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-2016-00114-EYR**
Issue Date: **February 10, 2016**
Expiration Date: **March 11, 2016**

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: Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, NY 11980

ACTIVITY: Dredge with ten years maintenance with beach placement.

WATERWAY: Fresh Pond, Little Peconic Bay

LOCATION: Dredge Location: Fresh Pond

Dredge Material Placement Location: Little Peconic Bay shoreline south of the western terminus of Oak Grove Road in the 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 NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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.

Review 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 permit 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 application 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, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, 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

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) 790-8715 and ask for Mr. Robert Youhas.

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

for Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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

WORK DESCRIPTION

The applicant, Suffolk County Department of Public Works, has requested Department of the Army authorization to perform dredging with ten-year maintenance with placement of the dredged material at a designated beach placement area. The project is located at Fresh Pond and Little Peconic Bay in the Town of Southampton, Suffolk County, New York.

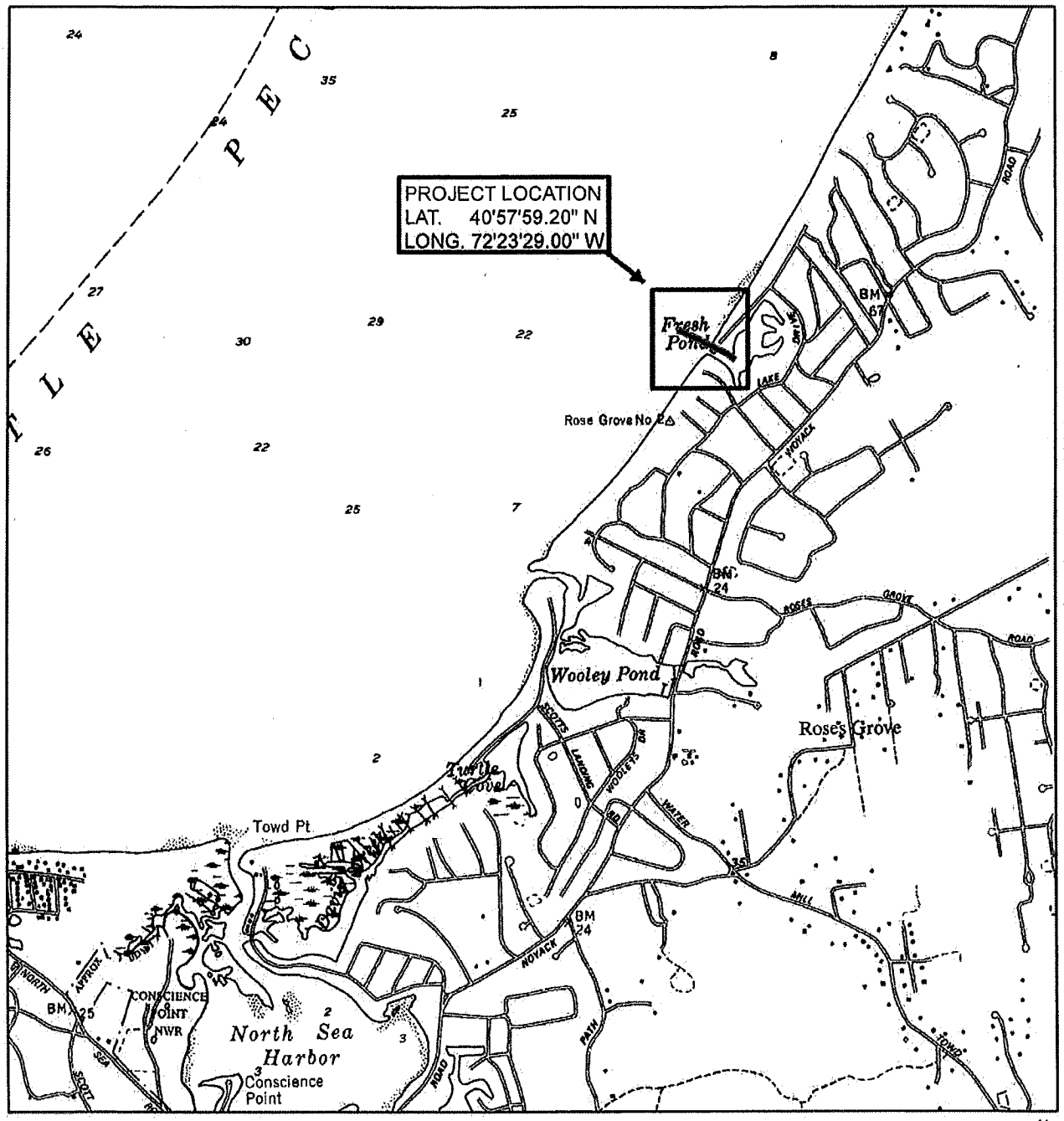
The proposed dredge area at Fresh Pond is rectangular-shaped, approximately 67,500-square feet, and extends to a maximum depth of 6-feet below the plane of Mean Low Water (MLW). Approximately 1,000-cubic yards of the estimated total dredge volume of 5,000-cubic yards will be placed below the Plane of Spring High Water along the Little Peconic Bay shoreline south of the western terminus of Oak Grove Road in the Town of Southampton. All of the work would be accomplished by hydraulic cutterhead dredge, with the dredged material transported via pipeline to the beach placement areas. The dredge pipeline would be floating, except at channel crossings where it would be submerged to accommodate vessels navigating Fresh Pond and Little Peconic Bay.

The applicant plans to conduct eight additional dredging events within the ten-year maintenance period and have stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredging area to the minimum area required for safe and reasonable navigation of Fresh Pond and Little Peconic Bay. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a hydraulic dredge and floating pipeline. The use of a hydraulic dredge and floating pipeline would provide the cleanest and least obtrusive method for sediment removal and transport, minimizing to the greatest extent possible any potential adverse effects to the aquatic environment.

The stated purpose of this project is to maintain Fresh Pond to provide safe navigation for recreational marine vessels, as well as to provide sand nourishment for the Little Peconic Bay shoreline for erosion and flood protection.

NAN-2016-00114-EYR

LOCATION MAP - FRESH POND



SOURCE: SOUTHAMPTON USGS QUADRANGLE o40072h4

0 1,000 2,000 4,000 Feet

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GEI CONSULTANTS, INC., P. C.
HUNTINGTON STATION, NEW YORK

APPLICATION BY COUNTY OF SUFFOLK
GILBERT ANDERSON, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

MAINTENANCE DREDGING AT:

FRESH POND

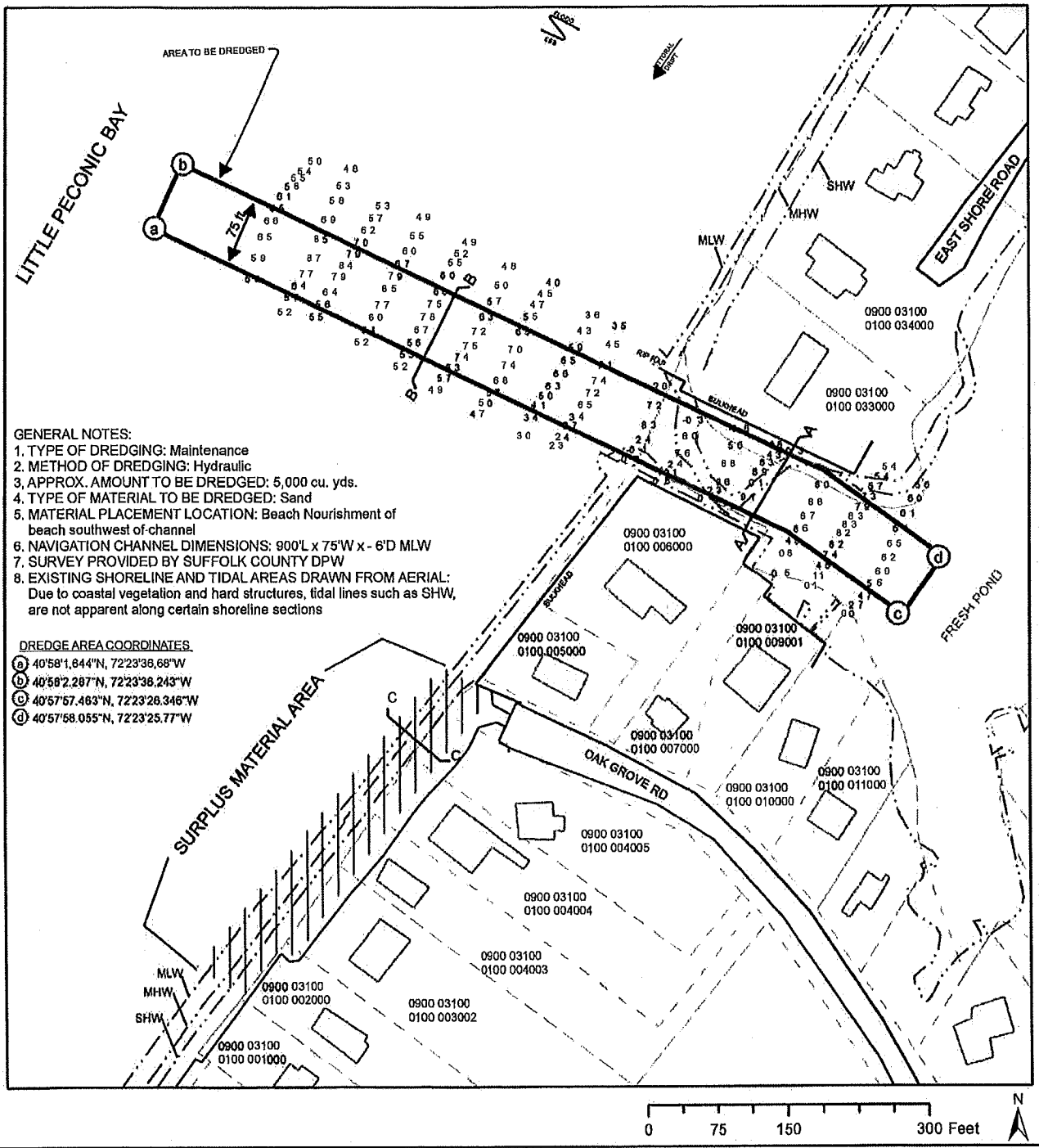
TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

DATE: DECEMBER 1, 2015

SHEET 1 OF 4

NAN-2016-00114-EYR

SITE PLAN - FRESH POND



GENERAL NOTES:
1. TYPE OF DREDGING: Maintenance
2. METHOD OF DREDGING: Hydraulic
3. APPROX. AMOUNT TO BE DREDGED: 5,000 cu. yds.
4. TYPE OF MATERIAL TO BE DREDGED: Sand
5. MATERIAL PLACEMENT LOCATION: Beach Nourishment of beach southwest of channel
6. NAVIGATION CHANNEL DIMENSIONS: 900'L x 75'W x - 6'D MLW
7. SURVEY PROVIDED BY SUFFOLK COUNTY DPW
8. EXISTING SHORELINE AND TIDAL AREAS DRAWN FROM AERIAL: Due to coastal vegetation and hard structures, tidal lines such as SHW, are not apparent along certain shoreline sections

DREDGE AREA COORDINATES
(a) 40'58'1.644"N, 72'23'36.68"W
(b) 40'58'2.287"N, 72'23'38.243"W
(c) 40'57'57.463"N, 72'23'26.346"W
(d) 40'57'58.055"N, 72'23'25.77"W

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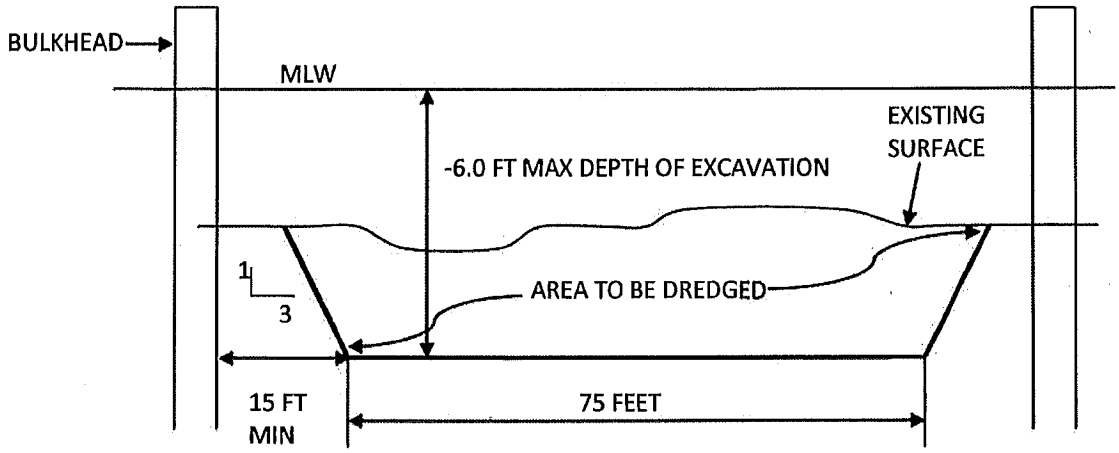
SHEET 2 OF 4

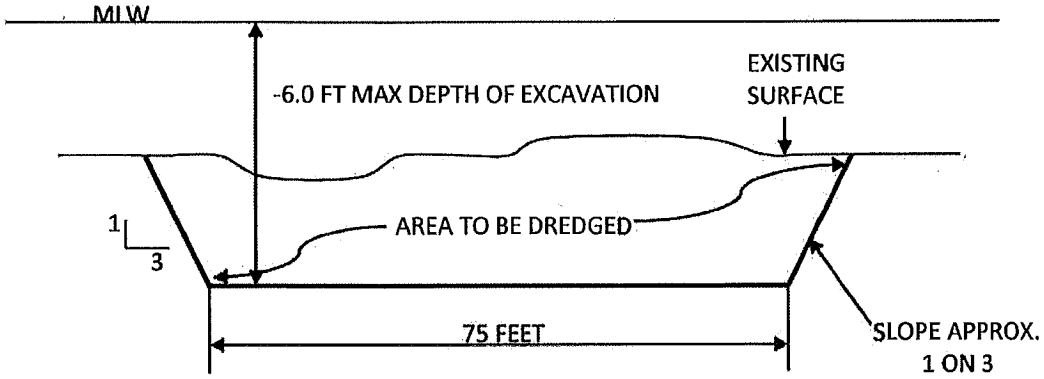
NAN-2016-00114-EYR

SITE PLAN – FRESH POND



TYPICAL CHANNEL SECTION A-A

N.T.S.



TYPICAL CHANNEL SECTION B-B

N.T.S.

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MAINTENANCE DREDGING AT:

FRESH POND
TOWN OF SOUTHAMPTON
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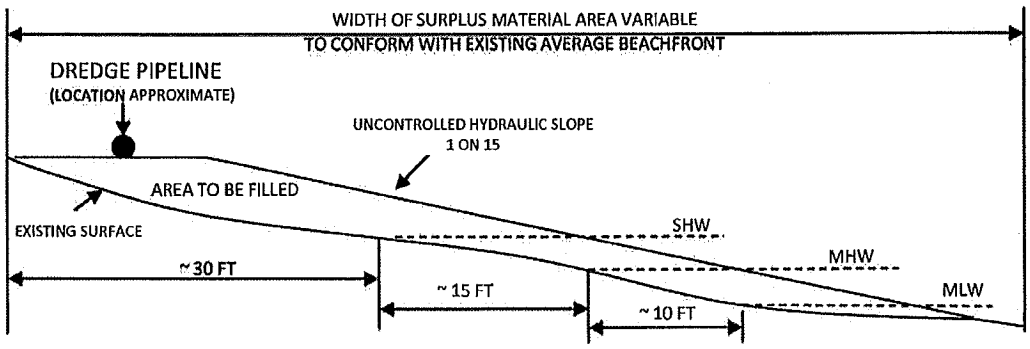
SHEET 3 OF 4

NAN-2016-00114-EYR

SITE PLAN – FRESH POND



TYPICAL BEACH NOURISHMENT SECTION C-C

N.T.S.

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SHEET 4 OF 4