



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-2013-00519-EST
Issue Date: June 18, 2013
Expiration Date: July 18, 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Town of Southampton
116 Hampton Road, Town Hall
Southampton, NY 11968

ACTIVITY: Maintenance dredging of the channel connecting Davis Creek with North Sea Channel.

WATERWAY: Davis Creek, North Sea Channel, Little Peconic Bay

LOCATION: Town of Southampton, 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.

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 because it is expected that fish populations would avoid the small area of disturbance. 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 occurs. 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:

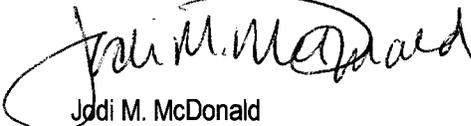
- New York State Department of Environmental Conservation Permit

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

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 a (917) 790-8533 and ask for Leo Strogach.

CENAN-OP-RE
PUBLIC NOTICE NO.NAN-2013-00519-EST

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

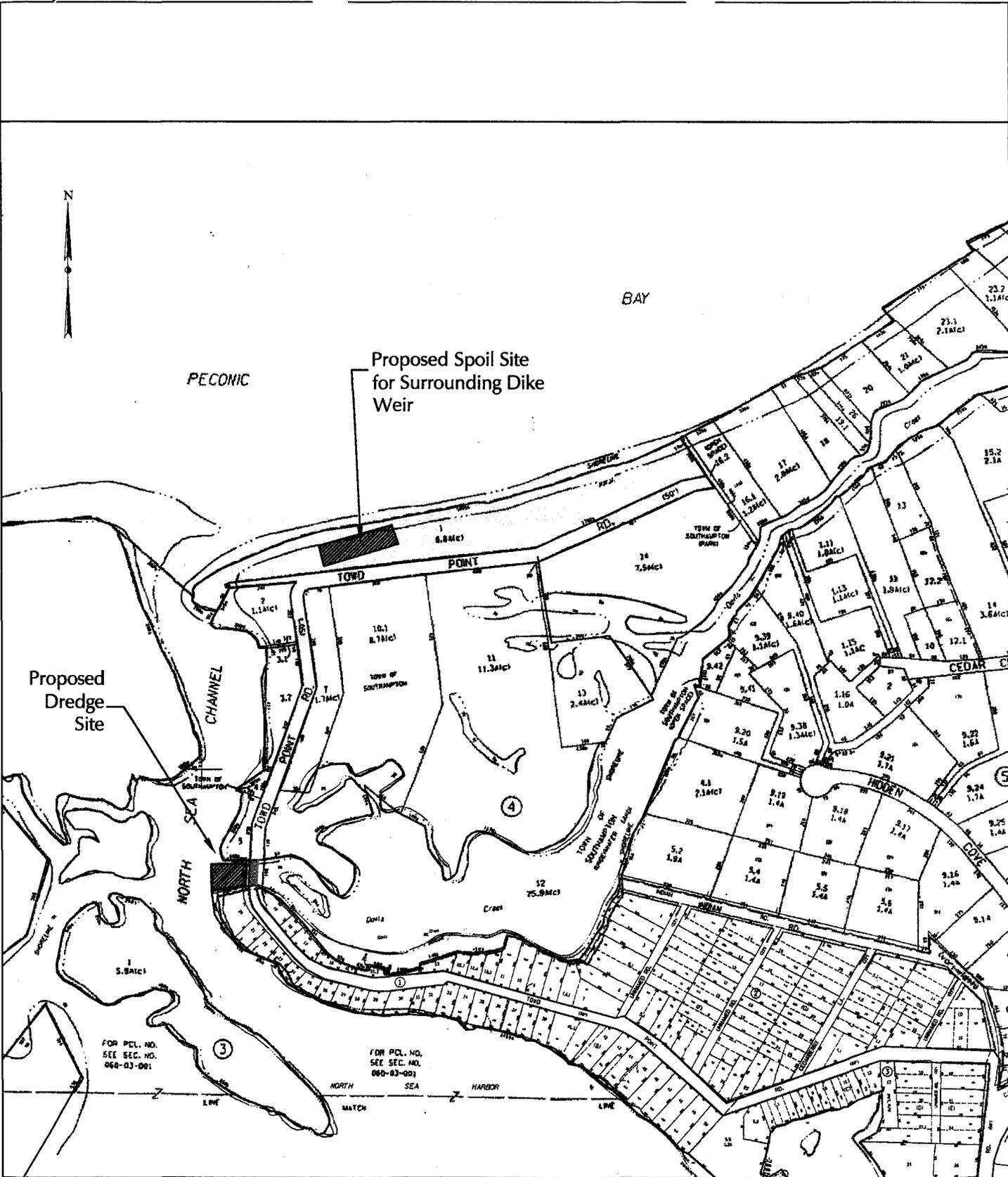
WORK DESCRIPTION

The applicant, Town of Southampton, has requested Department of the Army authorization for maintenance dredging of the entrance to Davis Creek connected to North Sea Channel. The proposed project site is located in Davis Creek/North Sea Channel area, in the Town of Southampton, Suffolk County, New York.

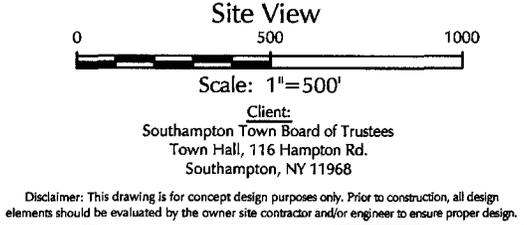
The work would involve: Dredging, with 10-year maintenance of a 70-foot-wide by 118-foot-long channel at the mouth of Davis Creek to the elevation of 6 feet below mean low water (MLW) with placement of the approximately 1,700 cubic yards of dredged material at the Town's dredged material placement site, an 81-foot-wide by 360-foot-long diked area at the end of Towd Point Road. The disposal site would be equipped with a weir box and 18-inch corrugated metal pipe discharging water into Little Peconic Bay.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by stabilizing the eroding shoreline. Most of the impacts associated with this project are temporary and would be offset by implementing best management practices to minimize impacts.

The stated purpose of this project is to restore the navigation channel at this location as well as tidal exchange into Davis Creek which contains significant amounts of commercially valuable shellfish.



Purpose: Proposed Dredging
Datum: NGVD 1929
Adjacent Property Owners:
 1. 900-59-1-20, 308 Towd Point Rd
 Clay Chalem & Gerald Chalem (Trustee), Gerald Chalem
 Living Trust, 34 Greene Street, New York, NY 10013
 2. 900-58-4-5, 336 Towd Point Rd
 Island Creek Properties c/o Wayne Bruyn, Esq., 250 North
 Sea Rd., Southampton, NY 11968
 File:SouthamptonTownBoardofTrustees/DavisCreekDredging/
 DCDredgingOctober2012.dwg



Name of Project:
 Davis Creek Dredging Project
Location of Project:
 In: North Sea Harbor, North Sea Channel, Peconic Bay
 North Sea, Southampton, New York
 County: Suffolk County
 Applicant: Inter-Science Research Associates Inc.
 PO Box 1201, 36 Nugent Street
 Southampton, NY 11969-1201
 Sheet 1 of 6

Date: 10-02-2012

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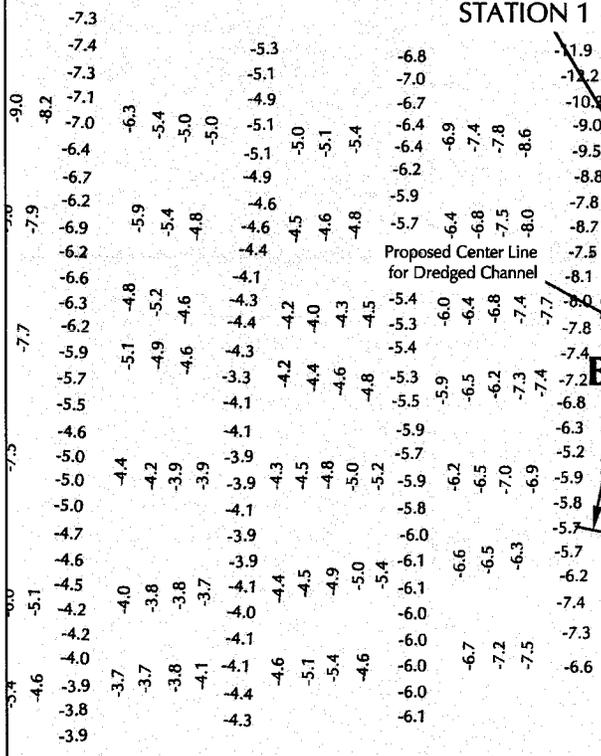
- 70' +/- Wide Channel Dredged to -6' at Mean Low Water
- 1 on 3 Side Slopes

2

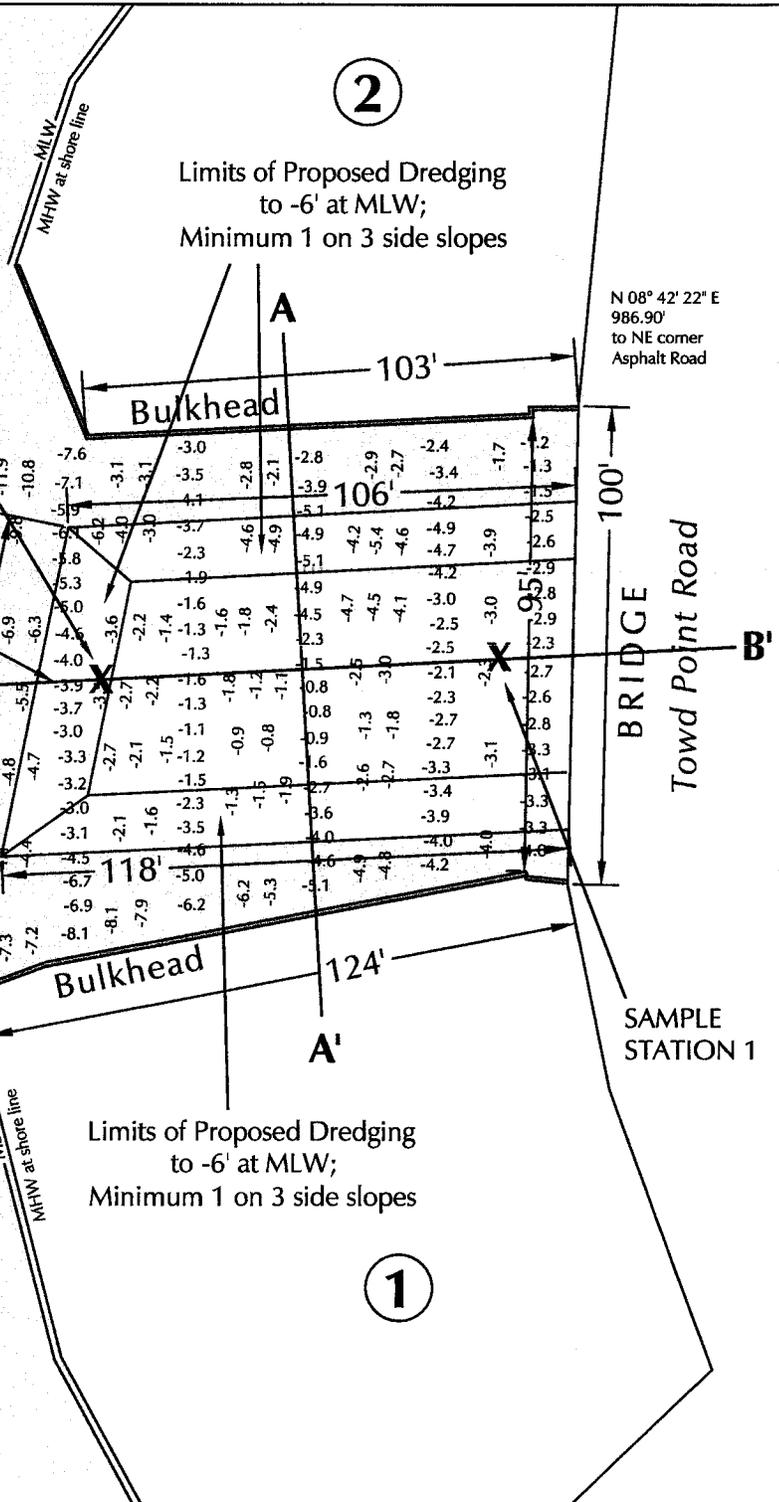
Limits of Proposed Dredging to -6' at MLW;
Minimum 1 on 3 side slopes

N 08° 42' 22" E
986.90'
to NE corner
Asphalt Road

SAMPLE STATION 1



Proposed Center Line for Dredged Channel



North Sea Channel

1

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 Island Creek Properties c/o Wayne Bruyn, Esq., 250
 North Sea Rd., Southampton, NY 11968
File: SouthamptonTownBoardofTrustees/DavisCreekDredging/
 DCDredgingOctober2012.dwg

Detail View of Dredge Site

Scale: 1"=40'

Client:
 Southampton Town Board of Trustees
 Town Hall, 116 Hampton Rd.
 Southampton, NY 11968

Disclaimer: This drawing is for concept design purposes only. Prior to construction, all design elements should be evaluated by the owner site contractor and/or engineer to ensure proper design.

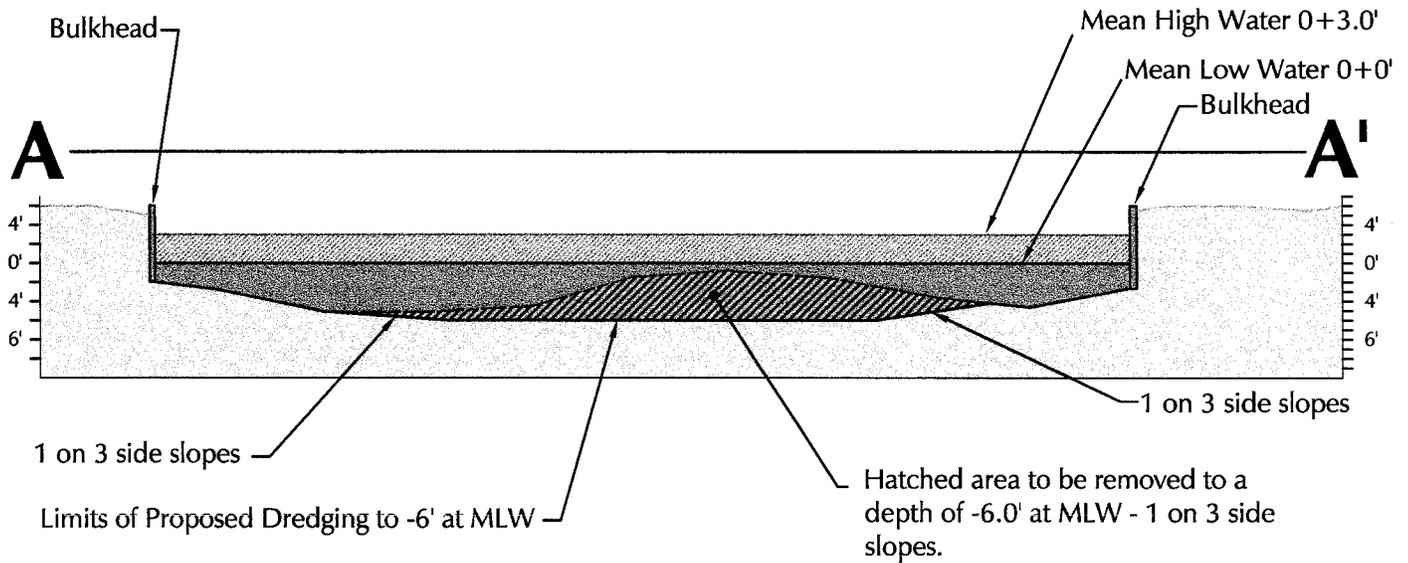
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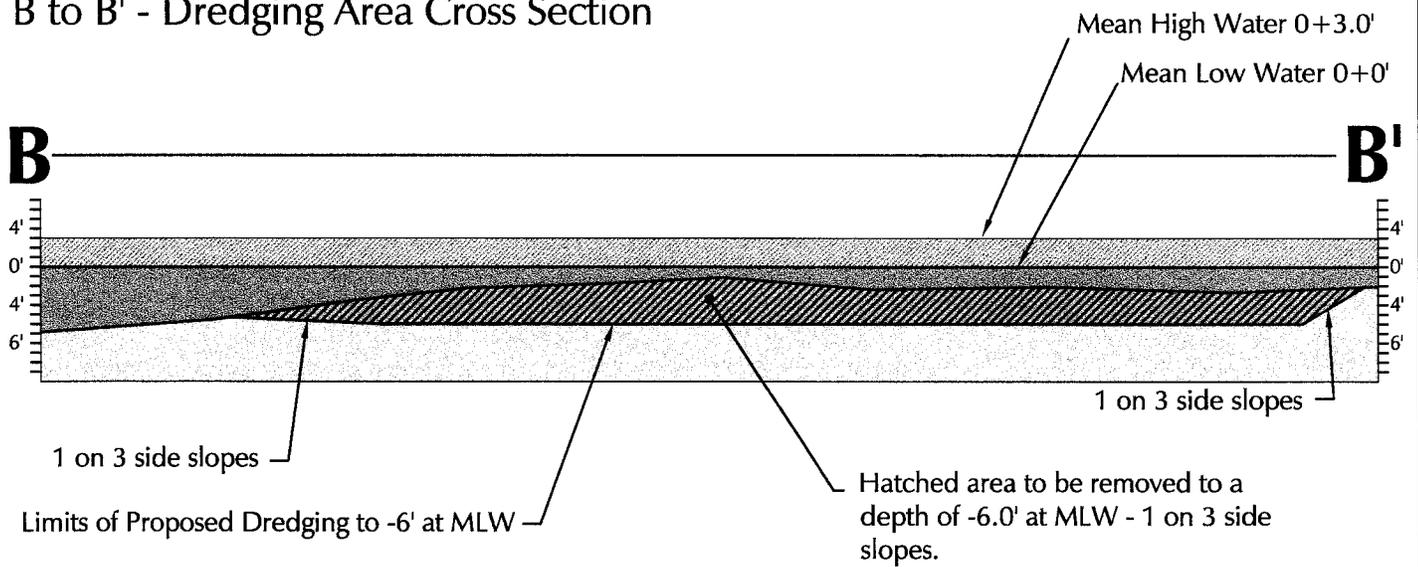
Sheet 2 of 6 Date: 10-02-2012

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A to A' - Dredging Area Cross Section



B to B' - Dredging Area Cross Section



Purpose: Proposed Dredging

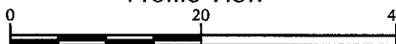
Datum: NGVD 1929

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- 1. 900-59-1-20, 308 Towd Point Rd
Clay Chalem & Gerald Chalem (Trustee), Gerald Chalem Living Trust, 34 Greene Street, New York, NY 10013
- 2. 900-58-4-5, 336 Towd Point Rd
Island Creek Properties c/o Wayne Bruyn, Esq., 250 North Sea Rd., Southampton, NY 11968

File: SouthamptonTownBoardofTrustees/DavisCreekDredging/DCDredgingOctober2012.dwg

Profile View



Scale: 1"=20'

Client:
Southampton Town Board of Trustees
Town Hall, 116 Hampton Rd.
Southampton, NY 11968

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North Sea, Southampton, New York
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PO Box 1201, 36 Nugent Street
Southampton, NY 11969-1201

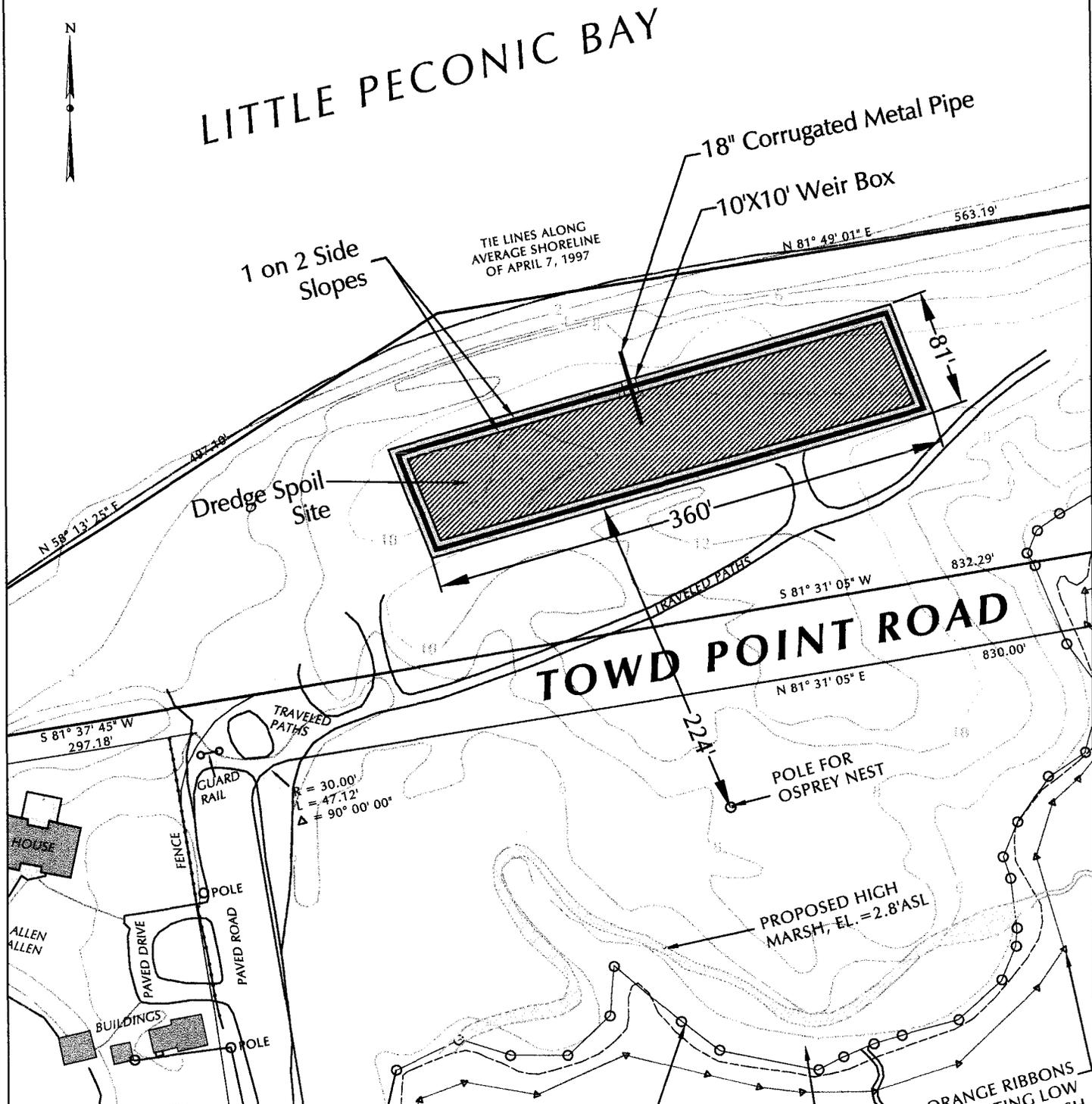
Sheet 3 of 6

Date: 10-02-2012

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LITTLE PECONIC BAY



Purpose: Proposed Dredging
Datum: NGVD 1929
Adjacent Property Owners:
 1. 900-59-1-20, 308 Towd Point Rd
 Clay Chalem & Gerald Chalem (Trustee), Gerald Chalem
 Living Trust, 34 Greene Street, New York, NY 10013
 2. 900-58-4-5, 336 Towd Point Rd
 Island Creek Properties c/o Wayne Bruyn, Esq., 250
 North Sea Rd., Southampton, NY 11968
 File: SouthamptonTownBoardofTrustees/DavisCreekDredging/
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Proposed Dike Weir

Scale: 1" = 100'

Client:
 Southampton Town Board of Trustees
 Town Hall, 116 Hampton Rd.
 Southampton, NY 11968

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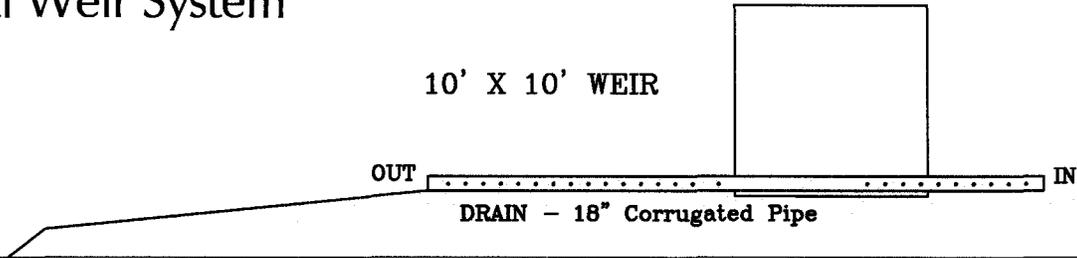
Date: 10-02-2012

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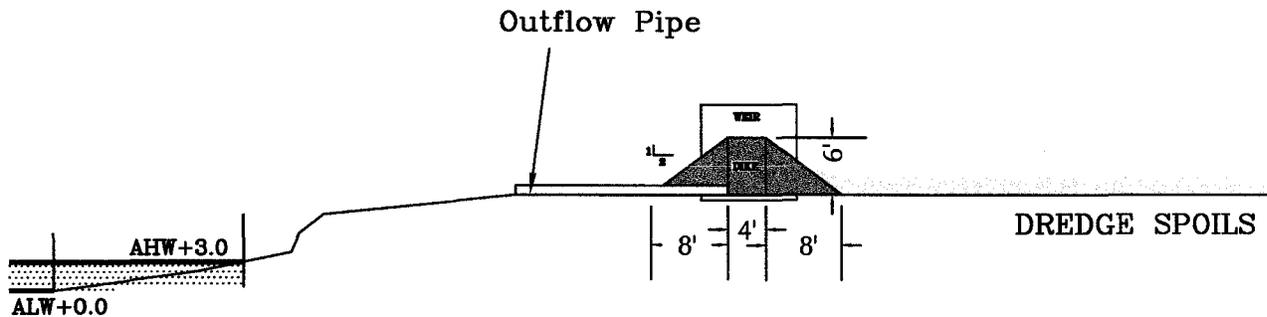
APP # 2013-00519-ESA

Typical Weir System

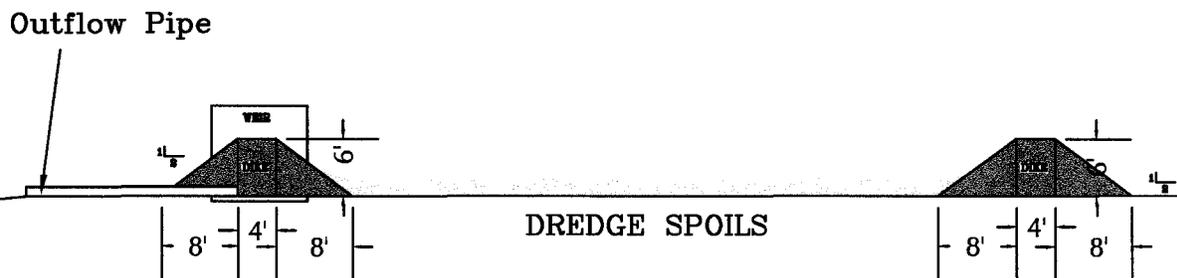
Scale: 1" = 10'



Profile / Cross Section View of Dike Weir View A1



Profile / Cross Section View of Dike Weir View A2

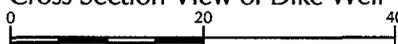


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 Island Creek Properties c/o Wayne Bruyn, Esq., 250
 North Sea Rd., Southampton, NY 11968

File: SouthamptonTownBoardofTrustees/DavisCreekDredging/
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Cross Section View of Dike Weir



Scale: 1" = 20'

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 Town Hall, 116 Hampton Rd.
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AMM # 2013-00579-ESA