



# 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-2013-01475-EYA  
Issue Date: August 12, 2014  
Expiration Date: September 12, 2014

## 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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** Oki-Do Ltd.  
Attn: Dr. Kazuko Tatsumura Hillyer, President  
2835 Shipyard Lane  
East Marion, NY 11939

**ACTIVITY:** Dredging with 10 year maintenance, bulkhead replacement, rock revetment construction and new dock construction

**WATERWAY:** Gardiner's Bay

**LOCATION:** 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.

**PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE**

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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. Comments provided will become a part of the public record for this action.

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/FIS regarding EFH impacts and conservation recommendations is 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

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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

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

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 - 8092 and ask for Jun Yan.

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, Oki-Do Ltd., has requested Department of the Army authorization for dredging with 10 year maintenance, bulkhead replacement, rock revetment construction and new dock construction in Gardiner's Bay, in East Marion, Town of Southold, Suffolk County, New York.

The work would involve the replacement of 1323 linear feet of existing bulkhead, of which 305 linear feet of bulkhead along Gardiner's Bay would be constructed in place and landward of the existing bulkhead; 85 linear feet near the boat channel would be constructed seaward of the existing bulkhead, above mean high water. The remainder of the bulkhead in the boat basin and along the channel would be replaced in place. Install 505 linear feet of rock revetment along the Gardiners Bay portion of the bulkhead.

Dredge via clamshell bucket the boat channel to a depth of approximately 5 feet below the plane of the Mean Low Water line removing approximately 4,022 cubic yards of dredged material. The dredged materials would be temporarily stored in two (2) dewatering areas on site. After dewatering, the dredged materials will be placed in several upland settling lagoons on the project site. Three (3) additional dredging events are anticipated within the next 10-year period in order to maintain navigable conditions within the channel. Each dredging event will remove approximately 1,000 cubic yards of dredged material from the boat channel to be deposited at NYSDEC approved upland locations. Replace three (3) existing jetties with respective length of 61 linear feet, 106 linear feet, and 19 linear feet, the portions of the existing jetties below mean low water will be abandoned. Within the boat basin, remove the existing dock and install a new 8-foot wide by 132-foot long floating dock.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by limiting construction to the smallest area practicable and utilizing existing structures. As part of the channel dredging, the project will allow more water into the boat basin and restore approximately 5,806 square feet of inter-tidal wetland along the banks of the boat basin. The applicant will plant smooth cord grass within the inter-tidal wetlands.

The stated purpose of this project is to provide safe access to the waterways, shoreline stabilization and safe mooring for recreational use.

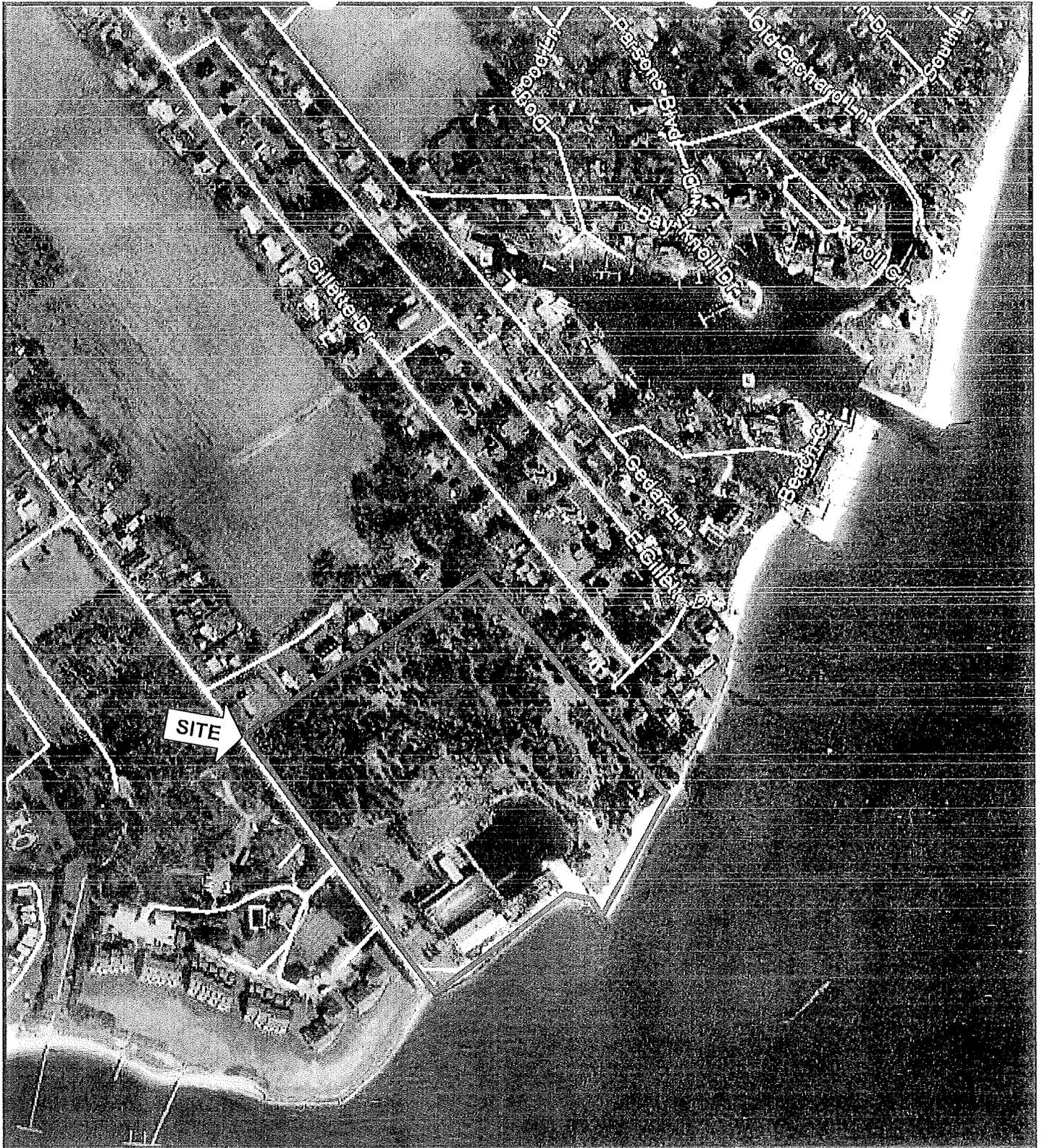


FIGURE 1 - SITE LOCATION MAP

STREET ADDRESS: 2835 Shipyard Lane

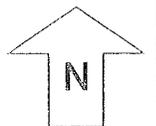
MUNICIPALITY, STATE, ZIP: East Marion, Town of Southold, New York 11939

SUFFOLK COUNTY TAX MAP NUMBER: District 1000 - Section 38 - Block 7 - Lot 7.001

COORDINATES: LAT.: 41.114422° N Lon.: -72.340740° W

AERIAL IMAGERY SOURCE: Google Earth

*NAN-2013-01475-EYA*



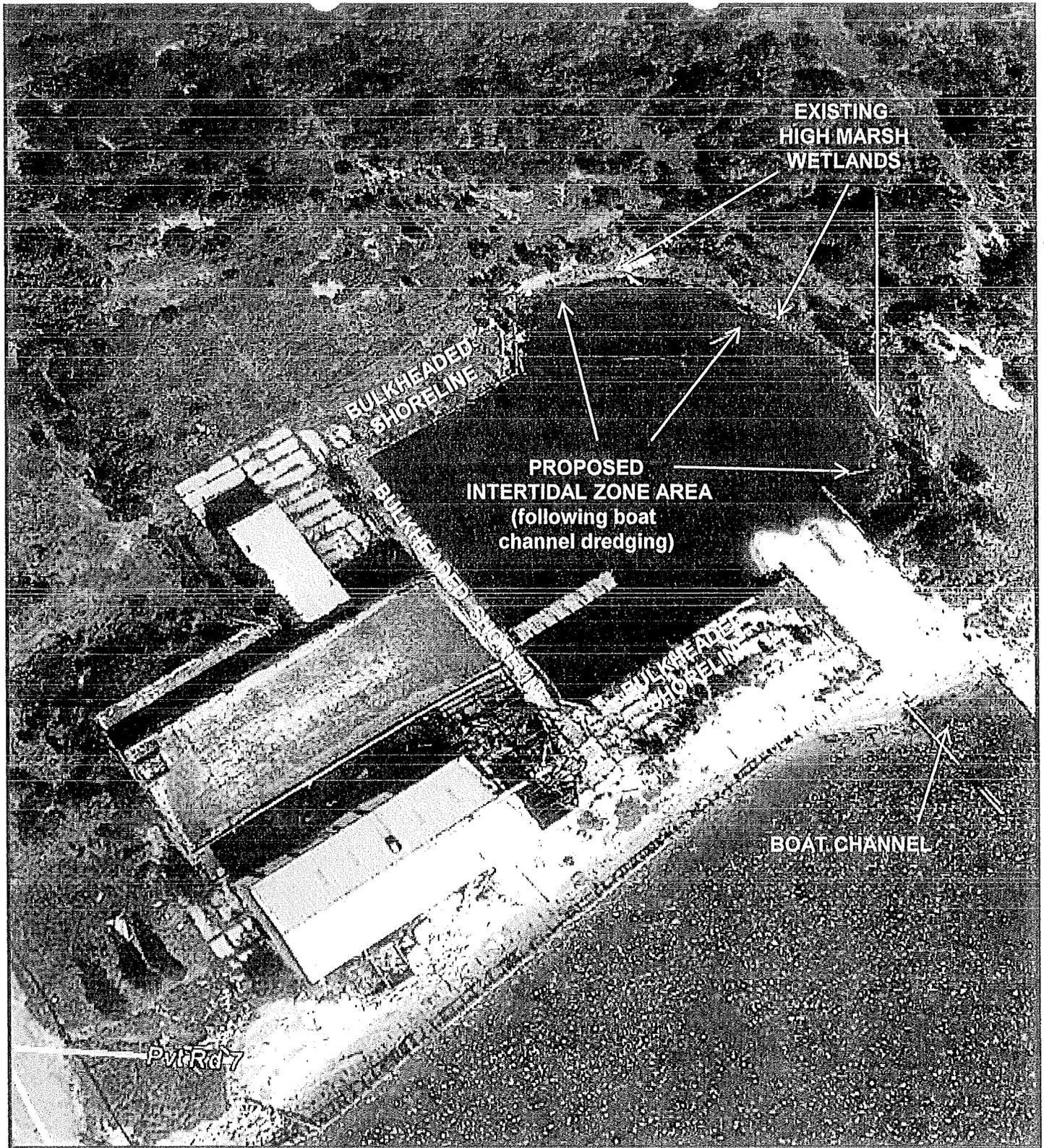


FIGURE 2 – MARINA BASIN DETAILS

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*WAN-2013-01475-EYA*

