



PUBLIC NOTICE

Comment Period Begins: May 28, 2024

Comment Period Ends: June 27, 2024

File Number: NAE-2023-01706

In Reply Refer to: Ms. Cori M. Rose

Phone: (978) 831-3673

Email: cori.m.rose@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2023-01706 to conduct work in waters of the United States from James Tierney, Town Manager, Town of Narragansett, 25 Fifth Avenue, Narragansett, Rhode Island. This work is proposed in the waters of Narrow River, Pettaquamscutt Cove and Crooked Brook at 115 Strathmore Street, Narragansett, Rhode Island. The site coordinates are Latitude 41.4426° N, Longitude -71.4613° W, Narragansett, Washington County, Rhode Island.

The project will involve tidal wetland restoration and functional habitat enhancement activities of degraded salt marsh that is exhibiting signs of decline due to historical uses and accelerated sea level rise. The work will occur in a subset of a 160-acre town owned parcel (Plat B, Lot 1-A), 26.5 acres of which is tidal wetland and brackish marsh subject to the restoration activity identified herein. The work proposed involves the removal of approximately 93.1 cubic yards of marsh peat and the permanent discharge of this excavated material as fill over approximately 2,515 square feet of salt marsh cordgrass (*Spartina alterniflora*) or brackish tidal wetland dominated by common reed (*Phragmites australis*). Fill will consist entirely of the material excavated from approximately 1,472 linear feet of shallow (less than 12-inches) runnels through the saltmarsh surface. The purpose of the runnels is to lower the water level in impounded water areas on the marsh platform and to promote fish predation of mosquito larvae. Additionally, the newly created runnels will connect to some of the site's existing ditches to enhance connectivity with tidal waters and the excavated materials, which will be placed by hand with shovels or by a Rhode Island Department of Environmental Management low ground pressure excavator, will be beneficially used to infill depressions that create mosquito-breeding habitat and to create microtopography that will enhance vegetation diversity and provide breeding habitat for declining saltmarsh sparrow (*Ammodramus caudacutus*). Approximately 695 linear feet of existing tidal ditches will be cleaned and maintained to restore adequate connectivity and salt intrusion. In total the project will result in the alteration of 5,030 square feet (0.12-acre) of tidal resource areas but will not result in the conversion of aquatic area to upland non-wetland habitat.

The purpose of the proposed work is to restore tidal hydrology impacted by the legacy features on the salt marsh platform and enhance tidal wetland habitat function.

The work is shown on the enclosed plans entitled "Canonchet Farm Parcel Salt Marsh Restoration project," on 13 sheets dated May 22, 2023, with sheets 5a-5d (pages 5-8) revised on April 12, 2024.

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The applicant does not propose any compensatory mitigation because all permanent impacts are associated with salt marsh restoration and there will 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 USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties 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 National Oceanic Atmospheric Administration (NOAA) is funding the project and therefore will be designated, by the Corps, as the lead Federal agency to fulfill the collective Federal responsibilities under Section 7 of the Endangered Species Act of 1973 (PL 93-205), Section 106 of the National Historic Preservation Act of 1966 (PL 89-

665), and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (PL 104-267).

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.

This project will impact approximately 0.12-acre (5,030 square feet) of EFH. All the project area directly and indirectly affected by the proposed work will remain tidal wetland or waterway. This habitat consists of degraded tidal wetland and intertidal drainage features. Alteration 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 the project's impacts to EFH and inclusion of EFH conservation recommendations is being conducted by NOAA, in coordination with the Corps, and these consultations will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT

Based on our initial review of the proposed project, historic properties were identified within the area of potential effects. However, the applicant currently proposes to avoid all effects to known historic properties. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be completed by NOAA as part of the project's review.

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 (ESA) 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 a listed species or their critical habitat. NOAA is coordinating with the National Marine Fisheries Service and U.S. Fish and Wildlife Service on listed species under their jurisdiction and such ESA consultations 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

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties so that we may consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Ms. Cori M. Rose at cori.m.rose@usace.army.mil or (978) 831-3673.

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. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Kevin R. Kotelly

For Jon T. Coleman,
Team Leader
Technical Regional Execution Center

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Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.