



# 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-2007-01146-EHA**  
Issue Date: **22 SEP 2008**  
Expiration Date: **22 OCT 2008**

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: Town of East Hampton, Natural Resources Department  
300 Pantigo Place, Suite 107  
East Hampton, New York 11937

ACTIVITY: Dredging with ten years maintenance and sand beach placement.

WATERWAY: Fresh Pond and Napeague Bay

LOCATION: Amagansett, Town of East Hampton, 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  
**PLEASE USE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE**

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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 due to proposed time of year no work restrictions. 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. 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 occurs. 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

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) 790-8523 and ask for Naomi Handell.

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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*  
7 Sep 2008

*FR* Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

### WORK DESCRIPTION

The applicant, Town of East Hampton, Natural Resources Department, has requested Department of the Army authorization to dredge Fresh Pond with ten years maintenance and discharge sand for beach placement in Napeague Bay, Amagansett, Town of East Hampton, Suffolk County, New York.

The work would involve dredging by Town of East Hampton, Natural Resources Department, via hydraulic dredge or excavator; approximately 2,140 cubic yards of sandy material from a 650 foot long by 40 foot wide channel to a depth of 2 feet below the plane of mean low water (see Sheet 2 of 4).

The resultant dredged material, composed of 80% sand, 15% silt, 5 % clay, would be deposited along a 345 linear foot section of beach to the south of the channel to be dredged. Approximately 13,580 square feet of beach area waterward of the spring high water line would be affected (see Sheet 2 of 4).

Subsequent maintenance dredging would be undertaken approximately 3 additional times, if a 10-year permit is issued, with an approximate removal of 1,000 cubic yards of dredged material anticipated at each event. Dredged material placement would be at the same site.

Phragmites along the north side of the channel will be removed and the side of the excavated channel will be replanted with *Spartina alterniflora* and *Spartina patens*.

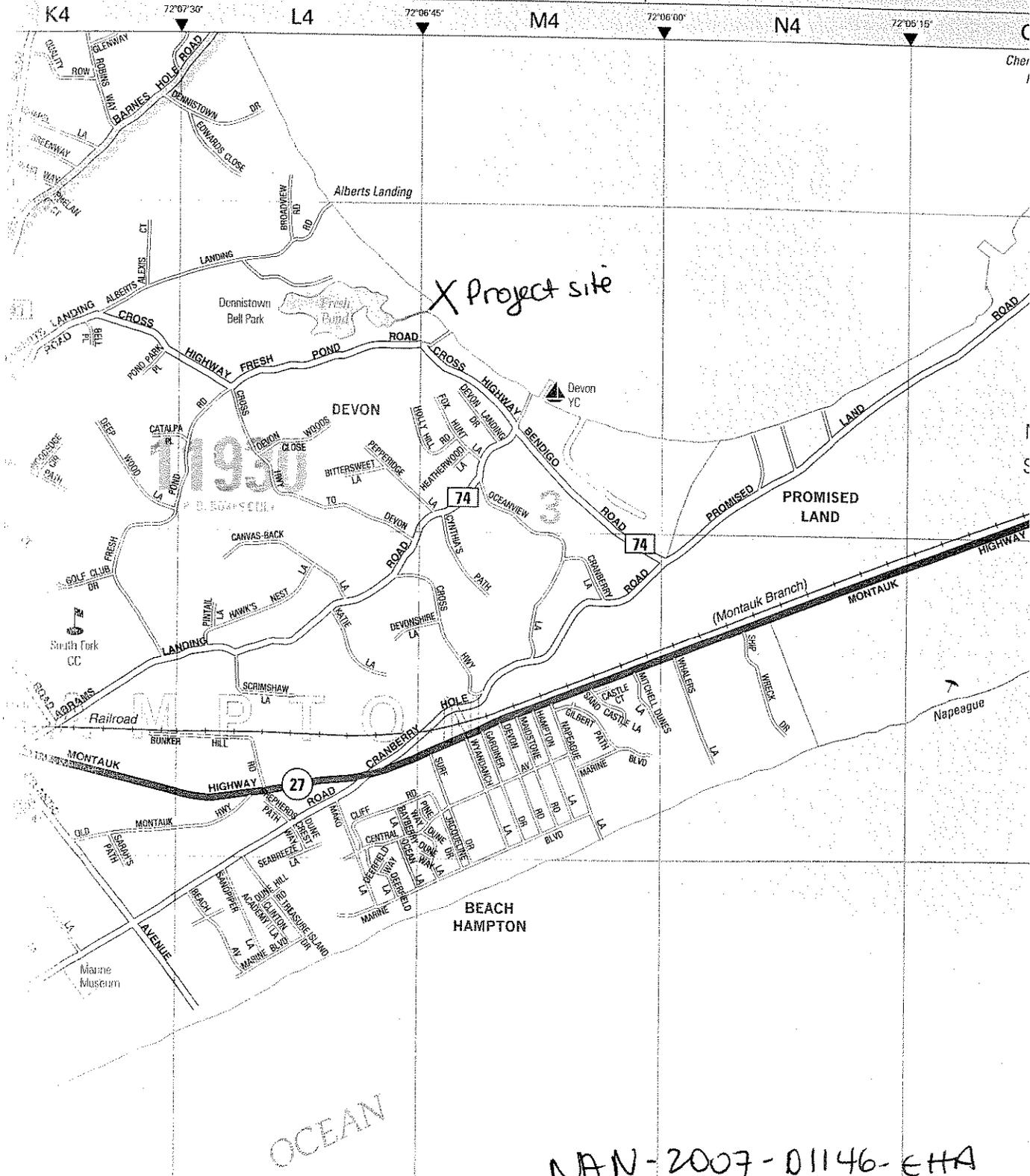
The stated purpose of this project is to deepen an existing channel to allow tidal flushing of Fresh Pond.



Quickly estimate distance:  
 Each grid box represents approximately  
 0.65 mi. horizontally by 0.66 mi. vertically.

Scale 1:24,000  
 0 1,000 2,000  
 0 200 400 600

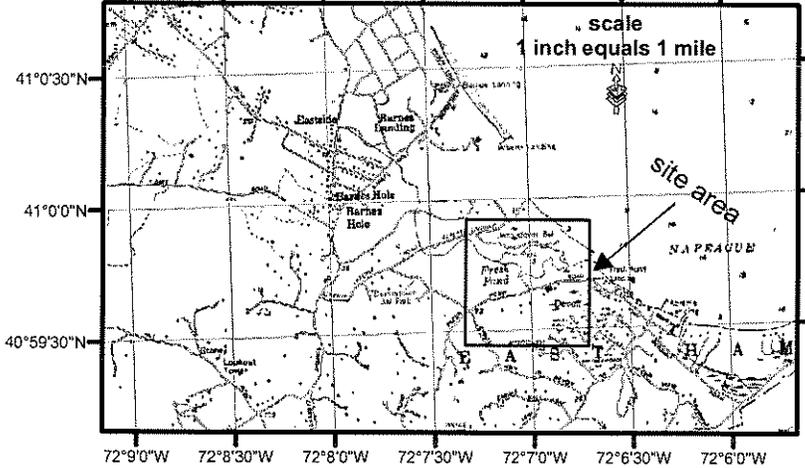
Joins Map 59



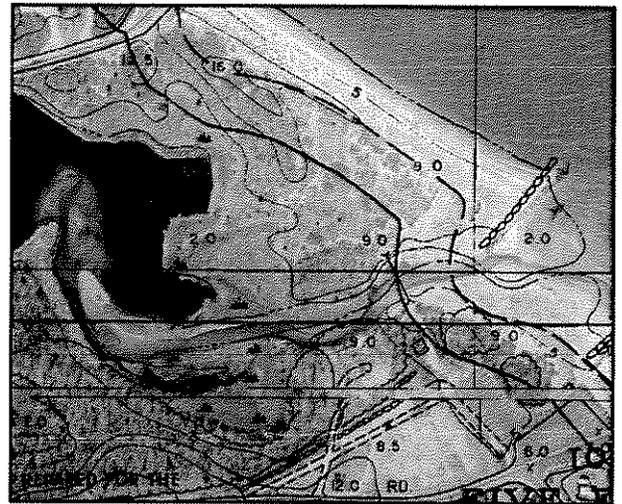
NAN-2007-01146-EHA  
 1 of 4

Town of East Hampton  
 Dredging with ten yrs maintenance +  
 sand beach placement

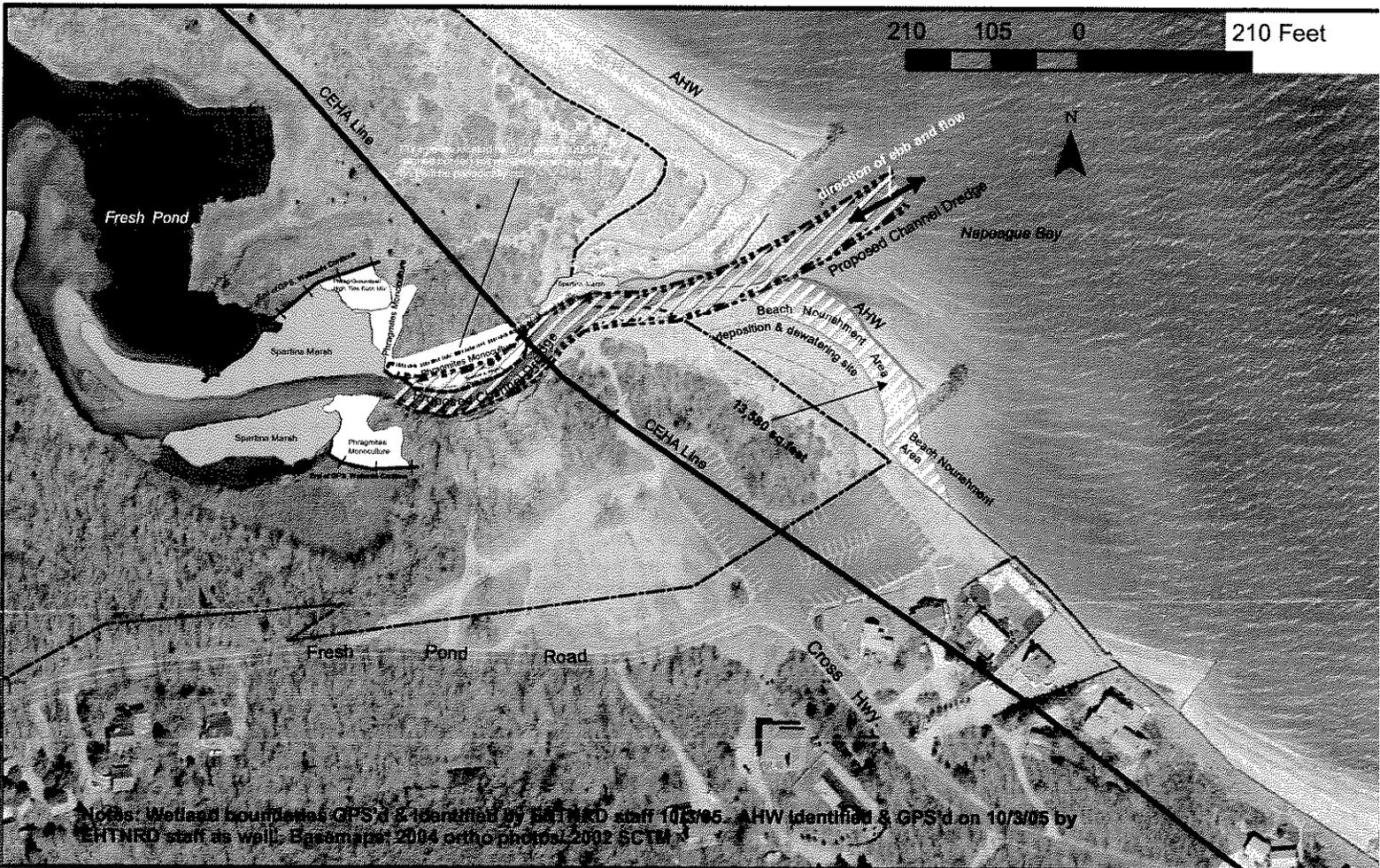
**Vicinity Map** (tiles ff61, ff62, gg61, gg62)



US DOT 1974 topographic maps: AA48, BB48.  
Georeferenced by EHTNRD 1/03/08.



**Plan View**



**PURPOSE:** Widen & deepen an existing channel for the goal of improving water quality in Fresh Pond.

Soil Composition: 80 % sand, 15% silt, 5% clay.  
Datum: MLW = 0.0  
MHHW = 2.9  
MT = 1.4

East Hampton Town Natural Resources  
300 Pantigo Place, Suite 107  
East Hampton, NY 11937

**PLAN VIEW AND VISINITY MAP OF PROPOSED DREDGING**

*proposed inlet: 650' x 40'*  
*proposed depth: 2' below MLW*  
*volume: 2,140 yds<sup>3</sup>*

APPLICATION BY:  
EAST HAMPTON TOWN  
NATURAL RESOURCES  
300 PANTIGO PLACE SUITE 107  
EAST HAMPTON, NY 11937

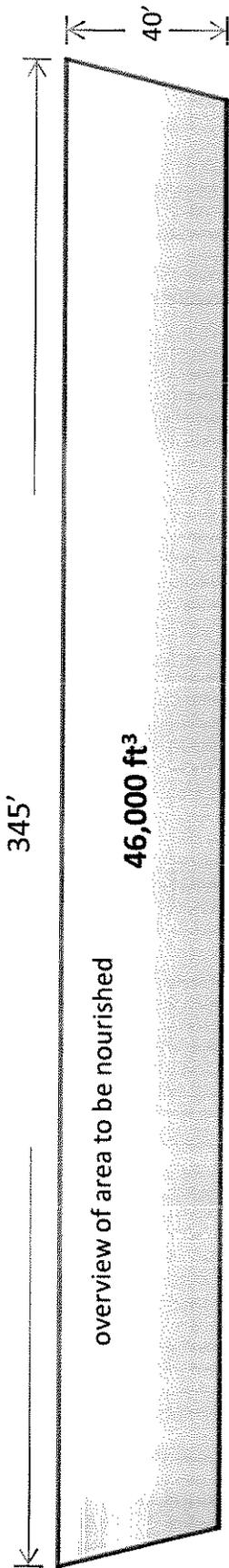
*NAN-2007-1146-EHTA*

PROPOSED CHANNEL DREDGING USING A CLAMSHELL DREDGE.

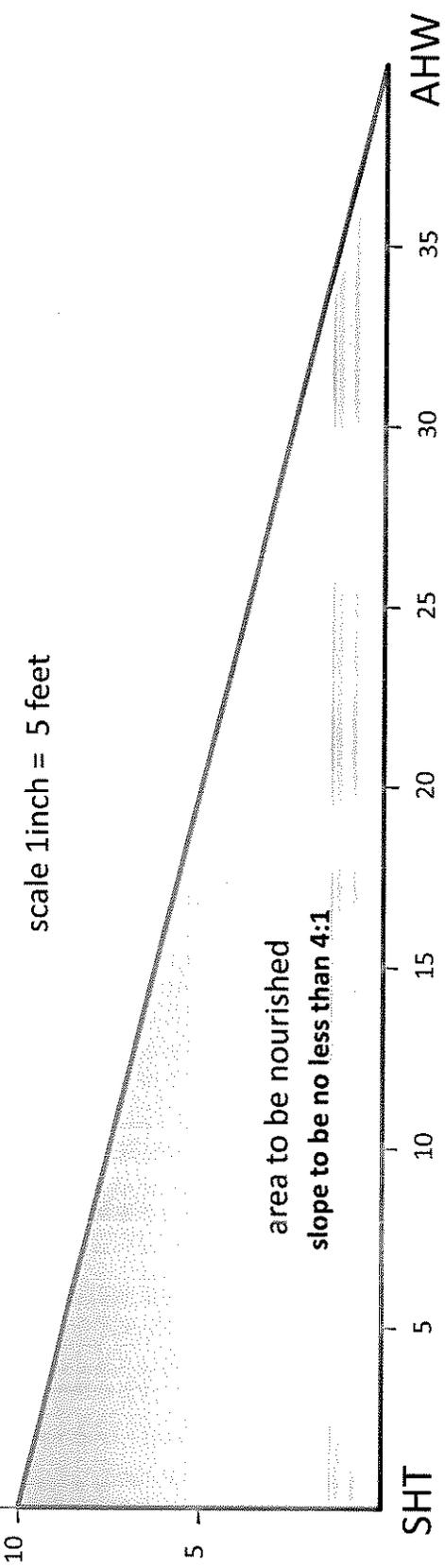
IN: FRESH POND  
AT: AMAGANSETT, NY

DATE: JAN. 2008 SHEET 2 OF 4

*Revised*



Scale 1 inch = 40 feet



scale 1 inch = 5 feet

PURPOSE: EXCAVATE A DEEPER CHANNEL TO INCREASE FLOW INTO THE POND.

DATUM: MLW = 0.0  
MHHW = 2.9

EAST HAMPTON TOWN NATURAL RESOURCES  
300 PANTIGO PLACE, SUITE 107  
EAST HAMPTON, NEW YORK

BEACH NOURISHMENT  
CROSS SECTION

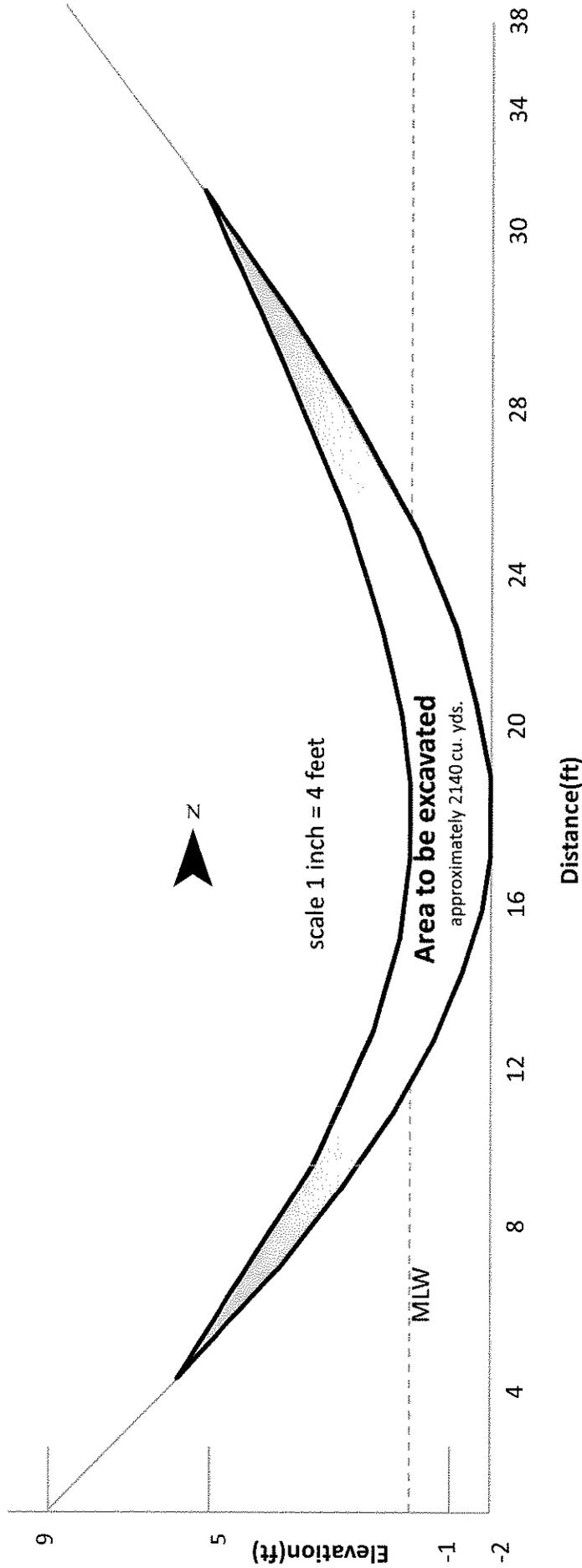
APPLICATION BY:  
EAST HAMPTON TOWN  
NATURAL RESOURCE  
300 PANTIGO PLACE SUITE 107  
EAST HAMPTON, NEW YORK

PROPOSED FRESH POND CHANNEL  
DREDGE.

IN: FRESH POND  
AT: AMAGANSETT, NEW YORK  
DATE: JAN. 2007 DRAWING 3 of 4

NIAN-2007-1146-EHA

Revised



NAN-2007-1146-ETA

PURPOSE: EXCAVATE A DEEPER CHANNEL  
TO INCREASE FLOW INTO THE POND.

DATUM: MLW = 0.0  
MHHW = 2.9

EAST HAMPTON TOWN NATURAL RESOURCES  
300 PANTIGO PLACE, SUITE 107  
EAST HAMPTON, NEW YORK

### CHANNEL CROSS SECTION

APPLICATION BY:  
EAST HAMPTON TOWN  
NATURAL RESOURCE  
300 PANTIGO PLACE SUITE 107  
EAST HAMPTON, NEW YORK

PROPOSED FRESH POND CHANNEL  
DREDGE.

IN: FRESH POND  
AT: AMAGANSETT, NEW YORK  
DATE: JAN. 2007 DRAWING 4 of 4