



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

PUBLIC NOTICE

Comment Period Begins: January 24, 2023
Comment Period Ends: February 23, 2023
File Number: NAE-2022-02728
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 Save the Bay, 100 Save The Bay Drive, Providence, Rhode Island 02905 (POC: Ms. Wenley Ferguson, (401) 272-3540, wferguson@savebay.org), on behalf of the Rocky Hill Country Day School, 530 Ives Road, East Greenwich, Rhode Island 02818 (POC: Ms. Diane Rich, (401) 884-9070, drich@rockyhill.org). This work is proposed in salt marsh wetlands adjacent to the Potowomut River and Warwick Cove at 530 Ives Road in Warwick, Rhode Island. The site coordinates are: Latitude 41.6571°N, Longitude -71.4128°W.

The proposed work would involve restoration activities on 39.2 acres of a degraded salt marsh, brackish marsh, and the adjacent degraded uplands. The project's goals are to improve the health and function of the salt marsh by facilitating revegetation in areas of the marsh that have experienced vegetation die-off or subsidence; reduce the height and vigor of the invasive common reed *Phragmites australis* by reducing the amount of trapped brackish water on the marsh surface; reduce mosquito-breeding habitat by draining shallow, impounded water and promoting fish predation of mosquito larvae through the creation of shallow channels termed runnels; and enhance nesting opportunities for the state-listed Diamondback terrapin (*Malaclemys terrapin*) through scarification of soils, sand amendment, and invasive plant control. Work would include the excavation of 3,155 linear feet of runnels through the salt marsh surface to lower the water level in impounded water areas on the marsh platform. The runnels would tie into some of the site's existing ditches, which are currently clogged with vegetation and of which 876 linear feet would be maintained to facilitate drainage of the marsh platform. An estimated 233 cubic yards of peat excavated from the runnels and ditches would be discharged within 12,597 square feet (0.29 acre) of the salt marsh to facilitate restoration. The project would facilitate future marsh migration into the low-lying uplands by providing drainage of impounded water in the marsh migration corridor, controlling woody invasive plants, and planting native salt-tolerant species of plants.

The work is shown on the enclosed plans entitled "Rocky Hill Country Day School Parcel, Salt Marsh Restoration," on 12 sheets dated October 20, 2022.

The applicant does not propose any compensatory mitigation because all permanent impacts are associated with salt marsh restoration and there would be no permanent loss of waters of the U.S.

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.

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.

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.

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 0.29 acre of EFH. This habitat consists of salt marsh wetlands and shallow waters predominantly comprised of silt and mud substrate with deposited organic material derived from tidal marsh species. Modification of this habitat may adversely affect fish species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect would 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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. USACE is coordinating with the Rhode Island State Historic Preservation Officer to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, as part of the permit review process.

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 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.

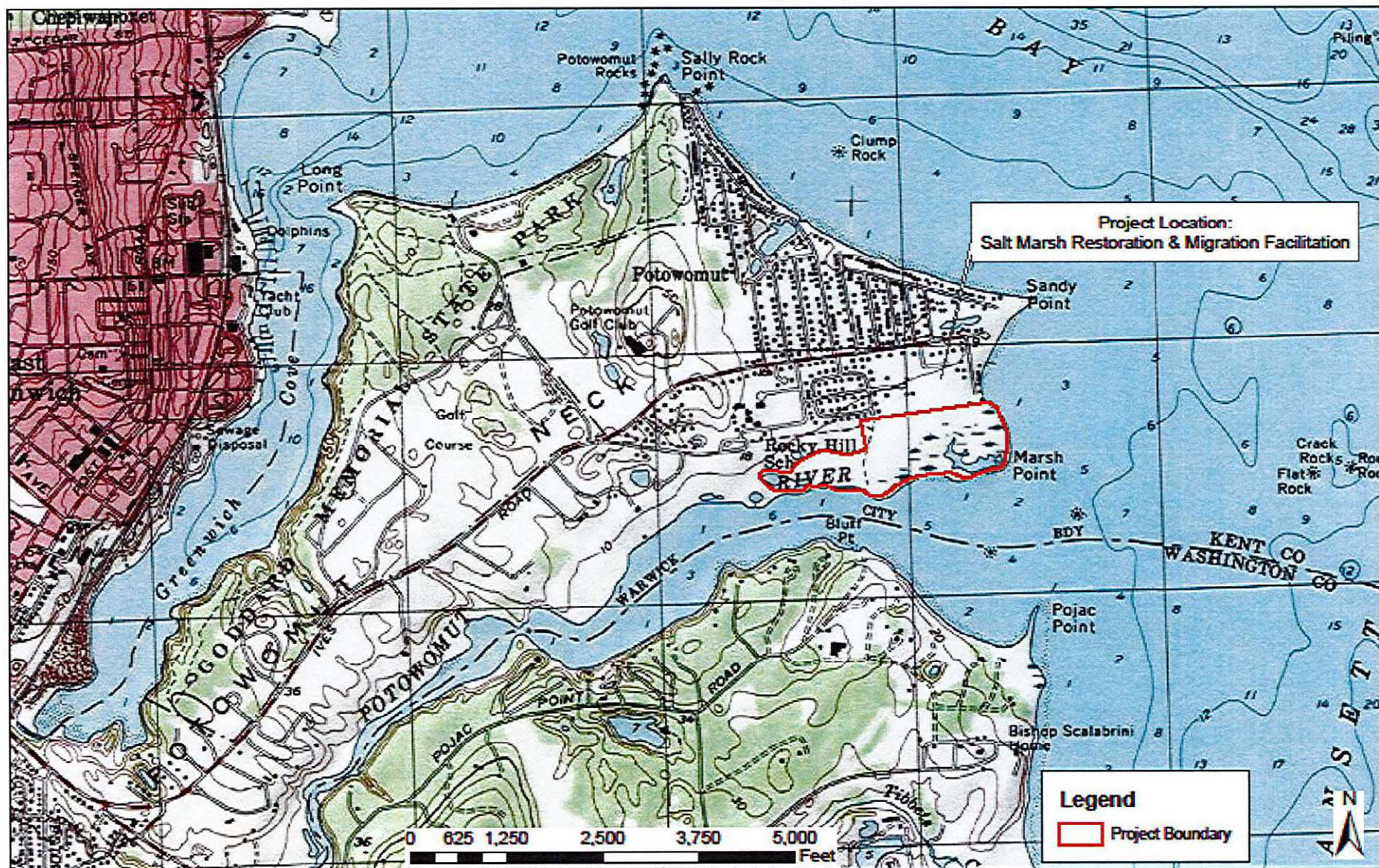
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

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.

**Figure 1: Vicinity Map: Rocky Hill Country Day School Parcel, Warwick, RI
Salt Marsh Restoration & Marsh Migration Project**



Rocky Hill Country Day School Parcel
Salt Marsh Restoration Project: Vicinity Map

Land Owner: Rocky Hill Country Day School

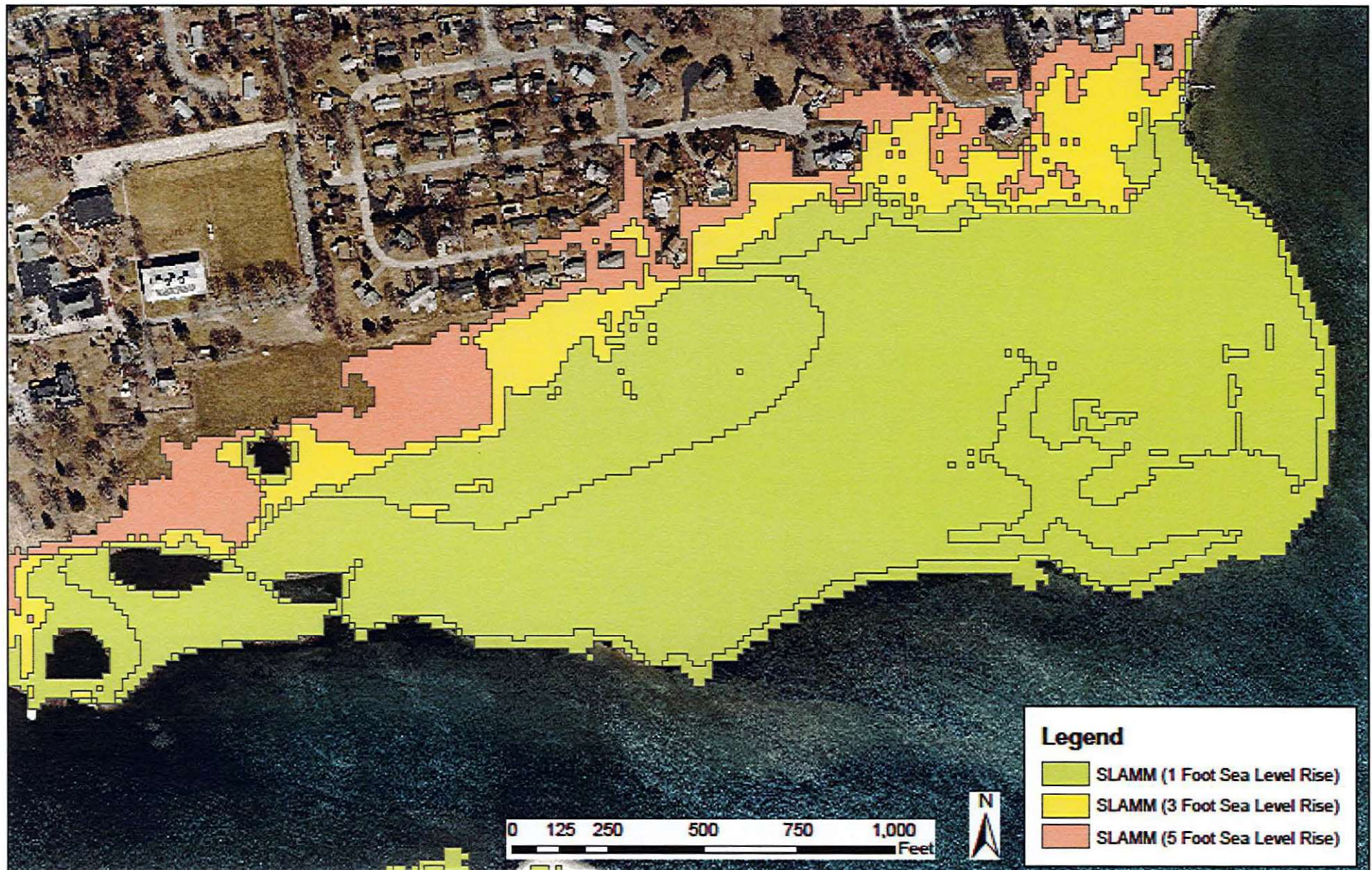
Proposed by: Rocky Hill Country Day School / NRCS / Save the Bay

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**Figure 2: Proposed Salt Marsh Restoration & Marsh Migration Project
on Rocky Hill Country Day School Parcel Plat 202, Lot 003**



**Figure 3. Sea Level Rise Affecting Marsh Migration Map (SLAMM) of
The Rocky Hill Country Day School Parcel**



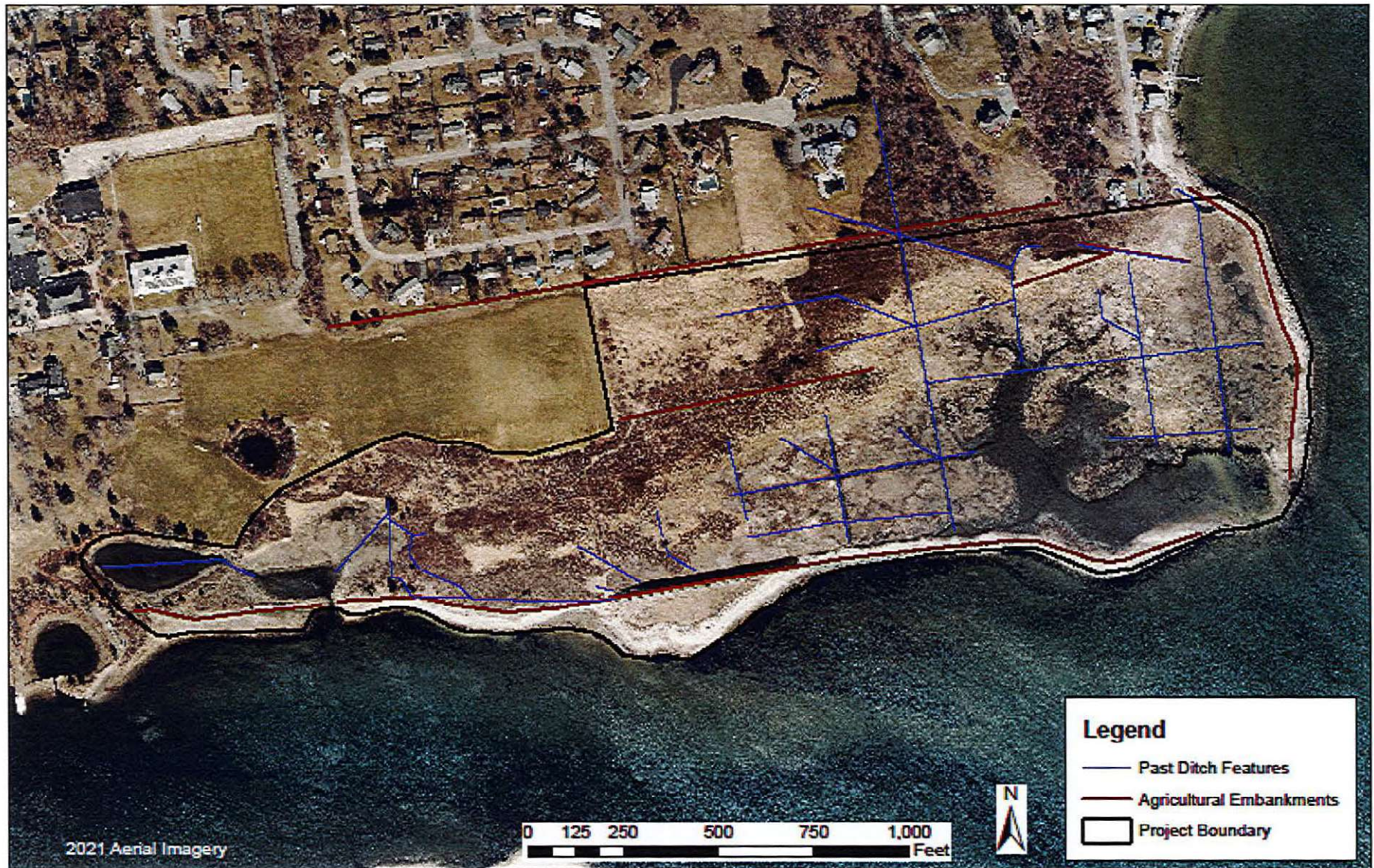
Rocky Hill Country Day School Parcel
Salt Marsh Restoration: SLAMM Map

Land Owner: Rocky Hill Country Day School

Proposed by: Rocky Hill Country Day School / NRCS / Save the Bay

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**Figure 4: Past Ditch Features & Agricultural Embankments:
Rocky Hill Country Day School Parcel: Salt Marsh Restoration & Marsh Migration Project**



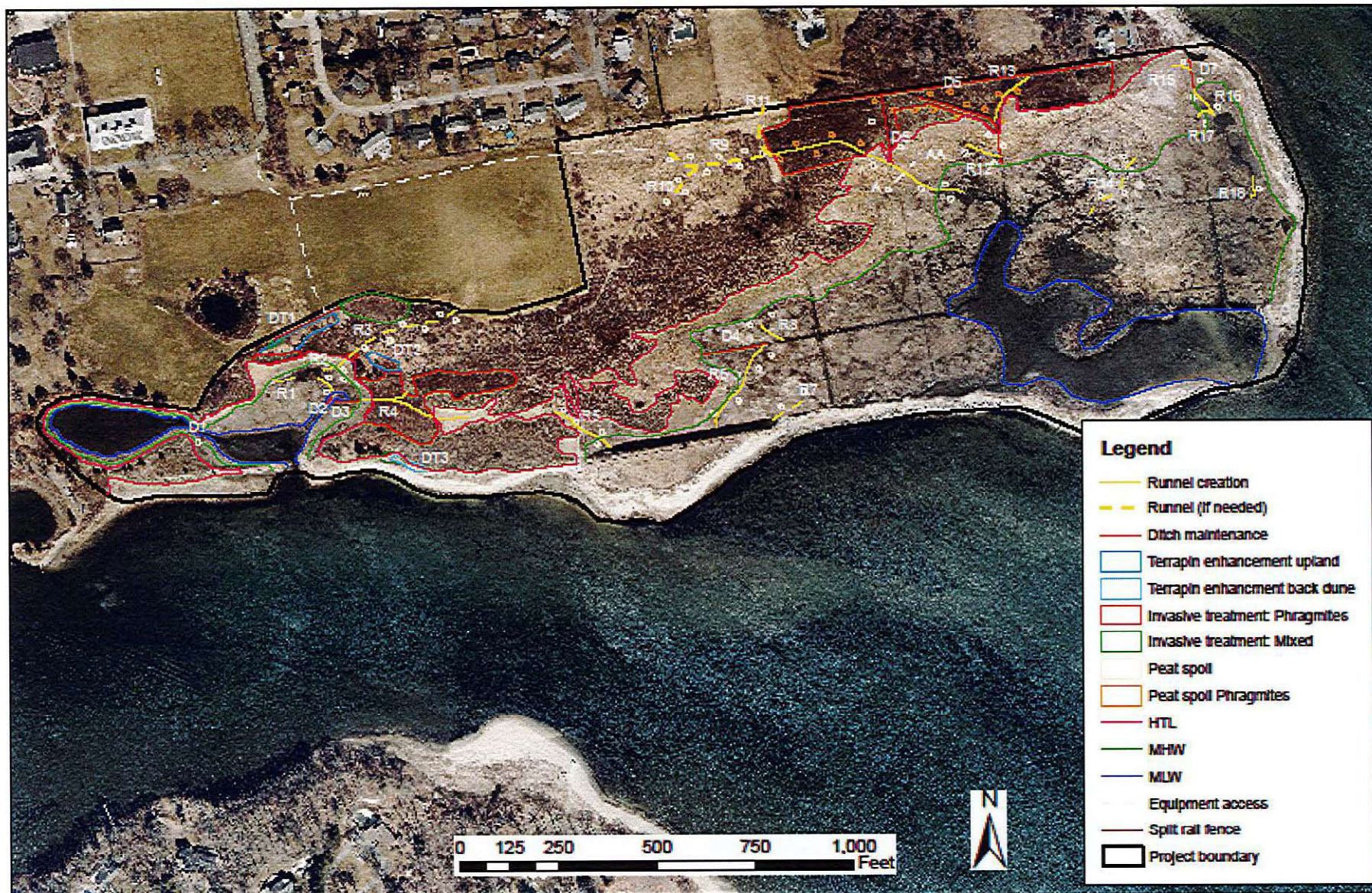
Rocky Hill Country Day School Parcel
Salt Marsh Restoration: Past Ditch & Agricultural
Embankments Map

Land Owner: Rocky Hill Country Day School

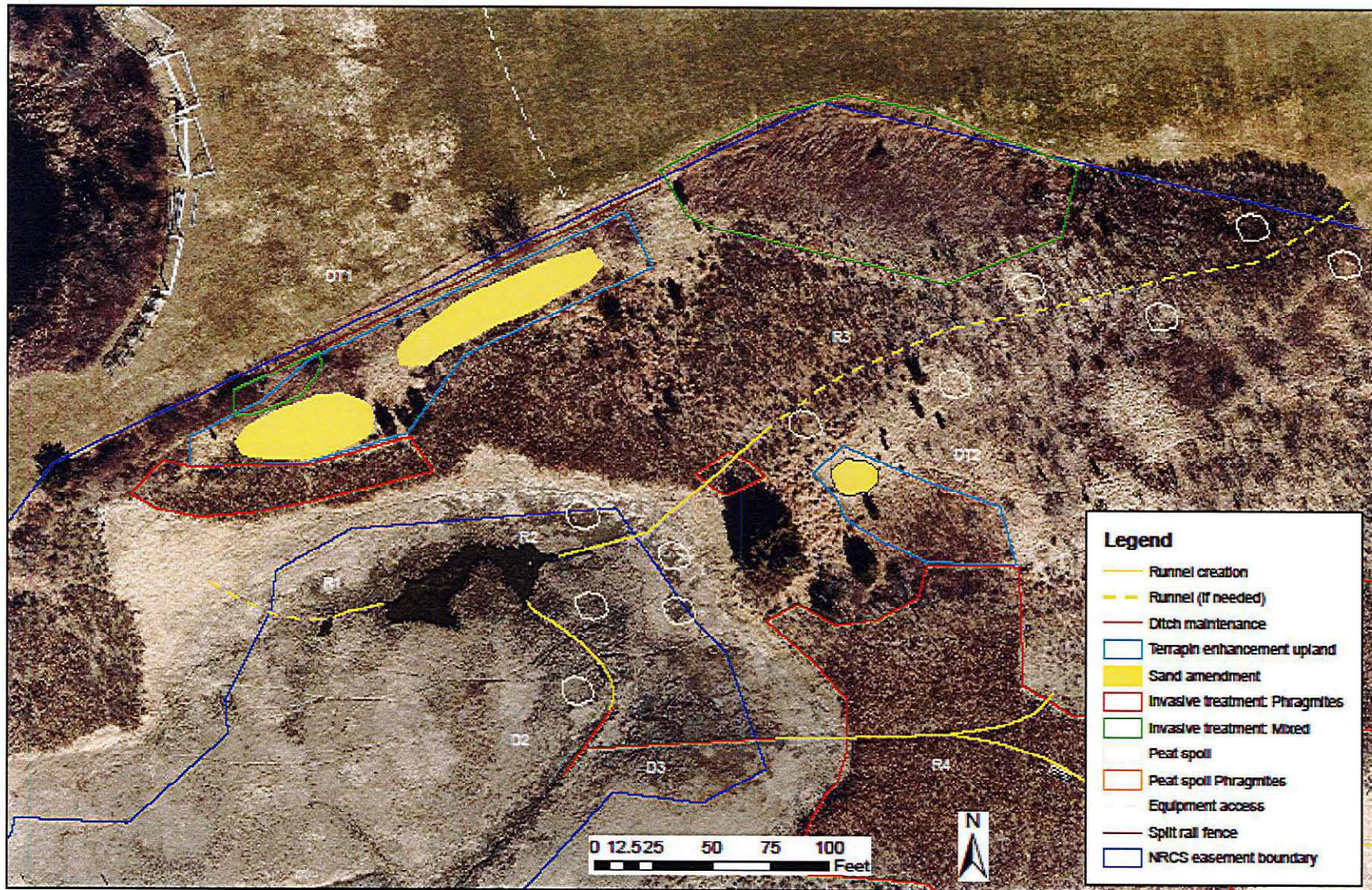
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**Figure 5: Restoration Plan: Rocky Hill Country Day School Parcel
Salt Marsh Restoration & Marsh Migration Project**



**Figure 6: Diamondback Terrapin Nest Enhancement - Upland:
Rocky Hill Country Day School Parcel, Salt Marsh Restoration & Marsh Migration Project**



Rocky Hill Country Day School Parcel
Salt Marsh Restoration: Terrapin Nest Enhancement Upland

Land Owner: Rocky Hill Country Day School

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**Figure 7: Diamondback Terrapin Nest Enhancement – Back Dune:
Rocky Hill Country Day School Parcel, Salt Marsh Restoration & Marsh Migration Project**



Rocky Hill Country Day School Parcel
Salt Marsh Restoration: Terrapin Nest Enhancement Back Dune

Land Owner: Rocky Hill Country Day School

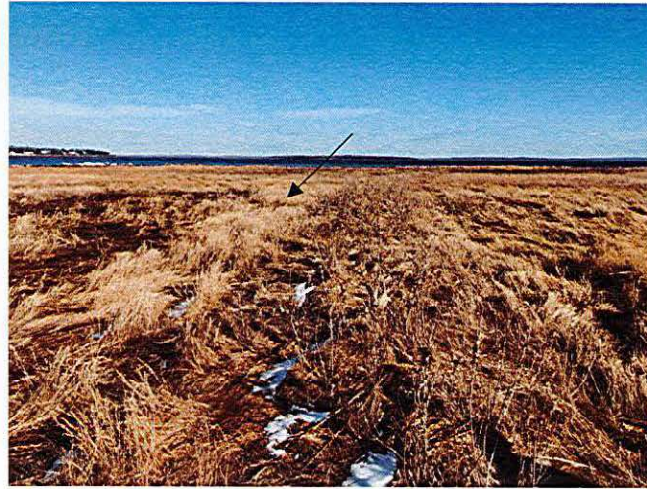
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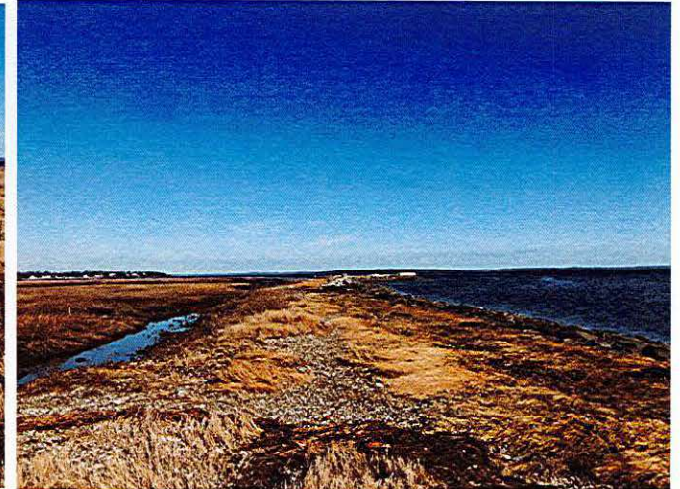
Figure 8: Existing Conditions: Rocky Hill Country Day School Parcel, Salt Marsh Restoration and Marsh Migration Project



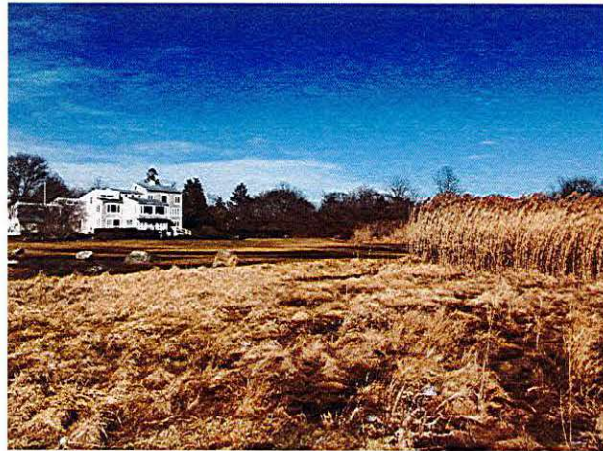
Rock sill impounding water on historic marsh



Agricultural embankment impacting tidal hydrology



Agricultural embankment and borrow pit impacting tidal hydrology



Impounded water in abandoned field

Rocky Hill Country Day School Parcel
Salt Marsh Restoration: Existing Conditions

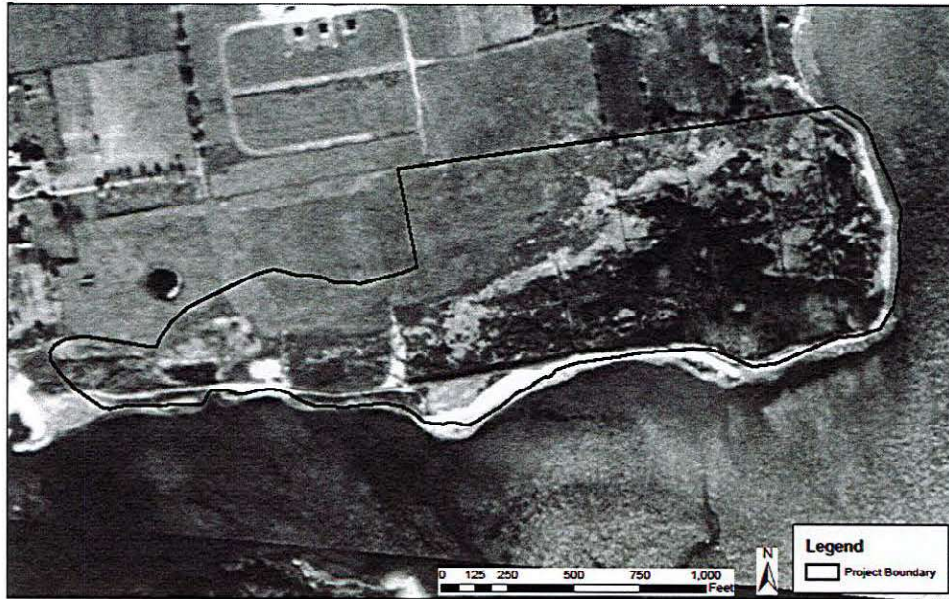
Land Owner: Rocky Hill Country Day School

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**Figure 9: 1939 & 1962 Aerial imagery: Rocky Hill Country Day School Parcel
Salt Marsh Restoration & Marsh Migration Project**

1939 Aerial Imagery



1962 Aerial Imagery



Rocky Hill Country Day School Parcel
Salt Marsh Restoration Project: 1939 & 1962 Aerial Imagery

Land Owner: Rocky Hill Country Day School

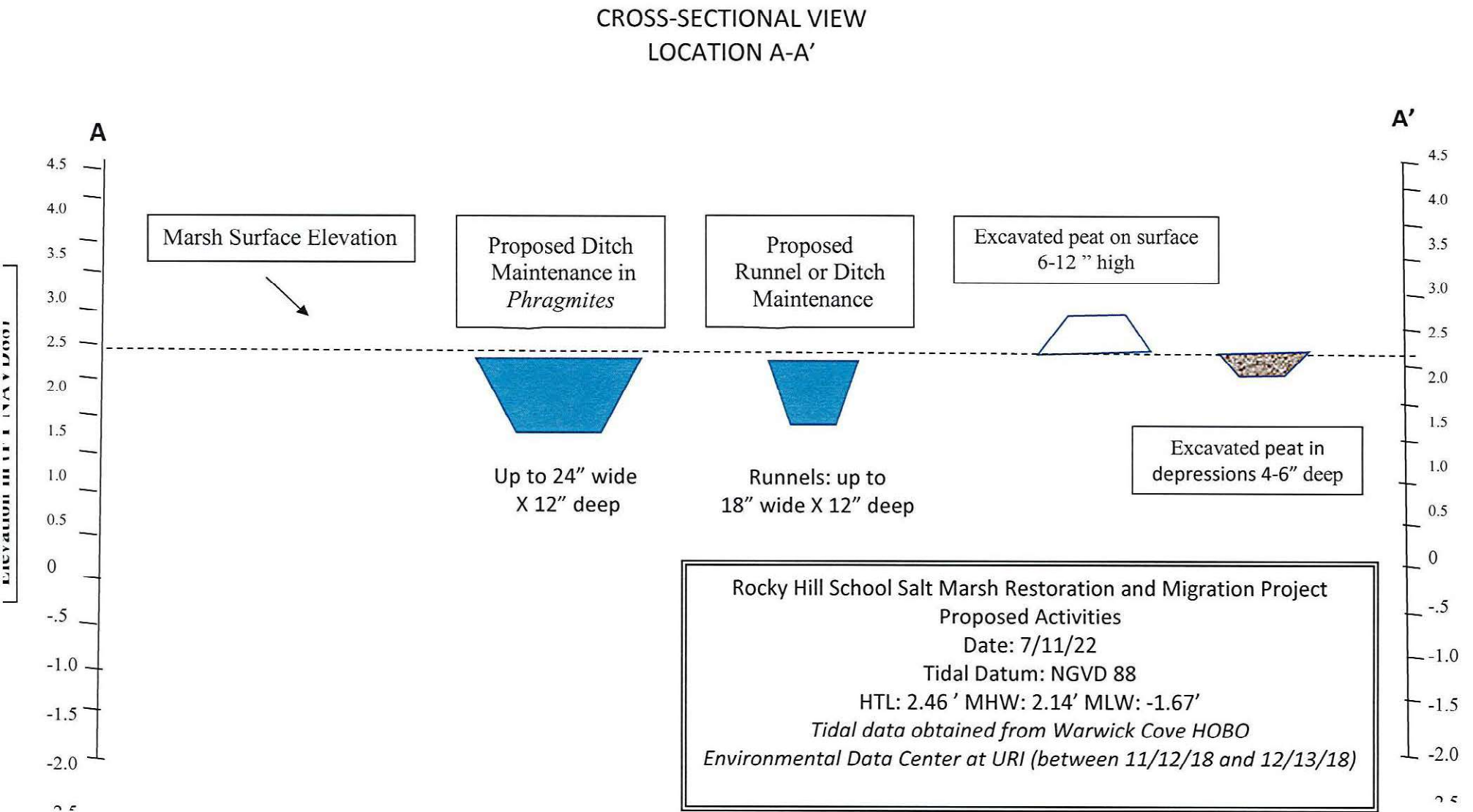
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Figure 10: Example of Runnel, Typical Peat Placement Area, and Salt Marsh Vegetation Recolonization After One Growing Season in 2020 at Winnapaug Pond, Westerly, RI



Figure 11: Typical Runnel and Ditch Maintenance Cross Sections



Rocky Hill Country Day School Parcel
Salt Marsh Restoration Project: Typical Runnel & Ditch Maintenance
Cross Sections

Land Owner: Rocky Hill Country Day School

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Figure 12: Ditch and Runnel Profiles

