. Alternate Disposal Methods: There is no dredging or disposal of dredged material associated with the proposed activity.
- d. Non-Federal Dredging: There is no dredging associated with the proposed activity.

- e. Endangered Species: It is our preliminary determination that no threatened or endangered species occur in the project area. However, several threatened or endangered species have the potential to occur in the general vicinity of 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 involves only those areas previously impacted by earlier bulkhead and dock construction, and will not affect any cultural or archaeological features or resources. The stabilization revetment will remain beneath the footprint of the existing dock and the previously constructed stone toe of the existing bulkhead.
- h. Essential Fish Habitat Assessment: It has been determined that the proposed maintenance work may have a temporary adverse effect on Essential Fish Habitat (EFH). The work site is contained within areas designated as 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 that the proposed repair work 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 any potential 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, safety, and the welfare of the people.

Any person who has an interest which may be affected by the proposed bulkhead repair/replacement 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 within 30 days of this notice to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Michael Walsh, or by email to: nae-pn-nav@usace.army.mil.



Curtis L. Thalken
Colonel, Corps of Engineers
District Commander

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)

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

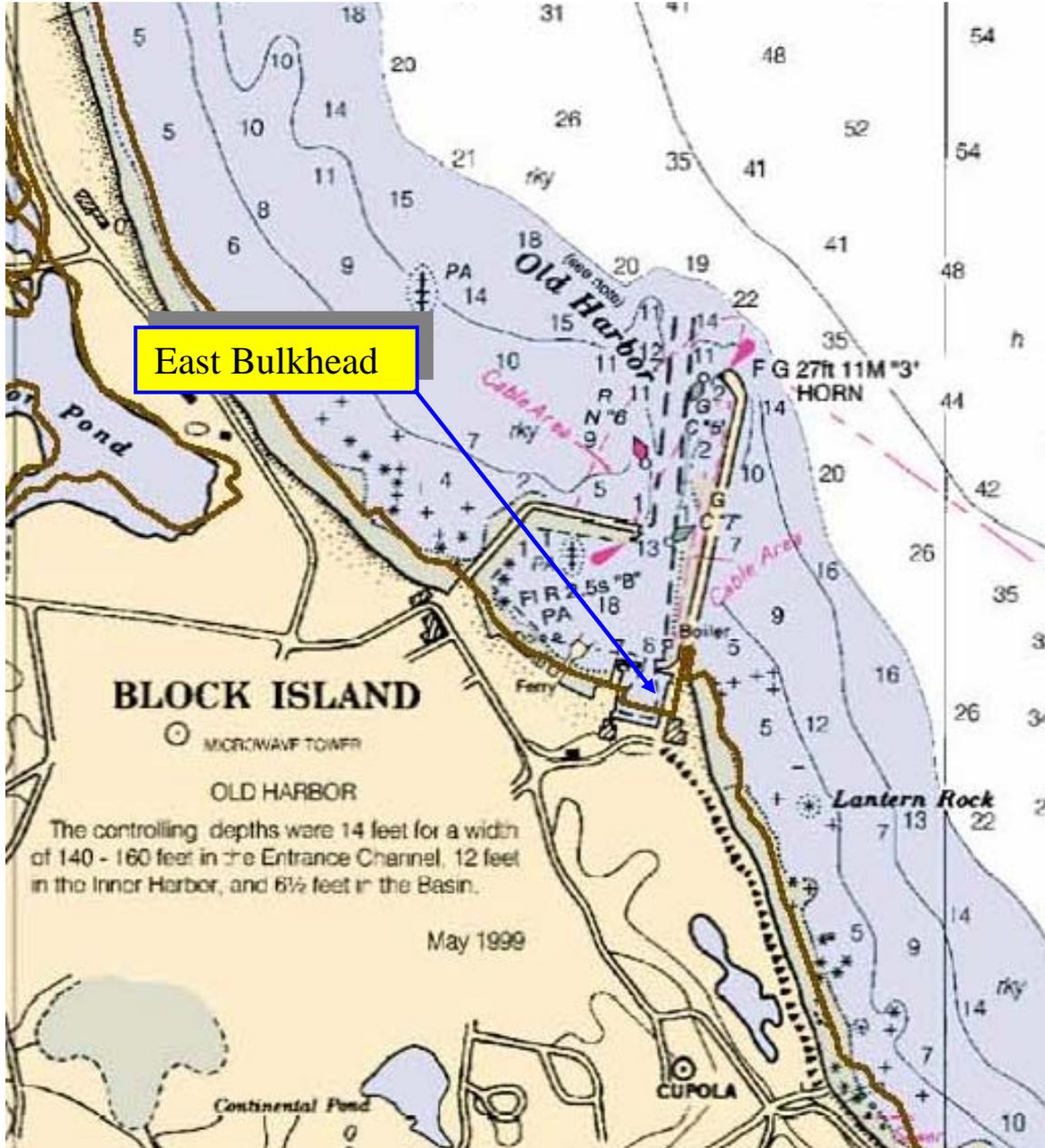
Executive Order 11988, Floodplain Management, 24 May 1977

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 2

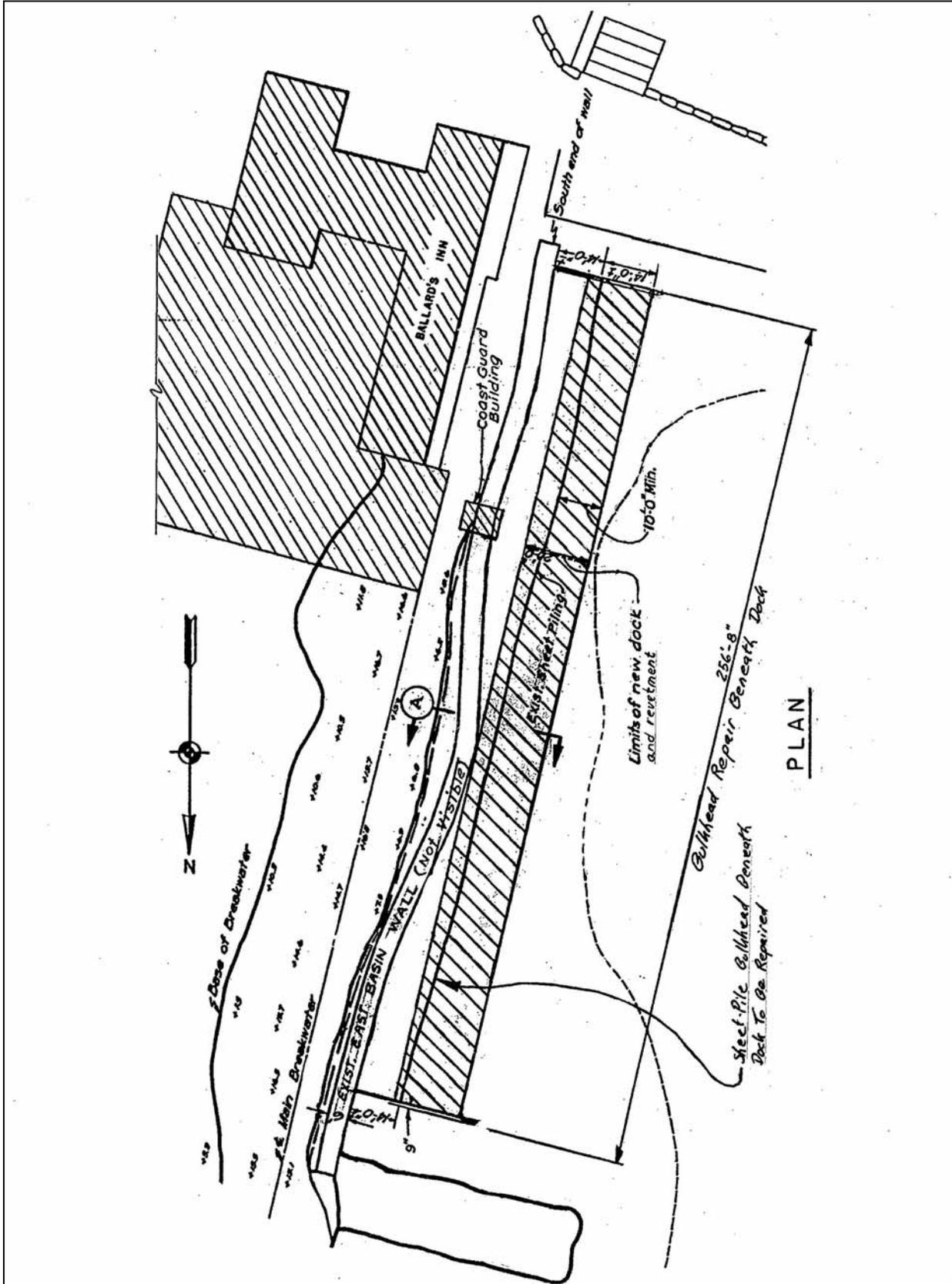
Block Island East Bulkhead – Location Map



Block Island, Harbor of Refuge
Federal Navigation Project

Attachment 3

Block Island East Bulkhead - Plan



Attachment 4

Block Island East Bulkhead – Proposed Repair Section

