



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-2007-388-ESP
Issue Date: March 7, 2008
Expiration Date: April 5, 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: Robert Arcate
9 Canoe Place Road
Hampton Bays, N.Y. 11946

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Shinnecock Bay

LOCATION: 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 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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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 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 (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 District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to 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.

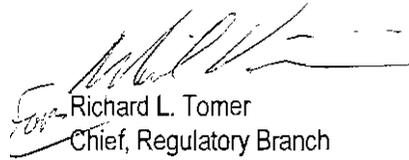
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation permit

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) 790-8522 and ask for Craig Spitz.

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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
Chief, Regulatory Branch

Enclosures

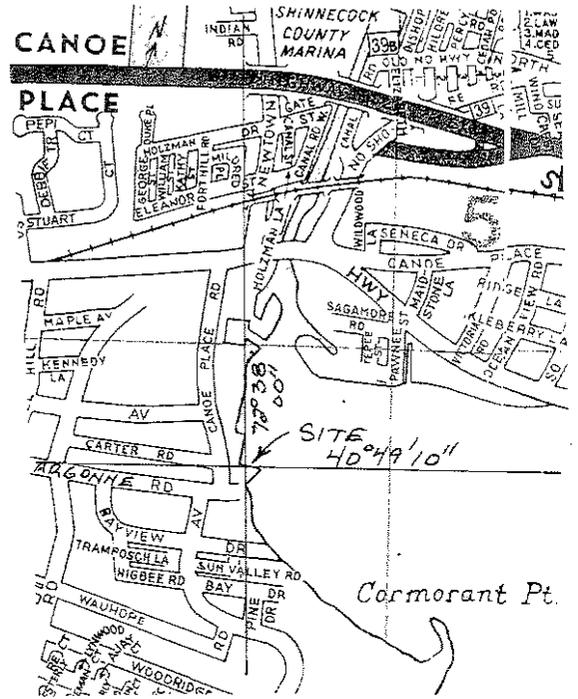
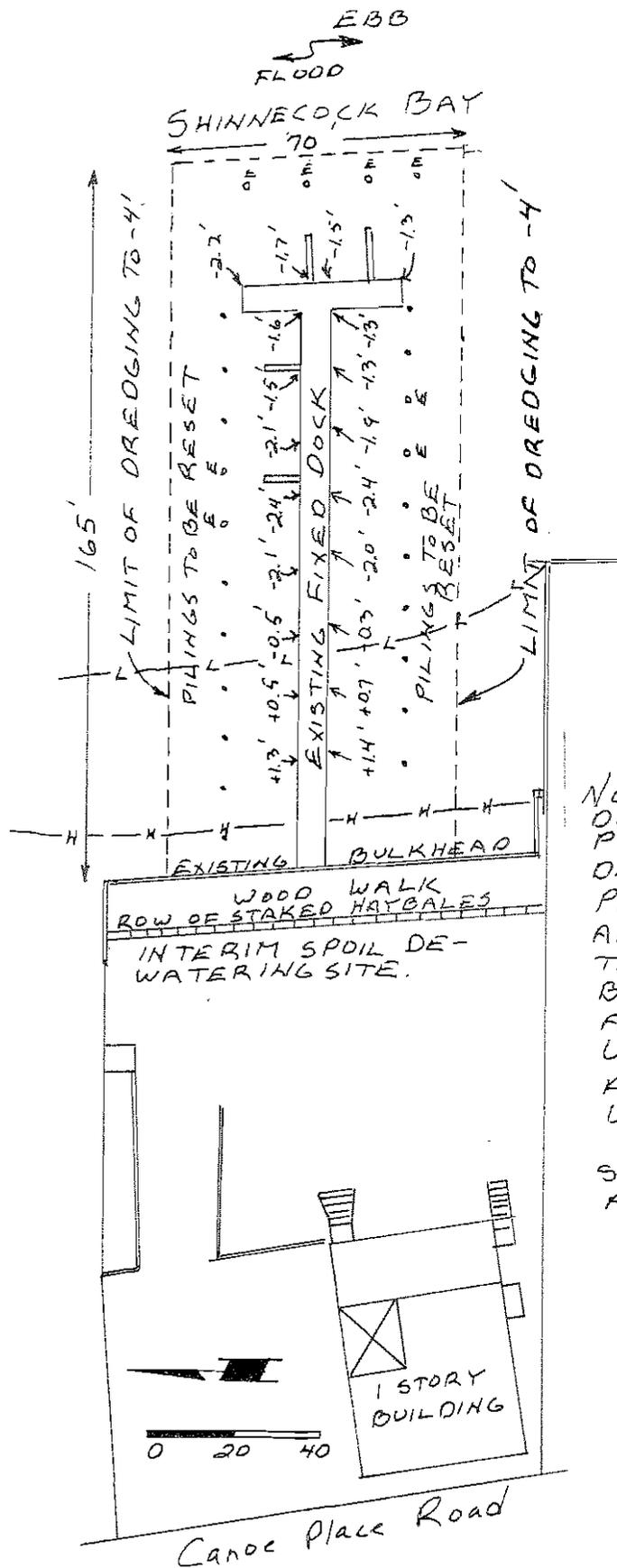
WORK DESCRIPTION

The applicant, Robert Arcate, has requested Department of the Army authorization to dredge with ten years maintenance in Shinnecock Bay at Hampton Bays, Town of Southampton, Suffolk County, New York with upland disposal.

The work would involve the dredging, by crane-mounted clamshell bucket, of approximately 1,500 cubic yards of material to a maximum depth of 4-feet below mean low water in an area measuring 70-feet wide by 165-feet long as shown in Sheet 1 of 2. The material would be disposed upland, where it would be allowed to dewater behind a row of staked hay bales, and then transported to an off site upland facility. Twenty-two pilings supporting the existing pier would be replaced and/or reset.

Two additional dredging events are anticipated during the ten-year life of the Department of the Army permit, if issued, removing an anticipated 300 cubic yards per event with disposal in the same manner.

The stated purpose of this project is to restore navigation to the boat dockage area.



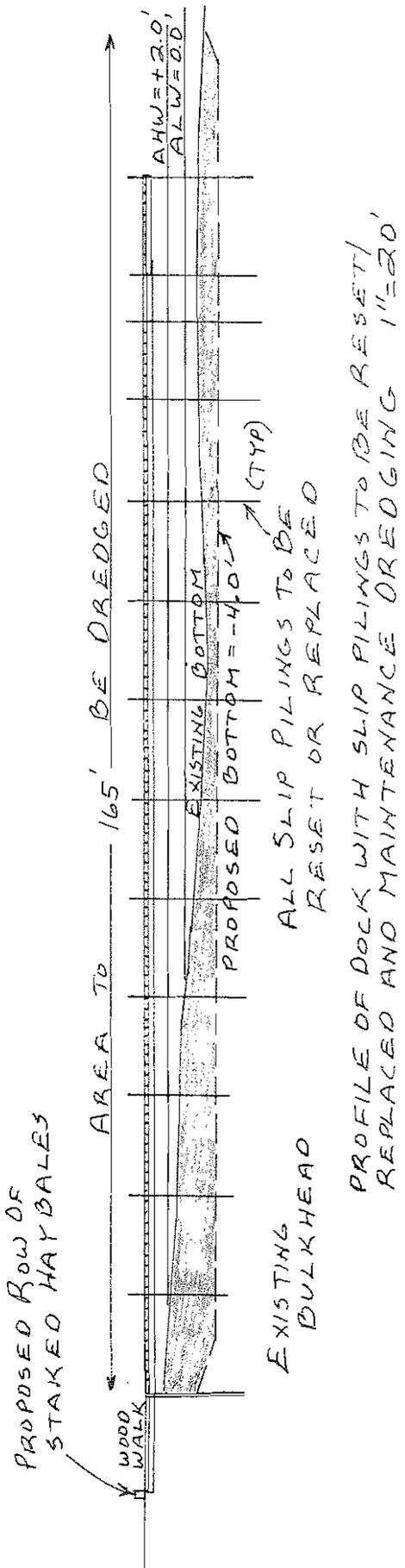
SUFFOLK CO. HAGSTROM
MAP 27 1"=3000'

NOTES
 DATUM: ALW
 PURPOSE: RESTORE WATER DEPTHS TO ALLOW RESTAURANT PATRONS TO ARRIVE BY BOAT
 APPROX 1500 CY OF SANDY SPOIL TO BE REMOVED TO -4' BY BARGE-MOUNTED EQUIPMENT AND REMOVED TO SUITABLE UPLAND LOCATION
 ALL WOOD TO BE UNTREATED
 WORK SITE: CANOE PLACE
 HAMPTON BAYS
 SCTM # 0900-266-4-9
 ADJACENT OWNERS:
 TO NORTH
 TO SOUTH

PROPOSED MAINTENANCE
 DREDGING & PILING RE-
 PLACEMENT FOR
 ROBERT ARCADE
 ON SHINNECOCK BAY
 AT HAMPTON BAYS,
 SUFFOLK CO., N.Y.

SHEET 1 OF 2 6/20/06

EN-CONSULTANTS INC.
 1319 NORTH SEA RD.
 SOUTHAMPTON, N.Y. 11960
 631-283-6360



EN-CONSULTANTS INC.
 1319 NORTH SEA RD.
 SOUTHAMPTON, N.Y. 11968
 631-283-6360

PROPOSED MAINTENANCE
 DREDGING & PILING RE-
 PLACEMENT FOR
 ROBERT ARCADE
 ON SHINNECOCK BAY
 AT HAMPTON BAYS,
 SUFFOLK CO., N.Y.

SHEET 2 OF 2 6/20/06