JOINT PUBLIC NOTICE

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

State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 01606-5127

US Army of Engineers
New England District
696 Virginia Road
Attn: Marine Analysis Unit
Concord, MA 01742-2751

In replying refer to:
Public Notice Number: NAN-2013-00847-WSC
Issue Date: July 17, 2013
Expiration Date: August 16, 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 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Thomas A. Knutson, Jr. Revocable Living Trust
P.O. Box 760
Huntington, NY 11743

ACTIVITY: Maintenance Dredge with Placement of the Dredged Material in the Central Long Island Sound Disposal Site with Capping

WATERWAY: Huntington Harbor

LOCATION: 15 Mill Dam Road, Huntington, Suffolk County, New York.

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers, New York District, US Army Corps of Engineers, New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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.

Any person may request, by writing to the District Engineer 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.

ESSENTIAL FISH HABITAT CONSULTATION

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The dredging portion of this project will impact approximately 53,300 square feet of Essential Fish Habitat (EFH) for the species and their life stages as shown in the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed in the attached table. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for the Central Long Island Sound Disposal Site. This is an open water site, which provides Essential Fish Habitat for the attached table of species and life stages. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed on the attached table. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

ENDANGERED SPECIES CONSULTATION

Dredging Site: Our preliminary determination is that the dredging for which authorization is sought herein is not likely to adversely 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.

CLIS: The New York District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur for placement of dredged material at the Central Long Island Sound Disposal Site (CLIS) sought by the applicant. A Biological Assessment (BA) of the CLIS was performed of the potential for interactions and adverse impacts to those listed species. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

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 archaeological, 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. Barge overflow of dredged material will not occur during the dredging of this proposed project, therefore, the only Section 404 activity involved in this application is the placement of the dredged material at the CLIS.

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, 41 State Street, 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.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3034.

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:

Navigable Waters Permit from New York State Department of Environmental Conservation.

It is requested that you communicate the foregoing information concerning the proposed work 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) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Christopher J. Gallery

for

Jodi M. McDonald
Chief, Regulatory Branch

Attachments

DESCRIPTION OF WORK

The applicant, the Thomas A. Knutson, Jr. Revocable Living Trust, has requested Department of the Army authorization to maintenance dredge in Huntington Harbor at 15 Mill Dam Road, Huntington, Suffolk County, New York. Approximately 9,500 cubic yards of material would be dredged by a clamshell dredge from an irregularly shaped area of approximately 53,300 square feet to a maximum depth of 6 feet below the plane of mean low water. This is for a dredging volume of 8,500 cubic yards to a depth of 5 feet below the plane of mean low water plus approximately 1,000 cubic yards for a one foot overdepth volume, providing a total volume of 9,500 cubic yards to a maximum depth of 6 feet below the plane of mean low water. Barge overflow is not proposed. The dredged material would be placed at the Central Long Island Sound Regional Disposal Site (CLIS) with capping. The stated purpose of the proposed dredging is to provide adequate depth for safe navigation at the applicant's existing marina.

Sampling and Testing: A sampling plan for this project was prepared for six cores (A to F) that were taken from the project area. The applicant found stratification and divided five of the six cores into upper and lower subsamples (only Core E was undivided). Bulk sediment chemistry analyses were conducted on all samples. These sediments were not found to be suitable for unconfined open water disposal at Western Long Island Sound Disposal Site (WLIS) or CLIS, but were found to be suitable for CLIS disposal with capping.

The Central Long Island Sound Disposal Site is frequently used for disposal of bottom sediments from various harbors along the eastern New York, northern Long Island, and central and western Connecticut coasts. An average of approximately 400,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) have been deposited at this site annually. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at the Central Long Island Sound disposal site with capping.

As background, Department of the Army Permit Number NAN-2009-00780 was issued to the applicant for the proposed maintenance dredging with upland placement of the dredged material on January 19, 2010. The dredging was never done as the applicant was unable to find a feasible upland placement site and that permit expired January 19, 2013.

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates: Dredge Site

Boundary	North	East	South	West
Coordinate	41° 10.0' N	72° 50.0 W	41° 00.0' N	73° 00.0 W

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within Long Island Sound affecting the following: one square south of the waters within the square south of New Haven, CT. In this square there is a dumping ground on the northeast corner.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon *(Salmo salar)*			X	X
pollock *(Pollachius virens)*			X	X
whiting *(Merluccius bilinearis)*				X
red hake *(Urophycis chuss)*	X	X	X	X
winter flounder *(Pleuronectes americanus)*	X	X	X	X
windowpane flounder *(Scopthalmus aquosus)*	X	X	X	X
American plaice *(Hippoglossoides platessoides)*			X	X
Atlantic sea herring *(Clupea harengus)*			X	X
bluefish *(Pomatomus saltatrix)*			X	X
Atlantic mackerel *(Scomber scombrus)*	X	X	X	X
summer flounder *(Paralicthys dentatus)*			X	

scup *(Stenotomus chrysops)*	X	X	X	X
black sea bass *(Centropristus striata)*	n/a		X	
king mackerel *(Scomberomorus cavalla)*	X	X	X	X
Spanish mackerel *(Scomberomorus maculatus)*	X	X	X	X
cobia *(Rachycentron canadum)*	X	X	X	X
sand tiger shark *(Odontaspis taurus)*		X		
Little skate (*Leucoraja erinacea*)			X	X
Winter skate (*Leucoraja ocellata*)			X	X

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates: Central Long Island Sound Disposal Site

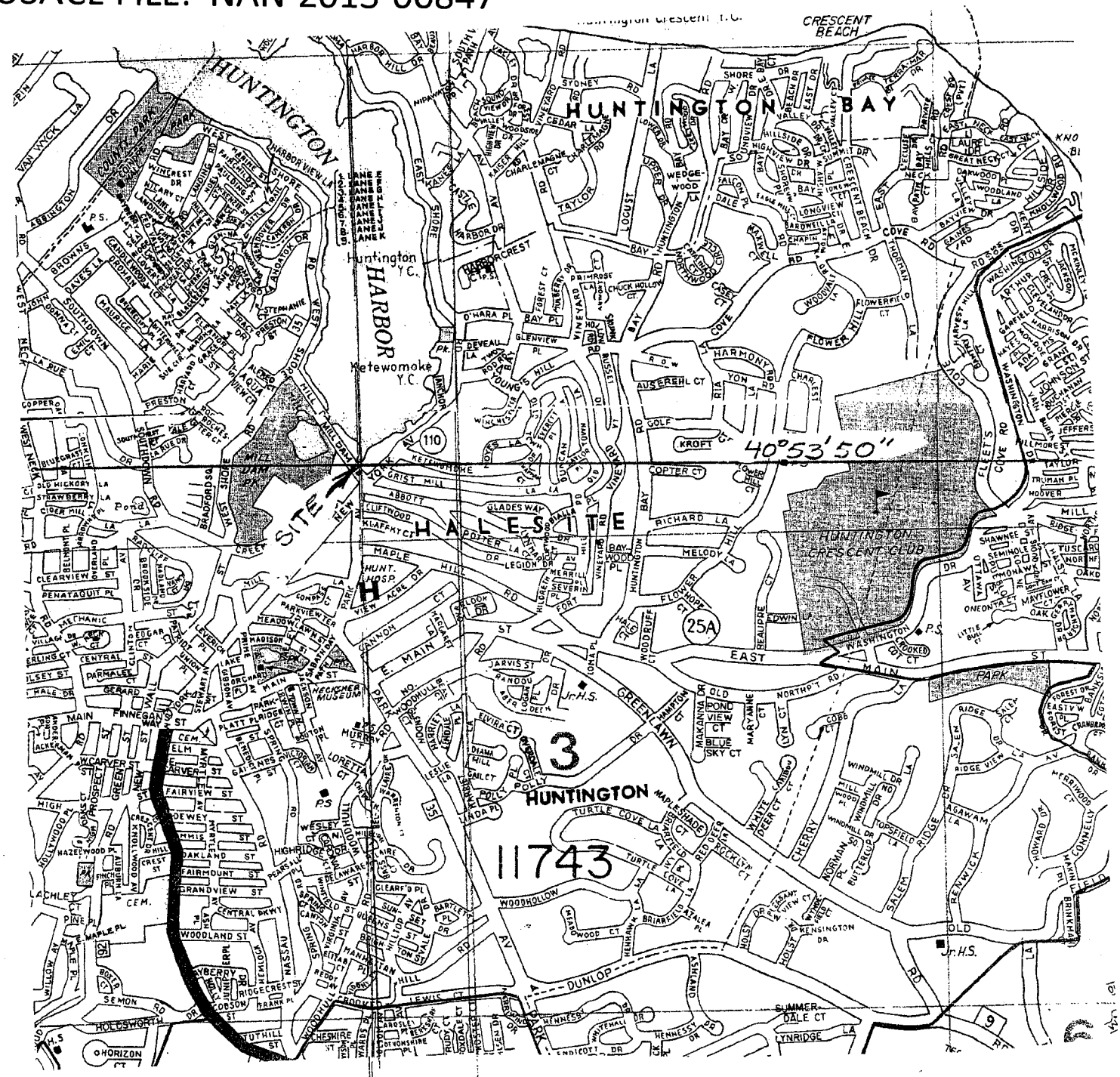
Boundary	North	East	South	West
Coordinate	41° 10.0' N	72° 50.0 W	41° 00.0' N	73° 00.0 W

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within Long Island Sound affecting the following: one square south of the waters within the square south of New Haven, CT. In this square there is a dumping ground on the northeast corner.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon *(Salmo salar)*			X	X
pollock *(Pollachius virens)*			X	X

whiting *(Merluccius bilinearis)*				X
red hake *(Urophycis chuss)*	X	X	X	X
winter flounder *(Pleuronectes americanus)*	X	X	X	X
windowpane flounder *(Scopthalmus aquosus)*	X	X	X	X
American plaice *(Hippoglossoides platessoides)*			X	X
Atlantic sea herring *(Clupea harengus)*			X	X
bluefish *(Pomatomus saltatrix)*			X	X
Atlantic mackerel *(Scomber scombrus)*	X	X	X	X
summer flounder *(Paralicthys dentatus)*			X	
scup *(Stenotomus chrysops)*	X	X	X	X
black sea bass *(Centropristus striata)*	n/a		X	
king mackerel *(Scomberomorus cavalla)*	X	X	X	X
Spanish mackerel *(Scomberomorus maculatus)*	X	X	X	X
cobia *(Rachycentron canadum)*	X	X	X	X
sand tiger shark *(Odontaspis taurus)*		X		
Little skate (*Leucoraja erinacea*)			X	X
Winter skate (*Leucoraja ocellata*)			X	X

USACE FILE: NAN-2013-00847



PROPOSED MAINTENANCE DREDGING FOR THOMAS A. KNUTSON, JR REVOCABLE LIVING TRUST ON CANAL OFF HUNTINGTON HARBOR AT HUNTINGTON, SUFFOLK CO., N.Y.

SHEET 1 OF 4 4/16/09

9/11/09

7/8/13

STATE OF NEW YORK
THOMAS D. KELLY
LICENSED
NO. 043599
PROFESSIONAL ENGINEER

USACE FILE: NAN-2013-00847

NOTES

DATUM: ALW

PURPOSE: RESTORE USE OF BOAT DOCKAGE AREA

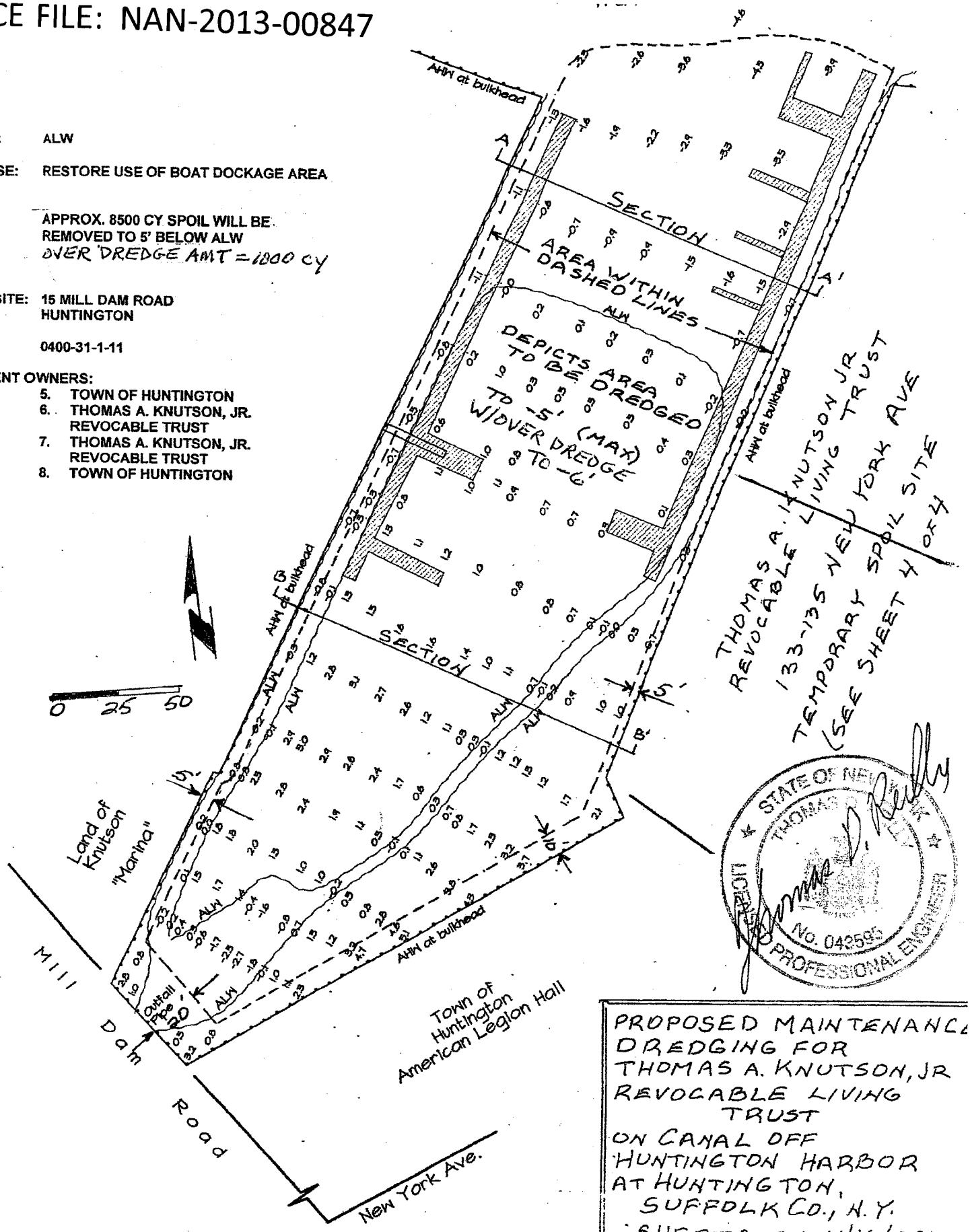
APPROX. 8500 CY SPOIL WILL BE REMOVED TO 5' BELOW ALW
OVER DREDGE AMT = 1000 CY

WORK SITE: 15 MILL DAM ROAD
HUNTINGTON

SCTM #: 0400-31-1-11

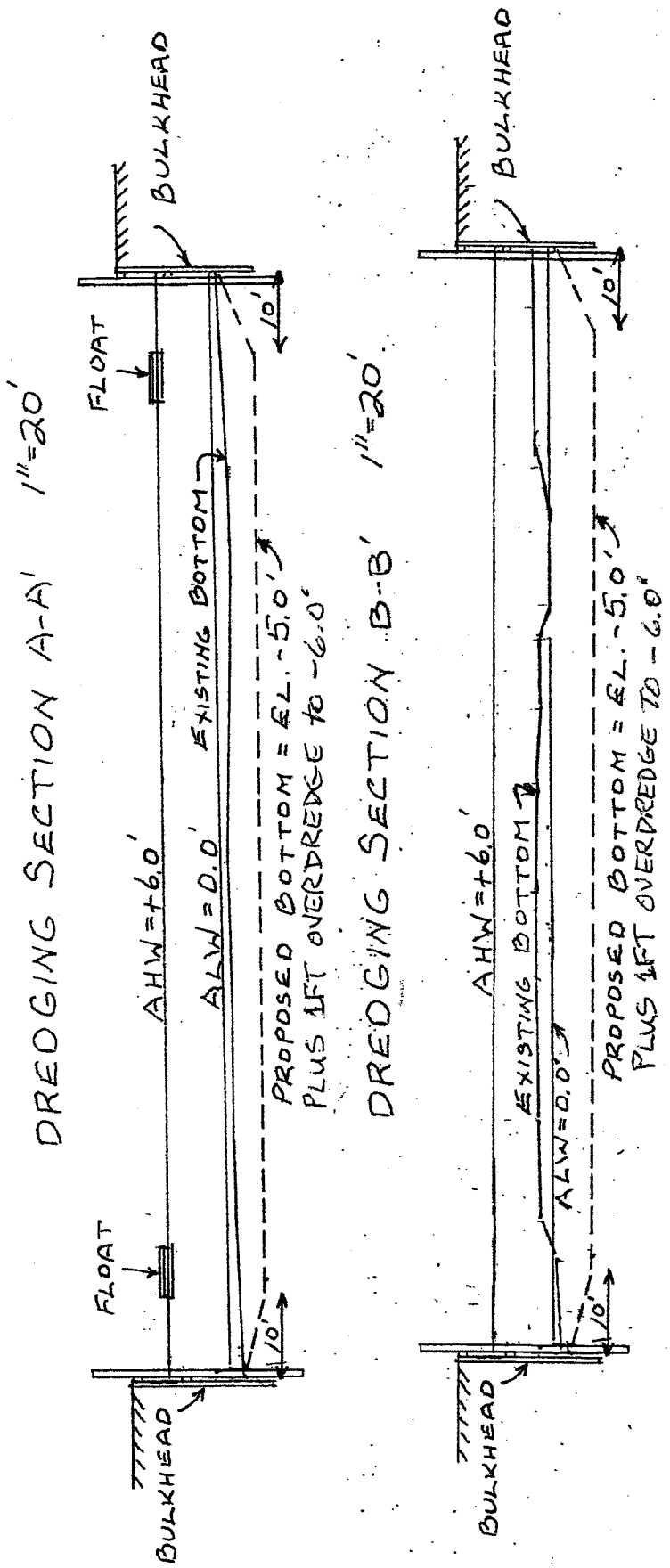
ADJACENT OWNERS:

5. TOWN OF HUNTINGTON
6. THOMAS A. KNUTSON, JR. REVOCABLE TRUST
7. THOMAS A. KNUTSON, JR. REVOCABLE TRUST
8. TOWN OF HUNTINGTON



PROPOSED MAINTENANCE DREDGING FOR THOMAS A. KNUTSON, JR REVOCABLE LIVING TRUST
ON CANAL OFF HUNTINGTON HARBOR AT HUNTINGTON, SUFFOLK CO., N.Y.
SHEET 2 OF 4 4/16/09
9/11/09
rev 7/8/13

USACE FILE: NAN-2013-00847



NOTES

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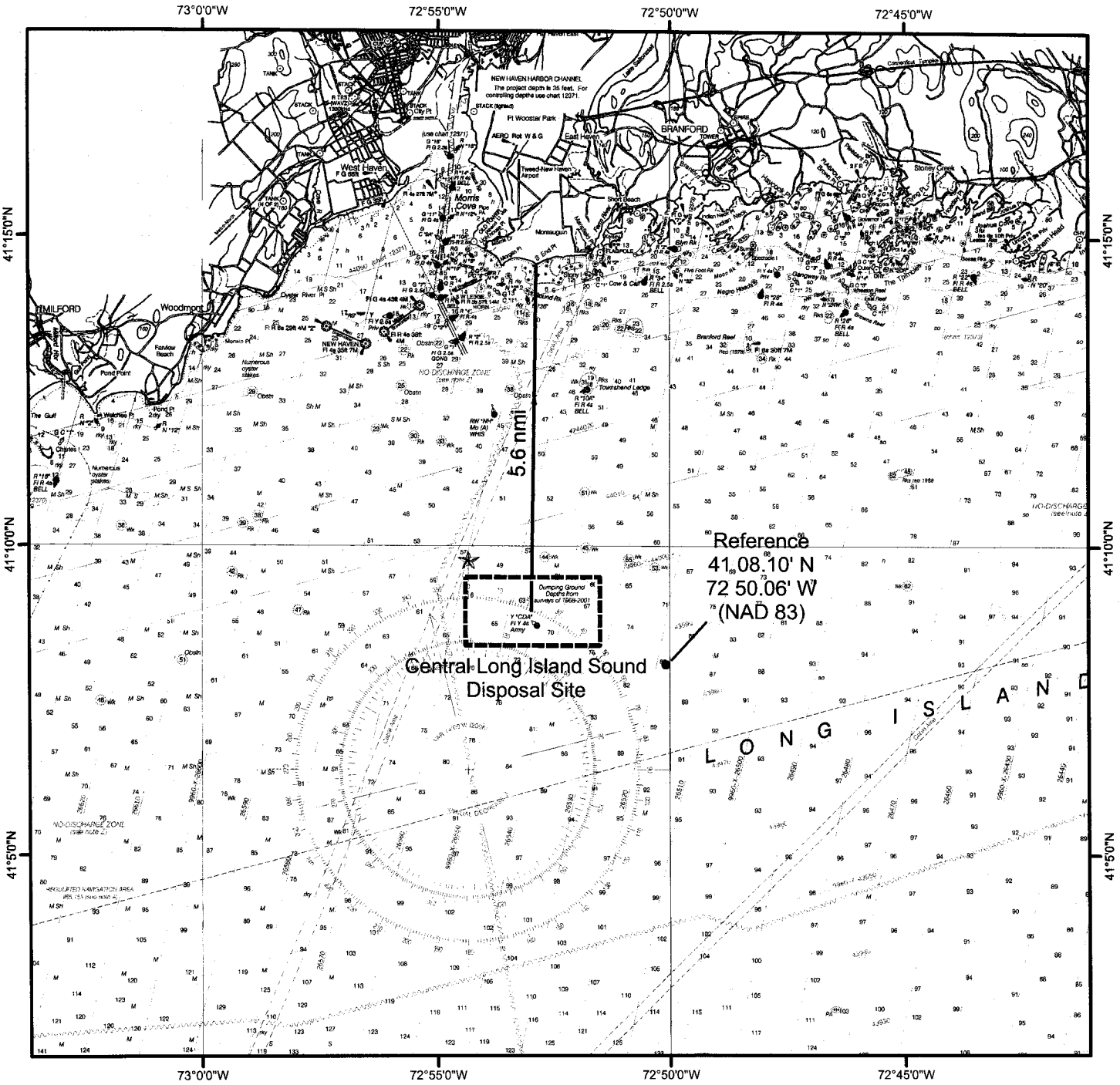
4. TOWN OF HUNTINGTON

STATE OF NEW YORK
THOMAS D. REILLY
LICENSED PROFESSIONAL ENGINEER
No. 043595

PROPOSED MAINTENANCE DREDGING FOR THOMAS A. KNUTSON, JR REVOCABLE LIVING TRUST
ON CANAL OFF HUNTINGTON HARBOR AT HUNTINGTON, SUFFOLK CO., N.Y.
SHEET 3 OF 4 4/16/09
9/11/09
rev 7/8/13

USACE FILE: NAN-2013-00847



CENTRAL LONG ISLAND SOUND DISPOSAL SITE

Description: The Central Long Island Sound Disposal Site (CLDS) is one of four regional dredged material disposal sites located in the waters of Long Island Sound. CLDS covers a 11.04 km² (3.2 nmi²) area and is centered at 41° 08.950' N, 72° 52.950' W (NAD 83). It is located approximately 10.89 km (5.6 nmi) south of South End Point, East Haven, Connecticut. Since 1977, the management strategy at CLDS has entailed the controlled placement of small to moderate volumes of sediment to form individual disposal mounds on the seafloor. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.

D A M O S

DISPOSAL AREA MONITORING SYSTEM

SCALE 1:175,000

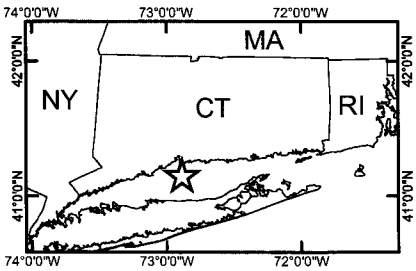
Kilometers

1 0 1 2 3 4 5 6 7

1 0 1 2 3

Nautical Miles

NOTE: This chart is not intended for use in navigation.



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