

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-2006-3355-EST
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 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Suffolk County Department of Public Works
c/o Chief Engineer William Hillman
335 Yaphank Ave
Yaphank, NY 11980

ACTIVITY: Dredge with 10 years Maintenance and Sand Discharge for Beach Nourishment

WATERWAY: James Creek, a tributary to Great Peconic Bay

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 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 will not adversely affect piping plover (*Charadrius*

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melodus) their habitat due to the no-dredging window restrictions imposed during this project execution. 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 Agency 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. 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 this office at (917) 790-8533 and ask for Leo B. Strogach.

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


For Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

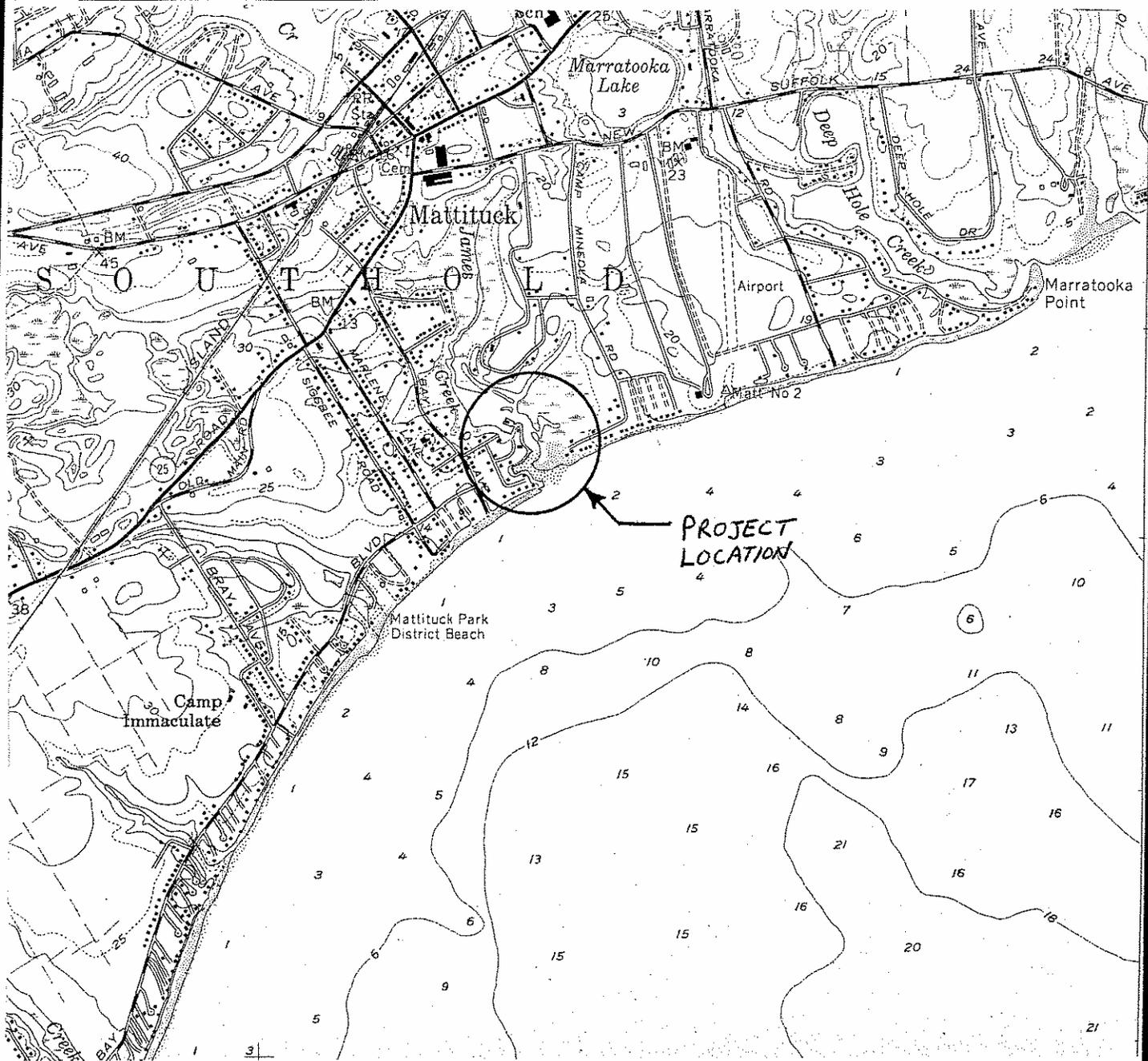
The applicant, Suffolk County Department of Public Works, has requested Department of the Army authorization to dredge with 10 years maintenance and discharge sand for beach nourishment in James Creek, a tributary to Great Peconic Bay, in the Town of Southold, Suffolk County, New York.

The initial work would include dredging, via hydraulic cutterhead dredge, of approximately 6,500 cubic yards (CY) of material from the channel measuring 1,025-feet long by 100-feet wide to a depth of 7-feet below mean low water, which includes a 1-foot allowable overdepth.

The dredged material, composed of 2% gravel, 97% sand, and 1% silt, would be placed for beach replenishment purposes on the adjacent beach on the east and west side of the channel above and below the spring high water (SHW) line. Approximately 120,000 square feet of beach area below the SHW line would be affected (see sheet 3 of 4 and 4 of 4).

Subsequent maintenance dredging would be undertaken every (3) years, if a 10-year permit is issued, with an approximate removal of 2,000 to 10,000 CY of material anticipated at each event. The dredged material would be placed on the same beach.

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



Mattituck Quadrangle

Latitude: 40° 58' 44"

Longitude: 72° 31' 44"

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-2006-335S

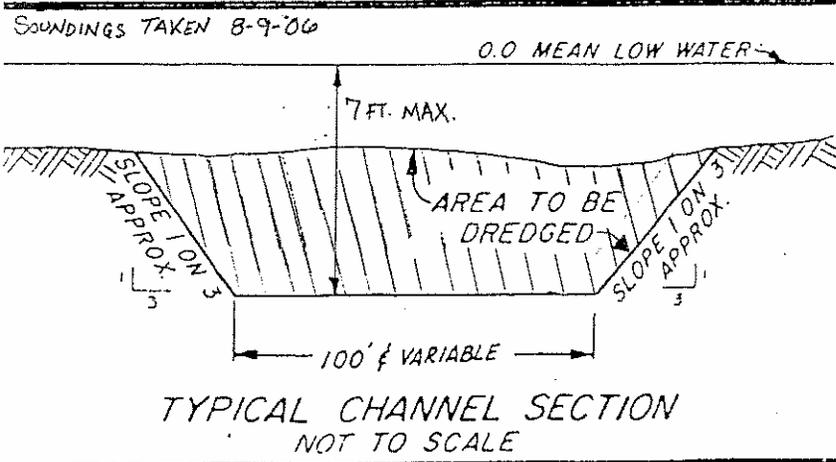
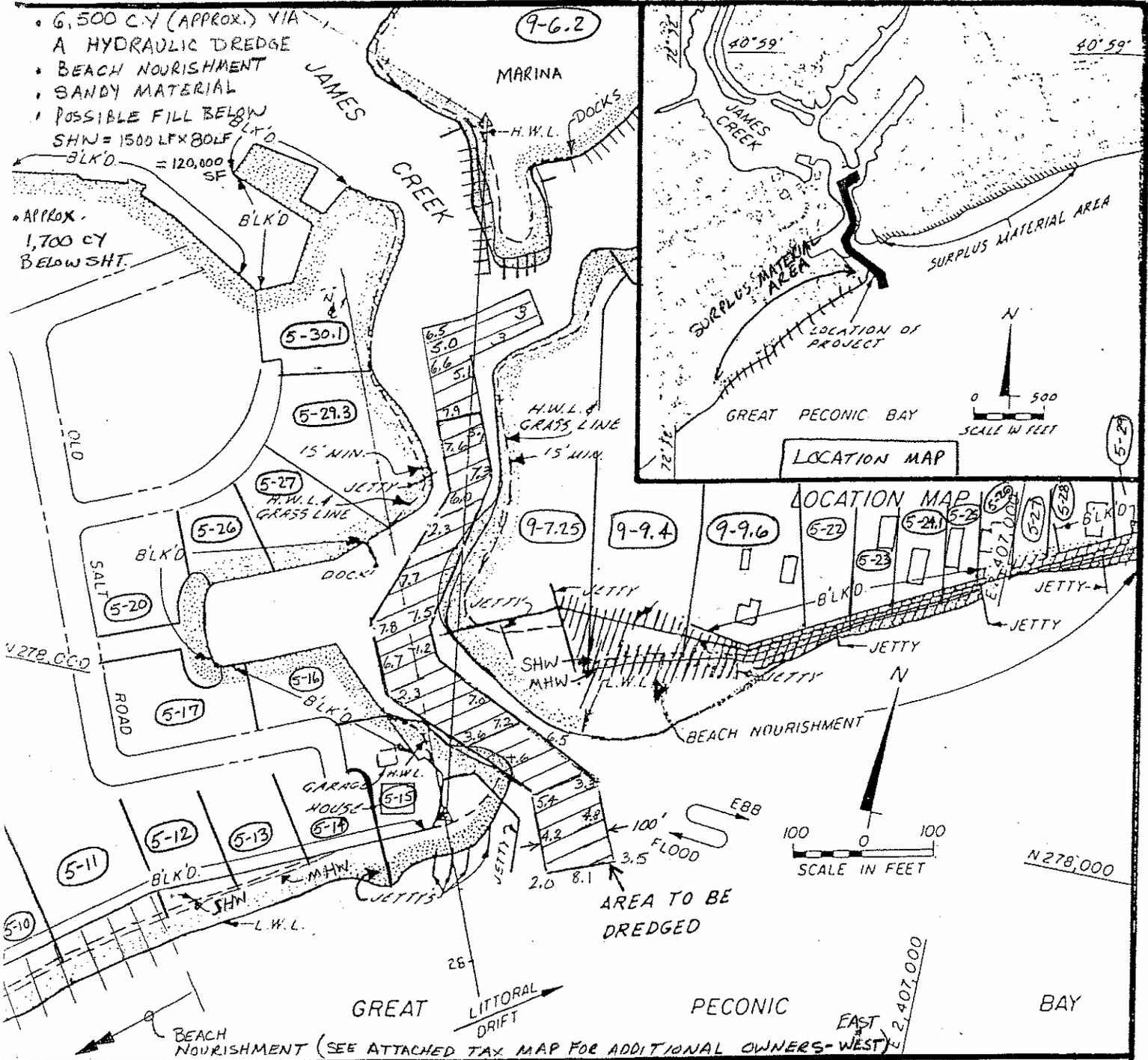
MAINTENANCE DREDGING

AT
 JAMES CREEK
 TOWN OF SOUTHOLD
 SUFFOLK COUNTY, NEW YORK

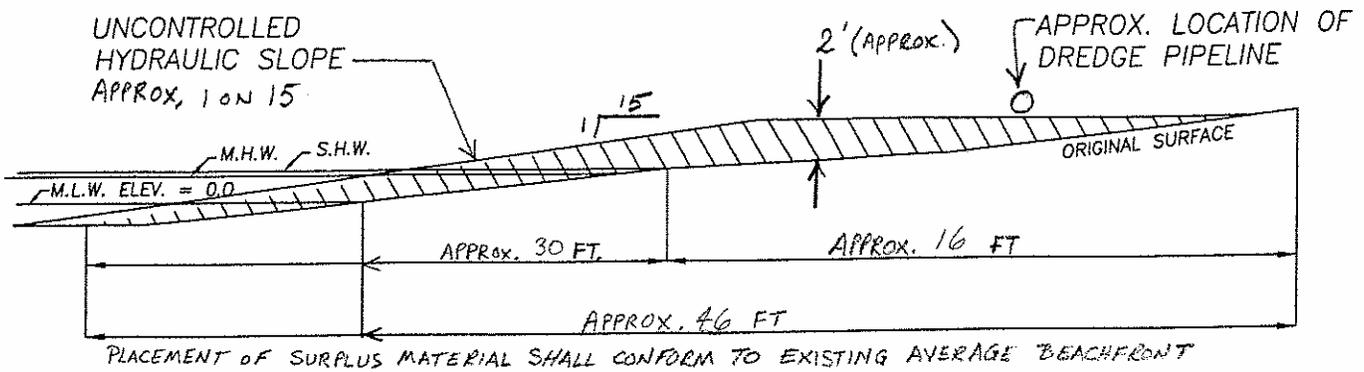
DATE: OCT. 2006

SHEET 1 OF 4

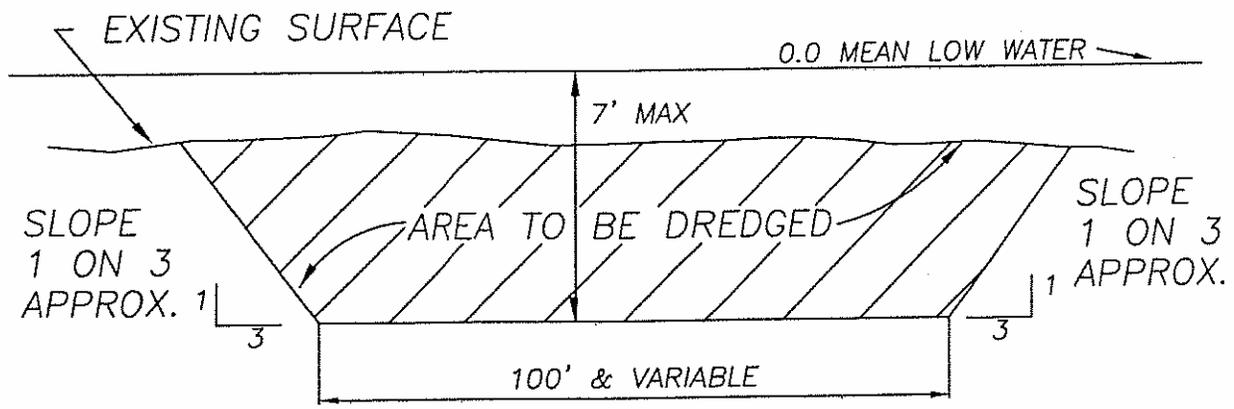
- 6,500 C.Y (APPROX.) VIA A HYDRAULIC DREDGE
- BEACH NOURISHMENT SANDY MATERIAL
- POSSIBLE FILL BELOW SHW = 1500 LF X 80 LF
- BLK'D = 120,000 SF
- APPROX. 1,700 CY BELOW SHT.



MAINTENANCE
 DREDGING AT
JAMES CREEK
 TOWN OF SOUTHOLD
 SUFFOLK COUNTY, NEW YORK
 APPLICATION BY THE COUNTY OF SUFFOLK,
 DEPARTMENT OF PUBLIC WORKS
 GILBERT ANDERSON, P.E.,
 CHIEF DEPUTY COMMISSIONER
 NAV-2005-3355



SURPLUS MATERIAL AREA (WESTERN BEACH)
 BEACH NOURISHMENT
 TYPICAL SECTION
 NOT TO SCALE



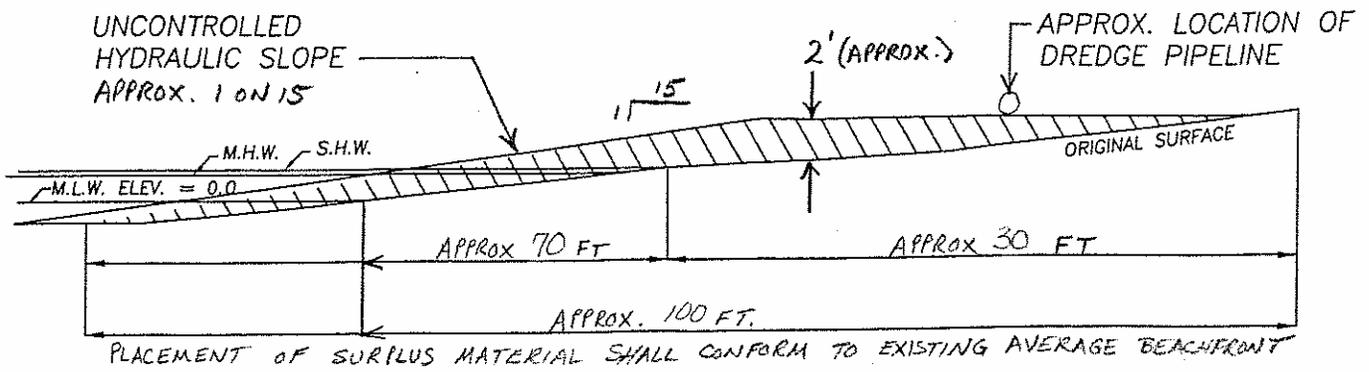
TYPICAL CHANNEL SECTION
 NOT TO SCALE

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

The datum used on this project is Mean Low Water, elevation 0.00 ft.

MAINTENANCE DREDGING
 AT
 JAMES CREEK
 TOWN OF SOUTHOLD
 SUFFOLK COUNTY, NEW YORK

DATE: Oct. 2000 SHEET 3 OF 4
 NAN-2005-3355



SURPLUS MATERIAL AREA (EAST SIDE)
 BEACH NOURISHMENT
 TYPICAL SECTION
 NOT TO SCALE

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

The datum used on this project is Mean Low Water, elevation 0.00 ft.

MAINTENANCE DREDGING
 AT

JAMES CREEK
 TOWN OF SOUTHOLD
 SUFFOLK COUNTY, NEW YORK

DATE: OCT. 2006 SHEET 4 OF 4

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