



Rhode Island Coastal Resources Management Council
 Oliver H. Stedman Government Center
 Wakefield, RI 02879
 (401) 783-3370



Rhode Island Department of Environmental Management
 235 Promenade Street
 Providence, RI 02908-5767
 (401) 222-6820

APPLICATION FOR MARINE DREDGING AND ASSOCIATED ACTIVITIES pursuant to the Marine Infrastructure Maintenance Act of 1996 and the Marine Waterways and Boating Facilities Act of 2001, Chapter 46-6.1 of the Rhode Island General Laws.

PURPOSE OF APPLICATION

- Application for Dredging and Disposal of Dredged Material
- Request Renewal of RIDEM Dredge Permit File # _____
- Request Renewal of CRMC Dredge Permit File # _____
- Request Modification of RIDEM Dredge Permit File # _____
- Request Modification of CRMC Dredge Permit File # _____

Agency Use Only File Number
2020-12-040
Date Received

WAC 20-219
DP 20-186

(Please Type or Print)

APPLICANT INFORMATION

Applicant Name: Ballard's Wharf Realty LLC

(NOTE: Applicant must be the owner of the property on which the activity is proposed)

Applicant Address: PO Box 298 Telephone No. 401-744-2231

City/Town: Block Island State: RI Zip: 02807

PROJECT INFORMATION

Project Address: Water Street

City/Town: Block Island State: RI Zip: 02807

Tax Assessor's Plat(s) and Lot Number(s): AP 6, lot 159

Project Consultant/Engineer Name: Warren Hall, Civil Engineer

Consultant/Engineer Address 63 Elmwood Ave. Middletown RI 02842

Consultant/Engineer Telephone No. 401-849-5905



ACTIVITIES ASSOCIATED WITH THE PROPOSED DREDGE PROJECT (check all that apply)*

- | | |
|--|---|
| <input type="checkbox"/> Filling of Waters of the State | <input type="checkbox"/> Flow Alterations |
| <input type="checkbox"/> Marinas – New construction or expansion | <input type="checkbox"/> Point Source Discharge of Pollutants |
| <input type="checkbox"/> Site Disturbances | |
| __ Residential Development: six (6) or more dwellings | |
| <input checked="" type="checkbox"/> Commercial, Industrial, State or Municipal Development | |
| __ Any project ≥ five (5) acres of disturbance | |

GENERAL INFORMATION

Identify program and associated application number for any other RIDEM applications filed for this project

- | | |
|--|--------------------------|
| ___ Freshwater Wetlands | Application Number _____ |
| ___ RIPDES | Application Number _____ |
| ___ Individual Sewage Disposal System | Application Number _____ |
| <input checked="" type="checkbox"/> Other (<i>Water Quality Cert.</i>) | Application Number _____ |

If you have any questions, please contact the RIDEM at 222-7500 or CRMC at 783-3379.

CERTIFICATION OF APPLICANT

I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge.

Signature of Applicant: *Paul Filipez* Date: *11/22/20*

Please return this completed application form and all supporting information, as indicated on the accompanying Submittal Checklist to:

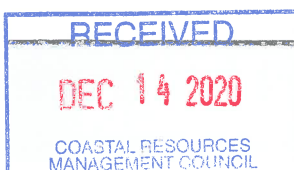
Rhode Island Coastal Resources Management Council
Oliver H. Stedman Government Center
Wakefield, RI, 02879

and

Rhode Island Department of Environmental Management
Office of Technical & Customer Assistance
235 Promenade Street
Providence, RI 02908

* Water Quality Certification required for these activities pursuant to Section 401 of the CWA and the Rhode Island Water Quality Rules may be incorporated into an approval issued as part of this application.

Office Use Only: Suitable for Public Notice _____ Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn
--





TOWN of NEW SHOREHAM

Board of Tax Assessors

TELEPHONE (401) 466-3217

FAX (401) 466-2752

TTY 711

assessor@new-shoreham.com

November 20, 2020

TO WHOM IT MAY CONCERN:

Per deed recorded in Book 335 on Page 296 Dated December 29th, 200 the owners

Of Plat 06 Lot 159 are:
With a mailing address of:

BALLARD'S WHARF REALTY LLC
PO BOX 298
BLOCK ISLAND RI 02807

Respectfully submitted,
Joan Wholey,

Joan Wholey

Clerk, Board of Assessors
assessor@new-shoreham.com
401-466-3217



P.O. BOX 220
BLOCK ISLAND • RHODE ISLAND • 02807

TO: Coastal Resources Management Council
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370 / Fax: (401) 783-2069



FROM: Building Official MARC TILLSON DATE: DECEMBER 3, 2020

SUBJ: Application of: BALLARDS WHARF REALTY LLC

Location: WATER STREET, OLD HARBOR, BLOCK ISLAND

Address: _____

Plat(s): 0 Lot(s): 159

To Construct: MAINTENANCE DREDGE

I hereby certify that I have reviewed _____ foundation plan(s).

plan(s) for entire structure
 site plans

Titled: PROPOSED MAINTENANCE DREDGE FOR BALLARDS WHARF REALTY LLC, APC LOT 159, BY WARREN HALL, CIVIL ENGINEER

Date of Plan (last revision): DECEMBER 2, 2020

(5 SHEETS)

YES and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

NO and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC, and all other local, state and federal regulations are met.

N/A and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

N/A and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

YES and find NO structural or non-structural fill is proposed in a FEMA-designated V-Zone or Coastal A-zone.

N/A and find that the proposed fill is considered non-structural fill and meets FEMA NFIP guidelines.

YES and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on: _____

Marc A. Tillson DEC. 3. 2020
Building Official's Signature Date

YES and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.

Marc A. Tillson DEC. 3. 2020
Zoning Officer's Signature Date

rev. /ajt 07-2020

RECEIVED

DEC 14 2020

COASTAL RESOURCES MANAGEMENT COUNCIL

Warren Hall, Civil Engineer
PE # 5114, PLS # 1917, 63 Elmwood Ave.
Middletown, RI 02842
401-849-5905

December 10, 2020

Army Corps of Engineers, New England Division
696 Virginia Rd.
Concord, MA. 01742-2751

Re: Ballards Wharf Realty, LLC, Maintenance Dredge, AP 6, Lot 159, Block Island, RI,

Request for permission in accordance section 408; finding of consistency

Dear Sirs / Madam,

On behalf of applicants: Ballards Wharf Realty, LLC, owner of AP 6, Lot 159, please consider this letter a request for a finding of consistency with section 408 of the Army Corps, stating the proposed work will not injurious to the public interest and will not impair the usefulness of such work. We base this request on the following:

1. Maintenance dredge project has been permitted in the past; reference army corps permit 2004-436, CRMC 2011-10-103, RIDEM DP 11-111, RIDEM water quality certification 11-053. (all attached to application)
2. Proposed maintenance dredge project is substantially the same volume and same footprint as previously permitted and performed by the owner.
3. Disposal of the dredged material will be used beneficially for beach nourishment on adjacent near shore Crescent Beach.

This request is necessary due to the permitted existing marina and now proposed maintenance dredge project are within the required 3 x authorized depth, or 45' of the federal navigation project. All of this work is within the approved marina perimeter line.

If you have any questions please feel free to call me at 401-849-5905.

Respectfully Submitted,



Warren Hall, PE, PLS



ceeding raised issues of whether river was navigable or, as contended by United States, whether navigability was immaterial since the river was a tributary of navigable water, and where, by stipulation, parties presented no evidence or legal argument on the tributary contention, order of trial court finding not only that river was nonnavigable but also that there had been no showing that what was being deposited would either float or be washed down to a navigable portion of the river could not be construed as a final, appealable order since holding on tributary question was an impermissible conclusion of law based on total absence of evidence. *U.S. v. Crow, Pope & Land Enterprises, Inc., C.A. Ga. 1973, 474 F.2d 200.*

35. Supreme Court review

Where a state, invoking the original jurisdiction of the United States Supreme Court to enjoin the discharge of sewage into boundary waters by a sewerage district of another state, has a greater burden than that imposed on a complainant in an ordinary suit between private parties, and must establish by clear and convincing evidence a threatened invasion of rights of serious magnitude, and in such a suit, evidence was insufficient to show that the sewage, when treated and discharged as provided in a stipulation between the sewerage commissioners and the United States government, would cause offensive odors or unsightly deposits on the surface of the water, constituting a public nuisance, or add seriously to the existing pollution of the water. *People of State of New York v. State of New Jersey, N.Y. 1921, 41 S.Ct. 492, 256 U.S. 296, 65 L.Ed. 937.*

The discharge into the Mississippi River, through an artificial drainage canal, of the sewage of Chicago, mixed with a large volume of pure water from Lake Michigan, will not be enjoined by the federal Supreme Court on complaint by the State of Missouri that the result of such action is to poison the water supply of its inhabitants, where the evidence, though disclosing an increase in the deaths from typhoid fever in St. Louis, leaves it doubtful whether the typhoid bacillus can and does survive the journey and reach the intake of St. Louis in the Mississippi, and shows other possible sources of infection in the discharge of sewage above the St. Louis intake from other towns and cities, some of which are situated in Missouri. *State of Missouri v. State of Illinois, Mo. 1906, 26 S.Ct. 268, 200 U.S. 496, 50 L.Ed. 572.*

36. Mandamus

The discretion of the Attorney General in choosing whether to prosecute violations of

this section in navigable waters is absolute and mandamus would not lie to control the free exercise of the discretion nor would mandamus lie to require Department of Justice to join with conservation groups in seeking in-

junctive relief against violation of this section. *Bass Anglers Sportsman's Soc. of America v. Scholze Tannery, Inc., D.C.Tenn. 1971, 329 F.Supp. 339.*

§ 407a. Deposit of debris of mines and stamp works

In places where harbor-lines have not been established, and where deposits of debris of mines or stamp works can be made without injury to navigation, within lines to be established by the Secretary of the Army, said officer may, and is authorized to, cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

(Aug. 5, 1886, c. 929, § 2, 24 Stat. 329.)

Historical Note

Change of Name. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of Act July 26, 1947, c. 343, Title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, c. 1041, 70A Stat. 641. Section 1 of Act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3010 to 3013 continued the Military Department of the Army under the administrative supervision of a Secretary of the Army.

Transfer of Functions. All functions, powers, and duties of the Secretary of the Army

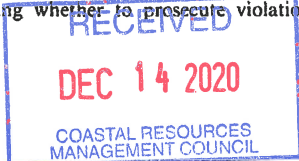
and other offices and officers of the Department of the Army under section 401 of this title to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States were transferred to and vested in the Secretary of Transportation by Pub.L. 89-670, § 6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941, which created the Department of Transportation. Pub.L. 97-449 amended section 401 of this title to reflect the transfer made by section 6(g)(6)(A) of Pub.L. 89-670, and repealed section 6(g)(6)(A).

Cross References

Permission by Secretary of Army for deposit of refuse matter within limits to be defined and under conditions to be prescribed by him, see section 407 of this title.

§ 408. Taking possession of, use of, or injury to harbor or river improvements

It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: *Provided*, That the Secretary of the Army may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works



*Request for permission - Ballards Wharf Reddy
Maintenance dredge by WFT 12/10/20 UC*

when in his judgment such occupation or use will not be injurious to the public interest: *Provided further*, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.

(Mar. 3, 1899, c. 425, § 14, 30 Stat. 1152; Aug. 15, 1985, Pub.L. 99-88, Title I, § 100, 99 Stat. 315.)

Historical Note

Prior Provisions. Section superseded Act Sept. 19, 1890, c. 907, § 9, 26 Stat. 426, which prohibited persons taking possession of or using or injuring government works in navigable waters.

Act Aug. 14, 1876, c. 267, § 3, 19 Stat. 139, penalizing persons injuring any pier breakwater, or other work of the United States for the improvement of rivers or harbors or navigation, was probably omitted from the Code as superseded by this section.

1985 Amendment. Pub.L. 99-88 added a further proviso empowering the Secretary, on the recommendation of the Chief of Engineers, to grant permission for the alteration or permanent occupation or use of any of the public works mentioned in this section when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.

Change of Name. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section

205(a) of Act July 26, 1947, c. 343, Title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, c. 1041, 70A Stat. 641. Section 1 of Act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

Transfer of Functions. All functions, powers, and duties of the Secretary of the Army and other offices and officers of the Department of the Army under section 401 of this title to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States were transferred to and vested in the Secretary of Transportation by Pub.L. 89-670, § 6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941, which created the Department of Transportation. Pub.L. 97-449 amended section 401 of this title to reflect the transfer made by section 6(g)(6)(A) of Pub.L. 89-670, and repealed section 6(g)(6)(A).

Cross References

- Duty of United States attorneys and other federal officers in enforcement of this section, see section 413 of this title.
- Flood control of Mississippi River, section as applicable, see section 702i of this title.
- Liability of masters, pilots, engineers, and of vessels engaged in violations of this section, see section 412 of this title.
- New York Harbor, provisions for protection of unaffected by this section, see section 418 of this title.
- Penalty for use of or injury to harbor improvements, see section 411 of this title.

Code of Federal Regulations

Interference with or damage to aids to navigation, see 33 CFR 70.01-1 et seq.

Library References

- Navigable Waters § 14(1).
- C.J.S. Navigable Waters § 16.

Request for Permission - Ballards Wharf Pier 1
Main Service Dredge - by WFD 12/10/20 LLC

RECEIVED
DEC 14 2020
COASTAL RESOURCE MANAGEMENT



REPLY TO
ATTENTION OF

✓

2011-10-103

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

November 7, 2011

Regulatory Division
CENAE-R-PEB
Permit Number: 2004-436

Ballards Wharf Realty, LLC
c/o Paul Filippi
1092 Great Road
Lincoln, Rhode Island 02865

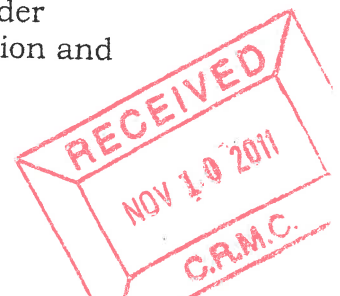
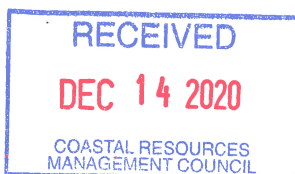
Dear Mr. Filippi:

We have reviewed your application to maintenance dredge 460 cubic yards of material from an approximately 9000 square foot area in Old Harbor in New Shoreham, Rhode Island. The area will be dredged to -7' at mean low water to restore adequate water depth for the existing marina. The material will be dewatered and disposed of upland on other land you own on Block Island at A.P 19, Lot 3. The project is shown on the attached plans titled "PROPOSED MAINTENANCE DREDGE FOR: BALLARDS WHARF REALTY, LLC" dated "OCTOBER 14, 2011."

Based on the information you have provided, we have determined that your project will have only minimal individual or cumulative impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 1 activity under the attached Federal permit known as the Rhode Island Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully, in particular the PGP conditions beginning on Page 7, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway.

General Condition 35 of the PGP (Page 14) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of this PGP on February 13, 2012. For work within Corps jurisdiction that is not completed by February 13, 2013, you will need to reference any reissued PGP to see if your project is still authorized under Category 1. If it is no longer authorized, you must submit an application and receive written authorization before you can proceed.



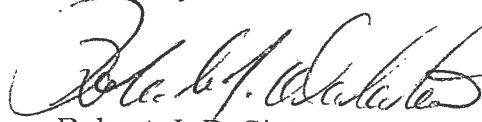
This authorization requires you to complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 2 of the PGP. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Michael Elliott of my staff at (978) 318-8131 if you have any questions.

Sincerely,



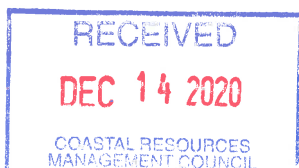
Robert J. DeSista
Chief, Permits and Enforcement Branch
Regulatory Division

Attachments

Copies Furnished:

✓ Rita Martini
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, Rhode Island 02879-1900

Warren Hall, P.E.
63 Elmwood Avenue
Middletown, Rhode Island 02842



702 448 PAGE 092



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

ASSENT

CRMC File No.: 2011-10-103 CRMC Assent No.: A2011-10-103

Whereas, **Ballards Wharf Realty, LLC**
of **1092 Great Road**
Lincoln, RI 02865

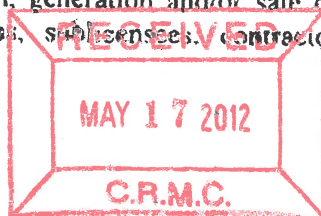
has applied to the Coastal Resources Management Council for assent to: perform maintenance dredging (to elevation -7 mlw) of approximately 310 cubic yards of material within an existing marina and disposal at an upland location. The applicant represents that he is the owner of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **perform maintenance dredging (to elevation -7 mlw) of approximately 310 cubic yards of material within an existing marina at 432 Water Street and 74 West Side Meadow (plat 19, lot 3 and plat 6, lot 159) in New Shoreham, RI and disposal at an upland location** in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before July 1, 2016, after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

No dredging shall be allowed without payment of the CAD Disposal Fee of \$11.65 per cubic yard. The total fee will be based on the volume reported in accepted Pre-dredge Survey.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assignees, sub-licensees, contractors, subcontractors, permittees, or invitees.



001 448 PAGE 093

Ballards Wharf Realty, LLC
CRMC Assent No. A2011-10-103
April 13, 2012
Page Two

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

A copy of the legal decision from the full Council proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

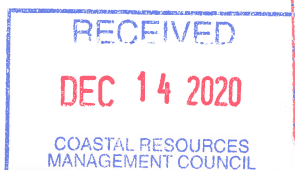
Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.



December 9, 2020

Proposed Maintenance Dredge for: Ballard's Wharf Realty, LLC, AP 6, lot 159, Block Island, RI

Narrative, Project Purpose, History, Survey Control & Tidal Datums, Sediment Sampling Results, Dredge Cut Volume (end area method), Proposed Mode of Operation, Environmental Concerns, Impact Avoidance & Minimization, Category B Requirements, List of Abutters

Sheet 1 of 4

TYPE 5 Waters

1) Narrative:

An existing marina owned by Ballards Wharf Realty, LLC provides slip and dock space to its members and guests. This marina abuts the harbor of refuge federal navigation project and is in need of a maintenance dredge. Originally the marina was permitted to dredge to -7 mean low water. It is proposed to replicate the original dredge elevations. Dredge material will be used for beneficial purposes at Crescent Beach nearshore site, an area that is gradually eroding. Application includes the CRMC Shoreline Change Map for this area.

Existing conditions and proposed conditions for the marina area are included with this application.

Applications are hereby submitted to CRMC, The Army Corps of Engineers and RIDEM.

Hydrographic survey work was performed on September 24, 2020.

2) Project Purpose:

Provide safe transit through the marina for its owners, members and guests to the federal navigation project harbor of refuge and onto Block Island Sound.

3) History:

This marina and original dredge are permitted under CRMC assent 2003-12-061, a maintenance dredge permit was issued by assent # 2011-10-103 (CRMC), Dredge Application Number DP-11-111, & Water Quality Certificate Number 11-053. A paving permit was secured by CRMC permit 1989-11-029, while other miscellaneous improvements such as water lines, power lines, pedestals and alterations to piles are permitted by 2011-04-050, 2007-05-039, 2011-03-087.

4) Survey Control and Tidal Datums

All contours and elevations are referenced to mean low water. Correlation is as follows:

Mean High Water = 3.02, Mean Low Water = 0.00

Horizontal Control is based on NAD27.



5) Sediment Sampling and results:

A sediment sampling plan was submitted and approved for one sample location. Sample results are attached and show the material to be 80.8% sand.

6) Dredge cut volume:

Approximately 485 cubic yards will need to be dredged, loaded onto a bottom dumping barge and disposed of at Crescent Beach nearshore site, an area that is used for beneficial beach nourishment.

DREDGE CUT VOLUME CALCULATIONS

SECTION	END AREA (SF)	SPACE (FT)	VOLUME (CY)
SEC 1	267	25	0
SEC 2	150	25	193
SEC 3	75	25	104
SEC 4	120	25	90
SEC 5	90	25	97
SEC 6	0	0	0
TOTAL CY			<u>485</u>

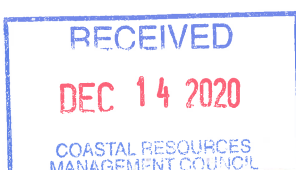
7) Proposed mode of operation will be as follows:

- Coordinate project with CRMC
- Inspect bottom dump scow
- Remove existing floats and piles as necessary.
- Begin excavation from barge mounted excavator
- Dump dredge material at Crescent Beach nearshore site

It is estimated 1 week will be required to complete the dredge operation.

8) Environmental Concerns:

This area of proposed dredge has no wetlands.



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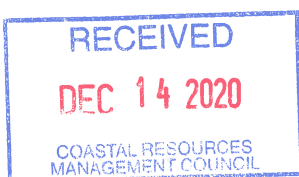
9) Impact Avoidance & Minimization:

A. Impact Avoidance:

- 1) Primary purpose of the project: Dredge an existing marina to provide deeper water, providing safe transit for boating users of this area.
- 2) Primary project activity is water dependent as it is currently a marina with associated marina uses.
- 3) There are no other areas within this same property or other property owned or controlled by the owners that could achieve the same project goal. This is an existing marina in need of a maintenance dredge to operate at a level of safety that is acceptable to the owners, members and guests of this area.
- 4) There are no other areas that are reasonably available that would achieve the project goal. This is a marina in need of a maintenance dredge to operate at a level of safety that is acceptable to the owners, members and guests of this area.
- 5) Alternative designs, layouts and new technologies have been considered, neither have resulted in achieving the project purpose.
- 6) Zoning, infrastructure, or parcel size are not having an effect on the proposed dredge operation.
- 7) Public health and safety are very important concerns of the owners, members and guests of the marina. Currently this area shoals and during low tide which has caused issues with boats impacting the marine bottom causing damage to the vessel.

B. Impact Minimization:

- 1) Proposed dredging has been kept to the originally permitted dredge depth of -7 mean low water elevation and the original width. This depth and width will provide safe transit through the area until reaching the harbor of refuge federal navigation project area with a project depth of -15' mean lower low water.
- 2) The existing marina is the primary component of this project, having its location fixed. There is no other area that serves the functions of these fixed features.
- 3) There are no other technologies, layouts, or alternatives that are considered reasonable alternatives to the proposed activity.



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4) Public health and safety are very important concerns of the owners, members and guests of the marina. Currently this area shoals during low tide which has caused issues with boats impacting the marine bottom causing damage to the vessel.

10) CATEGORY B REQUIREMENTS Type 5 Waters

- 1) The proposed activity is a dredge consisting of 485 cubic yards within the area of an existing marina.
- 2) All local permits will be secured prior to construction. A RIDEM water quality certification and an Army Corps of Engineers permit will be applied for concurrently.
- 3) Project will be in the Old Harbor, Block Island, area, a CRMC type 5 water, Commercial & Recreational Harbors.
- 4) As this activity will occur over the water and surrounding land area, there will be no change to the erosion and deposition process in this area. Dredging will increase the water circulation and provide safer transit to and from the slips.
- 5) During dredging there may be some minor displacement of the plant and animal life. After dredging is complete all plants and animals will re colonize. All of this work will be coordinated with RIDEM water quality certification criteria.
- 6) The proposed dredge is adjacent to private property, there is no public access over this property. All right of ways will remain open during dredge operations.
- 7) Proposed dredge will increase water circulation, flushing, reduce turbidity, and restore the natural sedimentation process.
- 8) Proposed dredge and disposal method have been used in the past on similar projects, resulting in no deterioration of the water quality in the area.
- 9) There are no known areas of historic or archeological significance in the area of the project.
- 10) This project will provide a safer area for marina users, the general public, and staff operations. Public access along the marina, will benefit from dredging which will encourage recreational boating, fishing, safer navigation, and increase commerce activities.
- 11) It is this author's opinion that this project will have no impact to scenic values.

11) List of Abutters:

- 1) Interstate Navigation, 150 Water Street, New Shoreham, RI 02807
- 2) T&C Holdings, LLC, 1092 Great Rd., Lincoln, RI 02865

Respectfully Submitted,



Warren Hall, PE, PLS

