



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: February 24, 2004

Comment Period Ends: March 25, 2004

File Number: 2003-02465

In Reply Refer To: Michael J. Elliott

E-mail address: michael.j.elliott@usace.army.mil

Marion C. Filippi; 1092 Great Road; Lincoln, Rhode Island 02865; has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act to create a new commercial marina for boats 26-feet or more in Old Harbor in the town of New Shoreham on Block Island. They propose to dredge and use the dredged material as beach nourishment, to install floats to create an 8-slip marina and to replace a bulkhead. The proposed project is shown on the attached plans and is described below:

- Perform new dredging to -7 feet at MLW from a 0.23 acre area. 2600 cubic yards of dredged material, primarily sand, will be placed on Ballard's beach as beach nourishment.
- Install pile-secured floats for 8 or more transient boats 26-feet or longer. Specifically, install an 8' x 130' main float, a 4' x 39' finger, two 3' x 39' fingers and a 3' x 52' finger.
- Install 150 linear feet of steel sheet-pile bulkhead to replace the wooden bulkhead.
- Establish a marina perimeter limit to enclose the new marina called Ballard's Wharf.

The project will impact approximately 10,000 square feet (0.23 acre) of Essential Fish Habitat (EFH) – see attached sheets 3 and 4 for a list of the species and life stages. Loss of this habitat may adversely affect these species by the dredging and the shading effects of the floats. Shading could result in a decrease of primary productivity and, consequently, a reduction in availability of food source. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The project site is at lat/long coordinates N41°-10'-22" and W71°-33'-33". 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 or use our toll free number (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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

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

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in 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.

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.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and 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.

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 initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

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.

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.

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 20.0' N	71° 30.0' W	41° 10.0' N	71° 40.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the Atlantic Ocean within the square affecting the northern part of Block Island, Rhode Island and Block Island Sound. There is a pilot boarding area on the northeast edge.

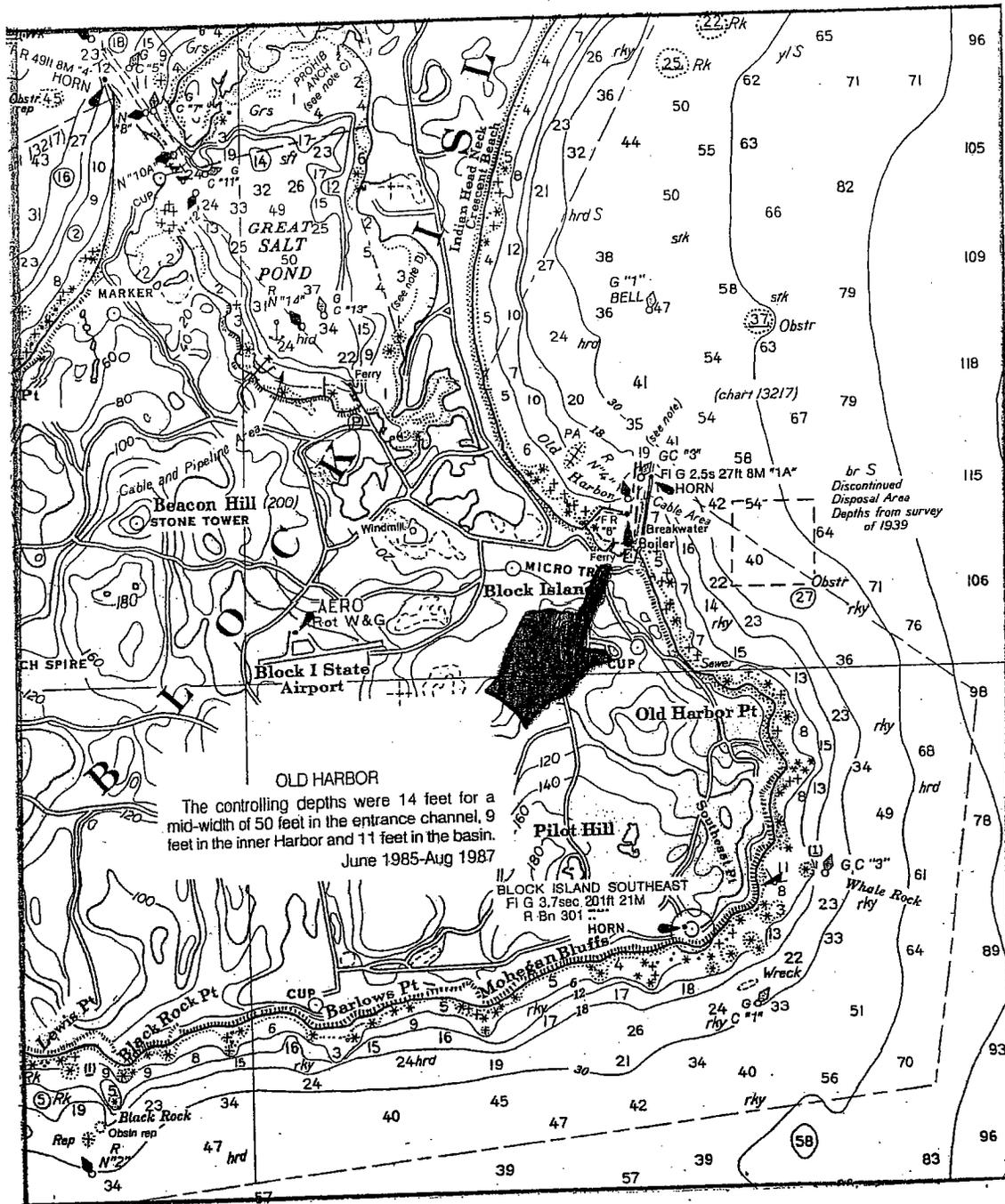
Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)				X
haddock (<i>Melanogrammus aeglefinus</i>)				
pollock (<i>Pollachius virens</i>)				
whiting (<i>Merluccius bilinearis</i>)	X	X	X	
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X	X	X	
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)				
windowpane flounder (<i>Scopthalmus aquosus</i>)			X	X
American plaice (<i>Hippoglossoides platessoides</i>)				
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)			X	X

monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a		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>)				X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristus striata</i>)	n/a		X	X
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
common thresher shark (<i>Alopias vulpinus</i>)		X	X	X
blue shark (<i>Prionace glauca</i>)		X	X	X
dusky shark (<i>Charcharinus obscurus</i>)			X	
shortfin mako shark (<i>Isurus oxyrhyncus</i>)			X	
sandbar shark (<i>Charcharinus plumbeus</i>)			X	X
bluefin tuna (<i>Thunnus thynnus</i>)				X
sand tiger shark (<i>Odontaspis taurus</i>)		X		



Ferry to Pt. Judith Site

beach nourishment area



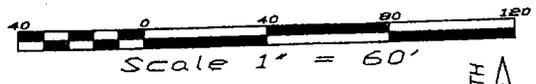
PROPOSED MARINA AND DREDGE
 MARION C. FILIPPI
 AP 6, LOT 159, NEW SHOREHAM, RI

LOCUS PLAN

BY: WARREN HALL, CIVIL ENGINEER
 63 ELMWOOD AVE., MIDDLETOWN, RI 849-5905
 #2000-11-S 9-27-03 SH 1 OF 9

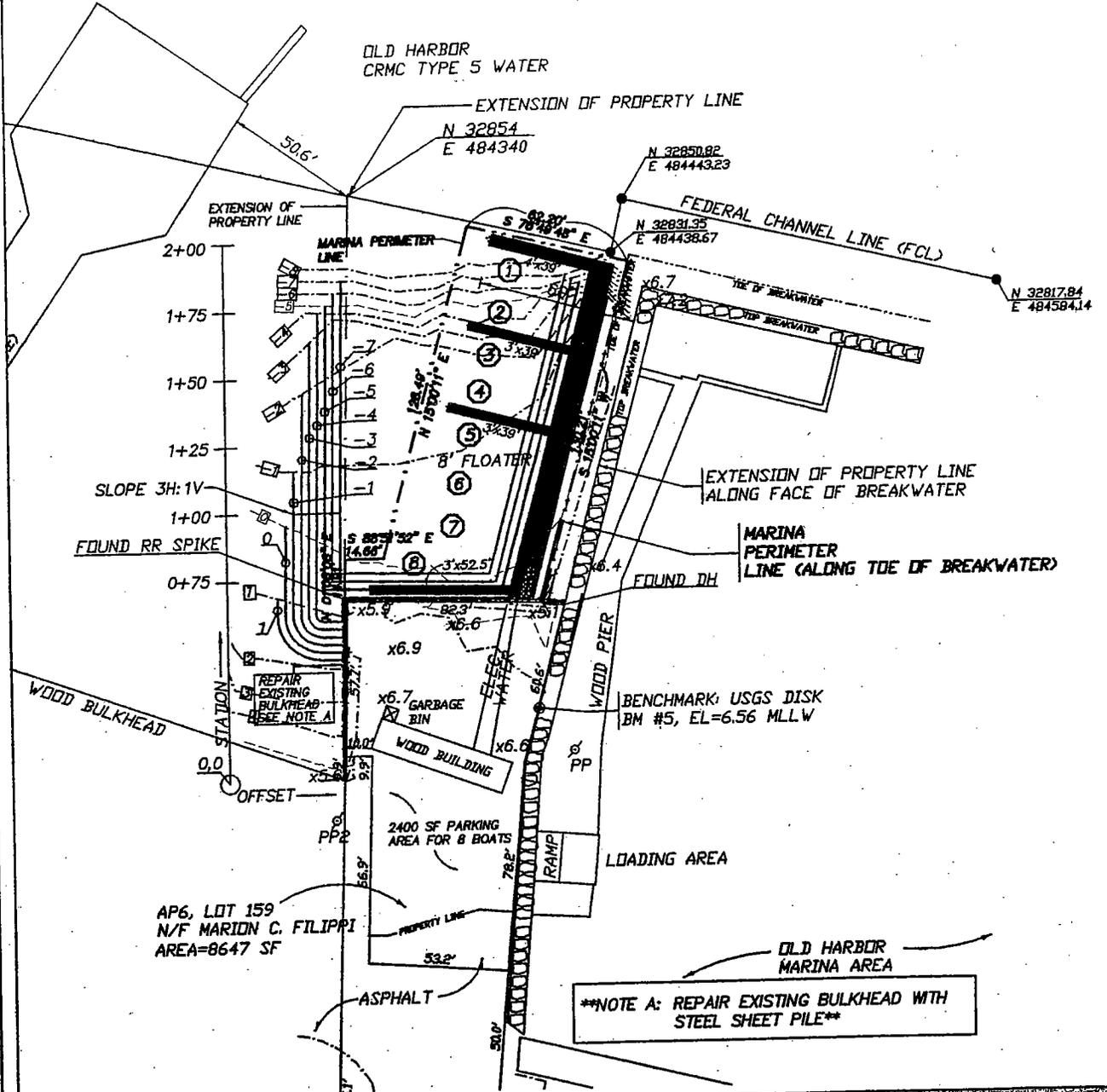
WARREN F. HALL
 No. 5114

 REGISTERED
 PROFESSIONAL ENGINEER



LEGEND

- CS * WATER CURB STOP
- WV * WATER VALVE
- SEWER MANHOLE
- ⊙ CURB INLET
- CATCH BASIN
- ⊖ UTILITY POLE
- ① PROPOSED SLIP
- MARINA PERIMETER LINE
- EOP EDGE OF PAVEMENT



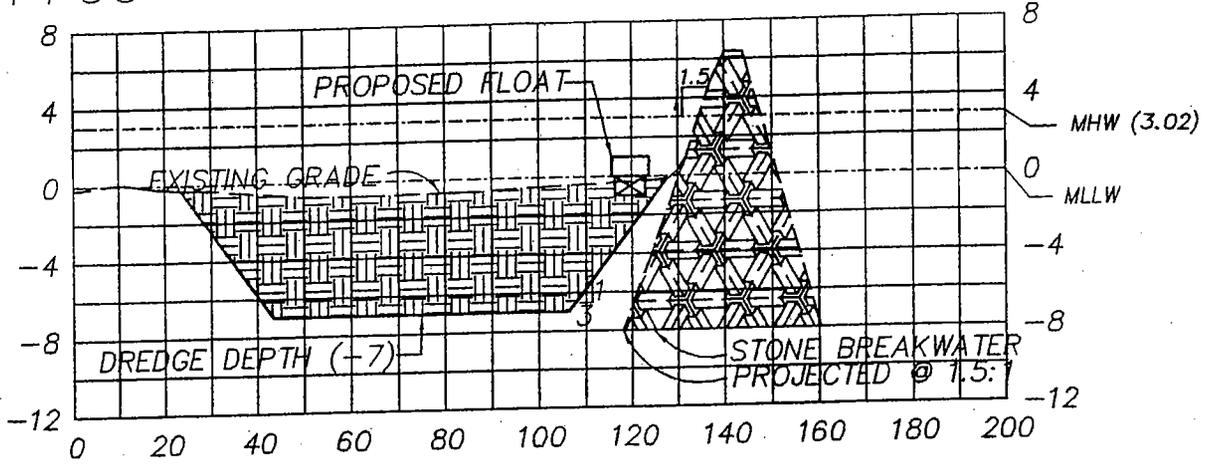
PROPOSED MARINA AND DREDGE
 MARION C. FILIPPI
 AP 6, LOT 159, NEW SHOREHAM, RI
PLAN VIEW 1"=60'

BY: WARREN HALL, CIVIL ENGINEER
 63 ELMWOOD AVE., MIDDLETOWN, RI 849-5905
 #2000-11-S 9-27-03 SH 2 OF 9

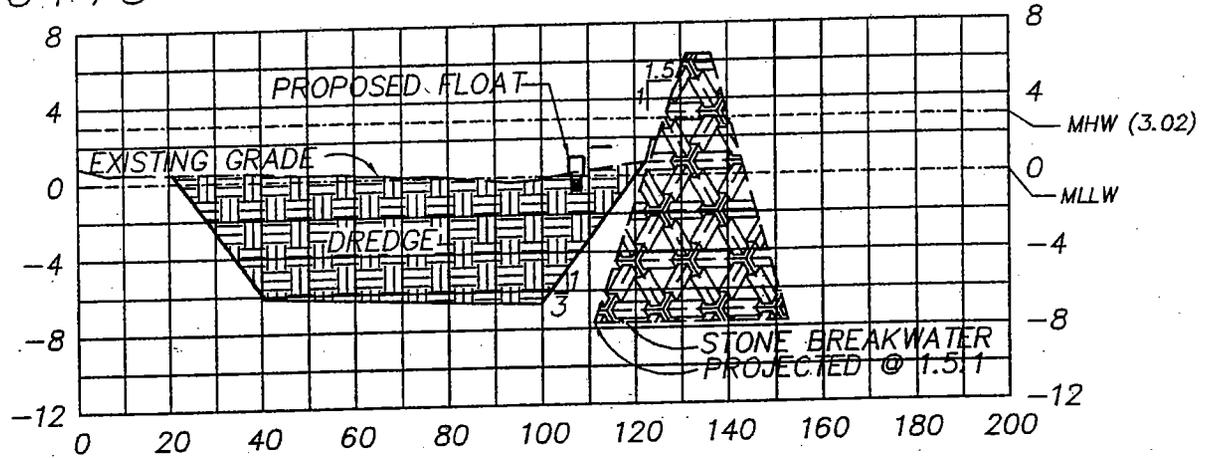
WARREN F HALL

No. 5114
 REGISTERED
 PROFESSIONAL ENGINEER

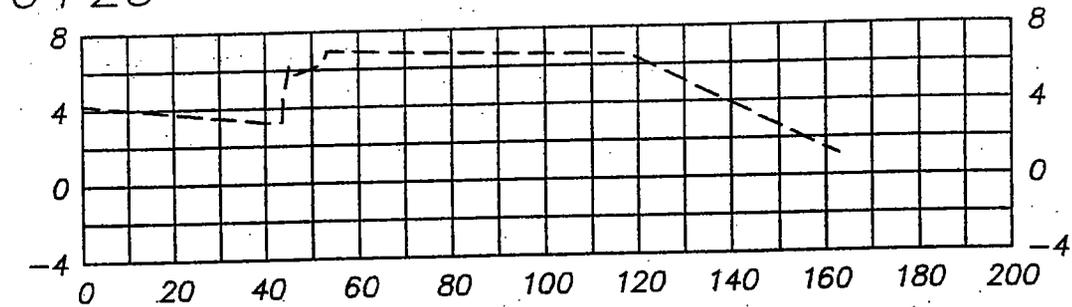
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0+75



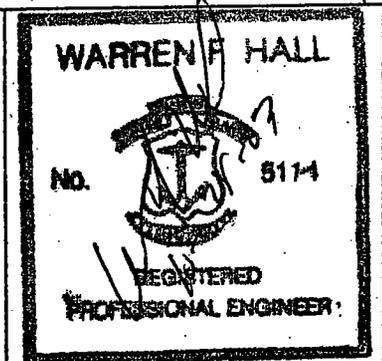
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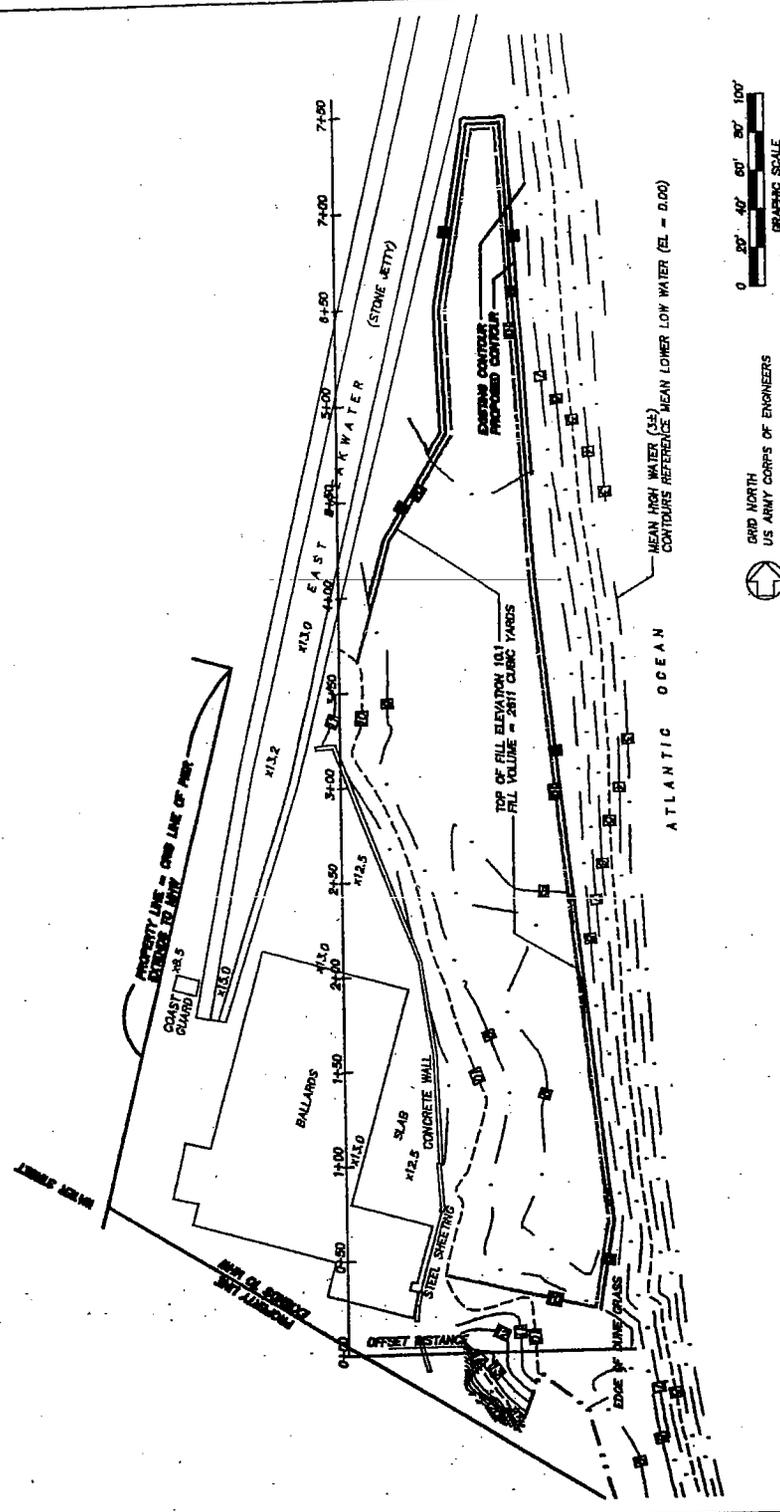


PROPOSED MARINA AND DREDGE
 MARION C. FILIPPI
 AP 6, LOT 159, NEW SHOREHAM, RI

CROSS SECTIONS HORIZ 1"=40', VERT 1"=10'

BY: WARREN HALL, CIVIL ENGINEER
 63 ELMWOOD AVE., MIDDLETOWN, RI 849-5905
 #2000-11-S 9-27-03 SH 3 OF 9

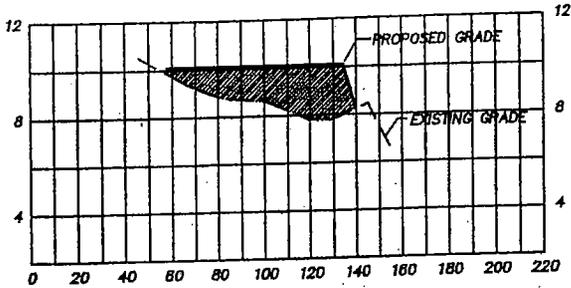




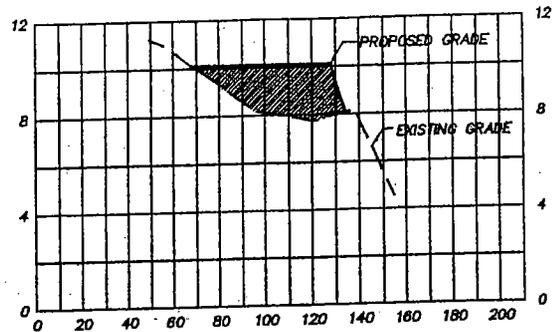
SITE PLAN - PROPOSED CONDITIONS
 AP 7, LOT 23, LAND OF PAUL A. FILIPPI
 BLOCK ISLAND, RI 02807, WASHINGTON COUNTY
 BY: WARREN HALL, CIVIL ENGINEER
 63 ELMWOOD AVE., MIDDLETOWN, RI 849-5905
 OCTOBER 4, 2003 SHEET 6 OF 9

WARREN F HALL
 No. 8114
 REGISTERED
 PROFESSIONAL ENGINEER

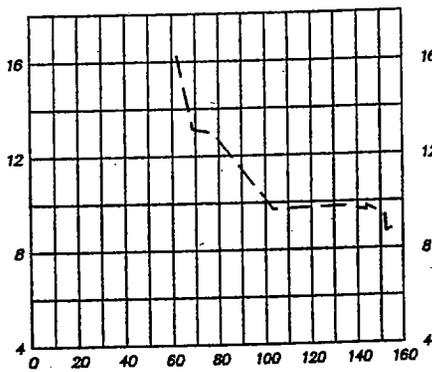
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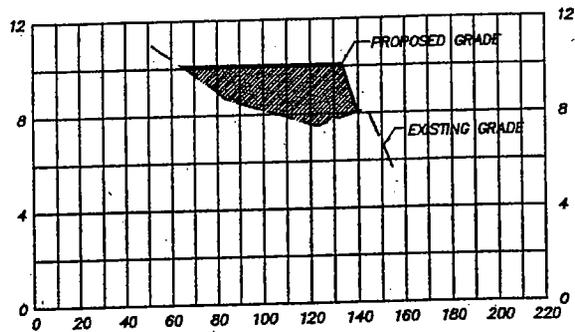
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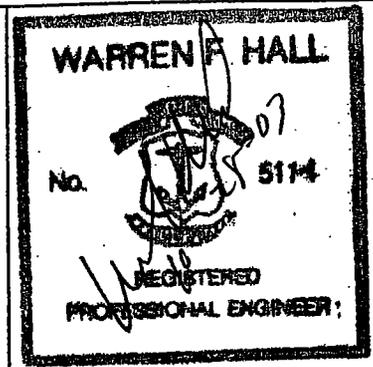


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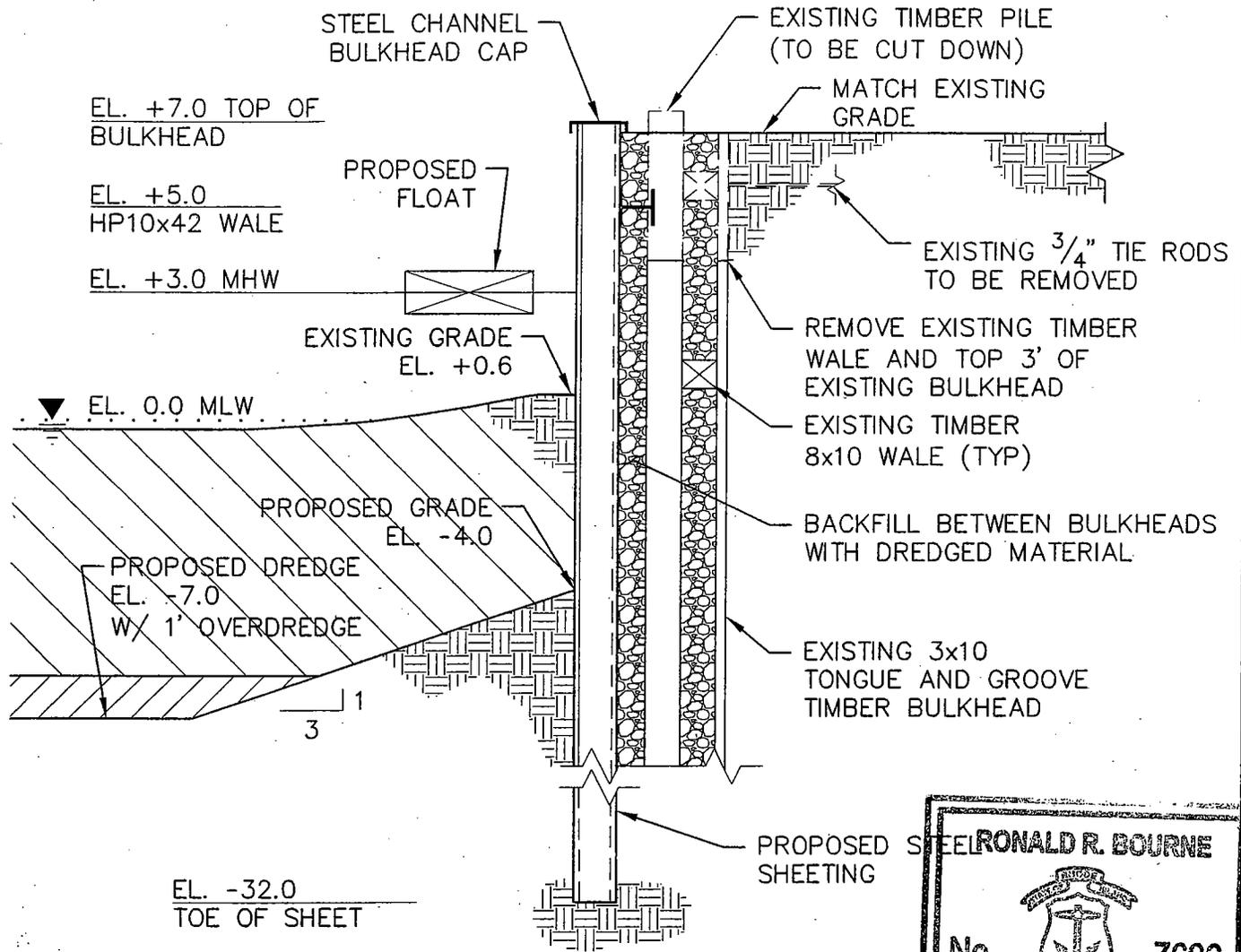


SCALE:
 HORIZ 1"=80'
 VERT 1"=8'

CROSS SECTIONS STA 0+00 - 1+50
 AP 7, LOT 23
 BLOCK ISLAND, RI 02807, WASHINGTON COUNTY
 BY: WARREN HALL, CIVIL ENGINEER
 63 ELMWOOD AVE., MIDDLETOWN, RI 849-5905
 OCTOBER 4, 2003 SHEET 7 OF 9



File: X:\23471\SECTIONS.dwg



SECTION AT BULKHEAD

A
3

SCALE: 1/4" = 1'-0"

RONALD R. BOURNE

 No. 7696
 REGISTERED PROFESSIONAL ENGINEER (CIVIL)

Ronald R. Bourne
10/24/03

PURPOSE: BULKHEAD IMPROVEMENTS	
100 YR FLOOD	+9.75
MHW	+3.0
NGVD	+1.26
MLW	0.0

TITLE: **PROPOSED SECTION AT BULKHEAD**

 **Bourne Consulting Engineering**
 124 West Central Street
 Franklin, NJ 08823
 TEL: (908) 686-4133 FAX: (908) 686-9971

APPLICATION BY: MR. FILIPPI BALLARD'S INN
IN: NEW SHOREHAM
AT: COUNTY: WASHINGTON STATE: RI
SHEET 3 OF 4 DATE: 9/22/03