US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Date: January 7, 2004
Comment Period Ends: January 22, 2004
File Number: 200400008
In Reply Refer To: Stephen D. DiLorenzo
Or by e-mail:Stephen.d.dilorenzo@usace.army.mil

THIS IS A 15-DAY PUBLIC NOTICE

NEWPORT SHIPYARD, 1 WASHINGTON STREET, NEWPORT, RHODE ISLAND 02840 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to dredge an area of approximately 14,000 square feet to 14.0' mean low water. The dredging will remove approximately 1,300 cubic yards of sediments by mechanical means from Newport Harbor with the sediments disposed of at the CAD cell that is located at the upper reach of the Providence River in Providence, Rhode Island. This project is shown on the attached plans entitled "NEWPORT SHIPYARD".

The dredging portion of this project will impact approximately 14,000 SF of Essential Fish Habitat (EFH) for species and life stages located on sheets 4 through 6. Habitat at this site can be described as organic silt and fine sand. Loss of this habitat may adversely affect species habitat or species shown on sheets 4 through 6; however the District Engineer has made a preliminary determination that the site-specific adverse effect can be managed to avoid or minimize adverse impacts to EFH and managed species. 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 disposal of the dredged material is proposed for the CAD cells located in the upper reach of the Providence River and shown on sheet 7. This is an open water site, which when completed will provide Essential Fish Habitat that is described on sheets 4 through 6. 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 purpose of the dredging is to remove material that has accumulated within the travel lift slip area to provide safe access to and from their facility.

This project is located on the USGS NEWPORT, RI quadrangle sheet at UTM coordinates 459505 N and 30600 E.

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 Stephen D. DiLorenzo, Senior Project Manager, at (978) 318-8373, (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 Branch
Regulatory Division

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:

(x) Permit, License or Assent from State.
( ) Permit from Local Wetland Agency or Conservation Commission.
(x) 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 <u>NOT</u> 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:

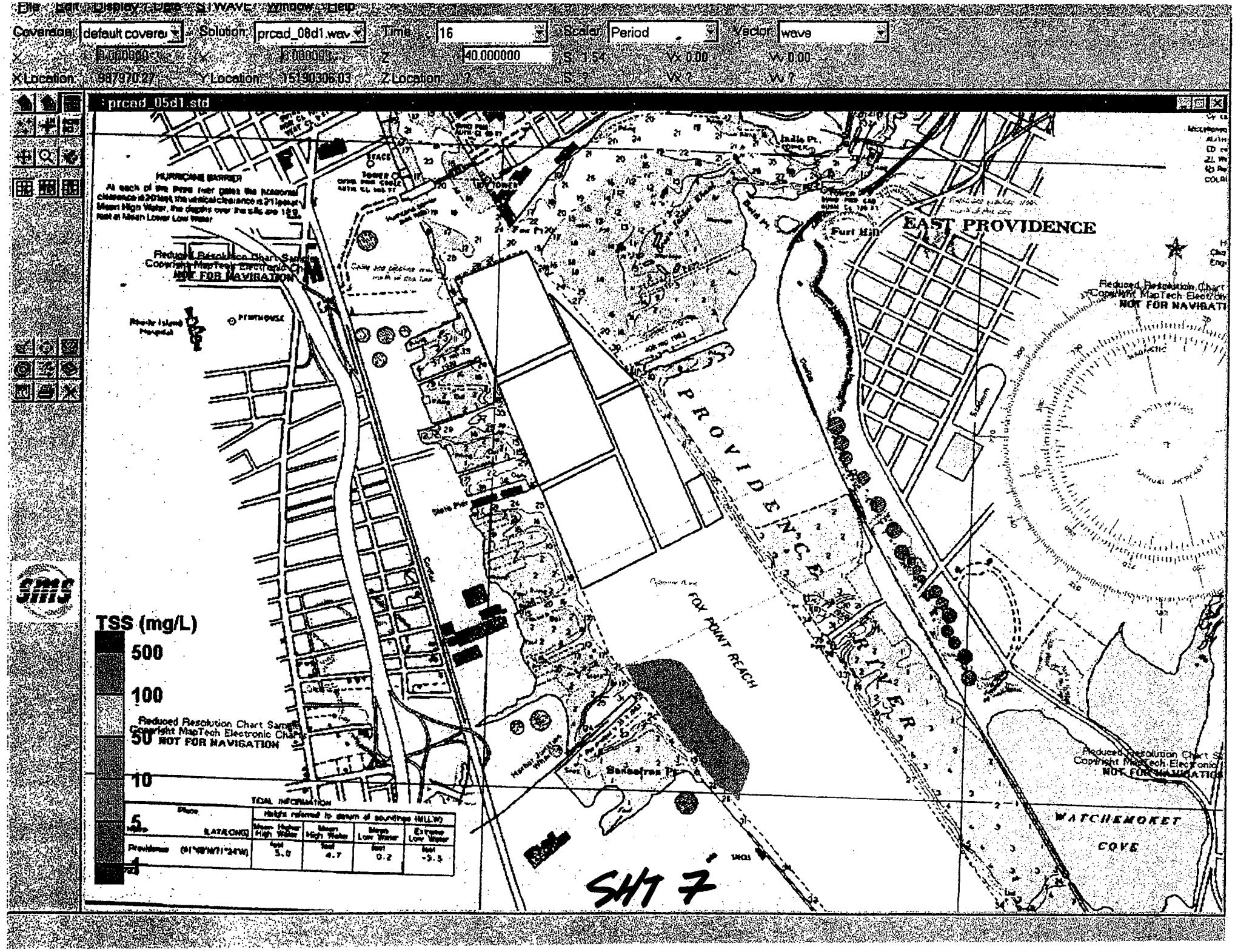
Boundary	North	East	South	West
Coordinate	41° 30.0' N	71° 10.0' W	41° 20.0' N	71° 20.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within Narragansett Bay within the square south of Rhode Island affecting the following: from the east half of Newport Neck to Warren Point, including the Sakkonet River opening. Also affected are: Goat I., Newport R.I., Ochre Pt., Marys Seat, Gull Rock, Sheep Pt., Lands End, Cherry Neck, Roaring Bull, Flint Pt., Flint Pt. Ledge, Easton Beach and Pt. on Easton Bay, Sachuest Neck, Sachuest Pt., Sachuest Bay, Long Rocks, Island Rocks, Goosebury I., a dumping ground south of Newport Neck and Newport, RI., Second Beach, Gardiner Pond, Elbow Ledge, Cormorant Rock, Cormorant Reef, Cullywaugh Rocks, Dolphin Rock, Old Bull Rock, Church Pt., Church Cove, Sakkonet Pt., East I., West I., Schuyler Ledge, Long Pond, Round Pond, Warren Pt., and Sheep Pen Rock, along with the north part of a restricted area on the southwest corner.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod *(Gadus morhua)*			X	X
haddock *(Melanogrammus aeglefinus)*		X		
pollock *(Pollachius virens)*				
whiting *(Merluccius bilinearis)*	X	X	X	X
red hake *(Urophycis chuss)*	X	X	X	
witch flounder *(Glyptocephalus cynoglossus)*				
winter flounder *(Pleuronectes*	X	X	X	X

americanus)				
yellowtail flounder *(Pleuronectes ferruginea)*				
windowpane flounder *(Scopthalmus aquosus)*	X	X	X	X
Atlantic sea scallop *(Placopecten magellanicus)*				
Atlantic sea herring *(Clupea harengus)*		X	X	X
monkfish *(Lophius americanus)*				
bluefish *(Pomatomus saltatrix)*			X	X
long finned squid *(Loligo pealei)*	n/a	n/a	X	X
short finned squid *(Illex illecebrosus)*	n/a	n/a	X	X
Atlantic butterfish *(Peprilus triacanthus)*		X	X	X
Atlantic mackerel *(Scomber scombrus)*	X	X	X	X
summer flounder *(Paralicthys dentatus)*		X	X	X

scup *(Stenotomus chrysops)*	X	X	X	X
black sea bass *(Centropristus striata)*	n/a	X	X	X
spiny dogfish *(Squalus acanthias)*	n/a	n/a		
tilefish *(Lopholatilus chamaeleonticeps)*				
king mackerel *(Scomberomorus cavalla)*	X	X	X	X
Spanish mackerel *(Scomberomorus maculatus)*	X	X	X	X
sand tiger shark *(Odontaspis taurus)*		X		
blue shark (*Prionace glauca)*		X		X
sandbar shark *(Charcharinus plumbeus)*			X	X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S ?
Vx ?
Vy ?
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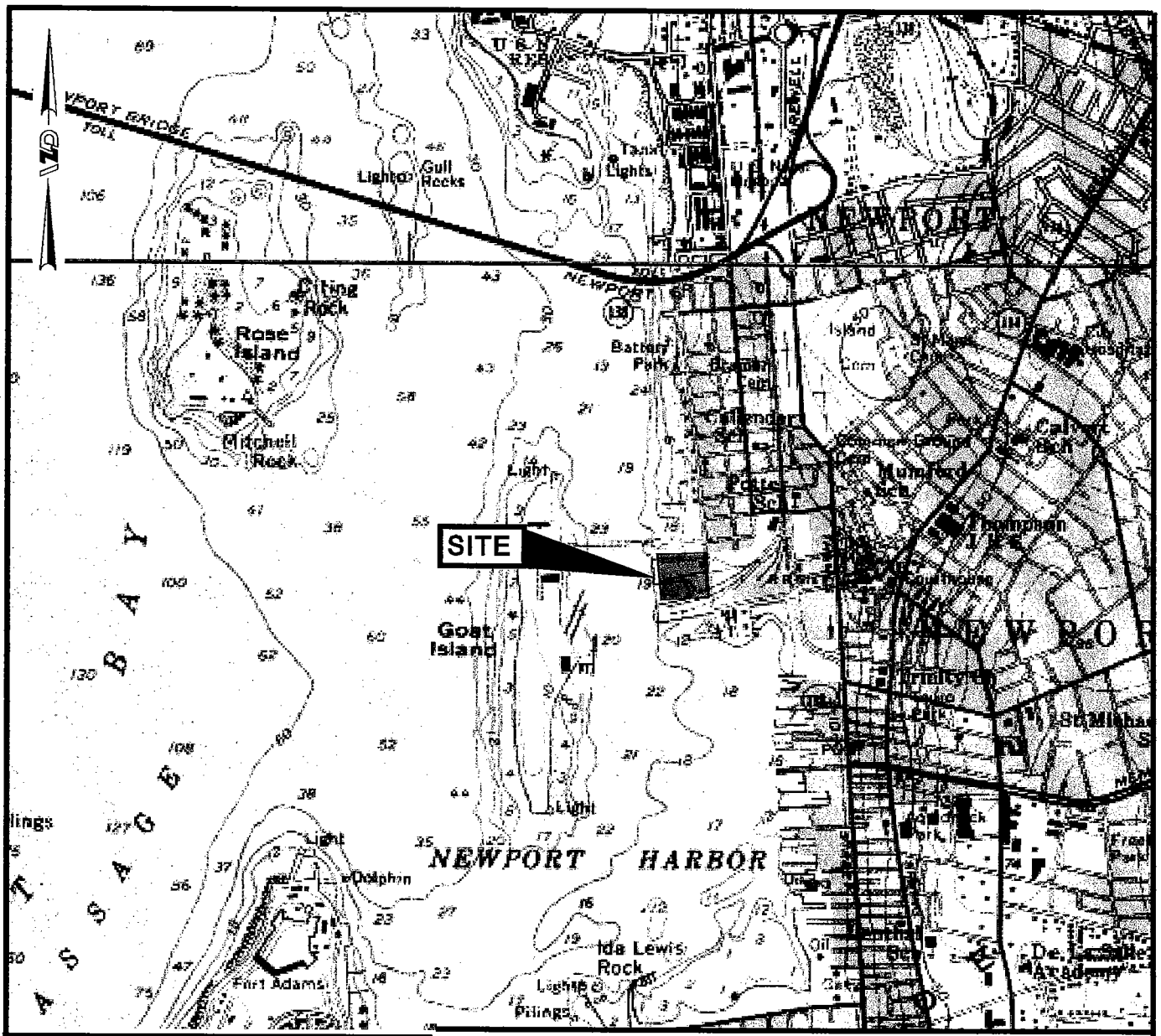
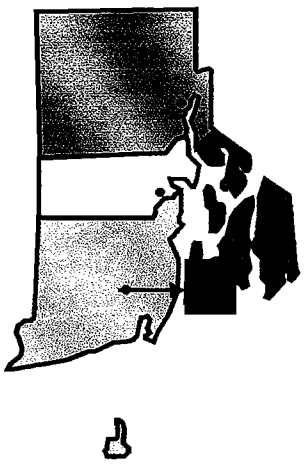
EAST PROVIDENCE
Fort Hill
PROVIDENCE RIVER
FOX POINT REACH
WATCHEMOKET COVE
Sassafras Pt.
Reduced Resolution Chart Sample
Copyright MapTech Electronic Charts
NOT FOR NAVIGATION
TSS (mg/L)
500
100
50
10
5
4
TIDAL INFORMATION
Height referred to datum of soundings (MLLW)
Mean Higher High Water
Mean High Water
Mean Low Water
Extreme Low Water
Providence
feet 5.0
feet 4.7
feet 0.2
feet -3.5
SHT 7



FROM USGS NEWPORT, RI QUADRANGLE MAP



GZA

NEWPORT SHIPYARD

NEWPORT, RHODE ISLAND

LOCUS PLAN

DECEMBER 2003

FIGURE NO. 1

FILE NO. 32213 © 2003 GZA GEOENVIRONMENTAL, INC. (COREL FILE: J:\JOBS\ENV\32213.MJB\32213LOCUS.CDR)

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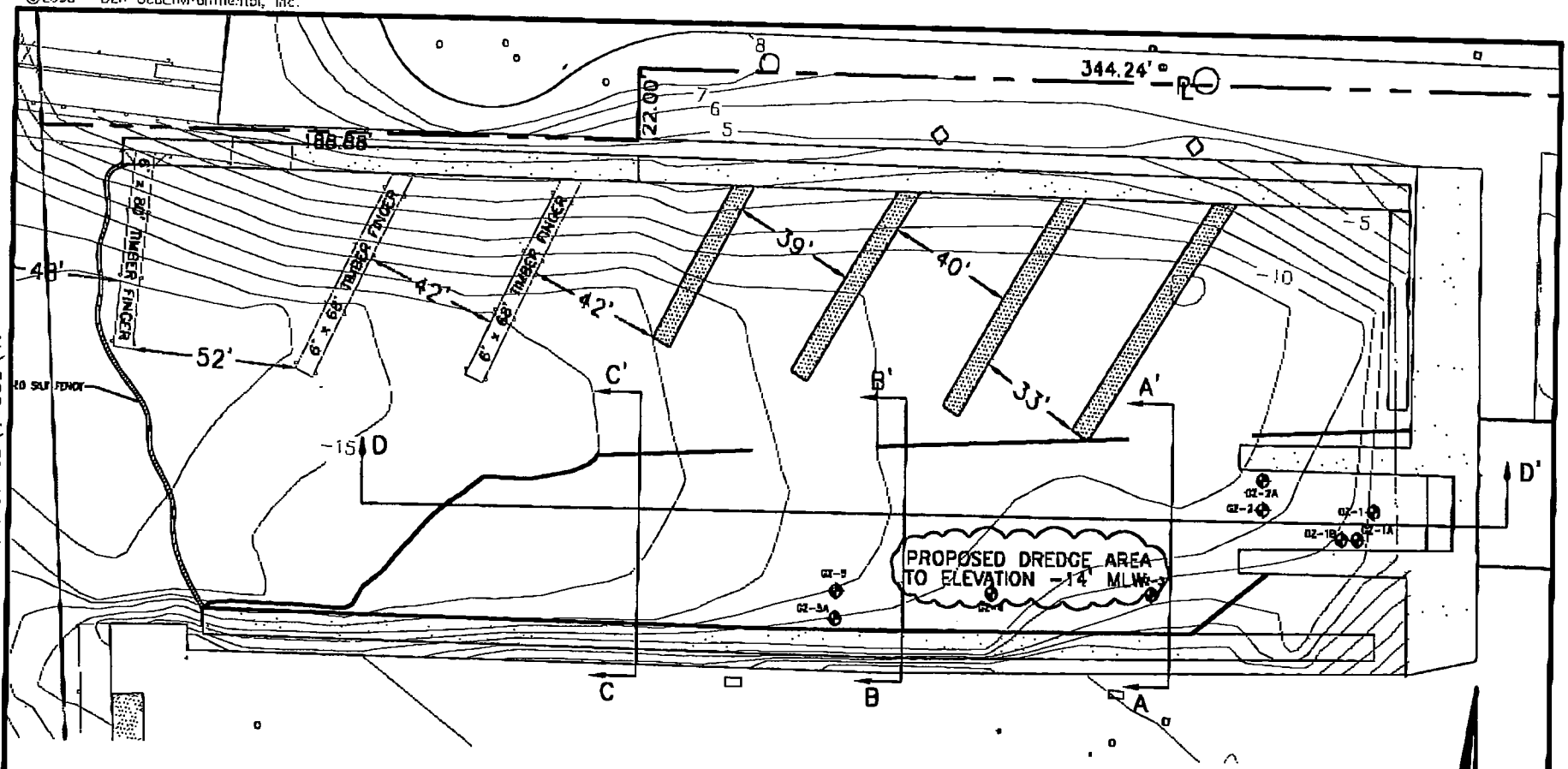

NOTES:

1. THE BASE PLAN WAS DEVELOPED FROM AN AUTOCAD DRAWING ENTITLED "PROPOSED DOCK, FLOAT & PILE CONFIGURATION", DATED 3-18-2000, PREPARED BY NORTHEAST ENGINEERS & CONSULTANTS, INC. OF MIDDLETOWN, RHODE ISLAND.

2. THE LOCATIONS OF THE EXPLORATIONS WERE APPROXIMATELY DETERMINED BY TAPE MEASUREMENTS FROM EXISTING TOPOGRAPHIC AND MAN-MADE FEATURES. THIS DATA SHOULD BE CONSIDERED ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHOD USED.

LEGEND:

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FIGURE NO. 1

JOB NO. 32213.03

PROPOSED DREDGING NEWPORT SHIPYARD

NEWPORT, RHODE ISLAND

EXPLORATION LOCATION PLAN

REV. NO.	DESCRIPTION	BY	DATE

1"=50'

0 25' 50' 100'

PROJ MGR: DRC
DESIGNED BY: SJB
REVIEWED BY: DRC
OPERATOR: SJB
DATE: 01/07/04

GZA
GeoEnvironmental, Inc.
Engineers and Scientists
140 BROADWAY
PROVIDENCE, RI 02903
(401) 421-4140
(401) 751-8613

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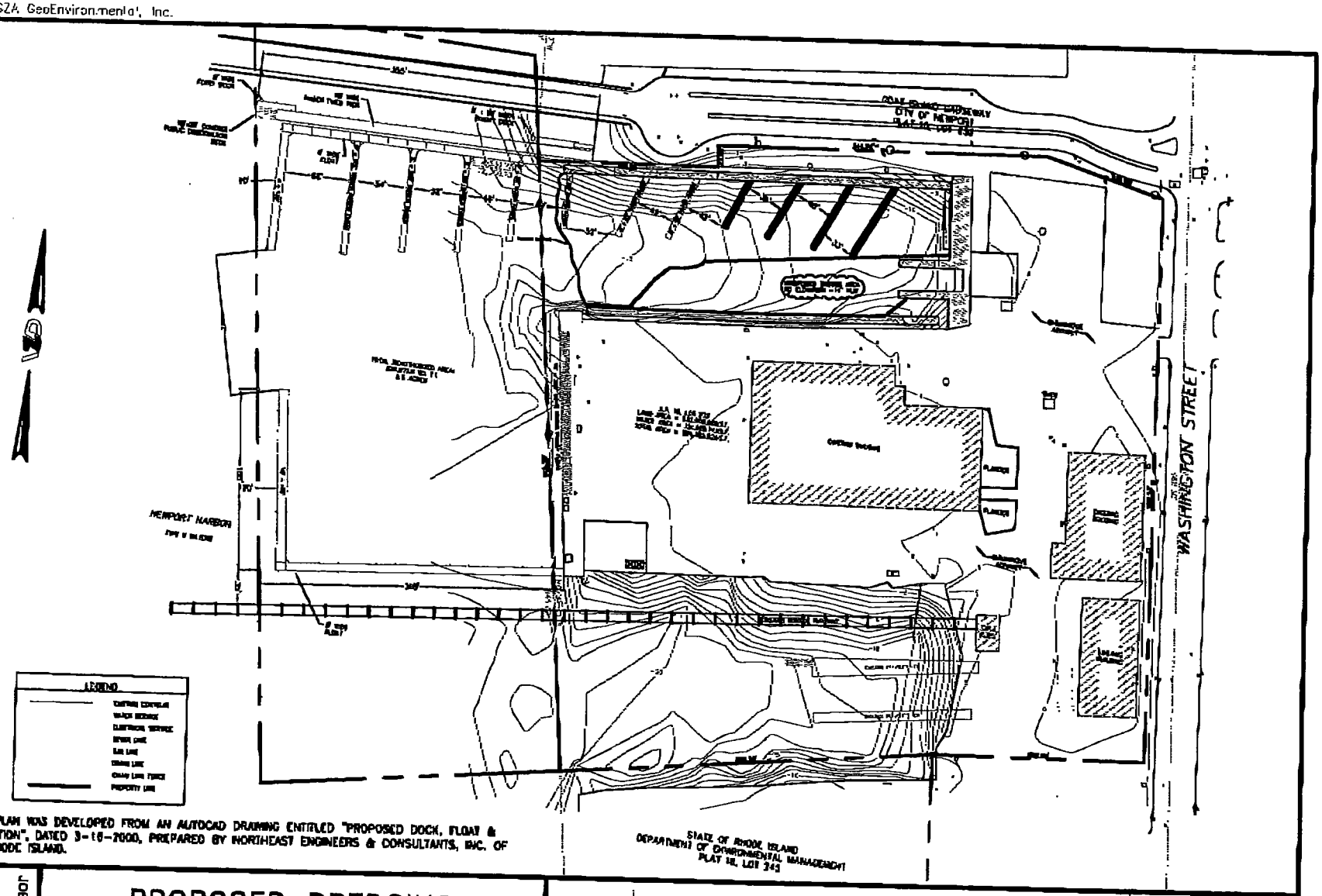

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N:\32213\32213.03\Newport Shipyard Site Plan_GZA.dwg

PROPOSED DREDGING
NEWPORT SHIPYARD
NEWPORT, RHODE ISLAND

SITE PLAN

REV. NO.	DESCRIPTION	BY	DATE

1"=150'

0 75' 150' 300'

PROJ MGR: DRC
DESIGNED BY: SJB
REVIEWED BY: DRC
OPERATOR: SJB
DATE: 01/07/04

GZA
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140 BROADWAY
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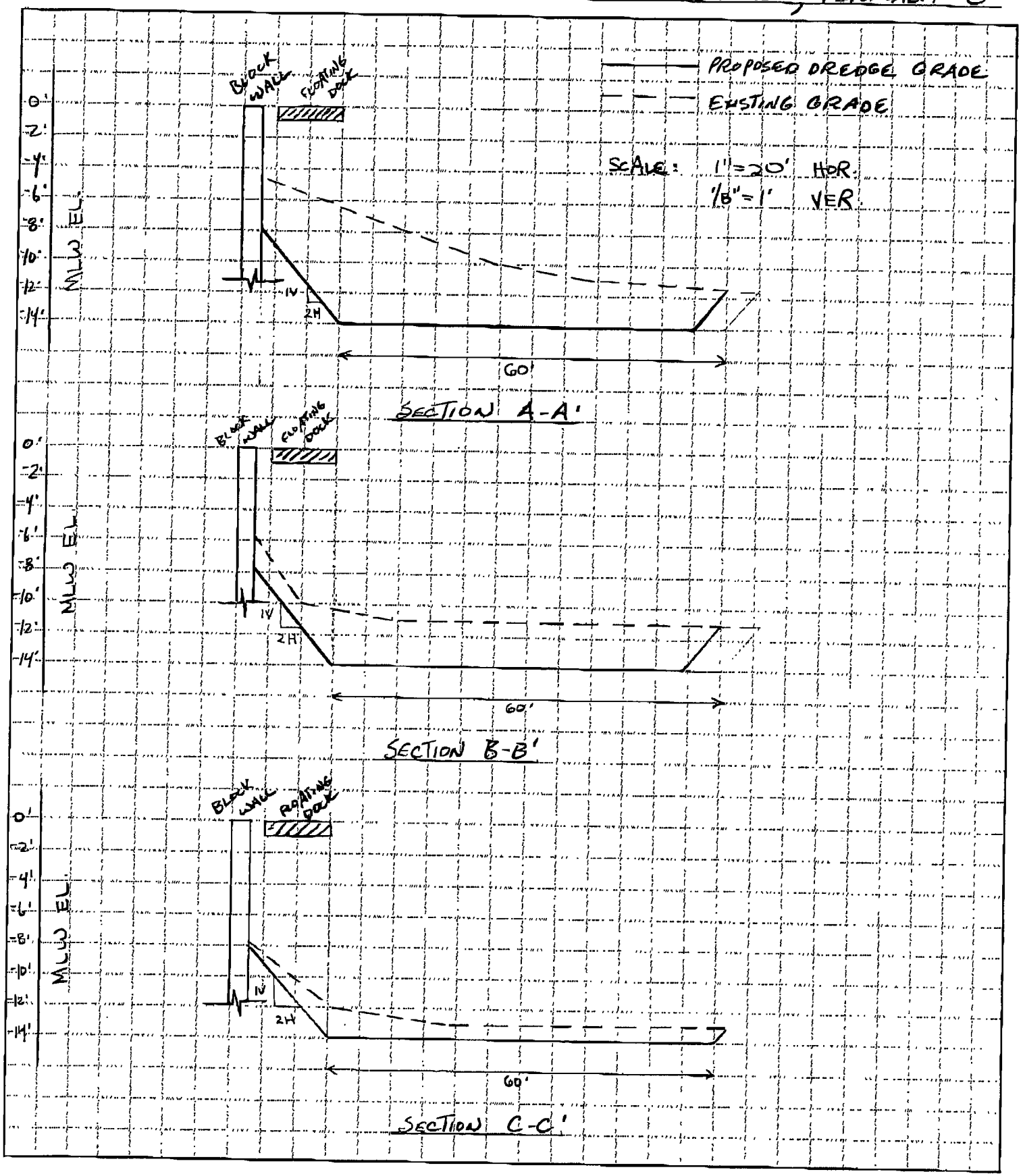
JOB NO. 32213.03

FIGURE NO. 2

GZA GEOENVIRONMENTAL, INC.
Engineers and Scientists
140 BROADWAY PROVIDENCE, RHODE ISLAND 02903
(401) 421-4140

JOB 32213.03 Newport Shipyard
SHEET NO. 1 OF 2
CALCULATED BY SJB DATE 01-07-04
CHECKED BY DATE
SCALE HORIZONTAL: 1"=20', VERTICAL: 1"=8'



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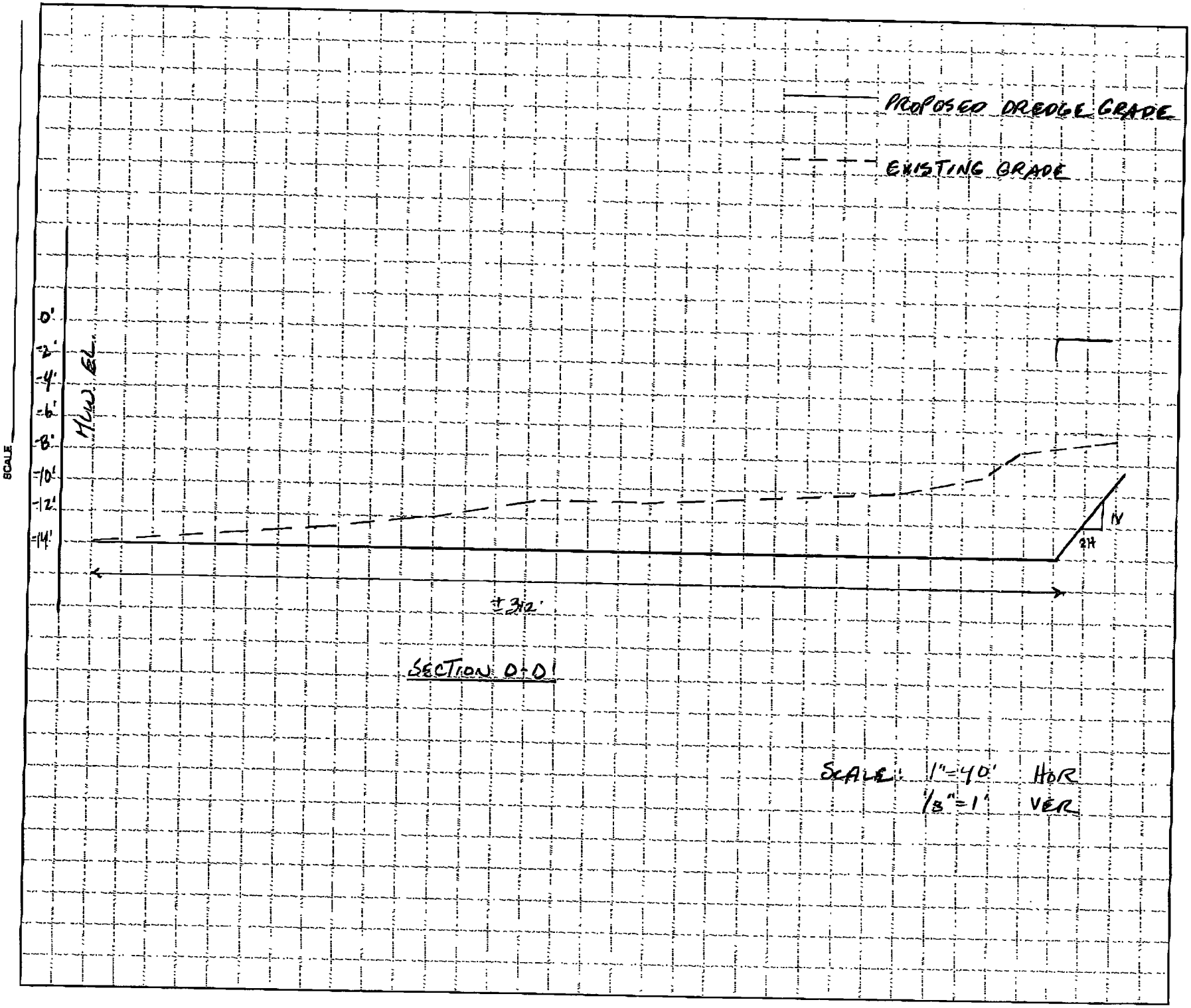
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SHEET NO. 2 OF 2
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CHECKED BY DATE
SCALE