



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Michael Walsh
nae-pn-nav@usace.army.mil
Programs & Project
Management Division
Date: April 6, 2020
Comment Period Closes: May 6, 2020

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE BLOCK ISLAND HARBOR OF REFUGE FEDERAL NAVIGATION PROJECT, BLOCK ISLAND, RHODE ISLAND

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform 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 Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532). The work involves maintenance dredging of the Block Island Harbor of Refuge Federal Navigation Project (FNP) on Block Island, Rhode Island and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment no. 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves maintenance dredging of portions of the 15-foot-deep Mean Lower Low Water (MLLW) inner harbor which is made up of an anchorage area, inner channel, and inner basin, plus 2 feet authorized overdepth, in the Harbor of Refuge FNP. No maintenance dredging of the FNP entrance channel will occur as a part of the proposed work. Sediment in the western portion of the 15-foot inner basin has been determined to be unsuitable for open water placement and will not be dredged. The existing project was originally authorized by the River & Harbor Act of 11 July 1870, and has since been modified by the River & Harbor Acts of 1876, 1880, 1882, 1884, 1886, 1888, 1890, 1896, 1903, 1912, and the Water Resources Development Act of 1986.

Character and Purpose of Work: Natural shoaling processes have reduced available depths to as little as 1.0 foot in the 15-foot MLLW anchorage making navigation hazardous at lower stages of the tide. Maintenance dredging of approximately 50,000 cubic yards (CY) of silt and fine-grained sand from approximately 6 acres of the authorized project area will restore the inner harbor portion of the FNP to authorized dimensions (See Attachment no. 2 and 3). Approximately 32,000 CY of sand material is proposed for placement at the previously-used, nearshore placement site off of Crescent Beach. The remaining silty material (approximately 18,000 CY) will be

placed at the Rhode Island Sound Disposal Site (RISDS). A private contractor, under contract to the government, will use a mechanical dredge and scows to remove the material and then transport it for placement at the disposal sites. Construction is expected to take between 3-4 months between October 1 and January 31 of the year(s) in which funds become available. The USACE will allow the contractor to dredge 24 hours per day, 7 days per week. The Town of New Shoreham requested that this project be maintained.

Disposal Areas: The proposed nearshore placement site is a rectangular 20-acre site situated offshore of Crescent Beach (Attachment no. 4). The center of the site is located at -71.563214, 41.184739. Water depths at the nearshore placement site range from approximately 6 to 18 feet MLLW. The site has been used regularly for the placement of dredged material from periodic maintenance dredging of the Block Island Harbor of Refuge FNP entrance channel. The nearshore site was used most recently in 2017 for the placement of approximately 2,600 CY of material. Typically approximately 15,000 CY of sand material is removed from the entrance channel by the government-owned, special purpose hopper dredge, *Currituck*, and placed at the site. Previously, this has occurred yearly from 2011 to 2016, and on a regular basis since the 1970's.

The RISDS is located approximately 8 nautical miles (NM) northeast of the Harbor of Refuge (Attachment no. 5). The RISDS was designated in December 2004 to receive dredged material from Rhode Island and other surrounding harbors in Massachusetts and Connecticut (40 CFR Part 228). The 1 NM² site is centered at 41° 13.854' N, 71° 22.819' W (NAD 83) and lies approximately 11 NM south of the entrance to Narragansett Bay and 9 NM south of Point Judith, Rhode Island. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths ranging from 111 to 128 ft.

Prior to its site designation, the area of RISDS was selected for temporary use and was employed during 2003-2004 for placement of over 4.5 million CY of sediment primarily from the Providence River & Harbor Federal Navigation Project. RISDS has been monitored several times over the years through the USACE Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is located in a low energy environment such that sediment deposited at the location will remain within the boundaries of the site. Based on the testing and evaluation requirements set forth in Section 103 of the Marine Protection, Research, and Sanctuaries Act, the sediments to be dredged from the Block Island Harbor of Refuge FNP are considered suitable for unconfined open water disposal at RISDS. Unsuitable material in the western portion of the inner basin will not be dredged. This determination was confirmed by the U.S. Environmental Protection Agency and the Rhode Island Department of Environmental Management.

Additional Information: Additional information may be obtained from Mr. Michael Walsh, Civil Works/IIS Project Management Branch, Programs and Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or by telephone at (978) 318-8586.

Coordination: The proposed work has, or will be coordinated with the following agencies:

Federal:

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State of Maine:

Rhode Island Department of Environmental Management
Rhode Island Coastal Resources Management Council
Rhode Island Historical Preservation and Heritage Commission

Tribal Nations:

Narragansett Tribal Nation

Local:

Town of New Shoreham

Environmental Impacts: An Environmental Assessment is in preparation and will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging 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 the Rhode Island Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the State of Rhode Island's coastal management program established as a result of the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. **Local Sponsor:** Town of New Shoreham.
- b. **Non-Federal Dredging:** There may be private and/or Town dredging work performed in conjunction with the Federal work.
- c. **Previous Dredging:** The USACE most recently dredged the harbor in 2000. At that time, the government-owned, special purpose hopper dredge, *Currituck*, removed approximately 40,000 CY of sand from the 15-foot entrance channel, anchorage, and inner basin and placed the material at the nearshore placement site off of Crescent Beach. Sand shoals form rapidly in the FNP entrance channel which requires maintenance dredging every one to two years, which is typically conducted by the *Currituck* every one to two years during the spring months.

d. Alternate Disposal Methods: Alternate disposal options that have been considered include open-ocean disposal, beach and nearshore disposal, and upland disposal. Approximately 32,000 CY of sand material from the inner harbor is proposed for placement at the Crescent Beach nearshore placement site. The silty material (approximately 18,000 CY) is not appropriate for nearshore or beach placement, therefore open-ocean disposal at the Rhode Island Sound Disposal Site is also pursued. A suitable upland disposal site was not identified.

e. Endangered Species: It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species. The USACE is in consultation 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 USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

g. Cultural Resources: The proposed work consists of maintenance dredging of the FNP in previously dredged areas and placing the dredged material in previously-used and designated disposal sites. The USACE is in coordination project with the Rhode Island Historical Preservation and Heritage Commission and the Tribal Historic Preservation Officer of the Narragansett Tribal Nation in accordance with the National Historic Preservation Act of 1966, as amended.

h. Essential Fish Habitat Assessment: The USACE has determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project 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 USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

i. Additional Requirements: The Corps has requested a 401 Water Quality Certificate from the Rhode Island Department of Environmental Management and a Coastal Zone Management Consistency Determination Concurrence from the Rhode Island Coastal Resources Management Council.

The decision whether to perform the proposed 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, and the welfare of the people.

Any person who has an interest, which may be affected by the dredging and placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period 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 to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Michael Walsh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

William M. Conde
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et. seq.)

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)

Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

Clean Air Act, as amended (42 U.S.C. 7401 et. seq.)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 460L-12 et. seq.)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended by the
Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

Executive Order 11988, Floodplain Management, 24 May 1977

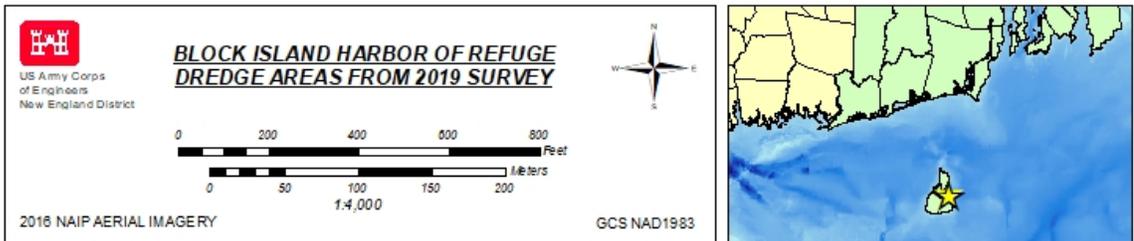
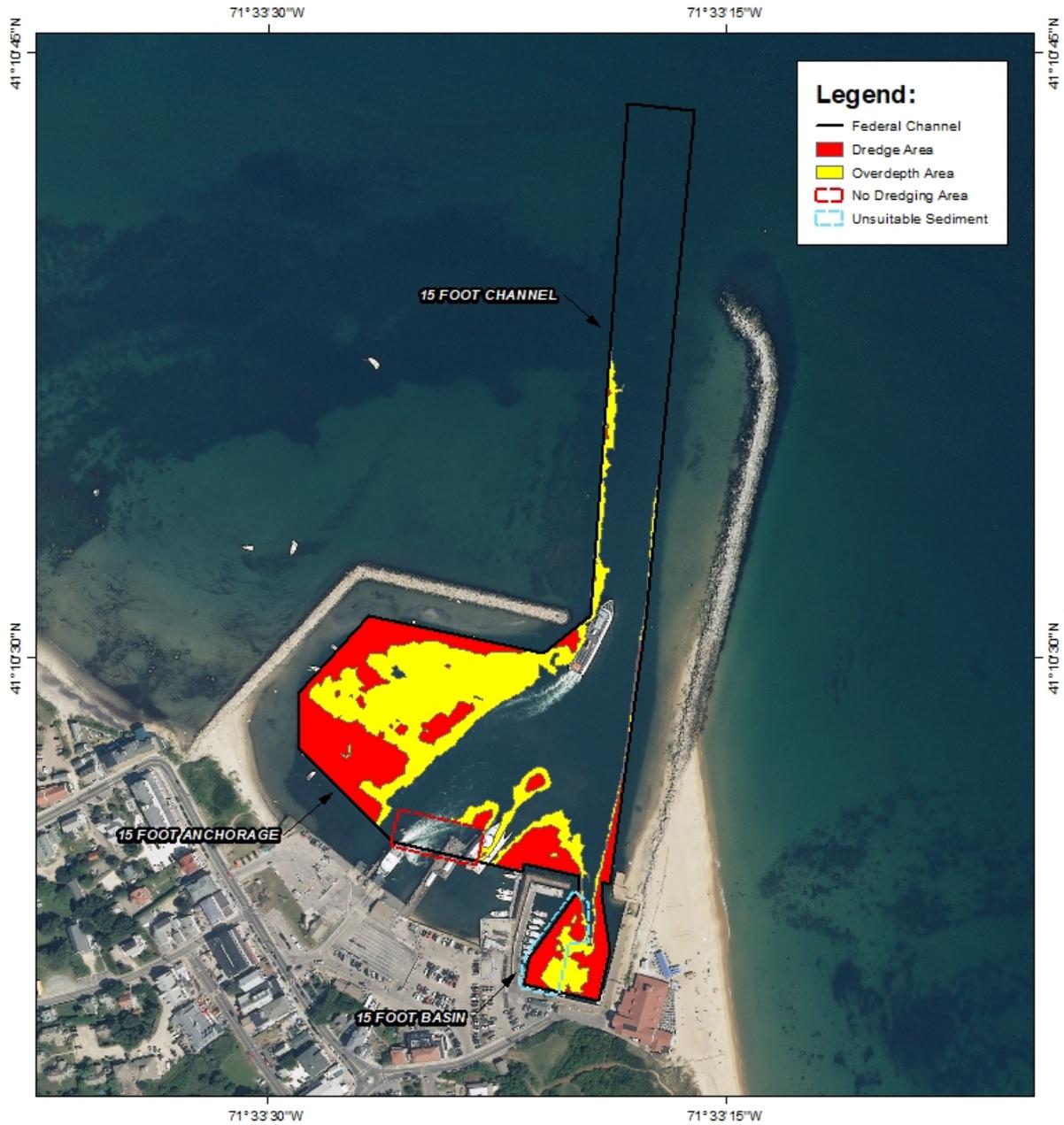
Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority
Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks,
21 April 1997

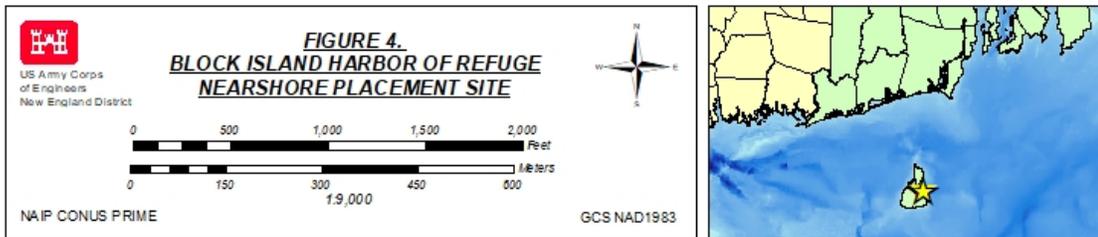
Attachment 3

Block Island Harbor of Refuge Proposed Dredge Areas



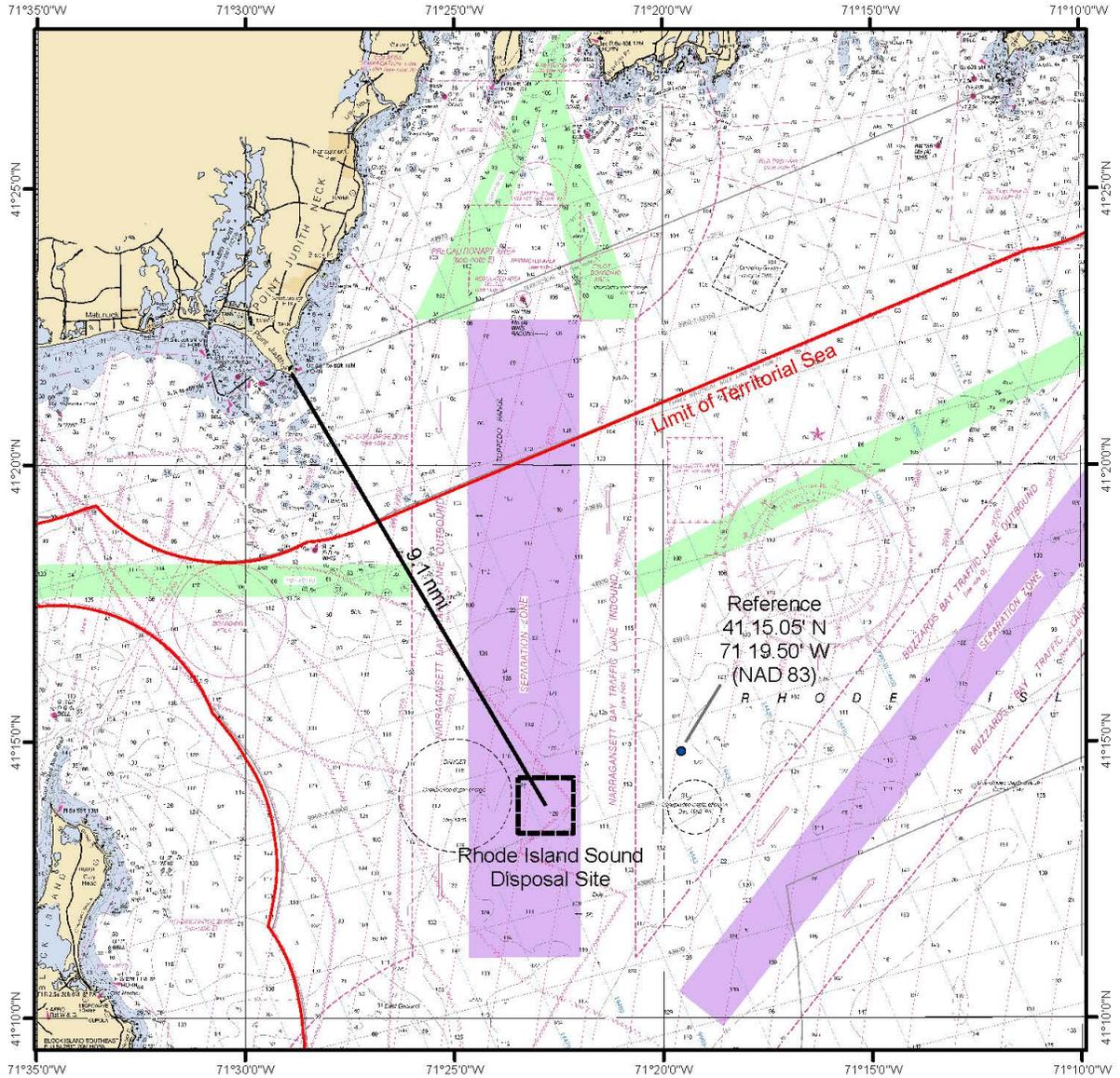
Attachment 4

Crescent Beach Nearshore Placement Site



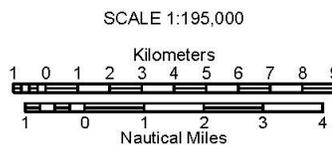
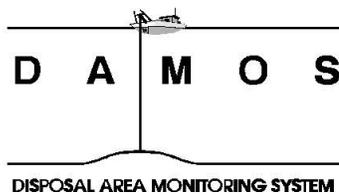
Attachment 5

Rhode Island Sound Disposal Site



RHODE ISLAND SOUND DISPOSAL SITE

Description: The Rhode Island Sound Disposal Site (RISDS) was designated in December 2004. This 3.24 km² (1 nautical mi²) site is centered at 41° 13.850' N, 71° 22.817' W (NAD 83). It is located approximately 9.1 nmi (16.8 km) south-southeast of Point Judith, Rhode Island, and approximately 11.3 nmi (21 km) south of the entrance to Narragansett Bay. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths from 36 to 39 m. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



NOTE: This chart is not intended for use in navigation.

