

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-2011-00745-EST
Issue Date: February 6, 2012
Expiration Date: March 7, 2012

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: Gardiners Bay Homeowners Assoc.
c/o Frank Pirozzi
P.O. Box 4
East Marion, NY 11939

ACTIVITY: Maintenance dredging of Spring Pond Channel.

WATERWAY: Spring Pond off Orient Harbor

LOCATION: 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

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PUBLIC NOTICE NO. NAN-2011-00745-EST

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 agencies 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 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. New York State Department of State has concurred with the applicant's certification. 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

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?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 at (917) 790-8533 and ask for Leo Strogach.

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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>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

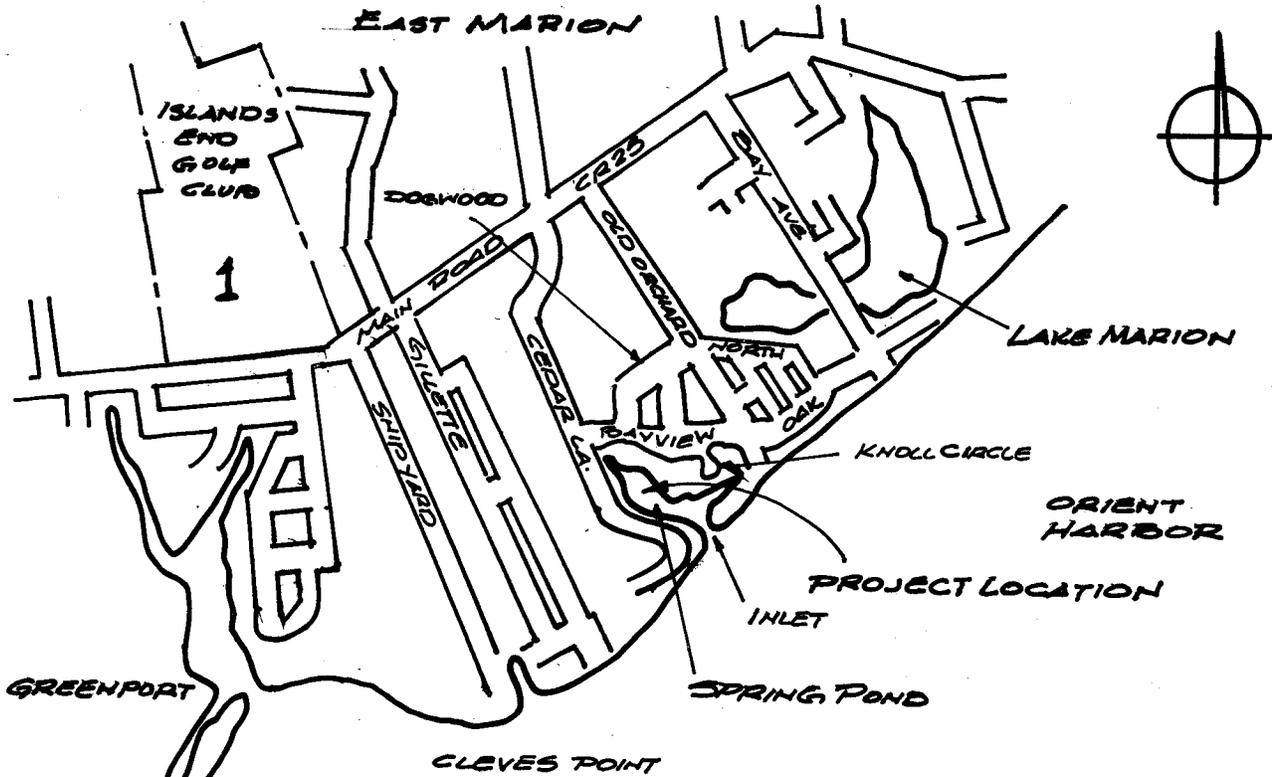
WORK DESCRIPTION

The applicant, Gardiners Bay Homeowners Assoc., has requested Department of the Army authorization for maintenance dredging of Spring Pond navigation channel. The proposed project is located in Spring Pond off Orient Harbor in the Town Southold, Suffolk County, New York.

The work would involve 10-year maintenance dredging of approximately 1,000 cubic yards of silt/sand using clam shell dredge from a 25-foot-wide by 930-foot-long channel to 4 feet below mean low water with the dredged material to be placed at the state approved upland site.

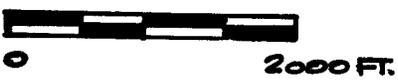
The applicant has stated that they have avoided and minimized negative impacts of the proposed action by reusing available sand for beach nourishment of the adjacent area.

The stated purpose of this project is necessary to maintain an adequate depth of water in the main channel to maintain safe navigation access to docks and moorings. The proposed depth would provide enough water depth for the vessels and would allow a sufficient period of time between dredging cycles to minimize dredging costs.



DREDGING METHOD: TOY CRANE USING CLAM SHELL BUCKET INTO CONTAINER ON BARGE. DREDGED SPOIL TO BE TESTED. IF FOUND TO BE SUITABLE SPOIL TO BE USED AS BEACH NOURISHMENT ON NORTH EAST SIDE OF INLET. IF DETERMINED TO BE UNSUITABLE AS BEACH NOURISHMENT SPOIL MUST BE TRUCKED OFF-SITE TO AN APPROVED DISPOSAL SITE.

VICINITY MAP



ACCESS: BY WATER
USING BARGE

APPLICANT
GARDINERS BAY ESTATES
HOME OWNERS ASSOC. INC.
P.O. Box 4
EAST MARION, N.Y. 11989
SCTM 1000-37-4-17

PREPARED BY:
CORDEUS MARINE CONTRACTING CORP.
P.O. Box 2126 GREENPORT, NY 11944
(631) 477-1199

NOV. 29, 2011 Nov. 12, 2009

PROPOSED

10 YEAR MAINTENANCE PERMIT TO MAINTENANCE DREDGE THE MAIN CHANNEL 25 FEET WIDE x 930 FEET ± LONG TO A DEPTH OF -4.0 FEET BELOW MEAN LOW WATER LEVEL REMOVING APPROXIMATELY 1000 CU. YD'S OF SPOIL EACH YEAR.

DREDGED SPOIL TO BE TESTED BY AN INDEPENDENT TESTING LABORATORY TO DETERMINE SUITABILITY FOR USE AS BEACH NOURISHMENT. IF SUITABLE DREDGED SPOIL TO BE USED AS BEACH NOURISHMENT ON BEACH AREA ABOVE HIGH WATER LINE ALONG ORIENT HARBOR NORTH-EAST OF CHANNEL INLET. IF DETERMINED TO BE UNSUITABLE AS BEACH NOURISHMENT DREDGED SPOIL MUST THEN BE TRUCKED OFF-SITE TO AN APPROVED DISPOSAL SITE.

APPLICANT

GARDINERS BAY ESTATES
HOME OWNERS ASSOC. INC.

P.O. Box 4

EAST MARION, N.Y. 11939

SETH 1000-37-4-17

PREPARED BY:

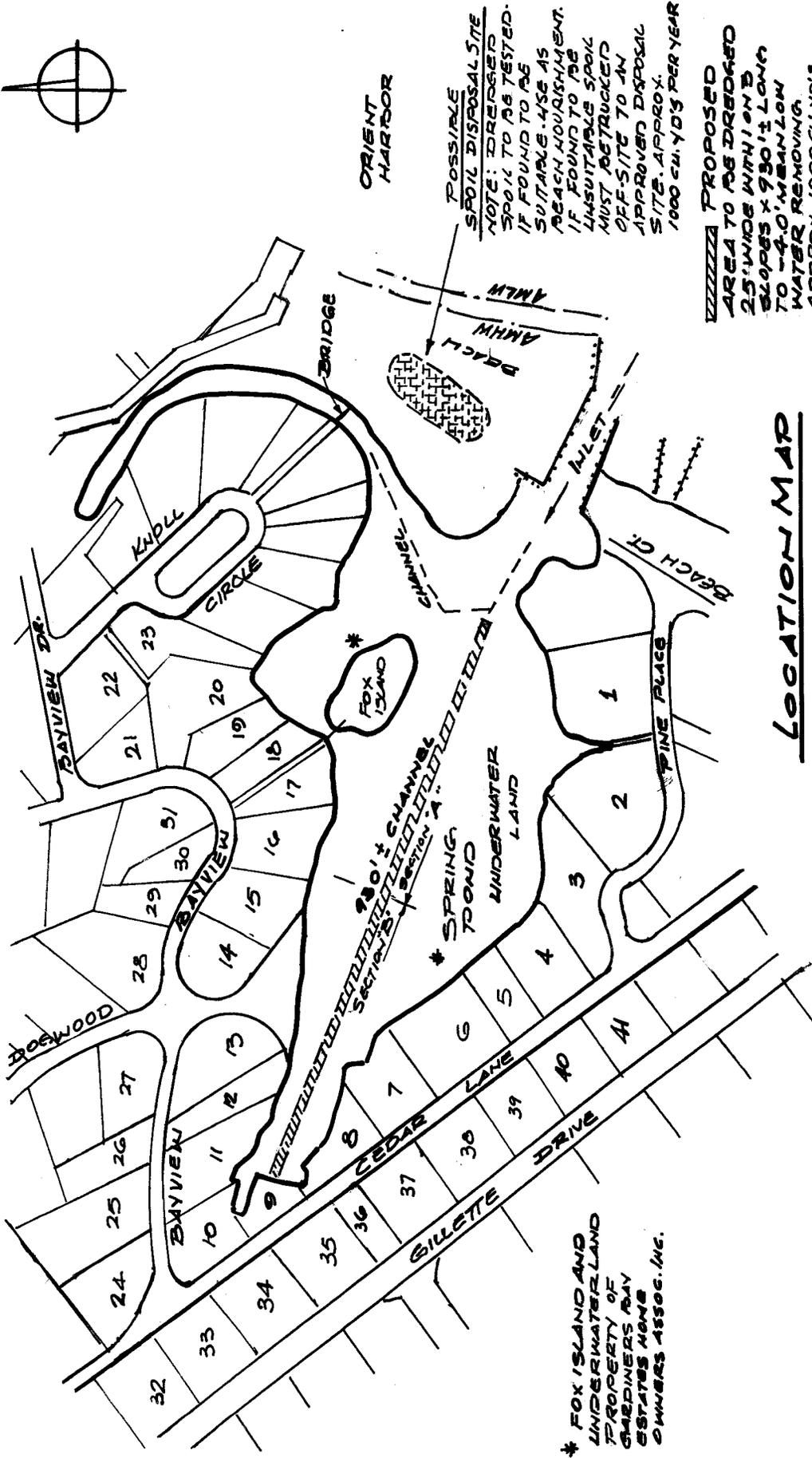
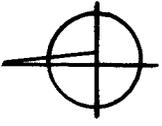
COFFIELD MARINE CONTRACTING CORP.

P.O. Box 2126 GREENBORO, N.Y. 11944

(609) 477-1199

NOV. 29, 2011

Nov. 12, 2009



ORIENT HARBOR

POSSIBLE SPOIL DISPOSAL SITE
 NOTE: DRIVERS SPOIL TO BE TESTED. IF FOUND TO BE SUITABLE USE AS BEACH ENRICHMENT. IF FOUND TO BE UNSUITABLE SPOIL MUST BE TRUCKED OFF-SITE TO AN APPROVED DISPOSAL SITE. APPROX. 1000 CU. YDS PER YEAR

PROPOSED AREA TO BE DREDGED
 25' WIDE WITH 10% SLOPES x 990'± LONG TO 4.0' DEEP LOW WATER REMOVING APPROX. 1000 CU. YDS OF SPOIL EACH YEAR

PREPARED BY:
 COSTELLO MARINE CONTRACTORS CORP
 P.O. BOX 2124 GREENWICH, N.Y. 11944
 (516) 477-1199

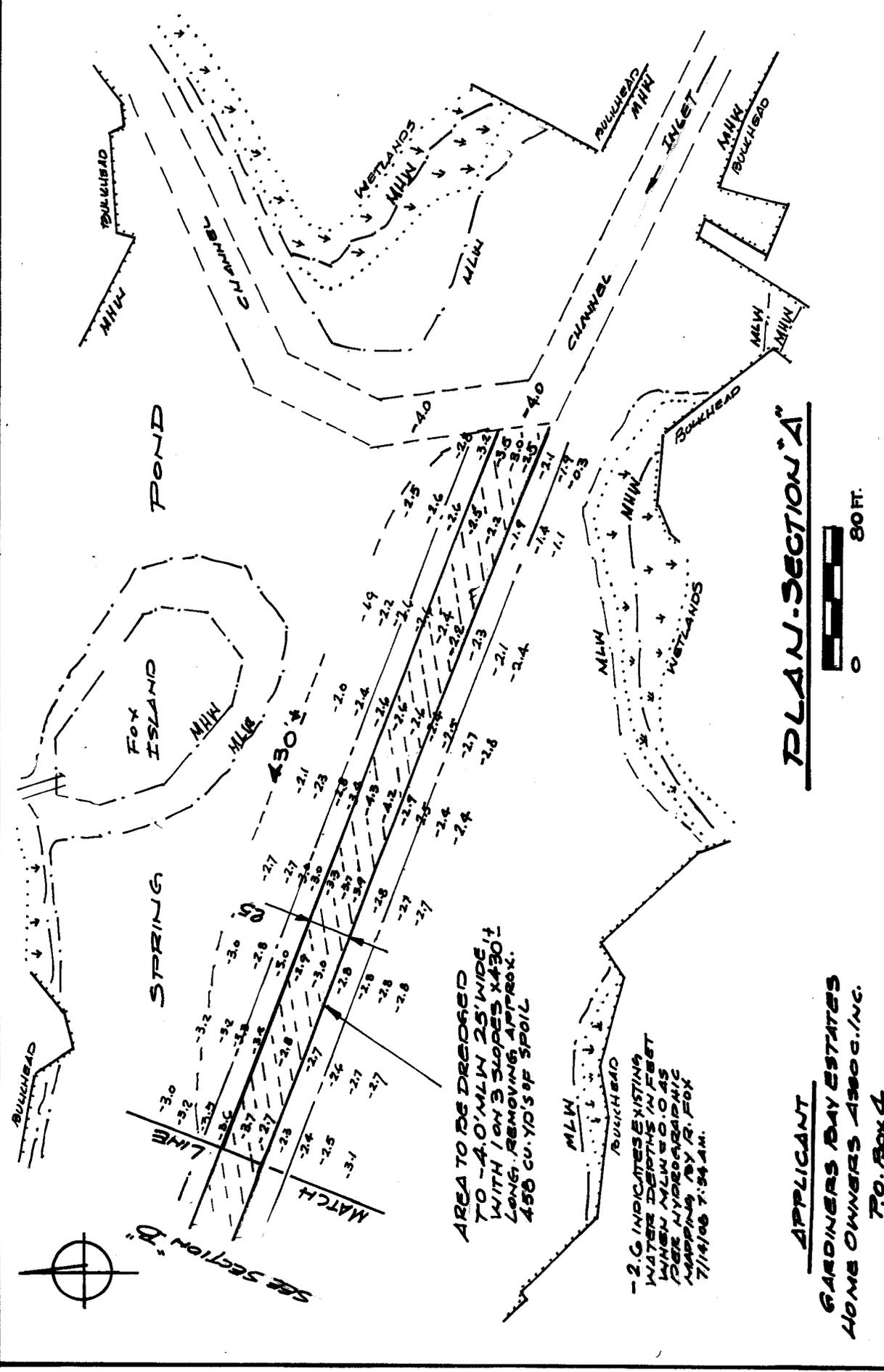
LOCATION MAP

0 300 FT.
 41° 07' 07" N 72° 20' 19" W

* FOX ISLAND AND UNDERWATER LAND PROPERTY OF GARDINERS BAY ESTATES HOME OWNERS ASSOC. INC.

APPLICANT
 GARDINERS BAY ESTATES HOME OWNERS ASSOC. INC.
 P.O. Box 4
 EAST MARION, N.Y. 11989
 507M 1000-37-4-17

NOV. 12, 2009 NOV. 29, 2011



AREA TO BE DREDGED
TO -4.0' MLW 25' WIDE
WITH 1 ON 3 SLOPES X 430'
LONG. REMOVING APPROX.
450 CU. YD'S OF SPOIL

-2.6 INDICATES EXISTING
WATER DEPTHS IN FEET
WHEN MLW IS 0.0 AS
PER HYDROGRAPHIC
MAPPING BY R. FOX
7/14/08 7:34 AM.

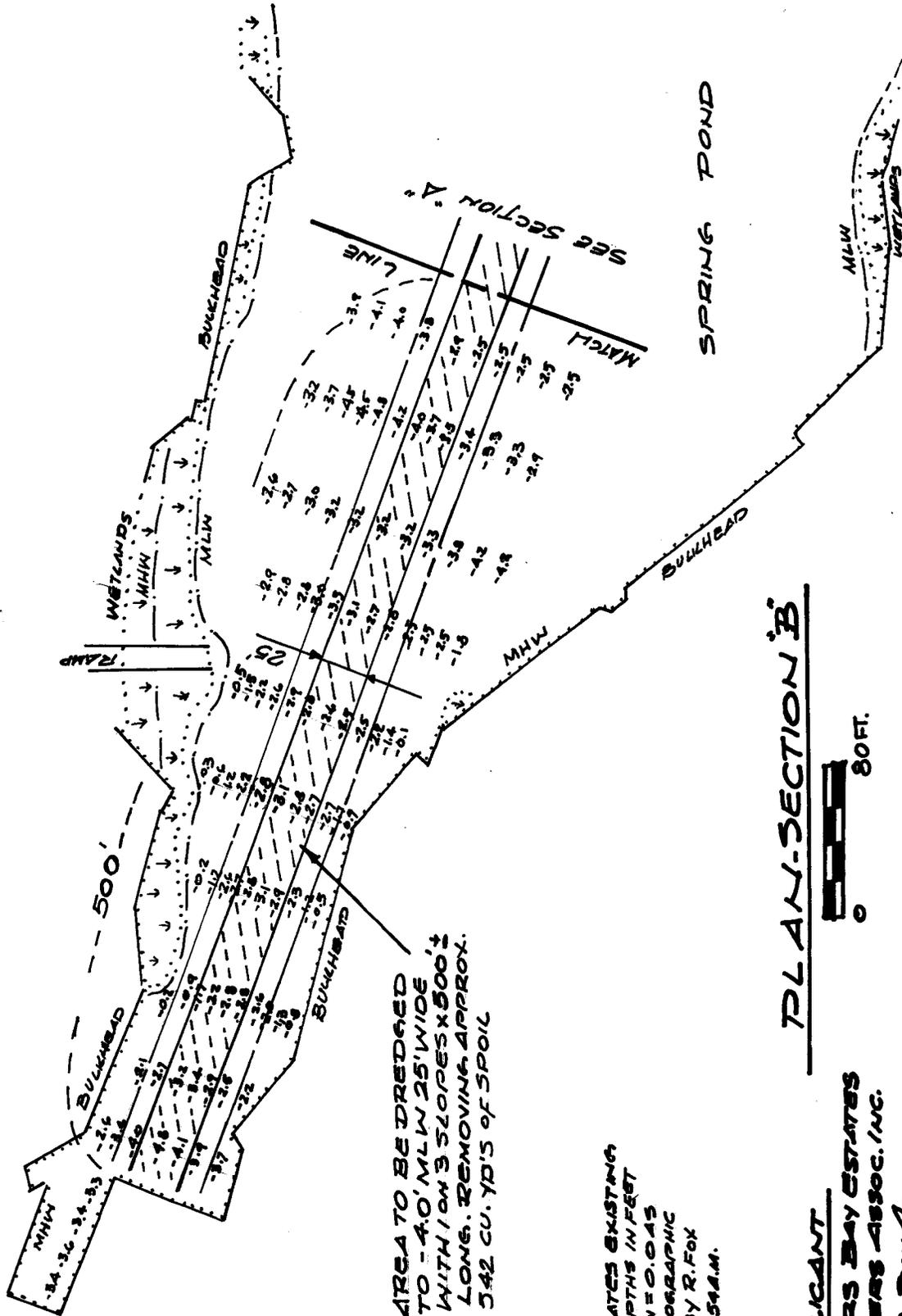
PLAN - SECTION "A"



APPLICANT
GARDINERS BAY ESTATES
HOME OWNERS ASSOC. INC.
P.O. BOX 4
EAST MARION, N.Y. 11939
50TH 1000-37.4-17

Nov. 12, 2009 NOV. 29, 2011

PREPARED BY:
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124 GREENECASTLE, N.Y. 11944
(631) 477-1199



AREA TO BE DREDGED
TO -4.0' MLW 25' WIDE
WITH 1 ON 3 SLOPES X 500'
LONG. REMOVING APPROX.
542 CU. YD'S OF SPOIL

-2.6 INDICATES EXISTING
WATER DEPTHS IN FEET
WHEN MLW = O.O.A.S
PER HYDROGRAPHIC
MAPPING BY R. FOX
7/15/03 7:54A.M.

PLAN-SECTION B

APPLICANT

**GARDINERS BAY ESTATES
HOME OWNERS ASSOC. INC.**

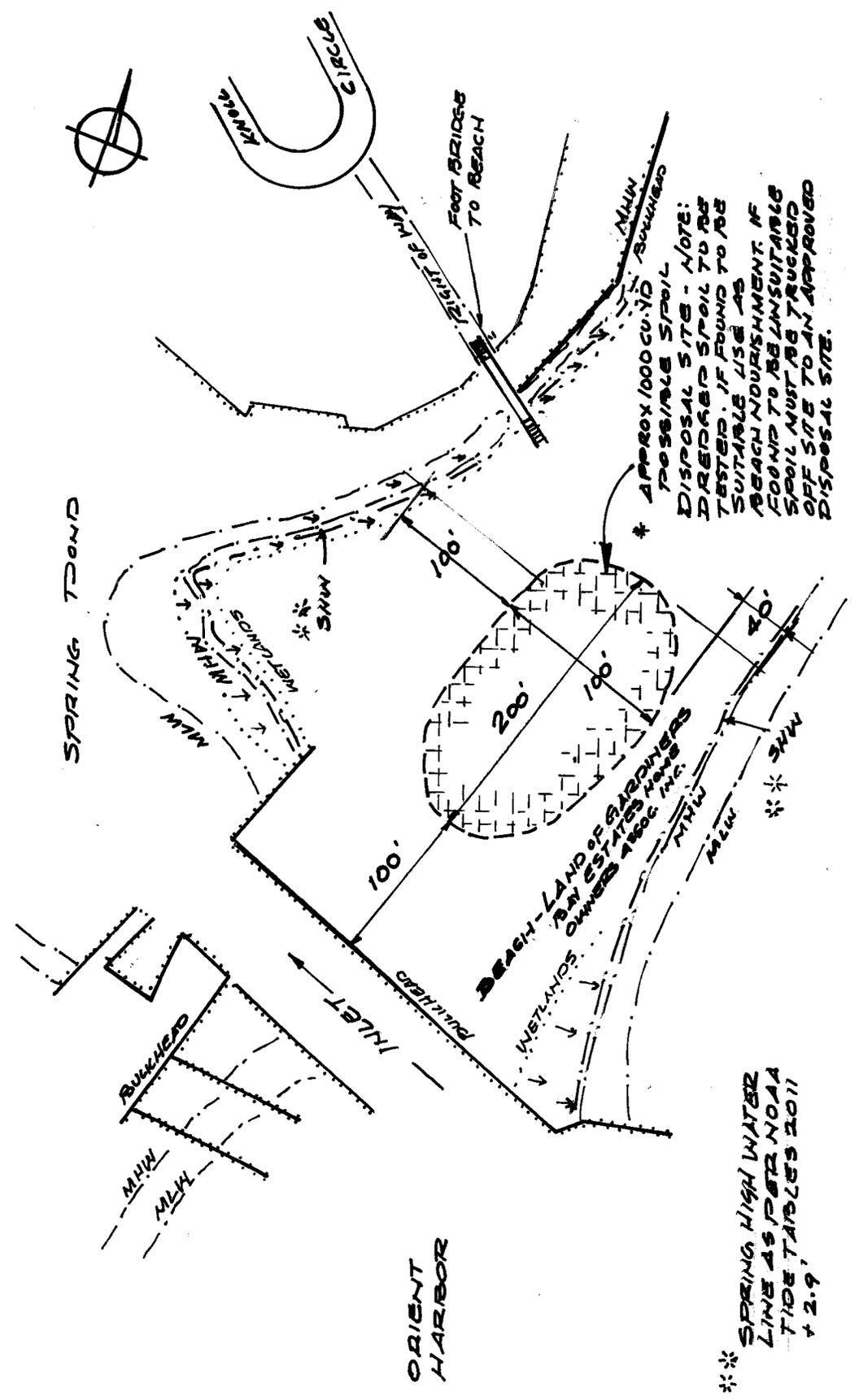
P.O. Box 4

EAST MARION, N.Y. 11939
507M 1000-37.4-17

Nov. 12, 2009 Nov. 29, 2011



PREPARED BY:
COSTELLO MARINE CONSULTING CORP.
P.O. Box 2124 GREENWICH, N.Y. 11924
(516) 477-1199



SITE PLAN - POSSIBLE SPOIL DISPOSAL AREA



PREPARED BY:
 COSTELLO MARINE CONTRACTORS CORP.
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 (631) 477-1199

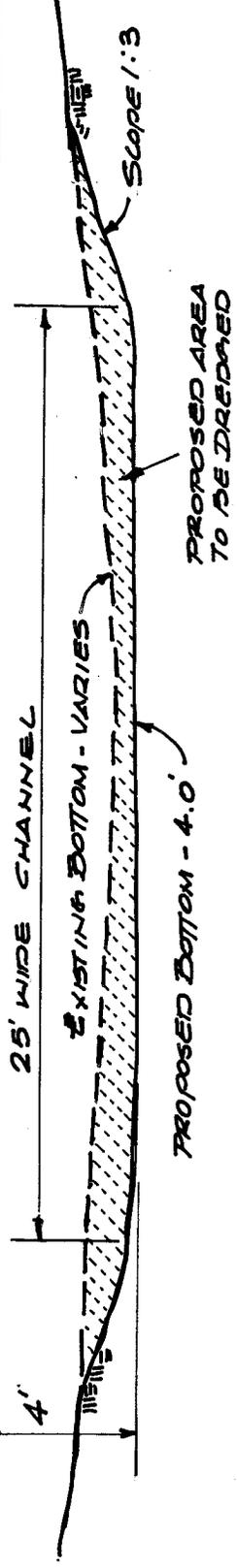
APPLICANT
GARDINERS BAY STATES
HOME OWNERS ASSOC. INC.
 P.O. Box 4
 EAST MARION, N.Y. 11989
 507M 1000-37-4-17
 Nov. 12, 2009 NOV. 29, 2011

** SPRING HIGH WATER
 LINE AS PER NOAA
 TIDE TABLES 2011
 + 2.9'

SPRING HIGH WATER +2.9' *

MEAN HIGH WATER +2.5'

MEAN LOW WATER 0.0'

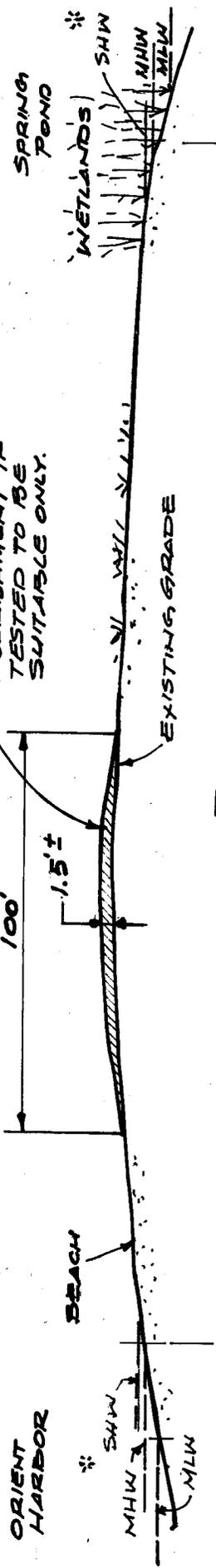


DREDGING PROFILE (TYPICAL)



* SPRING HIGH WATER
LINE AS PER
NOAA TIDE
TABLES 2011
+2.9'

DREDGED SPOIL -
APPROX. 1000 CU. YDS
TO BE USED AS BEACH
NOURISHMENT IF
TESTED TO BE
SUITABLE ONLY.



POSSIBLE SPOIL AREA PROFILE



APPLICANT
GARDNERSBAY ESTATES HOME
OWNERS ASSOCIATION INC.
P.O. BOX 4
EAST MARION, N.Y. 11959
567M/000-87-4-17
NOV. 29. 2011

PREPARED BY:
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631) 477-1199