



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-2014-00351-EBO

Issue Date: July 16, 2014

Expiration Date: August 16, 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Peter Neyland
115 Broadway
Rockville Centre, NY 11570

ACTIVITY: Maintenance dredging an existing basin at a private residence

WATERWAY: Spring Pond tributary to Peconic River

LOCATION: Hamlet 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.

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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 life stages 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://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 a (917) 790-8516 and ask for Leslie Bowles-Early.

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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

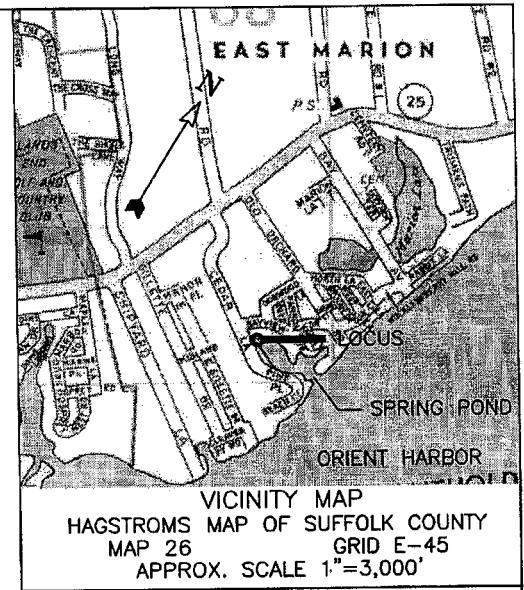
Enclosures

WORK DESCRIPTION

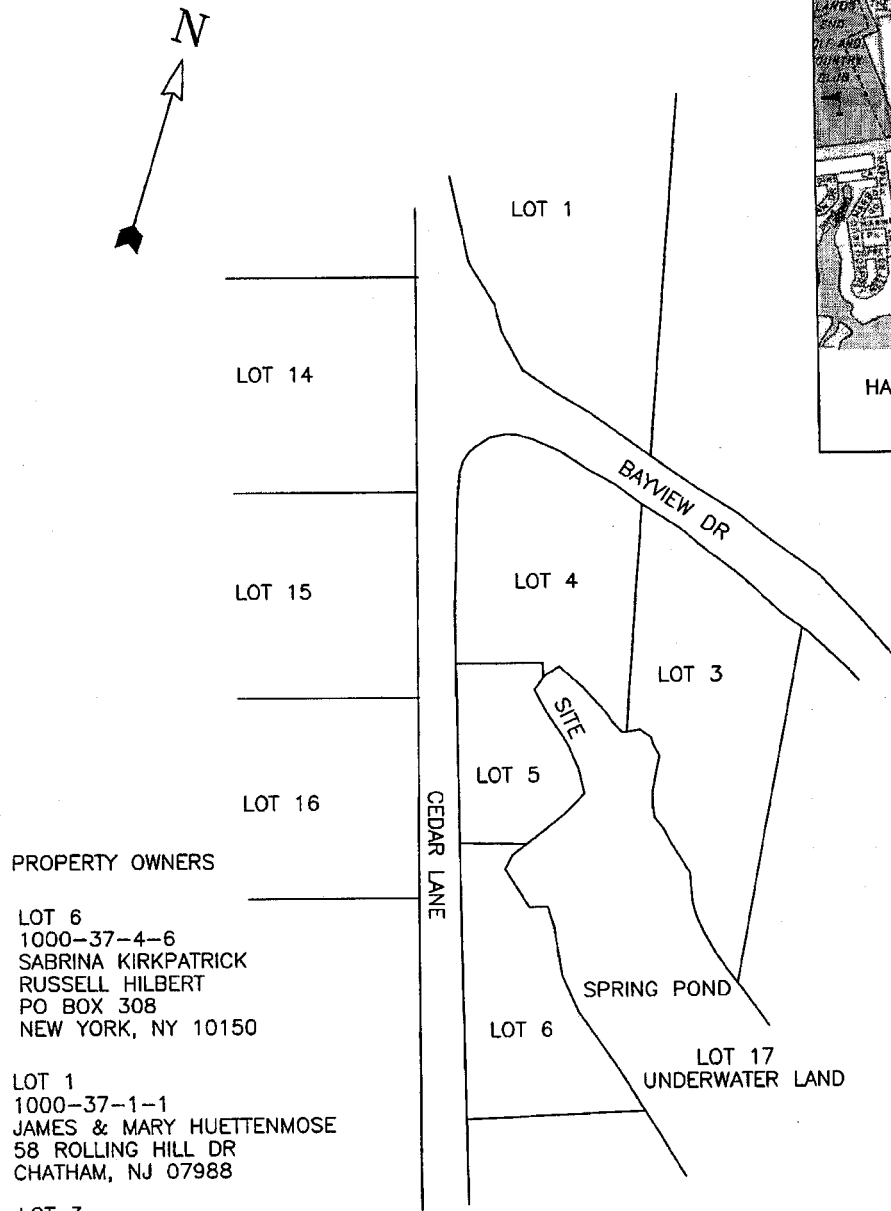
The applicant, Peter Neyland, has requested Department of the Army authorization for maintenance dredging of Spring Pond, a tributary of the Peconic River. The proposed project site is located in the Hamlet of East Marion, Town of Southold, Suffolk County, New York.

The work would involve dredging of approximately 200 cubic yards of material from an irregularly shaped area of approximately 3,100 square feet to a maximum depth of 4.5 feet below mean low water (MLW) with a 1-foot overdepth. The dredging would be accomplished by a clamshell bucket and a rubber tired crane. The dredged material would be contained behind hay bales for dewatering. Runoff from the dewatering would be filtered through hay bales or filter fabric before returning to the pond. The drying area is adjacent to the existing bulkhead. There are no wells near the drying area. The dredged material is proposed to be disposed of at an approved upland location. The applicant proposes to dredge this area annually with approximately the same amounts during the ten year period.

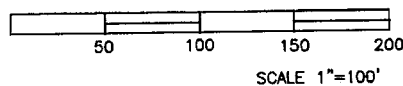
The stated purpose of the proposed dredging is for small craft mooring, and maintenance of navigable water depths.



VICINITY MAP



LOCATION MAP



PROPERTY OWNERS

LOT 6
1000-37-4-6
SABRINA KIRKPATRICK
RUSSELL HILBERT
PO BOX 308
NEW YORK, NY 10150

LOT 1
1000-37-1-1
JAMES & MARY HUETTENMOSE
58 ROLLING HILL DR
CHATHAM, NJ 07988

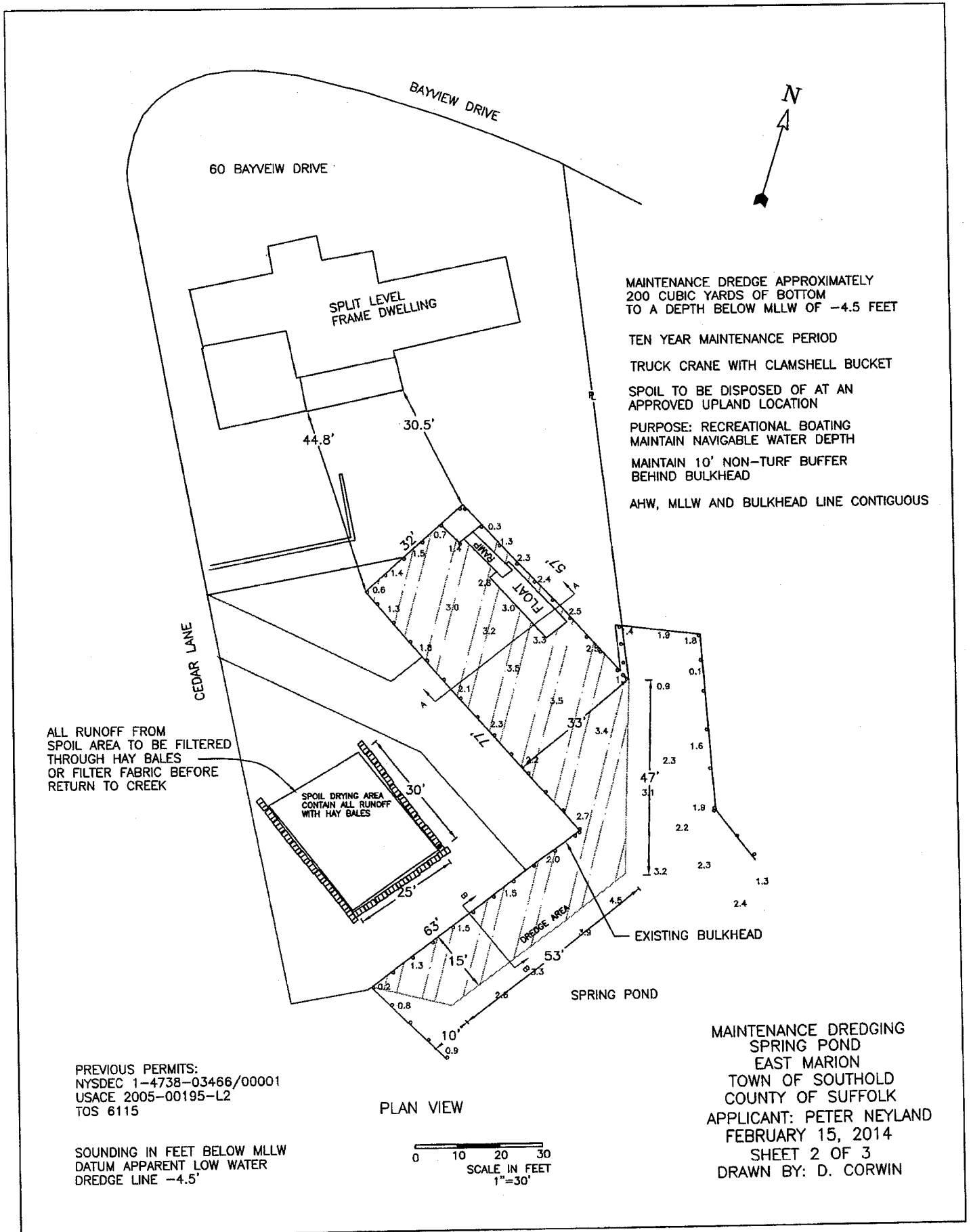
LOT 3
1000-37-4-3
JOHN & ROBIN IOVINO
180 BAYVIEW DR
PO BOX 182
EAST MARION, NY 11939

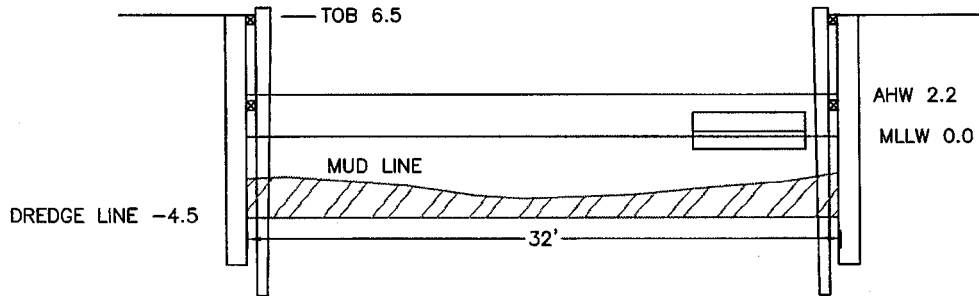
LOTS 4, 5, 15, 16
1000-37-4-4,5
1000-38-4-15,16
PETER & DIANE NEYLAND (APPLICANT)
115 BROADWAY
ROCKVILLE CENTER, NY 11570

LOT 14
1000-38-4-14
MARY DIAZ
715 GILLETTE DR
EAST MARION, NY 11939

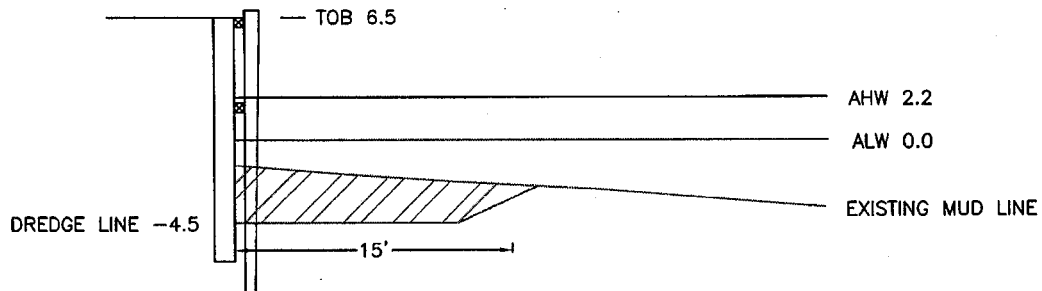
LOT 17
1000-37-4-17
GARDINERS BAY ESTATES CLUB INC.
PO BOX 4
EAST MARION, NY 11939

MAINTENANCE DREDGING
SPRING POND
EAST MARION
TOWN OF SOUTHOLD
COUNTY OF SUFFOLK
APPLICANT: PETER NEYLAND
FEBRUARY 15, 2014
SHEET 1 OF 3
DRAWN BY: D. CORWIN

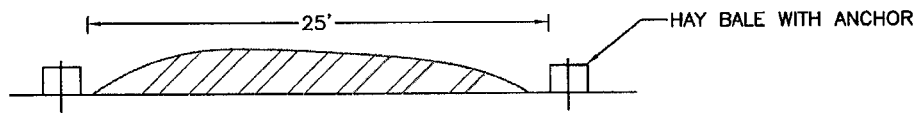




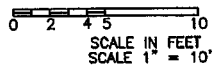
CROSSVIEW SECTION A-A



CROSSVIEW SECTION B-B



CROSS SECTION DRYING AREA



MAINTENANCE DREDGING
 SPRING POND
 EAST MARION
 TOWN OF SOUTHOLD
 COUNTY OF SUFFOLK
 APPLICANT: PETER NEYLAND
 FEBRUARY 15, 2005
 SHEET 3 OF 3
 DRAWN BY: D. CORWIN