



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: May 22, 2007
Comment Period Ends: June 22, 2007
File Number: NAE-2007-1323
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 applicant below to **conduct work in waters of the United States** as described below and on page 4 of this Public Notice. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation. Full size plans are available for review at the Corps offices located at 696 Virginia Road in Concord, MA.

APPLICANT

Town of Bristol, Rhode Island

ACTIVITY

The project involves expanding an existing permitted Town-owned marina called Church Street Marina. The applicant proposes to install additional floats for transient boaters by constructing an 8' x 9' pile-supported pier extension with a ramp leading to an 8' x 97' pile-secured float. Also, a 4' x 22' float plus a 6' x 40' float will be installed. The number of permanent boat slips will increase from 49 to 52 slips. The existing wave fence will be repaired/replaced. A new marina perimeter limit is proposed to encompass the expanded marina.

WATERWAY AND LOCATION OF THE PROPOSED WORK

The site is located at the western (waterfront) end of Church Street. The marina is situated on the eastern shore of tidal Bristol Harbor. The location is on the USGS Bristol, Rhode Island quadrangle sheet at approximate lat/long coordinates N41° 40.084' and W71° 16.737'.

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.

CENAE-R
FILE NO. NAE-2007-453

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 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.

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.

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 approximately 0.25 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). The habitat consists of silt and sand. 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.

106 REVIEW COMPLETE

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.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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 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.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) 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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

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



Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2007-453

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. 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.

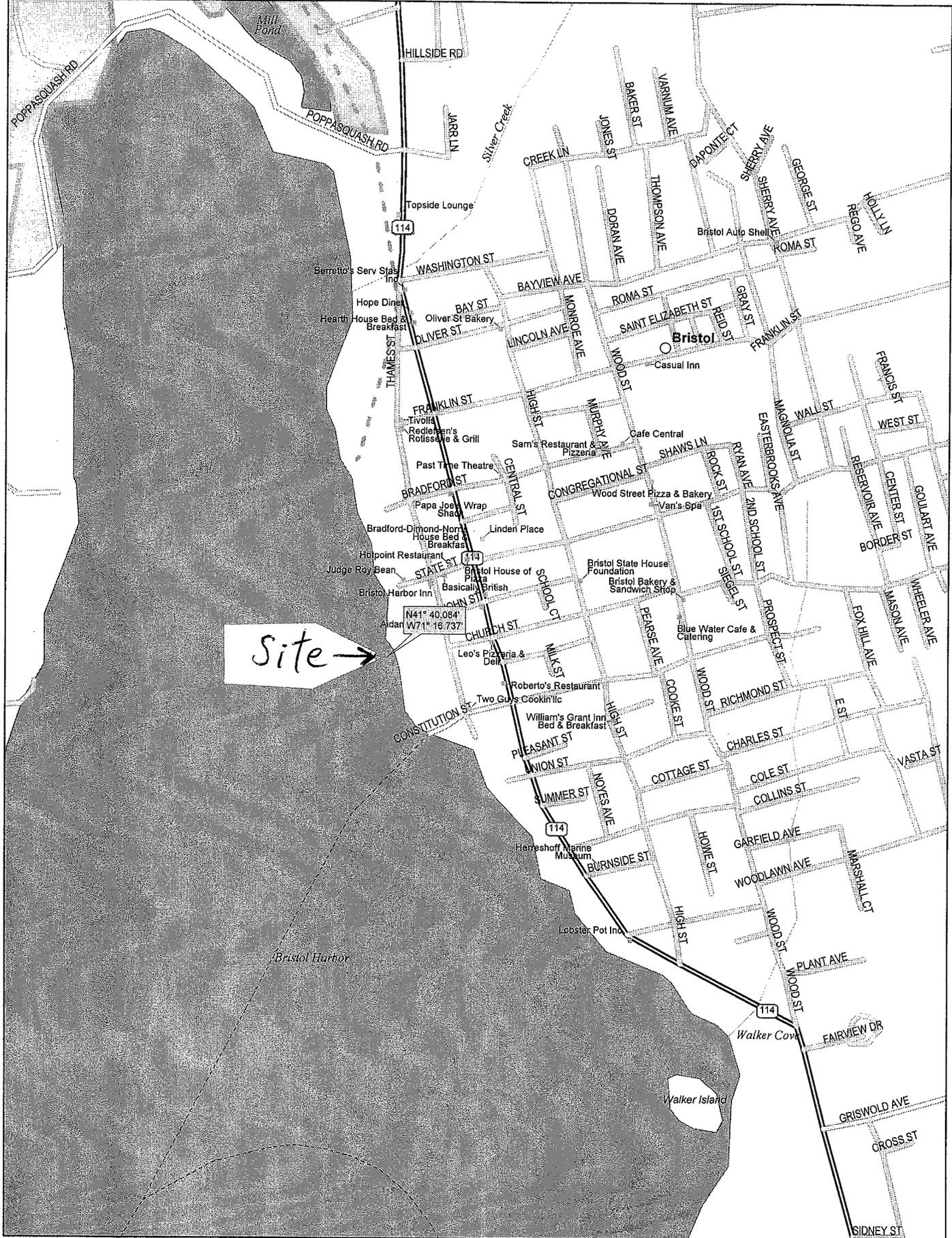
NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The project involves an expansion of a Town-owned marina known as Church Street marina. The existing wave fence will be repaired with a deteriorated section of the fence being replaced. New piles will be driven between existing wave fence piles. A new line of floats for transient boaters will be installed. This involves constructing an 8' x 9' pier extension with a 3' x 27' ramp leading to an 8' x 97' line of floats. Three more permanent boat slips will be created by installing a 4' x 22' float and a 6' x 40' float. The permanent boat slip count will rise from 49 to 52 slips. The marina perimeter limit will be modified to encompass the expanded marina. There is no dredging or filling associated with the project.

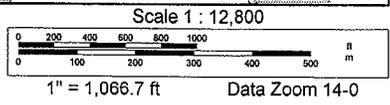
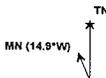
The marina currently extends approximately 237' past mean high water in Bristol Harbor. With the proposed expansion it will extend approximately 247' past mean high water. It is approximately a half-mile to the opposite western shore of Bristol Harbor.

The work is described on the enclosed plans entitled "CHURCH STREET MARINA TOWN OF BRISTOL" dated "10/28/04" revised through "3/28/07".



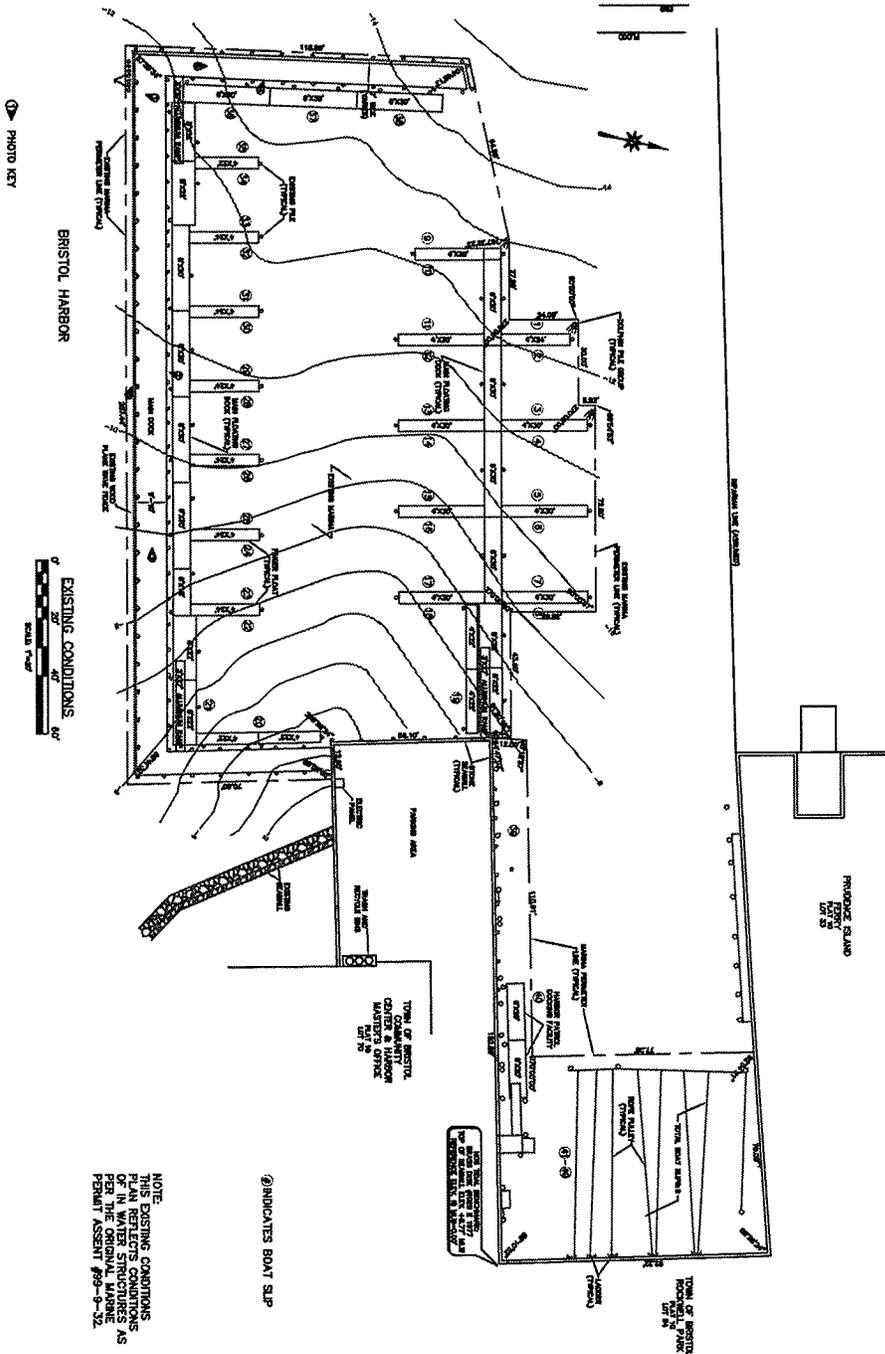
Site →

N41° 40.084'
W71° 16.737'





← site

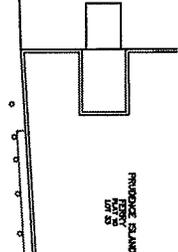


BRISTOL HARBOR

EXISTING CONDITIONS
SCALE 1/4" = 1'-0"

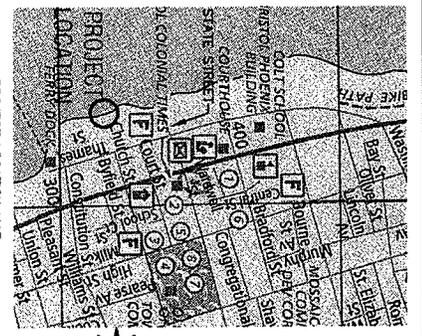
NOTE:
THIS EXISTING CONDITIONS
PLAN REFLECTS THE
CONDITIONS OF IN WATER STRUCTURES AS
PER THE ORIGINAL MARINE
PERMIT #95-9-32.

② INDICATES BOAT SLIP

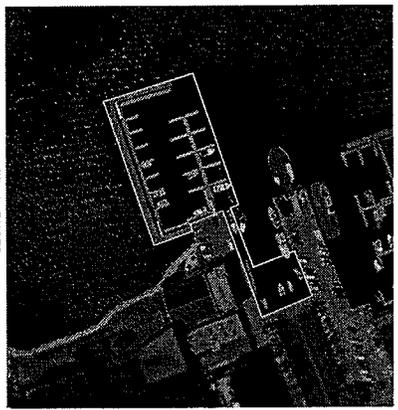


PROPOSED BOAT SLIP
FOOTING
10' x 20'

TOWN OF BRISTOL
MARINE PARK
LOT # 1



PROJECT LOCATION MAP



AERIAL PHOTO
SCALE 1/4" = 1'-0"



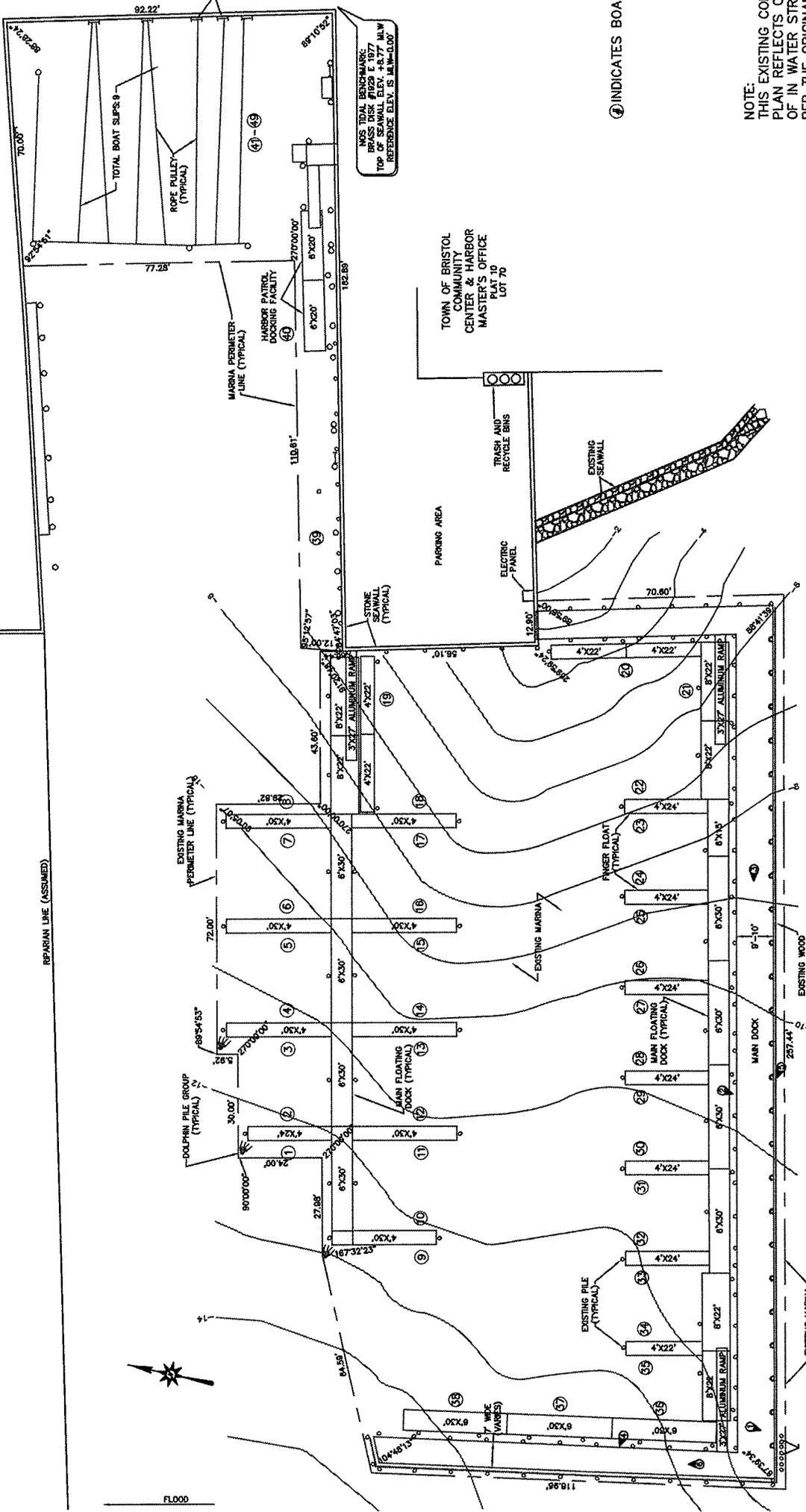
C-1

EXISTING CONDITIONS
CHURCH STREET MARINA
TOWN OF BRISTOL
RHODE ISLAND

SITE ENGINEERING INC. SEI
CIVIL • COSTAL • STRUCTURAL
COLT PLAZA, SUITE 7
500 WEST WASHINGTON AVENUE
BRISTOL, RI 02809
PHONE: (401) 863-8881

DESIGN	RB	DATE	10/28/04
DR.	MB		
CHK.	RB		
REVISIONS			
NO.	DESCRIPTION	DATE	APPROV.
001	ISSUE FOR PERMIT	10/28/04	
002	ISSUE FOR PERMIT	11/18/04	
003	ISSUE FOR PERMIT	1/14/05	
004	ISSUE FOR PERMIT	4/29/07	

FERRY
PLAT 10
LOT 30



THIS TIDAL BENCHMARK
IS THE MARK SET IN 1977
TOP OF SEA WALL
REFERENCE ELEV. IS M.H.W. +0.00'

④ INDICATES BOA

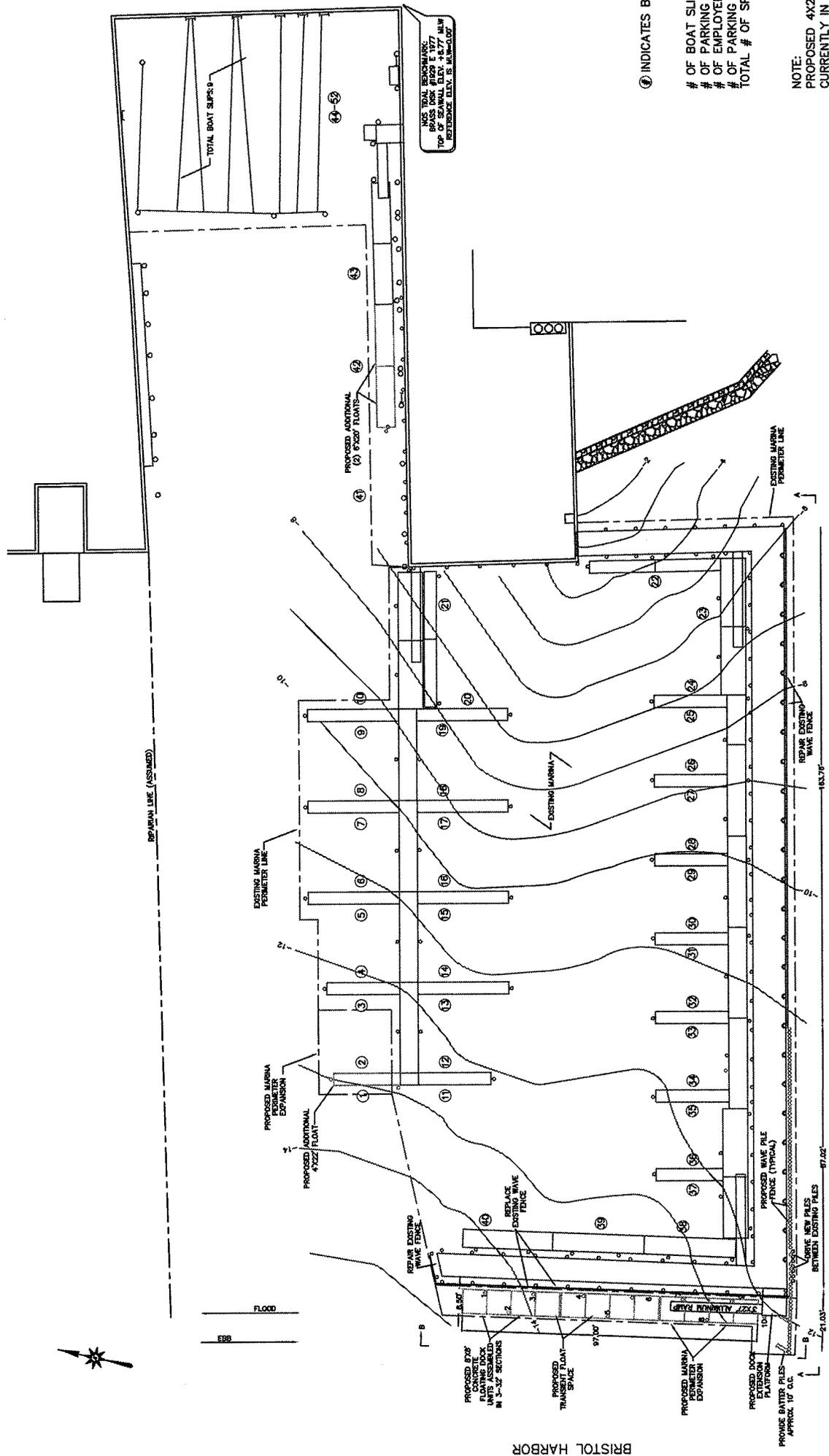
NOTE:
THIS EXISTING COI
PLAN REFLECTS C
OF IN WATER STR
PER THE ORIGINAL
PERMIT ASSENT #



BRISTOL HARBOR

① PHOTO KEY

FLOOD



NOS. TOTAL BOAT SLIPS
 # OF BOAT SLIP S
 # OF PARKING S
 # OF EMPLOYEES
 # OF PARKING S
 TOTAL # OF SP4

- ④ INDICATES BO
- # OF BOAT SLIP
- # OF PARKING S
- # OF EMPLOYEES
- # OF PARKING S
- TOTAL # OF SP4

NOTE:
 PROPOSED 4X22
 CURRENTLY IN U
 BRISTOL RESIDEN
 ARE TO ACCOMM
 BOAT. AS INDICA
 CONCRETE FLOA
 SPACE ONLY.

BRISTOL HARBOR

BRISTOL HARBOR



