



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 8, 2020

Mr. Todd Randall
Marine Ecologist
Department of the Army
New England District, Corps of Engineers
696 Virginia Road
Concord, Massachusetts 01742-2751

**Subject: Application for Improvement Dredging
Point Judith Harbor of Refuge – Federal Navigation Channel
Water Quality Certificate File Number 20-066**

Dear Mr. Randall:

The Department of Environmental Management (DEM) has reviewed the above referenced project for compliance with the State *Water Quality Regulations, July 2006, amended September 2010*. The proposed project includes the widening of the existing 15-foot deep West Bulkhead channel by 50 feet for a distance of approximately 700 feet and extending this same channel approximately 1,200 feet into the North Basin area at a width of 150 feet and a depth of 11 feet. Approximately 23,700 cubic yards (CY) of sandy material will be removed from the improvement sections using a mechanical dredge with supporting split-hull scows. The sandy dredged material will be placed in nearshore waters off of the Matunuck shoreline in South Kingstown, RI, approximately three miles west of the harbor. The dredged material will be placed in approximately 15 to 18 feet (MLLW) of water to maximize the beneficial use of dredge material for beach nourishment.

We have reviewed the subject request for Water Quality Certification and site plans entitled "Environmental Assessment, Finding of No Significant Impact and Clean Water Act Section 404(b)(1) Evaluation, Point Judith Harbor, Narragansett, Rhode Island, Section 107 Navigation Improvement Project, Prepared by: Environmental Resources Section, Planning Division, U.S. Army Corps of Engineers, New England District, Concord, Massachusetts, May 2019". The State water associated with this project is Point Judith Pond, Class SB.

It is the opinion of the Department of Environmental Management that said project is in compliance with the Water Quality Regulations provided that the Army Corps of Engineers (USACE) complies with the above plans and the following conditions.

1. The USACE must notify the DEM forty-eight (48) hours in advance of commencing dredging activities so that DEM is available to inspect work.
2. Prior to commencement of dredging, the USACE is required to survey the proposed area to be dredged to estimate the amount of shellfish present, and if deemed necessary by the DEM Division of Marine Fisheries (DMF), relocate the shellfish from area prior to dredging in accordance with process described in the DEM DMF "Guidance for Conducting Shellfish Surveys for Dredging Projects" document, updated August 2018.
 - a. Please contact Dennis Erkan for further information, guidance, or arrangements at 401.423-1932 or dennis.erkkan@dem.ri.gov.
 - b. Any work in waters that are closed to shellfishing (i.e., unapproved or unassessed by DEM Office of Water Resources) must be supervised by the DEM Division of Law Enforcement (DLE).
 - i. Please contact Kurt Blanchard, Deputy Chief, DEM Division of Law Enforcement for arrangements at 401-222-2284."
3. The dredging shall be completed during the dredge window beginning on October 15 and ending January 31. (Note: No extension to this window will be granted.)
4. To minimize impacts on nearby eelgrass, the applicant shall provide the dredging contractor with a map identifying the edge of the nearby eelgrass beds prior to the commencement of dredging activities.
5. The eelgrass beds must be avoided at all times and vessels will not be permitted to anchor in the area containing the beds. In addition, the dredge equipment must be kept at the greatest distance possible from the outer edge of the eelgrass.
6. Dredging occurs by mechanical means in the area specified in "Figure EA-2 Proposed Improvement to the Point Judith Harbor of Refuge and Point Judith Federal Navigation Project" referenced in the above noted Environmental Assessment.
7. Dredged material shall be disposed of at the nearshore disposal site located to the west of East Matunuck Beach, as noted in "Figure EA-3 -Proposed Location for Placement of Dredge Material from the Point Judith Harbor Navigation Improvement Project" referenced in the above noted Environmental Assessment.
8. The Department shall be notified immediately of any site or operational condition that results in the violation of the requirements noted herein. If conditions are

discovered that violates this permit, dredging operations shall cease until the problem is rectified.

9. The USACE must obtain all other applicable local, state, and federal permits prior to commencing dredging operations.
10. The USACE must comply with all applicable state and federal laws, rules and regulations including, but not limited to the *Rules and Regulations for Dredging and the Management of Dredged Materials, February 2003, amended September 2010 (the Dredging Regulations)*
11. This Water Quality Certificate is valid for multiple dredge events as required during its period of validity. This Water Quality Certificate shall expire ten (10) years from the date of issuance.

This constitutes the Rhode Island Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C. Sec. 1341). Violation of the terms and conditions of this permit may result in appropriate enforcement action. If you have any questions regarding this Water Quality Certificate, please contact Ronald Gagnon in the Office of Technical and Customer Assistance at 401 222-6822, extension 7500.

Sincerely,



Eric Beck, P.E.

Administrator of Groundwater and Wetlands Protection

cc: Danni Goulet, RI CRMC
Neal Personeus, RI DEM