



# 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-2004-1342-EBU  
Issue Date: March 16, 2007  
Expiration Date: April 16, 2007

## 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 USC 1344).

APPLICANT: Suffolk County Department of Public Works  
c/o Chief Engineer William Hillman  
335 Yaphank Avenue  
Yaphank, New York 11980

ACTIVITY: Dredge with ten years maintenance and sand discharge for beach nourishment

WATERWAY: Miamogue Lagoon, Flanders Bay Great Peconic Bay

LOCATION: South Jamesport, Town of Riverhead, 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

CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2004-1343-EBU

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 may affect piping plover (*Charadrius melodus*) and seabeach amaranth (*Amaranthus pumilus*) or their habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the U.S. Fish and Wildlife Service to determine the presence of and potential impacts to listed species in the project area or their 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. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NOAA/FS 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. On September 14, 2006, New York State Department of State concurred with the applicant's certification that the proposed project is consistent with the New York State Coastal Zone Management Plan. 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 this office at (917) 790-8513 and ask for Ms. Denise Butts.

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PUBLIC NOTICE NO. NAN-2004-1343-EBU

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, Suffolk County Department of Public Works (SCDPW), has requested Department of the Army authorization to dredge with ten years maintenance and discharge sand for beach nourishment in Miamogue Lagoon, Flanders Bay, Great Peconic Bay, Town of Riverhead, Suffolk County, New York.

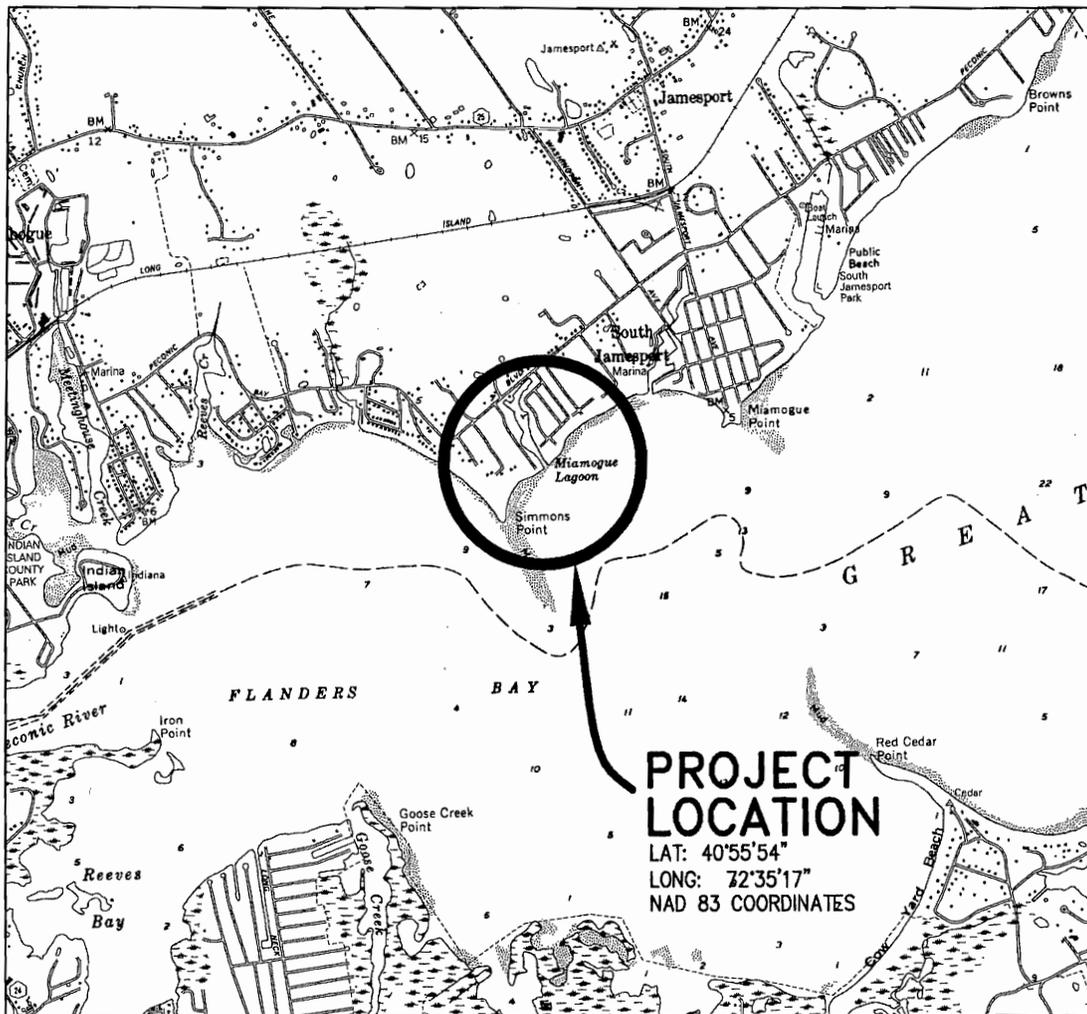
The work would involve dredging by SCDPW, via hydraulic dredge, approximately 2,000 cubic yards of sandy material from a 400 foot long by 100 foot wide navigation channel, with a 100 foot width at the southernmost point, tapering to a 15 foot width at the northernmost point to a depth of 7 feet below the plane of mean low water and a deposition basin 50 feet long by 50 feet wide to a depth of 8 feet below mean low water, including a one foot over cut (see sheets 3 and 4).

The resultant dredged material, composed of 100% sand, would be deposited for beach nourishment along an approximate 400 linear foot section of beach to the west of the channel to be dredged. Approximately 1,000 cubic yards of material would be deposited below the spring high water (SHW) line. Approximately 10,000 square feet of beach area below the SHW line would be affected (see sheet 4 of 4).

Subsequent maintenance dredging would be undertaken yearly, if a 10-year permit is issued, with an approximate removal of 2,000 cubic yards of material anticipated at each event. Dredged material placement will be at the same site.

The stated purpose of this project is to maintain safe, navigable water depths for the vessels that use the waterway and to provide beach nourishment for the adjacent beach.

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**PROJECT  
LOCATION**  
 LAT: 40°55'54"  
 LONG: 72°35'17"  
 NAD 83 COORDINATES

LOCATION MAP

LOCATION MAP TAKING FROM  
NYS DOT QUADRANGLE, MAP GG58

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)

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

NAN-2004-1343-EBU

**MAINTENANCE DREDGING**

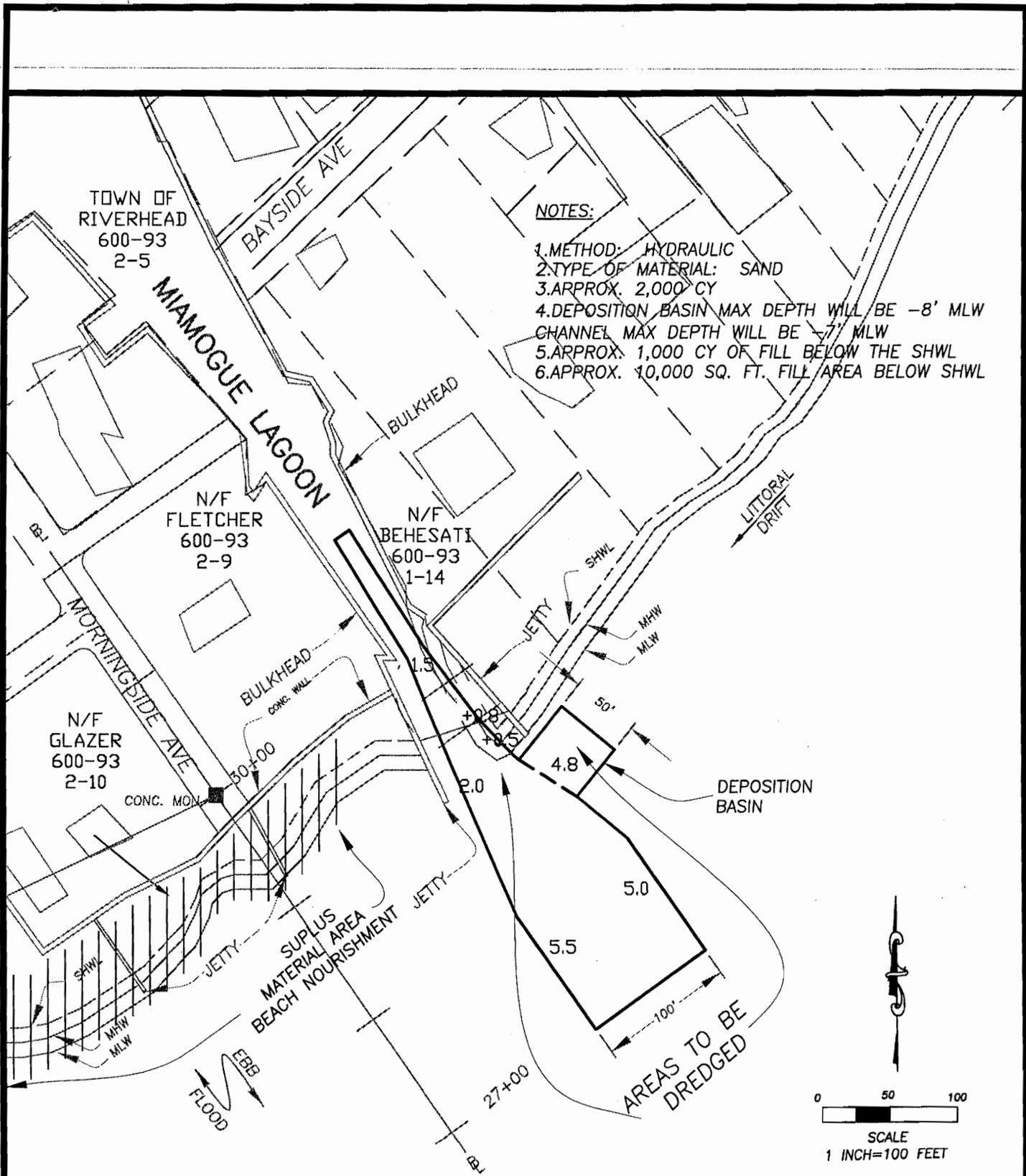
AT

**MIAMOGUE LAGOON**

TOWN OF RIVERHEAD

SUFFOLK COUNTY, NEW YORK

DATE: **SEPTEMBER 2006** SHEET 1 OF 4



**NOTES:**

1. METHOD: HYDRAULIC
2. TYPE OF MATERIAL: SAND
3. APPROX. 2,000 CY
4. DEPOSITION BASIN MAX DEPTH WILL BE -8' MLW  
CHANNEL MAX DEPTH WILL BE -7' MLW
5. APPROX. 1,000 CY OF FILL BELOW THE SHWL
6. APPROX. 10,000 SQ. FT. FILL AREA BELOW SHWL

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)  
 NAN-2004-1343-EBU

**MAINTENANCE DREDGING**

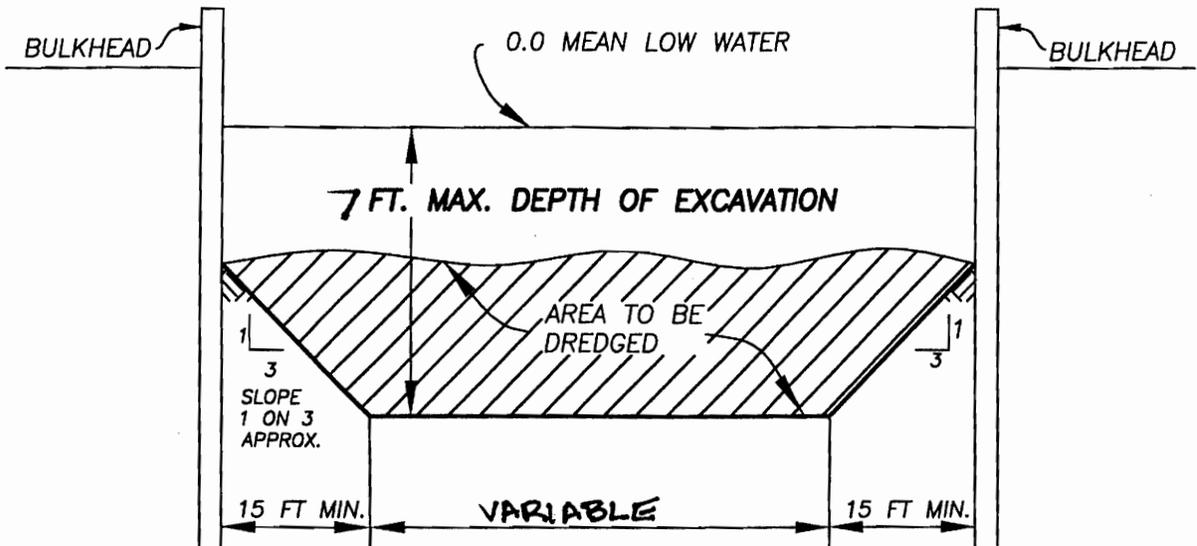
AT  
**MIAMOGUE LAGOON**

TOWN OF RIVERHEAD

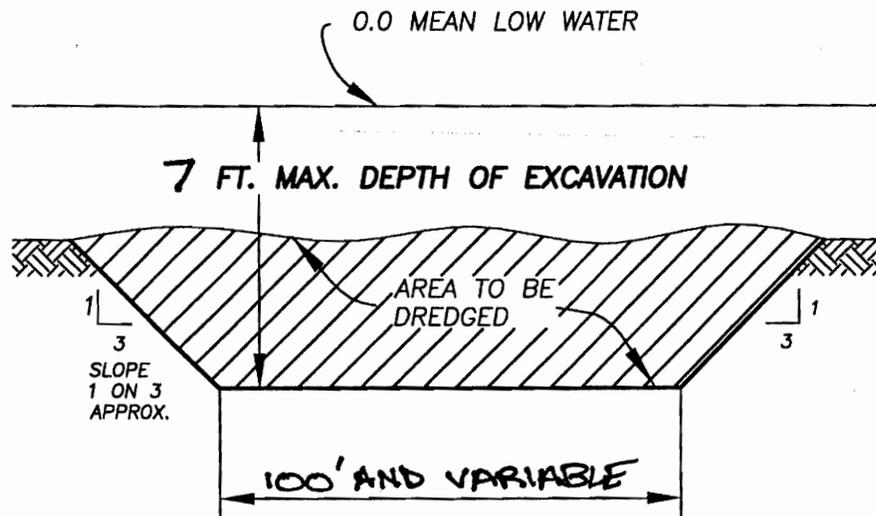
SUFFOLK COUNTY, NEW YORK

DATE: **SEPTEMBER 2006** SHEET **2** OF **4**

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



**TYPICAL CHANNEL SECTION  
BULKHEAD AREA**  
N.T.S.



**TYPICAL CHANNEL SECTION**  
N.T.S.

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)

NAN-2004-1343-EBU

**MAINTENANCE DREDGING**

AT

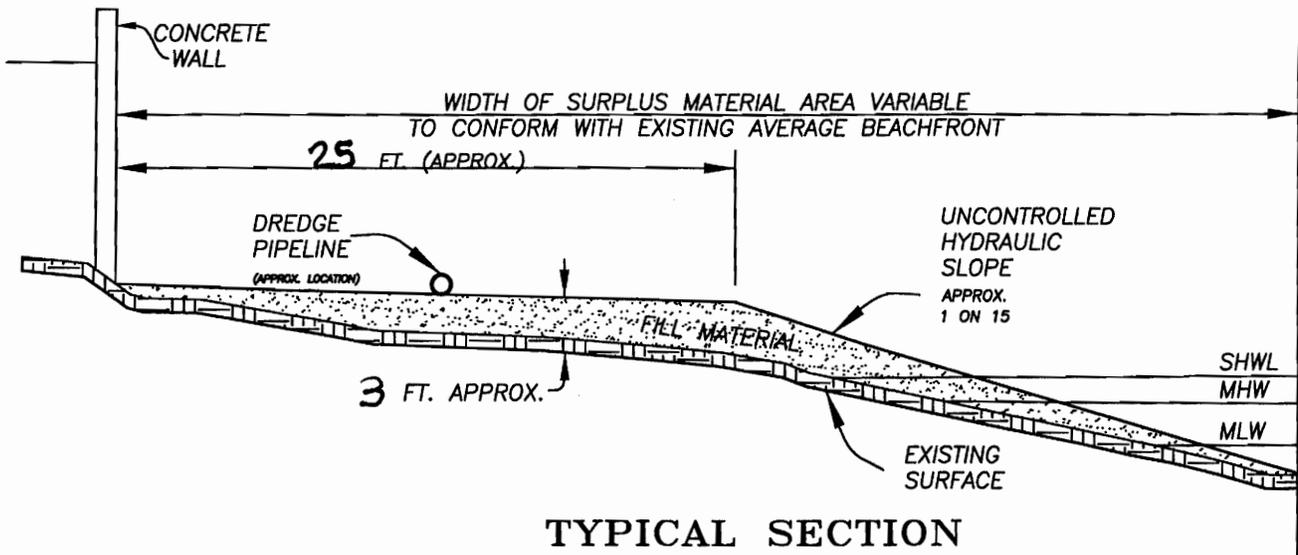
**MIAMOGUE LAGOON**

TOWN OF RIVERHEAD

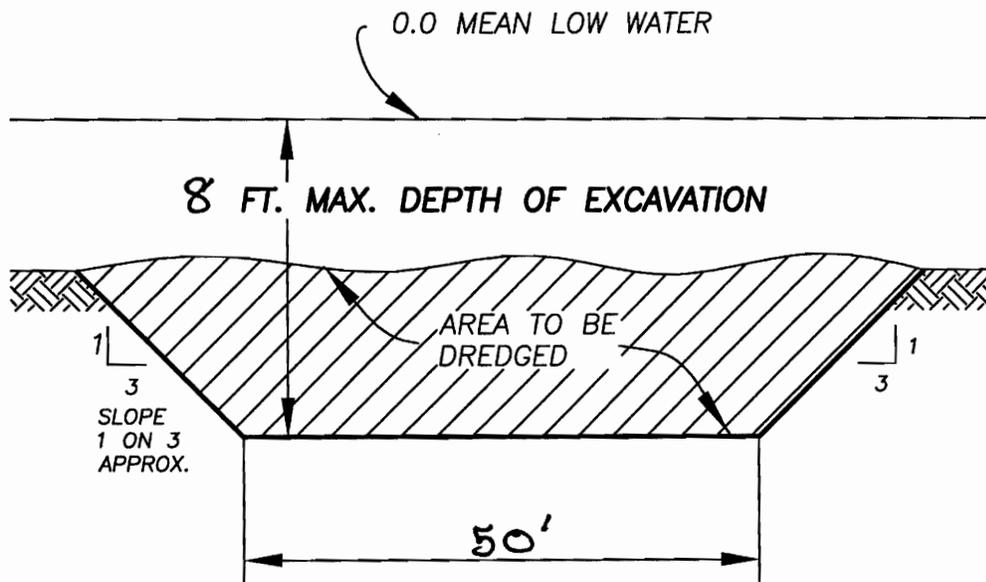
SUFFOLK COUNTY, NEW YORK

DATE: **SEPTEMBER 2006** SHEET **3** OF **4**

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



**TYPICAL SECTION  
SURPLUS MATERIAL AREA  
BEACH NOURISHMENT**  
N.T.S.



**TYPICAL SECTION  
DEPOSITION BASIN**  
N.T.S.

N.T.S. NAN-2004-1343-EBU

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)

**MAINTENANCE DREDGING**

AT

**MIAMOGUE LAGOON**

TOWN OF RIVERHEAD

SUFFOLK COUNTY, NEW YORK

DATE: SEPTEMBER 2006

SHEET 4 OF 4

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



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

MAR 16 2007

REPLY TO  
ATTENTION OF:

Eastern Permits Section

SUBJECT: Permit Application Number NAN-2004-1343-EBU by Suffolk County DPW  
(Miamogue Lagoon Dredging)

Ms. Patricia Kurkul  
Regional Administrator  
National Marine Fisheries Service  
Northeast Region  
One Blackburn Drive  
Gloucester, Massachusetts 01930-2298

Dear Ms. Kurkul:

The New York District, U.S. Army Corps of Engineers is reviewing the above referenced application for authorization to dredge with ten years maintenance via hydraulic dredge and discharge sand for beach nourishment in Miamogue Lagoon, Flanders Bay, Great Peconic Bay, Town of Riverhead, Suffolk County, New York. Enclosed please find a copy of our public notice/letter of coordination describing the proposed work.

The New York District has determined that the project as proposed is not likely to adversely affect one or more species of sea turtles which are currently listed as a federal endangered or threatened species, or their critical habitat, since the proposed work would be conducted with a hydraulic pipeline dredge.

In view of this, it is requested that the NMFS determine whether this species is present in the area of the proposed activity and if so, whether the Service concurs with the New York District's determination pursuant to Section 7 of the Endangered Species Act of 1973.

Your prompt reply is requested so that we may continue with the processing of this application, subject to the provisions for treating endangered species discovered during implementation of an undertaking as contained in 50 CFR Part 402. Questions concerning this letter can be directed to Ms. Denise Butts, of my staff, at (917) 790-8513.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Vissichelli".

Michael G. Vissichelli  
Chief, Eastern Permits Section

Enclosure

cc: Julie Crocker, NMFS



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

MAR 16 2007

REPLY TO  
ATTENTION OF:

Eastern Permits Section

SUBJECT: Permit Application Number NAN-2004-1343-EBU by  
Suffolk County DPW (Miamogue Lagoon)

Ms. Diane Rusanowsky  
National Marine Fisheries Service  
212 Rogers Avenue  
Milford, Connecticut 06460-6499

Dear Ms. Rusanowsky:

The New York District, U.S. Army Corps of Engineers (USACE) is reviewing the above referenced application for authorization to dredge with ten years maintenance and sand discharge for beach nourishment. The proposed dredge site is located in Miamogue Lagoon, Flanders Bay, Great Peconic Bay, Town of Riverhead, Suffolk County, New York. The resultant dredge material would be deposited for beach nourishment along a section of beach to the west of the dredge site. Enclosed please find a copy of our public notice describing the proposed work. Additionally, an Essential Fish Habitat (EFH) assessment prepared by Suffolk County Department of Public Works and USACE pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) is enclosed.

Potential adverse impacts of the proposed work on the habitat in Miamogue Lagoon include a temporary loss of bottom habitat, a temporary increase in turbidity in the water column, and a temporary loss of benthic forage species caused by the dredging activity. The primary source of potential indirect adverse impacts are disturbance of the ocean bottom and water column habitats occupied by prey organisms. The primary impact to managed species would be to their eggs, which are unable to leave the area of disturbance.

The USACE finds that the overall impact for the proposed work is expected to be minimal due to a time of year restriction prohibiting work from February 1 to September 30 of each year, which would be made part of any issued Department of the Army permit. We request your concurrence in our determination.

Your prompt reply is requested so that we may continue with the processing of this application. Questions concerning this letter can be directed to Ms. Denise Butts, of my staff, at (917) 790-8513.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Vissichelli". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael G. Vissichelli  
Chief, Eastern Permits Section

Enclosures

## EFH ASSESSMENT

**Application No.**     NAN-2004-1343-EBU

**Applicant:**    Suffolk County Department of Public Works

**Location:**    Miamogue Lagoon, Town of Riverhead, New York

**Activity:**     Maintenance dredge a navigation channel at Miamogue Lagoon, Town of Riverhead. Approximately 2,000 cubic yards will be removed from a channel 400 feet long by 100 feet wide to a depth of 7 feet below mean low water and a deposition basin 50 feet long by 50 feet wide to a depth of 8 feet below mean low water.

**EFH Designation:** The area of the proposed action (Western Great Peconic Bay) has been identified as an Essential Fish Habitat for several species of fish. The designations are as follows: Atlantic Salmon (juveniles and adults), Pollock (juveniles and adults), Red Hake (eggs, larvae, juveniles and adults), Winter Flounder (eggs, larvae, juveniles and adults), Windowpane Flounder (eggs, larvae, juveniles and adults), Atlantic Sea Herring (juveniles and adults), Bluefish (juveniles and adults), Atlantic Mackerel (eggs, larvae, juveniles and adults), Summer Flounder (juveniles and adults), Scup (eggs, larvae, juveniles and adults), Black Sea Bass (juveniles), King Mackerel (eggs, larvae, juveniles and adults), Spanish Mackerel (eggs, larvae, juveniles and adults), Cobia (eggs, larvae, juveniles and adults), Blue Shark (adults), Dusky Shark (larvae), Sandbar Shark (larvae, juveniles and adults), and Sand Tiger Sharks (larvae).

**Assessment:** There exists 18 species of fish within the Flanders Bay and Miamogue Lagoon area. Due to the highly diverse population, the habitat schedules for these fish are varied throughout the year. Dredging in this estuary may potentially be adverse to some species of fish regardless of the time of year it occurs in.

Many of the species that are in the region are juveniles and adults with extensive Habitat ranges from Maine south to North Carolina. Other species, such as the Sandbar Shark, are considered a migratory population that moves constantly to different areas.

Several more species are life long residents of the western Peconic area. However, fish such as Atlantic Salmon, need cold shallow water for spawning, which can be found north of the interface channel in Miamogue Lagoon. Other species, like Red Hake do need deeper inter tidal waters in which to spawn. Their ability to do so would decrease should Miamogue Lagoon shoal severely enough not only to become very shallow in inches; but also possible cut off the ability of fish freely traveling upstream or into the bay waters.

**Conclusions Regarding the Effects of the Action on EFH**

Potential adverse impacts of the proposed work on the habitat in Richmond Creek include a temporary loss of bottom habitat, a temporary increase in turbidity in the water column, and a temporary loss of benthic forage species caused by the dredging activity. The primary source of potential indirect adverse impacts is disturbance of the ocean bottom and water column habitats occupied by prey organisms. The primary impact to managed species would be to their eggs, which are unable to leave the area of disturbance.

### **Proposed Mitigation**

The USACE finds that the overall impact for the proposed work is expected to be minimal due to a time of year restriction prohibiting work from February 1 to September 30 of each year, which would be made part of any issued Department of the Army permit.

Therefore, we conclude that the adverse effect on EFH is not substantial.

POSTMASTER  
"PLEASE POST FOR PUBLIC VIEW"  
Riverhead, New York 11901

Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901-2515

Eugene & Carol Glazer  
21 South End Avenue  
PH 24  
New York, New York 10280

Steven Sinkevich  
U.S. Fish & Wildlife Service  
500 St. Marks Lane  
Islip, New York 11751-4133

Diane Rusanowsky  
NOAA Fisheries Services  
212 Rogers Avenue  
Milford, CT 06460-6499

Daniel Montella  
U.S. Environmental Protection Agency  
DEPP-WPB  
290 Broadway, 24<sup>th</sup> Floor  
New York, New York 10007-1823

New York State Department of State  
Division of Coastal Resources  
41 State Street, 8<sup>th</sup> Floor  
Albany, New York 12231-0001

Eileen Fletcher  
P.O. Box 44  
Jamesport, New York 11947

U.S. Coast Guard  
Group Moriches  
100 Moriches Island Road  
East Moriches, New York 11940-1315

New York State  
Department of Environmental Conservation  
50 Circle Road, SUNY  
Stony Brook, New York 11790-3409

Emil & Ann Behesati  
5 Bayside Avenue  
Riverhead, New York 11901do

Honorable Timothy Bishop  
House of Representatives  
Washington, DC 20515

Honorable Hillary Rodham Clinton  
United States Senate  
476 Russell Senate Office Building  
Washington, DC 20510-3202

Honorable Charles Schumer  
United States Senate  
313 Hart Senate Office Building  
Washington, DC 20510

William Hillman, P.E.  
Chief Engineer  
Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, New York 11980