



**US Army Corps
of Engineers®**
New York District

**LAKE MONTAUK HARBOR, EAST HAMPTON, NEW YORK
NAVIGATION IMPROVEMENTS**

FINAL ENVIRONMENTAL ASSESSMENT

October 2020

**APPENDIX C:
Endangered Species Act - USFWS**

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1. Supplemental Information.

The U.S. Army Corps of Engineers, New York District (District) is proposing to deepen the existing Lake Montauk Harbor (LMH, see Figure 1) navigation channel from -12' MLLW and 150' wide to -17' MLLW and 150' wide, and the deposition basin from -12' MLLW to -17' MLLW and 50' wide deposition basin to 100' width (see Figure 2). We have made the determination that the proposed activity, may affect, but is not likely to adversely affect any listed species that may occur or utilize the area of effect listed as threatened or endangered by USFWS under the ESA of 1973, as amended, the rationale for which is provided below.

This Supplemental Information is provided as a companion summary document, in addition to the National Environmental Policy Act (NEPA) Environmental Assessment (EA), to the Districts SLOPES submittal to FWS, and which contains proposed project specifics designed to aid FWS determination of the Districts SLOPES Not Likely to Adversely Affect (NLAA) submittal.

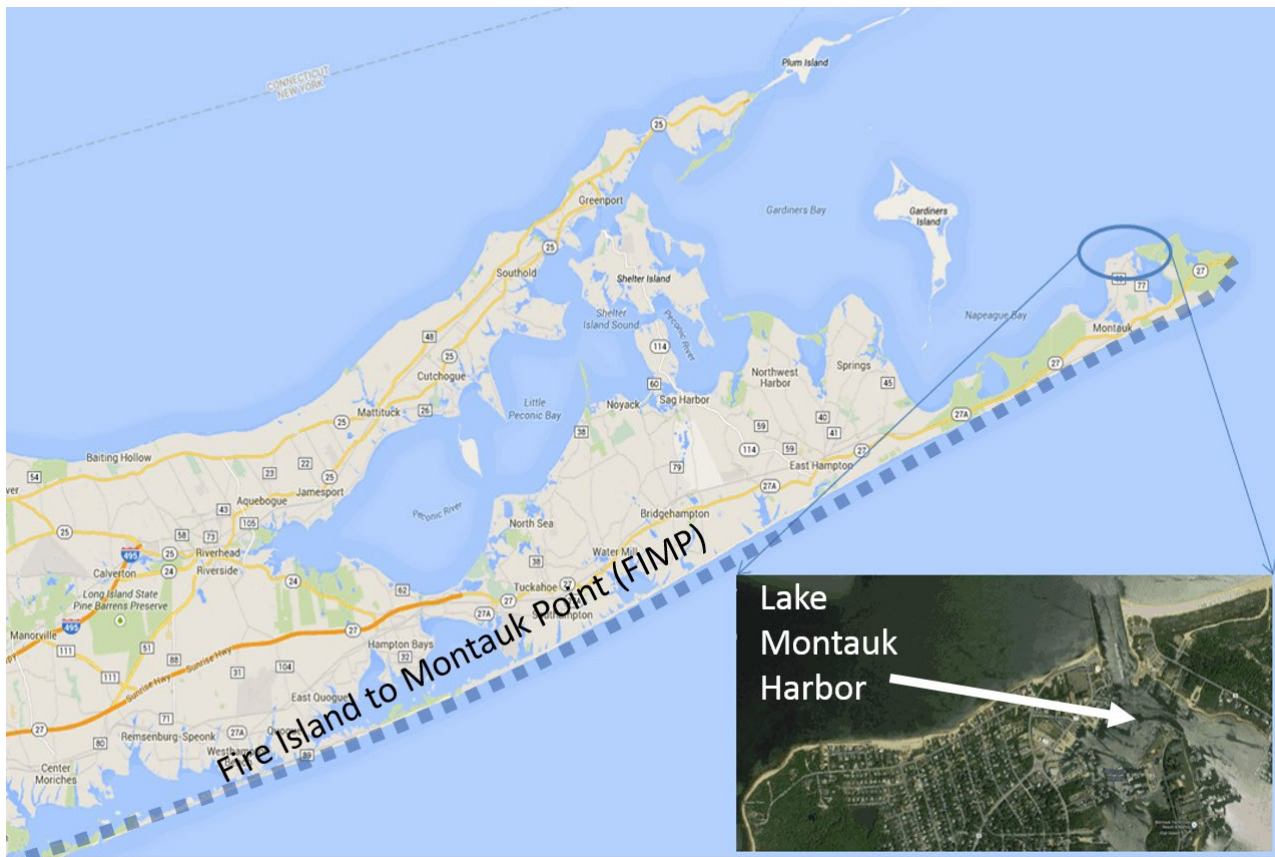


Figure 1: Lake Montauk Harbor

2. Proposed Project

The Lake Montauk Harbor Navigation Study (LMH) Tentatively Selected Plan (TSP), now the Recommended Plan (RP), as defined in the Final Feasibility Report/Environmental Assessment (FR/EA), provides for safe and efficient navigation at LMH. The FR/EA underwent Agency Technical Review (ATR), policy review, and public review in April-May 2019, at which time the USACE project delivery team (PDT), including New York State Department of Environmental Conservation (NYSDEC) and the Town of East Hampton, Suffolk County New York (TEH) team responded to review comments.

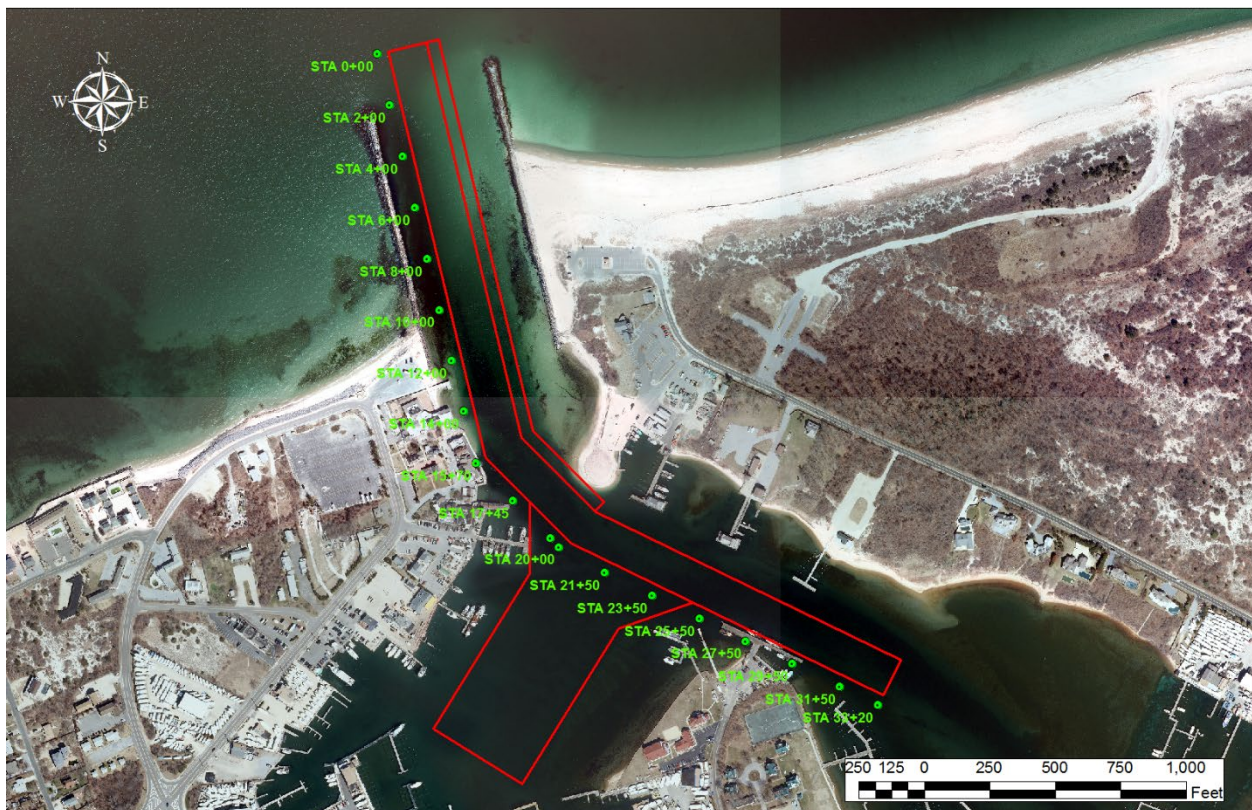


Figure 2: LMH Project Area

The construction of the RP will begin after 31 October and end on/by 1 January of the year of construction and consist of deepening the Federal navigation channel and the deposition basin by removing up to approximately 188,000 CY of dredged material and placing it on the downdrift beach west of the jetty, in accordance with placement operations for the ongoing and most recent maintenance project. This placement, as has been the process for decades, is an un-engineered placement of (see Figure 3).



Figure 3: LMH Sand Placement Site

Construction duration, including removal of the sand from the channels to placing the sand on the beach, is anticipated to be no longer than between 60-90 days. No construction activities will occur between 1 January and 31 October of the year of construction.

The construction of the project will involve use of a small cutterhead dredge to remove the sand from the channels, and will use a pipeline configuration to pump sand on the downdrift beach, subsequently using trucks and earth moving equipment to move the sand into place once it has been pumped.

The placement berm specification is expected to incur a slight increase (from the current O&M configuration) in width and length (to 3,000' long, and 44' wide), while maintaining the same 9' height it has been throughout the maintenance cycles. The sand to be placed at the downdrift beach will be of similar grain size and composition of the receiving beach.

As a result of the deepening project, it has been determined that the maintenance cycles will be elongated from every 3-4 years to approximately every 6-8 years, therefore, reducing potential adverse effects to the aquatic and terrestrial environment, thereby also reducing potential impacts to species of concern.

The local sponsor for the project, TEH, has committed to monitoring for piping plover nests on the downdrift beach, confirmed by the TEH as currently not being utilized as nesting habitat by piping plover, and reporting their results to the District, who will provide reports to USFWS, as required.

3. Conclusion

Based on the analysis above, the District has determined that all potential adverse effects to:

- Northern Long-eared bat
- Piping Plover
- Roseate tern
- Red Knot
- Sandplain gerardia
- Sea beach amaranth

will be insignificant and/or discountable; therefore, we have determined that the Lake Montauk Harbor RP is not likely to adversely affect any listed species or critical habitat under FWS jurisdiction.

We conclude that we have used the best scientific and commercial data (see Final EA July 2020) available to complete this analysis. Concurrence by FWS was received on 27 June 2019.



DEPARTMENT OF THE ARMY
 US Army Engineer District-New York, ATTN: CENAN-OP-RU
 Upstate Regulatory Field Office
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 Watervliet, NY 12189-4000

REPLY TO
 ATTENTION OF

To: U.S. Fish and Wildlife Service, New York Field Office
 Email: steve_sinkevich@fws.gov and kerridunn@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: April 2019 Permit Application Number: _____ Location: Lat. 41° 10.0' N 71° 50.0' W
72° 00.0' W.

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

County: Suffolk Corps Contact: Jenine Gallo Phone: 917-700-8617

Date USFWS response due*: Public Review Period Close Email: jenine.gallo@usace.army.mil

- LOP/IP
- NWP/RGP

*(for LOPs or IPs – length of LOC/PN, for NWP/RGP – 10 days). Pursuant to 50 CFR 402.13, the Corps shall not issue a permit prior to US concurrence, unless No Effect determination.

Listed/proposed/candidate 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)
- Karner blue butterfly (E)
- Seabeach amaranth (T)
- Northern wild monkshood (T)**
- Small whorled pogonia (T)**

** No consultation required for plant species in counties where plants have only historically been present

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 Attachment _____
 - may affect and is likely to adversely affect _____
- See attached project description (including any conservation measures that are part of the proposal), permit condition 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 recommendation

USFWS Contact(s): Steven Sinkevich Supervisor signature: _____
 Date: 6/27/19 Date: _____

***Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for you information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure listed species presence/absence information for the proposed project is current. October 2015 Version