



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-2014-00194-EBO

Issue Date: January 20, 2015

Expiration Date: February 20, 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: Clearwater Beach Property Owner's Assoc
c/o David Wagner
237 Kings Point Rd.
East Hampton, NY 11937

ACTIVITY: Dredge with ten years maintenance and upland placement.

WATERWAY: Hog Creek tributary to Gardiners Bay

LOCATION: Town of East Hampton, 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 are 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 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://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

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 Randy Piersol.

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

A handwritten signature in black ink, appearing to read "Jodi M. McDonald", with a stylized flourish at the end.

Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

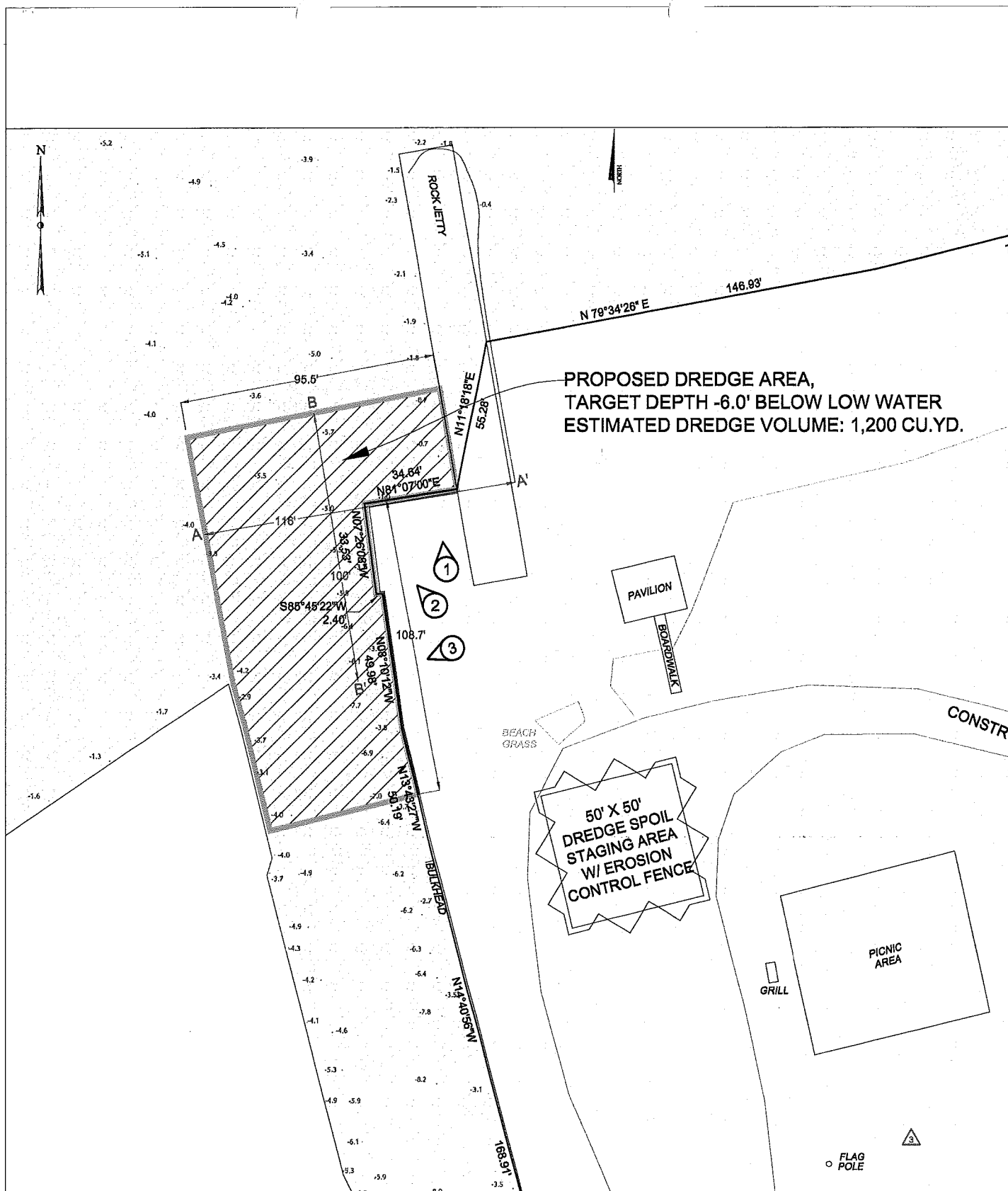
The applicant, Clearwater Beach Property Owner's Association (CBPOA), has requested Department of the Army authorization to perform dredging, with ten-year maintenance, and subsequent placement of the material in an existing upland staging area. The project work site is located at 352 Kings Point Road, Town of East Hampton, Suffolk County, New York.

The work would involve clam shell bucket or other mechanical dredging of approximately 1,200 cubic yards of material from an approximate 10,000-square-foot channel to a maximum depth of six feet below the plane of mean low water (MLW). The final channel shape will be approximately 150-feet-long by 58 to 96-feet-wide. Dredging is done by mechanical means. Material would be transported from clamshell bucket to friction crane or long reach excavator to temporary storage area located upland to the east of Hog Creek Channel. Upon drying, the material will be moved approximately 240 linear feet further east to the final dredge disposal area. It is anticipated that there will be additional dredging events with a dredge volume of approximately 1,200 cubic yards per event.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable, reducing their original volume from 4,000 cubic yards to 1,200. Most of the impacts associated with the 10-year maintenance dredging project are temporary and would be offset by implementing best management practices. Using Clamshell or mechanical dredge techniques reduces the amount of water mixed with material, is capable of handling large debris and, can be combined with hydraulic transport to form a hybrid system. It also digs below the substrate and its noise and vibration provide notice to nearby species.

The stated purpose of this project is to provide a safe navigable 6 foot deep MLW channel for entry to Hog Creek from Gardiners Bay.

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Purpose: Proposed Dredging

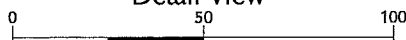
Datum: NAVD88

Adjacent Property Owners:

1. 300-23-2-1, Lion Head Beach Civic Association Inc.
61 The Circle, East Hampton, NY 11937
2. 300-23-3-33, 351 Kings Point Associates
15 North Mill Street, Nyack, NY 10960
3. 300-23-3-24, Noeline Morrissey
350 Kings Point Rd., East Hampton, NY 11937

File: M:\CLIENTS\Clearwater Beach Property Owner's
 Association\Clearwater Beach ACOE Inlet Dredging 11202014.dwg

Detail View



Scale: 1" = 50'

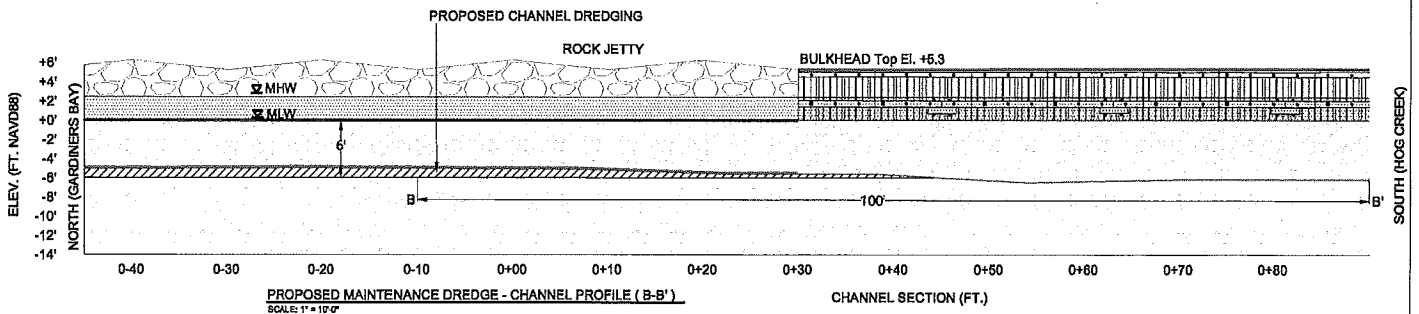
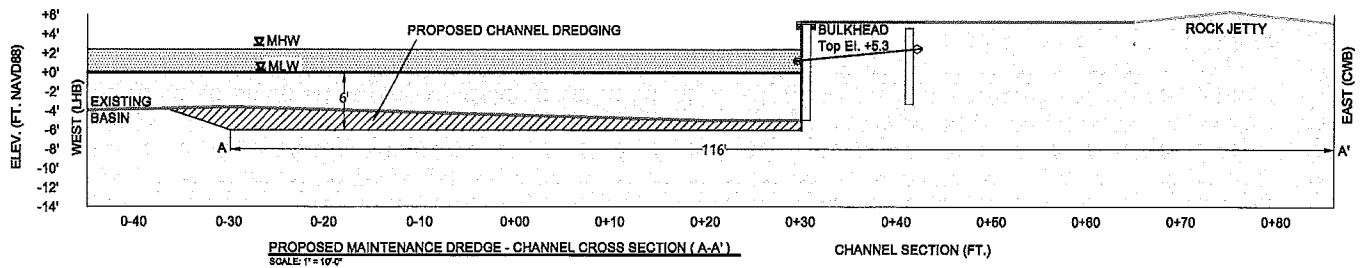
Client:
 Clearwater Beach Property Owners Association
 352 Kings Point Road
 East Hampton, NY 11937

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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Purpose: Proposed Dredging

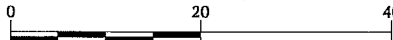
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File: M:\CLIENTS\Clewater Beach Property Owner's Association\Clewater Beach ACOE Inlet Dredging 11202014.dwg

Profile Views - Sections A & B



Scale: 1" = 20'

Client:
Clearwater Beach Property Owners Association
352 Kings Point Road
East Hampton, NY 11937

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Name of Project:
Clearwater Beach Dredging

Location of Project:

In: Hog Creek, Gardiners Bay, Springs, East Hampton Town
County: Suffolk County
Applicant: Inter-Science Research Associates Inc.
PO Box 1201, 36 Nugent Street
Southampton, NY 11969-1201

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