



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-2014-01291-EYA
Issue Date: February 26, 2015
Expiration Date: March 28, 2015

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).

APPLICANT: Joseph and Margaret Kelly
122 Seafield Point
Westhampton Beach, NY 11978

ACTIVITY: Dredging with ten years maintenance

WATERWAY: Dug Canal, a tributary to Quantuck Bay

LOCATION: Westhampton Beach, 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

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

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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. Comment in writing could be mailed to US Army Corps of Engineers, New York District – ATTN: Regulatory Branch, 26 Federal Plaza, Room 1937, New York, N.Y. 10278

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments, including names and addresses, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 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.

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

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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.

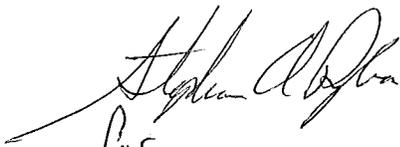
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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>



for
Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

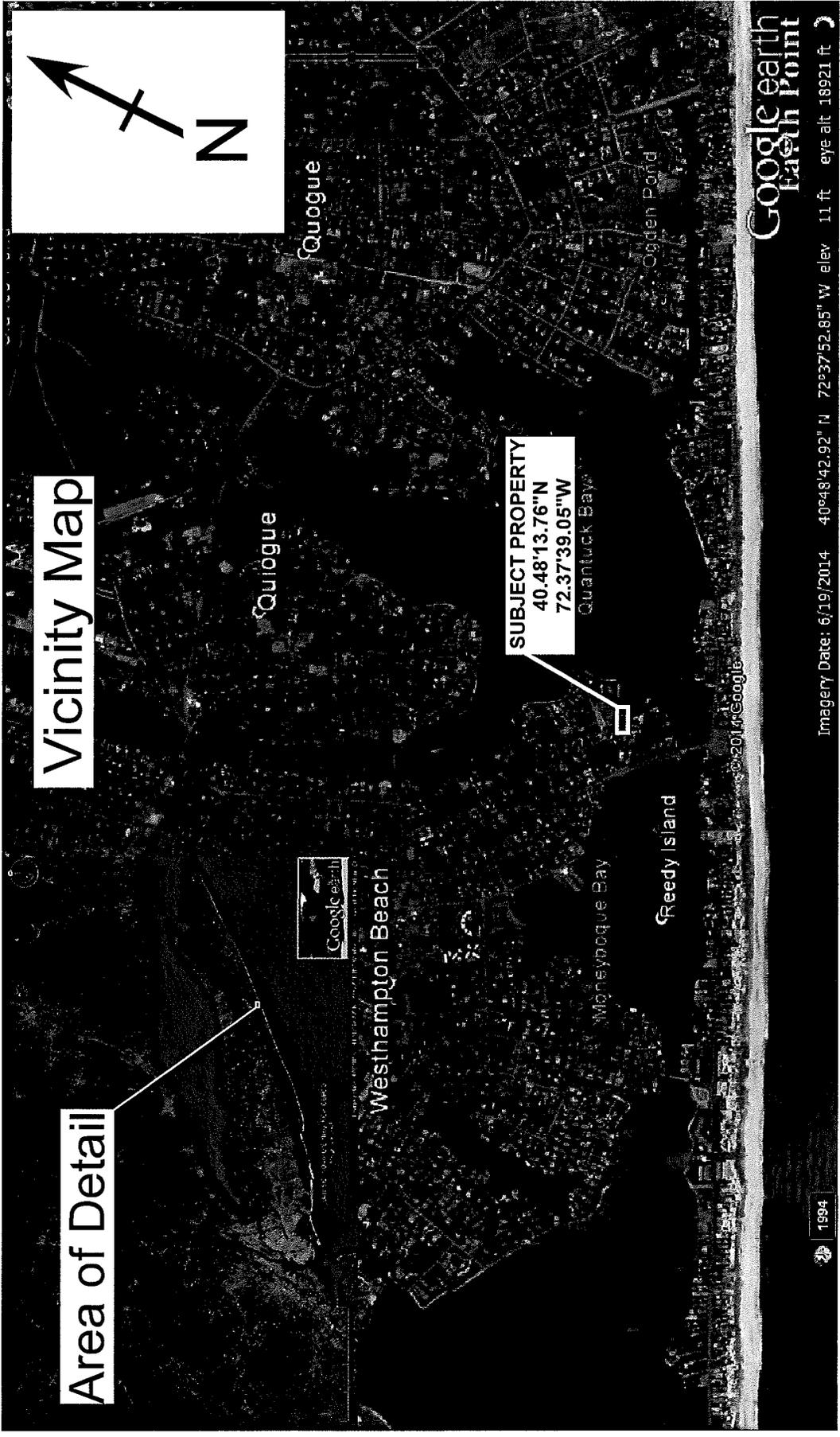
WORK DESCRIPTION

The applicant, Joseph and Margaret Kelly, has requested Department of the Army authorization for dredging in Dug Canal, a tributary to Quantuck Bay, in Westhampton Beach, Town of Southampton, Suffolk County, New York.

The work would involve dredging, with ten years maintenance, to a maximum depth of 3-feet below mean low water, to remove approximately 125 cubic yards of the material from an area approximately 1,140 square feet (0.03 acres) using a barge mounted excavator, with disposal at a state-approved upland facility. Each subsequent dredging will remove approximately 125 cubic yards of material.

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 avoiding impacts to wetlands.

The stated purpose of this project is to provide access for recreational boating.



Vicinity Map

Area of Detail

SUBJECT PROPERTY
40.48°13.76'N
72.37°39.05'W

REVISIONS	DATE

P.O. Box 1212, 4 Arthur Street
Westhampton Beach, N.Y. 11978
(631)288-2274; fax (631)288-8949

Drawing No.: Vicinity Map
Date: 01/15/2015

SCALE:

Drawn By: BSS
Sheet No: 1 of 1

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NAN-2014-01291-EYA
KELLY PROPERTY
122 SEAFIELD POINT
WESTHAMPTON BEACH, NY
SCTM # 0905-15-5-21

1994

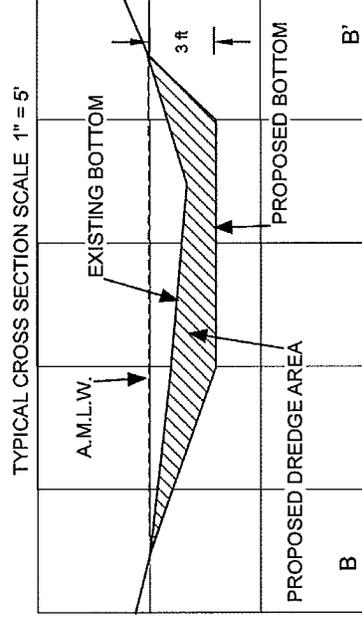
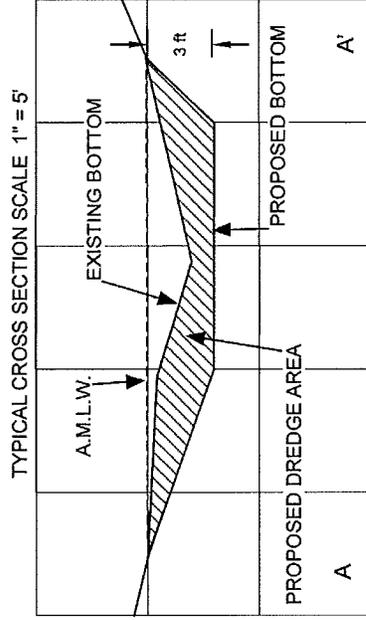
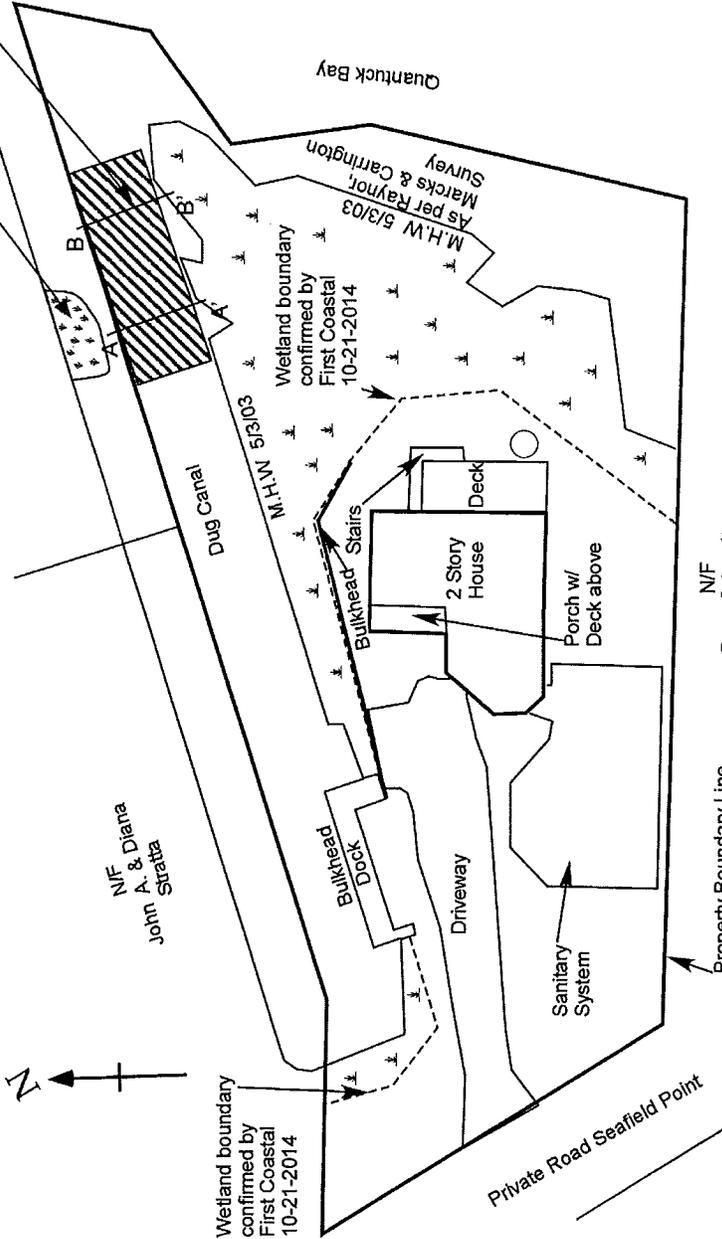
Imagery Date: 6/19/2014 40°48'42.92" N 72°37'52.85" W elev 11 ft eye alt 18921 ft

Google earth
East Point

The excavator used for the dredging will be on a barge so there will be no disturbance to the wetland adjacent to the proposed dredge area. The dredged sand will be contained on the barge so there will be no barge overflow. The barge will offload the resultant 125 cubic yards of dredged material for transportation to an approved off-site disposal facility. Dredging and off load of the material will be conducted according to best management practice and will have no effects on the adjacent wetlands.

BOUNDARY OF SEAWARD EDGE OF SPARTINA ALTERNIFLORA CONFIRMED BY FIRST COASTAL 10-21-2014. THIS AREA WILL NOT BE DISTURBED BY THE PROPOSED PROJECT.

PROPOSED DREDGE AREA (APPROX 1,140 SQ.FT) AREA TO BE DREDGED TO -3.0 BELOW APPARENT LOW WATER.



*Site plan based on survey by Raynor, Marcks & Carrington last dated 2/5/09

REVISIONS	DATE
Description of Const. Access	1-14-2015

FIRST Coastal
 P.O. Box 1212, 4 Arthur Street
 Westhampton Beach, N.Y. 11978
 (631)288-2271; fax (631)288-8949

Drawing No.: DREDGE	SCALE: 1" = 30'
Date: 10/20/2014	Sheet No: 1 of 1
Drawn By: BSS	

NAN-2014-01291-EYA
 KELLY PROPERTY
 122 SEAFIELD POINT
 WESTHAMPTON BEACH, NY
 SCTM # 0905-15-5-21

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