



# 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-2007-814-ESP  
Issue Date: November 30, 2007  
Expiration Date: December 29, 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 U.S.C. 1344).

APPLICANT: Charles Wendroth  
DHS – Plum Island Animal Disease Center  
P.O. Box 848  
Greenport, N. Y. 11955

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

WATERWAY: Plum Gut Harbor, Gardiners Bay

LOCATION: Plum Island, 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

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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 would not affect any Federally endangered or threatened species 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 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.

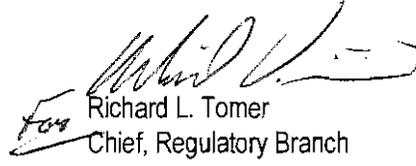
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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, Department of Homeland Security - Plum Island Animal Disease Center, has requested Department of the Army authorization to dredge with ten years maintenance and discharge sand for beach nourishment in Plum Gut Harbor, Gardiners Bay at the Town of Southold, Suffolk County, New York.

The work would involve dredging, via hydraulic dredge, approximately 29,000 cubic yards of sandy material from the waterway to a depth of 18 feet below the plane of mean low water. The area to be dredged would be approximately 119,930 square feet or 2.75 acres (see Sheet 3 of 6).

The resultant dredged material, composed of 95% sand and the remainder being silt and gravel, would be deposited directly onto the adjacent dune/beach system east of the dredge area. The waterward terminus of the deposited dredged material would be bulldozed to contain the deposited dredged material directly behind it. Approximately 3,701 cubic yards of material would be deposited below the spring high water (SHW) line. Approximately 22,220 square feet or 0.5 acres of beach area below the SHW line would be affected (see Sheets 2 and 6 of 6). Surplus material would be placed in upland diked disposal areas where dewatering would occur with return flow back into the waterway (see Sheet 2 of 6). The surplus material would remain in the diked disposal areas for future emergency use which could be subject to a separate Department of the Army application.

Subsequent maintenance dredging is anticipated two additional times, if a 10-year maintenance dredging pennit is issued, with removal of approximately 5000 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 Harbor and to provide beach nourishment for the adjacent beaches.

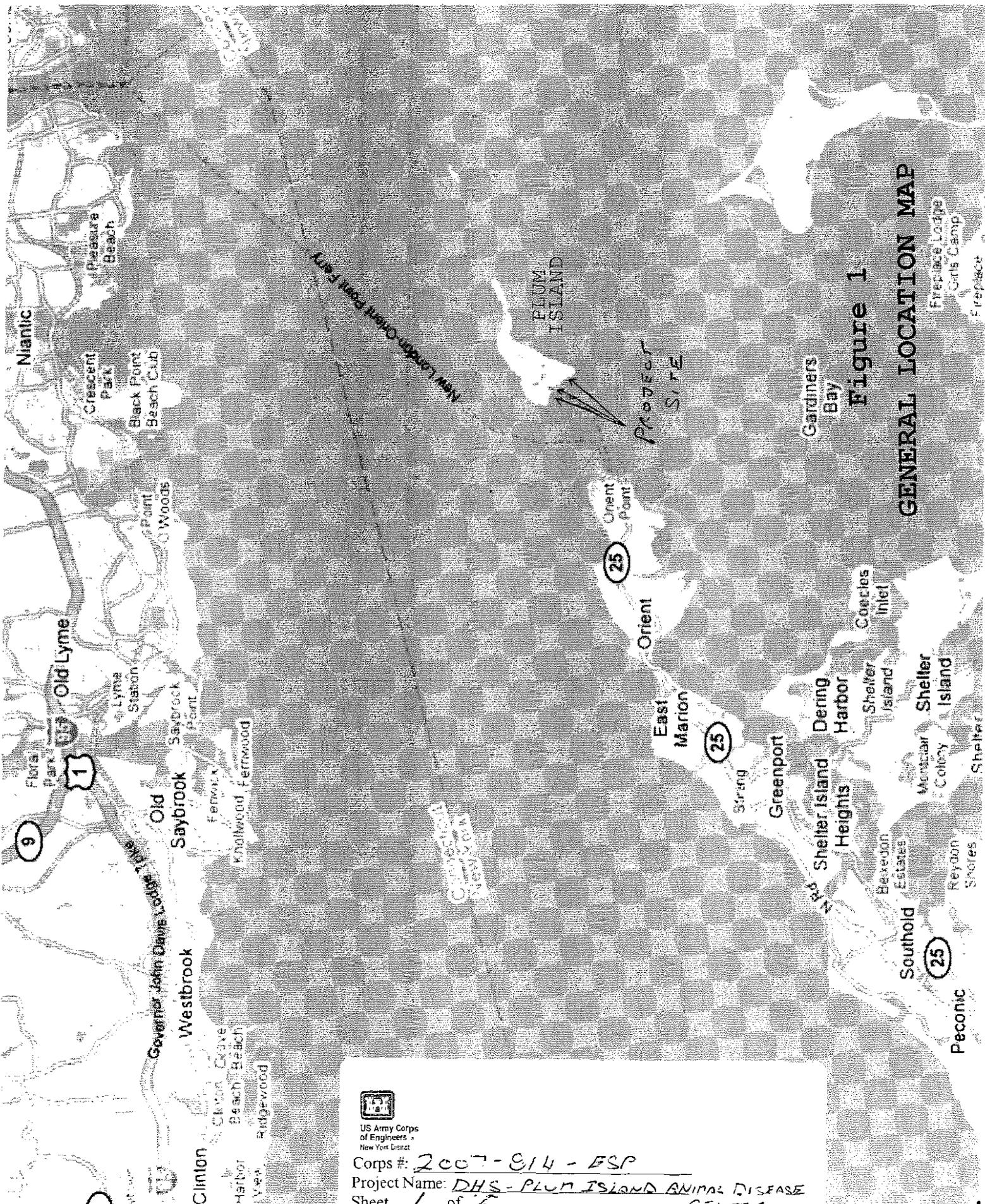


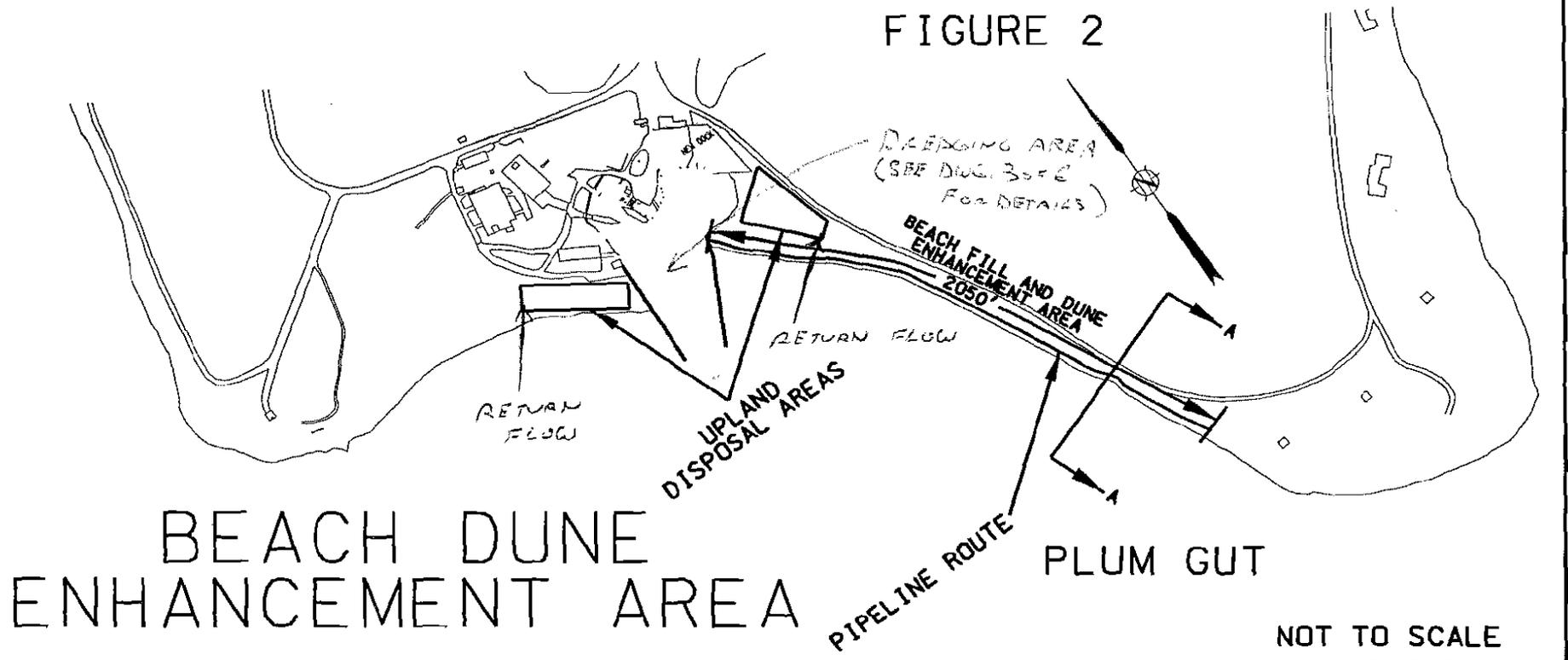
Figure 1  
GENERAL LOCATION MAP



US Army Corps  
of Engineers  
New York District

Corps #: 2007-814 - EBP  
 Project Name: DHS - PLUM ISLAND ANIMAL DISEASE CENTER  
 Sheet 1 of 5

FIGURE 2



DATE PREPARED: AUGUST 15, 2007



US Army Corps  
of Engineers  
New York District

Corps #: 2007-814-ESP

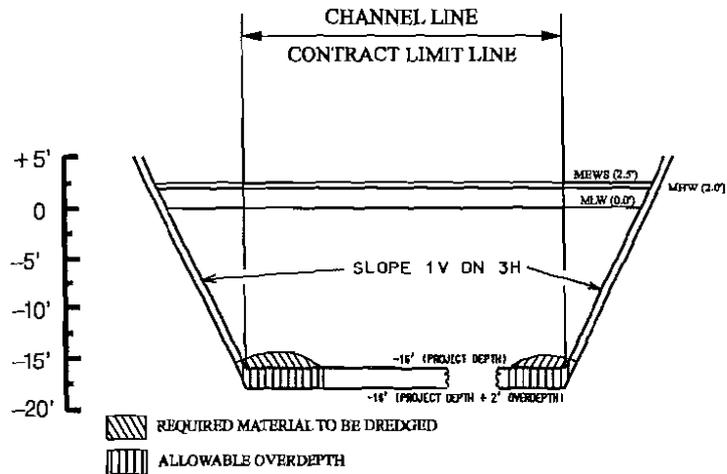
Project Name: DHS-PLUM ISLAND ANIMAL DISEASE

Sheet 2 of 3

CENTER

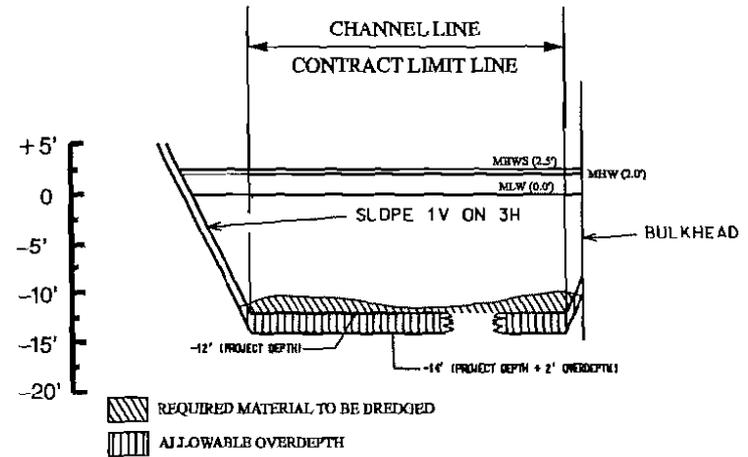


FIGURE 4



TYPICAL CROSS SECTION B-B'

NOT TO SCALE



TYPICAL CROSS SECTION C-C'

NOT TO SCALE

PLUM ISLAND HARBOR  
CROSS SECTIONS  
NOT TO SCALE

DATUM: MLW: 0.0  
MHW: 2.0'  
SPRING HIGH: 2.5'

APPLICANT:  
DEPT. OF HOMELAND  
SECURITY  
PLUM ISLAND,  
SUFFOLK COUNTY, NY



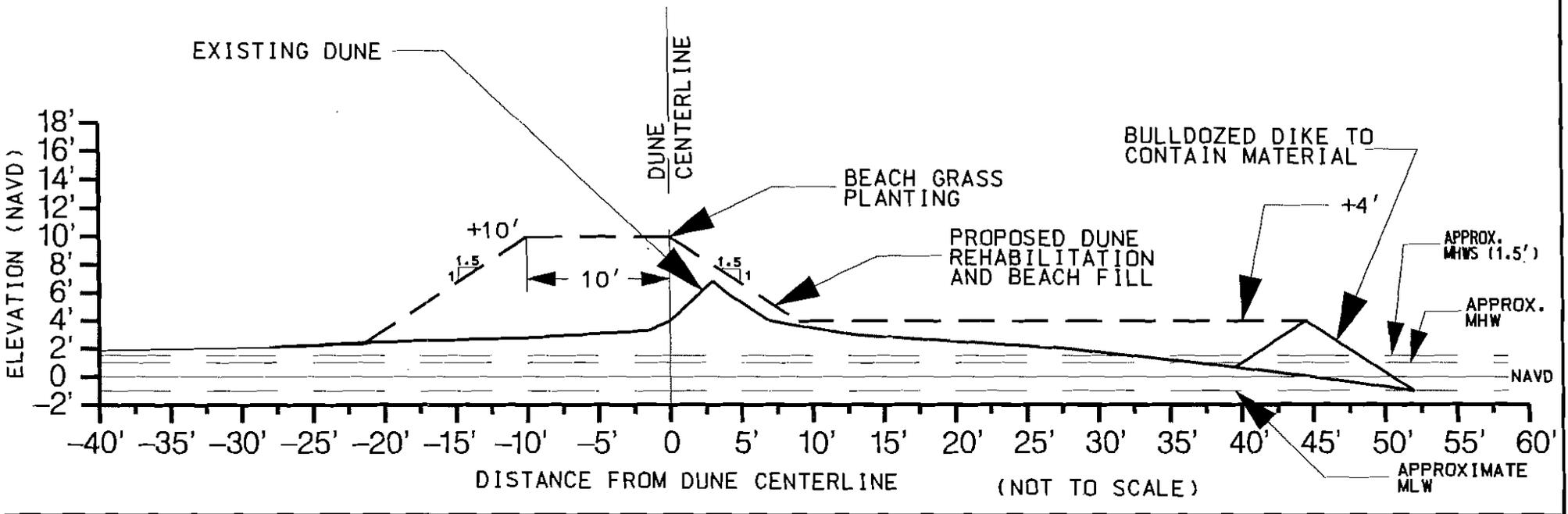
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New York District

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Project Name: DHS - PLUM ISLAND ANIMAL DISEASE

# SECTION A-A

FIGURE 5



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New York District

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Project Name: DHS-PLUM ISLAND ANIMAL DISEASE CENTER

Sheet 5 of 6



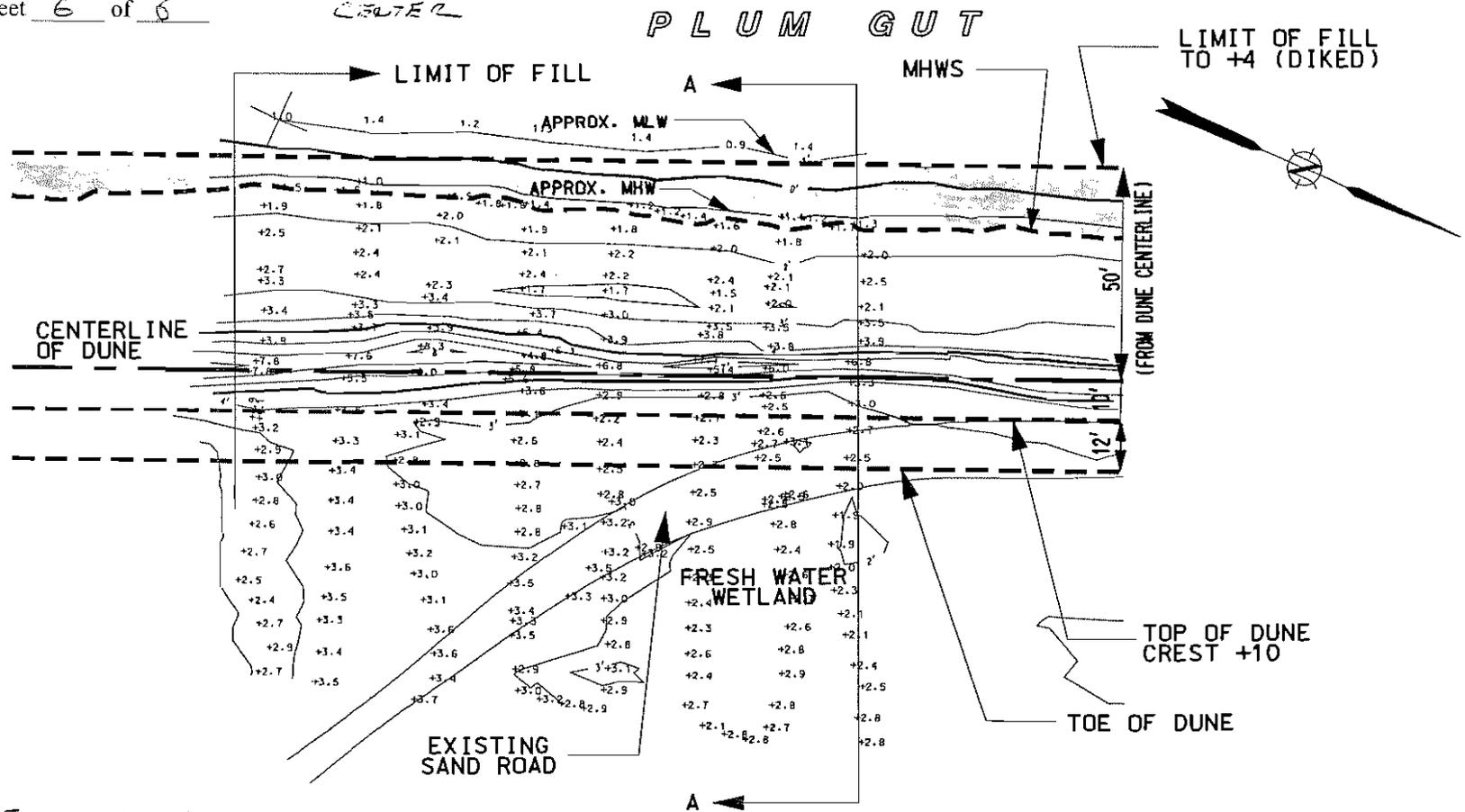
US Army Corps  
of Engineers  
New York District

Corps #: 2007-S14-ESP

Project Name: PLUM ISLAND ANIMAL DISEASE

Sheet 6 of 6 CENTER

FIGURE 3



REPRESENTATIVE PLAN VIEW SECTION  
OF DISPOSAL AREA

**PLUM ISLAND HARBOR  
MAINTENANCE DREDGING PLAN**  
SCALE: 1" = 40'

DATUM: MLW: 0.0  
MHW: 2.0'  
SPRING HIGH: 2.5'

APPLICANT:  
DEPT. OF HOMELAND  
SECURITY  
PLUM ISLAND,  
SUFFOLK COUNTY, NY

DATE PREPARED:  
AUGUST 15, 2007

TOTAL LENGTH OF DISPOSAL AREA = 2,050 FEET  
TOTAL AMOUNT OF MATERIAL TO BE DEPOSITED BELOW SHW = 3701 C.Y. = 22,220 FT<sup>2</sup> = 0.5 AC