



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-2019-00610-ERO**
Issue Date: **November 27, 2019**
Expiration Date: **December 27, 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: Town of Southampton
Attn: Kristen Doulos
6 Newton Road
Hampton Bays, New York 11946

ACTIVITY: Dredging with upland placement

WATERWAY: Weesuck Creek, a tributary of Shinnecock Bay

LOCATION: 22 Josiah Foster Path, Town of Southampton, 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

CENAN-OP-RE
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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. All written comments, including names and addresses, 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, 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 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 no effect to piping plover and red knot or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer has consulted with National Oceanic and Atmospheric Administration (NOAA) and received a concurrence on the determination that the proposed work would not likely adversely affect Atlantic sturgeon, green sea turtles, Kemp's ridley sea turtles, loggerhead sea turtles, and leatherback sea turtles, 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 construction work, fully described in the enclosed Work Description, could cause minimum disruption of habitat for various life stages of some EFH-designated species as a result of a minor short-term temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific minor adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of minor disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision on this permit application.

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

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THIS OFFICE*****

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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, the applicant's certification and accompanying information is available from the New York State Department of State Division of Coastal Resources, Coastal Management Program, 99 Washington Avenue – Suite 1010, Albany, New York 12231-0001, 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.

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 Ms. Seika E. Robinson of this office at (917) 790-8521 or Seika.E.Robinson@usace.army.mil

In order for us to better serve you, please complete our Customer Service Survey located 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

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WORK DESCRIPTION

The applicant, Town of Southampton, has requested Department of the Army (DA) authorization to dredge Weesuck Creek, a tributary of Shinnecock Bay with upland placement of the dredged material at 22 Josiah Foster Path, Town of Southampton, Suffolk County, New York.

The work would involve:

Dredging, to the depth of -4-feet below Mean Low Water, of an approximately 34,000 square foot area (varying width between 30-feet and 80-feet-wide by 840-foot-long area) of Weesuck Creek. The applicant proposed a one-time dredging event to clamshell dredge approximately 1,500 cubic yards of material. All dredged material would be dewatered and placed in an upland location behind silt curtains at 22 Josiah Foster Path. Dewatering back into Waters of the United States is proposed.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by designing the proposed project with the minimum amount of disturbance necessary to perform the work within the confines of a turbidity curtain.

The purpose of this project is to maintain safe navigational depths within Weesuck Creek.

DREDGE PLAN

FOR

PINE NECK MARINA PRESERVE

AT

EAST QUOGUE

TOWN OF SOUTHAMPTON,
SUFFOLK COUNTY, NEW YORK

SHEET INDEX:

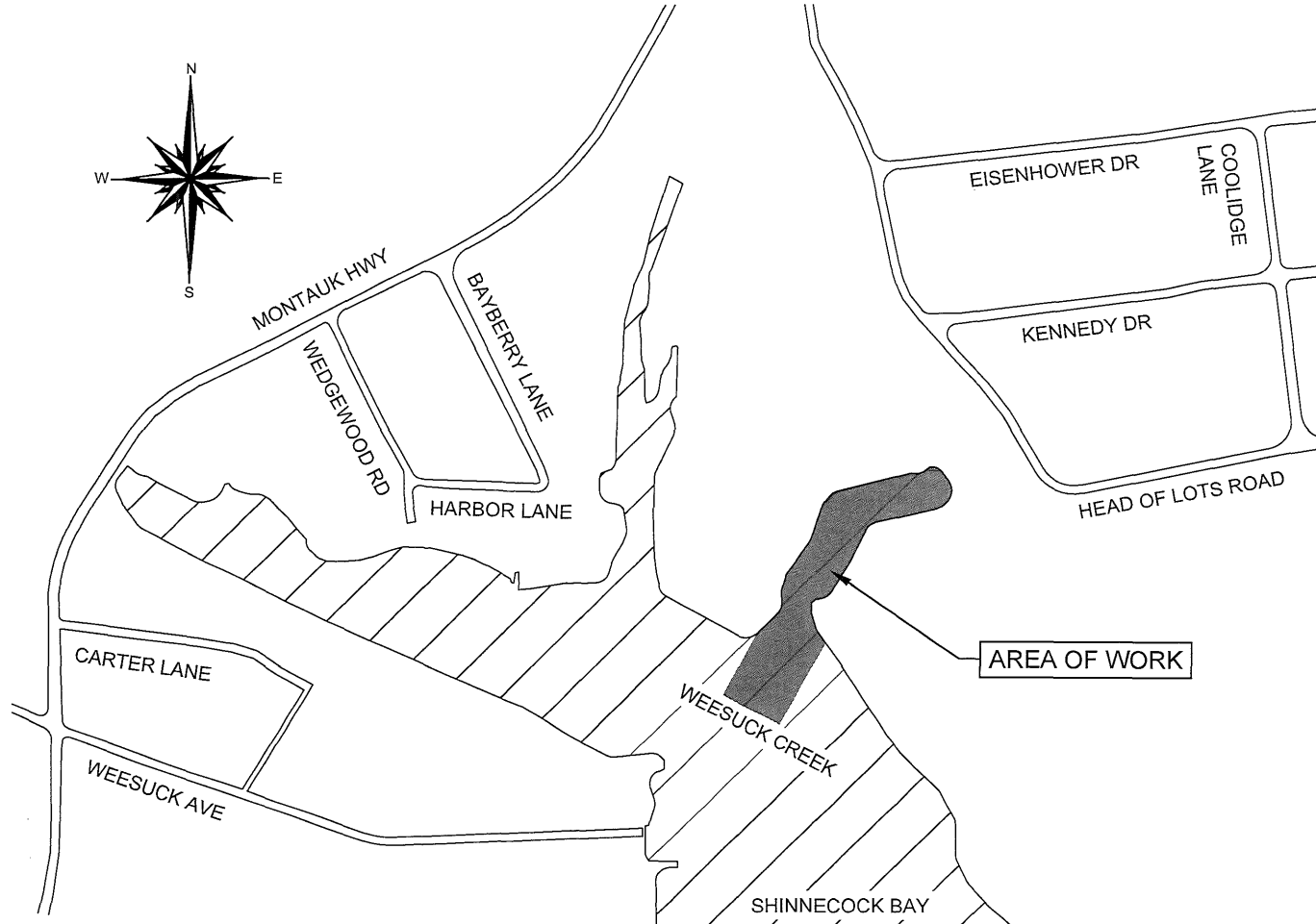
1 OF 9	WPP-1	COVER SHEET
2 OF 9	WPP-2	KEY MAP
3 OF 9	WPP-3	OVERALL PLAN
4 OF 9	WPP-4	LEGEND
5 OF 9	WPP-5	SECTION A-A
6 OF 9	WPP-6	SECTION B-B
7 OF 9	WPP-7	SECTION C-C
8 OF 9	WPP-8	SPOIL PLAN
9 OF 9	WPP-9	SECTION D-D

NOTE: AERIAL PHOTOGRAPHY FROM NYS ORTHOIMAGERY 2016, TOPOGRAPHIC INFORMATION FROM HYDROGRAPHIC MAP PERFORMED BY ROBERT H FOX DATED 4-1-18 (DATUM REFERENCE: MEAN LOWER LOW WATER LEVEL, MLLW)

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, PROFESSIONAL ENGINEERING AND LAND SURVEYING, SECTION 7209 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

WETLAND PERMIT PLANS

COVER SHEET FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK <small>S.C.T.M. DIST. 0600 SECT. 317, BLK. 1, LOT 27</small>		PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: CCV DATE: 7-10-18 SCALE: NTS FILE NO.: 100-051-1 CADD: 17277-01
NELSON & POPE <small>ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5655 FAX (631) 427-5620 WWW.NELSONPOPE.COM</small>		DRAWING NO.: WPP-1 SHEET NO.: 1 OF 9



KEY MAP
SCALE 1"=500'

GRAPHIC SCALE



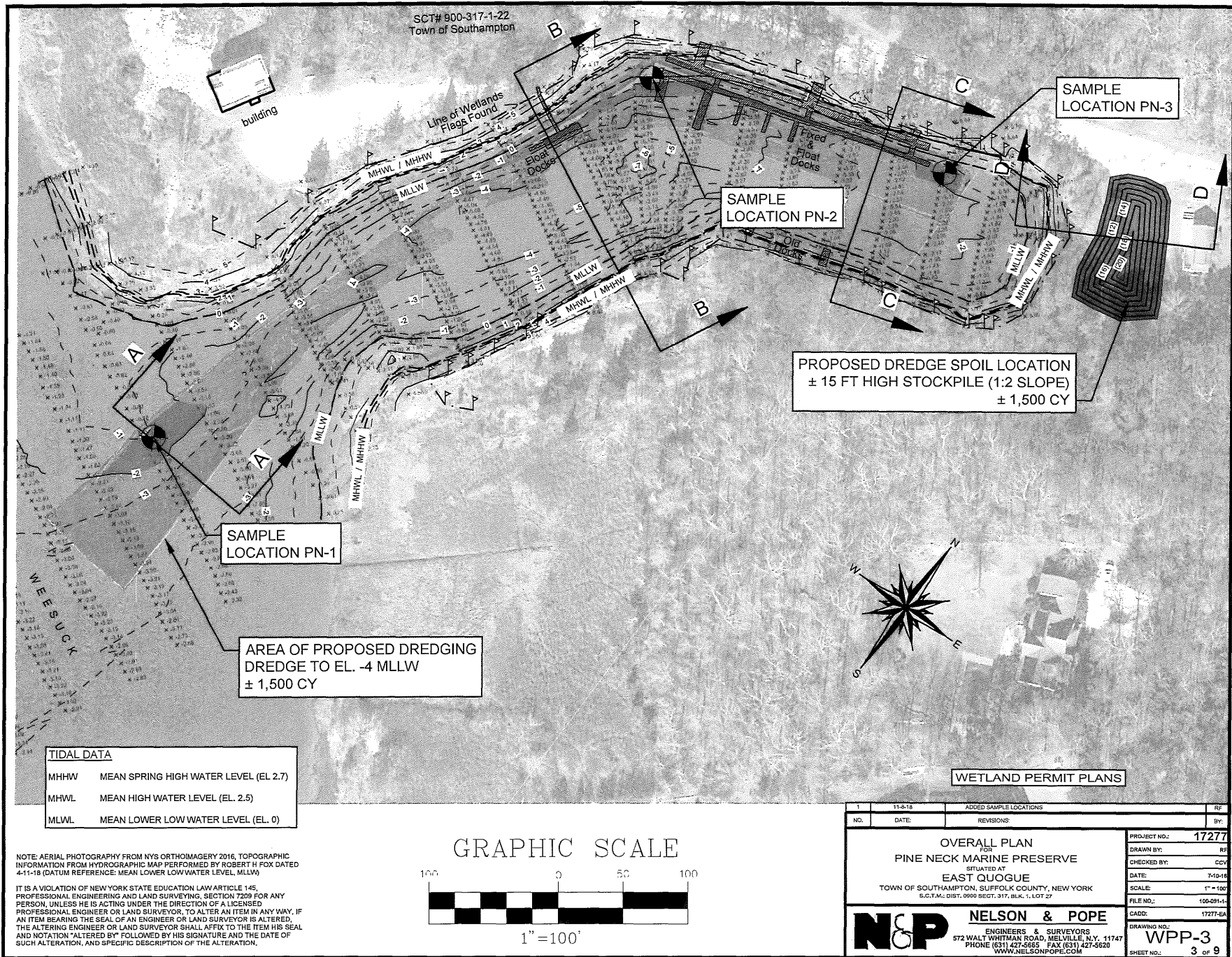
1"=500'







NOTE: AERIAL PHOTOGRAPHY FROM NYS ORTHOIMAGERY 2016. TOPOGRAPHIC INFORMATION FROM HYDROGRAPHIC MAP PERFORMED BY ROBERT H FOX DATED 4-11-18 (DATUM REFERENCE: MEAN LOWER LOW WATER LEVEL, MLLW)

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WETLAND PERMIT PLANS

1	11-8-18	NO REVISION THIS SHEET	RF
NO.	DATE	REVISIONS	BY:
<p>KEY MAP FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.C.T.M.: DIST. 0000 SECT. 317, BLK. 1, LOT 27</p>			
<p>NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5865 FAX (631) 427-5820 WWW.NELSONPOPE.COM</p>			<p>PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: CCV DATE: 7-10-18 SCALE: 1"=500' FILE NO.: 100-091-1- CADD: 17277-EA DRAWING NO.: WPP-2 SHEET NO.: 2 OF 9</p>



DREDGE DEPTH TABLE	
Dredge Depth Range	Color
5.0' - 4.0' (CUT)	
4.0' - 3.0' (CUT)	
3.0' - 2.0' (CUT)	
2.0' - 1.0' (CUT)	
1.0' - 0.5' (CUT)	
0.5' - 0.0' (CUT)	

LEGEND

X - 0.68	EXISTING SPOT ELEVATION
— -2 —	EXISTING CONTOUR
SHWL	SPRING HIGH WATER LEVEL
MHWL	MEAN HIGH WATER LEVEL
MLLW	MEAN LOWER LOW WATER
 — — — —	WETLAND FLAG AND LINE

DREDGE TO EL. - 4 (MLLW)

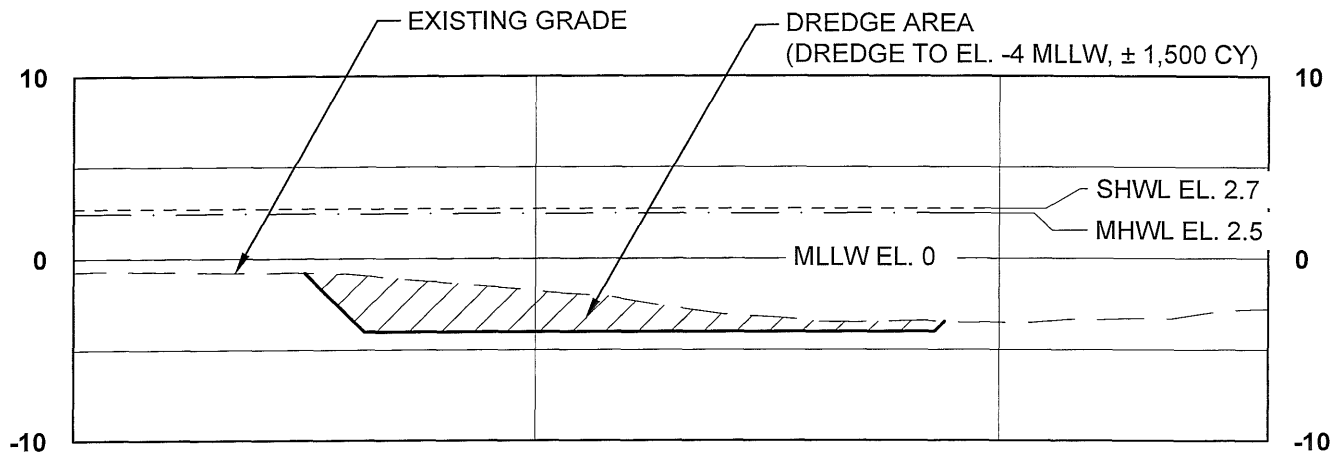
DREDGE VOLUME = 1,467 CY (SAY 1,500 CY)

NOTE: AERIAL PHOTOGRAPHY FROM NYS ORTHOMAGERY 2016. TOPOGRAPHIC INFORMATION FROM HYDROGRAPHIC MAP PERFORMED BY ROBERT H FOX DATED 4-11-18 (DATUM REFERENCE: MEAN LOWER LOW WATER LEVEL, MLLW)

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WETLAND PERMIT PLANS

1	11-5-18	NO REVISION THIS SHEET	RF
NO.	DATE	REVISION	BY
<p>LEGEND FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.C.T.M.; DIST. 0900 SECT. 317, BLK. 1, LOT 27</p>			<p>PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: CCV DATE: 7-10-18 SCALE: NTS FILE NO.: 100-081-1 CADD: 17277-4A</p>
<p>N&P NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5855 FAX (631) 427-5620 WWW.NELSONPOPE.COM</p>			<p>DRAWING NO.: WPP-4 SHEET NO.: 4 OF 9</p>



SECTION A-A

HORZ SCALE= 1" = 20'

VERT SCALE= 1" = 10'

GRAPHIC SCALE

HORIZONTAL



1"=20'

GRAPHIC SCALE

VERTICAL



1"=10'

TIDAL DATA

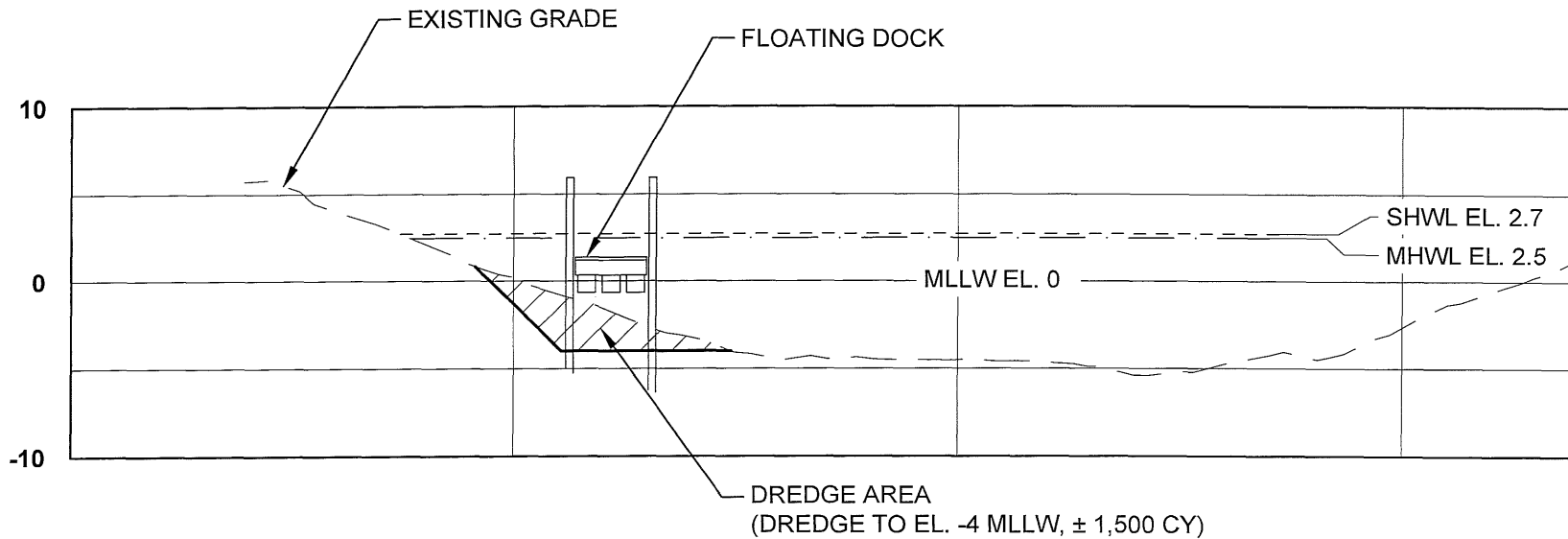
MHHW	MEAN SPRING HIGH WATER LEVEL (EL. 2.7)
MHWL	MEAN HIGH WATER LEVEL (EL. 2.5)
MLWL	MEAN LOWER LOW WATER LEVEL (EL. 0)

WETLAND PERMIT PLANS

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1		11-8-18	NO REVISION THIS SHEET	RF
NO.	DATE	REVISIONS		BY:
<p>SECTION A-A FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.C.T.M.C. DIST. 0000 SECT. 317, BLK. 1, LOT 27</p>				
<p>N&P ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5665 FAX (631) 427-5620 WWW.NELSONPOPE.COM</p>			<p>PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: CCV DATE: 7-10-18 SCALE: AS NOTED FILE NO.: 100-091-1- CADD: 17277-5A DRAWING NO.: WPP-5 SHEET NO.: 5 OF 9</p>	

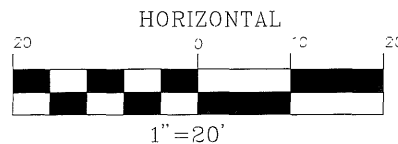


SECTION B-B

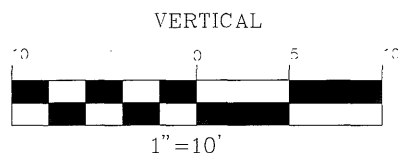
HORZ SCALE= 1" = 20'

VERT SCALE= 1" = 10'

GRAPHIC SCALE



GRAPHIC SCALE

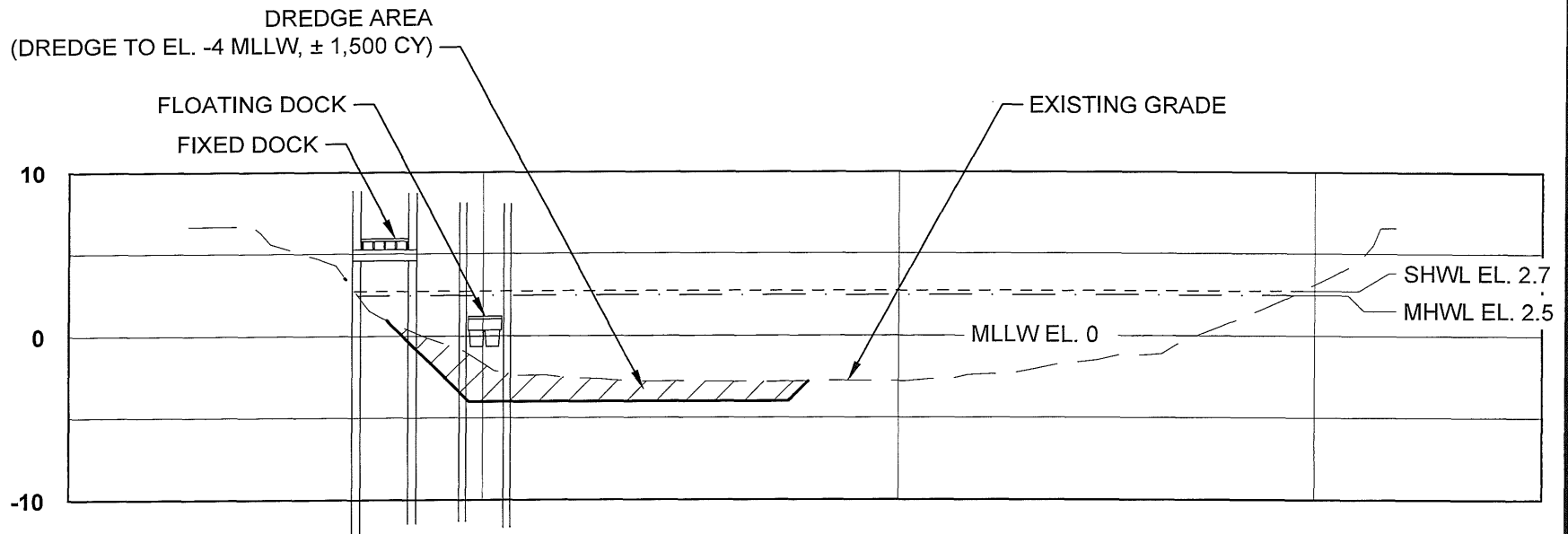


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TIDAL DATA	
MHHW	MEAN SPRING HIGH WATER LEVEL (EL. 2.7)
MHWL	MEAN HIGH WATER LEVEL (EL. 2.5)
MLWL	MEAN LOWER LOW WATER LEVEL (EL. 0)

WETLAND PERMIT PLANS

1	11-6-18	NO REVISION THIS SHEET	RF
NO.	DATE	REVISIONS	BY:
SECTION B-B FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.C.T.A.C. DIST. 9200 SECT. 317, BLK. 1, LOT 27			PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: CCV DATE: 7-18-18 SCALE: AS NOTED FILE NO.: 100-091-1 CADD: 17277-EA
N&P NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5655 FAX (631) 427-5620 WWW.NELSONPOPE.COM			DRAWING NO.: WPP-6 SHEET NO.: 6 OF 9

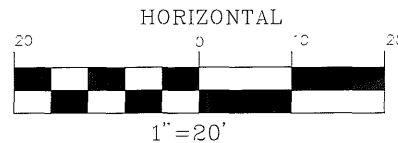


SECTION C-C

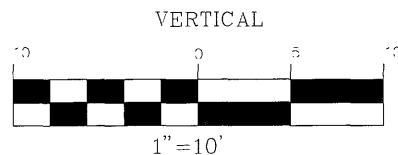
HORZ SCALE= 1" = 20'

VERT SCALE= 1" = 10'

GRAPHIC SCALE



GRAPHIC SCALE



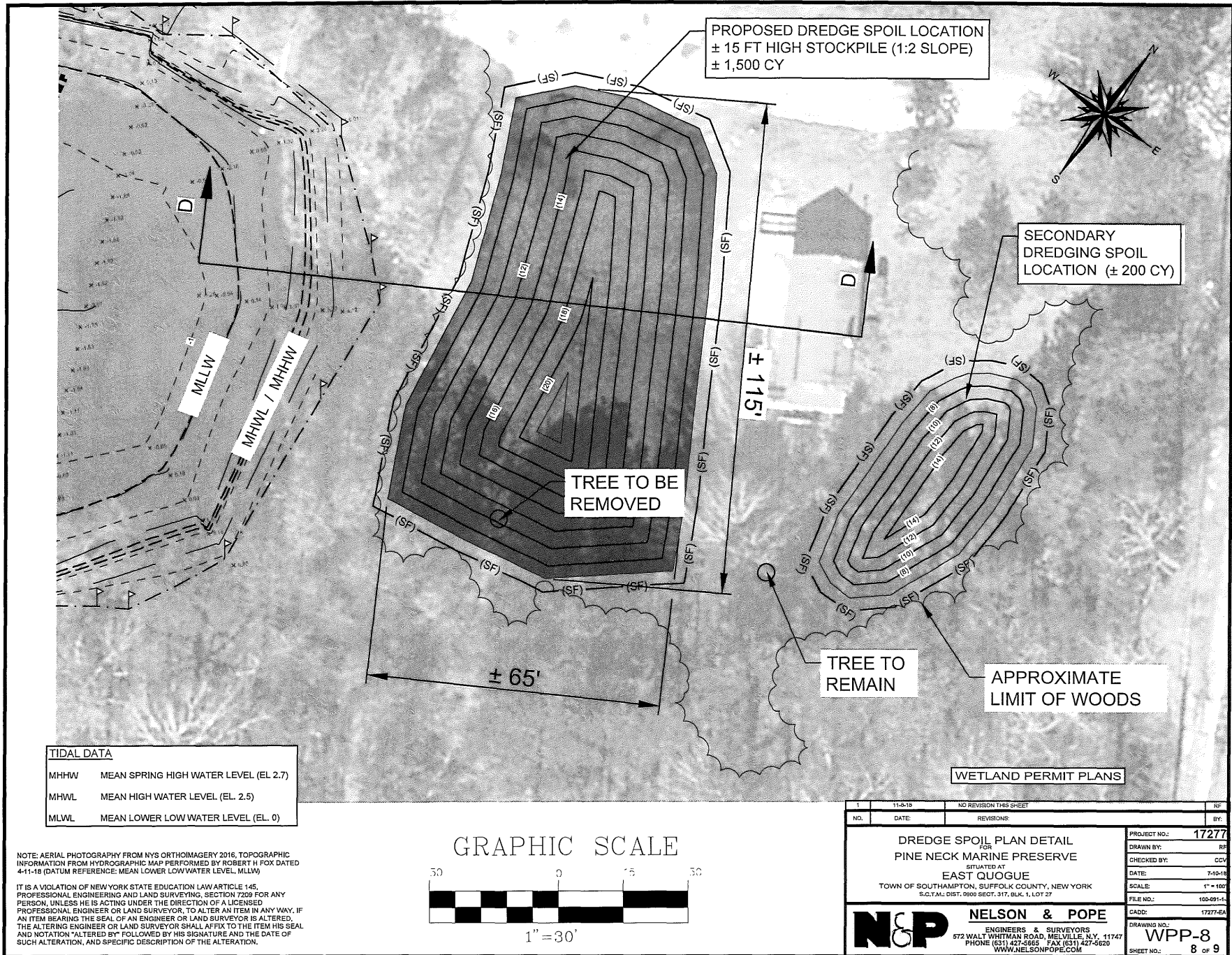
TIDAL DATA	
MHHW	MEAN SPRING HIGH WATER LEVEL (EL. 2.7)
MHWL	MEAN HIGH WATER LEVEL (EL. 2.5)
MLWL	MEAN LOWER LOW WATER LEVEL (EL. 0)

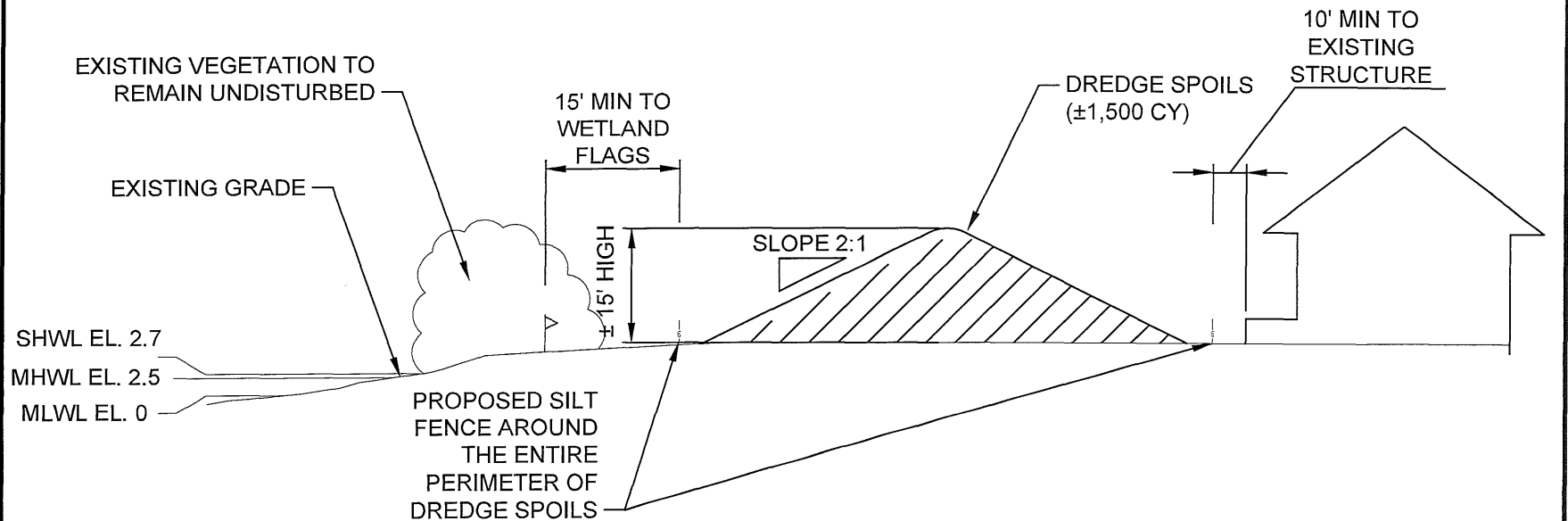
WETLAND PERMIT PLANS

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NO.	DATE	REVISIONS	BY
SECTION C-C FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.C.T.M.: DIST. 0900 SECT. 317, BLK. 1, LOT 27			PROJECT NO.: 17277 DRAWN BY: RF CHECKED BY: COV DATE: 7-10-18 SCALE: AS NOTED FILE NO.: 103-091-1-1 CADD: 17277-EA DRAWING NO.: WPP-7 SHEET NO.: 7 OF 9
N&P NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5665 FAX (631) 427-5620 WWW.NELSONPOPE.COM			





DREDGE SPOIL SECTION D-D

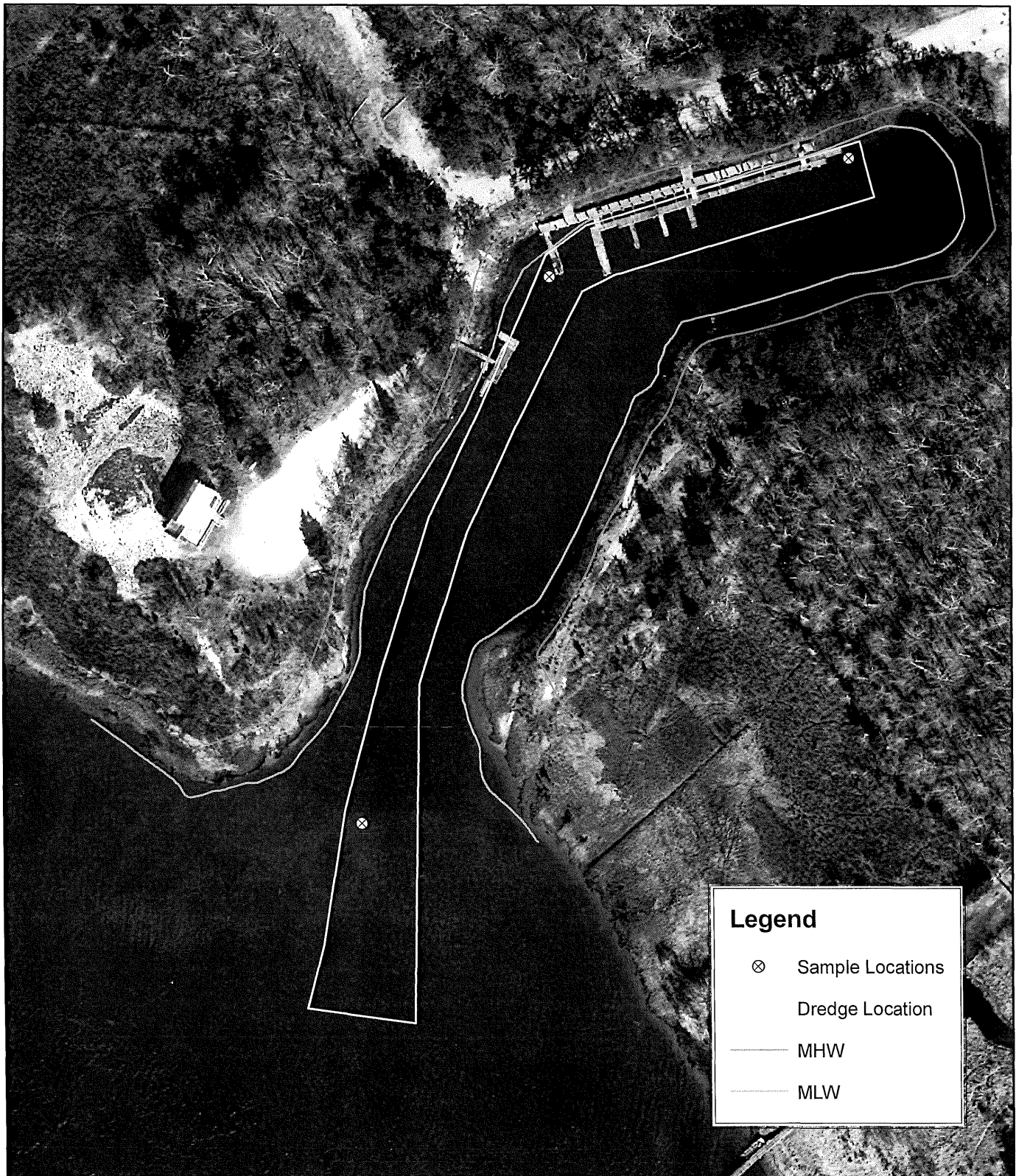
SCALE= NTS'

WETLAND PERMIT PLANS

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1	11-5-18	NO REVISION THIS SHEET	RF
NO.	DATE	REVISIONS	BY:
<p>DREDGE SPOIL SECTION D-D FOR PINE NECK MARINE PRESERVE SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK S.G.T.M.; DIST. 0600 SECT. 317, BLK. 1, LOT 27</p>			<p>PROJECT NO.: 17277</p> <p>DRAWN BY: RF</p> <p>CHECKED BY: CCV</p> <p>DATE: 7-10-18</p> <p>SCALE: AS NOTED</p> <p>FILE NO.: 100-0811-1</p> <p>CADD: 17277-EA</p>
<p>N&P NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5955 FAX (631) 427-5620 WWW.NELSONPOPE.COM</p>			<p>DRAWING NO.: WPP-9</p> <p>SHEET NO.: 9 of 9</p>



Legend

- ⊗ Sample Locations
- ⊗ Dredge Location
- MHW
- MLW



**FIGURE 1
SAMPLE LOCATION MAP**

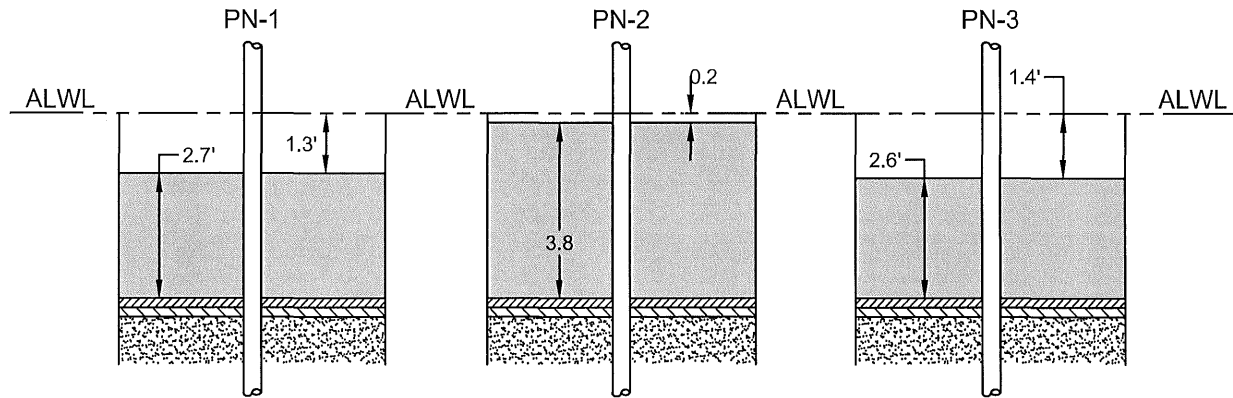
Source: NYSDEC Map 642-530

Scale: 1 inch = 100 feet



**Pine Neck Marina
Southampton**

**Article 25
Permit**



LEGEND:





-  SEGMENT A: REPRESENTING MATERIAL TO BE DREDGED
-  SEGMENT B: REPRESENTING MATERIAL TO BE EXPOSED (0"-6" BELOW DREDGING DEPTH)
-  SEGMENT C: REPRESENTING MATERIAL TO BE EXPOSED (>6"-12" BELOW DREDGING DEPTH)
-  EXISTING TO BOTTOM REMAIN

FIGURE 2. PINE NECK MARINA DREDGING SAMPLING DEPTH DIAGRAM

PROJECT NAME: PINE NECK MARINA

LOCATION: EAST QUOGUE, NEW YORK

WATERBODY: SHINNECOCK BAY

DATE: NOVEMBER 11, 2018

APPLICANT: TOWN OF EAST QUOGUE

PREPARED BY:

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