



US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

## PUBLIC NOTICE

**In replying refer to:**

Public Notice Number: 2003-01151-L1  
Issue Date: 20 April 2004  
Expiration Date: 20 May 2004

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 USC 403).

APPLICANT: Old Harbor Colony Property Owners Association  
c/o Dr. Robert Logomasini  
20 Oak Lane  
Hampton Bays, New York 11946

ACTIVITY: Maintenance dredge with upland disposal

WATERWAY: Unnamed Canal near Smith Creek, a tributary of Shinnecock Bay

LOCATION: Village of Hampton Bays, 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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.

**CENAN-OP-RE  
PUBLIC NOTICE NO. 2003-01151-L1**

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS 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.

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.

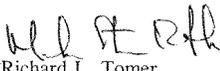
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. 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 Permit
- Town of Southampton Permit

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 (212) 264-3527 and ask for Rosita Rama.

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, Old Harbor Colony Property Owners Association, has requested Department of the Army authorization to dredge, with ten (10) years maintenance, with upland disposal and return flow to the waterway. The site is located in an unnamed canal near Smith Creek, a tributary of Shinnecock Bay, in the Village of Hampton Bays in the Town of Southampton, Suffolk County, New York.

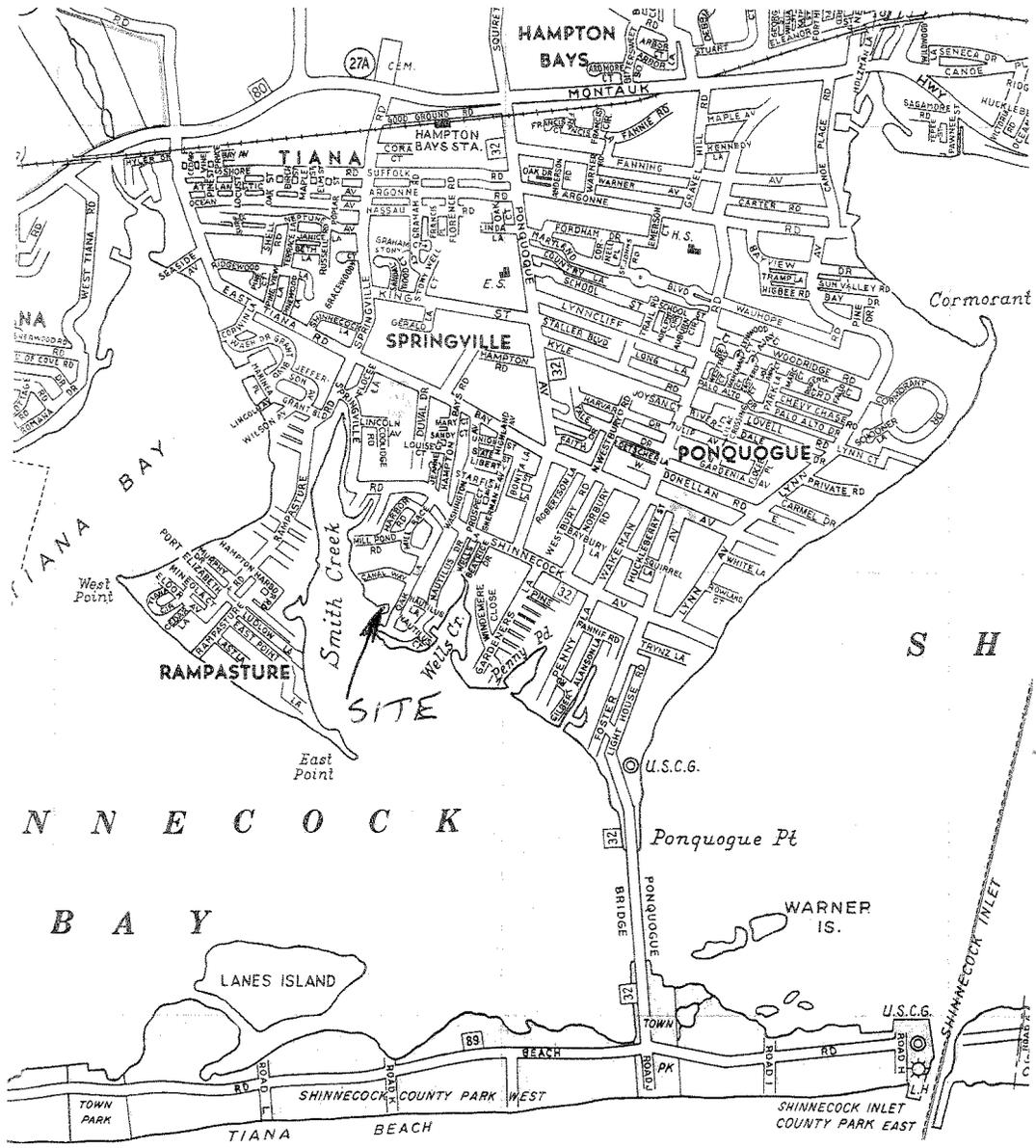
The work would involve dredging a total of approximately 3,000 cubic yards (CY) of sand/silt material from an L-shaped canal to a maximum depth of 4-feet below the plane of mean low water. The width of the dredging area varies 50- to 60-feet and the maximum length is 1200-feet long. Dredging would be undertaken using hydraulic means.

The dredged material would be deposited temporarily on the backshore of Old Harbor Colony Beach in an area 90- to 115-feet long and 40-feet wide. The bulk of the material from the site would be deposited on the community beach above the mean high water tide line and then removed by truck to an off-site, upland location. Return flow to the waterway is not anticipated.

Dredging is anticipated to occur three times over the ten year life of the requested ten (10) year permit. Approximately 1,000 CY of material would be removed during each event.

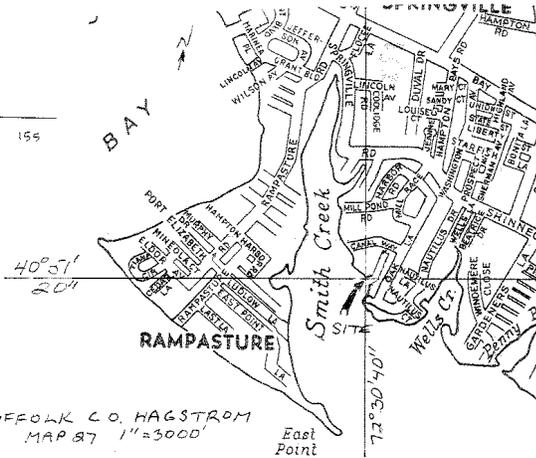
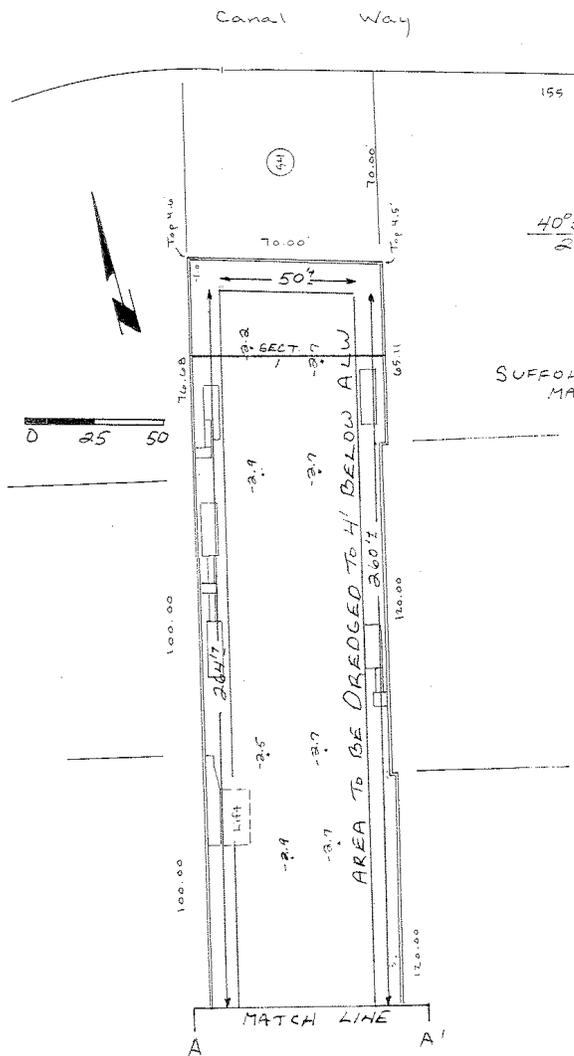
The proposed activity would have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of elevated turbidity levels during dredging operations. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that finfish populations and migratory shorebirds would avoid the area of disturbance. The dredged material would be placed 50-feet landward of the apparent high water mark and, therefore, the beach flora community would not be adversely affected.

The stated purpose of this project is to restore safe navigational water depths in the canal.



A T L A N T I C

1-5

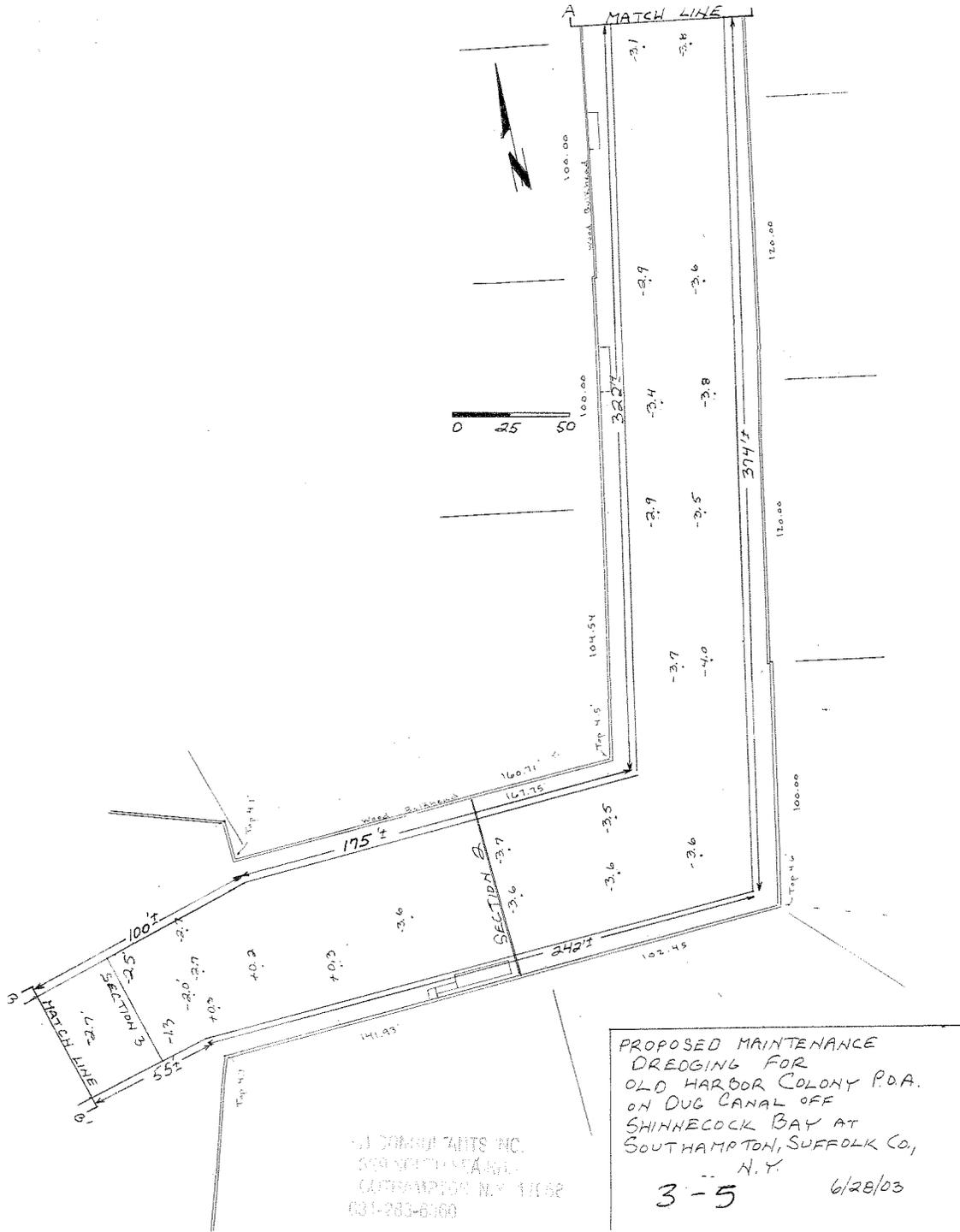


NOTES  
 DATUM: ALW  
 PURPOSE: RESTORE PRIOR  
 WATER DEPTHS FOR HAVIGATION & FLUSHING PURPOSES  
 APPROXIMATELY 3000 CY  
 OF SANDY SPOIL TO BE REMOVED  
 BY HYDRAULIC DREDGE TO  
 4' BELOW ALW & PLACED ON  
 O.H.C. BEACH ABOVE AHW.  
 ADDITIONAL SPOIL WILL BE  
 EITHER BARGED OFFSITE  
 TO UPLAND LOCATION OR  
 TRUCKED AWAY AFTER  
 DRYING.  
 ADJACENT OWNERS ARE  
 SHOWN ON SECTION OF  
 TAX MAP.

PROPOSED MAINTENANCE  
 DREDGING FOR  
 OLD HARBOR COLONY P.O.A.  
 ON DUG CANAL OFF  
 SHINNECOCK BAY AT  
 SOUTHAMPTON, SUFFOLK CO.,  
 N.Y.

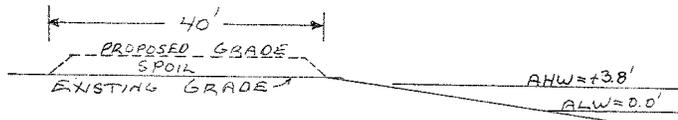
2-5 6/28/03

CONSULTANTS INC.  
 120 NORTH SEA RD.  
 SOUTHAMPTON, N.Y. 11968  
 (516) 283-6260

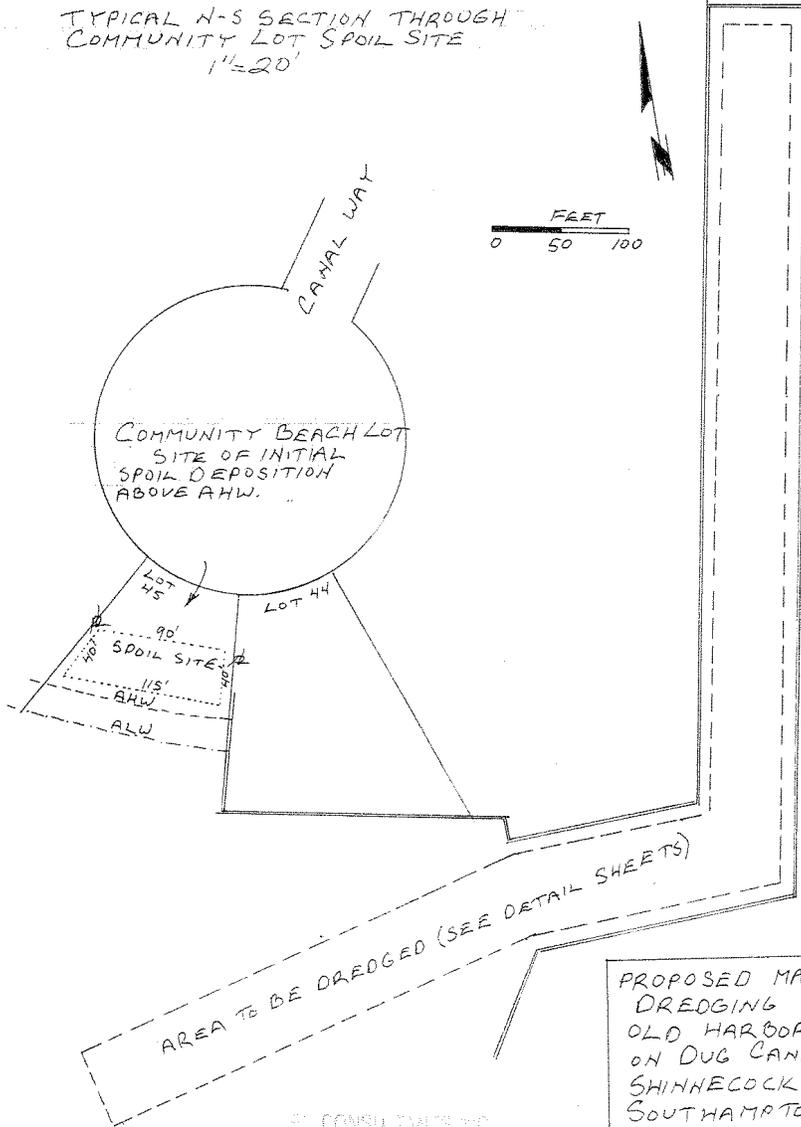


CONSULTANTS INC.  
 590 NORTH AVENUE  
 SOUTHAMPTON, N.Y. 11968  
 (516) 283-8100

PROPOSED MAINTENANCE  
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 OLD HARBOR COLONY P.O.A.  
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 SHINNECOCK BAY AT  
 SOUTHAMPTON, SUFFOLK CO.,  
 N.Y.  
 3-5 6/28/03



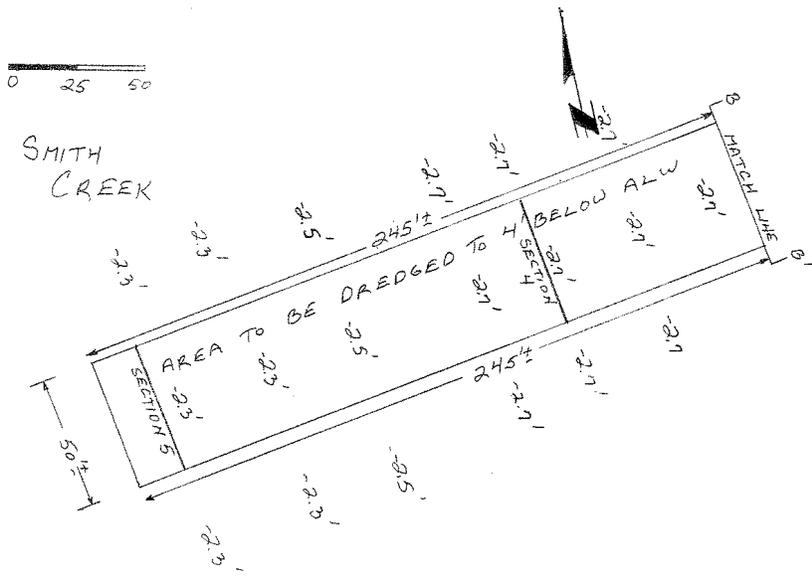
TYPICAL N-S SECTION THROUGH  
COMMUNITY LOT SPOIL SITE  
1"=20'



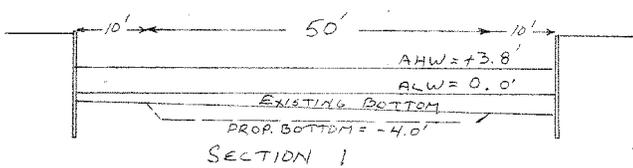
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5-5 6/28/03

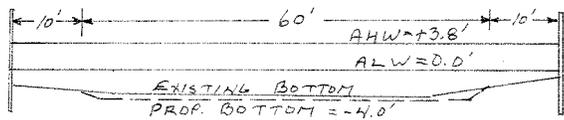
BY CONSULTANTS INC.  
1000 GREEN SEA RD  
SOUTHAMPTON NY 11968  
PH 789-9300



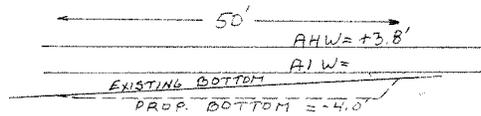
1/20' TYPICAL SECTIONS



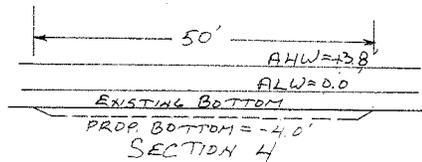
SECTION 1



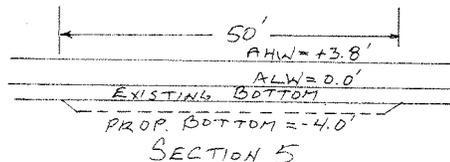
SECTION 2



SECTION 3



SECTION 4



SECTION 5

PROPOSED MAINTENANCE  
DREDGING FOR  
OLD HARBOR COLONY P.O.A.  
ON DUG CANAL OFF  
SHINNECOCK BAY AT  
SOUTHAMPTON, SUFFOLK CO.,  
N.Y.  
4-5 6/28/03

FX-CONSULTANTS INC.  
1909 NORTH SEA RD  
SOUTHAMPTON, N.Y. 11966  
031-283-6300