



**US Army Corps  
of Engineers®**  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: 21 July 2009**  
**Comment Period Ends: 20 August 2009**  
**File Numbers: NAE-2009-303, NAE-2009-304,  
NAE-2009-305 and NAE-2009-306**  
**In Reply Refer To: Michael J. Elliott**  
**Or by e-mail: Michael.j.elliott@usace.army.mil**

The District Engineer has received a permit application from the applicants below to **conduct work in waters of the United States** as described below.

## APPLICANTS

There are three applicants: Herbert J. Brennan; Warren B. Finn, Jr.; and Aud-War Realty Company, Inc. Aud-War Realty Company, Inc. has 2 separate applications to retain structures at 2 separate sites.

## ACTIVITY

To authorize existing floats at four separate sites all located in the same general area in Greenwich Cove. The boats docked at these floats are mostly used by commercial fishermen for shellfishing. A detailed description and plans of the activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Greenwich Cove at several different addresses on Water Street in East Greenwich, Rhode Island. Herbert J. Brennan is located at 62 Water Street. Warren B. Finn, Jr. is at 48 Water Street. Aud-War Realty Company, Inc. is located at 60 Water Street for one application and at 50 and 54 Water Street for their second application. The proposed locations on the USGS East Greenwich, Rhode Island quadrangle sheet are at approximate Lat/Long coordinates 41 39' 53" N and 71 26' 77" W.

## 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

## **CENAE-R**

**FILE NOS. NAE-2009-303, NAE-2009-304, NAE-2009-305 and NAE-2009-306**

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

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

### **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).

This project will impact 0.21 acres of Essential Fish Habitat (EFH) for haddock (larvae), red hake (larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), American plaice (larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), bluefish (juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), summer flounder (larvae, juveniles, adults), scup (eggs, larvae, juveniles, adults), black sea bass (juveniles, adults), king mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), and cobia (eggs, larvae, juveniles, adults). This habitat consists of 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.

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.

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 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**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

**CENAE-R**

**FILE NOS. NAE-2009-303, NAE-2009-304, NAE-2009-305 and NAE-2009-306**

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:

\_\_\_\_\_

**CENAE-R**

**FILE NOS. NAE-2009-303, NAE-2009-304, NAE-2009-305 and NAE-2009-306**

**PROPOSED WORK AND PURPOSE**

The work involves retaining existing work in navigable waters for the purpose of docking boats in Greenwich Cove. The application is not for an expansion; it's to properly authorize the existing seasonal docking facilities that are used mainly by fishermen in the shellfish industry. The docks have been at the site in varying configurations since the 1930s. They mostly provide dockage space for quahog skiffs.

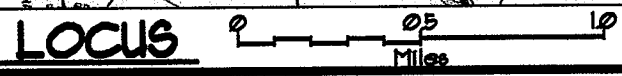
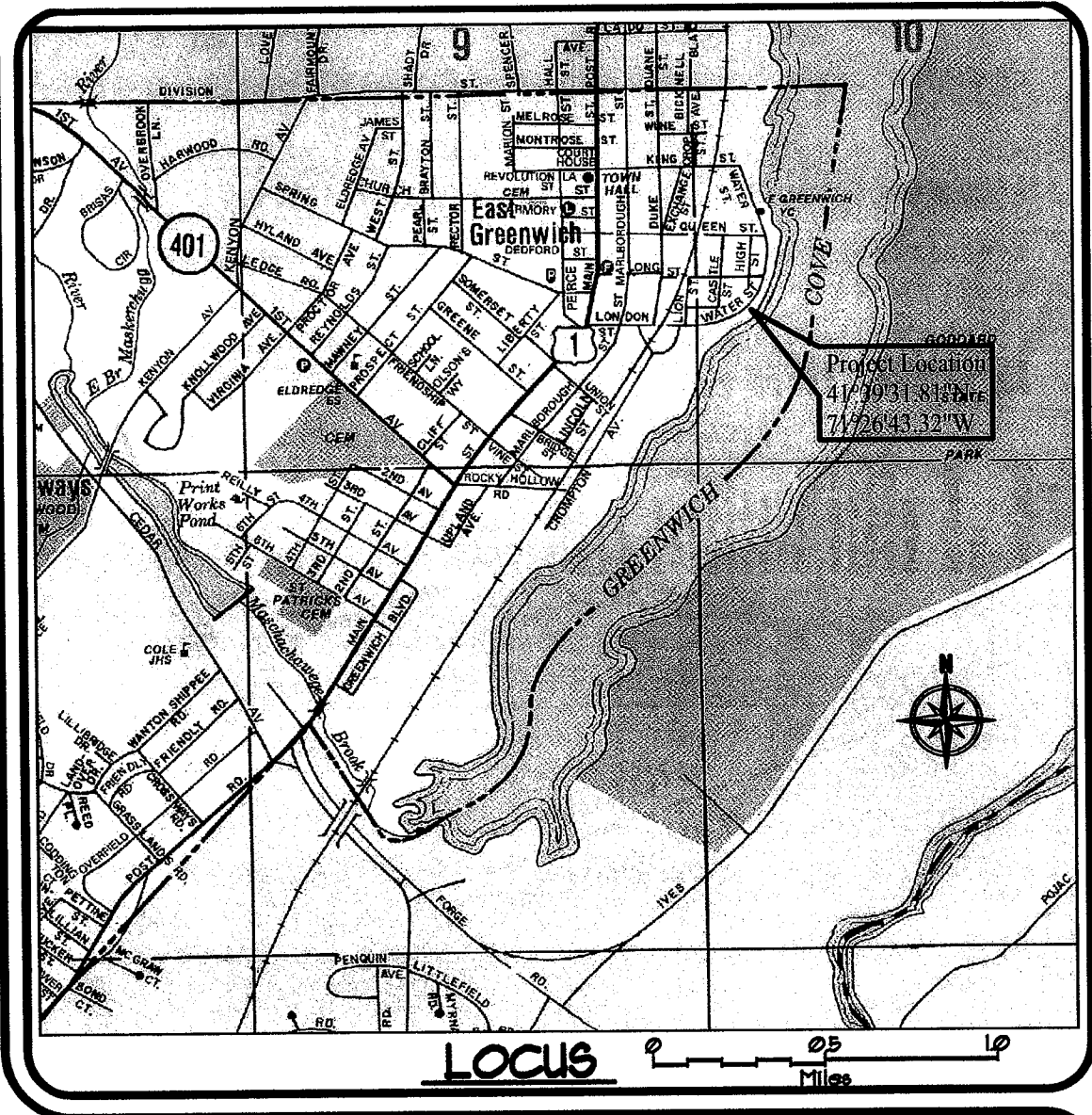
Brennan: Retain and maintain a 30 slip marina extending 140' beyond mean high water in Greenwich Cove. Structures consist of a ramp to a 6' x 128' float plus a ramp to a 4'-6' x 137' float. There are no finger floats.

Finn: Retain and maintain a 15 slip marina extending 144' beyond mean high water in Greenwich Cove. Structures consist of a ramp to a 6' x 125' main float. Extending south off this main float is a 5' x 45' L-float at the seaward end, a 4' x 31' finger float, a 4' x 33' finger float and a 4' x 36' finger float.

Aud-War Realty; Lots 374 and 408: Retain and maintain a 26 slip marina extending 207' beyond mean high water in Greenwich Cove. Structures on Lot 408 for 16 boats consist of a ramp leading to a 6' x 190' float. On Lot 374 for 10 boats is a ramp leading to a 6' x 164' float with the landward side of that float being 8' wide for the first 22'. There are no finger floats.

Aud-War Realty; Lots 386 and 417: Retain and maintain a 40 slip marina extending 185' beyond mean high water in Greenwich Cove. Structures on Lot 417 consist of a ramp leading to a 6' x 177' main float with the outer (seaward) 52' of that float 4' wide. Extending south from that main float are seven 4' x 24' finger floats. Structures on Lot 386 consist of a ramp leading to a 6' x 183' main float with nine 4' x 24' finger floats extending north.

The work is described on the enclosed plans and 8.5" x 11" sections of large plans titled "A.P. 1, LOT 352 HERBERT J. BRENNAN" dated "1/20/09", "A.P. 1, LOT 407 WARREN B. FINN JR. - TRUSTEE" dated "1/20/09", and "A.P.1, LOTS 374, 386, 408, 417 AUD-WAR REALTY" in two sheets dated "1/20/09."



**GENERAL NOTES:**

PROPERTY LINES AND COORDINATES SHOWN REPRESENT RESEARCH AND FIELD WORK PERFORMED BY ALPHA ASSOCIATES – R.I. REGISTERED LAND SURVEYORS— AND CONFORM TO CLASS III STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS. PROPERTY INFORMATION TAKEN FROM PLAN ENTITLED "EXISTING CONDITIONS IN – ASSESSORS PLAT 1, LOT 406 EAST GREENWICH, RI", PREPARED FOR [redacted] –WAR REALTY CO. INC. – PREPARED BY: ALPHA ASSOCIATES, LTD., 35 ROCKY HOLLOW ROAD, EAST GREENWICH, RI 02818, DATED DECEMBER 2008. IF A PROPERTY LINE DISCREPANCY EXISTS BETWEEN THIS PLAN AND THE ALPHA ASSOC. PLAN REFER TO THE ALPHA ASSOC. PLAN FOR RESOLUTION.

ASSOCIATED LAND AREA AND PROPOSED AREA WITHIN MARINA PERIMETER IS AS FOLLOWS:

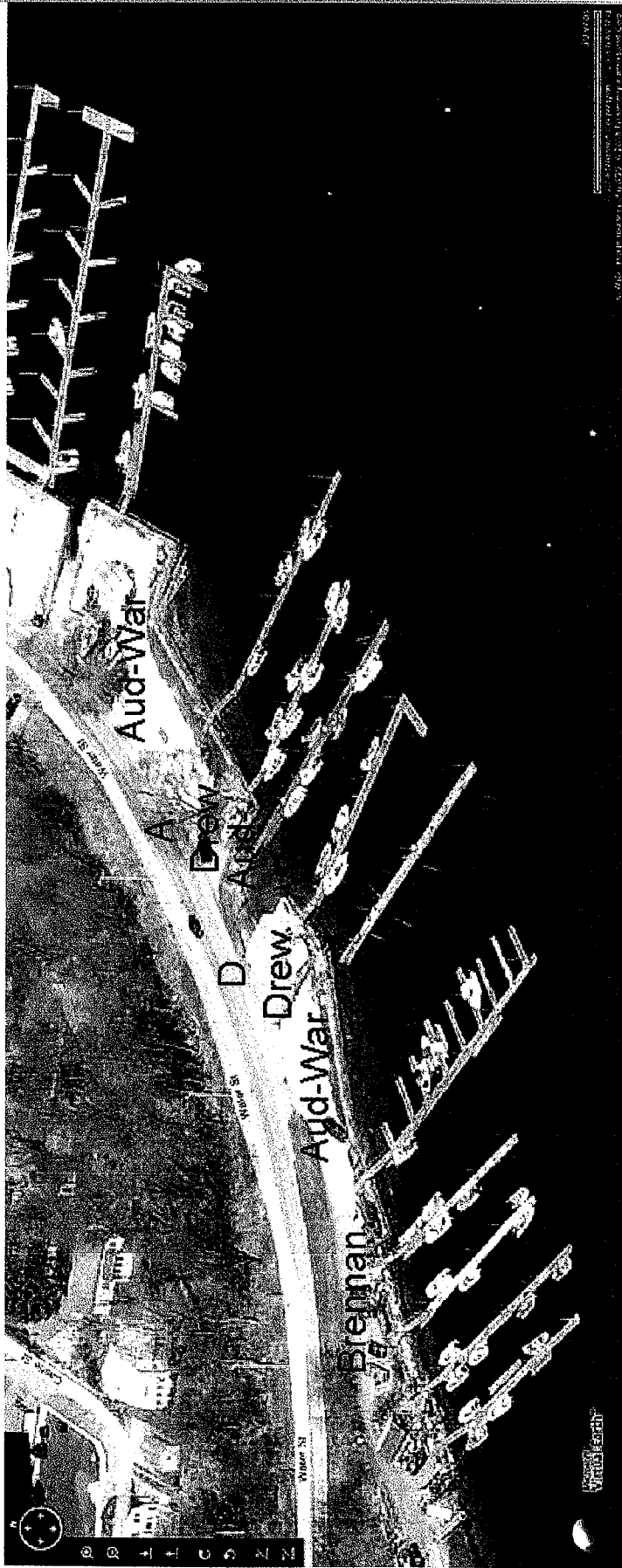
PROPERTY	LAND AREA	MARINA AREA	BOAT COUNT

RICHARD N. ST. JEAN

NO. 4997  
REGISTERED PROFESSIONAL ENGINEER

NG, LLC

AND 02818



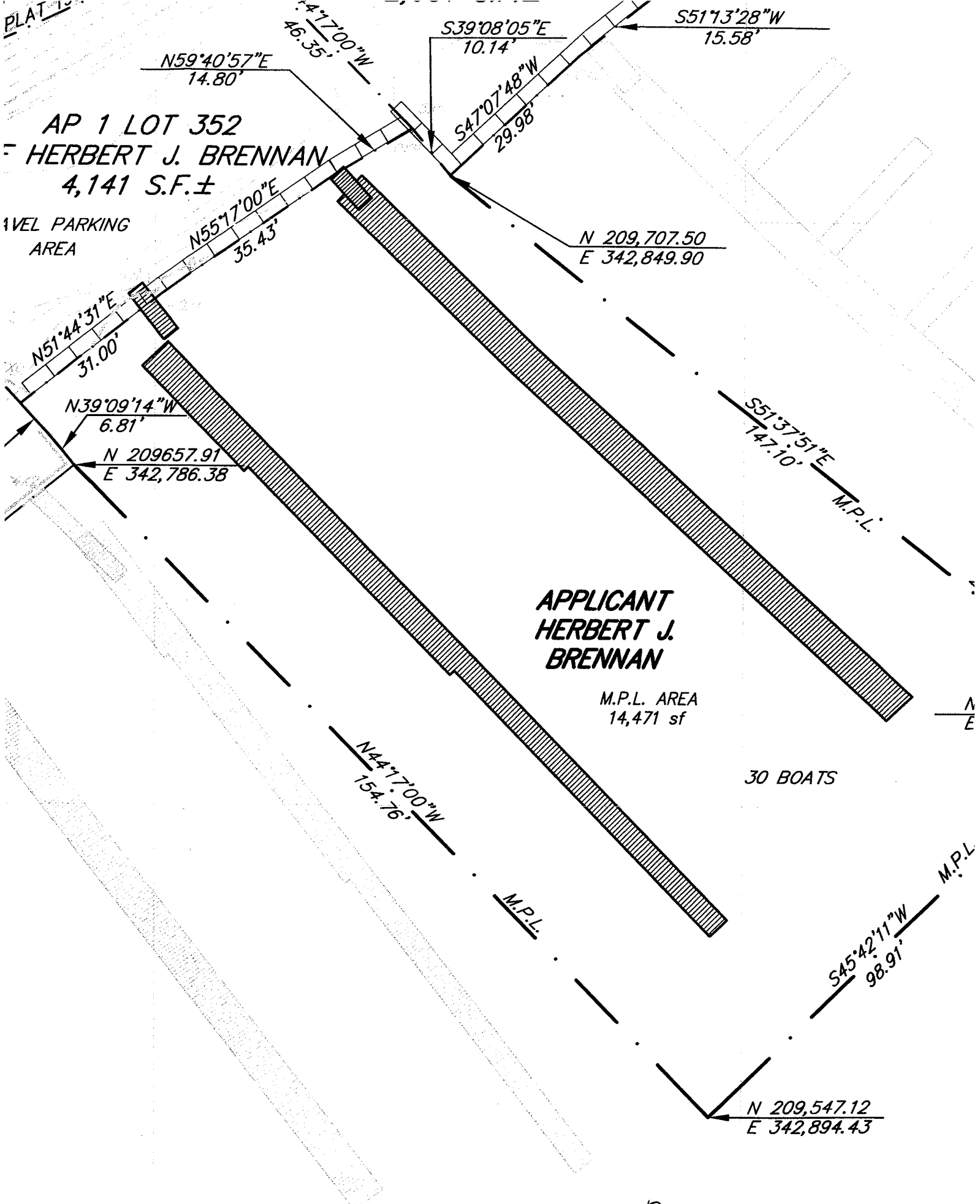
Aerial View from Local Live



PLAT 12

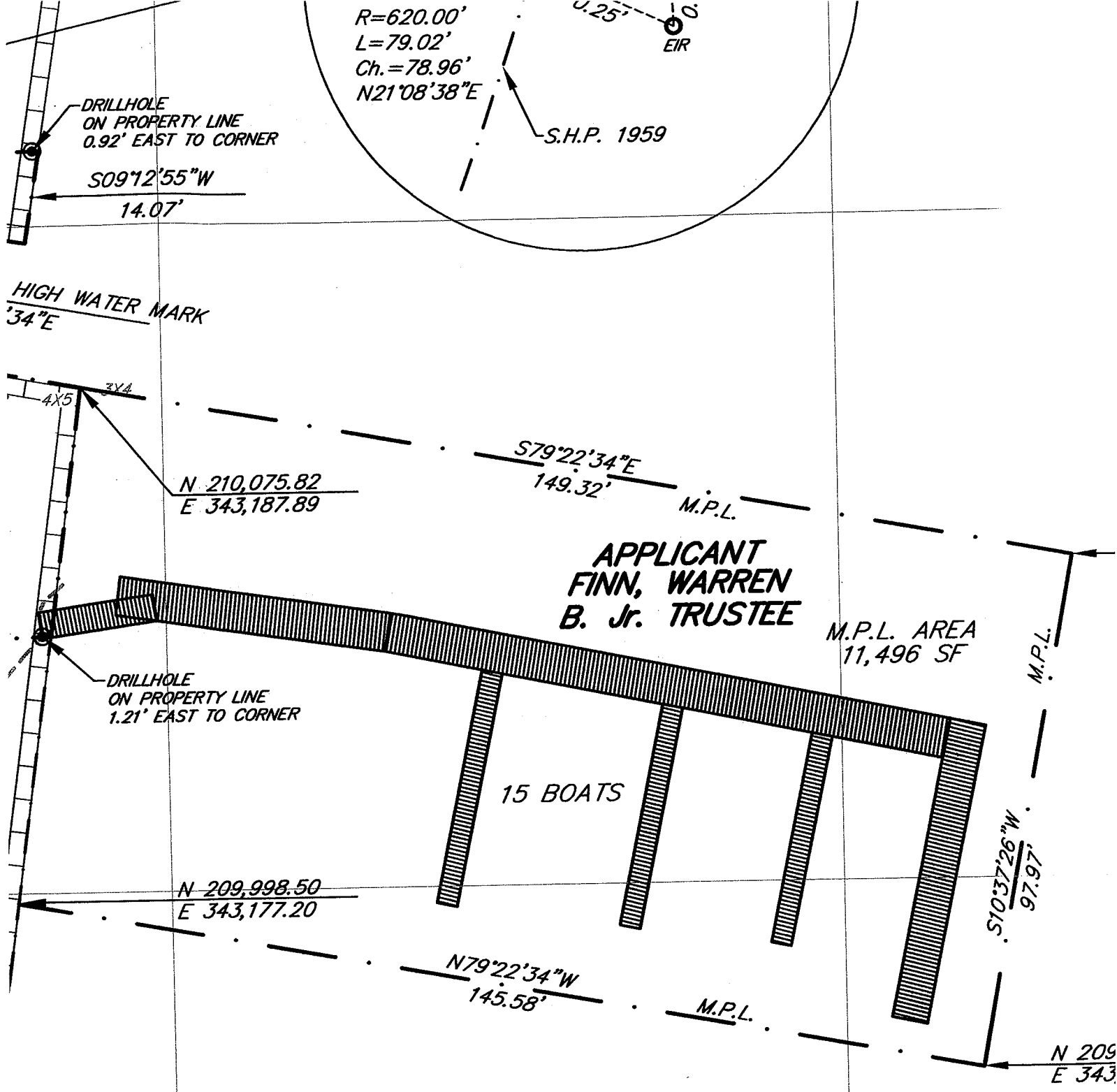
AP 1 LOT 352  
HERBERT J. BRENNAN  
4,141 S.F.±

LEVEL PARKING  
AREA



Brennan,  
1" = 20'





**GREENWICH COVE**

TYPE 5 WATERS



Finn  
 1" = 20'



P-NO #

WATER ST. PUBLIC WIDTH VARIES

STATE HIGH

N/F AUD-WAR REALTY 10,211 S.F. ±

PROPERTY LINE / MEAN HIGH WATER.

GRAVEL PARKING AREA

N 209,943.89  
E 343,096.49

S34°49'09"W  
119.86'

N54°21'50"W  
54.57'

N 209,898.73  
E 343,065.08

N54°23'00"W  
20.59'

S33°12'49"W  
31.00'

EXISTING SHANTY  
KIDS DECK

TIMBER RET. WALL  
36.32'

APPLICANT  
AUD-WAR  
REALTY

N 209,893.69  
E 343,018.22

OCCUPATION LINE  
FACE OF TIMBER  
RETAINING WALL

PROPERTY LINE PER  
FINN/DREW FIELD  
AGREEMENT C. JULY, 1987

S58°30'25"E

EXISTING  
SEA WALL  
S30°31'55"W  
41.16'

S54°15'02"E  
217.58'

N 209,797.18  
E 342,980.94  
S57°23'31"W  
5.82'

S68°42'22"W  
17.78'

N56°19'42"W  
232.51'

10 BOA

Aud-War Realty  
1" = 20'  
Lot 40A to north  
Lot 384 to south

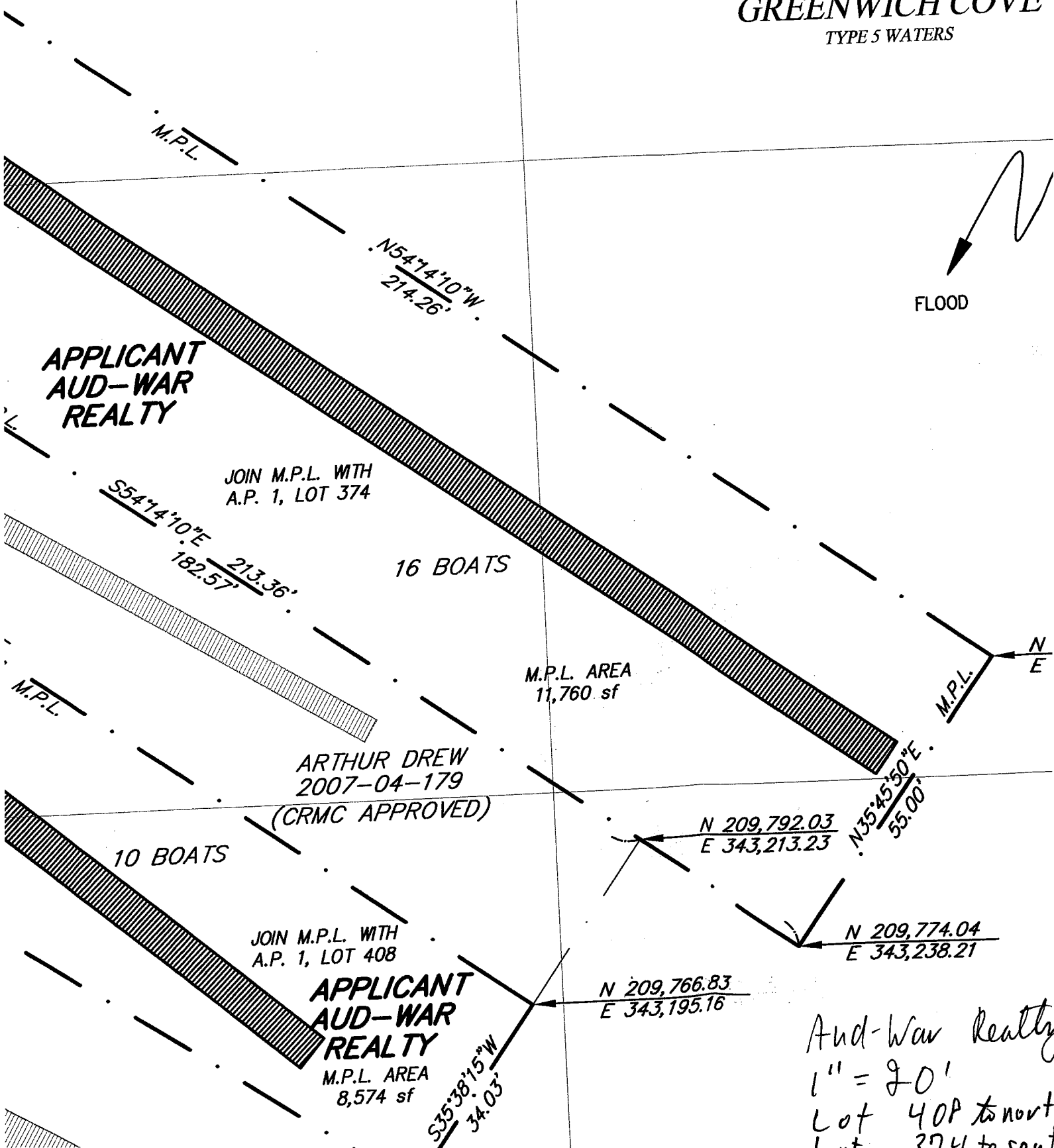
match  
next  
page

PROPERTY LINE ALONG  
MEAN HIGH WATER MARK

$\frac{209,943.89}{343,096.49}$

# GREENWICH COVE

TYPE 5 WATERS



**APPLICANT  
AUD-WAR  
REALTY**

JOIN M.P.L. WITH  
A.P. 1, LOT 374

16 BOATS

M.P.L. AREA  
11,760 sf

ARTHUR DREW  
2007-04-179  
(CRMC APPROVED)

10 BOATS

JOIN M.P.L. WITH  
A.P. 1, LOT 408

**APPLICANT  
AUD-WAR  
REALTY**

M.P.L. AREA  
8,574 sf

*And-War Realty  
1" = 20'  
Lot 408 to north  
Lot 374 to south*



BENCHMARK  
MAG NAIL ALONG GUARDRAIL  
ELEV.=5.87 (NGVD 29)  
6X5

GRAVEL PARKING  
AREA

AP 1 LOT 417  
N/F AUD-WAR REALTY  
4,601 S.F.±

OCCUPATION LINE  
FACE OF CONCRETE  
BLOCK SEA WALL

APPLICANT  
AUD-WAR REALTY

M.P.L. AREA  
32,886 sf

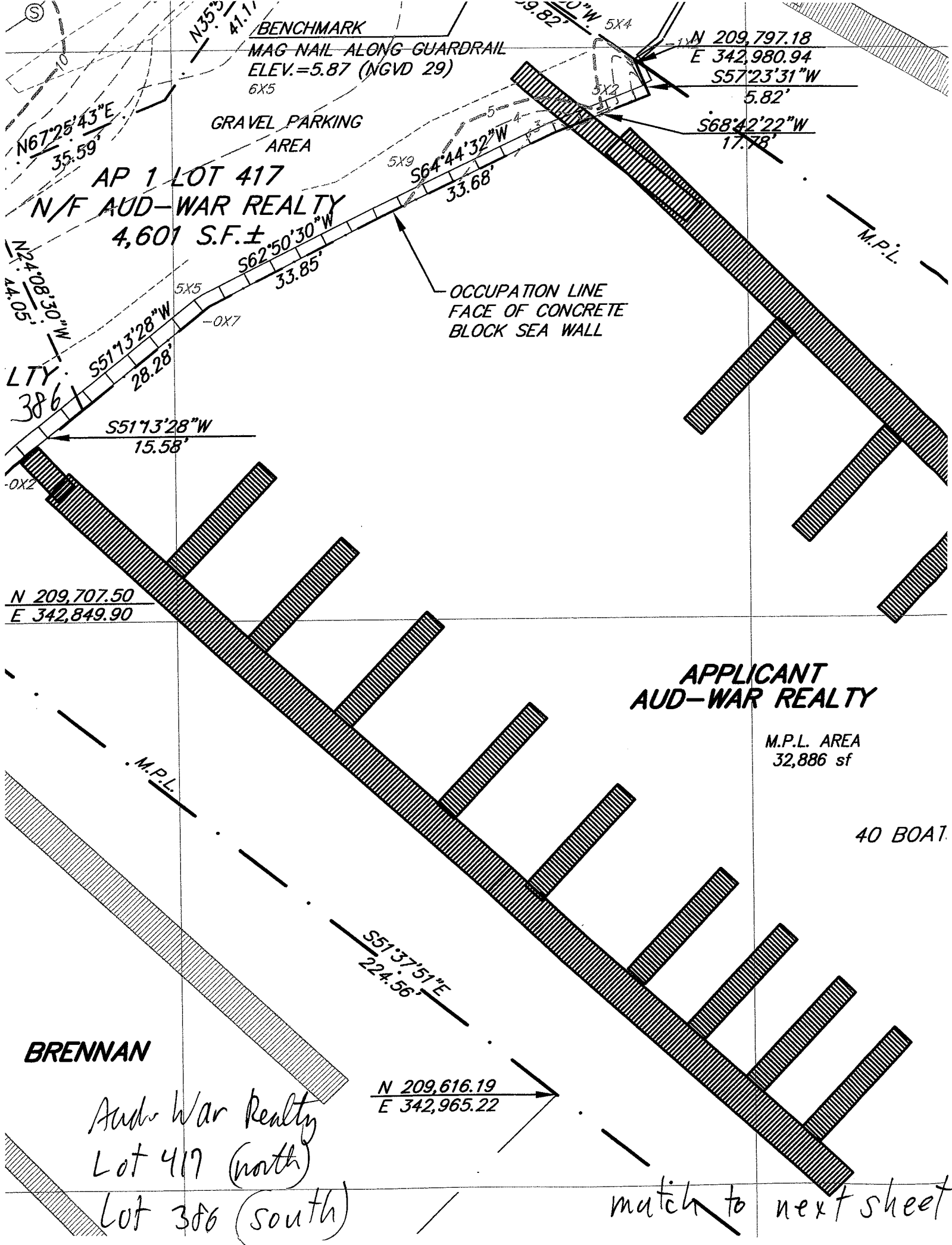
40 BOAT

BRENNAN

Aud War Realty  
Lot 417 (north)

Lot 386 (south)

match to next sheet



18  
94  
1"W

'W

4.57' W

10 BOATS

(CRMC AI

APPL  
AUD-  
REA  
M.P.L.  
8,574

M.P.L.

N54°14'39"W  
192.44'

DAVID DREW  
2007-04-180  
(CRMC APPROVED)

ANT  
REALTY

I.P.L. AREA  
32,886 sf

N 209,685.44  
E 343,136.82

40 BOATS

NOTE  
DOCK LOCATIONS DEPICTED BY  
FIELD LOCATIONS AND 2007 A

N43°22'32"E  
161.42'

And-War Realty  
1" = 80'  
Lots 417 + 386  
match to previous  
sheet

GREENWICH COVE  
TYPE 5 WATERS