US Army Corps of Engineers®
New York District

LAKE MONTAUK HARBOR, EAST HAMPTON, NEW YORK

NAVIGATION IMPROVEMENTS

DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

MAY 2025

APPENDIX C:

ENDANGERED SPECIES ACT

USFWS

SLOPES APPENDIX B

DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REPLY TO
ATTENTION OF

To: U.S. Fish and Wildlife Service, Long Island Field Office
Email: steve_sinkevich@fws.gov and steve_papa@fws.gov
FAX: 607-753-9699

Request for review pursuant to:

☑ **Section 7(a) (2) of the Endangered Species Act of 1973 (ESA)**
☑ **Fish and Wildlife Coordination Act (FWCA)**

Date: 4/17/2025 **Permit Application Number:** _____

Project Name: Lake Montauk Harbor Navigation Project **Location:** Lat. _____ Long. -_____

County: Suffolk **Corps Contact**: Sophie Killy **Phone:** 917-790-8726

Date USFWS response due*: _____ **Email:** sophie.r.killy@usace.army.mil

☐ **LOP/IP** ☐ **NWP/RGP**

*(for LOPs or IPs – length of LOC/PN comment period, for NWP/RGP – 14 calendar days). Pursuant to 50 CFR 402.13, the Corps shall not issue a permit prior to USFWS concurrence, unless No Effect determination.

Listed and proposed species, and/or designated critical habitat, with potential to occur in proposed project area:

☐ Bog turtle (T)	☑ Piping plover (T)	☑ Northern long-eared bat (T)
☐ Dwarf wedgemussel (E)	☑ Roseate tern (E)	☑ Red Knot (T)
☐ Indiana bat (E)	☑ Sandplain gerardia (E)	☑ Monarch Butterfly (T)
☐ Karner blue butterfly (E)	☑ Seabeach amaranth (T)	☑ Tricolored Bat (E)
☐ Northern wild monkshood (T)	☐ Small whorled pogonia (T)	

The U.S. Army Corps of Engineers has determined that the proposed project:

☐ will result in no effect to _____
☐ may affect _____
☑ may affect, but is not likely to adversely affect see attached
☐ may affect and is likely to adversely affect _____

See attached documents which include a project description (including any conservation measures that are part of the proposal), permit conditions, permit application details, and rationale for the above-listed determination(s).

The U.S. Army Corps of Engineers' requests:

☑ USFWS concurrence with our determinations ☐ Additional assistance to make our determination

The U.S. Fish and Wildlife Service: ☐ Requests additional time for review
☐ Acknowledges no effect determination, no further ESA consultation/coordination is required**
☑ Concurs with your determination, no further ESA consultation/coordination is required**
☐ Has no objection pursuant to FWCA ☑ Is taking no action pursuant to FWCA
☐ Will provide FWCA comments separately ☐ Requests additional information ☐ See attached recommendations

USFWS Contact(s): Hugh O'Connor Supervisor signature: IAN DREW Digitally signed by IAN DREW Date: 2025.05.07 15:41:20 -04'00'

Date: 04/30/2025 Date: _____

**Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website regularly to ensure that listed species presence/absence information for the proposed project is current.

Introduction

The Lake Montauk Harbor (LMH) project was authorized for construction under USACE Continuing Authorities Program (CAP) per Section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. Section 577). The recommended plan assessed in the previous ESA assessment included the deepening of the existing navigation channel and deposition basin from -12 feet MLLW to -17 feet MLLW plus 2 feet of allowable over dredge, widening of the existing deposition basin to 100 feet, and the placement of approximately 174,900 cubic yards (cy) of dredged material onto the downdrift eroded beach above historic MHW.

During the pre-construction engineering and design (PED) phase of the LMH project, the USACE New York District (District) was informed by survey data of the presence of hard material within LMH channel. This material, ranging in size from cobbles to boulders, has obstructed maintenance dredging of the channel and must be removed before the channel can be deepened to its authorized depth. Additionally, due to real estate constraints and the existing narrow shoreline to the west of LMH channel, dredged material cannot be placed only in the upland areas and therefore must be placed in nearshore waters. These constraints and changes in channel condition necessitated design changes.

This supplemental information is provided as a companion summary document to the Districts revised SLOPES submittal to FWS, and which contains proposed project specifics designed to aid FWS determination of the Districts SLOPES NLAA submittal.

Proposed Action

The proposed action includes the removal of 110,000cy of sand and approximately 15,000cy of hard material from the LMH channel using a cutterhead dredge and excavator on a modular barge pulled by a tug boat. Transitional placement of the sandy material will occur along the shore on the western side of the jetty; transitional placement is defined as sediment that is kept within the system but will naturally move through the system or be rehandled (USACE 2023). This placement will largely be between the upland areas and -6 feet MLLW. Approximately 5,000cy of the dredged material will be placed seaward of -6 feet MLLW due to space constraints. Based on prior maintenance dredging, the material is expected to downdrift naturally to the eroded downdrift shore.

The hard material removed from the channel will be transported approximately 35 nautical miles northwest via barge and will be beneficially reused at the New York State Department of Environmental Conservation (NYSDEC) Mattituck Artificial Reef site (see Figure 1). The Mattituck site was selected in coordination with NYSDEC.

A seasonal restriction from 1 January to 31 September will be implemented for in-water work. Additionally, per EFH coordination with NMFS, dredging within the channel will be sequenced so that a 250-foot buffer is maintained around the existing SAV bed during the eelgrass growing season (April 15 – October 15) to minimize impacts to SAV during construction. Work will be sequenced to maintain this buffer.

Figure 1: Location of Mattituck Artificial Reef in reference to the LMH project area.

Identified ESA Species

A review of the USFWS Information for Planning and Consultation (IPaC) tool (USFWS 2025) identified several species as potential present within the project area (see Table 1). Of these species, only the monarch butterfly was not identified in the previously completed EA and supporting coordination. No critical habitat was identified.

Common Name	Scientific Name	Status	Determination in Previous Coordination
Northern Long-Eared Bat	*Myotis septentrionalis*	Endangered	NLAA
Tricolored Bat	*Perimyotis subflavus*	Proposed Endangered	*Not included.*
Piping Plover	*Charadrius melodus*	Threatened	NLAA
Roseate Tern	*Sterna dougallii dougallii*	Endangered	NLAA
Rufa Red Knot	*Calidris canutus rufa*	Threatened	NLAA
Monarch Butterfly	*Danaus Plexippus*	Proposed Threatened	*Not included.*
Sandplain Gerardia	*Agalinis acuta*	Endangered	NLAA
Seabeach Amaranth	*Amaranthus pumilus*	Threatened	NLAA

Table 1: Listed species identified by IPaC as potentially present in the action area.

Tricolored Bat: The tricolored bat is primarily found in winter hibernating in caves, mines, and, to a lesser extent, road culverts. During the non-hibernating season, tricolored bats roost in forest trees, primarily among clusters of live and dead leaves. Alternative roosting locations may be selected and include buildings, barns, and rock crevices. Mating occurs in fall, followed by winter hibernation, emergence in spring, and formation of maternity colonies in summer. Tricolored bats are insectivores.

Monarch Butterfly: The monarch butterfly is a large, brightly colored insect. Monarchs in eastern North America are predominantly migratory, traveling between summer breeding habitat in northern U.S. and Canada to overwintering habitat in Mexico (Oct – late-March). Monarch butterflies can be found in a wide range of habitats and rely on milkweeds (*Asclepias* spp.) and flowering plants for reproduction and feeding, respectively.

Assessment

The previously completed assessment determined that the project was not likely to adversely affect listed species. Concurrence by USFWS with this conclusion was received on 27 June 2019 (see: online)

As the project action has changed, additional assessment is required. However, as the revisions to the proposed action are in-water only, and no changes to the upland beach habitat from what was described in the Final EA are anticipated, there are no changes to the previous determination of "may affect but not likely to adversely affect" for the previously identified species. An assessment of the species not previously identified is summarized below.

Monarch Butterfly: No milkweed has been identified on the receiving beach. The beach is regularly used as a dredged material placement site during maintenance dredging of the channel and is largely sandy/cobbly with little vegetative growth. Monarchs are not expected to be present in the project area during construction, as the construction schedule coincides with the monarch's southward migration. The District determined that the project would therefore have no effect on the monarch butterfly.

Tricolored Bat: There is no roosting or hibernating habitat present within the action area. There is some intact forested habitat to the east and west of the project area in the Montauk County Park, Montauk Point State Park, and the Culloden Point Preserve. These areas could provide roosting habitat for tricolored bats. There is potential for flyover of these bats during the fall (Oct-Nov), however, as construction is scheduled for October to January, the potential for flyover would decrease as the bats begin hibernating in winter. As a result, the District determined that the project may affect but is not likely to adversely affect the tricolored bat.

Conclusion

Based on the analysis above and considering that there are no changes to the upland portions of the project, the District has determined that all potential adverse effects to:

- Northern long-eared bat
- Tri-colored bat
- Piping plover
- Least tern
- Red Knot
- Sandplain gerardia
- Seabeach amaranth
- Monarch butterfly

will be insignificant and/or discountable; therefore, the District has determined that the proposed action is not likely to adversely affect any listed species or critical habitat under USFWS jurisdiction.

References

USACE, 2020. Lake Montauk Harbor, East Hampton, NY Navigation Improvements Feasibility Study. Final Environmental Assessment. Available online: https://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/ny/coast/LakeMontaukHarbor/LMHFEAOctober2020.pdf?ver=8fNWTJHyT3Kvp_s2S-3H_A%3d%3d

USACE, 2023. Memorandum: Expanding Beneficial Use of Dredged Material in the USACE. Published August 28, 2023.

USFWS, 2025. Information for Planning and Consultation. Accessed 18 March 2025. Available online: https://ipac.ecosphere.fws.gov/