

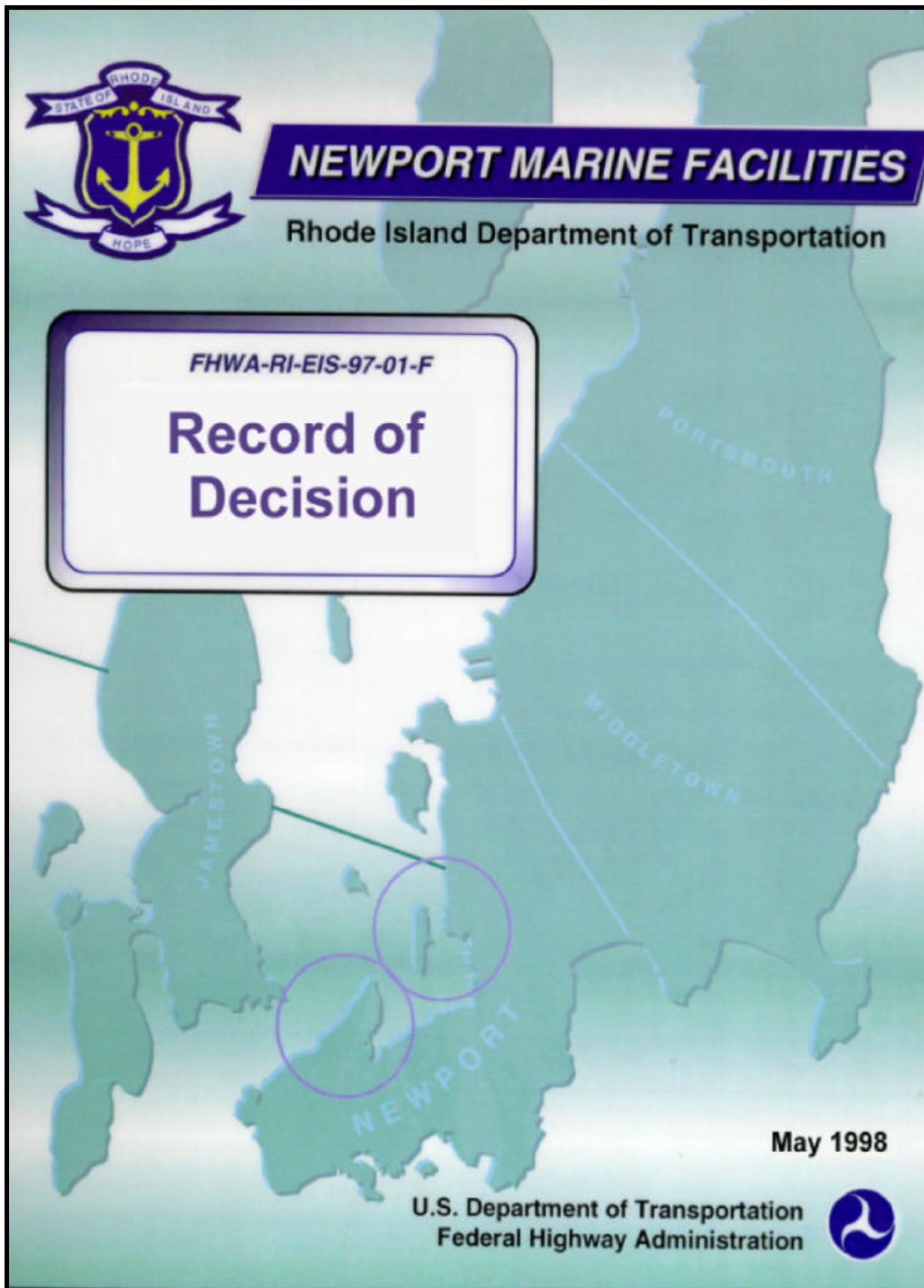


# **NEWPORT MARINE FACILITIES**

Rhode Island Department of Transportation

FHWA-RI-EIS-97-01-F

## **Record of Decision**



May 1998

U.S. Department of Transportation  
Federal Highway Administration





**RECORD OF DECISION**  
**NEWPORT MARINE FACILITIES PROJECT**  
**FHWA-RI-EIS-97-01-F**

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**DRAFT RECORD OF DECISION  
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**PROJECT OVERVIEW**

This Record of Decision presents the rationale employed to reach a decision on implementation of an intermodal transportation project to develop the marine mode of the intermodal Newport Gateway Center in Newport, Rhode Island. It is issued under the requirements of 40 CFR 1502.2 and 23 CFR 771.127.

Two Newport locations have been selected as elements of the Preferred Alternative to improve water transportation facilities on Aquidneck Island and their connection to the Newport Gateway intermodal transportation center. Long Wharf Landing, located at Perrotti Park on America's Cup Avenue in Newport, will serve as the hub of a Newport Harbor water taxi system, provide dock space for cruise ship tenders/water buses, and serve high-speed, low-wake ferries. A Limited Upgrade of Fort Adams East will serve expanded water taxi service and continue to berth the island ferry at the Fort Adams State Park in Newport. These improvements will strengthen intermodal connections between water, road, rail, bus, and pedestrian transportation to and from Aquidneck Island in general and Newport in particular.

**HISTORY**

The Rhode Island Department of Transportation (RIDOT), along with the Federal Highway Administration (FHWA), published a Notice of Intent to conduct an Environmental Impact Statement for the proposed project in the May 1, 1996 *Federal Register*. Key issues and areas of concern were identified through a formal scoping process. Scoping meetings with the public and agencies were held on May 9, 1996. A *Phase I Constraints Analysis*, prepared in accordance with the U.S. Army Corps of Engineers Highway Methodology documented alternatives. A scoping tour was held for federal and state agency representatives in October 1996 to visit project sites by water, to explain project components, and to receive information on agency concerns. Early project alternatives included facilities to dock cruise ships, inter-island ferries, high speed commuter ferries to Providence, and water taxis and were located in the Aquidneck Island communities of Newport, Middletown, and Portsmouth, Rhode Island. All but one project alternative, located in Portsmouth, were advanced to the Draft Environmental Impact Statement (DEIS) evaluation.

The DEIS for the Newport Marine Facilities Project was available for review on May 14, 1997 with a comment period extending to June 27, 1997. A public hearing was held May 29, 1997. In addition to the No Build, six build alternatives were addressed including sites at Fort Adams East, Goat Island West, American Shipyard, and Long Wharf Landing in Newport, Navy Pier 1 in Middletown, and Melville Marine in Portsmouth. Chapter 7.0 of the DEIS (and Chapter 8.0 of the FEIS) documents public meetings and meetings with regulatory agencies. FHWA and RIDOT received 25 public comments at the hearing and 44 letters throughout the public comment period.

An updated Draft Section 4(f)/6(f) Evaluation was circulated to agencies in October 1997. The input received through coordination efforts was fully evaluated in reaching a decision on the Preferred Alternative. The input was integral to the consideration and implementation of design modifications to reduce park and environmental impacts. These design revisions are described in the Final Section 4(f)/6(f) Evaluation, presented in Chapter 5.0 of the Final EIS (FEIS).

The FEIS prepared for the Preferred Alternative (Long Wharf Landing and Fort Adams State Park) was available for review on March 20, 1998. Although the DEIS addressed the potential of constructing a pier to dock cruise liners, it was subsequently recognized that in order to reduce environmental impacts convenient access to the Gateway Center could not be realized from such a facility; access for cruise ship passengers has therefore focused on the ability to serve cruise ship tenders when liners are moored in the anchorage west of Goat Island. Substantive comments received on the DEIS and at the public hearing, together with appropriate responses, are included in Chapter 9.0 of the FEIS. Comments received on the FEIS are analyzed and addressed in this Record of Decision (see *Response to Comments on the FEIS*).

## DECISION AND SUMMARY OF FINDINGS

Marine terminal improvements at Long Wharf Landing and Fort Adams State Park were identified as the Preferred Alternative in the FEIS and this alternative has been selected for further development and subsequent construction. FHWA has carefully reviewed all concerns in the course of approving the selected alternative. We have concluded that the Preferred Alternative, based on a rigorous exploration and objective evaluation, reasonably maximizes transportation benefits and minimizes environmental harm, including impacts to Section 4(f) resources, and best meets the desires of the City of Newport.

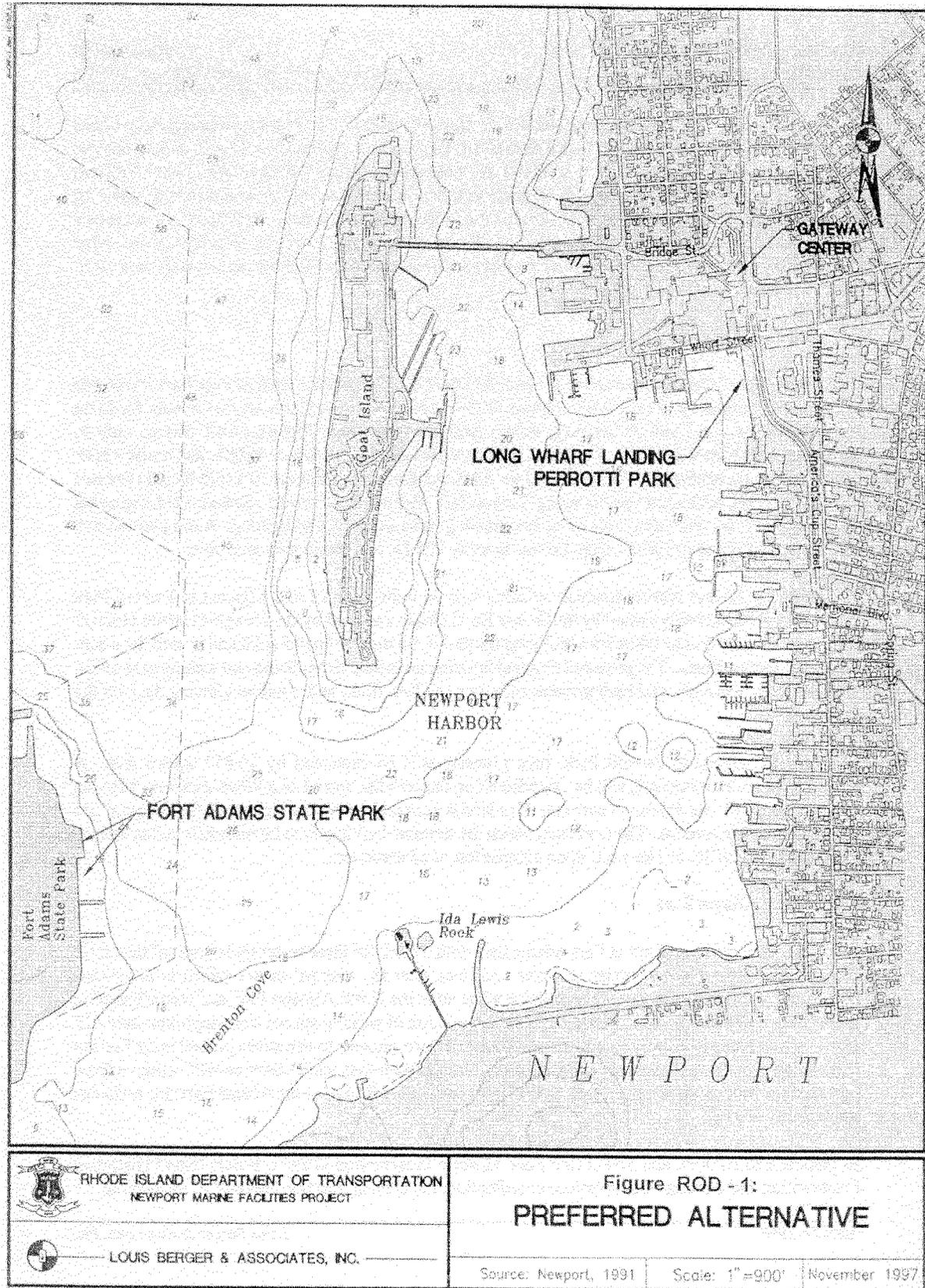
Based on the analysis contained in the FEIS, the Preferred Alternative is a “mix and match” of alternative sites presented in the DEIS and provides the best alternative to satisfy the Project’s Purpose and Need, best meets the desires of the City of Newport, and is in accordance with project funding under the Intermodal Surface Transportation Efficiency Act (ISTEA), Public Law 102-240: *To develop the marine mode of intermodal Gateway Transportation Center*. Long Wharf Landing and Fort Adams State Park received overwhelming support from the general public, the City of Newport, and the Rhode Island Department of Environmental Management (RIDEM), as well as other local, state, and federal agencies in the comments received on the Draft and Final EISs. The U.S. Army Corps of Engineers selected the Preferred Alternative as the Least Environmentally Damaging Practicable Alternative on January 8, 1998 (see FEIS, Appendix A).

## MAJOR FACTORS INFLUENCING THE SELECTION OF ALTERNATIVES

A "no build" and six build the alternatives were addressed in the DEIS. Build alternative sites included:

- Goat Island West (for cruise ships),
- Long Wharf Landing (for water taxis, commuter ferry service, inter-island ferries, and/or cruise ship tenders),
- American Shipyard (for water taxis, commuter ferry service, inter-island ferries, and/or cruise ship tenders),
- Fort Adams East (for water taxis),
- Navy Pier 1 (for cruise ships, water taxis and ferries), and
- Melville Marine (for cruise ships and ferries).

The major factors considered during the assessment of alternatives included convenience to users of the Newport Gateway Intermodal Center, the minimization of environmental impacts including impacts



to Section 4(f) properties, compatibility with surrounding land uses, and conformance with the plans of the City of Newport. The following discusses how these factors were applied to the DEIS alternatives.

Proposed improvements at **Goat Island West** included construction of a new trestle and pier to berth one cruise ship off the west side of Goat Island, Newport, and construction of a small parking lot, bus drive, and waiting room building with restrooms. See Figure 2.12, Goat Island West Proposed, on page 2-21 of the DEIS.

This alternative was dropped from further consideration primarily because of environmental considerations. Although the proposed pier at Goat Island would be considered to be within walking distance of the Gateway Center during good weather, it is not within walking distance of harbor tourist attractions, retail shops, or restaurants off Goat Island. This site was dropped from further consideration based upon potential impact to eelgrass beds, use limited to cruise ships during a 7-month cruise season, navigational and recreational impacts in the waters west of Goat Island, and visual impacts relating to the scale of vessels docked. Eelgrass beds are protected by the Clean Water Act as Special Aquatic Sites. (FEIS, page 2-12)

Proposed improvements at **Long Wharf Landing** included construction of a new pier and floats to accommodate high-speed commuter ferries and water taxis at Perrotti Park, Newport and construction of a bus pull-off and building for ticketing, passenger waiting, and restrooms. See Figure 2.18, Long Wharf Landing Proposed, on page 2-31 of the DEIS.

A modified version of this proposal has been adopted as an element of the Preferred Alternative. Long Wharf provides superior access to the Gateway Center, as well as shopping and tourist attractions in downtown Newport. This alternative also received a great deal of support from the City of Newport and the public

Proposed improvements at **American Shipyard** included the repair of the bulkhead and construction of a new pier and floats south of the Goat Island causeway in Newport for high-speed commuter ferries, island ferries, cruise ship tenders, and water taxis. Construction of a bus drive, handicapped parking, and building for ticketing, restrooms, and passenger waiting areas. See Figure 2.16, American Shipyard Proposed, on page 2-27 of the DEIS.

This alternative was dropped from further consideration based upon neighborhood impacts, potential disturbance of contaminated sediments and soil, possible impacts to subsistence fishing by low income populations, and displacement of an active marina. The shipyard is one of the major skilled marine trade operations on Aquidneck Island. RIDOT is concerned about assuring the viability of the shipyard as it undergoes efforts to restructure operations. The site is five minutes walking distance from the Gateway Center but 10 or more minutes from most retail attractions in Newport. (FEIS, page 2-12, 5-37)

The proposed **Fort Adams East** alternative would provide water taxi and offshore ferry service at Fort Adams State Park, Newport. This alternative also included construction of a fixed pier and floating dock for water taxis (located between the North Aloffson pier and the visitors' center) and the repair of the bulkhead. Reconfigure the parking lot with an east-west traffic pattern and construct a building for waiting and ticketing. See Figure 2.10, Fort Adams East Proposed, on page 2-15 of the DEIS.

This alternative has been adopted as an element of the Preferred Alternative. Construction of improvements at Fort Adams East, although not within 10 minutes of the Gateway Center, represents an

opportunity to reduce congested local streets by upgrading existing water taxi service, and to provide a means of improving marine access for the general public to a popular state park which hosts popular events such as music festivals. This site has never been considered as a "water taxi hub" but rather as one stop on a water taxi system because of lack of proximity to the Gateway Center.

Proposed work at **Coddington Cove / Navy Pier 1** included the refurbishing of the south side of the existing pier to berth up to two cruise ships at U.S. Naval Base in Middletown. Also included was the repair of the bulkhead and construction of new piers to serve high-speed commuter ferry, island ferry, and water taxis and construction of a parking lot and building for ticketing, passenger waiting, and restrooms was also included. See Figure 2.22, Navy Pier 1 Proposed, on page 2-37 of the DEIS.

This alternative was dropped from further consideration. This site is 4 miles (and travel time is greater than 15 minutes) from the Newport Gateway Center, especially during the peak season. The use of this site causes potential conflicts with naval operations, conflict with the Navy masterplan, and has the potential to require extensive environmental site remediation. The Navy recently completed an Environmental Analysis and issued a Finding of No Significant Impact selecting Pier 1 to berth two decommissioned aircraft carriers and one battleship. These reasons effectively make this alternative unselectable. (FEIS, page 2-14, 5-37)

Proposed improvements at **Melville Marine** included refurbishing existing piers at Melville Marine, Portsmouth to berth one cruise ship on the south side of the FBM (submarine) Pier and construction of wave fence and new floating dock to berth high-speed commuter ferry and island ferry west of existing South Fueling Pier. Also included was the construction of a parking lot and building for ticketing, passenger waiting, and restrooms. See Figure 2.23, Melville Marine Proposed, on page 2-41 of the DEIS.

This alternative was dropped from further consideration. This site is 7 miles from the Newport Gateway Center and travel time is greater than 15 minutes, especially during the peak season. Potential safety conflicts could arise both on land from pedestrian movements through a marine industrial area and on the water in an area permitted for 1400 recreational moorings and slips. Potential environmental issues relating to wetland fill, and potential impacts on a RIDEM bird rookery on Dyer Island could result. (FEIS, page 2-14, 5-36)

### **PREFERRED ALTERNATIVE**

The Preferred Alternative combines complementary facilities at two sites, Long Wharf Landing and Fort Adams East, as indicated in Figure ROD-1. Depending on location and water depth, landside access, and related landside facilities, the Newport Marine Facilities Project provides berths for high-speed, low-wake commuter ferries, island ferries, cruise tenders, and/or water taxis. Integral landside facilities include passenger waiting and ticketing areas, staging and curb areas for multiple-passenger vehicles, and automobile parking, where appropriate. These facilities will be accessible by boat, bus, bicycle, foot and automobile and expand transportation options for visitors and commuters traveling to, from, and within the Newport vicinity. All facilities will be accessible to the disabled in accordance with the Americans with Disabilities Act (ADA). The Newport Marine Facilities Project supports and expands intermodal functions of the existing Newport Gateway Center intermodal facility by adding connections to waterborne transportation modes.

Improved transportation convenience for residents and visitors of the Gateway Center is recognized as

a key component for development of a marine transportation hub for Newport. The Newport Gateway Center is a tourism center where information is available and tickets may be purchased for events and tours, reservations may be made with local hotels and Bed & Breakfasts, bus service is provided via RIPTA and private bus companies, a 509-car lot/garage is available for paid parking, and access to the nearby Newport Secondary rail line is convenient. Water transportation has been identified as a means of reducing congestion on local city streets. Specifically, the Newport Marine Facilities Project has addressed design of facilities to accommodate high speed commuter ferry service to Providence and other Narragansett Bay ports, island ferry service to Block Island and other offshore destinations, and water taxi service within Newport Harbor.

### **LONG WHARF LANDING**

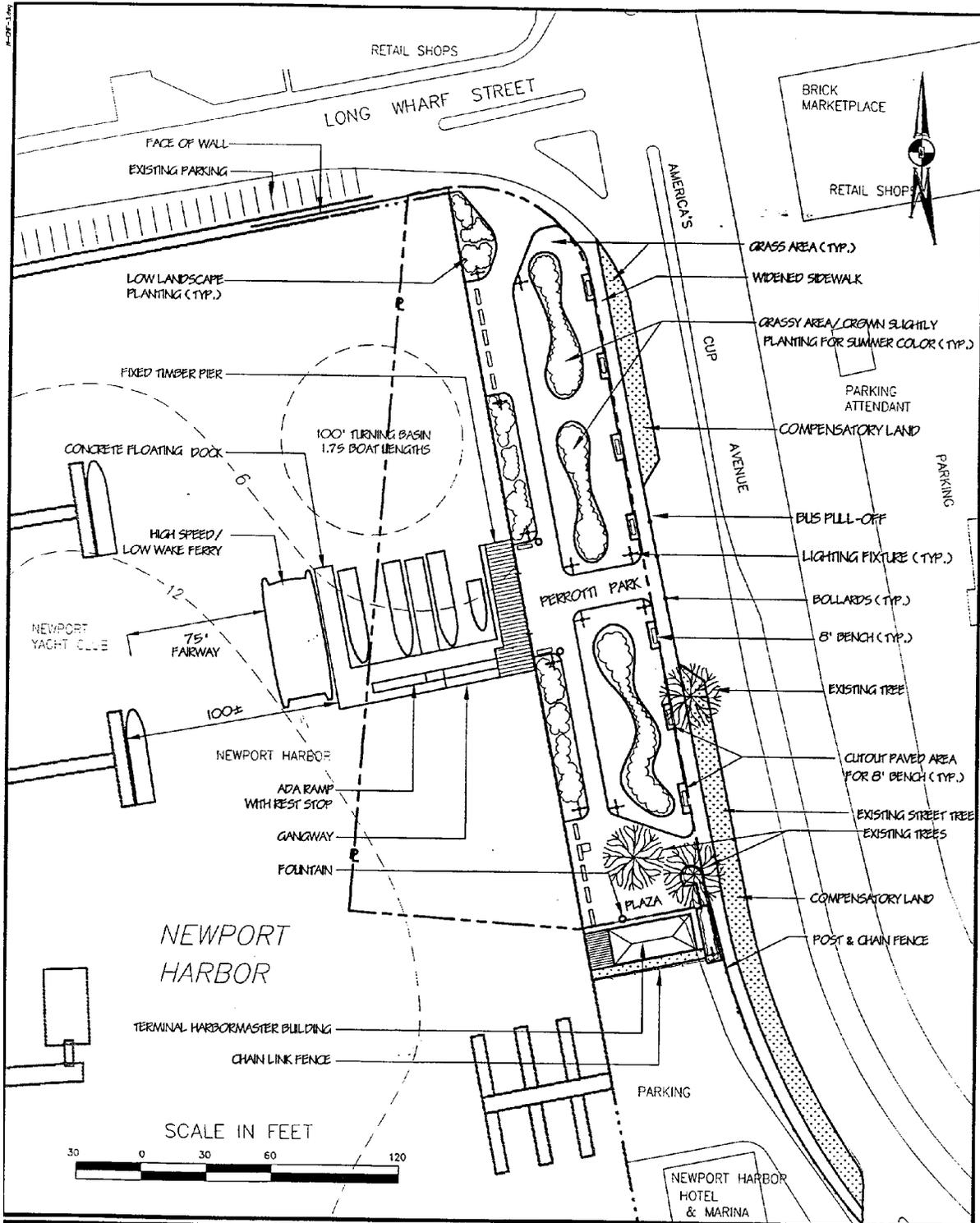
The Long Wharf Landing alternative presented in the DEIS was modified in the FEIS to reduce impacts to resources protected by Section 4(f). Figure ROD-2 presents proposed site improvements for Long Wharf Landing. A fixed timber pier, ADA-accessible ramp, and floating docks will be built to accommodate three water taxis, a high-speed commuter vessel 65' or less in length, and cruise vessel tenders. On the landside, no building will be constructed on park property to avoid blocking scenic views, one of the park values protected by Section 4(f). Perrotti Park will be reconstructed, regrading the topography, and providing walkways, low planting areas, benches, and lighting. A bus pull-out will be constructed along America's Cup Avenue to serve RIPTA and cruise ship tour buses.

A 3,500 square foot (approximate) marine terminal building will be built south of and adjacent to Perrotti Park property on land currently owned by the Shaner Hotel Group and used by the Newport Harbor Hotel & Marina. This land is currently a lawn buffering the park from the hotel parking lot and is used for winter storage of marina floats. The proposed terminal building includes a ticket booth and waiting area on the ground floor, restrooms and harbormaster office on the first floor, and a public viewing deck on the second floor.

To mitigate impacts to Perrotti Park, park property will be expanded by 10,840 square feet. A greenway/pedestrian sidewalk will be extended along the curb line from Long Wharf Street south to the Newport Harbor Hotel & Marina curb cut. This land is currently within RIDOT's highway right-of-way for America's Cup Avenue. The land upon which the terminal building is to be built will be transferred to park property (City of Newport) upon completion of construction. All proposed improvements at the site were carefully coordinated with the City of Newport's parks department.

### **FORT ADAMS EAST**

The DEIS presented a concept at Fort Adams East with a dock for three water taxis north of the North Aloffson Pier (to replace an existing water taxi dock near the visitors' center which is not ADA-accessible), construction of a terminal building adjacent to the North Aloffson Pier, and reconfiguration of the state park visitors' center parking lot with a reduction of parking. That alternative was modified in the FEIS to reduce impacts to resources protected by Section 4(f) and Section 6(f), in response to RIDEM concerns as park managers. Service will continue to be provided for water taxis and the Block Island ferry. See Figure ROD-3, Fort Adams East, for revisions proposed at this site.



 RHODE ISLAND DEPARTMENT OF TRANSPORTATION  
 NEWPORT MARINE FACILITIES PROJECT

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**Figure ROD - 2 :**  
**LONG WHARF LANDING**

Source: Newport, 1991      Scale: 1"=80'      January 1998

In response to RIDEM and SHPO (the State Historic Preservation Officer, Rhode Island Historical Preservation and Heritage Commission) coordination, the concept has been revised to include the following:

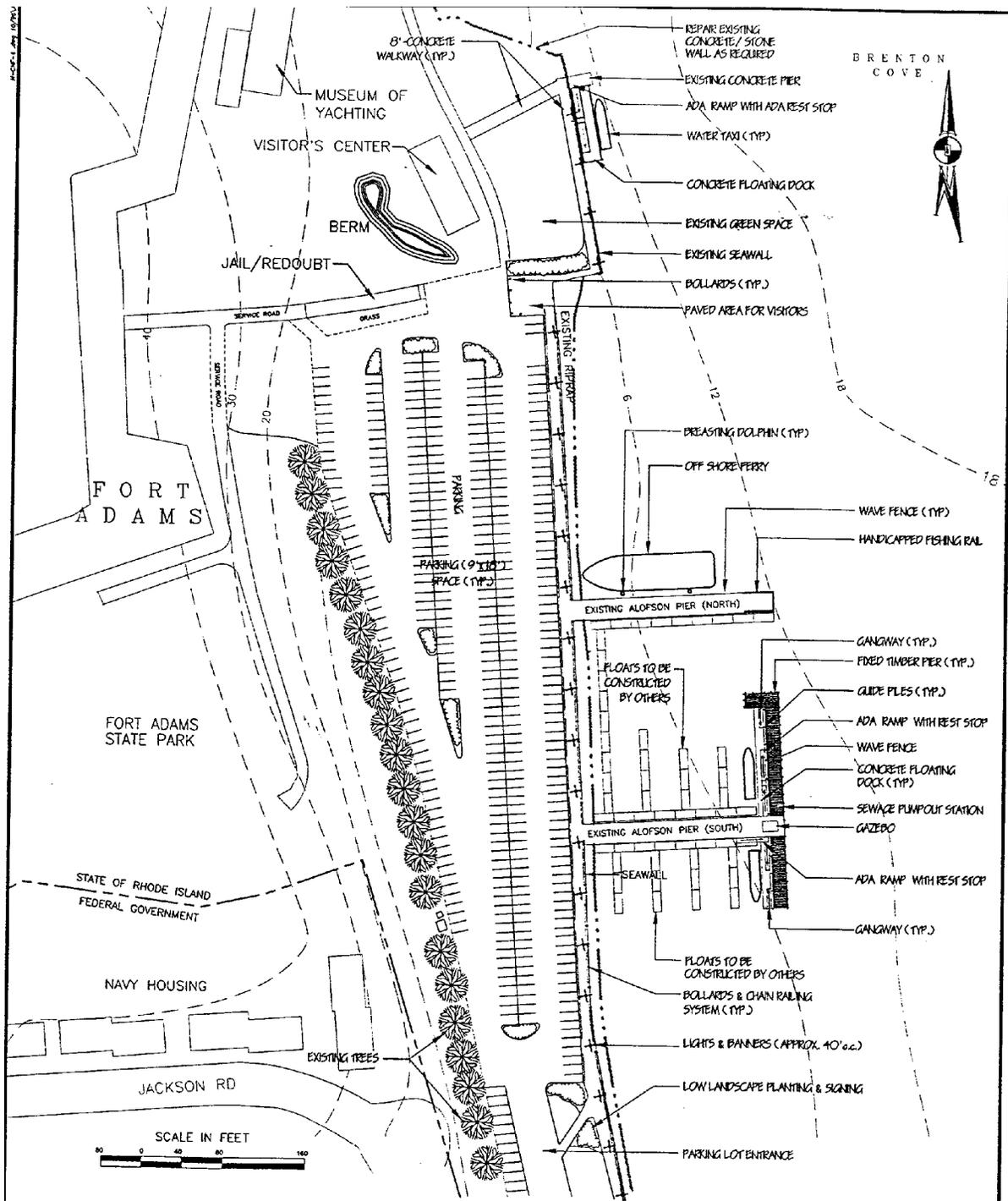
- The existing water taxi dock located near the visitors' center will be expanded to provide ADA-access for one water taxi.
- A timber T-pier, floating docks, and ADA-accessible ramps accommodating two water taxis will be constructed at the end of the South Aloffson Pier. Improvements on the two Aloffson Piers include construction of wave fences, installation of a marine pumpout facility, construction of an open-air shelter, and installation of railing for ADA-accessible fishing.
- In lieu of construction of a separate terminal building, the existing state park visitors' center will be renovated. Interior spaces including restrooms, display areas, and offices will be updated. The existing sewer pump station will be upgraded. Architecturally appropriate ADA-accessible ramps will be constructed on the water side of the building. Bricks will be repointed on the exterior as needed. The parking lot will be repaved and restriped keeping the current circulation pattern. Minimal landscaping and islands will be constructed to improve safety while retaining 389 parking spaces (the maximum number possible). A sidewalk will be constructed along the seawall from the existing water taxi dock on the north, southward along the parking lot. Lighting and banners will be installed.

#### **SECTION 4(F)/6(F)**

A Draft Section 4(f)/6(f) Evaluation was circulated to federal review agencies in October 1997. This document was prepared in compliance with Section 4(f) of the 1966 U.S. Department of Transportation Act (U.S. Law codified in 49 U.S.C. 303 and 23 U.S.C. 138) and Section 6(f)(3) of the Land and Water Conservation Fund Act (1975). These regulations require that a Section 4(f) Evaluation be prepared for any Federal Highway Administration funded transportation project which uses property from any historic site or structure considered eligible for inclusion in the National Register of Historic Places and/or a significant publicly owned park, recreational area, or wildlife/waterfowl refuge. Perrotti Park, site of Long Wharf Landing, and Fort Adams State Park, site of Fort Adams East, are both protected by Section 4(f).

Outdoor recreation property acquired or developed with assistance from the federal Land and Water Conservation fund may not be converted to other than public and outdoor recreation uses without completion of a Section 6(f) evaluation. The approval of the Secretary of the U.S. Department of the Interior and concurrence from the State Liaison Officer is required for a conversion of use. Although Fort Adams State Park is subject to protection under Section 6(f), no "conversion of use" is proposed by the Marine Facilities Project. The National Park Service has concurred with RIDEM's finding of no impact to properties protected by Section 6(f) at Fort Adams State Park (see attached April 1, 1998 correspondence from the U.S. Department of the Interior, received after circulation of the FEIS).

FHWA has determined that there is no feasible and prudent alternative to the use of land from Perrotti Park and Fort Adams State Park. The proposed action includes all possible planning to minimize harm to Perrotti Park and Fort Adams State Park resulting from such use.



 RHODE ISLAND DEPARTMENT OF TRANSPORTATION  
 NEWPORT MARINE FACILITIES PROJECT

 LOUIS BERGER & ASSOCIATES, INC.

**Figure ROD - 3:**  
**FORT ADAMS EAST**

Source: Newport, 1991	Scale: 1"=130'	January 1998
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## MEASURES TO MINIMIZE HARM

FHWA will ensure that all practical measures to avoid or minimize adverse environmental impact, which are related to the Preferred Alternative, will be implemented. The following measures, described in more detail in the referenced sections of the FEIS, have been identified. At the time implementation of any of these measures becomes appropriate, responsibility for funding will be assigned by agreement among the concerned parties (City of Newport, State of Rhode Island, FHWA) in accordance with normal FHWA procedures.

FHWA has determined that the measures described below are adequate to mitigate the impacts for the Preferred Alternative and to meet the legal requirements of other statutes mandating the consideration of or provision for mitigation of environmental impacts, such as Section 4(f) of the Department of Transportation Act. Therefore, these measures must be implemented as part of FHWA approval. (See 23 CFR Part 630, Subpart C, Appendix A.)

## PREFERRED ALTERNATIVE MITIGATION

### IMPACTS: GENERAL

**Construction Season:** To minimize construction disruption during peak tourist season, the state is committing to construction during the off-peak season (Labor Day in September to Memorial Day in May) for all activities except building construction at Long Wharf Landing. Limited completion work could be undertaken during the month of June, as necessary, although this is not desirable. (FEIS, page 4-26)

**Surface Water Impacts:** *Mitigation during Construction:* An erosion control plan will be implemented before any construction takes place. The program will be utilized throughout the construction period and until all permanent plantings are established. Typical erosion control measures to be used include baled hay and silt fencing at toe-of-slope of disturbed areas and soil stockpiles; mulch as temporary soil stabilization and grasses for permanent stabilization of slopes; and hay bales as barriers around storm drains. Equipment staging and equipment refueling will not occur near the shoreline. (FEIS, page 4-14)

*Mitigation during Operation:* The state commits to requiring that all ferry or other water transportation service operators maintain Spill Prevention Control and Countermeasures Plans in accordance with the Federal Water Pollution Control Act at 40 CFR 112. This plan will address operations to reduce the potential for a release to surface waters of Narragansett Bay from routine dock operations. The state also commits to requiring operators to maintain and store spill control kits at Long Wharf Landing and at the two piers at Fort Adams State Park (including booms and other containment equipment) to control an emergency release of oil or hazardous materials. (FEIS, page 4-14) Note that no fueling or maintenance operations are proposed at either site. (FEIS, page 4-13)

**Sediment Erosion and Deposition:** Based on subsurface information provided in DEIS Appendix 5, *Geotechnical Report*, piles will be driven; if more detailed engineering analyses show that drilling or augering is necessary, it is expected that some sediment would become resuspended. Use of silt curtains suspended from circular booms will be used to minimize sedimentation beyond the area of disturbance if augering is required at Long Wharf Landing. (FEIS, page 4-12)

**Air Quality Impacts during Construction:** Mitigation techniques to limit particulate emissions during

construction activities include the following: use, where possible, of water or other suitable material, for control of dust in clearing of land, site grading, and construction operations; the application of asphalt, oil, water, or other suitable material on unpaved roadways, materials, stockpiles, and other surfaces which can give rise to airborne dusts; covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts; and the prompt removal of earth or other material from paved streets onto which earth or other material has been deposited.

The potential for fugitive dust emissions from these activities will cease once barren earth is restored by landscaping. Mitigation measures to minimize traffic disruptions during construction will consist primarily of reducing construction traffic during peak-hour periods. This will minimize pollutant emissions during high congestion periods hence lowering the risk of potential impacts. (FEIS, page 4-21)

**Noise Impacts during Construction:** At areas where construction will continue for an extended time and affect noise sensitive receptors, appropriate mitigating measures will be developed to lessen impact. Local noise ordinances and input from the affected public will provide the best guidelines to devise a plan for mitigation.

In most cases mitigation is achieved with a combination of administrative and engineering measures. Examples of administrative measures may be the timing and location of work causing complaints. Typical engineering measures are the maximum use of noise control equipment, *e.g.* effective mufflers, the utilization of partial or full enclosures, temporary shielding by structures and stored bulk materials, etc. Construction contracts will include a specification giving details of what is expected of the contractor in charge to minimize noise levels. (FEIS, page 4-22)

**Traffic Impacts:** *Mitigation during Construction:* Adequate traffic management will be designed to mitigate impacts on both pedestrian and vehicular travel during construction of facilities at Long Wharf Landing. At Fort Adams, the fort perimeter road, located in front of the visitors' center and continuing to the Museum of Yachting, must remain open during construction to provide emergency access.

*Mitigation during Operation:* For the Long Wharf Landing site, the drop-off and pick-up lane will be signed for public transportation and shuttle (or trolley) vehicles only. An eight-foot wide sidewalk will be constructed along the west side of America's Cup Avenue between Long Wharf (Street) and the curb cut for the Newport Harbor Hotel & Marina to serve pedestrian volumes. Pedestrian provisions at nearby intersections, including marked crosswalks, signals, and signal timing, could be evaluated for the potential to improve pedestrian access. This evaluation is currently being addressed in RIDOT's America's Cup Avenue traffic study.

Traffic increases under the Fort Adams East site will be minor compared with peak-period traffic flows for Fort Adams State Park special events. For this reason, no permanent traffic mitigation measures are required after construction during facility operation. (FEIS, 4-23)

**Permits Required:** Permits required include U. S. Army Corps of Engineers Section 10 permission, CRMC B Assent, and Section 401 Water Quality Certification. (FEIS, page 4-24)

#### **IMPACTS: LONG WHARF**

**Cultural Resources:** RIDOT will provide the RIHPHC the opportunity to review the design of the proposed building at Long Wharf Landing to insure that it does not detract from significant views of the

Newport Historic District. (FEIS, page 5-3)

**Tree Transplanting:** The state will commit to tagging, wrapping, and replanting as many trees to be removed as possible, either at Long Wharf Landing or in Newport. (FEIS, page 2-3)

**Relocation:** Compensatory land will be identified for float storage for the Newport Harbor Hotel & Marina for land transferred for building construction at Long Wharf Landing. (FEIS, page 4-3).

**Water Use Impacts:** All vessels bound for Long Wharf Landing will approach from the south and depart to the west in a counterclockwise movement around the mooring field, in accordance with the Newport harbormaster's proposed marine traffic plan. (FEIS, page 4-18)

#### IMPACTS: FORT ADAMS

**Cultural Resources:** RIDOT will provide the RIHPHC the opportunity to review plans at Fort Adams to insure that subsurface impacts are limited to the previously disturbed upper strata and the renovations to the visitor's center are compatible with the historic setting. (FEIS, page 5-40)

**Recreational Fishing Access:** In accordance with lease restrictions, both Aloffson piers at Fort Adams State Park will remain open to fishing during facility operation. (FEIS, page 4-15)

#### MITIGATION MEASURES AT PERROTTI PARK - SECTION 4(F)

Perrotti Park will be reconstructed as a safe and attractive passive recreation park, providing widened walkways, benches, lighting, and low landscape plantings to benefit pedestrians passing through the park, park users with a destination at the park, and marine transportation patrons. Views from the second floor observation deck will augment existing ground-level vistas available at the park, thereby expanding visual perspectives. Pedestrian access to the dock will assure that the public is afforded expanded views of the harbor from a new perspective. Bike racks will be installed. Utilities serving the site will be underground. All signs will be visually consistent with each other and with the architecture of the building on the site. Information and directional signs will comply with ADA recommendations for sight-impaired individuals. Lighting is proposed for safety and to create a welcoming pedestrian-scale park for evening strolls. Lighting will include fixtures on the building, accent lighting on pathways, and spot lighting on signs. The building will not obstruct views of the water (west) and will provide a screen to the parking lot to the south of the building.

Design of Perrotti Park will improve the view not only for pedestrians within the park, but for motorists on America's Cup Avenue by regrading the park and removing overgrown trees which currently limit the view. To open up views of the harbor from America's Cup Avenue, lower shrubs and vertical concrete retaining walls will be removed. As many established trees as possible, including a Marine Corps League Memorial Tree, will be retained and limbed to 80-inch minimum to open up views. The state will commit to tagging, wrapping, and replanting as many trees to be removed as possible, either at the project site or elsewhere in Newport.

Public use of the water side of Perrotti Park will be assured by constructing an ADA-accessible landing dock to accommodate water taxis (shuttle), cruise ship launches, and high speed passenger ferries.

Direct use of park property for marine transportation includes 4,490 square feet (or 8.2 percent of the total

park property) for construction of the fixed timber pier and floating concrete docks. To minimize harm, the 54,771 square-foot Perrotti Park will be expanded by 20 percent or 10,840 square feet to include parts of two parcels, as indicated in FEIS Figure 5.12. With the proposed transfer of property, Perrotti Park area will be 65,611 square feet or 1.5 acres.

- Park property will be extended to the curb on America's Cup Avenue to accommodate widened walkways. This 9,300 square foot strip, currently owned by the City within the layout line of America's Cup Avenue, will extend the promenade / greenway constructed by the City in the early 1990s along Long Wharf (street), south along America's Cup Avenue to the northern curb cut to the Newport Harbor Inn & Marina.
- The size of Newport's park resources will be increased by 1,540 square feet upon completion of the marine facilities project through the transfer to park use of a 22-foot by 70-foot strip currently owned by the Shaner Hotel Group located adjacent to and south of the park. This area will be used, as described above, to construct a building housing ticketing facilities, restrooms, harbormaster office and observation areas.

RIDOT will provide the SHPO the opportunity to review the design of the proposed building at Long Wharf Landing to insure that it does not detract from significant views of the Newport Historic District. See November 28, 1997 correspondence from the SHPO, presented as correspondence in Section 5.10 of the FEIS.

#### **MITIGATION MEASURES AT FORT ADAMS STATE PARK - SECTION 4(F)**

The entrance to the parking lot will be landscaped and the visitors' center parking lot will be resurfaced and restriped. Existing capacity of the parking lot will be retained at 389 spaces. Traffic islands will be minimized and located only at the west side of the lot to avoid blocking the view of the harbor. The existing north-south traffic flow will be retained to ensure familiarity with the existing system. Sufficient turning radius for buses will be maintained at the north end of the parking lot near the visitors' center; a dedicated passenger drop-off is not deemed necessary by RIDEM.

In August 4, 1997 correspondence (see FEIS, Section 5.10), RIDEM requested construction of a small gazebo-type structure for passengers in the vicinity of the existing water taxi dock near the visitors' center. Based on historic past use of the site, the RISHPO has requested that subsurface impacts be limited to the previously disturbed upper strata (see November 28, 1997 correspondence from RIHPHC, Section 5.10 of the FEIS). Construction of a foundation for the gazebo will not be permitted in this area. RIDEM is in concurrence with this determination.

Two sites will be developed for ADA-accessible water taxi service to offer service to two popular locations at the state park: one at the visitors' center near the Museum of Yachting and the historic fort entrance, and one at Sail Newport's proposed Events Facility at South Aloffson Pier. Both will provide access for people attending festivals and other popular events. By having two docks, taxi operators will have the ability to avoid congested boat traffic and select the safest port.

A wood railing system will be installed at the end of North Aloffson Pier in accordance with ADA requirements for handicapped fishing. Both Aloffson piers will remain open and accessible to fishing in accordance with deed restrictions.

To avoid any potential impact to eelgrass beds growing off-shore of the Museum of Yachting, no repair of the seawall north of the visitors' center water taxi dock will be included in the scope of work.

In lieu of constructing a separate marine terminal, the existing state park visitors' center will be upgraded. Construction of a new building at this site could effect the historic ambiance of the fort, located within a National Historic Landmark District. The existing visitors' center is located at the former quartermaster building; this warehouse provided direct access to the wharves located where the existing water taxi dock is now located. The upgrade will be consistent with the historic character of this brick structure. The SHPO and RIDEM will have design review of any exterior improvements including improvements to the ADA ramp on the exterior.

RIDOT will provide the SHPO the opportunity to review plans at Fort Adams to insure that subsurface impacts are limited to the previously disturbed upper strata and the renovations to the visitors' center are compatible with the historic setting.

### **MONITORING AND ENFORCEMENT PROGRAM**

FHWA's Rhode Island Division Office will monitor further project development of the Preferred Alternative through its administration of the Federal-aid Highway Program. This monitoring will ensure that all practicable mitigation measures, as summarized above and as described in Chapter 4 of the FEIS, will be included in final project design. FHWA staff will monitor RIDOT activities during the construction phase to ensure that these measures are implemented and constructed in accordance with plans and specifications.

RIDOT will monitor and enforce the required project provisions in the following manner:

- RIDOT personnel will review the plans and specifications at every stage of the project development. Those reviews will involve personnel from several disciplines, including the design engineering, environmental engineering, materials, construction, and research, development, and technology sections.
- RIDOT staff are presently, and will continue to be, involved in regular communications with the State and Federal regulatory agencies regarding environmental protection and mitigation features of the project.
- RIDOT staff will provide plans and specifications at every stage of development to the City of Newport to ensure that local concerns are met. Further, RIDOT will work with a task force established by the City of Newport and, with expanded representation, will utilize the task force as a design review committee.
- As discussed above, design features at specific historic resources will be subject to review by the RISHPO through the staff at the Rhode Island Historic Preservation and Heritage Commission (RIHPHC). RIDOT will maintain close coordination with the RIHPHC throughout this process.
- As the various sections of the project are advanced to construction, RIDOT will establish a field office on site staffed by a Resident Engineer and construction inspectors. Site visits

will also be made on a regular basis by staff from the environmental, landscape architecture, and historical preservation disciplines to monitor the implementation of the contract provisions. All requirements specified by the Rhode Island Department of Environmental Management, the U.S. Army Corps of Engineers, the U.S. Coast Guard, and the Coastal Resources Management Council through the permitting processes will be implemented through the construction contracts and monitored by RIDOT personnel.

## **RESPONSE TO COMMENTS ON THE FEIS**

Five written comments were received during the FEIS comment period. The comment period extended from the *Federal Register* Notice of Availability, March 20, 1998 to April 20, 1998. Most comment letters either indicated "no comment" or expressed support for the project.

FHWA has carefully reviewed all comments received on the FEIS and is generally satisfied that the substantive environmental issues raised have been fully responded to. FHWA has considered all FEIS comments in reaching the decisions documented in this Record of Decision.

### **U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 1, APRIL 13, 1998**

- The EPA has reviewed the FEIS for issues within their jurisdiction and area of expertise and has no additional comments regarding the proposed action.
- The EPA appreciates the efforts of the FHWA and RIDOT to address their DEIS concerns regarding impacts to water quality, eelgrass, and the potential for the resuspension of contaminated sediments addressed in the FEIS.

### **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL, APRIL 17, 1998**

- Believes all potential concerns have been addressed.

### **RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION, APRIL 14, 1998**

- RIHPHC finds that the document provides a thorough and accurate discussion of the project's potential effects on cultural resources and the measures we have agreed upon to address those effects, in accordance with Section 106 of the National Historic Preservation Act.

### **RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, APRIL 17, 1998**

- RIDEM's main concerns regard preservation of water quality and protection of aquatic resources. They concur that the impacts of the facilities as now proposed, at the selected locations, will be mainly temporary, occurring during construction, and that long term impacts will likely be minimal.

### **MIDDLETOWN TOWN ADMINISTRATOR, APRIL 7, 1998**

- Town Council requests that the utility of Navy Pier 1 for various uses be addressed.
- Town Council supports extending the rail line to Newport to promote tourism and reduce the impact of vehicles on Aquidneck Island.

*Response:* As indicated in the FEIS, selection of Pier 1 by the Navy to berth two decommissioned aircraft carriers and one battleship effectively makes this site unselectable for an intermodal marine facility connecting to the Newport Gateway Center.

The DEIS, page 2-4, addresses the possible use of the Newport Secondary rail line to provide an intermodal connection between more northerly locations and the Newport Gateway Center. As indicated, extensive rehabilitation of structures precluded consideration of this alternative as part of the marine facilities project. Upgrade of this line and appurtenant structures may be considered at a future time as an independent project.

### **PAUL DERKEVORKIAN, APRIL 13, 1998**

Mr. DerKevorkian presented a very detailed and well thought-out letter commenting on the impact that construction of Long Wharf Landing will have on Perrotti Park.

- Mr. DerKevorkian suggests that other piers in Newport be considered, including the City-owned Long Wharf, currently occupied by the Newport Yacht Club, and the pier west of the Inn Long Wharf.
- The Long Wharf Landing proposal will not go forward unless Long Wharf Landing (marina) is evicted from Long Wharf.
- Recommends that a Design Review Committee be formed to review the impact on Perrotti Park and to assess additional pier locations.
- Fears that a “hatred of skateboarders” is a great driving force behind plans that would replace the berms, walls and walks of Perrotti Park with a paved over flatland. Removal of the berms and walls will greatly reduce the limited privacy available in parts of the park. “It is not appropriate to use Federal money to advance one side of a generational conflict.”
- Recommends the following to lessen damage to Perrotti Park:
  - 1) The Marine Memorial should remain intact
  - 2) The northern half of the park should be preserved intact, including a concrete play structure.
  - 3) A three-foot hedge should be planted along a widened sidewalk along America's Cup Avenue.
  - 4) The bus pull-out should be moved further south near the terminal building.

- 5) The central walkway be moved south to connect the relocated bus pull-out with the building to avoid impacting the Marine Memorial.
- 6) Compensatory planting or relocation of the nine pines located along the south park boundary.
- 7) Benches should face the water and not the street.

*Response:* Based upon his letter, Mr. DerKevorkian was invited to attend a City of Newport public meeting held April 16, 1998 to discuss the proposed marine terminal project and waterfront and park activities. Many of his concerns were addressed at that time.

- Numerous inner harbor piers were considered for marine facility improvements during early project phases. Despite public ownership of Long Wharf, the Newport Yacht Club would be displaced by the alternative suggested by the commentor and therefore require relocation. A ledge in the vicinity of the Inn at Long Wharf pier precluded consideration of that location. These sites were not selected during Scoping.
- Although moorings associated with Long Wharf Marina would be displaced for marine facility construction, water access to the Long Wharf Marina would remain possible, regardless of the outcome of current court action.
- FHWA agrees with the commentor's suggestion to form a Design Review Committee. The City of Newport has designated a task force to review project design. FHWA requested that RIDOT establish a Design Review Committee or expand the City's task force to include all interested parties and utilize it as the review committee.
- The City of Newport has posted signs prohibiting skateboarding at Perrotti Park and has designated another site in the city for this activity. The existing concrete retaining walls have been damaged and no longer include a seating surface as originally designed.
- Regarding specific recommendations:
  - 1) RIDOT will retain both the Marine Corps Memorial and tree, either in the same location or relocated to a prominent point within Perrotti Park.
  - 2) The existing concrete play structure is damaged and does not meet current design standards for playground equipment.
  - 3) Final designs for all landscaping will be developed in consultation with a Design Review Committee and this suggestion will be considered.
  - 4) The bus pull-out could not be shifted appreciably south without requiring the removal of existing street trees.
  - 5) The walkway will be designed to minimize impact of through-pedestrian flow destined for the terminal building or the pier, on the park.
  - 6) The Japanese black pines, although healthy, are subject to blight and not suitable in the current

