



# 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-2007-287-EJE  
Issue Date: April 5, 2007  
Expiration Date: April 25, 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), 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 Avenue  
Yaphank, New York 11980

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

WATERWAY: Abets Creek, tributary to Patchogue Bay

LOCATION: 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 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

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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 may affect, but is not likely to adversely affect piping plover (Charadrius melodus) and several species of sea turtles 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 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). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site specific adverse effects are not likely to be substantial. Further consultation with NOAA Fisheries Service regarding EFH impacts and conservation recommendations will be concluded prior to the final permit 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) 790-8420 and ask for Stacey M. Jensen.

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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>



For Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

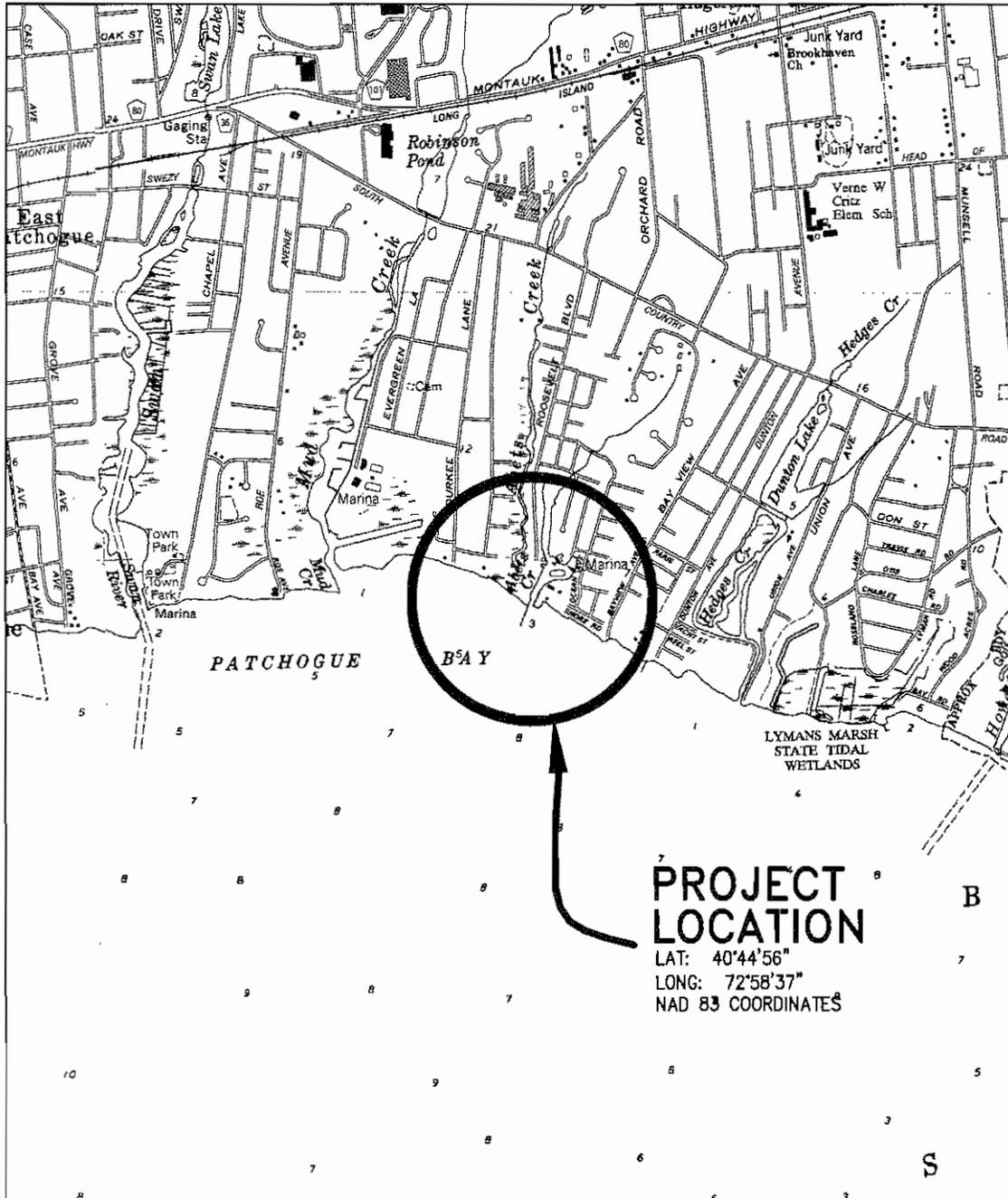
The applicant, Suffolk County Department of Public Works (SCDPW), has requested Department of the Army authorization to dredge with ten years maintenance and discharge sand for beach nourishment in Abets Creek, a tributary to Patchogue Bay, Town of Brookhaven, Suffolk County, New York.

The work would involve dredging by SCDPW, via hydraulic cutterhead dredge, approximately 2,000 cubic yards of material from a 600-foot-long navigation channel that varies in width, to a depth of 7 feet below the plane of mean low water including a one foot overcut (see sheet 3 of 4).

The resultant dredged material, composed of 10% gravel, 89.5% sand, and 0.5% silt, would be deposited for beach nourishment along sections of beach to the east of the dredged site. Approximately 7,000 square feet of beach area below the spring high water line would be affected (see sheet 2 of 4 and 4 of 4).

Subsequent maintenance dredging would be undertaken approximately every 2 years, if a 10-year permit is issued. The dredged material would be placed on the same beach.

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.



LOCATION MAP

LOCATION MAP TAKING FROM  
NYS DOT QUADRANGLE, MAPS HH54, HH55, 1154 & 1155

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

## MAINTENANCE DREDGING

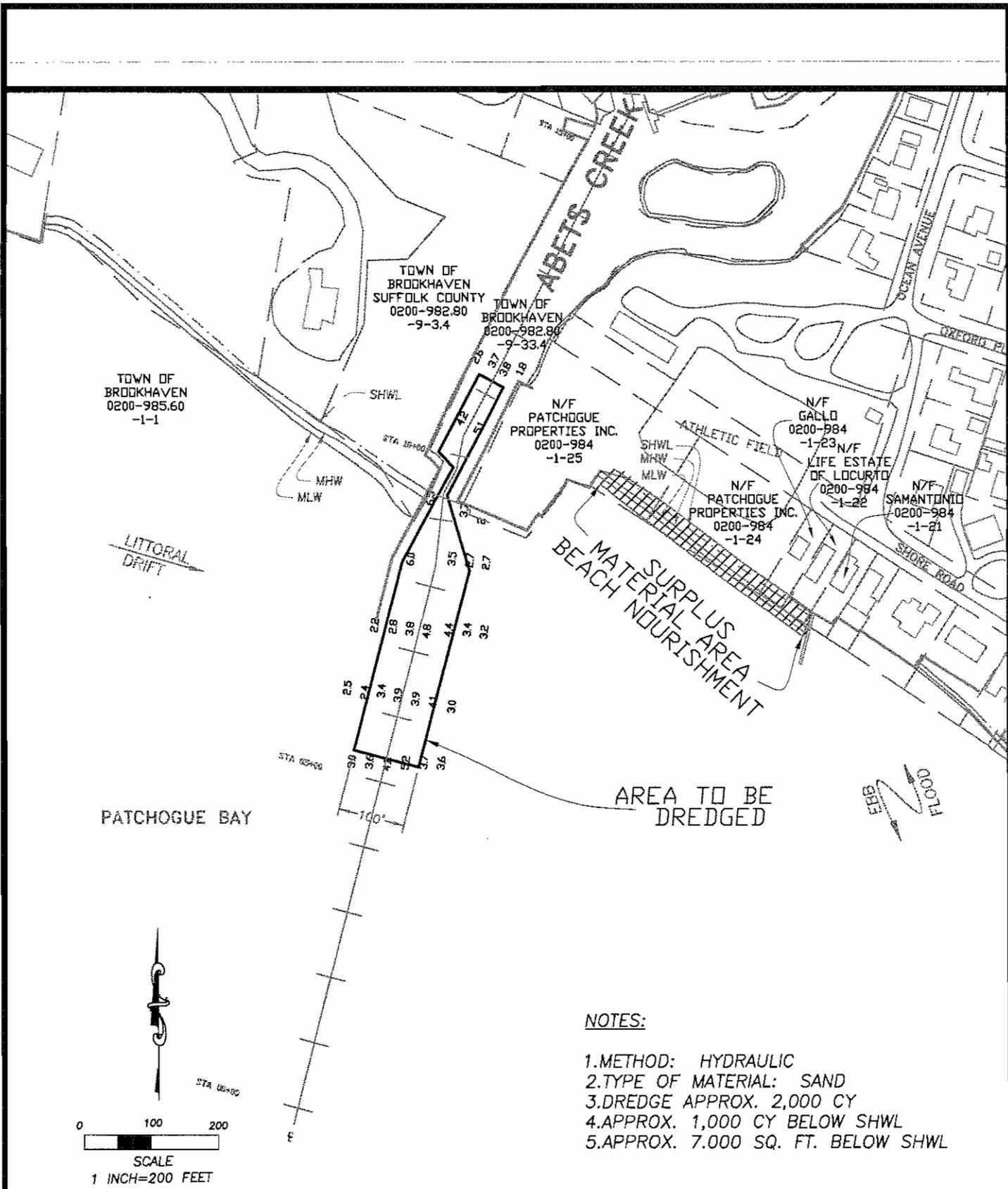
AT

### ABETS CREEK

TOWN OF BROOKHAVEN

SUFFOLK COUNTY, NEW YORK

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



**NOTES:**

- 1.METHOD: HYDRAULIC
- 2.TYPE OF MATERIAL: SAND
- 3.DREDGE APPROX. 2,000 CY
- 4.APPROX. 1,000 CY BELOW SHWL
- 5.APPROX. 7,000 SQ. FT. BELOW SHWL

**MAINTENANCE DREDGING**

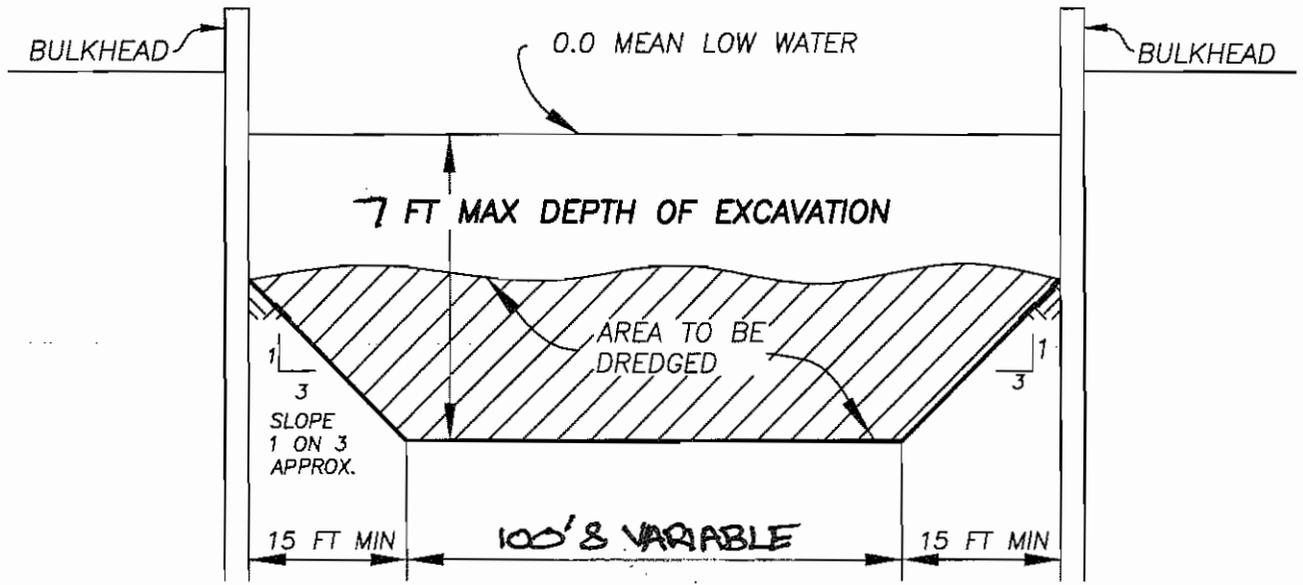
AT

**ABETS CREEK**

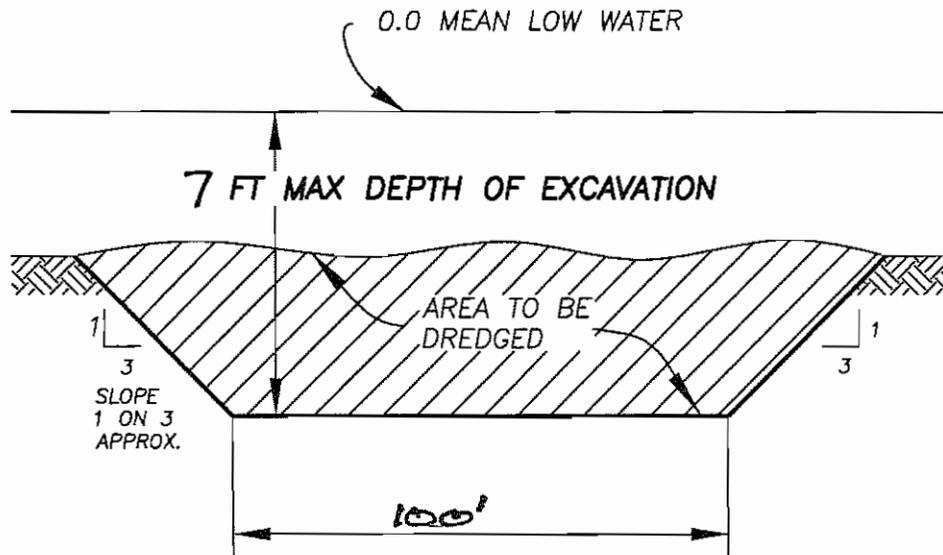
TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK

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)

**MAINTENANCE DREDGING**

AT

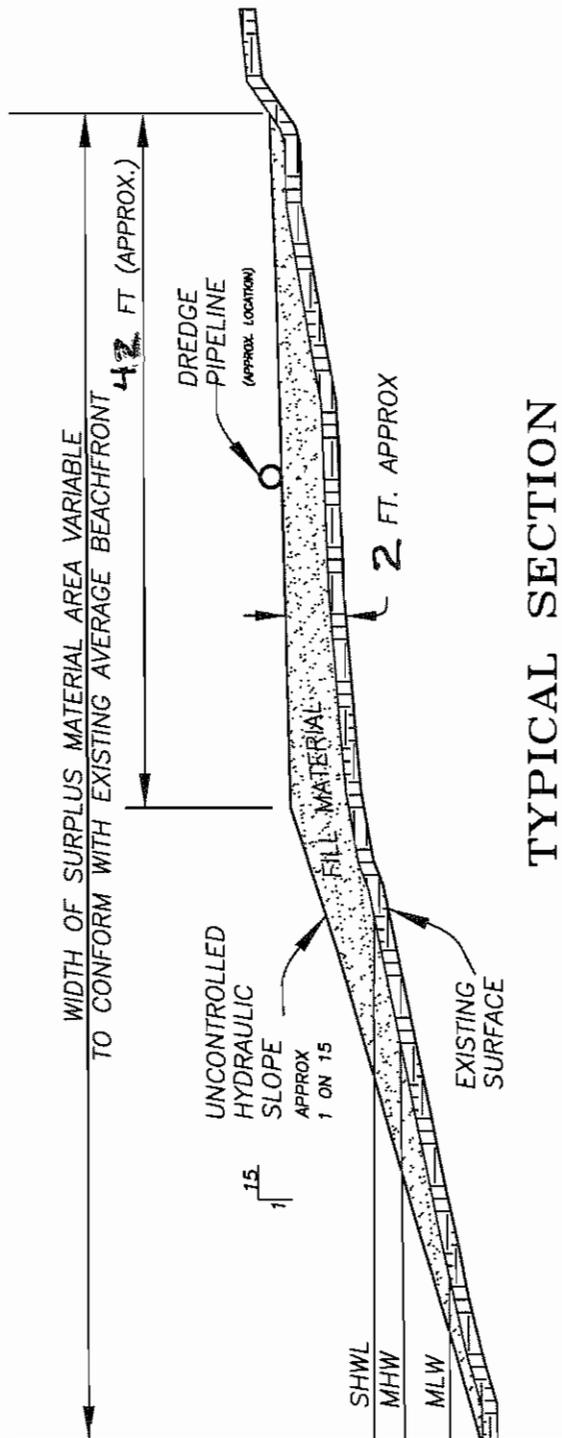
**ABETS CREEK**

TOWN OF BROOKHAVEN

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.  
 EAST SIDE OF CHANNEL

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

**MAINTENANCE DREDGING**

AT

**ABETS CREEK**

TOWN OF BROOKHAVEN

SUFFOLK COUNTY, NEW YORK

DATE: **SEPTEMBER 2000** SHEET **4** OF **4**