



JOINT PUBLIC NOTICE

US Army Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090
Attn: Regulatory Branch

State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 01606-5127

US Army Corps of Engineers New England District
696 Virginia Road
Concord, MA 01742-2751
Attn: Regulatory Branch

In replying refer to:
PN Number: NAN-2018-00912-
EKN Issue Date: May 22, 2019
Expiration Date: June 21, 2019

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: Gary Knapp
Cold Spring Harbor Beach Club
101 Shore Road
Cold Spring Harbor, NY 11724

ACTIVITY: Dredging with open-water disposal at the Western Long Island Sound Disposal Site (WLDS)

WATERWAY : Dredging: Cold Spring Harbor/Oyster Bay
Dredged Material Placement: Long Island Sound

LOCATION: Dredging: 101 Shore Road, Cold Spring Harbor, New York
Dredged Material Placement: Western Long Island Sound Disposal Site

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers-New York District, US Army Corps of Engineers-New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any person may request, by writing to the District Engineer 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 permit decision process and bears the same weight as that furnished at a public hearing.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also 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/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 105,000-square feet of Essential Fish Habitat (EFH) for the attached list of species and their life stages. Habitat at this site can be described as sand with silt. Loss of this habitat may adversely affect any of the attached list of species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Dredged material disposal is proposed for the Western Long Island Sound Disposal Site (WLDS). This is an open water site, which provides Essential Fish Habitat for the list of species and their life stages as shown on the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect any of the species listed on the attached sheet. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Two buildings in the project vicinity are listed in the National Register of Historic Places, but will not be affected by the project, other than temporary noise increases, due to their location away from the shoreline. Presently unknown archaeological, scientific, 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 water quality certificates or waivers from the appropriate state agencies in accordance with Section 401 of the Clean Water Act prior to a permit decision. The applicant received a Tidal Wetlands, Protection of Waters, and Water Quality

Certification permit from the New York State Department of Environmental Conservation on November 8, 2017 (DEC Permit # 1-4726-00391/00031), with an expiration date of January 14, 2023.

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, approved state coastal zone management programs. In a letter dated March 22, 2018, the New York State Department of State provided concurrence with the project's consistency certification regarding activity with the New York Coastal Management Program.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Barge overflow of dredged material will not occur during the dredging of this proposed project, therefore, the only Section 404 activity involved in this application is the placement of the dredged material at the WLDS.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Land and Water Resources Division, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3019.

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) 790-8715 and ask for Dr. Stephen Knowles, or email Stephen.C.Knowles@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.


For and In behalf of
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Gary Knapp, has requested Department of the Army authorization to perform one-time maintenance dredging of the marina at the Cold Spring Harbor Beach Club, in the town of Cold Spring Harbor, Suffolk County, New York with open-water disposal of the dredged material at the Western Long Island Sound Disposal Site (WLDS).

The proposed work involves mechanical dredging of approximately 3,500 cubic yards of material from an area of approximately 105,000 square feet to a depth of -4ft MLW. All dredged material is proposed for deposition in dump scows for transport and open-water placement at the WLDS.

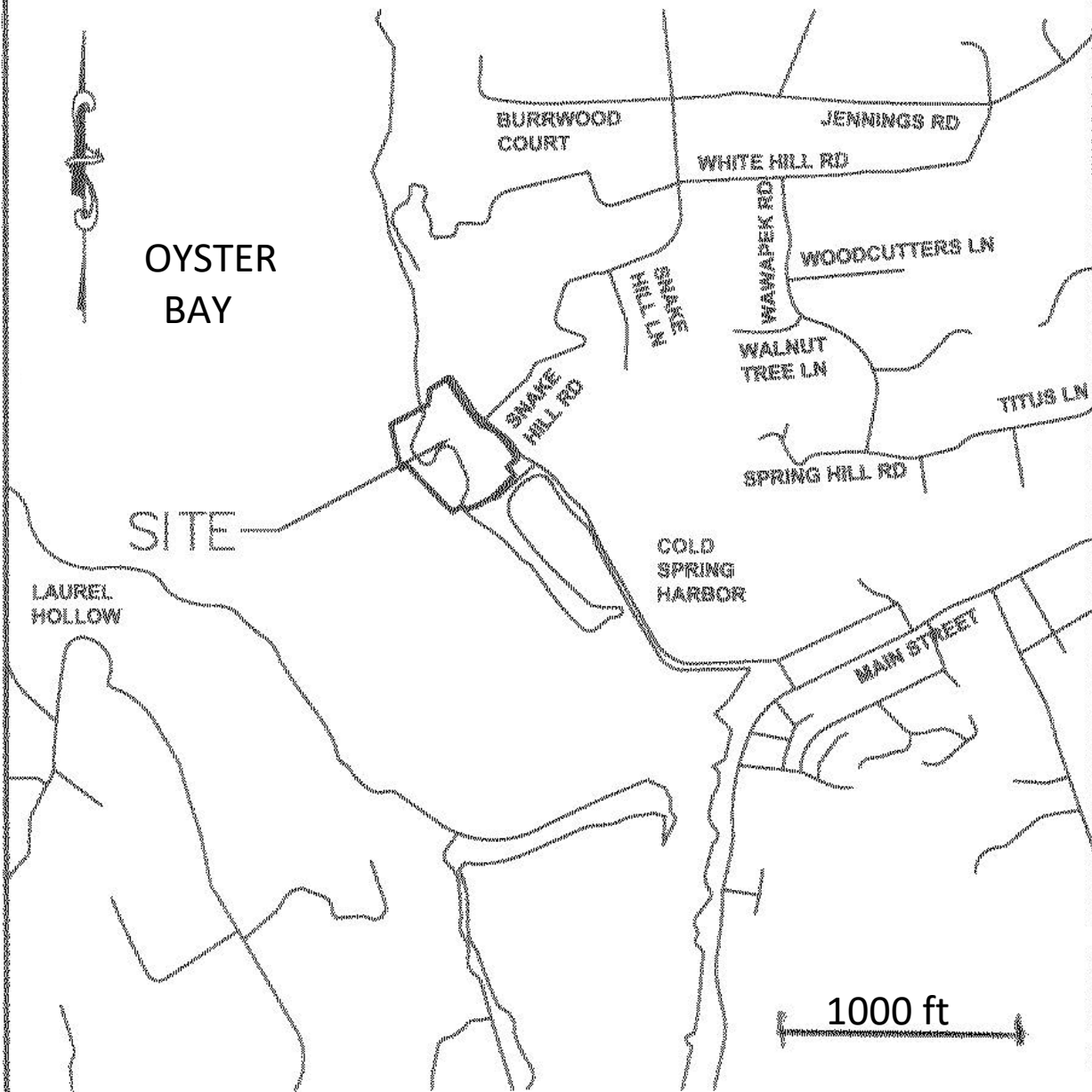
The stated purpose of this project is to provide adequate navigation depths at a recreational marina and entrance.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed dredging equipment and open-water dredged material placement.

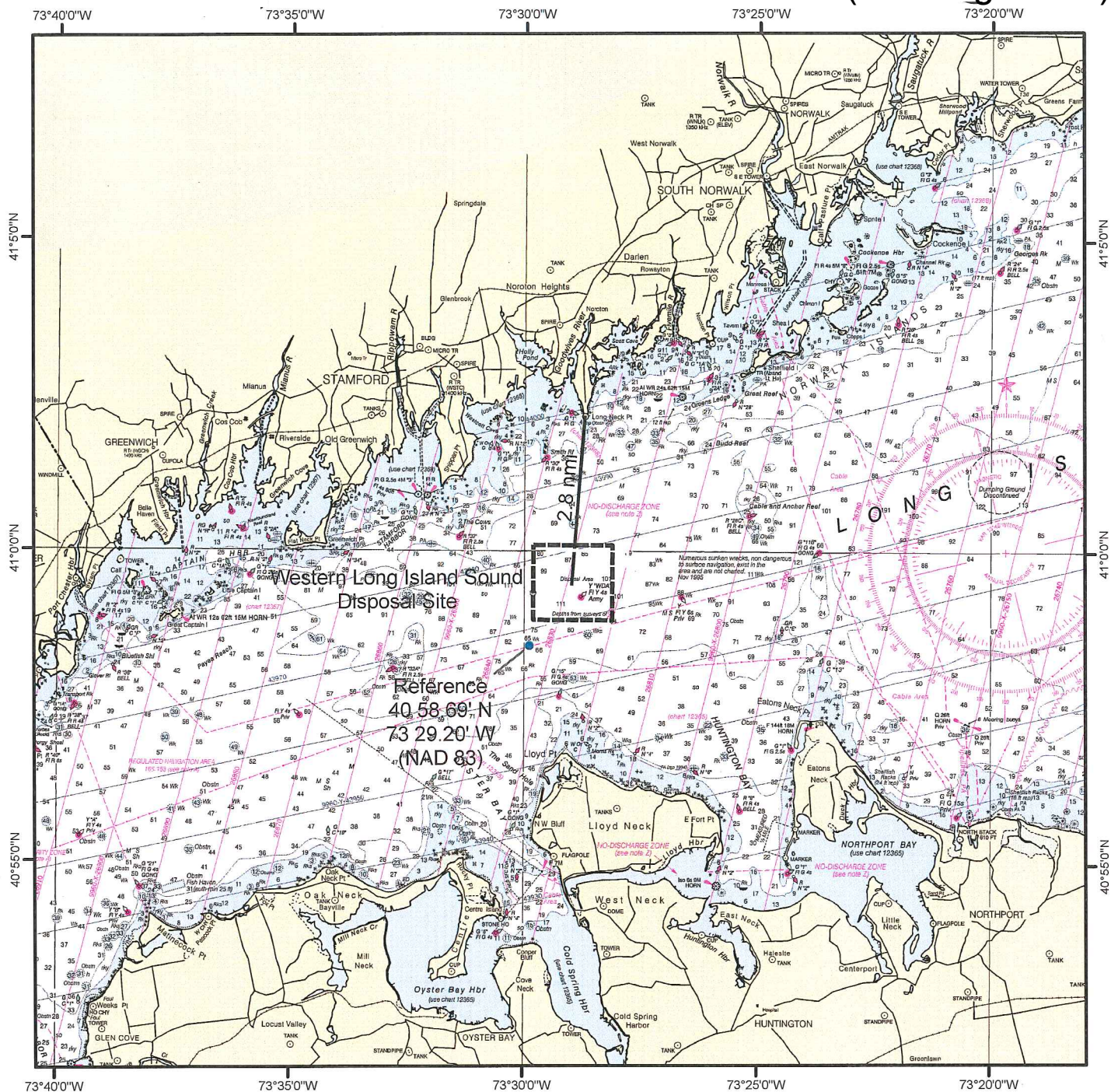
Sampling and Testing:

Based on an evaluation of the data that characterize the material proposed to be dredged, the applicant has sampled and tested the areas to be dredged. The Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The Corps finds that placement at the WLDS would be suitable.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at the WLDS.

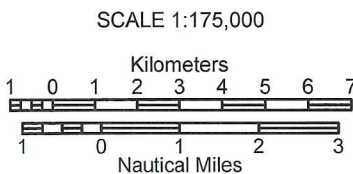
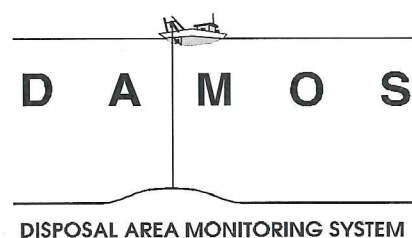


USACE FILE: NAN-2018-00912-EKN (Drawing 2 of 4)

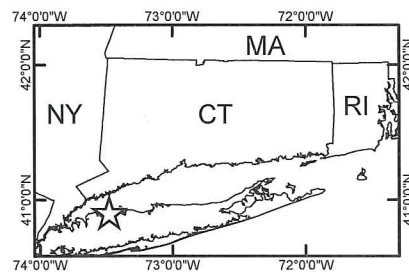


WESTERN LONG ISLAND SOUND DISPOSAL SITE

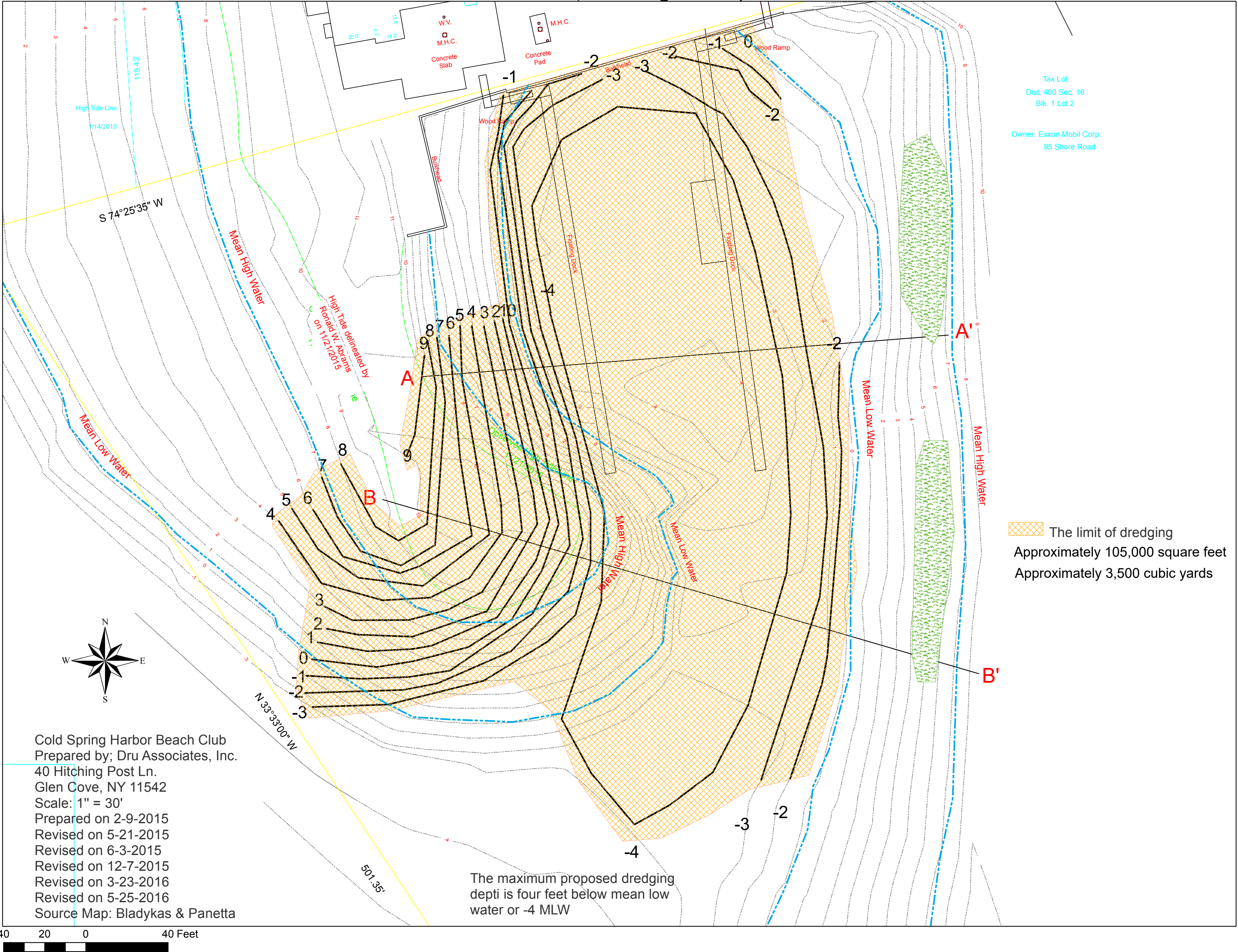
Description: The Western Long Island Sound Disposal Site (WLDS) is located 2.8 nmi (5.1 km) south of Long Neck Point, Noroton, Connecticut between three historic dredged material disposal sites (Stamford, South Norwalk, and Eaton's Neck). It is a site centered at 40° 59.500' N, 73° 28.950' W (NAD 83). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



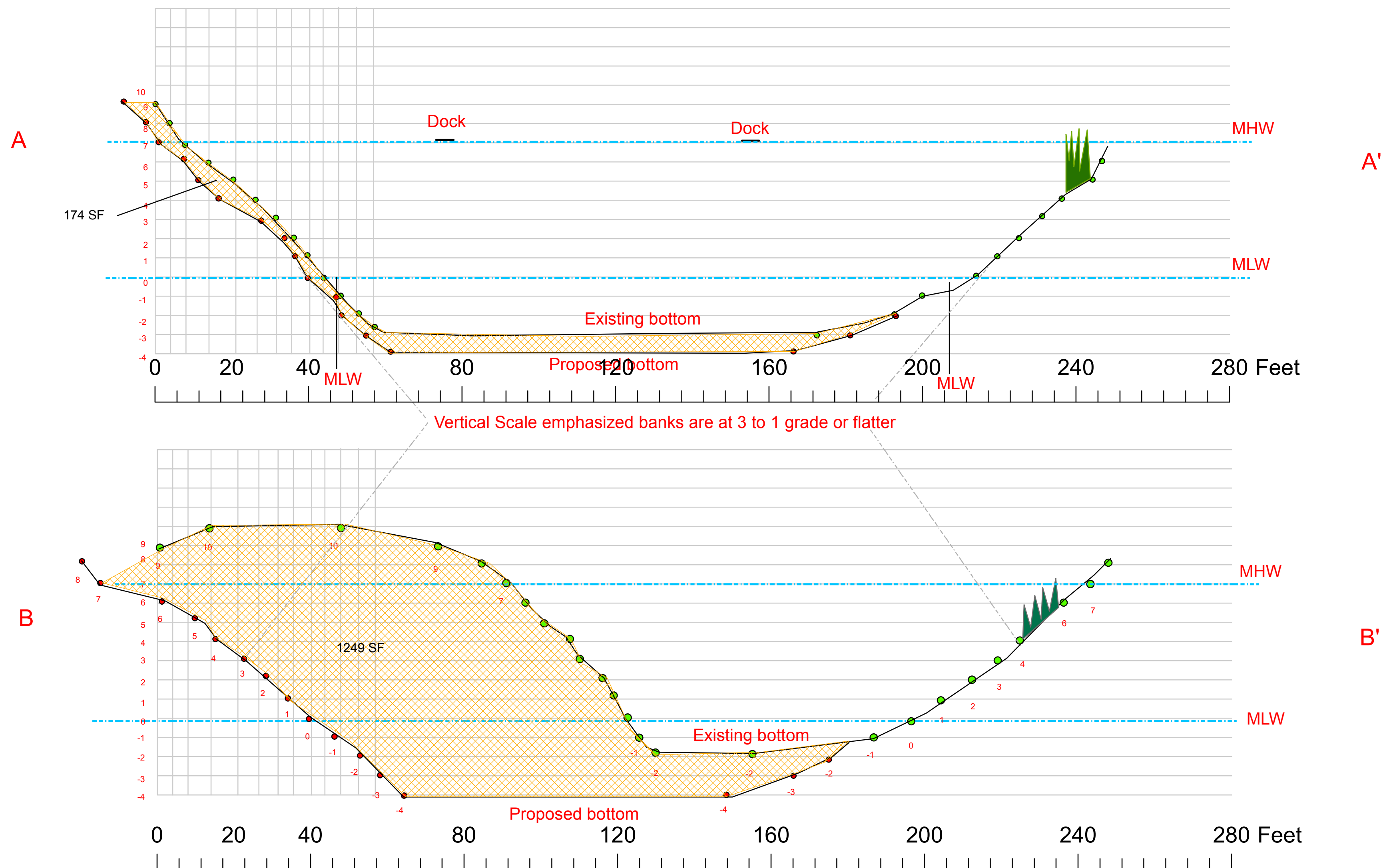
NOTE: This chart is not intended for use in navigation.



USACE FILE: NAN-2018-00912-EKN (Drawing 3 of 4)



USACE FILE: NAN-2018-00912-EKN (Drawing 4 of 4)



20 10 0 20 Feet

Cold Spring Harbor Beach Club
Prepared by; Dru Associates, Inc.
40 Hitching Post Ln.
Glen Cove, NY 11542
Scale: 1" = 20'
Prepared on 2-9-2015
Revised on 9-9-2015
Revised on 3-23-2016
Last Revision on 5-25-2016

EFH SUMMARY OF DREDGING SITE

EFH Data Notice: Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

NMFS Greater Atlantic Regional Office
NMFS Atlantic Highly Migratory Species Management Division

Query Results

Map Scale = 1:72,224
Degrees, Minutes, Seconds: Latitude = 40°52'23" N, Longitude = 73°28'10" E
Decimal Degrees: Latitude = 40.87, Longitude = -73.47

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.







*** WARNING ***

The list provided below may be incomplete or empty due to current data limitations* (please refer to the help menu for more information on data quality and limitations). For a complete list of EFH designated at this location please consult with the regional office. Regional contact links have been provided above.

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that one or more life stage of a species (the one or ones listed) is mapped as EFH at the queried location. In cases where "ALL" is the only entry in the table, all life stages of that species share the same map and are designated at the queried location.

Show	Link	Data Caveats	Species/Management Unit	Life stage(s) Found at Location	Management Council	FMP
			Winter Skate	Adult Juvenile ALL	New England	Skate
			Pollock	Juvenile Adult ALL	New England	Multispecies
			Little Skate	Adult ALL Juvenile	New England	Skate
			Window Pane Flounder	Eggs Larvae Juvenile Adult ALL	New England	Multispecies
			Winter Flounder	Larvae Eggs Juvenile Adult ALL	New England	Multispecies
			Red Hake	Adult Juvenile Eggs ALL	New England	Multispecies
			Black Sea Bass	ALL Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
			Scup	Larvae Eggs Juvenile Adult ALL	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
			Longfin Inshore Squid	Juvenile Adult Eggs ALL	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
			Atlantic Mackerel	Eggs Larvae Juvenile Adult ALL	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
			Bluefish	Adult Juvenile ALL	Mid-Atlantic	Bluefish
			Atlantic Butterfish	Eggs Larvae Adult Juvenile ALL	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11

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Show	Link	Data Caveats	Species/Management Unit	Life stage(s) Found at Location	Management Council	FMP
			Atlantic Herring	Adult Juvenile ALL Juvenile	New England	Atlantic Herring
			Summer Flounder	Juvenile Adult ALL	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

HAPCs

No Habitat Areas of Particular Concern (HAPC) were identified at the report location.

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**

New England Council EFH,
Atlantic Salmon,
New England Council HAPCs,
Rivers in Maine for Atlantic Salmon

Summary of Essential Fish Habitat (EFH) Designation

Western Long Island Sound Disposal Site

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 00.0' N	73° 20.0' W	40° 50.0' N	73° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Atlantic Ocean waters within the square within Long Island Sound affecting the following: on the north shore of Long Island from just north of Northport, NY., to Cooper Bluff, NY. on Cove Neck, west of Cold Spring Harbor, NY. These waters are north of the following: Northport, NY, Eatons Neck, Northport Bay, Little Neck, East Neck, West Neck, and Lloyd Neck, Huntington, NY., Greenlawn, NY., Centerport, NY., Woodbury, NY., and Huntington Bay. Also, there is a discontinued dumping ground along with a present disposal area, both on the northern boundary of the square, south of Noroton Heights, CT. and South Norwalk, CT.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
Atlantic cod (<i>Gadus morhua</i>)				
haddock (<i>Melanogrammus aeglefinus</i>)				
pollock (<i>Pollachius virens</i>)			X	X
whiting (<i>Merluccius bilinearis</i>)				
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Limanda ferruginea</i>)				
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)				
ocean pout (<i>Macrozoarces americanus</i>)				

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Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealeii</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)			X	
scup (<i>Stenotomus chrysops</i>)	X	X	X	X
black sea bass (<i>Centropristis striata</i>)	n/a		X	
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Carcharias taurus</i>)		X		
Little skate (<i>Leucoraja erinacea</i>)			X	X
Winter skate (<i>Leucoraja ocellata</i>)			X	X