

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-2013-00302-EST
Issue Date: 04 SEPTEMBER 2013
Expiration Date: 04 OCTOBER 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: Thomas J. Aprea, Jr.
PO Box 328
East Marion, NY 11939

ACTIVITY: 10-Year Maintenance Dredging with Beach Nourishment Placement

WATERWAY: Existing Boat Basin off of Spring Pond and Orient Harbor

LOCATION: 500 Beach Court, Village of East Marion, Town of Southold, 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/FIS) 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 Issued 29 July 2013

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.

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



for
Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, Mr. Thomas J. Aprea, Jr., has requested Department of the Army authorization for 10-year maintenance dredging of the existing boat basin with placement of the dredged material along the nearby southern bulkheaded shoreline on Orient Harbor as beach nourishment. The proposed regulated work's location is at 500 Beach Court, Village of East Marion, Town of Southold, Suffolk County, New York.

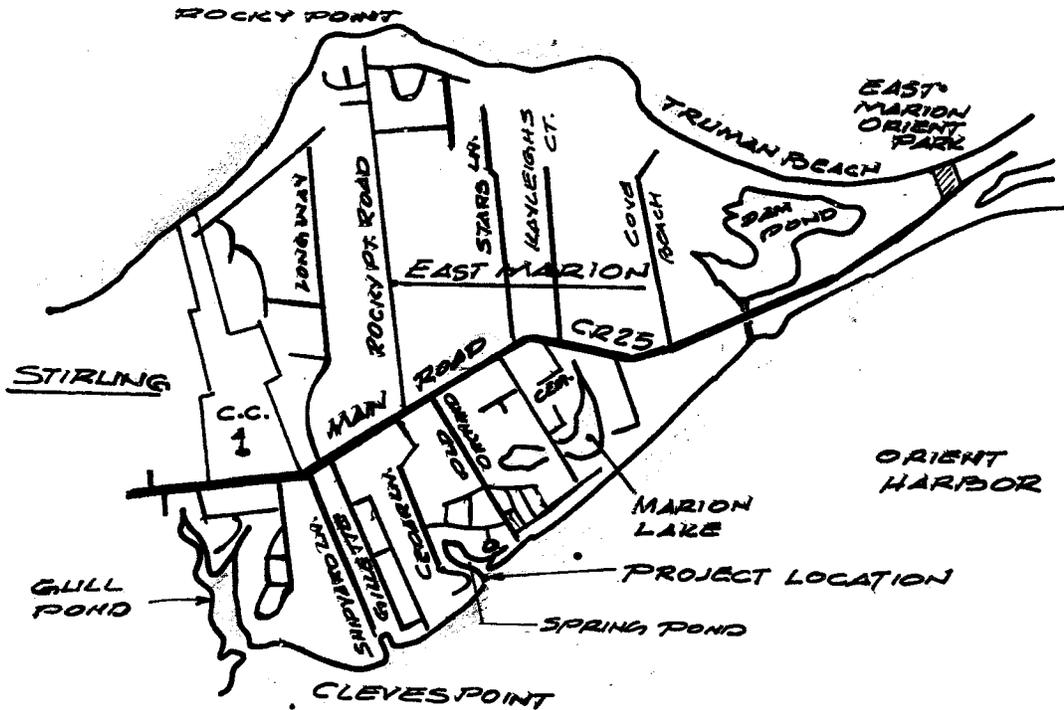
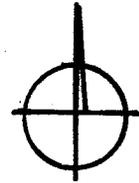
The regulated work would involve maintenance dredging of a 50-foot-wide by 50-foot-long existing boat basin off of Spring Pond to an elevation of 5 feet below the plane of Mean Low Water (MLW) with placement of the expected 125 cubic yards of dredged material over an area of approximately 3,400 square feet along the southern bulkhead at and above the line of Spring High Water (SHW elevation) on the shoreline of Orient Harbor.

In addition to the 125 cubic yards of dredged material, 200 cubic yards of upland-sourced sand would be added for a total placement volume of 325 cubic yards on the approximately 3,400 square feet of shoreline at and above the line of Spring High Water (SHW elevation) on the shoreline of Orient Harbor

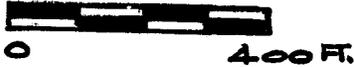
The permit applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by stabilizing the eroding shoreline. Most of the impacts associated with this project are temporary and would be offset by implementing best management practices to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

The stated purpose of this project is to maintain safe navigation depths in the boat basin and restore the eroded shoreline in front of the southern bulkhead.

LONG ISLAND SOUND



VICINITY MAP



PROPOSED:

MAINTENANCE DREDGE AN AREA 50' X 50' IN BOAT BASIN TO ELEV. - 5.0' BELOW MEAN LOW WATER ELEV. 0.0 REMOVING 125 CU. YDS OF SPOIL. DREDGED SPOIL TO BE PLACED AS BEACH NOURISHMENT ON THE BEACH - SOUTH OF THE INLET ABOVE MEAN HIGH WATER LINE.

ACCESS:

BY WATER USING BARGE AND BY LAND THROUGH APPLICANTS PROPERTY

APPLICANT

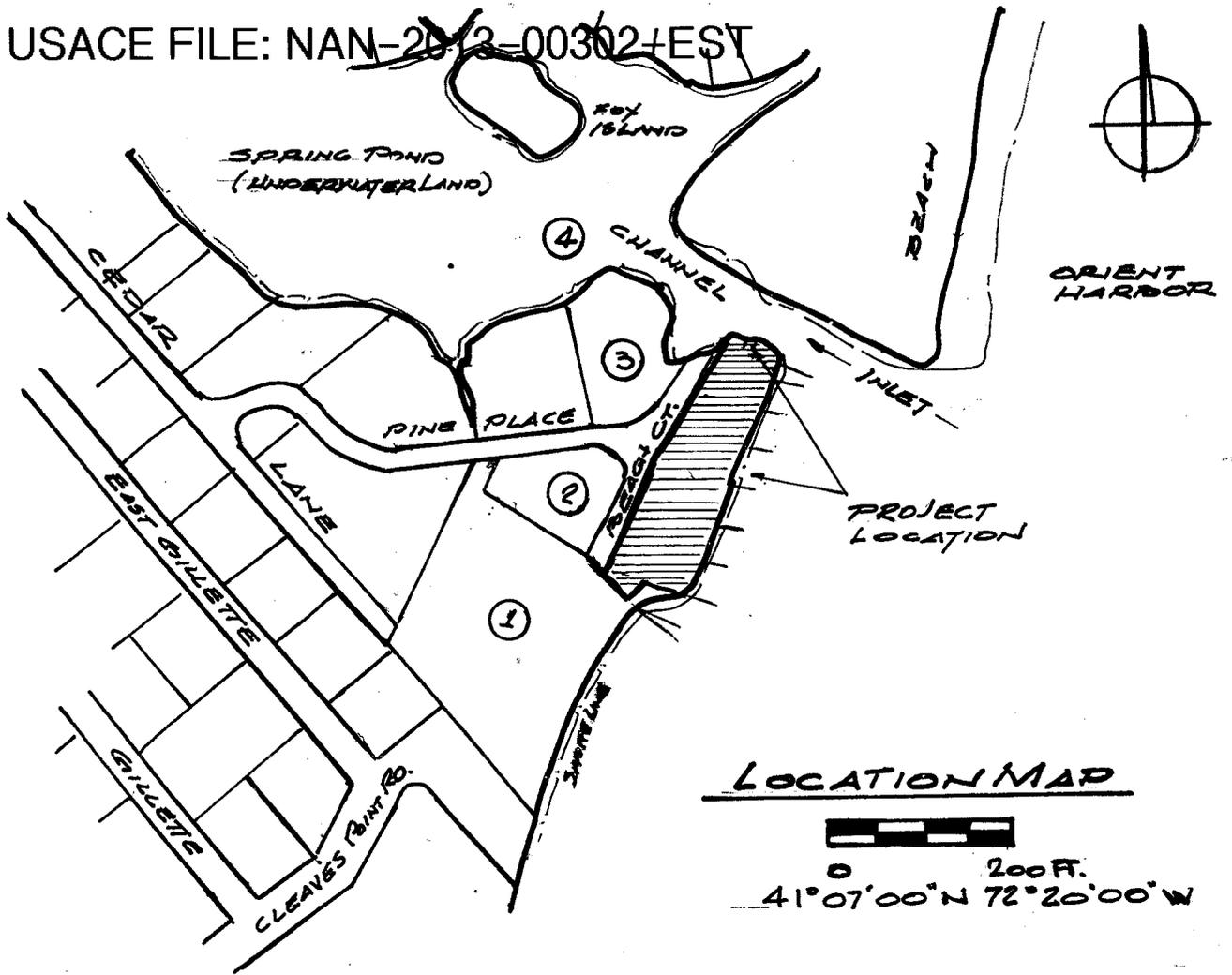
THOMAS J. APREA JR.
P.O. Box 328
EAST MARION, N.Y. 11939
500 BEACH COURT
JCTM-1000-37-7-9.1

PREPARED BY:

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

AUG. 26, 2013

MAR. 8, 2013 MAR. 1, 2013



LOCATION MAP



0 200 FT.
41°07'00" N 72°20'00" W

ADJACENT PROPERTY OWNERS:

① JOHN A. + JOHN E. DEFILIPPI
1000 CARBON STREET
ERIE, CO. 80516
3345 CEDAR LANE

③ MAUREEN MOONEY
89 PERSHING AVENUE
LOCUST VALLEY N.Y. 11560
575 PINE PLACE

② CHARLES + MARY HEMBURY
52 SHEPPARD LANE
SMITHTOWN, N.Y. 11787
605 BEACH COURT

④ GARDINERS BAY HOME
OWNERS ASSOC. INC.
P.O. Box 4
EAST MARION, N.Y. 11939
UNDERWATER LAND

APPLICANT

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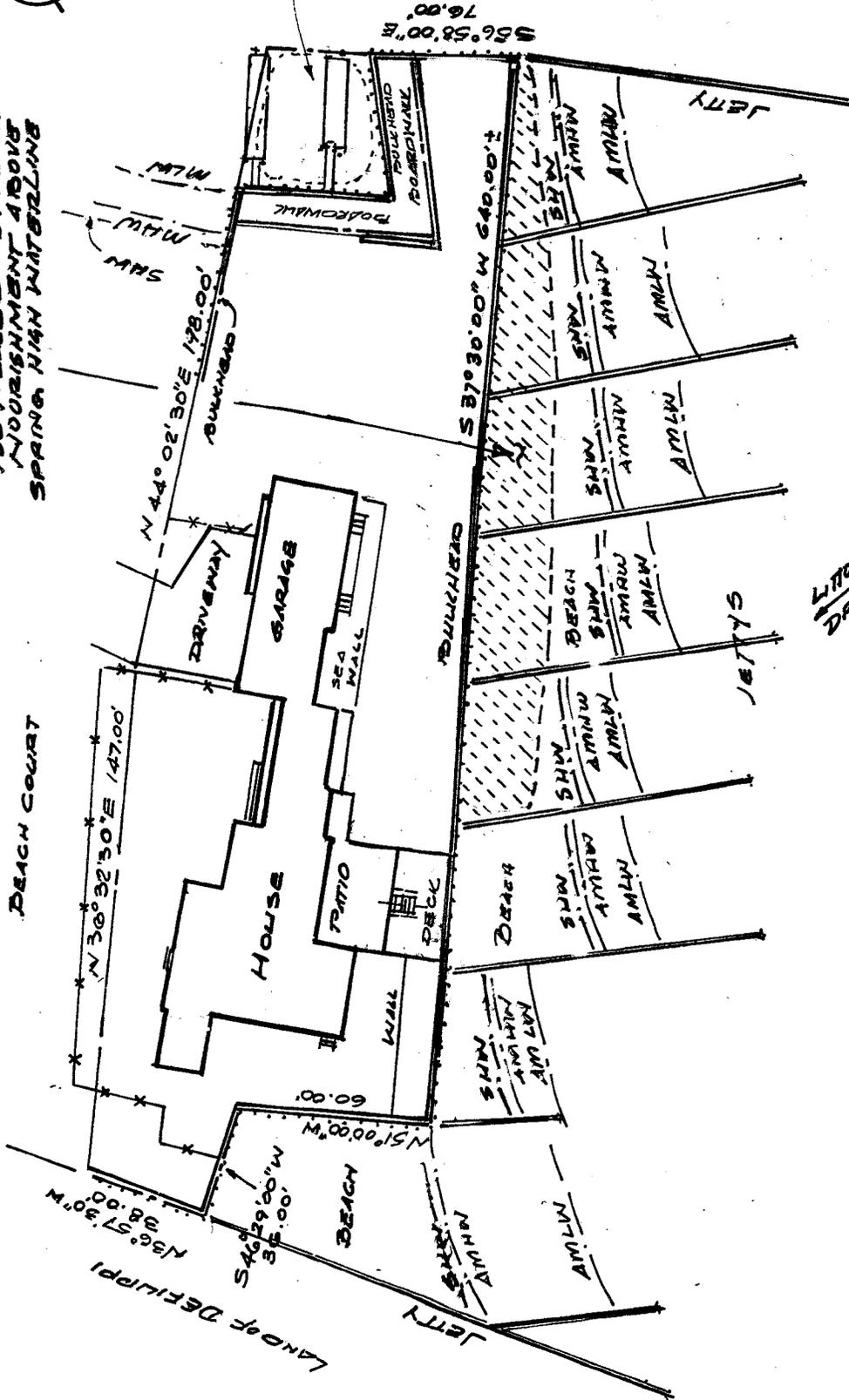
USACE FILE: NAN-2013-00302-EST

SPRING POND

PROPOSED-DREDGED
SOIL-125± CU.YDS TO
BE PLACED AS BEACH
IMPROVEMENT ABOVE
SPRING HIGH WATERLINE



BOAT BASIN
FOR DETAILS
OF AREAS TO
BE DREDGED
SEE PLAN
SHEET NO. 5



SPRING HIGH WATER
+ 2.9' AS PER
N.O. NAVIGATOR TABLES
2013

ORIENT HARBOR

LITORAL
DRAFT

SITE

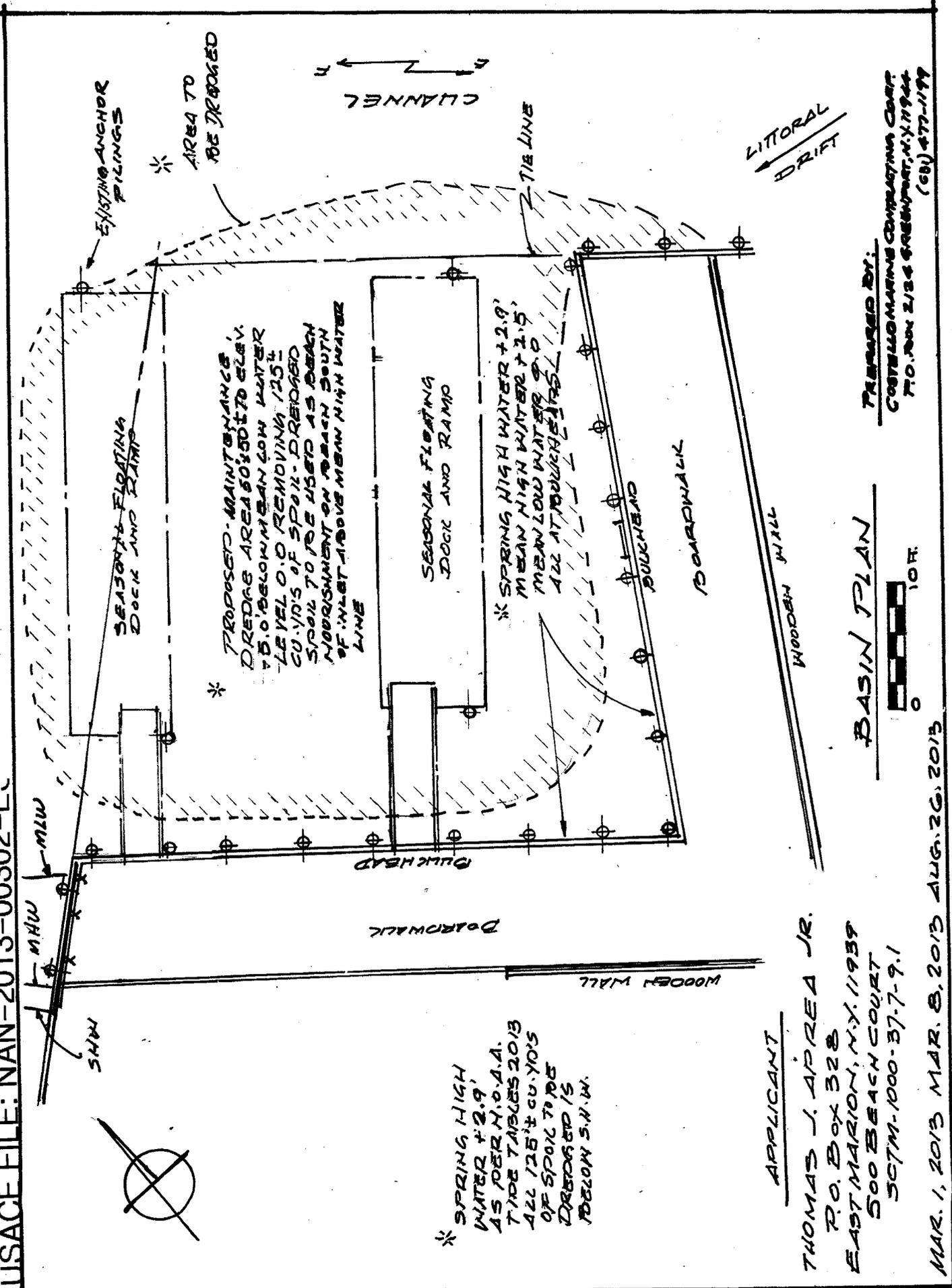


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BASIN PLAN

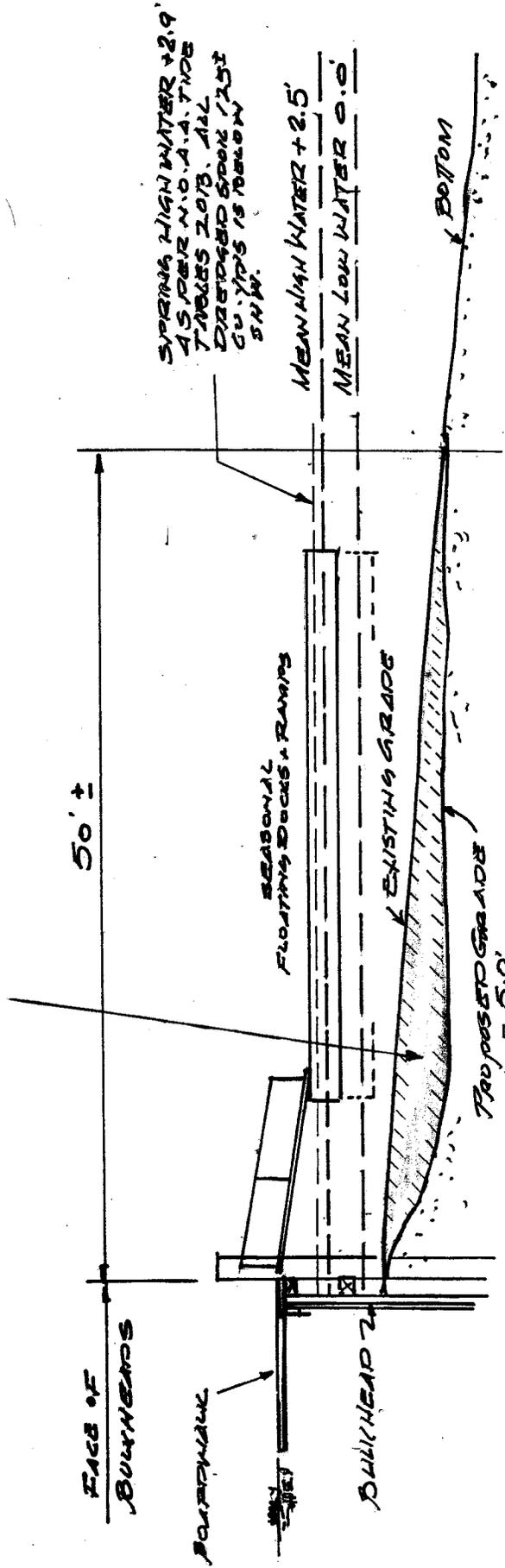


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DREDGING PROFILE

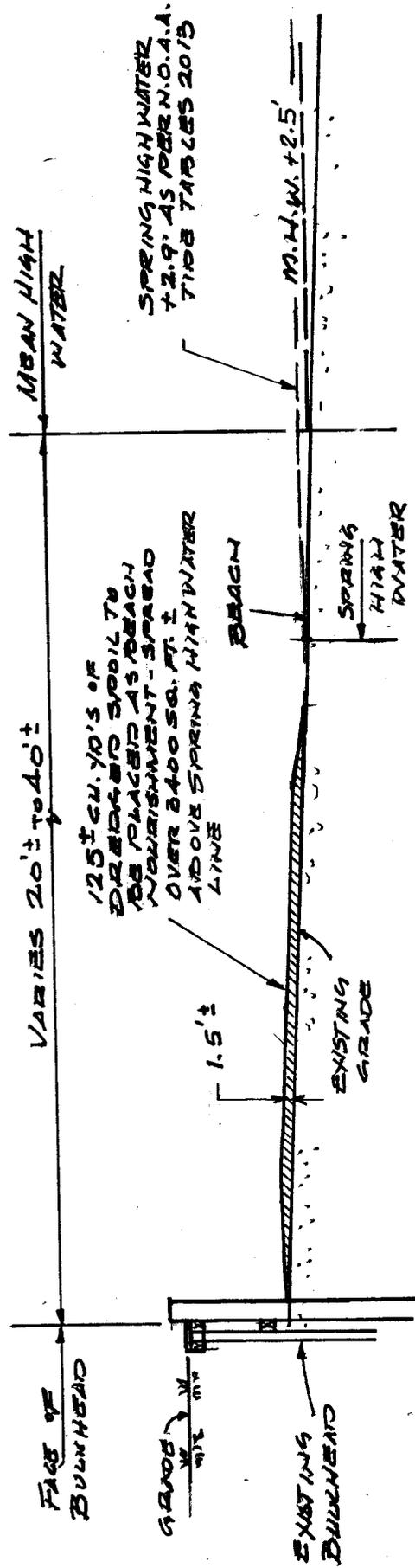


APPLICANT
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BEACH AREA PROFILE

APPLICANT

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