

November 22, 2017

Via E-mail/Federal Express Delivery

Ms. Luly Massaro
Division Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, Rhode Island 02888

In re: Rhode Island Fast Ferry, Inc. – Docket No. D-13-51

Dear Luly:

On behalf of Rhode Island Fast Ferry, Inc. ("RIFF"), please find enclosed an original and four (4) copies of RIFF's Responses to the Town of New Shoreham's Data Requests.

Very truly yours,


JAMES A. HALL

jhall@apslaw.com

Enclosure

cc: Service List

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

DATA REQUESTS

Documentation – Please provide copies of the following:

- D-1 All Documents which RIFF and/or Bluewater have submitted to the Army Corps in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.
- Response D-1 Rhode Island Fast Ferry, Inc. (“RIFF”) objects to this question on the grounds set forth in its motion dated November 14, 2017. RIFF has not submitted any documents to the United States Army Corps of Engineers (“USACE”). Subject to and without waiving its objection, please see **Exhibit D-1**, which includes a Proposed Dockage Plan, dated Nov. 9, 2016, a Proposed Dockage plan, dated Jan. 9, 2017, the cover filing for the 408 Application filed with USACE on May 15, 2017 and the Proposed Dockage Plan filed with the 408 Application, dated May 1, 2017. Bluewater, Inc. provided RIFF with the documents included in **Exhibit D-1** to be responsive to these data requests.
- DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-2 All Documents which the Army Corps has submitted to RIFF and/or Bluewater in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

Response D-2 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. RIFF has not submitted any documents to the USACE. Subject to and without waiving its objection, please see **Exhibit D-2**, which includes a letter from USACE to Bluewater, Inc., dated November 28, 2016, a list of meeting attendees for a February 14, 2017 408 Coordination Meeting, and a letter from USACE to Mr. Joseph Corrigan, dated June 22, 2017. Bluewater, Inc. provided RIFF with the documents included in **Exhibit D-2** to be responsive to these data requests.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

D-3 All Documents which RIFF and/or Bluewater have submitted to DEM in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

Response D-3 Upon information and belief, at this time, RIFF and/or Bluewater, Inc. has not yet submitted any documents to the Rhode Island Department of Environmental Management ("RIDEM") in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

D-4 All Documents which DEM has submitted to RIFF and/or Bluewater in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

Response D-4 Upon information and belief, at this time, RIDEM has not yet submitted any documents to RIFF and/or Bluewater, Inc. in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

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DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-5 All Documents which RIFF and/or Bluewater have submitted to CRMC in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

Response D-5 Upon information and belief, at this time, RIFF and/or Bluewater, Inc. has not yet submitted any documents to CRMC in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

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**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

| | |
|--------------|---|
| D-6 | All Documents which CRMC has submitted to RIFF and/or Bluewater in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016. |
| Response D-6 | Upon information and belief, at this time, CRMC has not yet submitted any documents to RIFF and/or Bluewater, Inc. in connection with an application to construct a docking facility in the Old Harbor of Block Island since January 1, 2016. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

D-7 All environmental Impact Studies prepared in connection the proposed alteration to the federal project in the firm of the Proposed East Breakwater Docking Facility.

Response D-7 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-8 All Environmental Impact Studies prepared in connection with the proposed alteration to the federal project in the form of the Proposed Northerly L Docking Facility.

Response D-8 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-9 All applicable environmental compliance documentation including but not limited to National Environmental Policy Act and the Endangered Species Act prepared in connection with the proposed alteration to the federal project in the form of the Proposed East Breakwater Docking Facility.

Response D-9 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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(Issued November 2, 2017)

| | |
|---------------|--|
| D-10 | All applicable environmental compliance documentation including but not limited to National Environmental Policy Act and the Endangered Species Act prepared in connection with the proposed alteration to the federal project in the form of the Proposed Northerly L Docking Facility. |
| Response D-10 | RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

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**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-11 All permits/approvals issued by DEM in connection with the Proposed East Breakwater Docking Facility.

Response D-11 Upon information and belief, at this time, RIDEM has yet to issue any permit and/or approval to Bluewater, Inc. in connection with the "Proposed East Breakwater Docking Facility."

DATE: November 22, 2017

STATE OF RHODE ISLAND
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(Issued November 2, 2017)

| | |
|---------------|---|
| D-12 | All permits/approvals issued by DEM in connection with the Proposed Northerly L Docking Facility. |
| Response D-12 | Upon information and belief, at this time, RIDEM has yet to issue any permit and/or approval to Bluewater, Inc. in connection with the "Proposed Northerly L Docking Facility." |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

D-13 All permits/approvals issued by CRMC in connection with the Proposed East Breakwater Docking Facility.

Response D-13 Upon information and belief, at this time, CRMC has yet to issue any permit and/or approval to Bluewater, Inc. in connection with the "Proposed East Breakwater Docking Facility."

DATE: November 22, 2017

STATE OF RHODE ISLAND
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DOCKET No. D-13-51

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THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|--|
| D-14 | All permits/approvals issued by CRMC in connection with the Proposed Northerly L Docking Facility |
| Response D-14 | Upon information and belief, at this time, CRMC has yet to issue any permit and/or approval to Bluewater, Inc. in connection with the "Proposed Northerly L Docking Facility." |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
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DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

D-15 All contracts that have been entered in to pertaining to the design and/or construction of the Proposed East Breakwater Docking Facility including, without limitation, contracts for engineering, design, environmental or other professional services and contracts for the purchase of materials and/or equipment.

Response D-15 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
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IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

D-16 All contracts that have been entered into pertaining to the design and/or construction of the Proposed Northerly L Docking Facility including, without limitation, contract for engineering, design, environmental or other professional services and contracts for the purchase of materials and/or equipment.

Response D-16 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
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IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

DATA REQUESTS

Information

I-1 Identify the operation and maintenance requirements (including, without limitation, dredging) needed throughout the life of the proposed alteration to the federal project in the form of the Proposed East Breakwater Docking Facility.

Response I-1 Please see the May 15, 2017 letter filing from Joseph W. Corrigan to the USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-2 Identify the responsible entity(ies) for the operation and maintenance into the future of the proposed alteration to the federal project in the form of the Proposed East Breakwater Docking Facility.

Response I-2 Upon information and belief, Bluewater, Inc. is responsible for the operation and maintenance of the "Proposed East Breakwater Docking Facility."

DATE: November 22, 2017

STATE OF RHODE ISLAND
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IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-3 Identify the operation and maintenance requirement (including, without limitation, dredging) needed throughout the life of the proposed alteration to the federal project in the form of the Proposed Northerly L Docking Facility.

Response I-3 Please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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(Issued November 2, 2017)

| | |
|--------------|--|
| I-4 | Identify the responsible entity(ies) for the operation and maintenance into the future of the proposed alteration to the federal project in the form of the Proposed Northerly L Docking Facility. |
| Response I-4 | Upon information and belief, Bluewater, Inc. is responsible for the operation and maintenance of the "Proposed Northerly L Docking Facility." |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

I-5 Identify which portions of the Proposed East Breakwater Docking Facility will be fixed.

Response I-5 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. Subject to and without waiving its objection, for information on dredging, please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

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DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

I-6 Identify which portions of the Proposed East Breakwater Docking Facility will be floating.

Response I-6 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. Subject to and without waiving its objection, for information on dredging, please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

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DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-7 Identify which portions of the Proposed Northerly L Docking Facility will be fixed.

Response I-7 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. Subject to and without waiving its objection, for information on dredging, please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

I-8 Identify which portions of the Proposed Northerly L Docking Facility will be floating.

Response I-8 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. Subject to and without waiving its objection, for information on dredging, please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**.

DATE: November 22, 2017

STATE OF RHODE ISLAND
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DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-9 State whether the property, or any portion thereof, upon which the Proposed East Breakwater Docking Facility will be constructed lies within a Special Flood Hazard Area.

Response I-9 It is unclear what the Town means when it states "Special Flood Hazard Area." However, upon information and belief, the property of which the Town characterizes as the "Proposed East Breakwater Docking Facility" is within a VE Zone.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|--|
| I-10 | If the response to I 9 is in the affirmative, please state all steps taken to obtain the requisite Building Permit(s). |
| Response I-10 | Upon information and belief, Bluewater, Inc. does not need to obtain a Building Permit from the Town. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-11 State whether the property, or any portion thereof, upon which the Proposed Northerly L Docking Facility will be constructed lies within a Special Flood Hazard Area.

Response I-11 It is unclear what the Town means when it states "Special Flood Hazard Area." However, upon information and belief, the property of which the Town characterizes as the "Proposed Northerly L Docking Facility" is within a VE Zone.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|---|
| I-12 | If the response to I 11 is in the affirmative, please state all steps taken to obtain the requisite Building Permit(s). |
| Response I-12 | Upon information and belief, Bluewater, Inc. does not need to obtain a Building Permit from the Town. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

| | |
|---------------|---|
| I-13 | State whether the property, or any portion thereof, upon which the Proposed East Breakwater Docking Facility will be constructed lies within a VE Zone. |
| Response I-13 | Upon information and belief, the property of which the Town characterizes as the "Proposed East Breakwater Docking Facility" is within a VE Zone. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-14 State whether the property, or any portion thereof, upon which the Proposed
 Northerly L Docking Facility will be constructed lies within a VE Zone.

Response I-14 Upon information and belief, the property of which the Town characterizes as
 the "Proposed Northerly L Docking Facility" is within a VE Zone.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-15 State all steps taken to obtain a Building permit for the Proposed Walkway.

Response I-15 Upon information and belief, Bluewater, Inc. has not taken any steps to obtain a
Building Permit for what the Town characterizes as the "Proposed Walkway."
Upon information and belief, Bluewater, Inc. does not need to obtain a Building
Permit from the Town.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|---|
| I-16 | State whether the construction of the Proposed Walkway requires the use of fill/base. |
| Response I-16 | RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-17 If the answer to I 16 is in the affirmative describe the type and amount of the
fill/base to be used in the construction of the Proposed Walkway.

Response I-17 RIFF objects to this question on the grounds set forth in its motion dated
November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
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| | |
|---------------|--|
| I-18 | Describe the manner by which electricity and water will be brought to the Proposed East Breakwater Docking Facility. |
| Response I-18 | RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|--|
| I-19 | State the name and location of all property owners whose permission is required to bring electricity and water to the Proposed East Breakwater Docking Facility. |
| Response I-19 | RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|--|
| I-20 | Describe the manner by which electricity and water will be brought to the Proposed Northerly L Docking Facility. |
| Response I-20 | RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017. |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-21 State the name and location of all property owners whose permission is required to bring electricity and water to the Proposed Northerly L Docking Facility.

Response I-21 RIFF objects to this question on the grounds set forth in its motion dated November 14, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

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(Issued November 2, 2017)

I-22 Identify all permits/approvals (federal, state, and/or local) that are required to construct the Proposed East Breakwater Docking Facility.

Response I-22 Upon information and belief, permit/approvals are required from USACE, RIDEM and CRMC. *See Exhibit I-23*, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
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IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
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(Issued November 2, 2017)

I-23 For all permits/approvals identified in response to information request #22, state whether applications for any such permits/approvals have been filed and provide a copy of each such application.

Response I-23 Upon information and belief, to date, Bluewater, Inc. has filed a permit application to the USACE, the letter filing is attached in **Exhibit D-1**. *See also Exhibit I-23*, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017. Upon information and belief, Bluewater, Inc. has yet to file an application with RIDEM or CRMC, but plans to do so as soon as it completes the next stage in the USACE application process.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-24 Identify all permits/approvals (federal, state, and/or local) that are required to Construct the Proposed Northerly L Docking Facility.

Response I-24 Upon information and belief, permit/approvals are required from USACE, RIDEM and CRMC. *See also Exhibit I-23*, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-25 For all permits/approvals identified in response to information request #24, state whether applications for any such permits/approvals have been filed and provide a copy of each such application.

Response I-25 Upon information and belief, to date, Bluewater, Inc. has filed a permit application to the USACE, and the letter filing is attached in **Exhibit D-1**. *See also Exhibit I-23*, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

| | |
|---------------|---|
| I-26 | Describe all options available to RIFF for transferring passengers from the Proposed East Breakwater Docking Facility to the land to identify all permits/approvals (federal, state, and/or local) that would be required for each such option. |
| Response I-26 | Please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in Exhibit D-1 . |
| DATE: | November 22, 2017 |

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-27 For all permits/approvals identified in response to information request #26, state whether applications for any such permits/approvals have been filed and provide a copy of each such application.

Response I-27 Please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**. *See also* **Exhibit I-23**, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-28 Describe all options available to RIFF for transferring passengers from the
Propose Northerly L Docking Facility to the land and to identify all
permits/approvals (federal, state, and/or local) that would be required for each
such option.

Response I-28 Please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE,
attached in **Exhibit D-1**. *See also Exhibit I-23*, letter from Kelley Drye &
Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-29 For all permits/approvals identified in response to information request #28, state whether applications for any such permits/approvals have been filed and provide a copy of each such application.

Response I-29 Please see the May 15, 2017 letter filing from Joseph W. Corrigan to USACE, attached in **Exhibit D-1**. *See also* **Exhibit I-23**, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

DATE: November 22, 2017

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**RHODE ISLAND FAST FERRY, INC.'S RESPONSES TO
THE TOWN OF NEW SHOREHAM'S DATA REQUESTS**
(Issued November 2, 2017)

I-30 Explain in detail the reasons why the prior representations to the Division to the effect that the docking facilities in Old Harbor would be completed by now were not accurate.

Response I-30 There have been delays on the part of the USACE that has delayed the USACE review process, further delaying when Bluewater, Inc. will file its RIDEM and CRMC applications. Upon information and belief, the USACE delays were attributed to funding and personnel issues of the agency.

See Exhibit I-23, letter from Kelley Drye & Warren LLP, to RIFF, dated November 20, 2017.

Upon information and belief, Bluewater, Inc. filed an initial proposal with the USACE in November of 2016. *See Exhibit D-1*, Proposed Dockage Plan, dated Nov. 9, 2016. Upon information and belief, Bluewater, Inc. filed a revised proposal with the USACE in March of 2017. *See Exhibit D-1*, Proposed Dockage plan, dated Jan. 9, 2017. On May 15, 2017, Bluewater, Inc. filed a formal 408 Application for the USACE. *See Exhibit D-1*, letter filing for the 408 Application filed with USACE on May 15, 2017 and the Proposed Dockage Plan filed with the 408 Application, dated May 1, 2017. On June 22, 2017, the USACE informed Bluewater, Inc. that it needs to file a S.10, 404 Application with the USACE Regulatory Division. *See Exhibit D-2*.

It is RIFF's understanding that Bluewater, Inc. is presently working on the S.10, 404 Application.

DATE: November 22, 2017

RHODE ISLAND FAST FERRY, INC.,
By its Attorneys,

/s/ Alan M. Shoer

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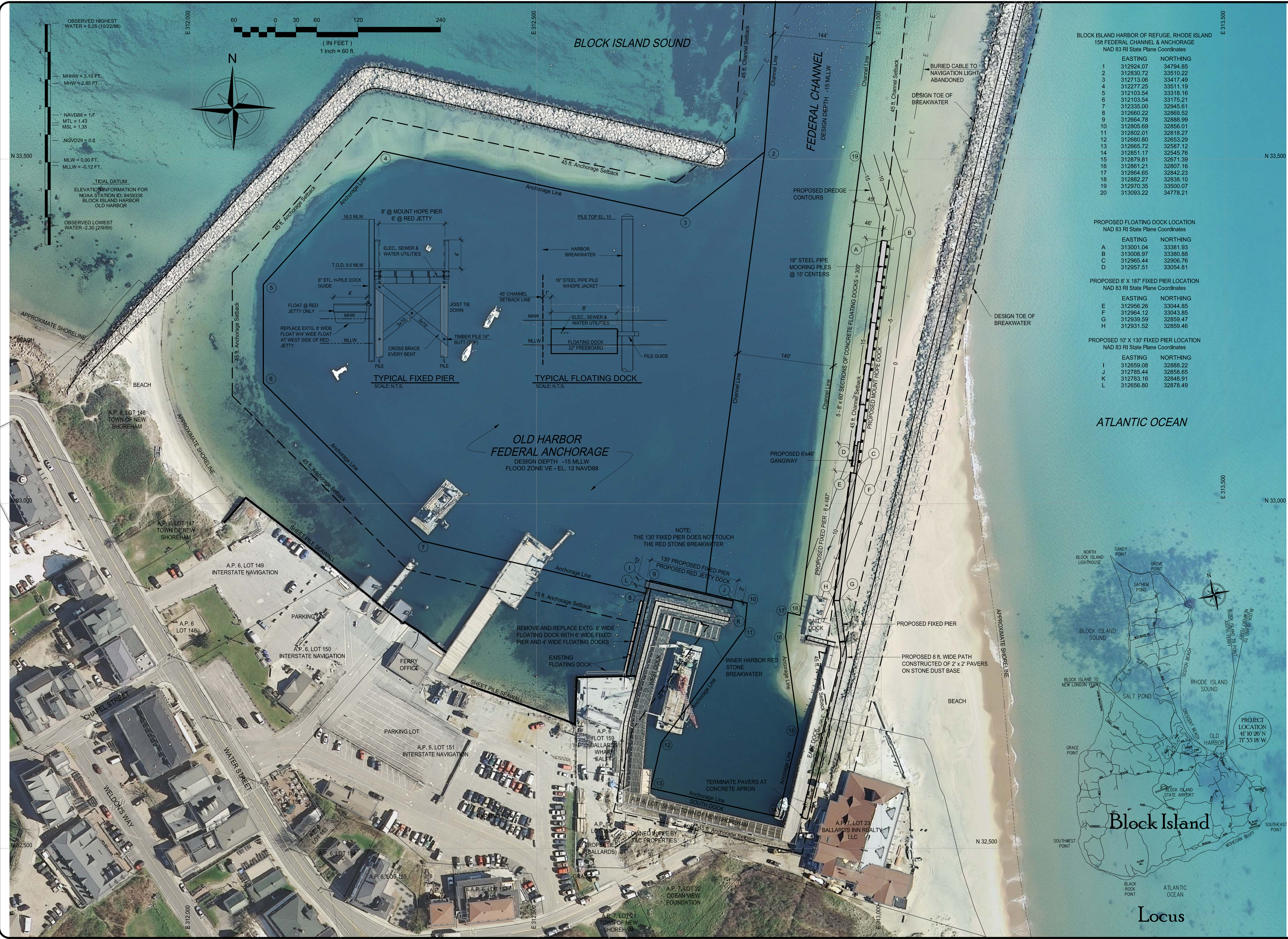
Dated: November 22, 2017

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2017, I delivered a true copy of the foregoing responses to the Town of New Shoreham's Data Requests issued November 2, 2017 via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

EXHIBIT D-1



**BLOCK ISLAND HARBOR OF REFUGE, RHODE ISLAND
15th FEDERAL CHANNEL & ANCHORAGE
NAD 83 RI State Plane Coordinates**

| | EASTING | NORTHING |
|----|-----------|----------|
| 1 | 312924.07 | 34794.85 |
| 2 | 312830.72 | 33510.22 |
| 3 | 312713.06 | 33417.49 |
| 4 | 312277.25 | 33511.19 |
| 5 | 312103.54 | 33318.16 |
| 6 | 312103.54 | 33175.21 |
| 7 | 312335.00 | 32945.61 |
| 8 | 312860.22 | 32869.52 |
| 9 | 312664.78 | 32888.99 |
| 10 | 312805.69 | 32856.01 |
| 11 | 312802.01 | 32818.27 |
| 12 | 312680.80 | 32653.29 |
| 13 | 312665.72 | 32587.12 |
| 14 | 312851.17 | 32545.76 |
| 15 | 312879.81 | 32671.39 |
| 16 | 312861.21 | 32807.16 |
| 17 | 312864.65 | 32842.23 |
| 18 | 312882.27 | 32838.10 |
| 19 | 312970.35 | 33500.07 |
| 20 | 313093.22 | 34778.21 |

**PROPOSED FLOATING DOCK LOCATION
NAD 83 RI State Plane Coordinates**

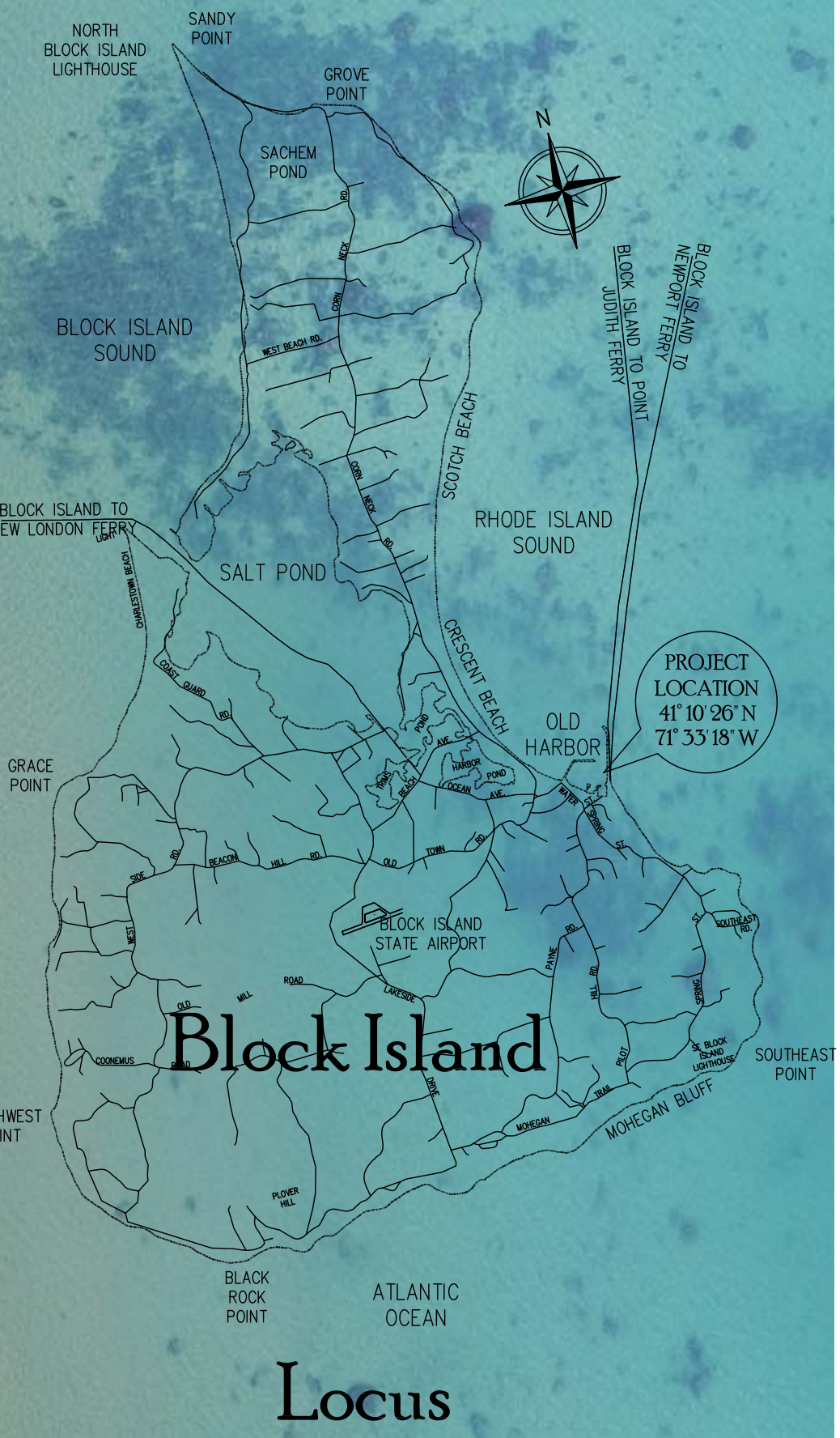
| | EASTING | NORTHING |
|---|-----------|----------|
| A | 313001.04 | 33381.93 |
| B | 313008.97 | 33360.88 |
| C | 312965.44 | 32906.76 |
| D | 312957.51 | 33054.81 |

**PROPOSED 8' X 187' FIXED PIER LOCATION
NAD 83 RI State Plane Coordinates**

| | EASTING | NORTHING |
|---|-----------|----------|
| E | 312956.26 | 33044.85 |
| F | 312964.12 | 33043.85 |
| G | 312939.59 | 32859.47 |
| H | 312931.52 | 32859.48 |

**PROPOSED 10' X 130' FIXED PIER LOCATION
NAD 83 RI State Plane Coordinates**

| | EASTING | NORTHING |
|---|-----------|----------|
| I | 312659.08 | 32888.22 |
| J | 312785.44 | 32858.65 |
| K | 312783.16 | 32848.91 |
| L | 312656.80 | 32878.49 |



1. SHOW PROPOSED DREDGE CONTOURS. REMOVE 8' WIDE FLOATS @ RED JETTY & REPLACE WITH 6' FIXED DOCK AND 4' FLOATS. (3/4/17)

Revisions:

PREPARED BY:
ST. JEAN ENGINEERING, LLC
Structural, Marine & Civil Engineering
1145 MIDDLE ROAD
EAST GREENWICH, RI 02818
Phone: (401) 398-0999 email: st.jean.engineering@verizon.net

Drawn: R. ST. JEAN
Checked:
Scale:
DATE: 1/9/2017

**Proposed Dockage @ Old Harbor
New Shoreham, Rhode Island**
PREPARED FOR:
BlueWater, LLC
P.O. Drawer ---, Block Island, Rhode Island
**SOUTH & WEST DOCKS
PROPOSED REPAIRS**

DWG. NO.
S1
SHT. - OF

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BRUSSELS, BELGIUM

AFFILIATE OFFICE
MUMBAI, INDIA

May 15, 2017

Col. Christopher Barron
District Engineer Commander
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

CC: Mike Walsh

Re: Request for 408 permission at Old Harbor, Block Island, Rhode Island

1. Requirement. Additional docks in Old Harbor, Block Island are required to support the growing number of commercial and recreational vessels using the Harbor. The vessels include a crew transfer vessel (CTV), currently the Atlantic Pioneer, and a new high speed ferry operating between Quonset, North Kingstown and Old Harbor, Block Island. The requirement for the new docks has become even more acute because the Town of New Shoreham has placed restrictions on the CTV using the town dock and reports that the dock is showing signs of structural distress (see attachment 1). Therefore, the only dock currently available for the CTV in Old Harbor is the U.S. Army Corps of Engineer's dock. The Corps' dock is available on a first-come, first-served basis, but is routinely filled with pleasure craft during the summer.
2. Additional dock space in Old Harbor is in the public interest. The new docks will provide a safe location for the CTV to dock within close proximity to the offshore wind turbines. The handicapped accessible docks will also be used by a new fast ferry service, which was approved by the Rhode Island Division of Public Utilities and Carriers in September 2016. Additionally, the docks will enhance public safety. In the event an evacuation of Block Island is required, the new docks will provide added space for vessels, which will assist in the rapid and orderly evacuation of the Island.

3. Description of the proposed project. The proposal consists of two docks.

- a. The first, labeled “Proposed Mount Hope Dock” is in the approximate footprint of the Mount Hope dock that was destroyed in the New England Hurricane of 1938. The structure has three segments. The first section, which is closest to the shore, is a path paved with 2 by 2 pavers. The next section is an 8 foot wide fixed pier. The third section is an 8 foot wide floating dock. *See* Drawing 1. Notably, the dock does not touch or go over any Corps of Engineers’ structures and fully meets the setback requirements from both the federal channel and the breakwater. Neither the docks nor the path cross any real estate (other than that owned by the applicant’s family and addressed below) except that controlled by the Corps of Engineers through the federal navigational servitude. Recognizing that the Corps may require access to the breakwater in the future, the docks are removable. Should the Corps require access to the Corps breakwater, the applicant will move the dock, and will do so at no cost to the Corps. *See* Drawing 1 for the design of the dock.

Dredging is required to make the Mount Hope dock useable. The applicant proposes dredging approximately 13,200 cubic yards of material to minus 15 feet using a hydraulic dredge. The dredging details are shown in the attached drawing. *See* Drawing 1. Dredged material will be placed on Ballard’s Beach located on the other side of the breakwater from the Proposed Mount Hope Dock for beneficial use as beach renourishment, which is encouraged by Rhode Island State law and Corps policy. As discussed above, the material will be removed with a hydraulic dredge, and the sand will be pumped through a 6 to 10 inch pipe onto the beach adjacent to the restaurant. Sand will be discharged through a diffuser to reduce discharge velocities at the end of the pipeline. The beach nourishment will begin at the southern end of the beach and progress to the north. The beach will be graded to a smooth uniform surface in accordance with State guidelines using mechanical equipment. Importantly, this area has been dredged many times in the past, and there are minimal environmental concerns (see environmental discussion below). Additionally, during dredging there will be a barge mounted excavator on-site to remove any oversized material. The material will be disposed of at an up-land location. Proposed dredging contours shown on Drawing 1.

- b. The second dock, labeled as “Proposed Ballard’s Wharf” in Drawing 1, is a proposed modification and extension of the improvements authorized by Corps of Engineer permit NAE 2004-436. *See* attached copy of Permit NAE 2004-436 at attachment 2. The project entails the removal and replacement of the existing 8 foot wide floating dock with a 6 foot wide fixed pier and 4 foot wide floating docks. The applicant also requests authorization for a new 130 foot fixed pier. *See* Drawing 1. The applicant further requests modification of the condition of permit NAE 2004-436 to allow the use of the dock by commercial vessels and to allow encroachment of the federal project limits in the area adjacent to the new 130 foot fixed pier. While dredging is not currently required, it will likely be required in the future. The new fixed pier will be dredged to minus 12 feet if required. Sand will be disposed of by the same manner

discussed above for Proposed Mount Hope Dock (which is also the same method as the condition in permit NAE 214-436).

4. Legislative history of Old Harbor. The Harbor of Refuge navigation project was authorized by the River and Harbor Act of July 11, 1870, and was modified by Acts of August 2, 1882, August 5, 1986, and July 25, 1912. The inner breakwater was de-authorized by Section 113, P.L. 112-74 on December 23, 2011.
5. Technical Analysis. There is no proposed change to any Corps of Engineer structure.
6. Hydrology and Hydraulics. Per the meeting between the applicant and the Corps of Engineers on February 14, 2017, this section is not applicable.
7. Environmental Compliance
 - a. Paragraph 5, Procedures of Engineer Circular 1165-2-216 Policy and Procedural Guidance for Processing Request to Alter US Army Corps of Engineer Civil Works Projects Pursuant to 33 USC 408, limits the alternatives that must be considered in the environmental analysis. “Reasonable alternatives must be those that are feasible, and such feasibility must focus on the accomplishment of the underlying purpose and need (of the requester) that would be satisfied by the proposed federal action (granting of permission for the alternation). For Section 408 requests, reasonable alternatives should focus on two scenarios: 1) no action (i.e., no proposed alteration in place) and 2) action (i.e. proposed alteration in place). Thus, examination of alternatives forms of a proposed that the requester has not proposed should only be included to the extent necessary to allow complete and objective evaluation of the public interest and informed decision regarding the alteration request¹.
 - b. Bluewater LLC’s proposal is for the Corps to grant permission for the work associated with the Proposed Mount Hope Dock and the changes proposed for Proposed Ballard’s Wharf as shown in Drawing 1 in Old Harbor, Block Island, Rhode Island. *See* Drawing 1. These alterations are required in order to dock the new CTV servicing the wind farm off the coast of Block Island year round as well as the recently authorized Fast Ferry service to Block Island from Quonset, North Kingstown. In addition, these docks will address a chronic shortage of dock space in Old Harbor.
 - c. The additional docks also provide additional capacity if an evacuation or partial evacuation of the Island is required based on severe weather conditions or for other reasons.

¹ Procedures of Engineer Circular 1165-2-216 Policy and Procedural Guidance for Processing Request to Alter US Army Corps of Engineer Civil Works Projects Pursuant to 33 USC 408, section 7.(c).v.page 11.

- d. The area for the proposed construction and dredging activity in Old Harbor was covered in the Corps of Engineer Environmental Assessment entitled “Block Island Harbor of Refuge, New Shoreham, Rhode Island, May 2006.” *See* attachment 3.
- e. An eel grass survey has been performed. *See* attachment 4. The survey determined that the proposed docks and dredging will not impact any eel grass.
- f. The area for the docks and for dredging has been previously disturbed. *See* attachment 3.
- g. The material to be dredged is clean sand with very little fine material, similar to that dredged by the Corps many times in the past. This material is similar to the Ballard’s Beach sand. *See* attachment 3.
- h. Disposal of the dredged material on Ballard’s Beach has been permitted by the State of Rhode Island and the Corps of Engineers in the past. *See* attachment 5. Bluewater will be applying to both the Corps of Engineers and the State for all required permits.
- i. Background on the Crew Transfer Vessel.
 - i. Atlantic Wind Transfers has a 20-year contract with Deepwater Wind to provide a crew transfer vessel (CTV) to move technicians from Quonset, North Kingstown to Block Island and the Block Island Wind Farm Turbines 1-5. The vessel being used is the CTV Atlantic Pioneer.
 - ii. The Atlantic Pioneer is 70’6” long and 24’ 4” wide and was built to service off shore wind energy sites. The boat requires 10 feet of depth. The deck is designed to take loads of up to 12 tons on the bow and up to 3 tons on the stern. Cargo can be secured by utilizing lashing and container sockets. The bow is fitted with a Palfinger PK 6500 M knuckle-boom crane for loading cargo and equipment. The vessel carries a U.S. Coast Guard Subchapter L (offshore supply vessel) classification to carry up to 16 offshore workers and a Subchapter T classification to carry up to 47 passengers.
 - iii. Typical operations for the Atlantic Pioneer start with picking up technicians in Quonset in the morning and dropping them off at the wind turbines. During the day, the vessel moves around the wind farm. When not engaged in moving passengers, the vessel typically docks in Old Harbor on Block Island. By returning to Old Harbor when not needed at the wind farm, the Atlantic Pioneer reduces fuel usage as well as wear and tear on the vessel.
- j. Background on the Fast Ferry Fast Ferry. There are three different ferries that could make the run from Quonset to Old Harbor, Block Island. They are: Ava Pearl and Millennium (in service now on the Quonset to Martha’s Vineyard/Oak Bluffs route) or the Julia Leigh (currently under construction). All of the vessels require at least 10 feet of depth.

Millennium and Ava Pearl are 122 feet long (from jet guard to bow) and 33 feet wide.

Julie Leigh is 114 feet long (from ride-control trim tabs to bow) and 32 feet wide.

- k. New Harbor is not a practicable alternative to Old Harbor.
- i. The CTV must be within 30 minutes of the wind farm by contract, so that in the event of injury the injured worker can be evacuated expeditiously. New Harbor is more than 30 minutes away from the wind farm. *See* attachment 6. The response time from New Harbor is limited not just by the distance but the harbor limitation for speed and no wake. *See* attachment 7.
 - ii. On September 22, 2016, the Rhode Island Division of Public Utilities and Carriers granted permission to Rhode Island Fast Ferry to operate summer service between the Quonset Business Park in North Kingstown and Old Harbor on Block Island. In doing so the commission determined that “public convenience and necessity” requires the proposed high speed ferry service between Quonset Point and Old Harbor. The decision was made after a multi-day hearing that considered the impact of the new fast ferry service on the other ferry services to the island including the life-line ferry service.²
 - iii. The Rhode Island Coastal Resource Management Council has designated Old Harbor as Class 5 waters, Commercial and Recreational Harbors. *See* attachment 8. Type 5 waters are adjacent to waterfront areas that support a variety of tourist, recreational, and commercial activities. The following uses are allowed: (1) berthing, mooring, and servicing recreational craft, commercial fishing vessels, and **ferries**; (2) water-dependent commerce, including businesses that cater to tourists; (3) maintenance of navigational channels and berths; and (4) activities that maintain or enhance water quality and scenic qualities, including the preservation of historic features. Activities that significantly detract from or interfere with the above uses will be modified or prohibited.³ (emphasis added).
 - iv. Rhode Island Coastal Resource Management Council has designated New Harbor as Class 3 waters, high-intensity boating. *See* attachment 8. Type 3 waters are to be preserved, protected, and enhanced for high-intensity boating and supporting activities. Other activities and alterations will be allowed, provided they do not significantly interfere with the recreational boating activities. Allowed activities include (1) marinas, mooring areas, public launching ramps, and other facilities that support recreational boating and

² State of Rhode Island and Providence Plantations Division of Public Utilities and Carriers, *In Re: Application by Rhode Island Fast Ferry, Inc. for Water Carrier Authority*, Docket No. D-13-51, available at http://www.ripuc.org/eventsactions/docket/D_13_51_Report_and%20Order.pdf.

³ Rhode Island Coastal Resources Management Program, Section 200.5 see <http://www.crmc.ri.gov/regulations/RICRMP.pdf>.

enhance the public's access to tidal waters and (2) boatyards and other businesses that service recreational boaters⁴.

- l. In the summer months, the Mount Hope dock will provide the safest and most direct location for landing passengers on the fast ferry and for tying up the CTV. The CTV runs year round and, if authorized, will often use the proposed Ballard's Wharf in the winter because the dock's location provides more shelter from the wind and waves.
- m. Cultural Resources. The proposed dredging areas have been previously dredged and will not affect any cultural or archeological features or resources. Indeed, the new dock labeled "Proposed Mount Hope dock" is in the same site as the original Mount Hope dock that was destroyed in the Hurricane of 1938.
- n. Disposal area. All sand will be disposed of on Ballard's Beach.

8. Real Estate

- a. Ballard's Inn Realty owns plat 7 lot 23. Ballard's Wharf LLC owns plat 6 lot 159. Both entities are owned by the Filippi family. Paul Filippi is authorized to sign for both entities listed above.
- b. T&C Properties owns plat 6 and lot 158. Note from a real estate perspective there is no change from permit NAE 2004-436. None of the proposed modifications are on plat 6 and lot 158.

9. Floodplain Management. In accordance with Executive Order 11988, the proposed work will not contribute to negative impacts on natural floodplain functions or to damages caused by floods.

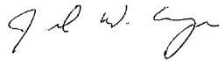
10. Operation and Maintenance.

- a. The applicant requests no maintenance from the Corps of Engineers or the Town of New Shoreham.
- b. The applicant understands and agrees that, if future operations by the United States require removal, relocation, or other alteration of the structure or work authorized by the Corps of Engineers, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the applicant will, upon due notice from the Corps of Engineers, remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- c. The applicant will require periodic dredging of the berths next to both docks.

⁴ Rhode Island Coastal Resource Management Program, Section 200.3, see <http://www.crmc.ri.gov/regulations/RICRMP.pdf>

- d. The applicant will perform inspections no less than once annually and make such repairs as to keep the two docks in good repair. The inspections and repairs shall be at no costs to the Corps of Engineers (unless the Corps of Engineers is responsible for the damages in accordance with federal law).

Sincerely,



Joseph W. Corrigan
Senior Advisor



David E. Frulla
Partner

