



**US Army Corps  
of Engineers®**  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins:** October 5, 2021  
**Comment Period Ends:** November 5, 2021  
**File Number:** NAE-1998-01739  
**In Reply Refer To:** Kevin R. Kotelly, P.E.  
**Phone:** (978) 318-8703  
**E-mail:** kevin.r.kotelly@usace.army.mil

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The District Engineer has received a request to extend and modify an existing permit to conduct work in waters of the United States from RI Waterfront Enterprises, LLC, 222 Berkeley Street, Boston, MA 02116. This work is proposed in the Providence River at South Quay Marine Terminal, Waterfront Drive, East Providence, RI. The site coordinates are: Latitude 41.810764, Longitude -71.391692.

The Corps of Engineers issued a permit in 1978 to the Providence & Worcester Company, file number RI-PROV-78-425. That permit authorized the placement of dredged and fill material in navigable waters for the purpose of constructing a rail/ship cargo terminal at a site known as South Quay in East Providence, Rhode Island. The permit has been transferred and extended many times through the years and is currently held by RI Waterfront Enterprises LLC, permit file number NAE-1998-01739. The 32-acre fill area that was constructed in the Providence River under the previous authorization would be used as the upland footprint for the current proposal. The permit is proposed to be modified and extended for 5 years.

The current project proposal involves the construction of a maritime port facility for shipping, commodity transport, and heavy lift component transfer at the South Quay site. The project would include a new 1380 linear foot (LF) cellular cofferdam wall along the existing footprint. The wall would consist of 25 – 61 FT diameter cells with 24 – 22 FT x 61 FT interconnect cells. There would be a 150 FT roll-on / roll-off ramp at the southwestern end of the cofferdam.

An area of approximately 185,000 SF in front of the new cofferdam wall would be dredged to elevation -32 FT MLW including overdredge depth. An approximate volume of 169,800 cubic yards (CY) of sand and silt would be dredged by mechanical means. Approximately 111,000 CY would be reused upland with the remaining 58,800 CY of material to be disposed in the Providence River CAD cells. The existing upland footprint would be elevated to elevation +20 FT MLW. To accomplish this grade, the site would be filled with approximately 193,000 CY of material, some of which would be reused dredge material. Additional fill material would be imported to the site. Fill material on the upland site would be compacted to accommodate heavy loads. The project would impact approximately 21,278 SF of fringe saltmarsh between the existing footprint and the river. The Providence River CAD cells are owned and managed by the Rhode Island Coastal Resources Management Council (CRMC). CRMC has determined the dredged material is suitable for disposal at the CAD cells and there is space available.

The work is shown on the enclosed plans entitled, “Public Notice Plan, South Quay Marine Terminal, Waterfront Drive, East Providence, RI,” on 4 sheets, and dated, “August 2021,” and “South Quay Proposed Site Redevelopment Project,” on 6 sheets, and dated, “June 24, 2021.”

**CENAE-R**  
**FILE NO. NAE-1998-01739**

The project has been minimized by using the existing 32-acre upland footprint without expansion. The original permit was for a 45-acre footprint. Proposed dredging is the amount needed to utilize the footprint for a maritime port facility. No mitigation is proposed.

**AUTHORITY**

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☒ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act.
- ☒ Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

The decision whether to issue a permit modification and extension 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 benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (USACE), is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The USACE will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

The activities proposed herein also require permission from the USACE pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project known as the Providence River & Harbor Federal Navigation Project (FNP). The proposed alteration involves dredging of sediment from the berth in front of the South Quay on the east side of the FNP channel. A portion of the dredged material would be placed in the Providence River CAD cells, which are located beneath the FNP at the upstream limit of the FNP. Section 408 permission was completed by the Corps of Engineers Navigation Section on 20 September 2021.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The dredging and other aspects of this project would impact approximately 185,000 SF of EFH. Habitat at this site can be described as subtidal sands and silts. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Dredged material disposal for a portion of the material is proposed for the Providence River CAD cells. This is an open water site. Habitat at this site can be described as dredged material disposal. All dredged material placed into the CAD Cells is strictly controlled by the CRMC, which determines the suitability of material proposed to be placed there. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

## **NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

## **ENDANGERED SPECIES CONSULTATION**

The USACE is reviewing the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. Our review will be concluded prior to the final decision.

## OTHER GOVERNMENT AUTHORIZATIONS

The states of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, license or assent from State.
- ( ) Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

## COMMENTS

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Kevin R. Kotelly, P.E. at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

*Kevin R Kotelly*

**Kevin R. Kotelly, P.E.  
Chief, Permits and Enforcement Branch  
Regulatory Division**

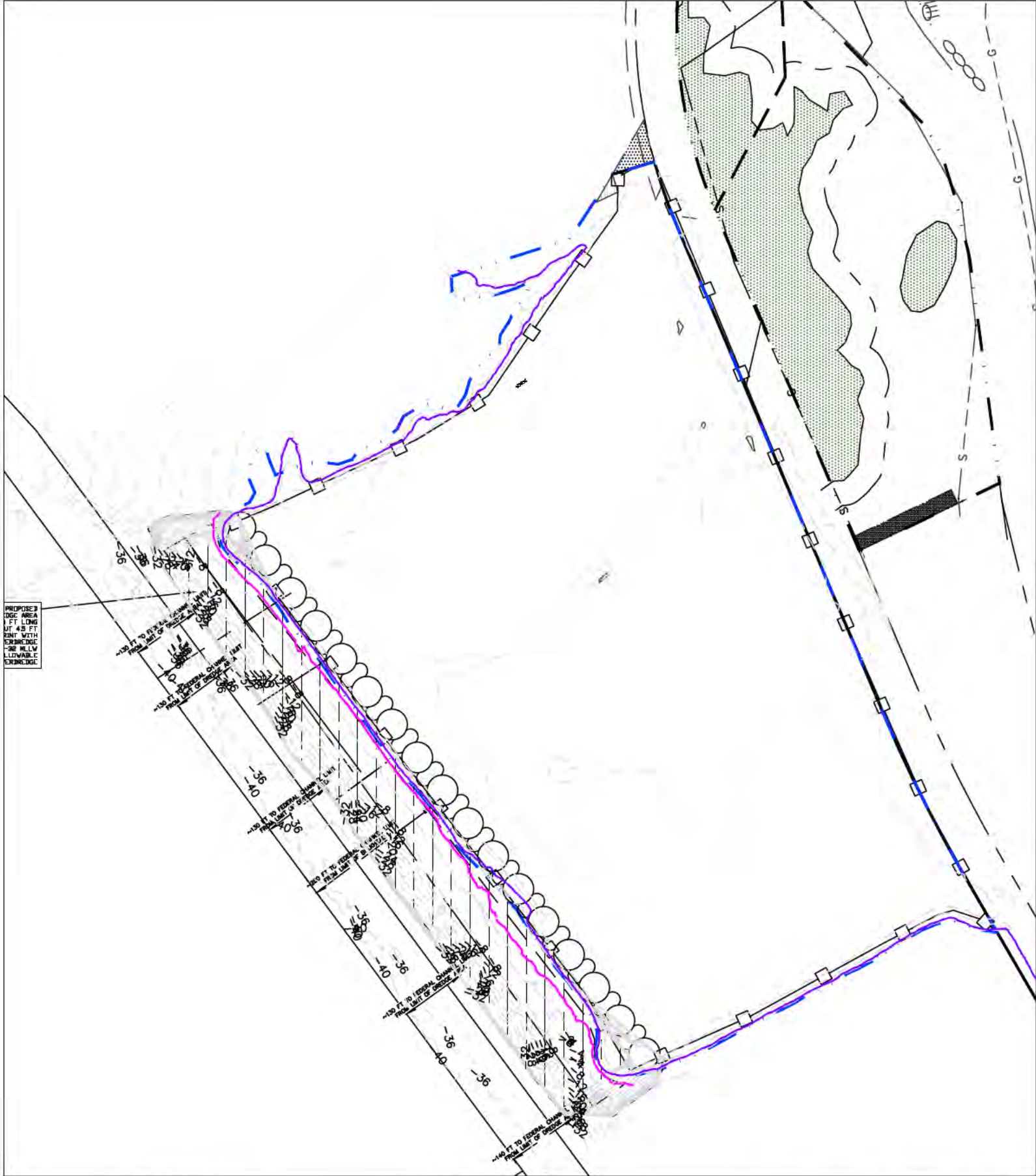
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If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil).







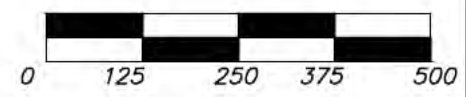


PROPOSED  
DOCK AREA  
1 FT LONG  
AT 4.5 FT  
WENT WITH  
EXISTING  
-36 MLLW  
ALLOWABLE  
SHOULDER

PREPARED ON BEHALF OF:  
RI WATERFRONT ENTERPRISES, LLC  
222 BERKELEY STREET  
BOSTON, MA 02116

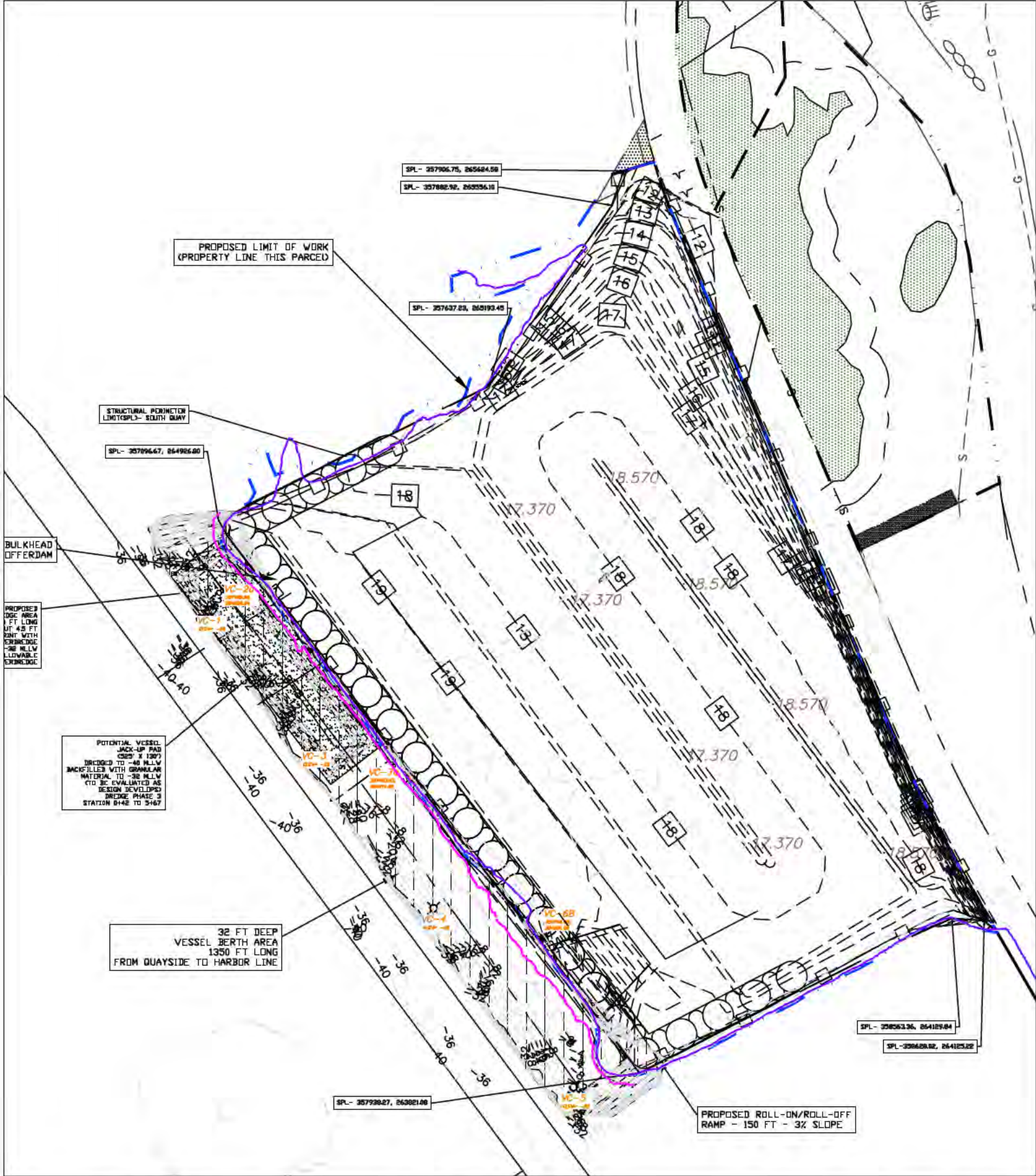
PREPARED BY:  
LLOYD'S REGISTER

PUBLIC NOTICE PLAN  
EXISTING CONDITIONS  
SOUTH QUAY MARINE TERMINAL  
WATERFRONT DRIVE  
EAST PROVIDENCE, RI



SCALE: 1" = 250'  
DATE: AUG 2021  
SHEET 2 OF 4

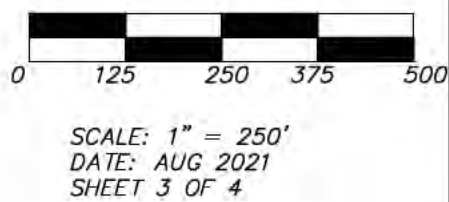




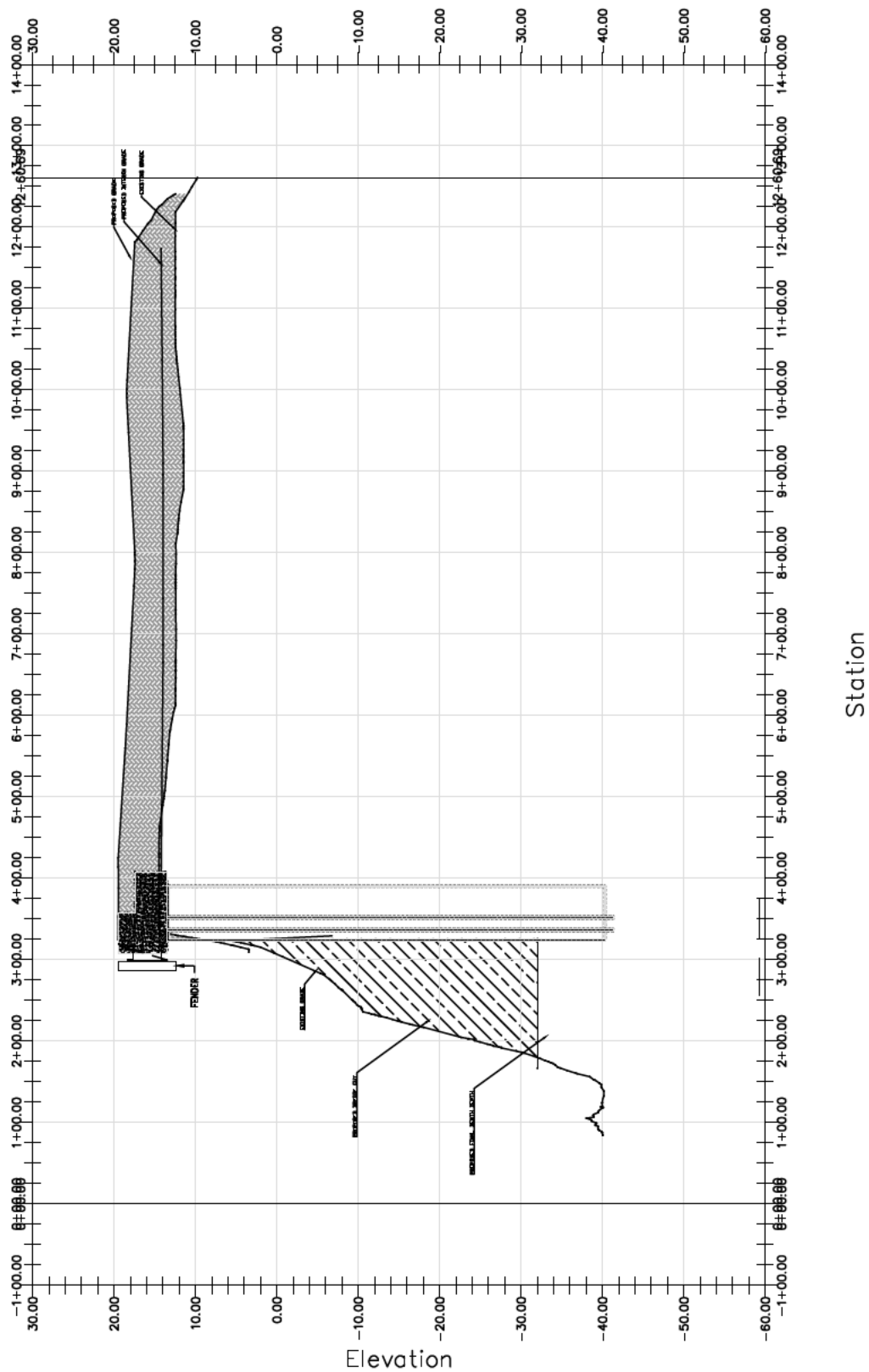
PREPARED ON BEHALF OF:  
 RI WATERFRONT ENTERPRISES, LLC  
 222 BERKELEY STREET  
 BOSTON, MA 02116

PREPARED BY:  
 LLOYD'S REGISTER

PUBLIC NOTICE PLAN  
 PROPOSED CONDITIONS  
 SOUTH QUAY MARINE TERMINAL  
 WATERFRONT DRIVE  
 EAST PROVIDENCE, RI



# Profile View of Alignment – WATERFRONT



PREPARED ON BEHALF OF:  
RI WATERFRONT ENTERPRISES, LLC  
222 BERKELEY STREET  
BOSTON, MA 02116

PREPARED BY:  
LLOYD'S REGISTER

PUBLIC NOTICE PLAN  
PROPOSED CONDITIONS PROFILE  
SOUTH QUAY MARINE TERMINAL  
WATERFRONT DRIVE  
EAST PROVIDENCE, RI



SCALE: 1" = 200' HORIZONTAL  
DATE: AUG 2021  
SHEET 4 OF 4



1 2 3 4 5 6

E

D

C

B

A

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PROJECT

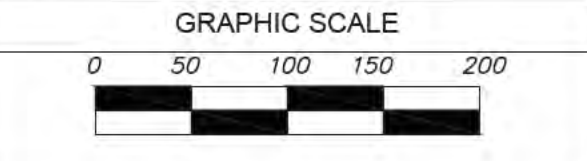
**SOUTH QUAY  
PROPOSED SITE  
REDEVELOPMENT PROJECT**

OWNER

**RHODE ISLAND WATERFRONT ENTERPRISES, LLC  
222 BERKELEY STREET  
BOSTON, MA 02116**

NO.	DATE	DESCRIPTION	BY
4	6/24/2021	ASSENT PACKAGE	JBM
3	5/12/2021	UPDATE BATHY	JBM
2	3/11/2021	USACE CHANNEL LIMITS	JBM
1	11/2/2020	UPDATED BATHY	JBM

PROJECT NO.	
CADD FILE	
DESIGNED BY	JBM
DRAWN BY	
CHECKED BY	JAB
DATE	SEPTEMBER 2020
DRAWING SCALE	1" = 100'



SHEET TITLE

**PROPOSED  
DREDGE  
PHASING  
PLAN**

DRAWING NO.

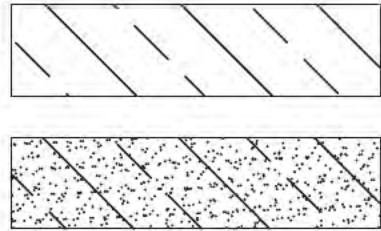
**PD-1**

9 OF 33

PLOT SCALE 1/16"=1'-0"

PROPOSED  
PHASE 1 & 2 DREDGE AREA  
1400 FT LONG  
PHASE 1 DREDGE CUT 4.5 FT  
ACROSS FOOTPRINT WITH  
1 FT ALLOWABLE OVERDREDGE  
PHASE 2 DREDGE TO -32 MLLW  
WITH A 1 FT ALLOWABLE  
OVERDREDGE

POTENTIAL VESSEL  
JACK-UP PAD  
(525' X 130')  
DREDGED TO -40 MLLW  
BACKFILLED WITH GRANULAR  
MATERIAL TO -32 MLLW  
(TO BE EVALUATED AS  
DESIGN DEVELOPS)  
DREDGE PHASE 3  
STATION 0+42 TO 5+67

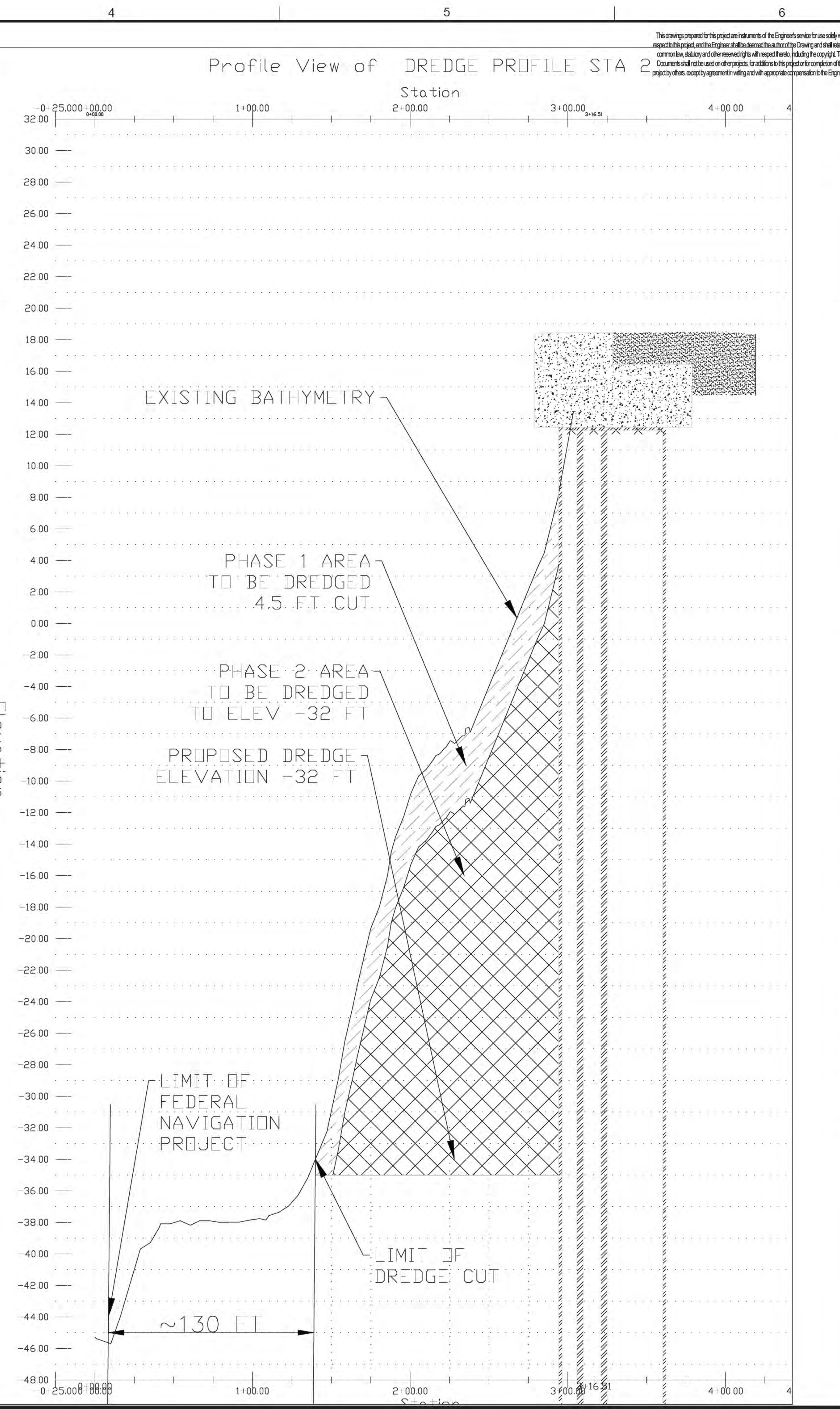
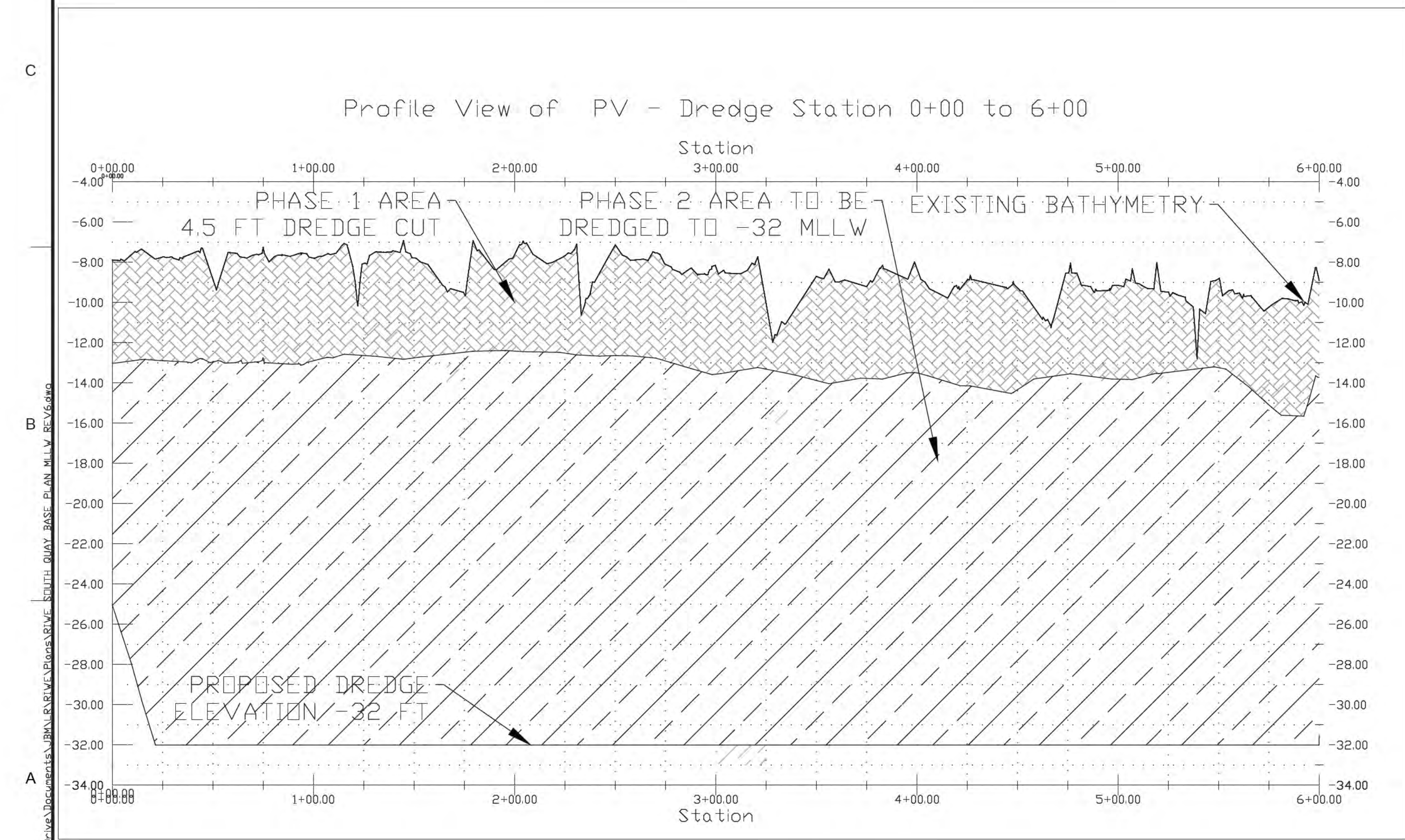
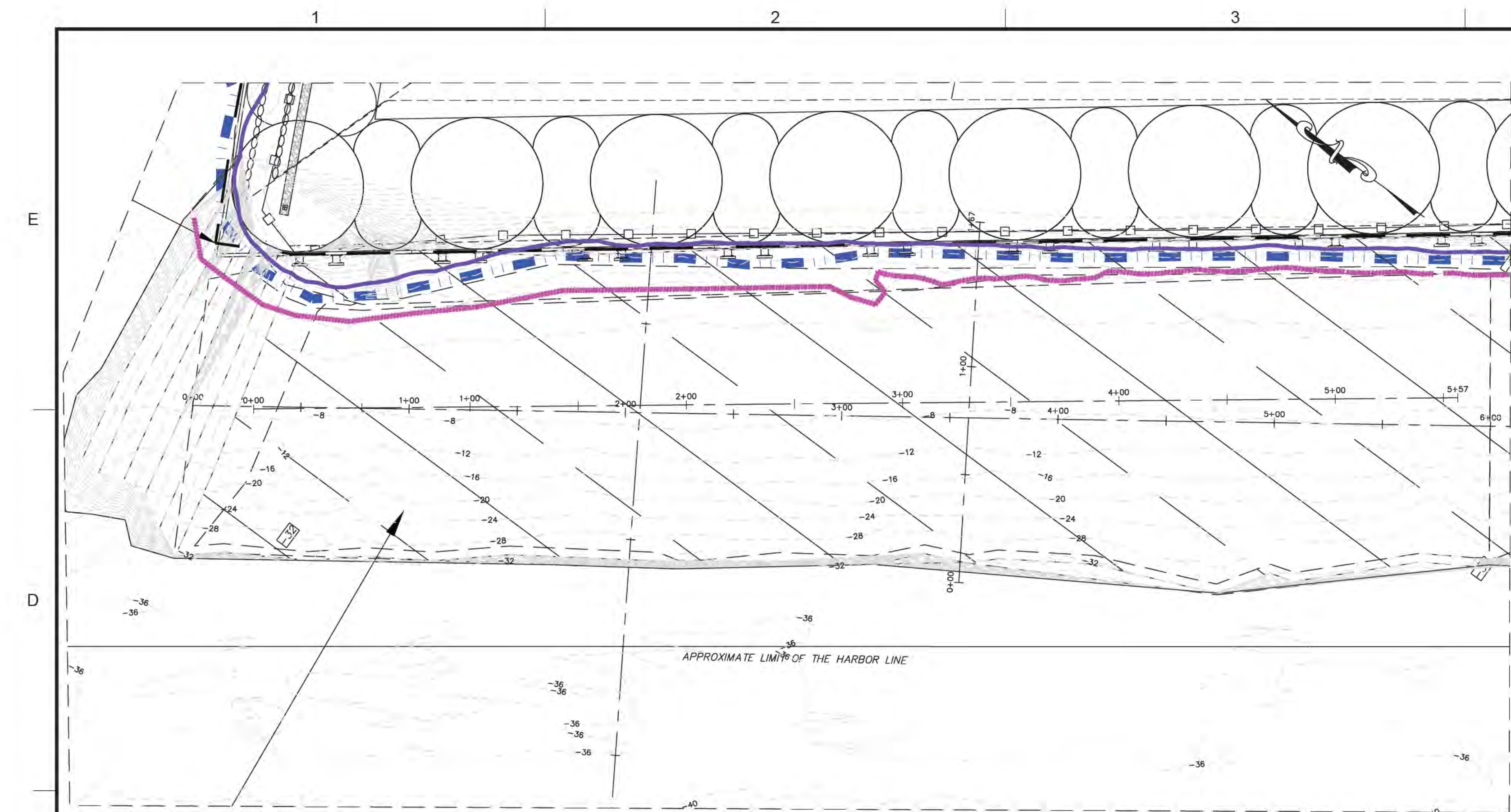


PHASE 1 & 2 DREDGE  
AREAS  
PHASE 3 DREDGE AREA  
UNDERNEATH PHASE 1



FOR PERMITTING REVIEW AND  
FOR CONSTRUCTION





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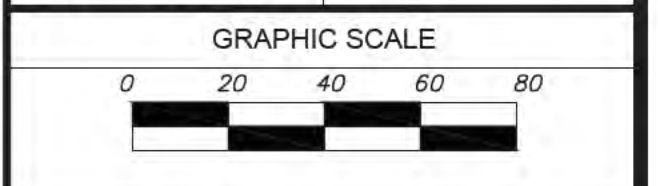


PROJECT  
**SOUTH QUAY  
PROPOSED SITE  
REDEVELOPMENT PROJECT**

OWNER  
**RHODE ISLAND WATERFRONT ENTERPRISES, LLC  
222 BERKELEY STREET  
BOSTON, MA 02116**

NO.	DATE	DESCRIPTION	BY
4	6/24/2021	ASSENT PACKAGE	JBM
3	5/12/2021	UPDATE BATHY	JBM
2	3/11/2021	USACE CHANNEL LIMITS	JBM
1	11/2/2020	UPDATED BATHY	JBM

PROJECT NO.	
CADD FILE	
DESIGNED BY	JBM
DRAWN BY	
CHECKED BY	JAB
DATE	SEPTEMBER 2020
DRAWING SCALE	1" = 40'



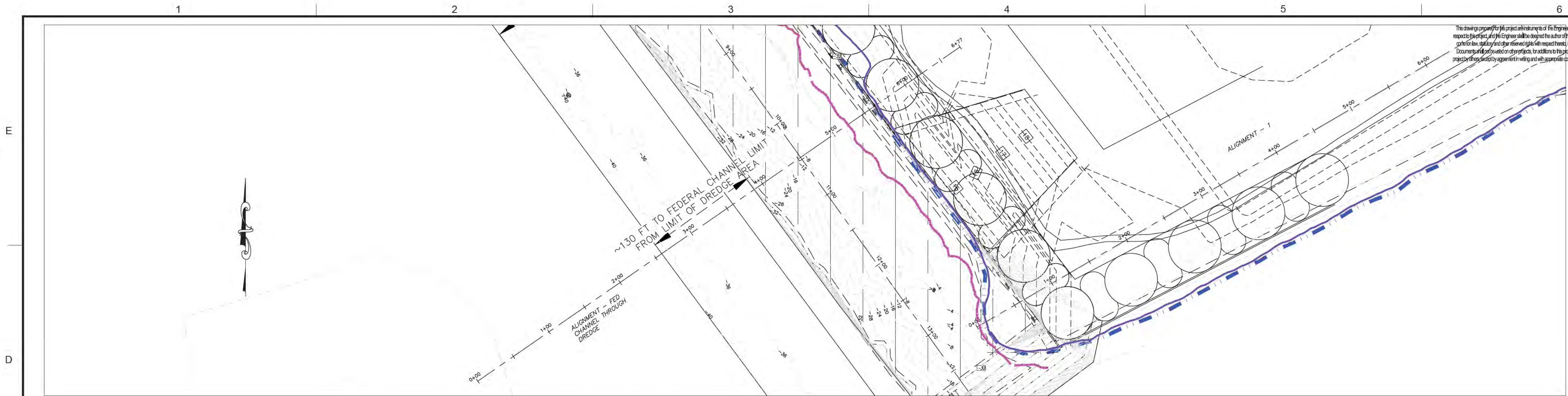
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**PROPOSED  
STAGE 0+00 TO 6+00  
DREDGE PLAN  
AND PROFILE**

DRAWING NO.  
**PD-2**

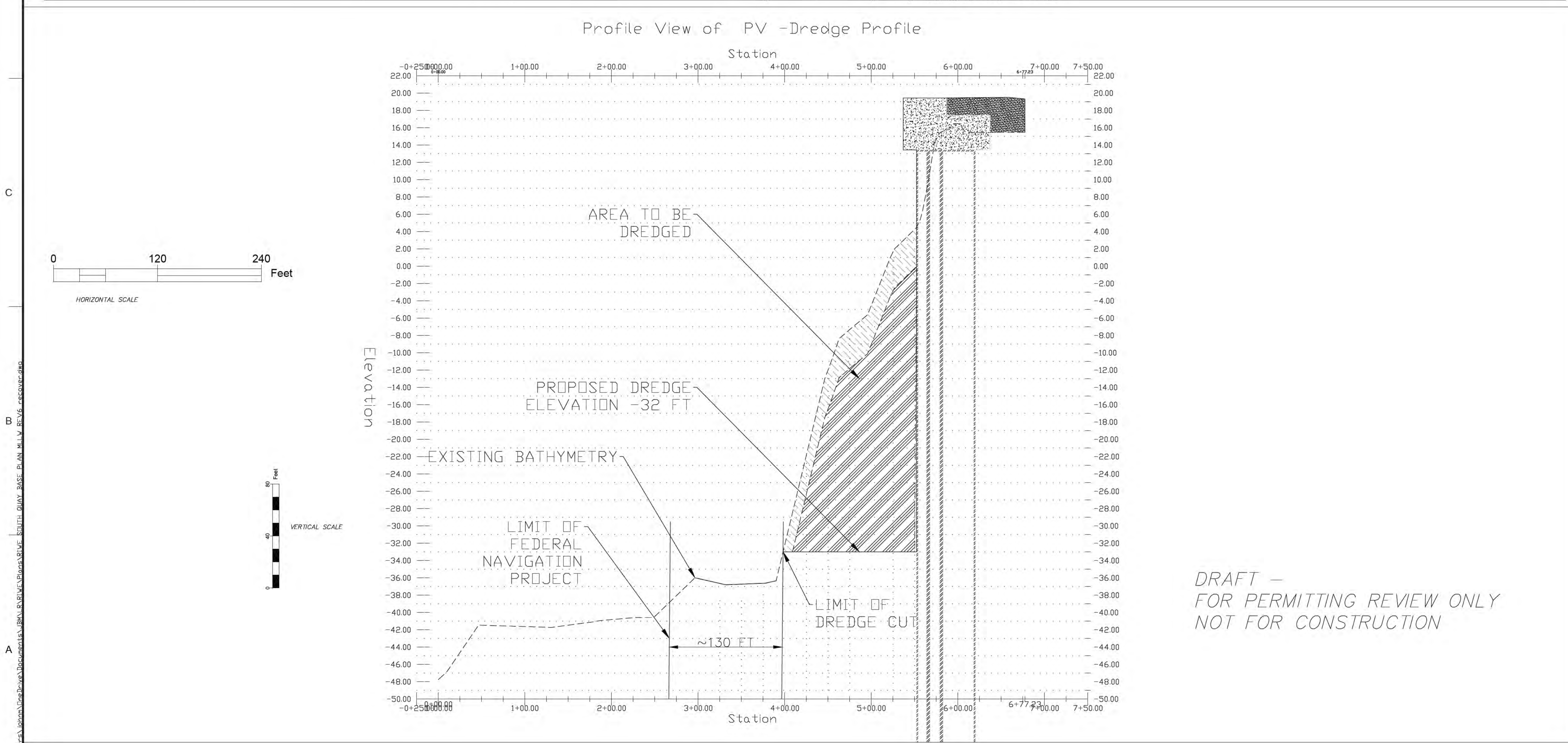
10 OF 33

PLOT SCALE 1/16"=1'-0"





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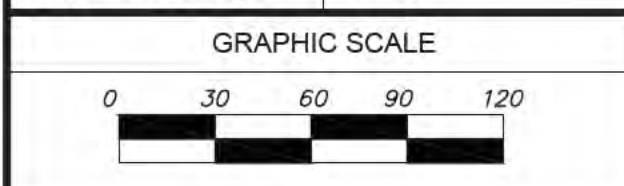


DRAFT -  
FOR PERMITTING REVIEW ONLY  
NOT FOR CONSTRUCTION

PROJECT		OWNER	
SOUTH QUAY PROPOSED SITE REDEVELOPMENT PROJECT		RHODE ISLAND WATERFRONT ENTERPRISES, LLC 222 BERKELEY STREET BOSTON, MA 02116	

NO.	DATE	DESCRIPTION	BY
4	6/24/2021	ASSENT PACKAGE	JBM
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1	11/2/2020	UPDATED BATHY	JBM

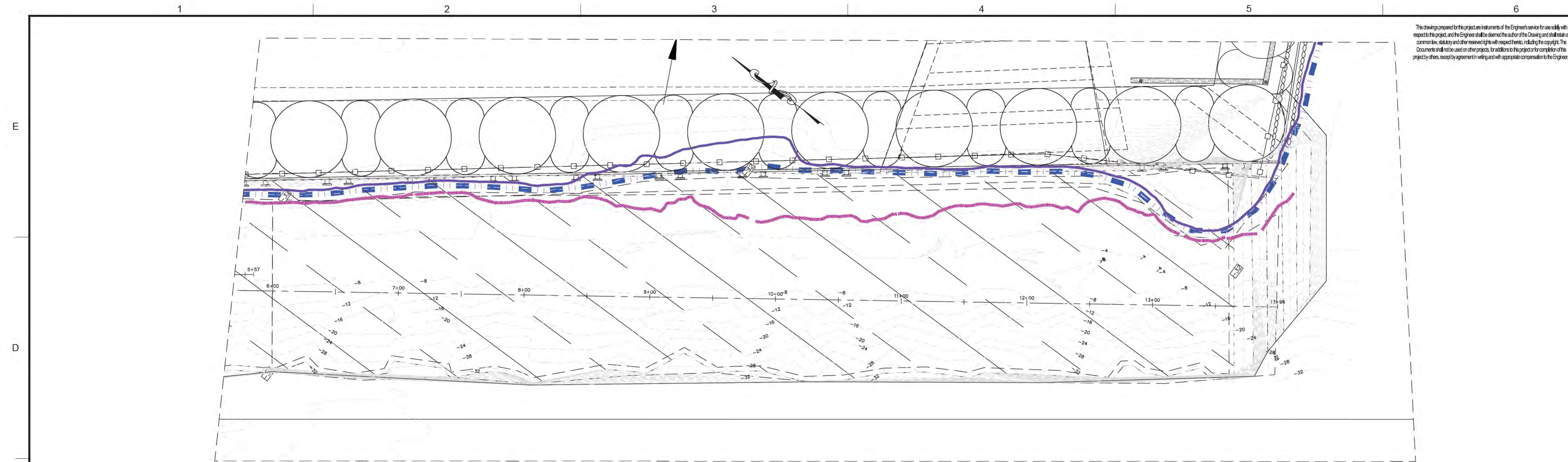
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DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	
DRAWING SCALE	



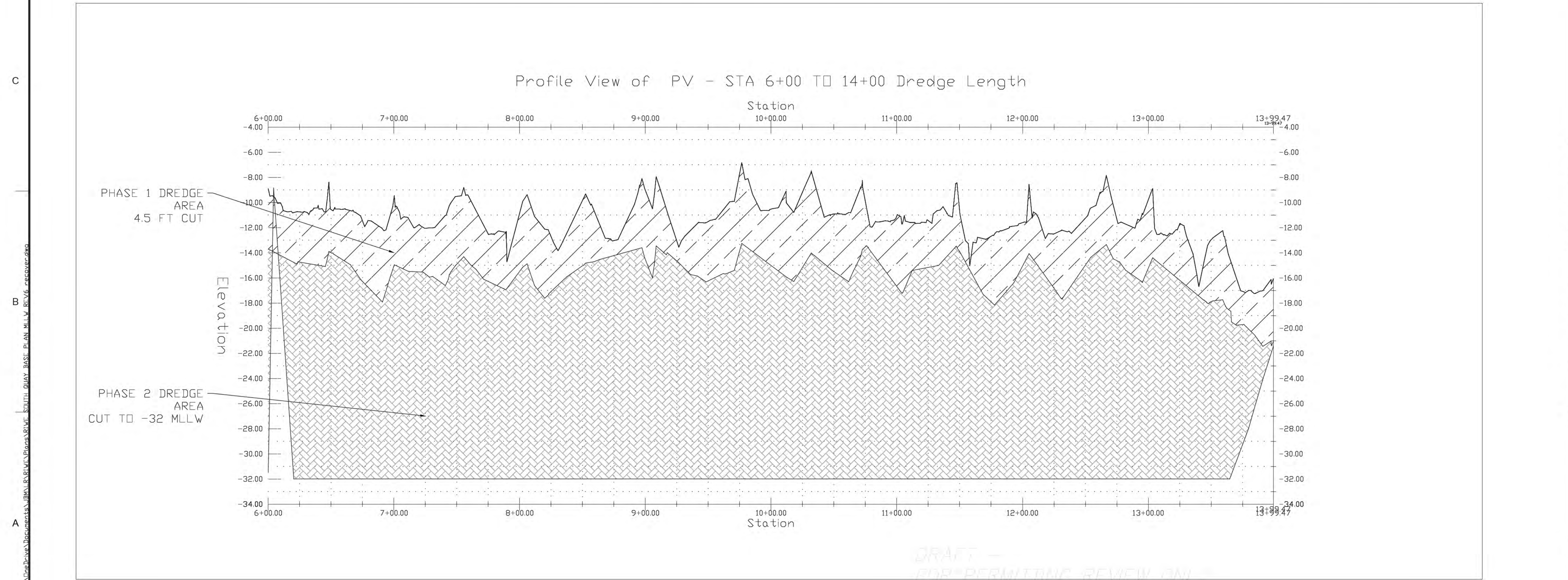
SHEET TITLE	
DREDGE AREA STA 10+48 CROSS-SECTIONS	

DRAWING NO.	
PD-3	





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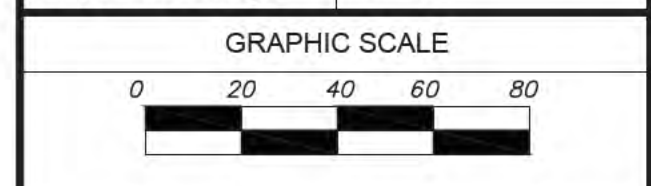


DRAFT -  
FOR PERMITTING REVIEW ONLY  
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PROJECT	SOUTH QUAY PROPOSED SITE REDEVELOPMENT PROJECT		
	OWNER RHODE ISLAND WATERFRONT ENTERPRISES, LLC 222 BERKELEY STREET BOSTON, MA 02116		

NO.	DATE	DESCRIPTION	BY
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1	11/2/2020	UPDATED BATHY	JBM

PROJECT NO.	
CADD FILE	
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DRAWN BY	
CHECKED BY	JAB
DATE	SEPTEMBER 2020
DRAWING SCALE	1" = 40'

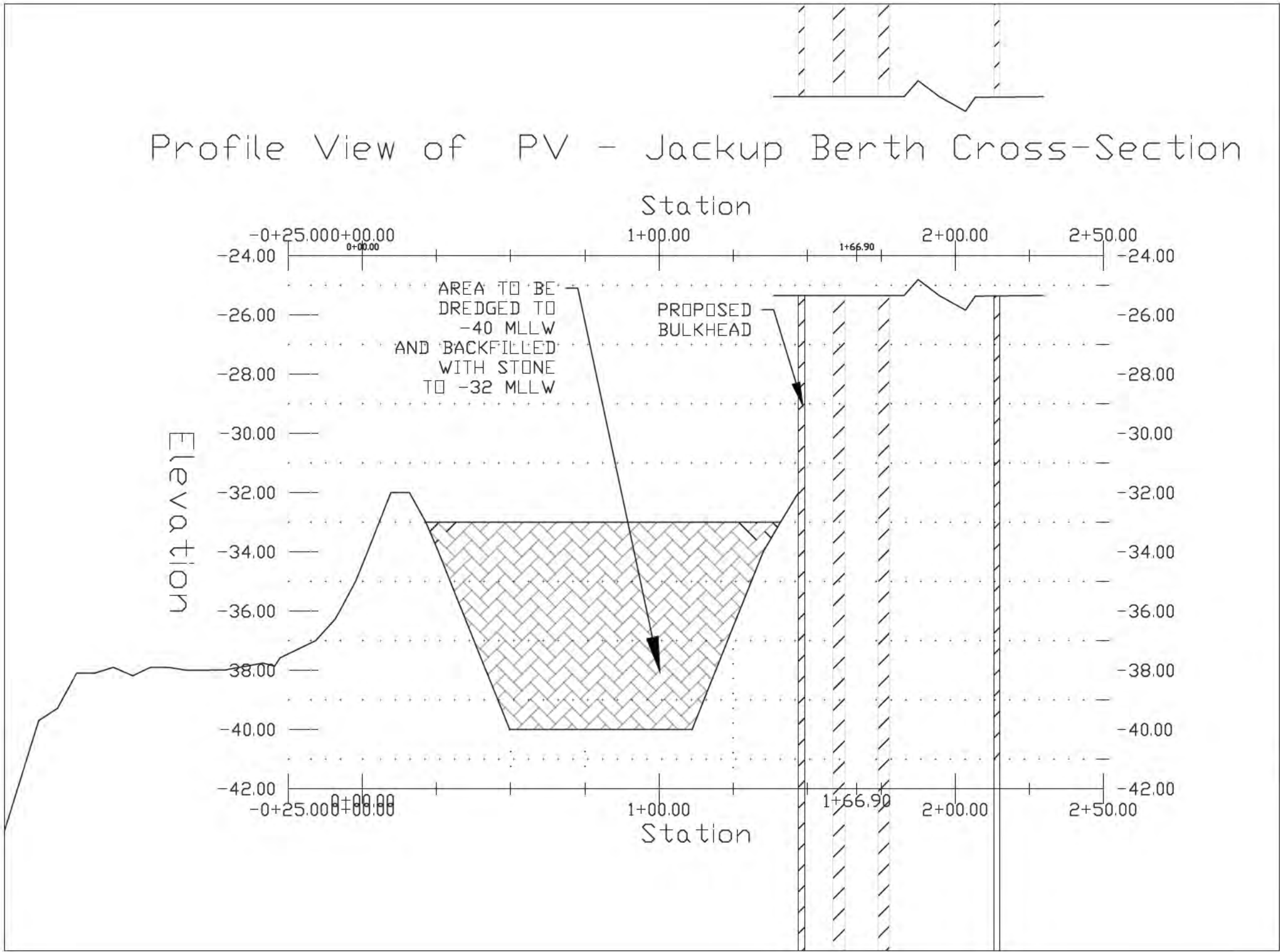
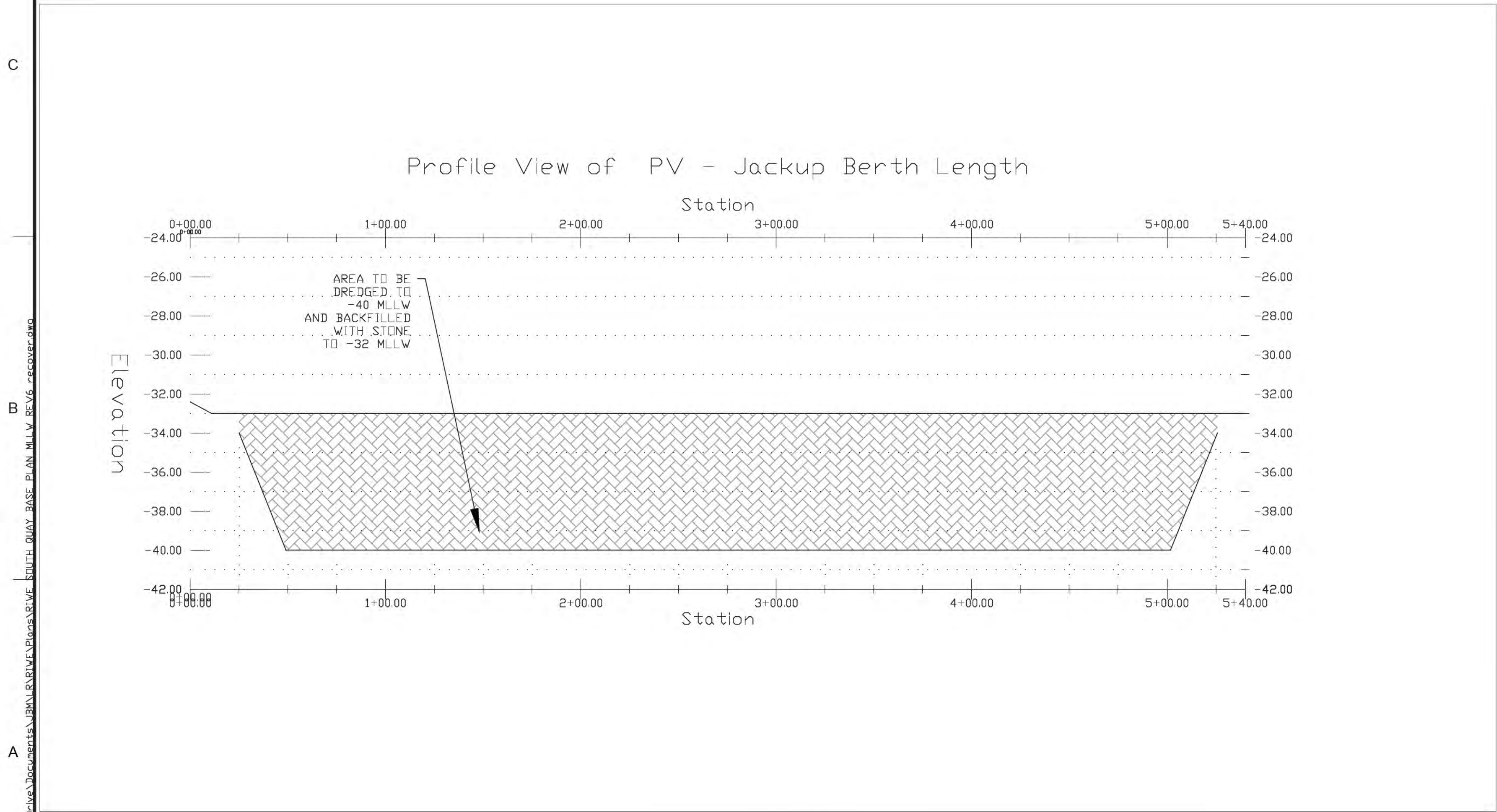
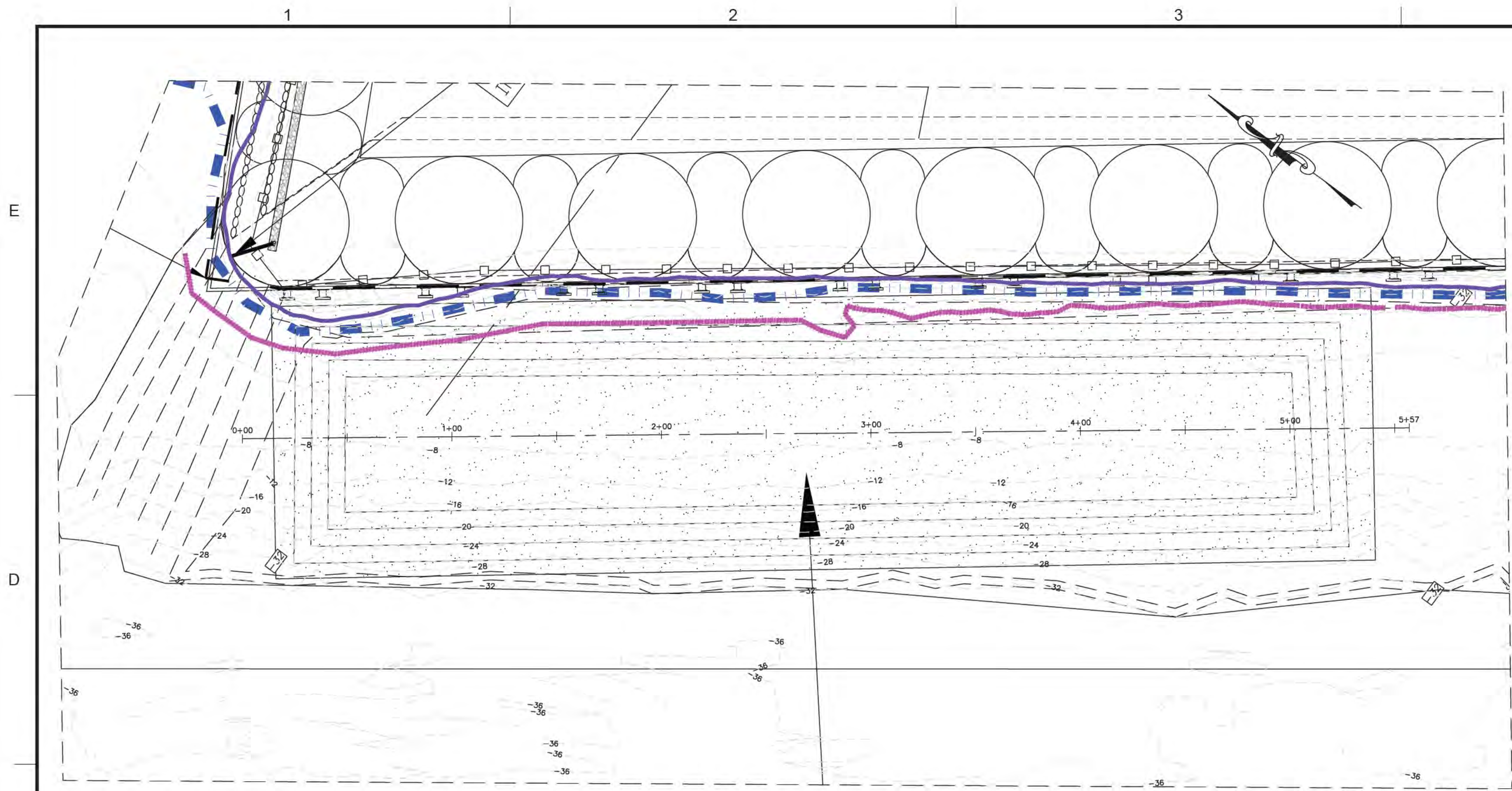


SHEET TITLE	
PROPOSED STA 6+00 TO 14+00 DREDGE PLAN AND PROFILE	

DRAWING NO.	
PD-4	
12	OF 33

PLOT SCALE 1/16"=1'-0"





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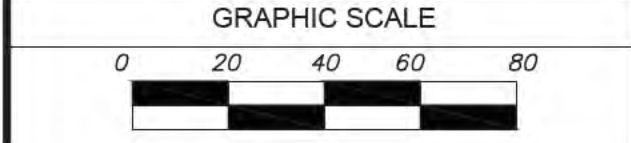


**SOUTH QUAY  
PROPOSED SITE  
REDEVELOPMENT PROJECT**

**OWNER**  
RHODE ISLAND WATERFRONT ENTERPRISES, LLC  
222 BERKELEY STREET  
BOSTON, MA 02116

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DESIGNED BY	JBM
DRAWN BY	
CHECKED BY	JAB
DATE	SEPTEMBER 2020
DRAWING SCALE	1" = 40'

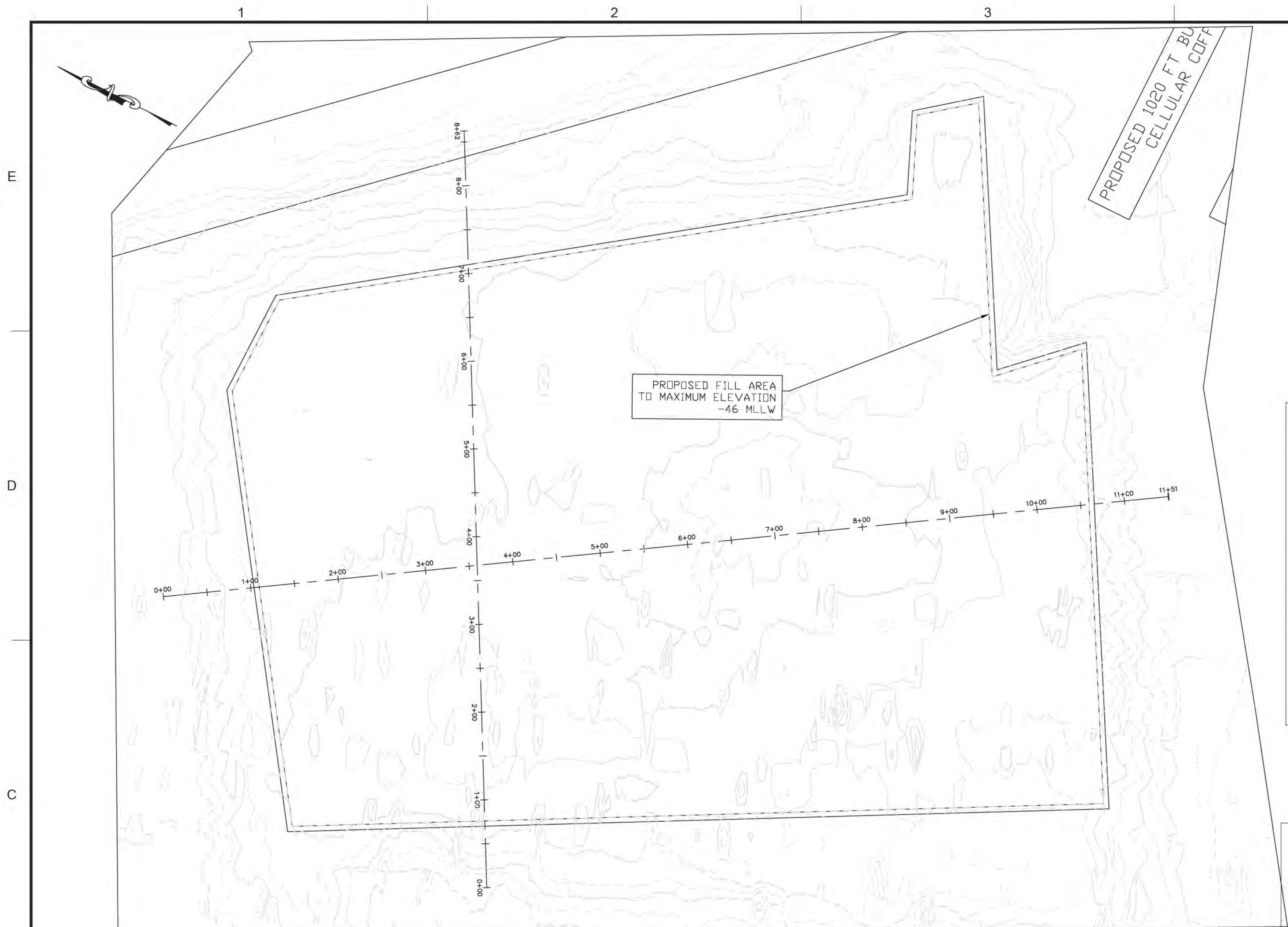


**PROPOSED  
PHASE 3  
DREDGE PLAN  
AND PROFILE**

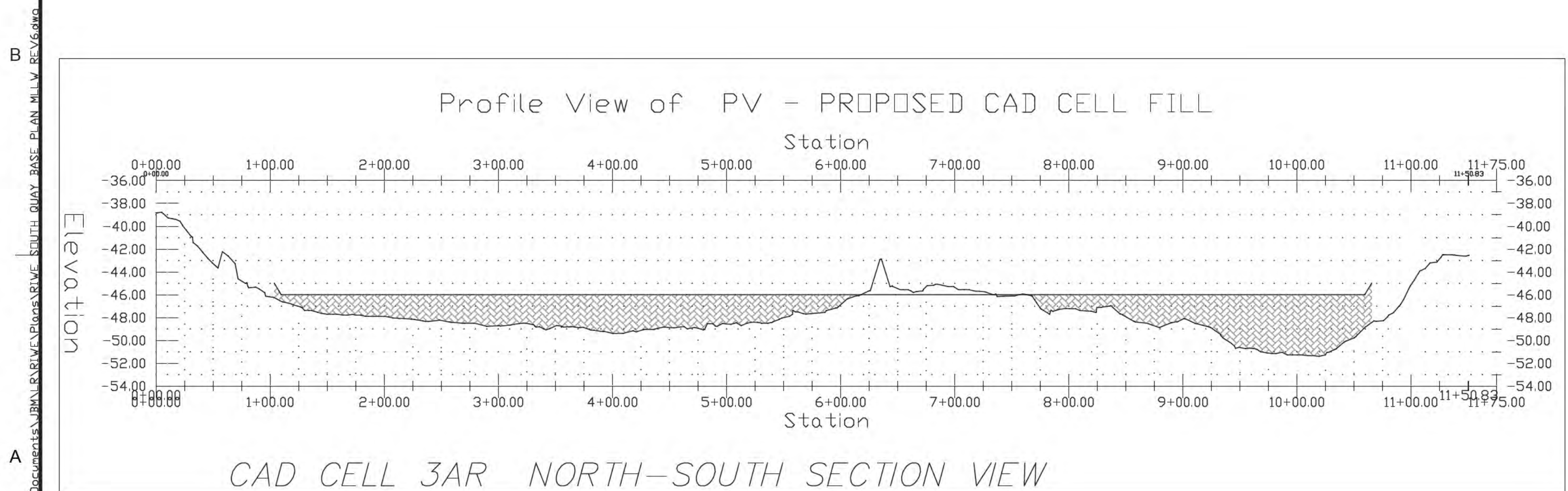
DRAWING NO.
<b>PD-5</b>
13 OF 33

PLOT SCALE 1/16"=1'-0"

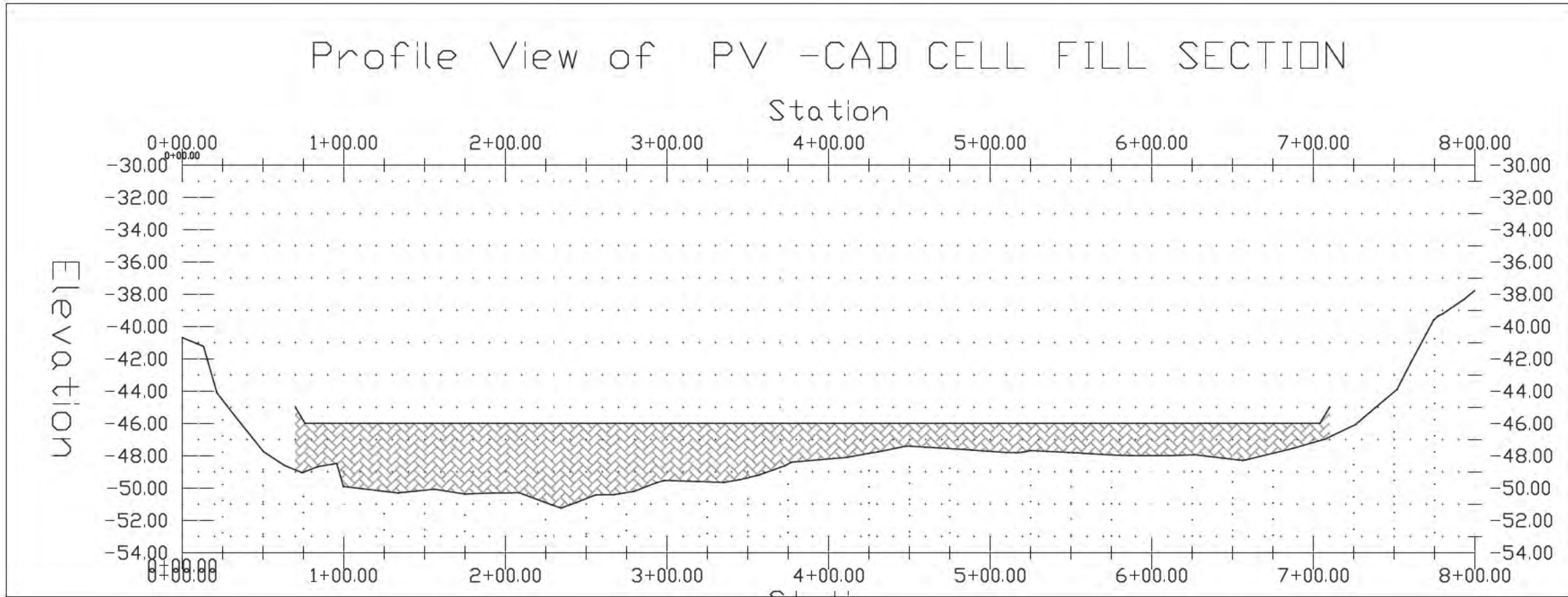




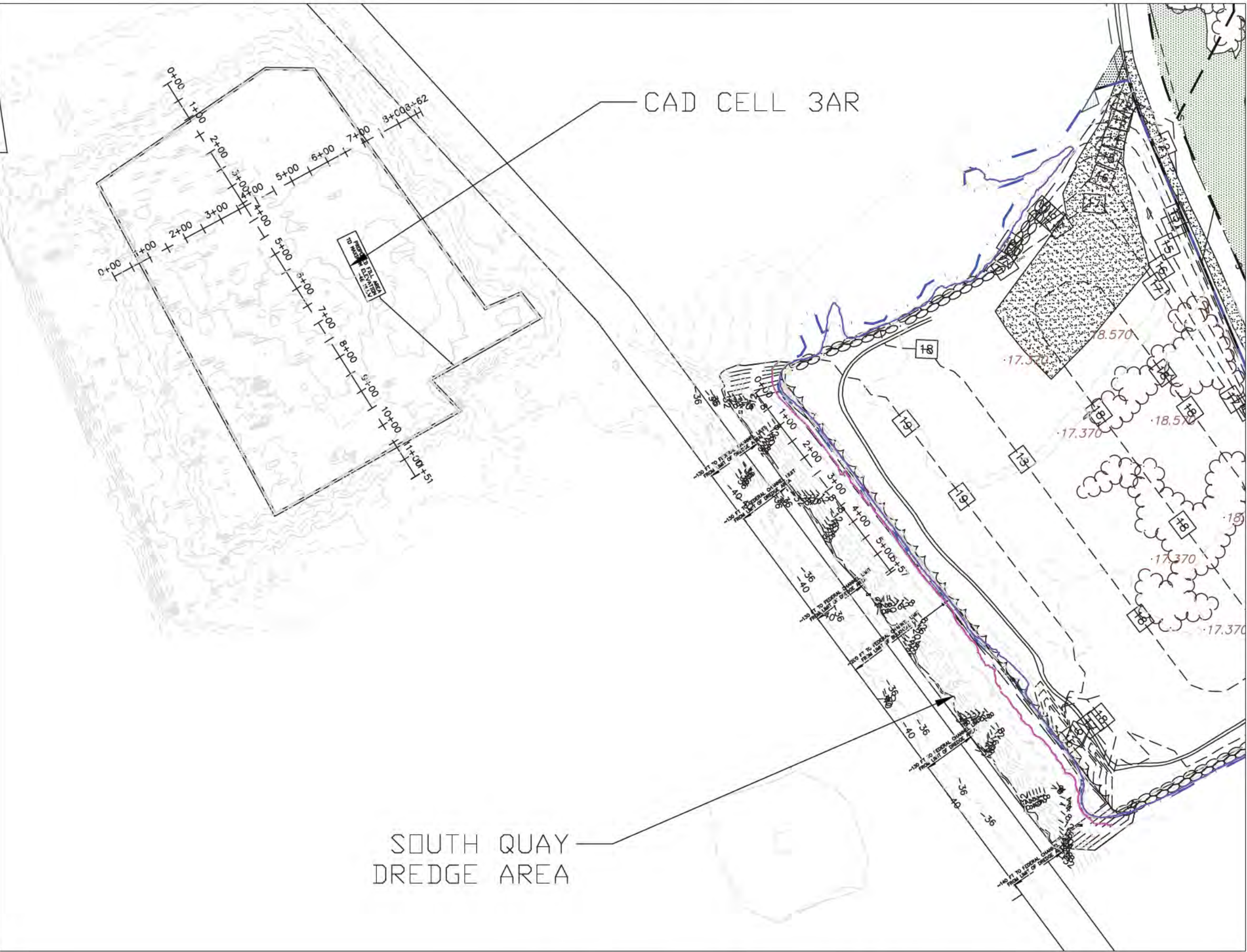
CAD CELL 3AR PLAN VIEW  
SCALE 1" = 80'



CAD CELL 3AR NORTH-SOUTH SECTION VIEW  
SCALE 1" = 80'



CAD CELL 3AR EAST-WEST SECTION VIEW  
SCALE 1" = 80'



CAD CELL 3AR LOCUS  
SCALE 1" = 250'

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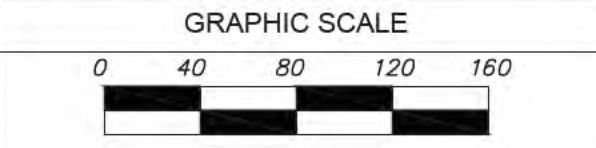


PROJECT  
SOUTH QUAY  
PROPOSED SITE  
REDEVELOPMENT PROJECT

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RHODE ISLAND WATERFRONT ENTERPRISES, LLC  
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DRAWING SCALE	1" = 80'



SHEET TITLE  
PROPOSED  
CAD CELL 3AR  
FILL PLAN  
AND PROFILE

DRAWING NO.  
PD-6