

FINDING OF NO SIGNIFICANT IMPACT

Lake Montauk Harbor, New York Navigation Improvements Feasibility Study Montauk, New York

The U.S. Army Corps of Engineers, New York District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Feasibility Report and Environmental Assessment (FR/EA) dated December 2020, for the Lake Montauk Harbor Navigation Project addresses navigation opportunities in Lake Montauk, Suffolk County, New York.

The Final FR/EA, incorporated herein by reference, evaluated various alternatives that proposed deepening scenarios for an existing Federal channel in the study area. The recommended plan is identified as Alternative 3; the deepening of the existing navigation channel from -12' MLLW to -17' MLLW, and deepening the existing deposition basin from -12' MLLW to -17' MLLW and widening it to 100' wide, and with placement of approximately 174,900 cubic yards dredged material on the downdrift eroded beach above the historic mean high tide.

In addition to a “no action” plan, three alternatives were evaluated. The alternatives include:

- *Alternative 2: Uniform dredging of both the 150-foot-wide channel and 50-foot-wide deposition basin:* This alternative includes Measures 10 and 12. For this alternative, for both the channel itself and the deposition basin, depths for new Congressional authorization to be considered range from -14 to -18 feet MLLW. Both the channel and deposition basin would be dredged to a uniform depth (both to -14, -15, -16, -17, or -18 feet MLLW). All dredged material would be placed on the downdrift beach but with no design (or disposed of offshore using the methods discussed in the next section). The expected maintenance cycle would be approximately 4 years at a volume of 32,000 cy per operation beginning in 2027.
- *Alternative 3: Uniform dredging of both the 150-foot-wide channel and 100-foot-wide deposition basin:* This alternative includes Measures 10 and 12 with the option in 12 to widen the deposition basin to 100 feet. For this alternative, for both the channel itself and the deposition basin, depths for new congressional authorization to be considered range from -14 to -18 feet MLLW. Both the channel and deposition basin would be dredged to a uniform depth (both to -14, -15, -16, -17, or -18 feet MLLW). All dredged material would be placed on the downdrift beach but with no design (or disposed of offshore using the methods discussed in the next section). The post-construction jetty slope stability after the greater widening of the deposition basin will be analyzed based on U.S. Army Corps of Engineers' slope stability manual (EM 1110-2-1902) guideline during the Planning, Engineering & Design; more details and adaptations to manage any risk to jetty stability (such as a shallower, stepped up dredging depth within the proposed 100 ft wide deposition

basin; or reduced width of the proposed deposition basin width; or a combination of both) are discussed in Appendix A of the Main Report: Engineering and Design in the description of this alternative. The expected maintenance cycle would be approximately 7 years at a volume of 56,000 cy per operation beginning in 2030.

- *Alternative 4: Uniform dredging of both the 150-foot-wide channel and 100-foot-wide deposition basin with East Fillet Mining:* This alternative includes Measures 8, 10, and 12 with the option in 12 to widen the deposition basin to 100 feet. The east jetty impoundment offers an additional source of sand for the channel, and mining it reduces that source. The potential borrow region extends east from the inlet approximately 1000 ft and out to a depth of approximately -10 ft NAVD. It was assumed the fillet would be mined back to the baseline with a final slope of 1 on 12 down to a depth of -10 ft NAVD. Originally it was thought a cutter head dredger would be used to mine the fillet out from a depth of -17 ft NAVD up to the baseline, creating a construction slope of 1 on 3 that would gradually evolve to a final slope of 1 on 12. Field work (Mattituck Inlet) in 2014 indicated this is not a viable option for mining any appreciable volume of material. An alternative mining method of beach scraping and trucking of the sub aerial portion of the fillet is considered, and it would yield a significantly smaller volume of material (approximately 7,000 to 10,000 cy of sand). The rate at which this sand would be replenished to the fillet was estimated to range between 8 and 11 years. This was constructed using the most recent sediment budget for the region, assuming equal distribution of sand within the transport cell and along the profile and constraining the mineable area to the sub aerial portion of the fillet. The gradual impoundment on the beach face and berm east of the jetty will reduce shoaling rates within the channel and deposition basin by roughly 3 to 5 percent, increasing the maintenance cycle by 1 year, to approximately 8 years. Maintenance would be at a rate of 64,000cy per operation beginning in 2031.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the FR/EA will be implemented, if appropriate, to minimize impacts. Seasonal restrictions to avoid adverse effects to Essential Fish Habitat, as regulated under the Magnuson- Stevens Fishery Conservation and Management Act- Essential Fish Habitat Amendment, have been accepted and will be implemented between 1 January and 31 October of any calendar year of construction to ensure protection of regulated habitat.

No compensatory mitigation is required as part of the recommended plan.

Public, including Federal, State, and local stakeholders, review of the draft FR/EA and FONSI has been completed. All comments submitted during the public review period that closed 26 August 2019 and were responded to in the Final FR/EA and incorporated into the FONSI.

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	X	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	X	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	X	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	X	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	X	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	X	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	X	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	X	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	X
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	X
Hydrology	X	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	X
Navigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	X	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	X
Socioeconomics	X	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	X
Soils	<input type="checkbox"/>	<input type="checkbox"/>	X
Tribal trust resources	X	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	X	<input type="checkbox"/>	<input type="checkbox"/>

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat:

- Northern Long-eared bat
- Piping Plover
- Roseate tern
- Red Knot
- Sandplain gerardia
- Seabeach amaranth
- Kemp’s Ridley turtle
- Leatherback turtle
- Loggerhead turtle

- Green turtle
- Atlantic Sturgeon

The Corps initiated informal consultation with the U.S Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) on the above listed species.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect determination regarding federally listed species or their designated critical habitat. NMFS provided their concurrence with the Corps' determination on 14 May 2019.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties would not be adversely affected by the recommended plan. In a letter dated 6 August 2019, the New York State Historic Preservation Office concurred that the undertaking would have no adverse effects on historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix of the EA.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the New York State Department of Environmental Conservation (NYSDEC) prior to construction. In letter dated 12 June 2020, NYSDEC stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the New York Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the Town of East Hampton, which administers the program via their Local Waterfront Revitalization Program (LWRP) in a letter dated 10 July 2020. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone. A letter dated 7 October 2020 was received from the New York State Department of State concurring with the Corps' Consistency Determination.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, and navigation criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local

government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

Matthew W. Luzzatto
Colonel, Corps of Engineers
District Commander