

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-2023-00494-TREC

Issue Date: January 9, 2024 Expiration Date: February 8, 2024

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: Village of Bellport

29 Bellport Lane

Bellport, New York 11713

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal, and Shoreline

Restoration

WATERWAY: Howells Creek and Patchogue Bay

LOCATION: 20 South Country Road, Bellport, Town of Brookhaven, 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 SENT VIA ELECTRONIC MAIL TO Brad Sherwood@usace.army.mil, OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, 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 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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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

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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 occur. 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, 41 State Street, 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

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 Brad Sherwood at (518) 487-0382, or at Brad.Sherwood@usace.army.mil.

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.

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

Jon T. Coleman

FOR AND ON BEHALF OF Stephan A. Ryba Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Village of Bellport, has requested Department of the Army authorization to conduct dredging, with ten-years maintenance and upland disposal, along with shoreline restoration. The project is located at 20 South Country Road, within Howells Creek and Patchogue Bay, Bellport, in the Town of Brookhaven, Suffolk County, New York.

The work would involve the following:

Mechanically dredge, with ten-years maintenance, approximately 590 cubic yards (CY) of material from an approximately 12,015 square-foot area. The dredged material would be temporarily side cast on the adjacent upland, allowing for dewatering with return flow to the waterway, prior to transport to the adjacent park at Mother's Beach or the adjacent golf course for upland disposal.

Additional work includes the restoration and stabilization of approximately 2,160 linear feet of shoreline along Howells Creek, utilizing a combination of grading, native plantings, coir logs, and the placement of approximately 130 CY of rock toe protection. In addition, approximately 1,747 square feet (SF) of intertidal marsh and approximately 2,084 SF of high marsh would be restored along Howells Creek.

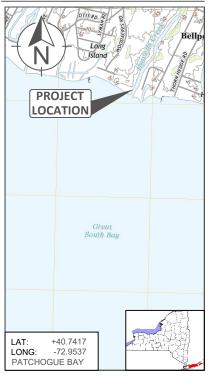
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary in nature.

The stated purpose of this project is to restore tidal flow to the creek and help reduce flooding.

BELLPORT GOLF CLUB SHORELINE RESTORATION AND MAINTENANCE DREDGING 20 SOUTH COUNTRY ROAD

BELLPORT, NY 11713

LOCATION MAP



PROJECT INFORMATION

PRIVATE PROPERTY OF THE VILLAGE OF BELLPORT, 20 SOUTH COUNTRY ROAD, IN THE VILLAGE OF BELLPORT, SUFFOLK COUNTY, NEW YORK ALONG PATCHOGUE BAY.

PROJECT NOTIFICATION

COMMENCEMENT NOTIFICATION TO REGULATORY AGENCY SHALL BE SUBMITTED, AS REQUIRED, BY SELECTED CONTRACTOR PRIOR TO THE START OF WORK

DEFINITION(S)

AUTHORITY: VILLAGE OF BELLPORT

ENGINEER: GEI CONSULTANTS, INC. P.C.

REVISION(S)

A: REGULATORY PERMIT APP. **B: USACE UPDATES** 11-03-23

SHEET INDEX

GENERAL ARRANGEMENT PLANS:

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TYPICAL SECTION I

G-3.0 TYPICAL SECTION II

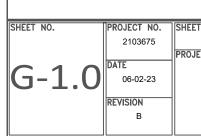
REF: HOWELLS POINT QUADMAP - SUFFOLK COUNTY -NEW YORK - 7.5-MINUTE SERIES, 2019

TIDAL CHART ELEVATION(S)			
POSITION	MLW	NAVD88	DESCRIPTION
SHW	+ 1.4	+ 0.8	SPRING HIGH WATER
MHHW	+ 1.3	+ 0.7	MEAN HIGHER HIGH WATER
MHW	+ 1.1	+ 0.5	MEAN HIGH WATER
MSL	+ 0.6	± 0.0	MEAN SEA LEVEL
MLW	± 0.0	- 0.6	MEAN LOW WATER
MLLW	- 0.1	- 0.7	MEAN LOWER LOW WATER

SHW IS SYNONYMOUS WITH MEAN HIGH WATER SPRING NOTE: (NOAA NOS CO-OPS1)

PROVIDED TOWN/VILLAGE REVIEW. DOCUMENTS EXCLUDED FOR GENERAL ARRANGEMENT PLANS SUBMITTED TO FEDERAL/STATE REGULATORY AGENCIES (DEC REGION 1 ONLY).

PROJECT DESCRIPTION



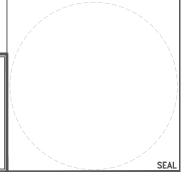
TITLE SHEET & LOCATION MAP

PROJECT BELLPORT GOLF CLUB SHORELINE RESTORATION AND MAINTENANCE DREDGING PREPARED FOR

VILLAGE OF BELLPORT

LOCATED AT 20 SOUTH COUNTRY ROAD BELLPORT, NY

COMPANY Consultants GEI CONSULTANTS, INC., P.C. 1000 NEW YORK AVENUE SUITE B HUNTINGTON STATION, NY 11746



GENERAL NOTE(S)

- 1. ALL WORK SHALL CONFORM TO ALL FEDERAL, STATE, COUNTY, OR LOCAL CODES HAVING JURISDICTION OVER THE PROJECT LOCATION.
- 2. ALL PROJECT WORK SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS OR AS DIRECTED BY OWNER OR THE OWNER'S REPRESENTATIVE OR THE ENGINEER.

 A. CONTRACTOR SHALL FAMILIARIZE HIM(HER)SELF WITH THE ACTUAL SITE CONDITIONS AND SHALL BE RESPONSIBLE FOR FURNISHING A COMPLETED PROJECT AS REPRESENTED IN THE CONTRACT DOCUMENTS.
 - B. ALL PROPOSED ALTERNATES TO THE ITEMS AND METHODS REPRESENTED IN THE CONTRACT DOCUMENTS SHALL BE SUBMITTED IN WRITING TO THE PROJECT ENGINEER FOR APPROVAL SEVEN (7) DAYS IN ADVANCE OF ANY CONTRACTOR WORK OR MATERIAL PURCHASE.
- 3. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF EXISTING AND PROPOSED CONDITIONS. THE CONTRACTOR SHALL PERFORM FIELD MEASUREMENTS PRIOR TO CONSTRUCTION, FABRICATION, AND/OR PURCHASE OF ANY MATERIAL.
- 4. DISCOVERY OF INCONSISTENT SITE INFORMATION OR CONDITIONS SHALL BE IMMEDIATELY CONVEYED TO THE ENGINEER PRIOR TO COMMENCING OR CONTINUING CONSTRUCTION. CONFLICTS ARISING DUE TO THE LACK OF COORDINATION SHALL BE THE RESPONSIBILITY AND AT THE SOLE EXPENSE OF THE CONTRACTOR.
- 5. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, AND SAFETY OF WORK.
- 6. CONTRACTOR SHALL NOT CAUSE ANY ADVERSE EFFECT ON NAVIGATION IN THE WATERBODY DURING THE PROJECT DURATION
- 7. THE CONTRACTOR SHALL PREVENT DAMAGE TO EXISTING STRUCTURES OR OBJECTS BY OR AS A RESULT OF HIS OPERATIONS. ANY DAMAGE RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE AT NO ADDITIONAL COST TO THE OWNER OR THE ENGINEER.
- AS-BUILT DRAWINGS THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TWO (2) SETS OF "AS-BUILT" DRAWINGS SHOWING ILLUSTRATIONS AND/OR NOTING ALL FIELD CHANGES AND MODIFICATIONS TO THE DRAWINGS ISSUED FOR CONSTRUCTION. UPON PROJECT COMPLETION AND PRIOR TO RELEASE OF FINAL PAYMENT THE CONTRACTOR SHALL SUBMIT BOTH SETS OF "AS-BUILT" DRAWINGS TO THE OWNER AND THE ENGINEER.
 DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS AND ARE SUBJECT TO REVISIONS AS PER ACTUAL FIELD CONDITIONS. THE
- 9. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS AND ARE SUBJECT TO REVISIONS AS PER ACTUAL FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS HEREIN SHOWN, AND ALL DISCREPANCIES ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCING WITH THE WORK.
- 10. ALL ELEVATIONS REFERENCED TO NAVD88
- 11. EXISTING SHORELINE AND TIDAL AREAS WITHIN HOWELLS CREEK DRAWN FROM AERIAL: DUE TO COASTAL VEGETATION, TIDAL LINES SUCH AS SHW, ARE NOT APPARENT ALONG CERTAIN SHORELINE SECTIONS.

PERMIT(S)

1. THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING WORK COMPLYING WITH ALL REGULATORY PERMIT CONDITIONS.

GOVERNING DESIGN CODE(S):

- 1. ALL WORK SHALL BE IN CONFORMANCE WITH THE LATEST REVISION OF:
 - A. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
 - B. NEW YORK STATE BUILDING CODE (NYSBC)
 - C. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

