



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

PUBLIC NOTICE

Comment Period Begins: November 01,
2022 **Comment Period Ends:** November 29
2022 **File Number:** NAE-2022-02044
In Reply Refer To: Daniel Breen
Phone: (978) 318-8831
E-mail: Daniel.B.Breen@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Quonset Development Corporation (QDC), 95 Cripe Street, North Kingstown, Rhode Island 02852 (POC: Mr. Greg Coren, gcoren@quonset.com), through its agent, GZA GeoEnvironmental, Inc., 188 Valley Street, Suite 300, Providence, Rhode Island 02909 (POC: Dr. Igor Runge, igor.runge@gza.com). This work is proposed along the QDC Pier at Terminal 5, located on the western shore of Narragansett Bay at 2574 Davisville Road in North Kingstown, Rhode Island 02852. The site coordinates are: Latitude 41.6117°N, Longitude -71.4100°W.

QDC is proposing to construct a new multi-use pier within the Port of Davisville, which is a major automobile importer, to support a variety of vessels handling general cargo, project cargo, finished vehicles, and offshore wind power components. The additional berthing space of the new pier would provide QDC with greater flexibility in meeting market demands and supporting maritime commerce. The proposed pier would be approximately 2.5 acres in area, extending into Narragansett Bay approximately 815 linear feet from the existing bulkhead and varying in width from 75 to 165 linear feet. In addition, a 50-foot long, pile-supported concrete platform would be constructed at the existing bulkhead, with a 25-foot long cast-in-place, concrete approach slab installed landward; an aluminum catwalk measuring 385 feet long by four feet wide would be constructed at the waterward end of the pier; mooring bollards would be installed along the pier at approximately 40-foot intervals; and six 19-pile timber cluster dolphins would be installed on the south side of the pier to aid in docking. Within waters of the U.S. subject to USACE regulatory authority, the structural impacts would extend a total of 1,200 linear feet waterward of the mean high water (MHW) line and would encompass approximately 2.6 acres.

The work is shown on the enclosed plans entitled "Davisville Terminal 5 Pier," on five sheets and dated August 11, 2022.

The applicant does not propose any compensatory mitigation because there would be no permanent loss of waters of the U.S. During construction, measures to avoid and minimize impacts to waters of the U.S. would include a turbidity curtain or debris boom, a soft start technique prior to pile driving, and upland staging of construction equipment and stockpiling of excavated soils.

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 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.

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). EFH describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 2.6 acres of EFH. This habitat consists primarily of muddy, silty soils with areas of sand present. No submerged aquatic vegetation has been documented at the site. Modification of this aquatic 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

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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 has reviewed 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. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service on listed species under their jurisdiction and the ESA consultation 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:

- Permit, license or assent from State.
- Permit from local wetland agency or conservation commission.
- 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 Daniel Breen at (978) 318-8831, (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.

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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**

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.