



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: **NAN-2012-01008-ESP**
Issue Date: **January 14th, 2013**
Expiration Date: **February 12th, 2013**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT: Shorewood Farms, Inc.
ATTN: Steve Levy
P.O. Box 411
Shelter Island, N.Y. 11964

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Clark Creek, Shelter Island Sound

LOCATION: Shelter Island, Suffolk County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

PLEASE USE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2012 - 01008-ESP

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial due to time of year work restrictions. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8522 and ask for Craig Spitz.

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In order for us to better serve you, please complete our Customer Service Survey located at:
<http://per2.nwp.usace.army.mil/survey.html>.

For more information on New York District Corps of Engineers programs, visit our website at
<http://www.nan.usace.army.mil>



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

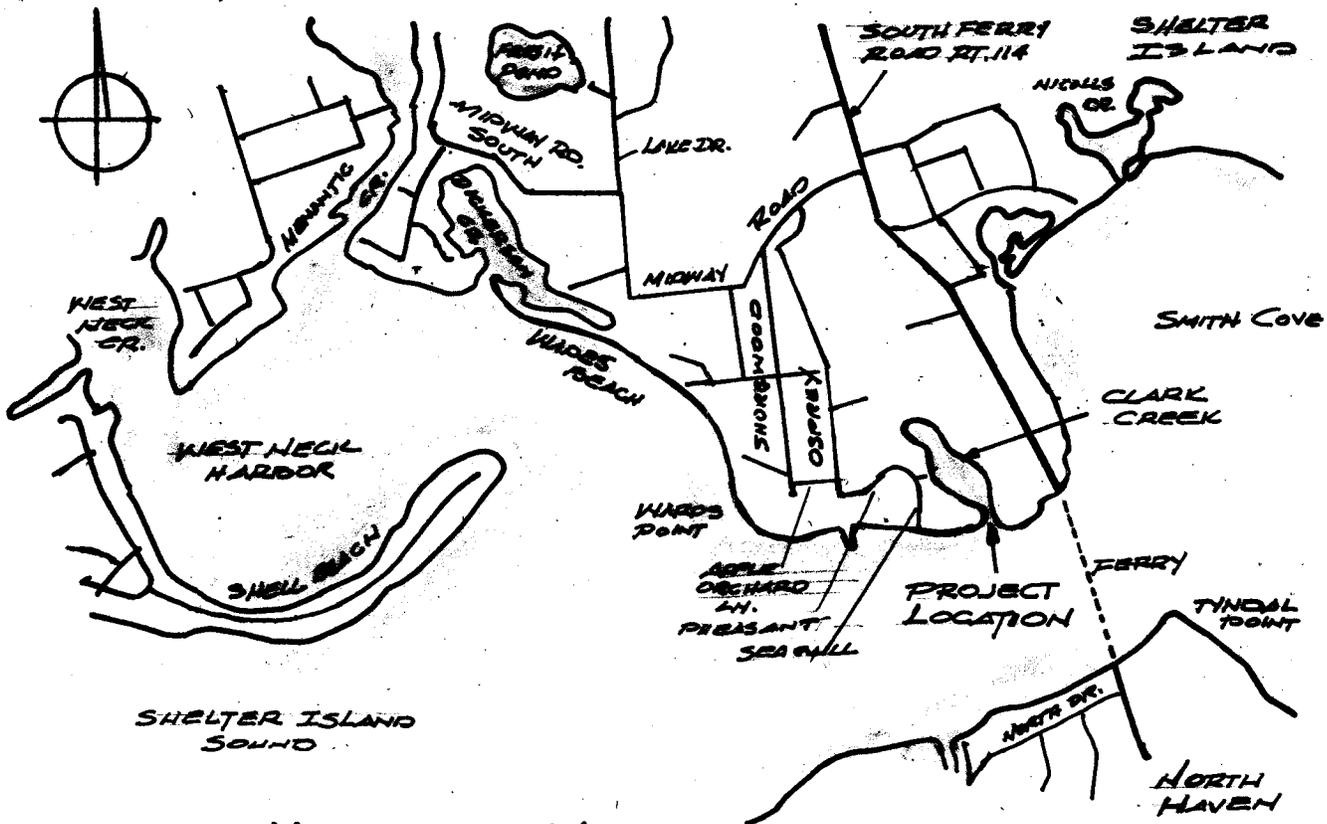
The applicant, Shorewood Farms, Inc., has requested Department of the Army authorization to dredge with ten years maintenance in Clarks Creek, Shelter Island Sound at Shelter Island, Suffolk County, N.Y. with upland disposal.

The regulated work involves continued maintenance dredging by Shorewood Farms, Inc., via excavator or clamshell bucket dredge, of approximately 1,000 cubic yards of sandy material from an approximately 0.17 acre shoaled area to a maximum depth of 6 feet below the plane of mean low water (See Sheets 4 and 5 of 5). The resultant dredged material would be trucked off site to a state-approved upland location so as not to reenter any waterway or wetlands.

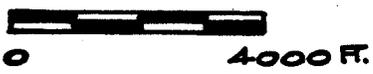
Subsequent maintenance dredging is anticipated to be undertaken annually if a 10-year permit is issued, with an approximate removal of up to 300 cubic yards of material per dredging event. Dredged material placement would be at the same site.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by dredging the minimal amount necessary to provide safe navigation in Clarks Creek and disposing the dredged material off site so as not to reenter any waterway or wetlands.

The stated purpose of this regulated work is to continue to maintain safe navigable water depths for the vessels that use the waterway.



VICINITY MAP



PROPOSED:

5 YEAR MAINTENANCE PERMIT TO MAINTENANCE DREDGE INLET CHANNEL FROM SHELTER ISLAND SOUND INTO CLARK CREEK TO -6.0' BELOW MEAN LOW WATER LEVEL REMOVING 1000± CU.YD'S OF SPOIL THE FIRST YEAR AND 200-300± CU.YD'S EACH YEAR THEREAFTER. DREDGED SPOIL TO BE TRUCKED OFF-SITE TO TOWN OF SHELTER ISLAND HIGHWAY DEPT. DISPOSAL SITE.

DREDGING TO BE DONE USING AN EXCAVATOR AND/OR CLAM SHELL BUCKET.

REFERENCES:

- N.Y.S. DEC. PERMIT # 1-4732-00039/00005 EXP. 5/3/11
- ACOE PERMIT # 2005-00648 L.I. EXP. 5/30/11
- N.Y.S. D.O.S. PERMIT F-2005-0526 EXP. 5/15/11

ACCESS:

BY LAND FROM SEAGULL ROAD ALONG BEACH IN FRONT OF ADJACENT PROPERTIES ABOVE HIGH WATER LINE

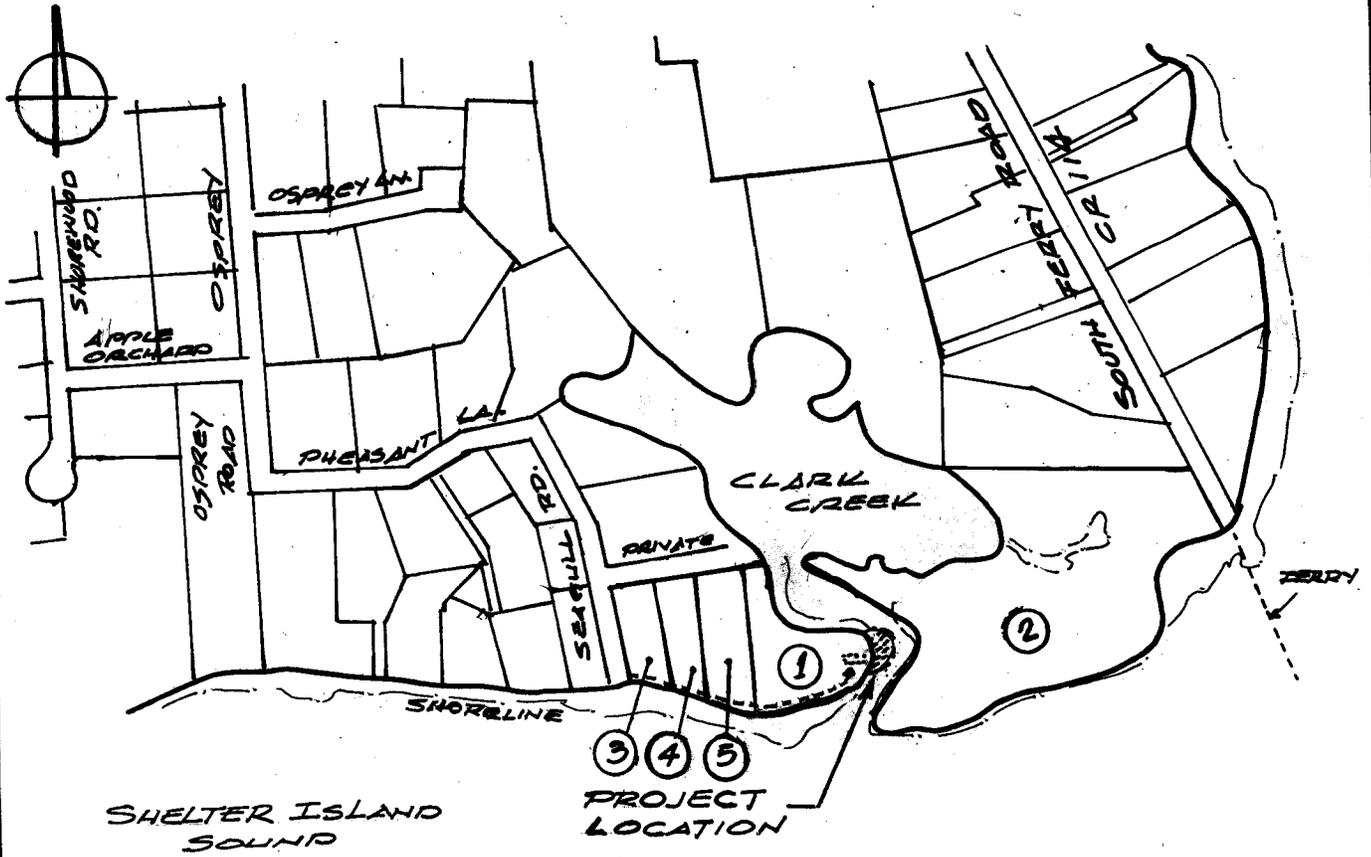
APPLICANT

SHOREWOOD FARMS INC.
 910 STEVE LEVY
 P.O. BOX 411
 SHELTER ISLAND, N.Y. 11964
 SEAGULL ROAD
 SHELTER ISLAND, N.Y. 11964

PREPARED BY:

COSTELLO MARINE CONTRACTING CORP.
 P.O. Box 2124 GREENSBORO, N.Y. 11944
 (631) 477-1199

MAY 25, 2012



LOCATION MAP



0 400 FT.

41° 02' 38" N 72° 19' 15" W

ADJACENT PROPERTY OWNERS:

- | | |
|---|---|
| <p>① TOWN OF SHELTER ISLAND
P.O. BOX 970
SHELTER ISLAND, N.Y. 11964
7 C SEAGULL ROAD</p> <p>② CLIFFORD, NAEMET WILLIAM
P.O. BOX 614 CLARK
SHELTER ISLAND, N.Y. 11964
144 SOUTH FERRY ROAD</p> <p>③ ELIZABETH PINTO
8 HESTER ROAD APT. D-86
LONDON SW11 4AW
9 SEAGULL ROAD</p> | <p>④ AVIVAH SAYRES
3 TULIP DRIVE
GREAT NECK, N.Y. 11021
7 A SEAGULL ROAD</p> <p>⑤ RUTH E. ROBBINS
IRREVOCABLE TRUST
30 JONES STREET
NEW YORK, N.Y. 10014
7 D SEAGULL ROAD</p> |
|---|---|

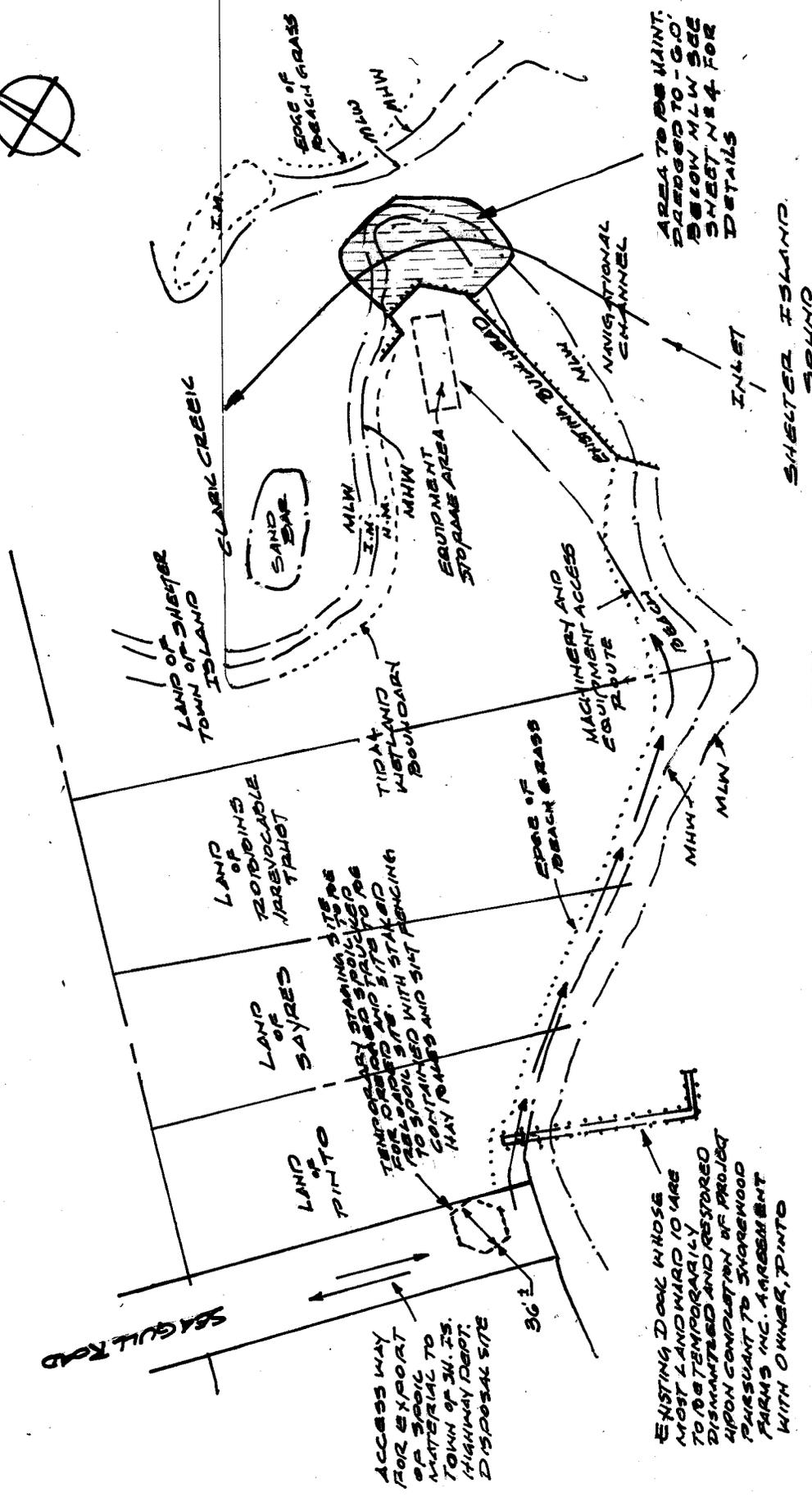
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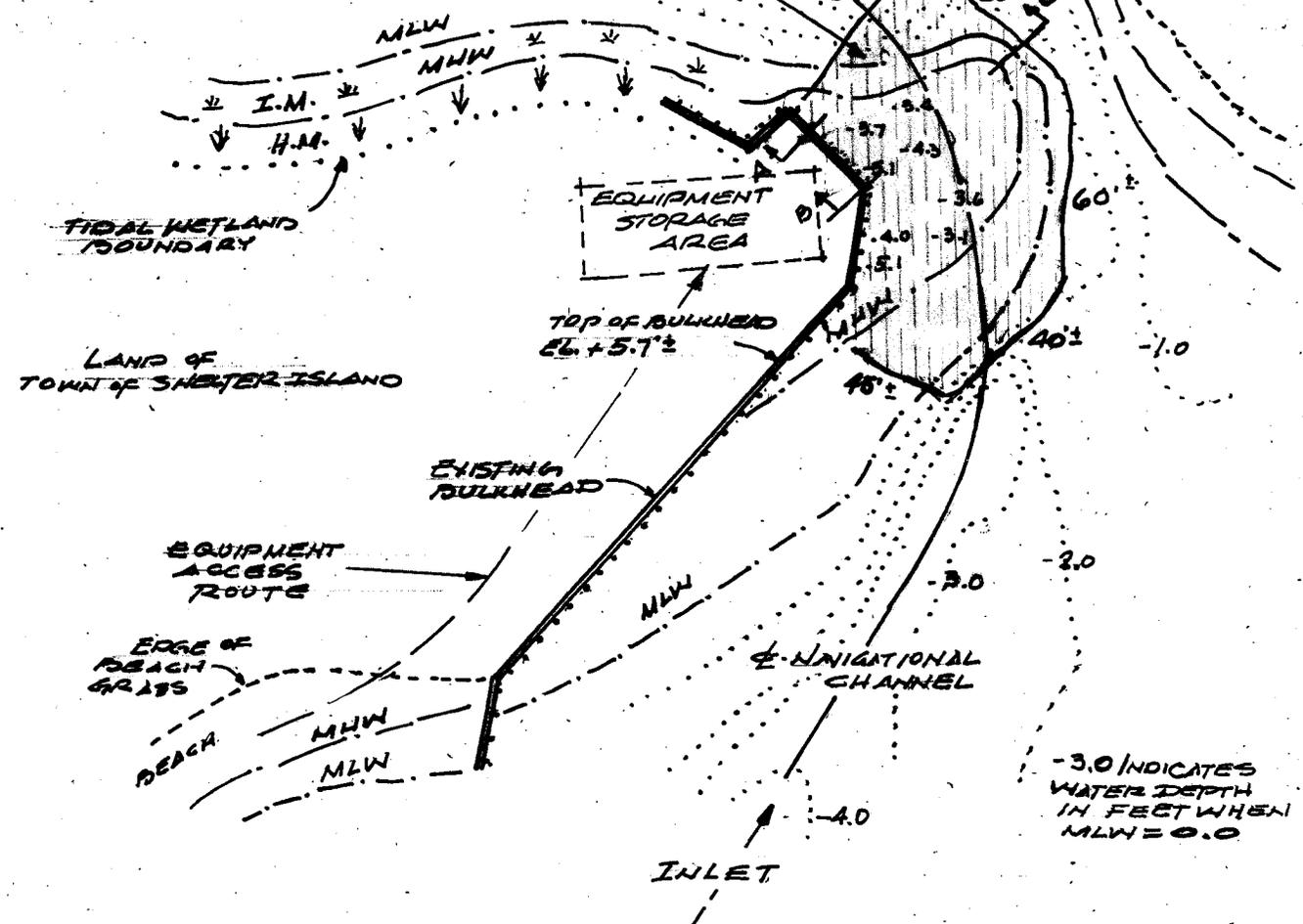
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CLARK CREEK

SAND BAR

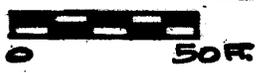
PROPOSED DREDGE AREA TO A MAX. OF -6.0' BELOW MEAN LOW WATER REMOVING APPROX. 1000 CU. YDS OF SOIL FIRST YEAR AND APPROX. 200-300 CU. YDS EACH YEAR THEREAFTER. DREDGED SOIL TO BE TRUCKED OFF SITE TO TOWN OF SHELTER IS. HWY. DEPT. DISPOSAL SITE.



-3.0 INDICATES WATER DEPTH IN FEET WHEN MLW = 0.0

SHELTER ISLAND SOUND

PLAN

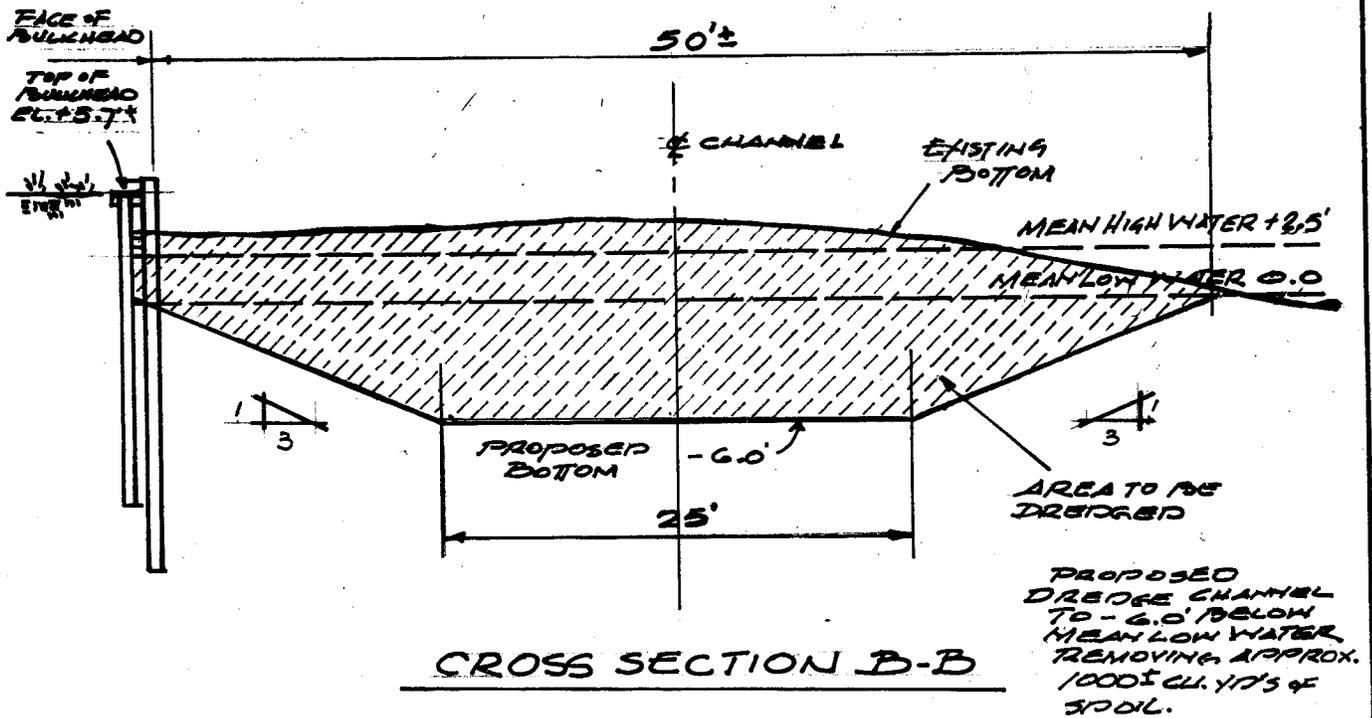
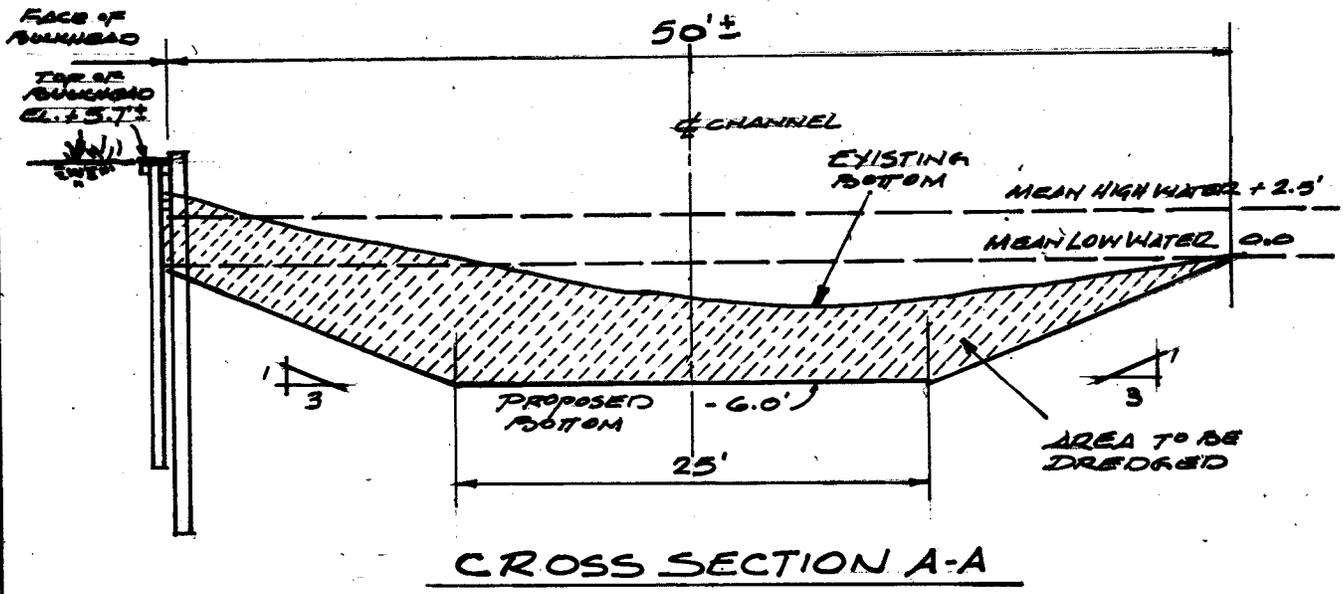


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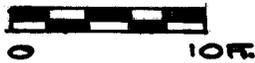
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 40 STEVE LEVY
 P.O. BOX 411
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 SEAGULL ROAD
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DREDGING PROFILES



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