
DRAFT Environmental Assessment, Finding of No Significant Impact

Demolition of the India Point Railroad Bridge Seekonk River East Providence, RI



US Army Corps
of Engineers®
New England District

November 2020

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- Appendix A – Pertinent Correspondence
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LIST OF ACRONYMS AND ABBREVIATIONS

ACQR	Air Quality Control Region
BMP	Best Management Practice
CAA	Clean Air Act
CFR	Code of Federal Regulations
CGP	Construction General Permit
dB	Decibel
dBA	A-Weighted Decibels
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
HAER	Historic American Engineering Record
IPaC	Information for Planning and Consultation
NAA	No-Action Alternative
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPS	National Park Service
PAHs	polycyclic aromatic hydrocarbons
PCB	Polychlorinated Biphenyls
PPM	Parts Per Million
RI	Rhode Island
RIDEM	Rhode Island Department of Environmental Management
SHPO	State Historic Preservation Office
SOI	Secretary of Interior
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WRDA-86	Water Resources Development Act of 1986

**FINDING OF NO SIGNIFICANT IMPACT
INDIA POINT RAILROAD BRIDGE DEMOLITION PROJECT
SEEKONK RIVER
EAST PROVIDENCE, RHODE ISLAND**

The U.S. Army Corps of Engineers, New England District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The draft Environmental Assessment (EA) dated October 2020, for the demolition of the India Point Bridge and fender system addresses the potential environmental effects of the removal of the India Point Bridge.

The India Point Bridge Demolition Project has been determined to have No Significant Impact on the estuarine ecosystem or to resources located within the Seekonk River. This assessment has been prepared in accordance with the National Environmental Policy Act of 1969 and all applicable environmental statutes and executive orders. My determination is based upon the information contained in the Environmental Assessment and the following considerations:

Proposed Action and Alternatives

The EA, incorporated herein by reference, evaluated the “no action” alternative and one plan in detail.

Proposed Action: Demolition of the remaining elements of the India Point Bridge. This includes the following actions:

- Dismantling of the remaining bridge superstructure (i.e. features above the water’s surface).
- Removal of all substructure features (i.e. features below the water’s surface). These include the steel clad concrete piers that will be removed to roughly 1-2 feet below the mud line. The granite block abutment at the east end of the bridge shall remain in place.
- Removal of the wooden fender system, which will either be pulled out completely or cut approximately two feet below the mud line. The wooden fenders likely contain creosote and would be disposed of at an appropriate, offsite facility.
- Removal of any material that has fallen from the bridge and is located on the river floor below the bridge.

The duration of the work is estimated to be around 150 days. All work would be completed from the water, using a marine plant made up of three vessels (a work barge, debris barge and push boat). Divers may be required to remove the concrete piers. A laydown area will be located along Waterfront Drive.

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the proposed action. Best management practices (BMPs) as detailed in the EA will be implemented to minimize impacts.

Environmental Analysis

The potential impacts of the Proposed Action and the No-Action Alternative were evaluated to satisfy the environmental review required under NEPA and all other applicable environmental laws, regulations, Executive Orders, and Executive Memorandums.

An analysis of the potential beneficial or adverse impacts to environmental resources that could be affected by the action indicated there are no significant short- or long-term direct, indirect, or cumulative effects. Under the CEQ NEPA regulations, “NEPA significance” is a concept dependent on context and intensity (40 C.F.R. 1508.27). When considering a site-specific action like removal of the India Point Bridge, significance is measured by the impacts at a local scale, as opposed to a regional or nationwide context. The CEQ regulations identify a number of factors to measure the intensity of impact. Review of the NEPA “intensity” factors reveals that the proposed action would not result in a significant impact to the human environment.

- Impacts on public health or safety: The project will not result in any significant impacts to the public’s health or safety.
- Unique characteristics of the area: The EA considered the unique characteristics of the site including proximity to historic or cultural resources, parklands, wetlands, and ecologically critical areas and did not uncover significant impacts to the resources that would be impacted by the repairs.
- Controversy: The effects of the proposed project are not controversial.
- Uncertain impacts: The impacts of the project are not uncertain; they are readily understood.
- Precedent for future actions: The project is not precedent setting.
- Cumulative significance: There are no significant cumulative impacts associated with the partial, temporary obstruction of the FNP.
- Historic resources: Removal of the two remaining spans of the railroad bridge would have no adverse effect conditional on the completion of the Historic American Engineering Record (HAER) documentation of the spans. A HAER documentation was completed for the swing-span of the bridge, c.2002. Documentation of the remainder of the bridge will be sent as an amendment to the original HAER documentation. In consultation with the State Historic Preservation Office, we have determined that no cultural resources would be impacted by any activities associated with this project.
- Endangered species: The project will have no impacts to Federal or state-listed species of concern, rare or endangered species.
- Potential violation of state or Federal law: This action will not violate Federal or state laws.

A Notice of Availability of the Draft EA and FONSI, which can be found in Appendix B, was issued on November 2, 2020, and the comment period was ended on December 2, 2020. A copy of the Public Notice was also posted on the Corps website. Public review of the draft EA and FONSI was completed on December 2, 2020. **XX** comments were received during the public review period.

Based on my review and evaluation of the environmental effects as presented in the Environmental Assessment, I have determined that the proposed demolition of the remaining sections of the India Point Bridge and the associated fender system is not a major Federal action significantly affecting the quality of the human environment. This Federal action, therefore, is exempt from requirements to prepare an Environmental Impact Statement.

Date

John A. Atilano II
Colonel, Corps of Engineers
District Engineer

1.0 INTRODUCTION

The U.S. Army Corps of Engineers, New England District (USACE) has prepared this environmental assessment (EA) for the demolition of the India Point Bridge in Providence, RI to ensure compliance with the National Environmental Policy Act of 1969 (NEPA), and all appropriate environmental laws, regulations, executive orders and executive memoranda. Methods used to evaluate the environmental resources of the area include review of available information and coordination with appropriate environmental agencies and knowledgeable persons. This document includes an assessment of the potential environmental impacts of the proposed action and a Finding of No Significant Impact (FONSI).

1.1 Project Location

The Seekonk River is a tidal tributary of the Providence River in Rhode Island (RI). The river flows into the northernmost point of Narragansett Bay (Figure 1). Beginning at the falls at Pawtucket, the Seekonk River flows southerly approximately 8 kms (5 miles), until it empties into Providence Harbor at India Point.

The bridge structures are located on the east bank of the Seekonk River, approximately 0.13 miles south of the Washington (Route 44/Route I95/Route 1A) Bridge. The project area is 0.26 miles north of Green Jacket Shoal navigational buoy 6. The remaining spans are approximately 181 feet long, 15 feet high, with an outside dimension of 36 feet wide. The structures extend 181 feet into the river and are located from the upland bank to approximately 20 feet in depth. The furthest reach of the spans extend into the federal channel. The remaining spans are directly adjacent to docks owned by the East Providence Yacht Club, located off Pier Road. The Corps will implement measures to protection private property during demolition of the bridge (Figure 2).

1.2 Authority

The Congress of the United States in Section 1166 (c) of the 1986 Water Resources Development Act (WRDA-86) (Public Law 99-662) declared the India Point Railroad Bridge to be a hazard to navigation and authorized the Secretary of the Army to demolish and remove the bridge.

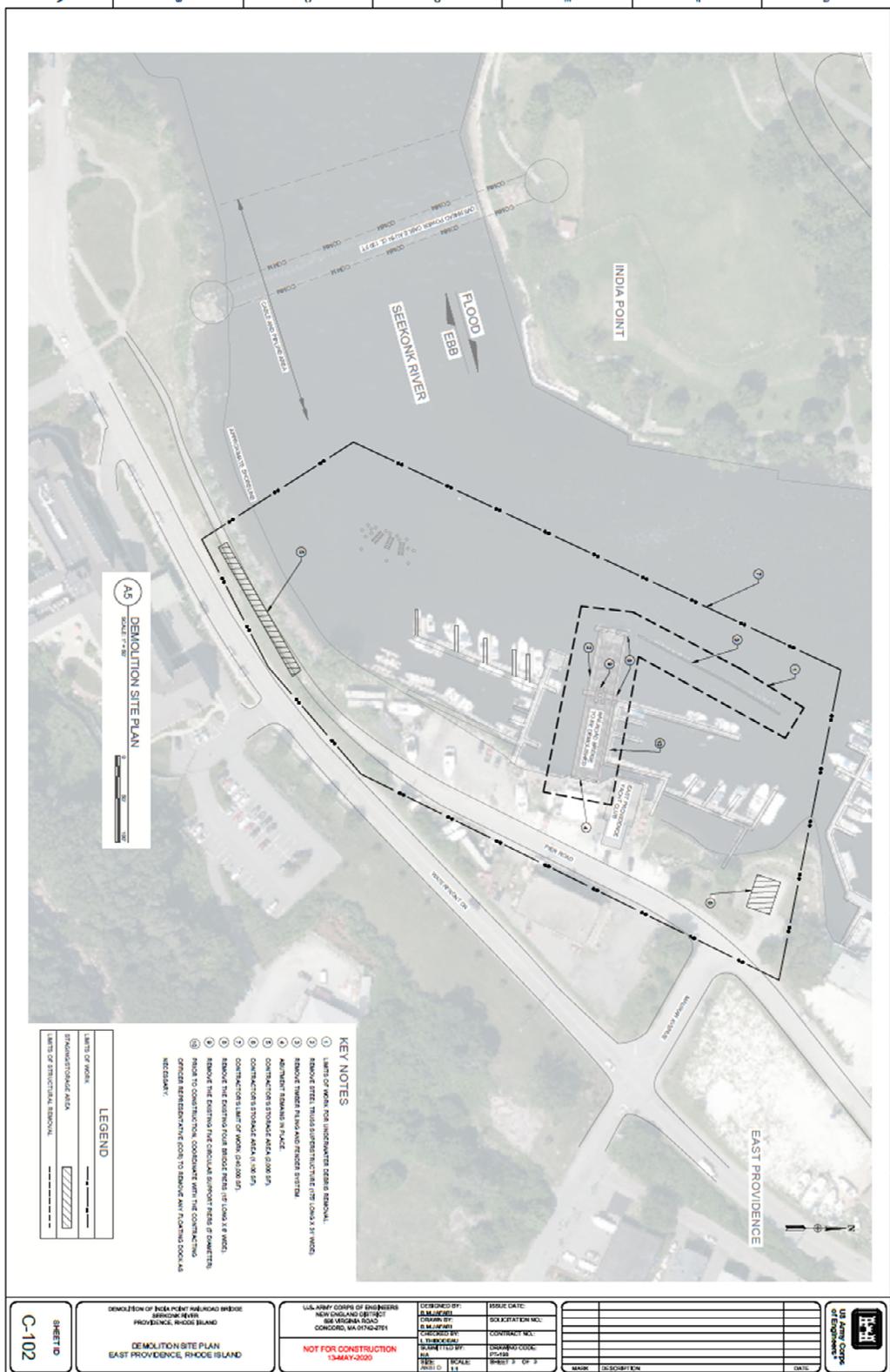
Figure 1. Project Location Map



1.3 Purpose and Need

The purpose of the project is the demolition and removal of the India Point Railroad Bridge and fender system, which is located in the Seekonk River in East Providence, RI. The present position of the bridge poses a significant safety hazard, primarily to recreational vessels entering and leaving the channel.

Figure 2. Overview of India Point Railroad Bridge Demolition Project



2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

2.1 Project Description

The India Point Railroad Bridge was a double-tracked center bearing swing-bridge located on the Seekonk River. The bridge once connected the city of Providence, RI with the city of East Providence. The bridge was constructed by the Boston Bridge Works in 1902. It consisted of two end-to-end steel Baltimore through trusses riveted together and joined by a central tower, resting on a central granite pier. The swing bridge was approximately 223 feet long by 29 feet wide (inside width) by 35 feet high and was protected by a wooden timber fender system.

The New Haven Railroad officially abandoned the bridge to rail traffic in 1974. The bridge was subsequently sold to the city of Providence when the City purchased the Fox Point freight yard (now India Point Park). In 1990, the U.S. Coast Guard determined that the bridge was a hazard to navigation. The Congress of the United States authorized the removal of the bridge in the WRDA-86 (Public Law 99-662). The U.S. Army Corps of Engineers removed the swing portion of the bridge, along with ancillary works, supporting structures, related sub-aquatic works and all bridge debris, which accumulated on the river bottom in 2002.

The proposed project will include the removal of the two bridge trusses and the associated fender system of the India Point Bridge.

2.2 Detailed Description of the Alternatives

Two alternatives, the demolition of the bridge (Proposed Action), and the No-Action Alternative were carried forward through the environmental analysis and the potential impacts of the alternatives were analyzed in detail.

2.2.1 No-Action Alternative

The No-Action Alternative (NAA) serves as the benchmark against which Federal actions can be evaluated. Evaluation of the NAA involves assessing the environmental effects that would result if the proposed action did not take place. Under the NAA, the USACE would not remove the remaining bridge structures, including two bridge trusses and associated fender system.

2.2.2 Demolition of the India Point Railroad Bridge

The proposed action consists of the demolition of the remaining elements of the India Point Bridge. This includes the following actions:

- Dismantling of the remaining bridge superstructure (i.e. features above the water's surface, steel truss superstructure 175 feet long by 30 feet wide).
- Removal of all substructure features (i.e. features below the water's surface). These include the four 15 foot long by six feet wide steel clad concrete piers that

will be removed to roughly 1-2 feet below the mud line, and the five circular support piers (5 feet in diameter). The granite block abutment at the east end of the bridge shall remain in place.

- Removal of the wooden fender system (approximately 50 piles) will either be pulled out completely or cut approximately two feet below the mud line. The wooden fenders likely contain creosote and would be disposed of at an appropriate, offsite facility.
- Removal of any material that has fallen from the bridge and is located on the river floor below the bridge.

All work will likely be completed from the water, using a marine plant made up of three vessels (a work barge, debris barge and push boat). Divers will likely be used to verify removal of underwater structures and assist with underwater cutting with excavator support above. The excavator(s) will likely be barge mounted in this case and would use various hydraulic attachments (hammers/pincers/thumb with bucket) to break concrete, cut steel, and to grab demolished debris to load onto an abutting materials barge. Timber piles associated with the fender system will be vibrated out (using a pile extractor). If the piles are old and worn, they likely will not vibrate out and will need to be grabbed with hydraulic thumb/bucket and broken off just below the mud line and placed on the materials barge. Bridge piers/supports would be hydraulically hammered and removed with various hydraulic attachments from a barge mounted excavator. Very limited sediment disturbance is expected to occur from these activities. Hydraulic removal of sediment surrounding the piles and piers will not be permitted to prevent turbidity generation in the surrounding waters.

A laydown area will be located along Waterfront Drive as shown in Figure 2. The work barge will be anchored and moved to various places within the limits of work as shown on Figure 2 but will not be allowed to ground.

Construction Schedule (Anticipated):

USACE estimates approximately 20 weeks for construction: one week for mobilization and site setup, 10 weeks for demolition and removal of steel superstructure, seven weeks for demolition of four piers and five abandoned circular concrete supports, one week for demolition and removal of timber pilings and fender system, one week for site cleanup and demobilization. Please note that while we estimate seven weeks for the pier work, the actual work done at or near the mudline is only a small portion of that activity and estimate a conservative two week window where sediment disturbing activities might occur.

Project activities would cause minimal sediment disturbance and occur during a very short timeframe. Best Management Practices (BMP's), such as performing potential sediment disturbing activities near slack tide would be used to reduce the environmental impacts resulting from the removal of the fenders and concrete piers. The remaining bridge spans are directly adjacent to the East Providence Yacht Club docks.

3.0 AFFECTED ENVIRONMENT

This section describes the environmental conditions at the project site. The environment described in this section is the baseline for the consequences that are presented for each resource and each alternative. The geographic region of influence of the proposed action is the Seekonk River immediately surrounding India Point Bridge (Figure 2). Most of the baseline information presented in this EA was taken from existing USACE documentation, research, and coordination with Federal and State resource agencies.

3.1 Sediment and Water Quality

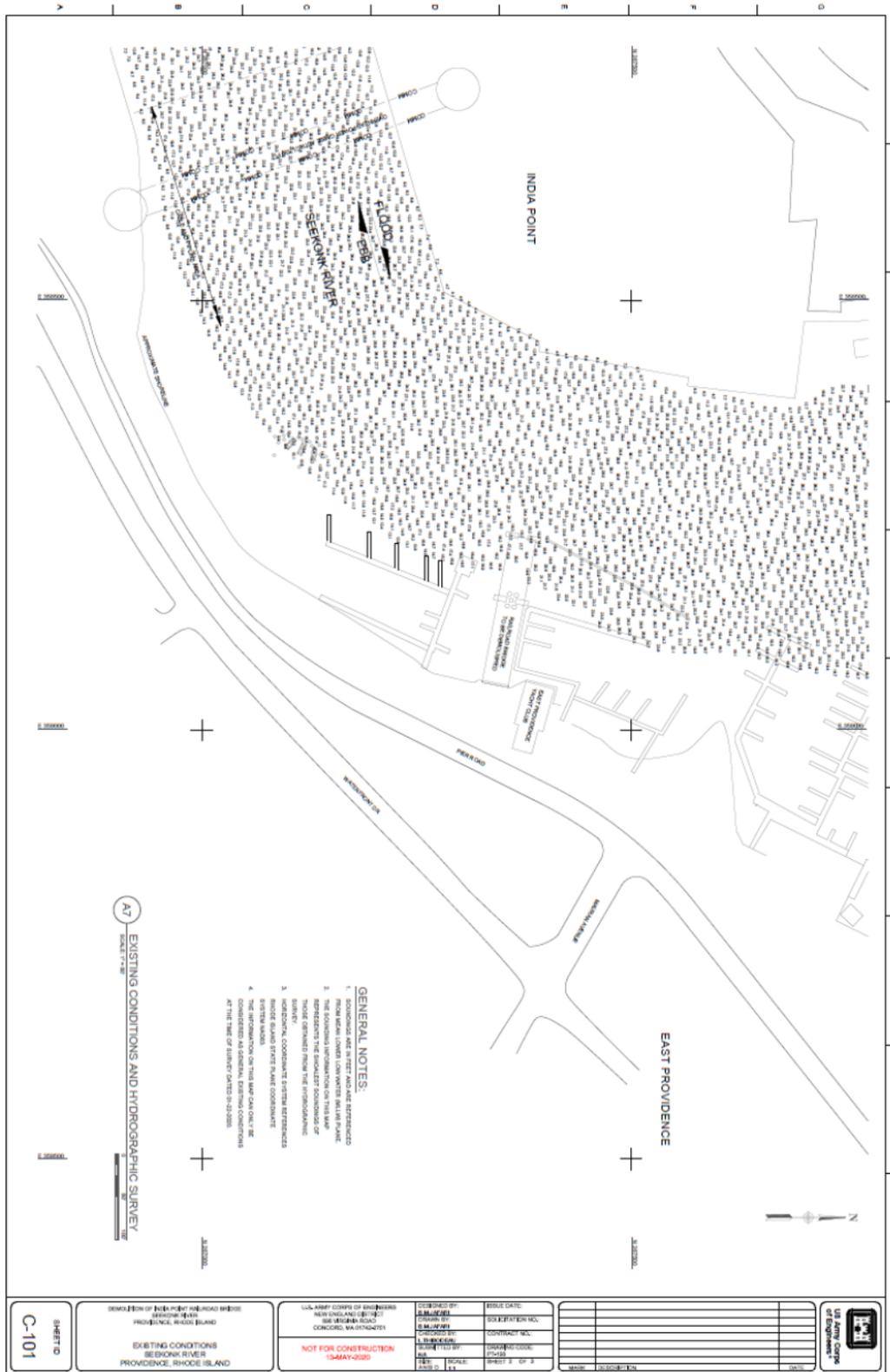
3.1.1 Hydrology

The Seekonk River is a tidally influenced tributary of the Providence River. The river contains a 16 feet deep Federal navigation channel. The channel extends northerly from near the Henderson Bridge, which connects Providence to East Providence, about 0.8 miles north of India Point to the Division Street Bridge in Pawtucket. The India Point Railroad Bridge is located south of the Federal navigation project. The section of river remains deep enough to allow navigation without requiring dredging. The bridge structure runs perpendicular from the shore to a water depth of approximately 20 feet. Figure 3 shows the water depths in and around the project area.

3.1.2 Sediment Chemistry

Prior sediment testing in the upper Providence River in the vicinity of the Seekonk River project site contained elevated concentrations of heavy metals and other contaminants. However, with only minor, short-term sediment disturbance, and the addition of appropriate BMP's such as a turbidity curtain, we anticipate minimal impact to water quality from project implementation.

Figure 3. Existing Conditions and Hydrographic Survey



3.1.3 Water Quality

The Seekonk River waters in the vicinity of the India Point Bridge are currently classified by the Rhode Island Department of Environmental Management (RIDEM) as SB1(a) and meet the established goal criteria for waters with present water quality conditions rated as SB1(a) (<http://www.dem.ri.gov/programs/water/quality/surface-water/>). SB1 waters are those that are: (a) suitable for navigation; (b) aquaculture; (c) fish and wildlife habitat; (d) industrial cooling; and (e) good aesthetic value. Primary and secondary contact recreational activities may be impacted due to pathogens from approved wastewater discharges. Waters assigned the designation of (a) have further stipulations designating partial use, due to the fact that these waters are waters likely to be impacted by combined sewer overflows.

3.2 Biological Resources

3.2.1 Fish and Wildlife Resources

The Seekonk River connects to the upstream end of the Providence River and is part of the much larger Narragansett Bay. Species information taken from the New England Division's Final EIS for the Providence River and Harbor Dredging Project (2001) provided a comprehensive general list of fisheries and shellfish resources that are known to inhabit the Providence River and Narragansett Bay. Species found throughout the reaches of the Providence River are also expected to inhabit the Seekonk River. Species inhabiting the Providence River include winter flounder (*Pleuronectes americanus*), American eel (*Anguilla rostrata*), bluefish (*Pomatomus saltatrix*), tinker mackerel (*Scomber scombrus*), striped bass (*Morone saxatilis*) and weakfish (*Cynoscion regalis*).

Scup (*Stenotomus chrysops*), tautog (*Tautoga onitus*), striped bass, bluefish, menhaden (*Brevoortia tyrannus*), weakfish and Atlantic mackerel utilize the low salinity areas of the Providence River and upper Bay as nursery, areas during the summer. The winter flounder is the most abundant demersal fish species throughout Narragansett Bay (Oviatt and Nixon, 1973; Jeffries and Johnson, 1974). Cunner (*Tautoglabrus adspersus*) and tautog also may become seasonally numerous but are year round residents of Narragansett Bay. Tautog migrate to the upper Bay areas to spawn in May or June (USACE, 1995; USACE, 2001). The bay anchovy (*Anchoa mitchilli*) are schooling fish inhabiting sandy nearshore areas and the mouths of rivers and both may also be found within the project area. Blueback herring (*Alosa aestivalis*) and alewife (*A. pseudoharengus*) migrate through the Seekonk River to spawn in the Ten Mile River.

The hard clam or quahog, (*Mercenaria mercenaria*) is a major economic resource in RI according to 11 unpublished National Marine Fisheries reports. Large populations of hard shelled clams are found in the Providence River. These beds have been closed as a result of bacteriological contamination for many years, however they provide important brood stock for the Providence River and Narragansett Bay. Other shellfish typical of the Providence River, which may be found within the general project area include the

soft-shelled clam (*Mya arenaria*), blue mussel (intertidal) (*Mytilus edulis*), razor clam (*Ensis directus*) and the oyster (*Crassostrea virginica*).

The Seekonk River is a typical example of an urbanized estuary and tidal river. It provides feeding and resting areas for many migrating and wintering shorebirds, gulls, and waterfowl. Cormorants, herons, greater scaup, American goldeneye, buffleheads, and red-breasted mergansers are the more commonly observed species. The upland areas surrounding the project site are developed and feature little natural wildlife habitat. Wildlife species likely to be found in the area are those that have adapted to the urban environment, such as sparrows, pigeons, gulls, squirrels, and raccoons.

3.2.2 Threatened and Endangered Species

The United States Fish and Wildlife Service (USFWS) and the U.S. National Marine Fisheries Service (NMFS) indicated that based upon the information available to them, no federally listed or proposed, threatened and endangered species under their jurisdiction are known to occur in the project area, with the exception of occasional rare transient Atlantic (*Acipenser oxyrinchus oxyrinchus*) or shortnose sturgeon (*Acipenser brevirostrum*) (email from USFWS dated June 15, 2020, Information for Planning and Consultation (IPaC) from August 12, 2020, and email from NMFS May 7, 2020). A National Oceanic and Atmospheric Administration (NOAA) Not Likely to Adversely Affect (NLAA) verification form was also completed for the project (Appendix A). The RIDEM indicated that there were no state rare plants or animals or ecologically significant communities in the project area (email dated May 6, 2020).

3.2.3 Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996, an Essential Fish Habitat (EFH) Assessment is necessary for this project. EFH is broadly defined as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.” The Seekonk River falls into this category and thus has the potential to provide habitat for fish species in those areas. Table 1 below lists the EFH species and life stages present. The complete EFH analysis is included in Appendix C of this report.

Table 1. EFH Species and Life Stages for India Point Bridge Project Area

Common Name	Scientific Name	Life Stage Present			
		Egg	Larvae	Juvenile	Adult
Winter flounder	<i>Pseudopleuronectes americanus</i>	Y	Y	Y	Y
Little skate	<i>Leucoraja erinacea</i>			Y	Y
Atlantic herring	<i>Clupea harengus</i>		Y	Y	Y
Atlantic cod	<i>Gadus morhua</i>	Y	Y	Y	
Red hake	<i>Urophycis chuss</i>	Y	Y	Y	Y
Silver hake	<i>Merluccius bilinearis</i>	Y	Y		

Windowpane flounder	<i>Scophthalmus aquosus</i>	Y	Y	Y	Y
Winter skate	<i>Leucoraja ocellata</i>			Y	Y
Scup	<i>Stenotomus chrysops</i>	Y	Y	Y	Y
Longfin inshore squid	<i>Doryteuthis pealeii</i>			Y	Y
Atlantic mackerel	<i>Scomber scombrus</i>	Y	Y	Y	Y
Bluefish	<i>Pomatomus saltatrix</i>			Y	Y
Atlantic butterfish	<i>Peprilus triacanthus</i>	Y	Y		Y
Summer flounder	<i>Paralichthys dentatus</i>		Y	Y	Y
Black sea bass	<i>Centropristis striata</i>			Y	Y

3.3 Historic and Archaeological Resources

The India Point railroad bridge was built by the Boston Bridge Works over the Seekonk River in 1902. Designed by the New York, New Haven and Hartford Railroad, this through-truss swing bridge carried a rail line between Providence and East Providence. Built of steel, and set on a granite pier, the bridge ceased operation in 1974. The Boston Bridge Works was typical of other regional bridge builders during the period of its existence. The company was established in the years after the Civil War, reached its manufacturing peak during the early years of the twentieth century, and closed its doors in the 1930s during the Depression. There is only one other known Boston Bridge Works bridge of the same design as the India Point railroad bridge: the Point Street bridge, constructed in 1927, which spans the Providence River, also in Providence.

In 1998, the India Point railroad bridge was determined eligible for the National Register of Historic Places under Criterion A: associated with events that have made a significant contribution to the broad patterns of our history (the evolution of bridge building technology and regional manufacturers). The bridge was also determined eligible under Criterion C: embodies the distinctive characteristics of a type, period, or method of construction (one of only seven bridges of its type in existence). Because it was determined to be a threat to navigation, the USACE removed the swing-span portion of the bridge in 2002. The State Historic Preservation Office (SHPO) determined that the removal project would have an adverse effect on the historic structure. Mitigation of the adverse effect consisted of completing Historic American Engineering Record (HAER) documentation for the swing-span of the bridge. The HAER documentation was filed at the Library of Congress.

3.3 Floodplain

Executive Order 11988 requires that Federal agencies avoid, to the extent possible, adverse impacts associated with the occupancy and modification of flood plains and to avoid support of floodplain development wherever there is a practicable alternative. In accomplishing these objectives, “each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities.”

The Water Resources Council Floodplain Management Guidelines for implementation of EO 11988, as referenced in ER 1165-2-26, requires an eight-step process that agencies should carry out as part of their decision-making on projects that have potential impacts to, or are within the floodplain.

The project area is located within the Federal Emergency Management Agency’s (FEMA) VE zone. The VE zone is subject to flooding during a 1-percent-annual-chance flood with additional hazards from storm-induced wave action. Such properties are generally required to purchase flood insurance from FEMA’s National Flood Insurance Program.

3.4 Land Use and Recreation

The land uses and zoning surrounding the Seekonk River corridor vary widely. Residential neighborhoods are within easy walking distance of the river and waterfront amenities. The waterfront itself is made up of mixed-use waterfront zones, primarily developed with a variety of retail zones, and some open space. Richmond square includes historic structures, including a refurbished mill building. Many sites along the river are undeveloped, vacant former industrial sites, or discontinued rail right of ways.

The immediate project area is primarily used for recreational boating and fishing. There would be a positive impact to recreation by removal of the bridge and fender system by removing a hazard to navigation.

3.5 Air Quality

NEPA requires consideration of whether the Proposed Action will have an adverse effect on air quality in the study area. In order to assess the potential for the proposed action to affect air quality, quantitative emissions analyses have been prepared. Pursuant to the Federal Clean Air Act (CAA) of 1970, the EPA established National Ambient Air Quality Standards (NAAQS) for major pollutants known as “criteria pollutants.” Currently, the EPA regulates six criteria pollutants: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter, and lead (Pb). Particulate matter (PM) is divided into two particle size categories: particles with a diameter less than 10 micrometers (PM₁₀) and those with a diameter of less than 2.5 micrometers (PM_{2.5}).

Section 176(c) of the CAA requires Federal agencies to ensure that all of their actions conform to applicable implementation plans for achieving and maintaining the NAAQS. Federal actions must not cause or contribute to any new violation of any standard, increase the frequency or severity of any existing violation, or delay timely attainment of any standard.

Attainment

The NAAQS apply to the concentration of a pollutant in outdoor ambient air. If the air quality in a geographic area is equal to, or is better than the national standard, the Environmental Protection Agency (EPA) will designate the region as an attainment area. Areas where air quality does not meet the national standards are designated as non-attainment areas. Once the air quality in a non-attainment area improves to the point where it meets the standards and the additional redesignation requirements in the CAA [Section 107(d)(3)(E)], EPA may redesignate the area as an attainment/maintenance area, which are typically referred to as “maintenance areas.” The CAA requires EPA to designate the status of all areas as being in or out of compliance with the NAAQS. The CAA further defines non-attainment areas for ozone based on the severity of the violation as marginal, moderate, serious, severe, and extreme. The State has developed a State Implementation Plan (SIP) to attain and maintain the standards in the NAAQS.

The EPA Green Book, which lists non-attainment, maintenance, and attainment areas, was reviewed to determine the designations for Rhode Island in which the proposed project is located. The EPA Green Book shows that Rhode Island is designated by the EPA as an orphan non-attainment area for the 2008 8-hour ozone standard. The area is designated as attainment for all other NAAQS (40 CFR §81.307). Air quality is defined by ambient air concentrations of specific pollutants determined by the U.S. Environmental Protection Agency (USEPA) to be of concern related to the health and welfare of the general public and the environment. The Clean Air Act (CAA) of 1970, as amended, is the primary federal statute governing air quality. Under authority of the CAA, the USEPA sets the maximum acceptable concentration levels (NAAQS) for specific pollutants that may impact the health and welfare of the public. NAAQS have been established for six principal pollutants: Carbon Monoxide, Lead, Nitrogen Dioxide, Ozone, Particle Pollution including particular matter equal to or less than 2.5 microns in diameter, and particulate matter equal or less than 10 microns in diameter, and Sulfur Dioxide.

The primary mobile sources of emissions in the vicinity of the project include marine traffic on the river and transportation occurring on the numerous roadways that border the project area and small combustion engines (e.g. lawn mowers, leaf blowers) used by the local private landowners.

Greenhouse Gases

Greenhouse gases (GHGs) trap heat within the earth’s atmosphere which increase temperatures. The largest source of greenhouse gas emissions from human activities in the United States is from burning fossil fuels for electricity, heat, and transportation (USEPA, 2016). Each Federal Agency project’s NEPA assessments needs to consider

and evaluate GHGs consistent with Council on Environmental Quality (CEQ) draft guidance released on the consideration of GHGs emissions and the effects of climate change (CEQ, 2019). For purposes of this guidance, CEQ defines GHGs in accordance with Section 19(i) of Executive Order 13514 [carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride]. Also for purposes of this guidance, “emissions” includes release of stored GHGs as a result of destruction of natural GHG sinks such as forests and coastal wetlands, as well as future sequestration capability. The common unit of measurement for GHGs is metric tons of CO₂ equivalent [MMTCO₂e].)

The Rhode Island DEM, Office of Air Resources, 2016 Rhode Island Greenhouse Gas Emissions Inventory (<http://www.dem.ri.gov/programs/air/documents/ghg-emissions-inventory-16.pdf>) found Rhode Island’s 2016 total GHG emissions were 11.02 million metric tons carbon dioxide equivalent (MMTCO₂e). Rhode Island’s 2016 total emissions have decreased 1.46 MMTCO₂e (-11.67%) from the 1990 baseline of 12.48 MMTCO₂e. In 2016, Rhode Island’s largest contributors of GHG emissions by sector: Transportation at 36%; Electricity Consumption at 26%; and Residential Heating at 17%.

The RI Executive Climate Change Coordinating Council was charged with developing strategies to meet GHG reduction targets below 1990 levels towards the targets set by the 2014 Resilient Rhode Island Act. The most recent Rhode Island GHG Inventory shows that emissions in 2019 were 10% below the 1990 baseline level, on track to meet the 45% reduction by 2035.

3.6 Noise

Noise is defined as unwanted or disturbing sound. Sound becomes unwanted when it either interferes with normal activities such as sleeping, conversation, or disrupts or diminishes one’s quality of life. The effects of noise are determined mainly by the duration and level of the noise, but they are also influenced by the frequency. Long-lasting, high-level sounds are the most damaging to hearing and generally the most annoying. High-frequency sounds tend to be more hazardous to hearing and more annoying than low-frequency sounds. The way sounds are distributed in time is also important, in that intermittent sounds are typically less damaging to hearing than continuous sounds, because of the ear’s ability to regenerate during the intervening quiet periods.

The decibel (dB) is the unit used to measure the intensity of the sound. The decibels are measured on a logarithmic scale and they correspond to how a human’s ear interprets sound pressure. A-“weighted” scale (dBA) is used to account for the frequency range with respect to how people respond to sound. The threshold for audible sound is usually within a range of 10-25 dBA with a threshold of pain at the upper scale of audibility at approximately 135 dBA (USEPA, 1971). Table 2 compares common sounds and its corresponding effects and shows how they rank in terms of the noise level expressed in dBA. A small increase in decibels corresponds to a great increase in intensity; therefore, each increase in 10 dBA is perceived as twice loud to the human’s ear.

Table 2. Sound Levels and Human Response

Noise Level (dBA)	Common Sounds	Effect
0		Hearing begins
10		Just audible
20	Broadcasting studio	
30	Library Soft whisper (15 feet)	Very quiet
40	Living room, Bedroom Quiet office	
50	Light auto traffic (100 feet)	Quiet
60	Air conditioning unit (20 feet)	Intrusive
70	Noisy restaurant Freeway traffic Man' s voice (3 feet)	Telephone use difficult
80	Alarm clock (2 feet) Hair dryer	Annoying
90	Heavy truck (50 feet) City traffic	Very annoying, Hearing damage (8 hours)
100	Garbage truck	
110	Pile drivers	
120	Jet takeoff (200 feet) Auto horn (3 feet)	Maximum vocal effort
130		
140	Carrier deck jet operation Air raid siren	Painfully loud

Source: USEPA 1981

Table 3 lists noise level at 50 feet away associated with the common construction equipment (USEPA, 1971).

Table 3. Construction Equipment Noise Level

Noise Level (dBA) at 50 feet			
Equipment Powered by Diesel	Earth Moving	Compactors (rollers)	73-75
		Front Loaders	72-84
		Backhoes	72-94
		Tractors	76-96

		Scrapers, Graders	80-93
		Pavers	86-88
		Trucks	82-93
	Materials Handling	Concrete Mixers	75-88
		Concrete Pumps	81-83
		Cranes (Movable)	76-87
		Cranes (Derrick)	86-88
	Stationary	Pumps	69-71
		Generators	71-82
		Compressors	74-86
Impact Equipment	Pneumatic Wrenches	83-88	
	Jack Hammers and Rock Drills	81-98	
	Pile Drivers (Peak)	95-105	
Other	Vibrator	69-81	
	Saws	72-81	

Source: USEPA 1971

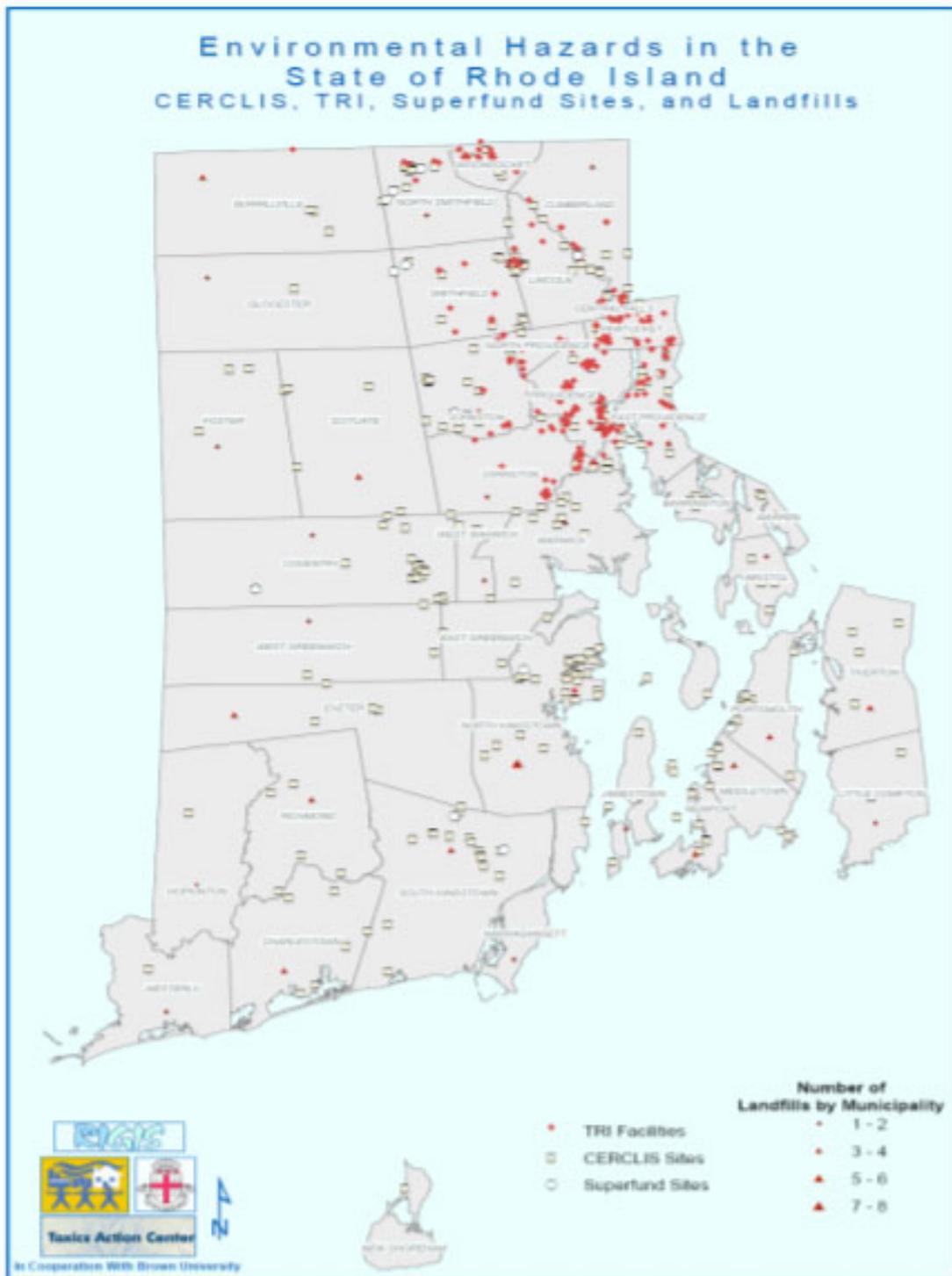
The project site is predominantly urban, with businesses and roads surrounding the project area with limited open space. The primary sources of noise would be from the vessel traffic on the river and vehicle traffic on roads adjacent to the project area, including Route 195, a large multilane interstate highway. The operational noise of most boats at full throttle fall into a range of between 80 and 120 dBs (measured 50 feet). While signaling air horns that are used in vessels produces 100 dBs. Traffic noise depends on a number of elements, including vehicle speed, vehicle characteristics (engine type, transmission type, tire type), road characteristics (e.g. surface type, grade), traffic volume, wind and the surrounding terrain. Diesel trucks can produce 85 dBA at 50 mph (at 50 feet). However, noise produced by freeway traffic is typically 70 dBA at 300 feet and light automobile traffic is approximately 50 dBA (100 feet).

3.7 Hazardous, Toxic, and Radioactive Waste

Hazardous waste sites are areas where a release of hazardous materials has occurred and where it has been determined that further investigation or cleanup is necessary. According to RIDEM, there are 200 hazardous waste sites in Rhode Island (<https://communityactionworks.org/wp-content/uploads/TAC-toxics-in-rhode-island.pdf>). There are currently 12 hazardous waste sites on the National Priorities List (NPL) identified through the Superfund program that are still awaiting cleanup. Figure 4 identifies the following hazardous waste sites: National Priorities List (NPL); CERCLIS Superfund Sites in Rhode Island; Toxics Release Inventory (TRI) Sites; Active and

Closed Landfills in Rhode Island. There are TRI sites, CERCLIS sites, and landfills on shore adjacent to the project site. However, they are too far away to have any impact on the project area or vice versa.

Figure 4. Environmental Hazards in the State of Rhode Island



Source: <https://communityactionworks.org/wp-content/uploads/TAC-toxics-in-rhode-island.pdf>

3.8 Socioeconomic Resources & Environmental Justice

The remaining sections of the India Point Bridge are located along the Eastern bank of the Seekonk River in East Providence. The Town had a population of 47.4 thousand people in 2017 according to the U.S. Census Bureau. The median age of the population is 42.7 years. The Town is primarily white (Non-Hispanic) with 79.3 percent of the population being classified as white. African Americans comprise 6.32 percent and Asians make up 3.19 percent of town residents. Hispanic or Latino of any race are 2.7 percent of the population, while 4.42 percent of the population identified as being from two or more races. The median income for a household was \$54,707. 10.6 percent of the town lives below the poverty line.

3.9 Easements and Real Estate

Several adjacent upland parcels will be retained via a temporary easement for a one year term. These can be viewed on Figure 2 and include Parcel ID 16-22-1(Tokwotton Foundation, Inc.), Parcel ID 16-22-2 (Watchemoket Realty, Inc.), Parcel ID 16-22-3 (Watchemoket Realty, Inc.), and Parking Lot (No Parcel ID - City of East Providence). USACE would be using these parcels for equipment and material storage, parking, pedestrian access, water plant offloading/onloading, and temporary trailer locations. It is likely the contractor will barge the demolishing materials to an off-site off load location but USACE may provide areas to store and to allow land access to marine equipment. Current description of these parcels include rip-rap, a parking lot, and a paved pathway. No environmental impact is anticipated to occur in these areas due to the installation of required BMPs and a contractor-prepared Environmental Protection Plan. No vegetation or wetlands will incur any impacts, as these upland staging sites are previously disturbed and developed locations with no resources.

4.0 ENVIRONMENTAL CONSEQUENCES

This chapter describes the potential environmental consequences that are likely to occur as a result of the implementation of each alternative that is being considered and analyzed. Impacts described in this chapter are evaluated in terms of type (positive/beneficial or adverse), context (setting or location), intensity (none, negligible, minor, moderate, severe), and duration (short-term/temporary or long-term/permanent). The type, context, and intensity of an impact on a resource is explained under each resource area. Unless otherwise noted, short-term impacts are those that would result from the activities associated with a project's clearing and/or construction phase, and that would end upon the completion of those phases. Long-term impacts are generally those resulting from the operation of a proposed project.

4.1 Physical Environment

Removal of the bridge would not result in any changes to the hydrology or on the sediment characteristics of the Seekonk River.

During consultation with the RIDEM, the agency expressed concerns regarding protection of fish from suspended sediments and the potential for adverse impacts associated with elevated levels of sediment contamination, which could be caused by the removal of the bridge. The demolition project could have minor, temporary impacts on water quality. Removal of the bridge piers and fender system would result in a minor disturbance of river sediment and a relatively minor increase in turbidity and total suspended sediment (TSS) in the immediate project area in the Seekonk River. The disruption of sediments could cause a small increase in water turbidity and concentrations of total suspended solids. However, very little turbidity is expected, as no sediments will be removed and no dredging will take place. In addition, sediment disturbing activities would be short term (two weeks) and BMPs, such as performing potential sediment disturbing activities near slack tide and use of a turbidity curtain would be implemented to ensure that any resulting turbidity would not move beyond the immediate project area.

The NAA will have no significant impacts on the hydrology or sediment composition of the project area. If the bridge removal project is not implemented, then the fender system, including the creosote soaked timbers, would remain in place. These materials would remain in the river and could negatively affect water quality.

Activities associated with the removal of the India Point Bridge would have no significant long- or short-term negative impacts on physical elements within the project area. The implementation of the project would have short-term negative impacts on water quality; however, these impacts will be short in duration and will not be significant in nature.

4.2 Biological Environment

4.2.1 Wildlife Resources

There would be minimal impact to biological resources in the project area. The project could cause a temporary increase in turbidity and total suspended solids due to demolition activities. Reduced water quality could negatively impact fish and invertebrate species within the area, through gill clogging. However, the impacts will be short in duration, because BMPs, such as a turbidity curtain/boom system, will be used to minimize any impacts to water quality.

Noise from demolition may be disruptive to animals, both aquatic and terrestrial, within the project area. Mobile species, such as fish and birds, would likely avoid the area during demolition activities. The project area is surrounded by aquatic habitat that will be unaffected by demolition activities, allowing mobile organisms to move unimpeded out of the area and to allow fish to migrate upstream.

The project could also negatively affect wildlife in the project area through direct contact with construction equipment and the bridge. Sessile organisms, such as mussels and oysters, living on the piles and fender system will be removed from the river with the bridge and will perish. Planktonic animals (those creatures are unable to swim against

a current such as fish eggs and larvae) would not be able to move out of the project area. These creatures may be injured or killed if they come in contact with construction equipment or are buried in the sediment.

Turbidity BMPs will reduce and/or eliminate the impacts to sensitive life stages of winter flounder and migrating anadromous fish.

The NAA would have no significant short or long-term direct or indirect impacts to the wildlife resources in the project area.

The implementation of the project could have short-term negative impacts on wildlife resources in the project area due to reduced water quality and direct interactions with construction equipment; however, these impacts will be short in duration and will not be significant in nature. In addition, BPM's and time of year for construction will be used to reduce or eliminate negative impacts to organisms in and around the project area.

4.2.2 Threatened and Endangered Species

No impacts to state or Federally listed or proposed, threatened and endangered species under jurisdiction of the USFWS, the NMFS, or RIDEM are anticipated with the removal of the India Point Bridge or with the NAA.

4.2.3 Essential Fish Habitat

An assessment of the Seekonk River project area indicates that there would be no significant impacts to EFH, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. However, the demolition activities could result in some limited temporary impacts on EFH species found within the project area. In general, eggs and larvae are more susceptible to impacts than juveniles and adults (Sherk et al., 1975), which can avoid bridge removal related disturbance. Demersal species such as flounders are more susceptible to impacts than pelagic species since most project related disturbance occurs near the bottom, but they tend to be the most tolerant to suspended solids (Sherk et al., 1975). The EFH species with the most potential to be affected by the India Point bridge demolition project are those with demersal eggs (also includes larvae and young of the year for winter flounder) and those with planktonic eggs and larvae suspended in the water column (windowpane flounder). These eggs and larvae may be physically damaged or killed resulting from collision with the construction equipment or burial in bottom sediment. Mortality and injury could also result from exposure to elevated concentrations of suspended solids and increased turbidity levels. However, impacts to water quality would be minimal and temporary, as limited turbidity is anticipated from this work. In addition, a small amount of structured habitat (bridge pilings and fender system) would be converted to soft bottom habitat. Even with the removal of the bridge, there will be a large amount of structured habitat remaining in area.

This project is not expected to significantly affect the habitat of any managed species. Removal activities would be localized in a small area in the Seekonk River and minimal

sediment would be disturbed. Minimal sediment disturbing impacts from this project are estimated to last two weeks, so impacts would be temporary in nature. Best Management Practices such as performing potential sediment disturbing activities near slack tide will be implemented to further reduce potential negative impacts to EFH species and water quality within the project area.

Coordination with the NMFS is on-going to ensure that project impacts to EFH are avoided, minimized, or mitigated to the extent practicable. The National Marine Fisheries Service recommended a time of year work restriction of February 1 – June 30 to avoid impacts to sensitive life stages of winter flounder (email dated May 7, 2020). However, impacts to winter flounder are anticipated to be minimal or non-existent due to the short duration of sediment disturbing activities, the noise created in the water column from demolition causing avoidance of the area, use of appropriate turbidity BMP's, and the fact that minimal sediment would be disturbed from project activities. Therefore, the Corps believes a work window is not necessary. Seasonal restrictions will be in place that were recommended by the adjacent Providence Yacht Club.

The species-by-species EFH impact assessment for the project is included in Appendix D.

No short or long-term direct or indirect impacts would result from the NAA.

4.3 Historic and Archaeological Resources

The USACE believes there is no prudent or feasible alternative to demolition of the remaining two spans of the historic bridge. The USACE and the RI SHPO have consulted and concur that demolition of the India Point Bridge would have no adverse effect on this historic structure. The no adverse effect determination is conditioned on completion of the HAER documentation for the two remaining spans, in consultation with the National Park Service (NPS).

The bridge would remain in place, so no short or long-term direct or indirect impacts would result from NAA.

Impact Conclusion: The USACE will complete the HAER documentation on the remaining spans as a condition of the no adverse effect determination.

4.4 Floodplain

The Water Resources Council Floodplain Management Guidelines for implementation of EO 11988, as referenced in ER 1165-2-26, requires an eight-step process that agencies should carry out as part of their decision-making on projects that have potential impacts to, or are within the floodplain.

Impact Conclusion: Neither the proposed action nor the NAA would have short- or long-term direct or indirect adverse impacts in the floodplain.

4.5 Land Use and Recreation

Neither the proposed project nor the NAA will have any long-term impacts on the use of the Seekonk River. While demolitions actions are taking place, the area around the bridge will be off limits to marine traffic to maintain safety. However, the entire river will not be blocked and commercial and recreational navigation would be able continue around the project. Also, once demolition has been completed, the project area will be reopened to boat traffic.

The project will have long-term positive impacts and a short-term negative impacts on the recreational use of the Seekonk River. Recreational boaters would be temporarily prohibited from using the area immediately surrounding the India Point Bridge in order to ensure the public safety. As mentioned previously, only the areas immediately adjacent to the project would be closed, with most of the river remaining open to allow vessel passage, once the project has been completed, the project area would be reopened to recreational boating. To decrease impacts to recreation, the project would be started at a time of year to avoid the prime recreational boating season.

Impact Conclusion: The project would have a long-term positive impact to recreational use of the river. Removal of the bridge and fender system would result in the elimination of a hazard to navigation and open more space in the river for boating.

No short or long-term direct or indirect impacts to recreation would result from NAA. The navigational hazard would remain in place and recreational boaters would have to continue to avoid the hazard.

4.6 Air Quality

In 1997, the EPA revised the 1-hour National Ambient Air Quality Standards (NAAQS) for ozone to be replaced by an 8-hour standard at a level of 0.08 parts per million (ppm). The entire state of Rhode Island was classified as a moderate nonattainment area for the 1997 8-hour NAAQS for ozone. On June 15, 2010, EPA determined that the entire state of Rhode Island was in attainment of the 1997 8-hour ozone NAAQS. However, this action did not constitute a redesignation to attainment under the Clean Air Act (CAA) section 107(d)(3), because the area does not have an approved maintenance plan as required under section 175A of the CAA, nor a determination that the area has met the other requirements for redesignation. The classification and designation status of the area remains moderate nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA determines that it meets the CAA requirements for redesignation to attainment. (See 40 CFR 52).

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit issued its decision in *South Coast Air Quality Management District v. EPA* (“South Coast II,” 882 F.3d 1138), vacating portions of EPA’s 2008 ozone NAAQS SIP Requirements Rule, but upholding EPA’s revocation of the 1997 ozone NAAQS. The court decision referred to the 1997 ozone NAAQS nonattainment or maintenance areas that were designated attainment for the 2008 ozone NAAQS as “orphan areas.”

In the language of the South Coast II decision, the court said that federal partners must do a Transportation Conformity for projects in orphan areas but was not explicit regarding general conformity. Therefore, USACE has decided not to apply the SC II decision for purposes of general conformity when planning a project in an orphan nonattainment area.

Impact Conclusion: The Proposed Action may result in short-term localized air quality impacts. The operation of work barges and other construction/demolition equipment would result in minor increases in air pollutants, including NO₂. However, the implementation of the project is not anticipated to adversely impact to regional air quality. All equipment, vessels and vehicles used during construction would be maintained in good operating condition and properly outfitted with air pollution controls, as required by the RI air quality control regulations, so that exhaust emissions are minimized. Any impact due to construction would end once the bridge has been removed. As a result, no significant short or long-term impacts to air quality are anticipated.

The NAA will have no anticipated changes to air quality.

4.7 Noise

The short-term increases in noise would occur during construction activities. The Proposed Action would require specific equipment for demolition of the bridge, such as work barges and cutting equipment. This equipment would temporarily increase noise levels comparable to those presented in Table 3. Noise from these activities vary based on the type of equipment used, the area where the action would occur, and the distance from the noise source. As mentioned in Section 3.8, the decibels are measured on a logarithmic scale; therefore, the estimated cumulative noise from construction activities are calculated from a given distance (Table 5).

Impact Conclusion: The upper Providence River and Seekonk River have urbanized shorelines with relatively high levels of background noise. Noise generated by this project should not be substantially different from baseline noise levels in those areas. Noise produced by the construction operations should mix with the other urban noises in the area, such as noises from highway traffic, industrial operations, or other construction projects. Construction noise would be limited to regular working hours (between 7:00 AM and 5:00 PM) on regular workdays (Monday through Friday, excluding federal holidays).

Table 5: Estimated Noise Levels from Construction Activities at the Project Area

Distance from Noise Source (feet)	Estimated Noise Levels (dBA)	Potential Receptors
50	90-94	Construction Workers, East Providence Yacht Club and Docks
100	84-88	Recreational Docks
150	81-85	Local Business
200	78-82	Local Businesses, John J. Lewis Park, Recreational Docks
400	72-76	India Point Park
600	69-73	Local Businesses
800	66-70	
1,000	64-68	Private Homes
1,500	<61	Private Home

There are no anticipated changes in noise levels experienced at the project area as a result of the NAA. The alternative would not cause an increase in noise generation.

4.8 Socioeconomic & Environmental Justice

4.8.1 Socioeconomic Conditions

Positive short-term employment benefits would accrue to the construction industry during project execution as a result of the implementing the Proposed Action. Although not quantified, a short-term increase in the revenue generated in the surrounding area may result due to contractor employees utilizing local businesses for supplies and personal use. This increase in business is anticipated to last for the duration of construction.

Impact Conclusion: There are no anticipated significant long-term impacts to socioeconomics resulting from the implementing the Proposed Action. There would be no changes to the socioeconomic standards currently experienced in and around the project area.

No construction would occur related to the NAA. Therefore, there would be no effects on current socioeconomic conditions.

4.8.2 Environmental Justice

Federal agencies must demonstrate compliance with Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,” to determine if there are any effects of federal programs, policies, and activities on minority and low income populations. Similarly, under EO 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks,” each federal agency must assess the environmental health risks and safety risks that may disproportionately affect children. In order for there to be a potential environmental justice impact, a unique low-income or minority population must be present, as well as a significant adverse impact.

According to U.S. Census Bureau, the town of East Providence, RI does contain a small minority population. However, the location of the Proposed Action is considerably removed from the population center of the city and will not impact minority communities disproportionately. As described under Section 4.4, air emissions resulting from construction are expected to be minor and temporary in nature and would not disproportionately impact the minority community. Long-term, the project would remove a navigational hazard from the Seekonk River and would benefit all residents within the region.

The Proposed Action is not expected to have significant safety and occupational health impacts. The project area is not located near schools or areas where children would be expected to congregate. As a result of these conditions, no disproportionate environmental health or safety risks to children would occur.

Impact Conclusion: The proposed project is consistent with the objectives of both Executive Order 12898 and 13045 and no significant impacts related to environmental justice would result from the implementation of the project.

Under the NAA, existing conditions would remain the same; therefore, there would be no disproportionate impacts to environmental health or safety risks to children.

5.0 ACTIONS TO MINIMIZE IMPACTS

Demolition of the bridge would be performed by a private contractor. The work would involve dismantling the superstructure of the bridge by loading the pieces onto scows anchored in the water, then to staging areas for offsite disposal. No dredging would occur, and appropriate BMPs would be utilized such as use of slack-tide for any sediment disturbing activities and the use of a turbidity curtain to minimize adverse impacts to water quality. No grounding of vessels would be allowed to protect water quality.

Care shall be taken that no bridge material, pieces of support structures, debris, or any materials whatsoever, fall into the river or to the ground. Sweeping of debris off the bridge to the land or water below would not be permitted. Should debris or construction

materials fall from the bridge inadvertently, prompt corrective action shall be taken to prevent further occurrences and the fallen items shall be secured and removed. The Contractor shall take all precautions practicable to prevent items from falling from the bridge.

6.0 MITIGATION

The demolition of the India Point Bridge should have no significant long-term impacts on the surrounding environment. No mitigation is required for the proposed action.

7.0 COORDINATION

7.1 Intergovernmental Coordination and Consultations

USACE held an informational meeting on May 7, 2020 and requested comments on the proposed from following state and Federal agencies:

- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. National Marine Fisheries Service/NOAA
- Rhode Island Department of Environmental Management
- Rhode Island State Historical Preservation and Heritage Commission
- Rhode Island Coastal Resources Management Council

USACE also coordinated with the following agencies and offices for development of the draft EA:

- Narragansett Indian Tribe
- U.S. Coast Guard
- City of East Providence

In order to comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR 800, the USACE has sent coordination letters to the RI State Historic Preservation Officer. The USACE believes there is no prudent or feasible alternative to demolition of the remaining two spans of the historic bridge. The USACE and the RI SHPO have consulted, and concur that demolition of the India Point Bridge would have no adverse effect on this historic structure. The no adverse effect determination is conditioned on completion of the HAER documentation for the two remaining spans, in consultation with the National Park Service (NPS). The Narragansett Indian Tribe was consulted in November 2020. The proposed project is demolition of an historic bridge in an urban area with no religious and cultural significance to the tribe.

7.2 Authorizations

Pursuant to Section 307 of the Coastal Zone Management Act (CZMA) (16 USC §§ 1451-1464), federal agencies conducting an activity which is reasonably likely to affect

any land or water use or natural resource of the coastal zone are required to do so in a manner consistent, to the maximum extent practicable, with the enforceable policies of the state's coastal management program developed and implemented under the CZMA. A Draft Coastal Zone Management Consistency Determination is provided in Appendix D and concurrence by the state will be requested along with a copy of the draft EA.

314 CMR 9.00 is adopted pursuant to § 27 of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and establishes procedures and criteria for the administration of Section 401 of the federal Clean Water Act, 33 U.S.C. 1251, for the discharge of dredged or fill material, dredging, and dredged material disposal in waters of the United States within the Commonwealth. 314 CMR 9.07 is also adopted pursuant to M.G.L. c. 21A § 14; M.G.L. c. 21C; M.G.L. c. 21E; M.G.L. 21H; M.G.L. c. 91, §§ 52 through 56; and M.G.L. c. 111, §§ 150A through 150A½ relative to upland reuse and disposal of dredged materials. There are no dredging or placement activities associated with this project therefore no 401 WQC would be required.

7.2 Public and Agency Review

A Notice of Availability of the Draft EA and FONSI, which can be found in Appendix B, was issued on November 2, 2020, and the comment period was ended on December 2, 2020. A copy of the Public Notice was also posted on the Corps website. Public review of the draft EA and FONSI was completed on December 2, 2020. **XX** comments were received during the public review period.

All pertinent correspondence can be found in Appendix A.

8.0 REFERENCES

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U.S. National Marine Fisheries Service (NMFS). Coordination email dated May 7, 2020. Roosevelt Mesa.

9.0 ENVIRONMENTAL COMPLIANCE

9.1 Federal Environmental Statutes

1. Preservation of Historic and Archeological Data Act of 1974, as amended, 54 U.S.C. 3125 et seq.

Compliance: The Project has been coordinated with the RI State Historic Preservation Officer.

2. American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Compliance: Must ensure access by Native Americans to sacred sites, possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. There are no sites of significant cultural value located on the Project.

3. Clean Air Act, as amended, 33 U.S.C. 7401 et seq.

Compliance: The project site is an attainment area and a conformity determination is not required.

4. Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

Compliance: Section 404 - Not Applicable; project does not involve the discharge of dredged or fill material into a water of the U.S.

Section 402 – A NPDES General Construction Permit will not be required, because the project is less than 1.0 acre in size.

5. Coastal Zone Management Act of 1982, as amended, 16 U.S.C. 1451 et seq.

Compliance: The Coastal Zone Consistency Determination will be submitted along with a copy of the Draft EA to the State of Rhode Island. Documentation can be found in Appendix D.

6. Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Compliance: The USFWS and NMFS indicated that based upon the information available to them, no federally listed or proposed, threatened and endangered species under their jurisdiction are known to occur in the project area(email from USFWS dated June 15, 2020, IPaC from August 12, 2020, and email from NMFS May 7, 2020).

7. Estuarine Areas Act, 16 U.S.C. 1221 et seq.

Compliance: Not Applicable. This report is not being submitted to Congress.

8. Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq.

Compliance: Public notice of this EA and FONSI to the NPS and Office of Statewide Planning relative to the Federal and State comprehensive outdoor recreation plans signifies compliance with this Act.

9. Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Compliance: USFWS letter signifies compliance.

10. Land and Water Conservation Fund Act of 1965, as amended, 54 U.S.C. 200301 et seq.

Compliance: Public notice of the availability of this report to the NPS and the Office of Statewide Planning relative to the Federal and State comprehensive outdoor recreation plans signifies compliance with this Act.

11. Marine Protection, Research, and Sanctuaries Act of 1971, as amended, 33 U.S.C. 1401 et seq.

Compliance: Not Applicable. The project does not involve the transportation or disposal of dredged material in ocean waters pursuant to Sections 102 and 103 of the Act, respectively.

12. National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 et seq.

Compliance: Coordination with the State Historic Preservation Office signifies compliance.

13. Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3000-3013, 18 U.S.C. 1170

Compliance: Regulations implementing NAGPRA will be followed if discovery of human remains and/or funerary items occur during implementation of this project.

14. National Environmental Policy Act of 1969, as amended, 42 U.S.C 4321 et seq.

Compliance: Preparation of the EA signifies partial compliance with NEPA. Full compliance shall occur at the time the Finding of No Significant Impact is signed by the District Engineer.

15. Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.

Compliance: No requirements for projects or programs authorized by Congress. The proposed maintenance project is being conducted pursuant to the Congressionally-approved authority.

16. Watershed Protection and Flood Prevention Act as amended, 16 U.S.C 1001 et seq.

Compliance: Floodplain impacts have been considered in project planning. The project will not result in the loss of floodplain.

17. Wild and Scenic Rivers Act, as amended, 16 U.S.C 1271 et seq.

Compliance: Not applicable to this project; the Seekonk River is not listed as a Wild and Scenic River.

18. Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

Compliance: Completion of an EFH Assessment signifies compliance.

9.2 Executive Orders

1. Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971

Compliance: Coordination with the Rhode Island State Historic Preservation Officer signifies compliance.

2. Executive Order 11988, Floodplain Management, 24 May 1977 amended by Executive Order 12148, 20 July 1979.

Compliance: The project would not promote development of the floodplain. Public notice of the availability of this report for public review fulfills the requirements of Executive Order 11988, Section 2(a) (2).

3. Executive Order 11990, Protection of Wetlands, 24 May 1977.

Compliance: Public notice of the availability of this report for public review fulfills the requirements of Executive Order 11990, Section 2 (b).

4. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, 4 January 1979.

Compliance: Not applicable to projects located in the United States geographical boundaries.

5. Executive Order 12898, Environmental Justice, 11 February 1994.

Compliance: The project will not have a significant impact on minority or low-income population, or any other population in the United States.

6. Executive 13007, Accommodation of Sacred Sites, 24 May 1996

Compliance: Not applicable. There are no known Sacred Sites within the USACE project limits.

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

Compliance: The project would not create a disproportionate environmental health or safety risk for children.

8. Executive Order 13061, and Amendments – Federal Support of Community Efforts along American Heritage Rivers

Compliance: Not applicable. There are no American Heritage Rivers in the project area.

9. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000.

Compliance: Consultation with Indian Tribal Governments, where applicable, and consistent with executive memoranda, DoD Indian policy, and USACE Tribal Policy Principles signifies compliance.

9.3 Executive Memorandum

1. Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA, 11 August 1980.

Compliance: There are no prime agricultural lands under or on the project.

2. White House Memorandum, Government-to-Government Relations with Indian Tribes, 29 April 1994.

Compliance: Consultation with Federally Recognized Indian Tribes, where appropriate, signifies compliance. Please refer to Appendix A.