

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-2008-00844-EHA
Issue Date: September 5, 2008
Expiration Date: October 6, 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: Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, New York 11980

ACTIVITY: Dredging with ten years maintenance and upland placement with return flow

WATERWAY: Mud Creek, a tributary to Patchogue Bay

LOCATION: East Patchogue, 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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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 because time of year work restrictions will be implemented. 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.

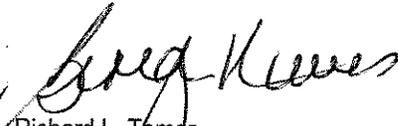
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- 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>

For 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

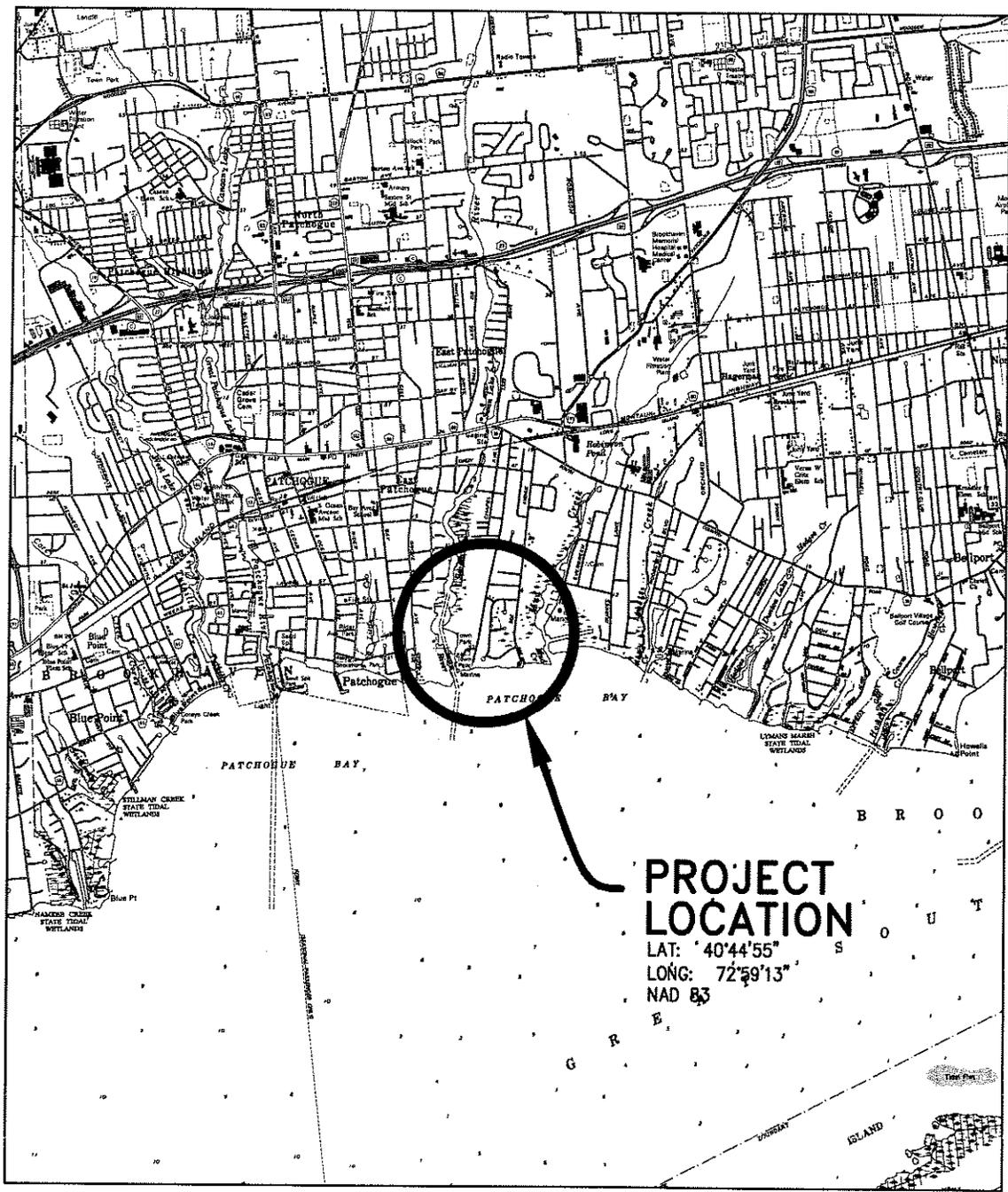
The applicant, Suffolk County Department of Public Works (SCDPW), has requested Department of the Army authorization to dredge with ten years maintenance and upland placement with return flow in Mud Creek, a tributary to Patchogue Bay, East Patchogue, Town of Brookhaven, Suffolk County, New York.

The work would involve dredging by SCDPW, via hydraulic dredge, approximately 6,000 cubic yards of silt and sand from a 1,300 foot long by 75 foot wide navigation channel to a depth of 6 feet below the plane of mean low, including a one foot overcut (see sheet 3 of 6).

The resultant dredged material, composed of 64% silt, and 36% sand, would be deposited at two upland diked areas. The primary placement area is located directly to the east of Mud Creek (see Sheet 2 of 6). If needed, the secondary placement area is located approximately 3,000 feet to the west of Mud Creek (see Sheet 2 of 6).

Subsequent maintenance dredging is anticipated to be undertaken four additional times, if a 10-year permit is issued, with an approximate removal of 2,500 cubic yards of material per dredging event. Dredged material placement would be at the same site(s).

The stated purpose of this project is to maintain safe navigable water depths for the vessels that use the waterway.



**PROJECT
LOCATION**

LAT: 40°44'55"
LONG: 72°59'13"
NAD 83

SCALE 1:60,000
LOCATION MAP

LOCATION MAP TAKING FROM
NYS DOT QUADRANGLE, MAPS HH54, HH55, I154 & I155

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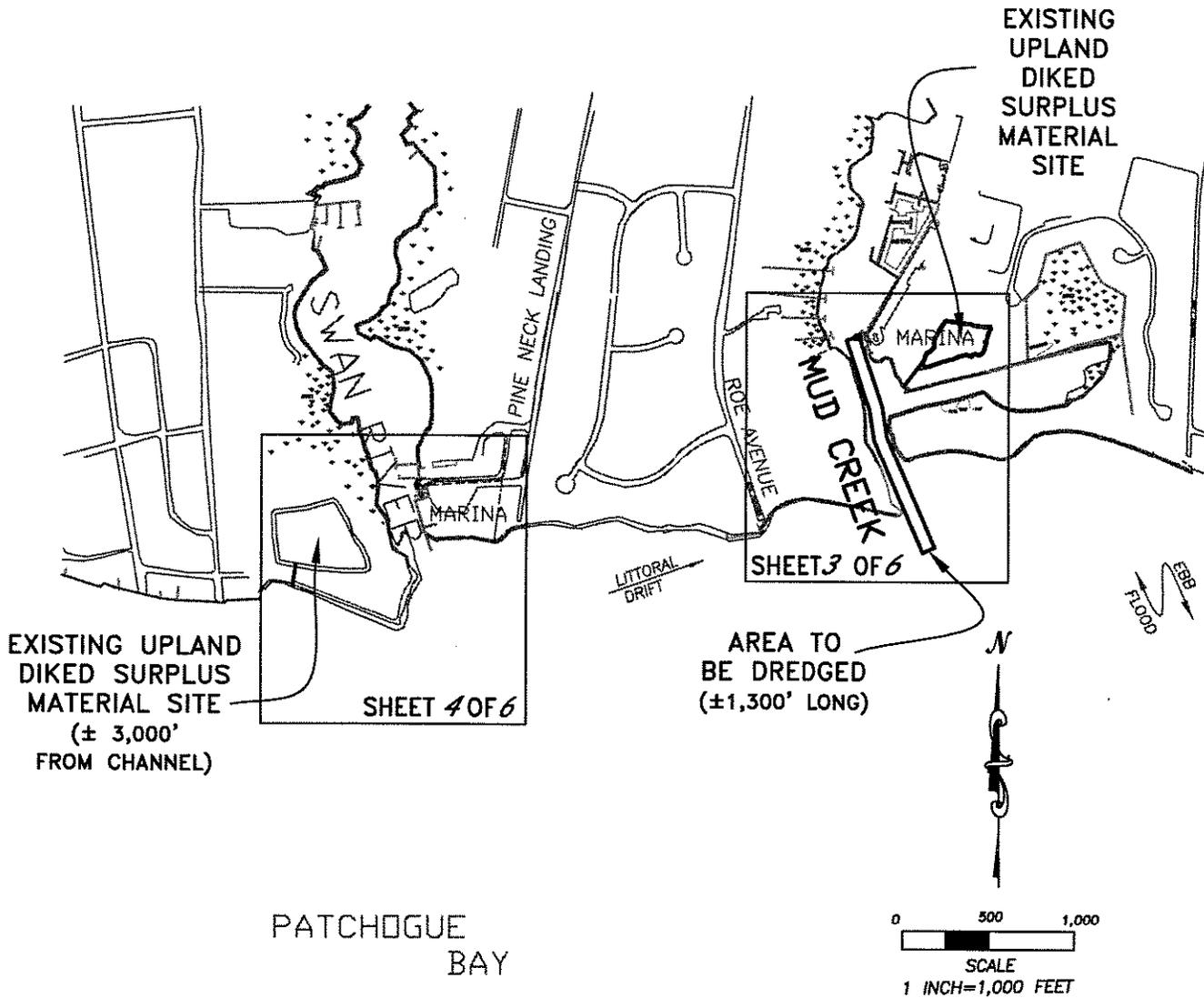
**MAINTENANCE DREDGING AT
MUD CREEK (EAST PATCHOGUE)**

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

TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2, 2008

SHEET 1 OF 6



PATCHOGUE
BAY

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OVERALL MAP

MAINTENANCE DREDGING AT

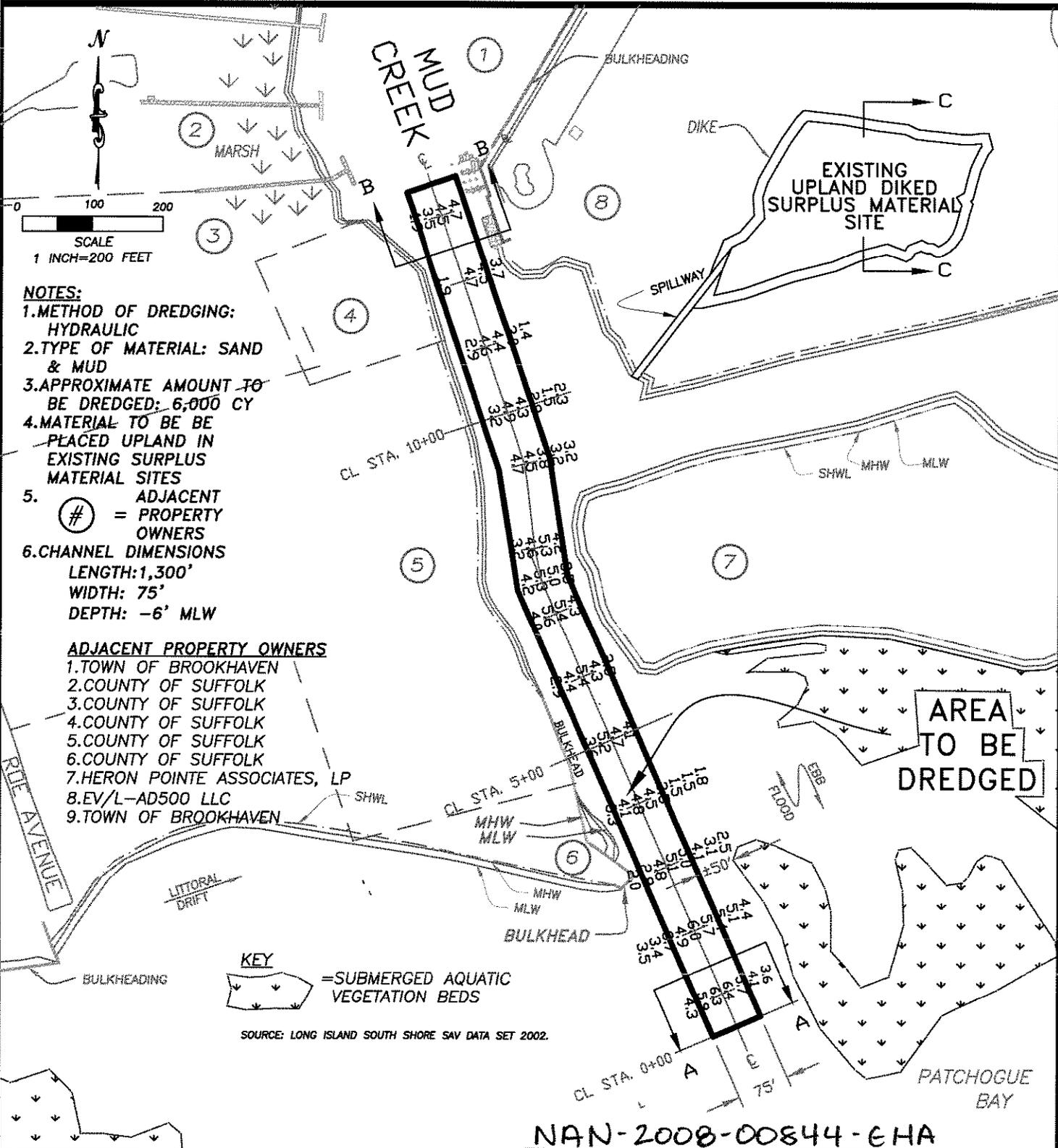
APPLICATION BY COUNTY OF SUFFOLK
GILBERT ANDERSON, P.E.,
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

MUD CREEK (EAST PATCHOGUE)

TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

DATE: JUNE 2, 2008

SHEET 2 OF 6



- NOTES:**
1. METHOD OF DREDGING: HYDRAULIC
 2. TYPE OF MATERIAL: SAND & MUD
 3. APPROXIMATE AMOUNT TO BE DREDGED: 6,000 CY
 4. MATERIAL TO BE PLACED UPLAND IN EXISTING SURPLUS MATERIAL SITES
 5. # = ADJACENT PROPERTY OWNERS
 6. CHANNEL DIMENSIONS
 LENGTH: 1,300'
 WIDTH: 75'
 DEPTH: -6' MLW

ADJACENT PROPERTY OWNERS

1. TOWN OF BROOKHAVEN
2. COUNTY OF SUFFOLK
3. COUNTY OF SUFFOLK
4. COUNTY OF SUFFOLK
5. COUNTY OF SUFFOLK
6. COUNTY OF SUFFOLK
7. HERON POINTE ASSOCIATES, LP
8. EV/L-AD500 LLC
9. TOWN OF BROOKHAVEN

KEY
 = SUBMERGED AQUATIC VEGETATION BEDS

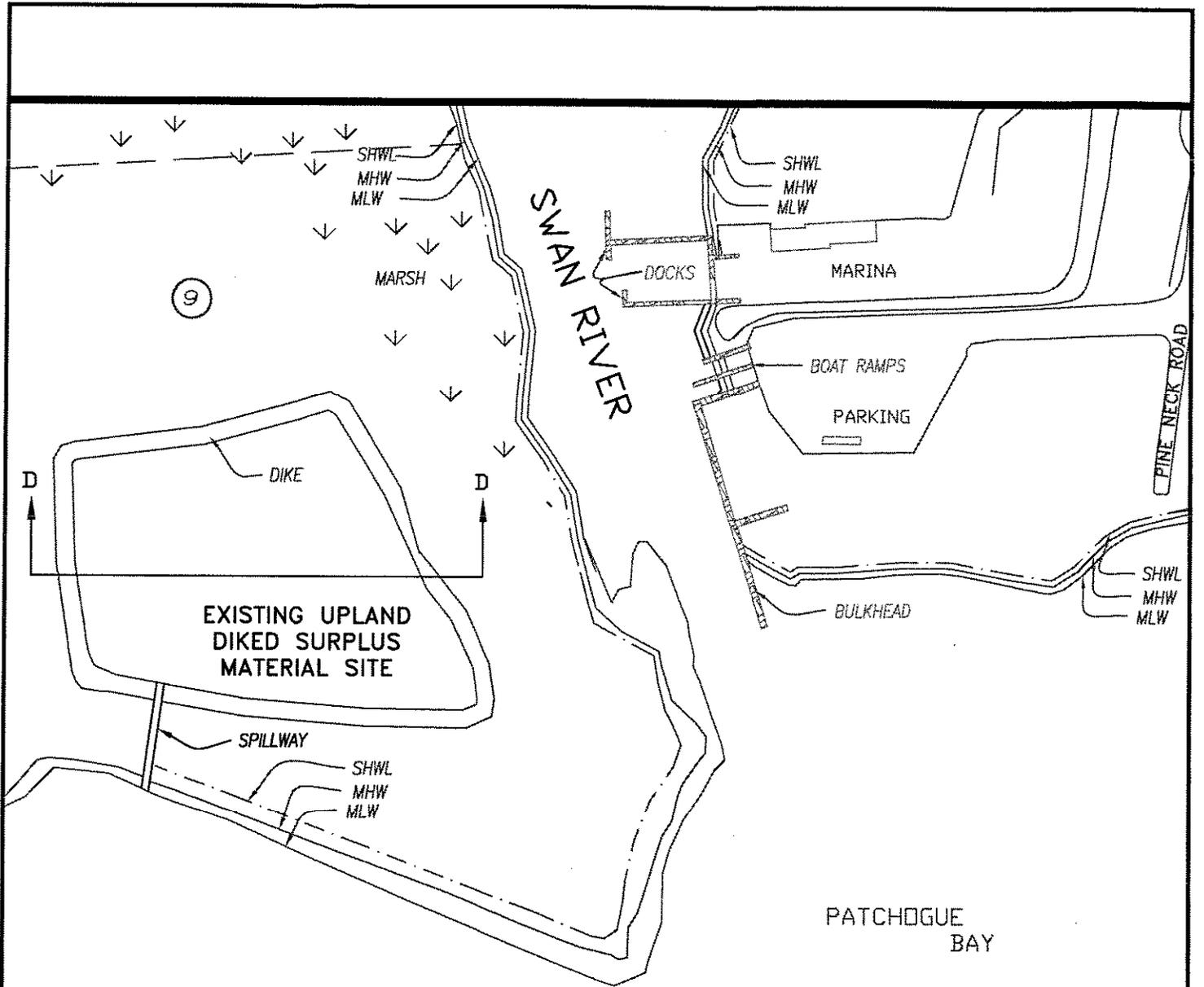
SOURCE: LONG ISLAND SOUTH SHORE SAV DATA SET 2002.

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DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)
 NGVD 29

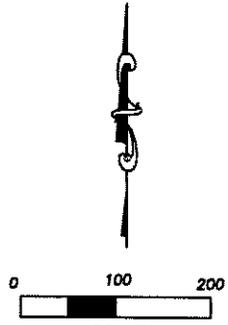
MAINTENANCE DREDGING AT
MUD CREEK (EAST PATCHOGUE)
 TOWN OF BROOKHAVEN
 SUFFOLK COUNTY, NEW YORK
 DATE: JUNE 2, 2008
 REVISED JULY 22, 2008
 SHEET 3 OF 6

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



PATCHOGUE BAY

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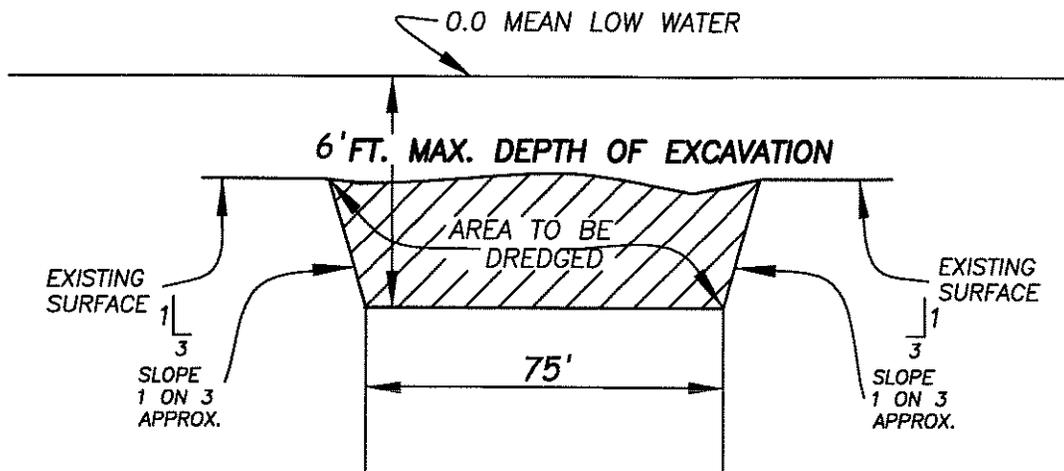


NAN-2008-00844-CHA 1 INCH=200 FEET

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)
NGVD 29

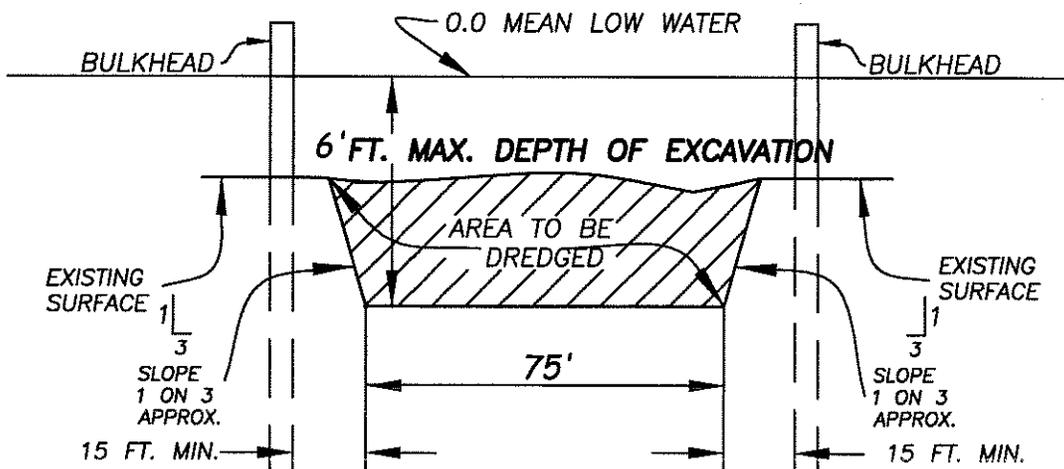
APPLICATION BY COUNTY OF SUFFOLK
GILBERT ANDERSON, P.E.,
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DEPARTMENT OF PUBLIC WORKS

MAINTENANCE DREDGING AT
MUD CREEK (EAST PATCHOGUE)
TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK
DATE: *JUNE 2, 2008* SHEET 4 OF 6



TYPICAL CHANNEL SECTION A-A

SCALE: VERTICAL 1" = 5'
HORIZONTAL 1" = 40'



**TYPICAL CHANNEL SECTION B-B
BULKHEAD AREA**

SCALE: VERTICAL 1" = 5'
HORIZONTAL 1" = 40'

NAN-2008-00844-E1A

ESTIMATED TOTAL VOLUME DREDGED IN CUBIC YARDS: 6,000

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)
NGVD 29

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

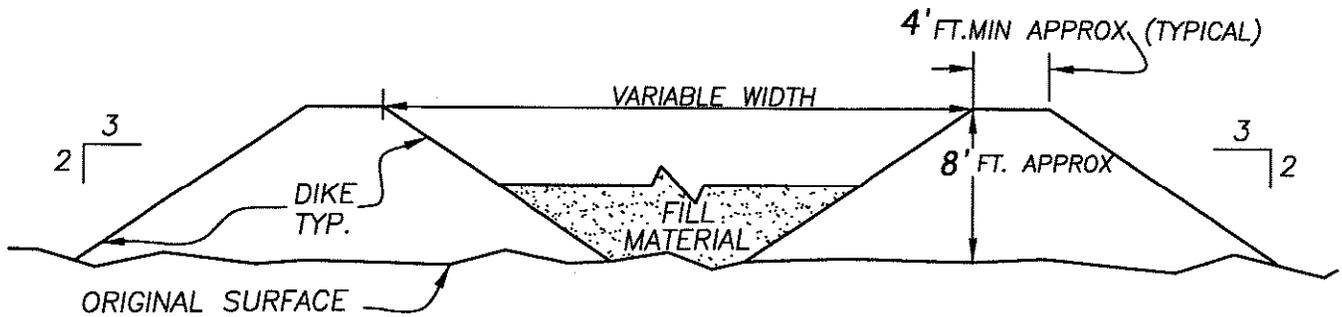
MAINTENANCE DREDGING AT

MUD CREEK (EAST PATCHOGUE)

TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

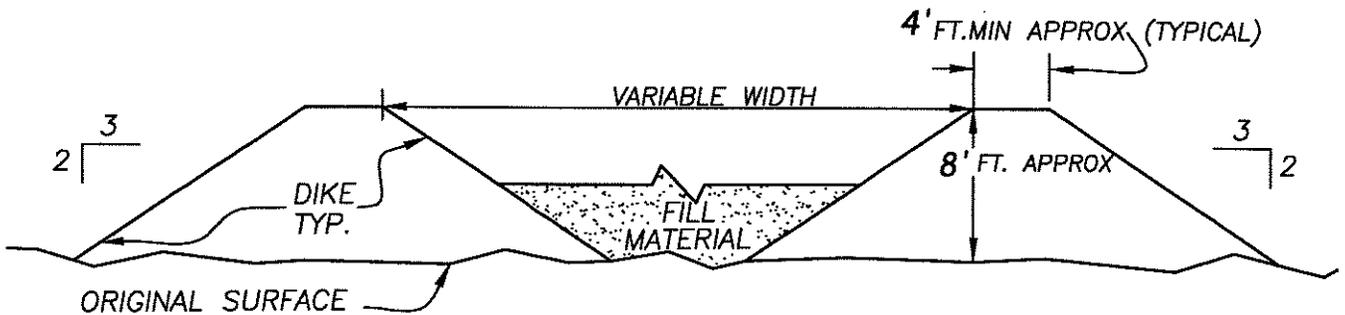
DATE: JUNE 2, 2008

SHEET 5 OF 6



TYPICAL UPLAND DIKE SECTION C-C
EXISTING SITE EAST OF CHANNEL

SCALE: VERTICAL 1" = 10'
 HORIZONTAL 1" = 10'



TYPICAL UPLAND DIKE SECTION D-D
EXISTING SITE WEST OF CHANNEL

SCALE: VERTICAL 1" = 10'
 HORIZONTAL 1" = 10'

NAN-2008-00844-EHA

ESTIMATED TOTAL VOLUME DREDGED IN CUBIC YARDS: 6,000

DATUM: 0.0 = 0.0 MEAN LOW WATER (MLW)
 NGVD 29

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

MAINTENANCE DREDGING AT
MUD CREEK (EAST PATCHOGUE)

TOWN OF BROOKHAVEN
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SHEET 6 OF 6