

# CRMC DECISION WORKSHEET

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2021-08-011	East Providence	649 Waterfront Avenue		<b>B</b>	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	7			
		<b>Owner Name and Address</b>				
Date Accepted		RI Waterfront Enterprises, LLC		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed		116 Huntington Avenue Suite 504 Boston, MA 02116		Lease Required	<input type="checkbox"/>	

## PROJECT DESCRIPTION

Construction of the South Quay Marine Terminal located at 649 Waterfront Drive in East Providence. The project includes the construction of 1,380 LF of cellular cofferdam sheet pile wall with 380 foot long returns at each end and approximately 5 feet of engineered gravel fill over the 30 acre site. The work also includes underground drainage and water service to the face of the bulkhead, dredging of approximately 170,000 cubic yards of dredging with a mix of CAD disposal and on site beneficial reuse and salt marsh creation/restoration for mitigation.

## KEY PROGRAMMATIC ISSUES

**Coastal Feature:** Manmade Shoreline

**Water Type:** Type 6, Industrial Waterfronts and Commercial Navigation Channels.

**CRMP:** 1.1.4(D), 1.2.1(F), 1.3.1(A), 1.3.1(C), 1.3.1(F), 1.3.1(G), 1.3.1(I), 1.3.1(L), 1.3.6

**SAMP:** <list relevant SAMP sections>


Variations and/or Special Exception Details: None


Additional Comments and/or Council Requirements:

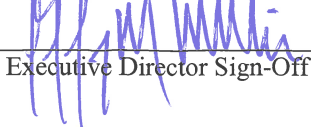
Specific Staff Stipulations (beyond Standard stipulations): Staff stipulations are included in the staff report.

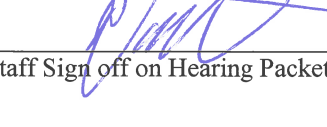
## STAFF RECOMMENDATION(S)

Engineer DRG Recommendation: Approve  
 Biologist ALS Recommendation: Approve  
 Other Staff \_\_\_\_\_ Recommendation: \_\_\_\_\_

  
 Engineering Supervisor Sign-Off \_\_\_\_\_ date 4/7/2022

  
 Supervising Biologist Sign-off \_\_\_\_\_ date \_\_\_\_\_

  
 Executive Director Sign-Off \_\_\_\_\_ date FAPR 2022

  
 Staff Sign off on Hearing Packet (Eng/Bio) \_\_\_\_\_ date 4/7/2022

**STATE OF RHODE ISLAND  
COASTAL RESOURCES MANAGEMENT COUNCIL  
STAFF REVIEW**

TO: Jeffrey M. Willis, Executive Director  
DEPT: Coastal Resources Management Council  
FROM: Danni Goulet, PE  
Amy Silva  
DEPT: CRMC Permitting Section

April 7, 2022

SUBJ: **CRMC File No.:** A2021-08-011

**Owner:** RI Waterfront Enterprises, LLC RI Waterfront Enterprises, LLC

**Site Address:** 649 Waterfront Avenue Plat: 7 Lot: 3

**Site Town:** East Providence

**Project:** To construct the South Quay Marine Terminal located at 649 Waterfront Drive in East Providence, RI. The project includes the construction of a 1,380 LF of cellular cofferdam sheet pile wall with 380 foot long returns at each end, approximately 5 feet of engineered gravel fill over the 30 acre site, underground drainage and water service to the face of the bulkhead, dredging of approximately 170,000 cubic yards of dredging with a mix of CAD disposal and on site beneficial reuse and salt marsh creation/restoration for mitigation.

**Water Type/Name:** Type 6, Industrial Waterfronts and Commercial Navigation Channels

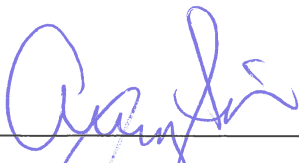
**Coastal Feature:** Riprap revetment

**Plans Reviewed:** “South Quay – Proposed Site – Redevelopment Project” prepared by Lloyds register, GZA, Pare Corporation and John Mcallister, PE. The plan set has 33 sheets and is dated September 2020 with four revisions, the latest dated 6/24/2021. There is one sheet, XC-3, with a revision date of 03/022022 in response to staff questions.

**Staff Comments:**

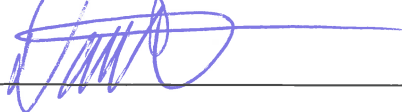
The existing site conditions at the proposed South Quay Marine Terminal in East Providence are a result of a partially completed project that was permitted under CRMC permit 1974-02-001. This permit was to create a 45 acre filled area that would be utilized for an intermodal (rail to sea) marine terminal. The CRMC permit was extended several times and finally expired in January 2018. The site was only partially constructed and includes a rip rap containment dike that has been filled with material. The site has been fallow with little activity for over 25 years. The Army Corps of Engineers issued a permit around the same time as the original CRMC permit, the ACOE permit has been continually extended and is being utilized as the federal permit for the currently proposed wind terminal project. The site is located on the eastern shore of the Providence River south of the Wilkes-Barre pier and surrounded by the “Chevron” site which is now owned by the applicant. The project area also has a RIDOT right of way called Waterfront Drive which is now a gravel road that is gated to the public.

Signed \_\_\_\_\_



Staff Biologist

Signed \_\_\_\_\_



Staff Engineer

The CRMC Water Type classification for proposed marine terminal site is Type 6, Industrial Waterfronts and Commercial Navigation Channels. The site is adjacent to a 40-foot Federal Navigation channel. The current site is approximately 30 acres of filled land without structures on the surface. The fill elevation varies across the site but is approximately at elevation +14 MLW. In order to make the site resilient to storms and sea level rise while balancing ship loading elevations, the site will be raised (filled) approximately 4-5 feet with engineered gravel within a geo-grid. This type of fill will allow for extremely high wheel loads that are necessary to allow unloading, moving, assembly and reloading of very large wind farm components from ocean going and construction vessels. The finished elevation will be approximately elevation +20 MLW with slopes to allow drainage. There are no structures proposed except the underground site drainage and a vessel water service line. The site design allows the site to have extraordinary flexibility in how it can be used as the US offshore wind construction industry develops.

The applicant submitted a Preliminary Determination application (2020-09-143) and received the CRMC PD report December 11, 2020. The assent application submitted incorporated the guidance outlined in the Preliminary Determination.

In addition to the proposed fill, the project includes a cellular cofferdam wall that will parallel the federal channel. The wall will consist of 25 cells and will be approximately 1,400 feet long with a 30 foot wide concrete cap that will allow for the attachment of fenders and berthing hardware. The wall will have returns at each end that extend easterly approximately 450 feet. At the southern end of the wall there will be a 150' wide Roll On / Roll Off ramp that will allow equipment to be loaded via ramps rather than a crane. This will give the facility versatility for current and future cargos.

The project will include new dredging to -32' MLW in front of the newly installed cellular cofferdam wall. This dredge depth will accommodate the ships that will bring components to the site and the construction vessels that will be loaded out at the site. A portion of the material will be beneficially reused on site as part of the fill needed while the material that is unsuitable for reuse will be disposed in the nearby CAD cells. There is approximately 169,800 CY of dredging proposed including the overdredge and 58,300 is proposed to be disposed into the CAD cells. The material that will be reused on the Quay will be stored on the adjacent Chevron lot where it will be amended as needed for structural fill.

The final component of the project includes the construction of a 525 foot by 130 foot Jack Up pad. This is simply an area dredged deeper within the proposed dredge footprint (to -40' MLW) and then backfilled with gravel to the dredge depth of -32' MLW. The purpose of this is to provide an area for vessels to place spuds and get stable soil conditions in order to conduct transfer operations without vessel movement.

There are two types of wetland impacts that will occur as part of this water dependent project. There are areas of fringe salt marsh that will be eliminated as a result of the wall installation and dredging. This marsh area is generally at the bottom of the western face of the rip rap wall. The total area of these impacts is 26,827Ft<sup>2</sup>. There are also 5.4 acres of freshwater wetland impacts due to filling/elevating of the Quay.

The Coastal Wetlands require 2:1 mitigation. The same criteria has been applied to the Freshwater Wetlands, resulting in 11 acres of mitigation.

Below is a table of applicable Red Book sections and the staff analysis.

<b>Red Book Section Number</b>	<b>Section Title</b>	
1.1.4(D)	Freshwater Wetlands in the Vicinity of the Coast	See below
1.2.1(F)	Type 6 Industrial Waterfronts and Commercial Navigation Channels	It is the policy of the Council to encourage and support the modernization and increased commercial activity related to shipping and commercial fisheries. It is also the Councils policy that the highest priority uses of Type 6 waters and adjacent lands under Council jurisdiction are: Berthing, loading and unloading, and servicing of commercial vessels: Construction and maintenance of port facilities, navigation channels and berths. It is the opinion of Staff that the construction and operation of this new wind energy port facility meets the priority uses of the area.
1.2.2(C)	Coastal Wetlands	See below
1.3.1(A)	Category B Requirements	The applicant provided written responses to each of the 11 required elements for a Category B application. They also provided an extensive plan set that elaborates the information in the narrative. The applicant also responded to numerous questions and requests for additional information during the review. It is the opinion of Staff that the material provided in the application and contained in the Council package meets the requirements of this section of the Red Book.
1.3.1(B)	Filling, Removing, or Grading of Shoreline Features	The application material provided detail the compliance with this section of the Red Book including erosion and sediment control, slopes and placement methods. It is the opinion of staff that the proposal meets the policies and standards of this section of the Red Book.
1.3.1(C)	Residential, Commercial, Industrial, and Recreational Structures	It is the Councils policy to undertake all appropriate actions to prevent, minimize or mitigate risks of storm damage to property and coastal resources, endangerment of lives and the public burden of post storm disaster assistance...when considering applications for the construction of commercial structures...in high hazard areas. The proposed site elevation, limited structures and the design that will allow flooding without loss of site function meets this policy. The Red Book outlines standards for the design and construction of the proposed facility including a proposed structural perimeter limit for the facility. It is the opinion of staff that the proposal meets these standards.

1.3.1(F)	Treatment of Sewage and Stormwater	It is the policy of the Council to require the use of Low Impact development or LID strategies as the primary method of storm water management. The proposed project utilizes impermeable surfaces and localized infiltration trenches across the site. The Red Book has a series of prerequisites, standards, including a site O&M plan, and in the opinion of staff these have been met by the proposed design.
1.3.1(G)	Construction of Shoreline Protection Facilities	It is the Council's policy to favor nonstructural, hybrid or rip rap shoreline protection over vertical walls except in ports, marinas and other water dependent uses. The existing shoreline is a rip rap wall that is not suitable for ship loading operations. The proposed cellular cofferdam wall will not extend further seaward than the existing rip rap and will be in keeping with the Council's policy of vertical walls for port areas.
1.3.1(I)	Dredging and Dredged Materials Disposal	It is the Council's policy and state law to beneficially reuse dredge material when the physical and chemical properties allow for such use. The applicant did extensive testing of the material within the proposed dredge footprint in an effort to adequately characterize the material and determine its reuse potential. The results of these efforts are that 66% of the dredge material is proposed to be stockpiled and reused on site. The characterization of the material indicates that about half of the material being reused will need to be amended in order to meet required specifications. It is the opinion of staff that the proposal meets the policies and standards of this section of the Red Book.
1.3.1(J)	Filling in Tidal Waters	While the project proposal does not contain any filling of tidal waters, the wetland mitigation is likely to require filling in tidal waters. This will be part of a permit modification once the experienced wetland designer/contractor has completed the detailed design and constructability analysis.
1.3.1(L)	Coastal Wetland Mitigation	See below
1.3.6	Protection and Enhancement of Public Access to the Shore	The proposed facility will be a secure port area that is subject to MARSEC rules. These rules eliminate public access to the site as is the case in much of ProvPort and Quonset.

1.1.4(D)- Freshwater Wetlands in the Vicinity of the Coast:

The upland area of the project location contains approximately 5.4 acres of Freshwater Wetland that is regulated by CRMC's Freshwater Wetlands in the Vicinity of the Coast Program. These wetlands are not naturally occurring, having formed over time with the disturbance of the site and the lack of drainage. However, they are defined as, and regulated as Freshwater Wetlands under Definition 35 "Freshwater Wetland" (Ref 650-RICR-20-00-02.4(A)(35)). They are further classified as Marsh.

This area of marsh, located immediately adjacent to the Providence River and currently undisturbed by commercial/residential activity has been noted to provide habitat to many avian species as well as small to mid-sized mammals. This area is likely a stopover area for migrating avian species.

As proposed, the entirety of the wetlands located on site will be filled to build the laydown area. There is no way to demonstrate that this project will not have a significant impact on identified Freshwater Wetlands as required by §2.10. Because the impacts to the identified wetlands cannot be avoided or minimized, the applicant will provide mitigation at a 2:1 ratio for the Freshwater Wetlands that will be lost.

These Wetland Mitigation areas have not yet been determined nor have they been designed. The CRMC has discussed mitigation with the applicant and the applicant is aware that stipulations regarding the hiring of qualified personnel/consultants and timeline for submission of mitigation applications will be included in this Assent.

Freshwater Mitigation areas shall be required to provide the functions and values noted within Section 2.09 of the Freshwater Wetland Regulations.

1.2.2(C)- Coastal Wetlands:

As proposed, approximately 26,827ft<sup>2</sup> of coastal wetland will be impacted by this project. This wetland is fringe marsh located at the base of/ along the existing revetment. These areas are not contiguous and occur along the entirety of the revetment at intervals. These coastal wetlands likely do not support significant habitat value due to their size, narrow nature, and disjointed location along the revetment.

However, it should be noted that any habitat along the industrial waterfront is important habitat, and the CRMC requires coastal wetland loss to be mitigated at a 2:1 ratio. The applicant shall be required to locate the Coastal Wetland mitigation wetland on site or at site nearby owned by themselves or the City of East Providence.

1.3.1(L)- Coastal Wetland Mitigation:

The proposal will impact both saltmarsh and freshwater wetlands. These impacts cannot be avoided so the project will require mitigation for these impacts. The RICRMP requires a 2:1 mitigation for Coastal Wetland Impacts. The total coastal mitigation required is 53,654ft<sup>2</sup>- just over one acre.

The applicant has identified several locations owned by either the applicant themselves or the City of East Providence where mitigation activities are likely to be both required and feasible. Many of the areas have been identified for “living shoreline” activities, which while serving as a good adaptation for Sea Level Rise, will not meet the requirement to create 53,654ft<sup>2</sup> of Coastal Wetland. Areas of living shoreline or other habitat enhancement may be considered as part of the total mitigation required, but shall not substitute for the 53,654ft<sup>2</sup> of new Coastal Wetland required.

CRMC has discussed mitigation with staff at DEM’s Narragansett Bay National Estuarine Research Reserve (NBNEER), who have agreed to serve on an advisory team with CRMC staff to advise the applicant and their consultant(s) as they select project site(s), design, and implement wetland mitigation in appropriate areas to ensure a high likelihood of success.

**Comments on Objection:**

On November 25, 2021 CRMC received a comment letter from Save the Bay. This letter stated concerns about the Freshwater Wetlands on site that were proposed to be filled. The letter correctly stated that those wetlands were not identified in the submission, and went on to request that CRMC Require 3:1 mitigation for the wetland loss.

The objection has also noted the presence of Freshwater Wetlands to the east of the gravel access road, and correctly indicates that these are naturally occurring wetlands. These wetlands are not on the subject parcel, and the CRMC will ensure that all limits of disturbance are clearly delineated and that this wetland area is protected during all phases of construction.

There are no mitigation size requirements in the Freshwater Wetlands Regulations. However due to the size, scope and nature of the proposal requiring the elimination of the freshwater wetlands identified on site, the applicants were notified that mitigation of Freshwater Wetlands would be required in addition to the Coastal Wetland mitigation. Mitigation of 2:1 has been required, consistent with the RIRCRMP requirements for Coastal Wetlands.

**Conclusion/Recommendation:**

The proposed project - to construct the South Quay Marine Terminal located at 649 Waterfront Drive in East Providence, RI includes the construction of a 1,380 LF of cellular cofferdam sheet pile wall with 380 foot long returns at each end, approximately 5 feet of engineered gravel fill over the 30 acre site, underground drainage and water service to the face of the bulkhead, dredging of approximately 170,000 cubic yards of dredging with a mix of CAD disposal and on site beneficial reuse and 11 acres of salt marsh creation/wetland restoration for mitigation.

While this project will result in the filling of both Coastal and Freshwater Wetlands, there are no alternative designs or locations that will avoid impacts. As such, the applicant will be required to provide 2:1 mitigation for wetland loss. This results in a total of 11 acres of mitigation. Of this area, a minimum 53,654ft<sup>2</sup> of new Coastal Wetland will be required to be created. The applicant will be required to procure the services of professionals with wetland restoration experience and will be required to work closely with CRMC, DEM and other parties as they select project site(s), design, and implement wetland mitigation in appropriate areas to ensure a high likelihood of success.

This project has been identified by the Administration as a high priority project to support the offshore wind industry.

There are no staff objections to this project. Staff offers the following stipulations in addition to the standard Assent stipulations:

**Recommended Stipulations:**

1. The applicant shall hire qualified professionals with experience in design and construction/implementation of wetland mitigation (both Coastal and Freshwater Wetlands) by May 31, 2022. The CRMC shall be notified of the consultant(s) no later than June 15, 2022.
2. Upon hire of qualified professional(s) to design and implement the mitigation requirement, the professional(s) shall meet with the CRMC, DEM, and other members of the advisory

team on a monthly basis to discuss the progress of the design plan. Progress reports shall be submitted one week prior to the meeting. The first meeting shall be held no later than June 30, 2022.

3. A mitigation plan for no less than 5.5 acres of mitigation, which must include the 53,654ft<sup>2</sup> of new Coastal Wetland, must be accepted for review by the CRMC and other regulatory agencies no later than December 1, 2022.
4. *Failure to have an accepted mitigation application by December 1, 2022 will result in the Assent being held in abeyance until such time as an application is submitted. This shall mean that all activity currently under way on site must cease until the mitigation application has been accepted for review.*
5. Should the mitigation application require a second submission for the remainder of the 11 acres, this application shall be submitted to and accepted by the CRMC and other regulatory agencies for review no later than June 1, 2023.
6. *Failure to have an accepted mitigation application by June 1, 2023 will result in the Assent being held in abeyance until such time as an application is submitted. This shall mean that all activity currently under way on site must cease until the mitigation application has been accepted for review.*
7. Prior to initiation of construction, the applicant is required to submit plans that clearly identify discuss details of erosion and sedimentation controls, methods of construction, construction timing, dewatering, etc. specifically addressing protection of the wetland on the east side of the gravel road, to ensure that this wetland area is protected during all phases of construction.