

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-2019-00824-WRY Issue Date: September 20, 2019

Expiration Date: October 20, 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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT:

40200 Main LLC

c/o RWN Management LLC 712 Fifth Ave., 30th Floor New York, NY 10019

ACTIVITY:

Perform ten year maintenance dredging, with a total dredge volume of approximately 5,400 cubic yards and return flow to the waterway. Remove and replace timber bulkhead and associated boat ramp, finger piers, floating docks, piles and decking in an existing man-made boat basin.

WATERWAY:

Gardiners Bay

LOCATION:

Town of Southold, 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.

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, 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 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 (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 work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

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 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 occur. For activities within the coastal zone

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of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, 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.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation (NYSDEC)
 - o Tidal Wetlands (Previous Permit # 1-4738-00898/00019)
 - Excavation and Fill in Navigable Waters (Previous Permit # 1-47-38-00898/00021)
 - o Docks, Moorings or Platforms
 - o Coastal Erosion Management

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) 790-8518 and ask for Alexandra Ryan.

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

WORK DESCRIPTION

The applicant, 40200 Main LLC, has requested Department of the Army authorization to perform ten year maintenance dredging, with a total dredge volume of approximately 5,400 cubic yards and return flow to the waterway. The proposed activity would also include the removal and replacement of timber bulkhead and associated boat ramp, finger piers, floating docks, piles and decking in an existing man-made boat basin. The project site is located in Gardiners Bay, Town of Southold, Suffolk County, New York.

The applicant proposes a total of nine dredge events over a ten year period, each removing up to 600 cubic yards of material, for a total of 5,400 cubic yards of dredged material. The anticipated dredging would be conducted to a depth of -6 feet below the plane of Mean Low Water (MLW) (-6' MLW, North American Vertical Datum, 1988) and would not include over depth dredging.

The proposed dredging would be completed by clamshell bucket dredge located on a barge in the boat basin. The barge would be equipped with a dredge box for dewatering on the barge and dredge spoils would be placed on the upland portion of the property as shown on Drawing S-6 entitled "Dredging Plan," prepared by S.L. Maresca & Associates on September 5, 2019. The dredge spoil is expected to consist of a mixture of 90% sand and 10% silt and clay.

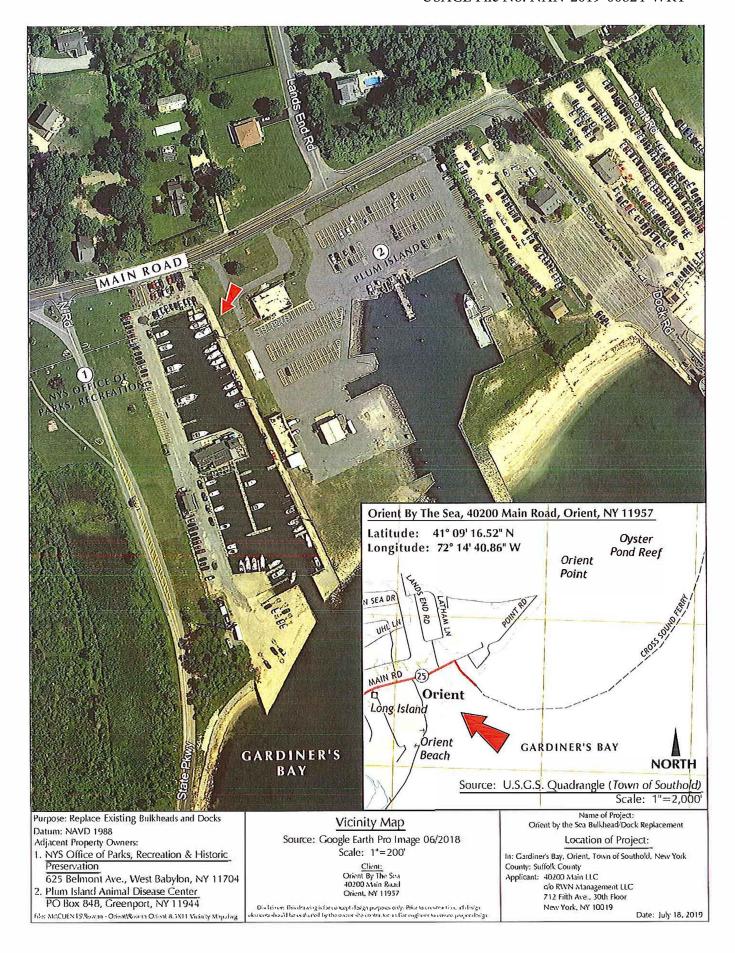
All proposed dredge areas have been previously dredged to an approximate depth of -6 feet below MLW under USACE Nationwide General Permit Nos. 13 & 35 as per application number 1993-13880-L2 dated November 23, 1993. The previous dredging events were also conducted under NYSDEC permits (1-4738-00898/00019) and the Town of Southold Trustee Permits.

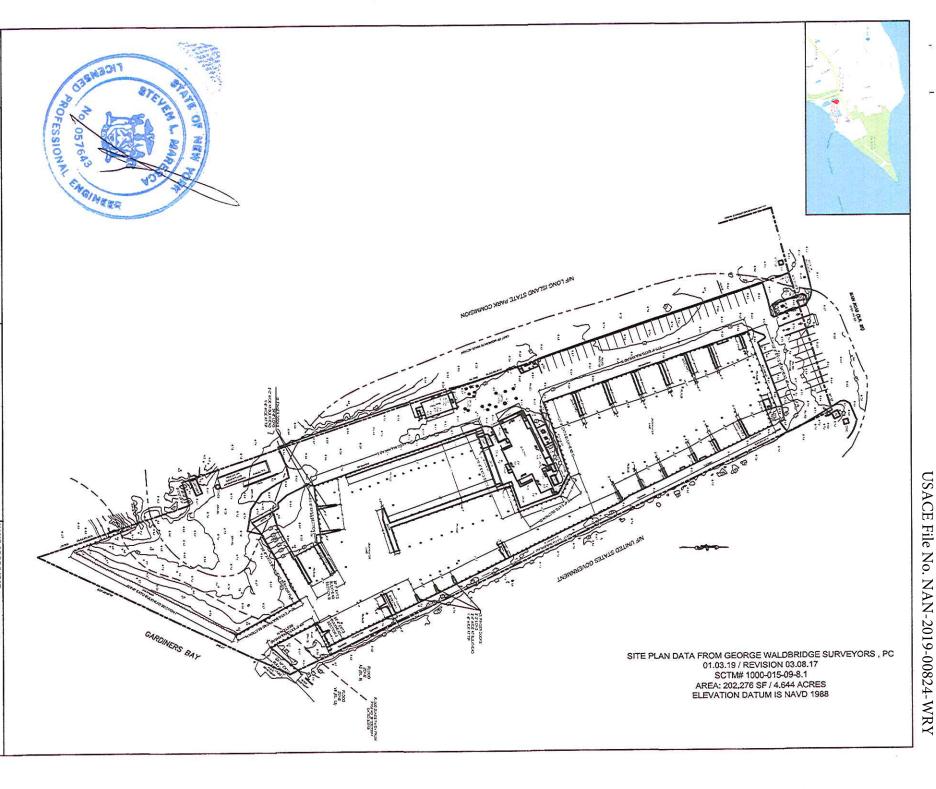
Additionally, the proposed work involves the removal of approximately 2,003 linear feet of existing timber bulkhead, which would be replaced with approximately 1,725 linear feet of new vinyl bulkhead within the basin and approximately 282 linear feet of new steel bulkhead along the southern portion directly abutting Gardiners Bay. While the majority of the bulkhead would be replaced in-kind and in-place, the boat basin is proposed to be expanded in two specific locations. The existing northeast corner would be relocated approximately 13-feet to "square off" the bulkhead. Similarly, the southwest corner would be relocated approximately 17-feet to "square off" the bulkhead. This expansion would create approximately 785 square feet (sf) of open water space (260 sf in the northeast and 525 sf in the southwest) within the boat basin.

The proposed activity would also include the removal, reconstruction, and reconfiguration of docks and finger piers. Approximately 111 existing pilings would be removed, 45 new 11-inch diameter timber pilings would be installed, and 78 existing pilings would remain unchanged. There would be a total of 50 boat slips available within the marina, a net reduction of 35 boat slips from the 85 existing. An existing fixed dock and associated pilings (approximately 197 linear feet, 1175 sf) would be removed. The new deck would be installed above the existing deck along the east side of the primary restaurant structure, over the existing deck footprint. An approximately 60-foot long floating dock with associated ramps would be installed along the southern side of the restaurant.

The project site would be accessed by land and work barge. All regulated work would be completed between the months of September and April of any calendar year. A turbidity curtain is proposed during all dredge events. The pilings would be installed by jetting and/or piling hammers.

The stated purpose of this project is to maintain the existing marina facilities, erosion control structures, and safe navigable water depths. The proposed reconfiguration would provide access for a larger variety of vessels and provide safe accommodations in the man-made boat basin.





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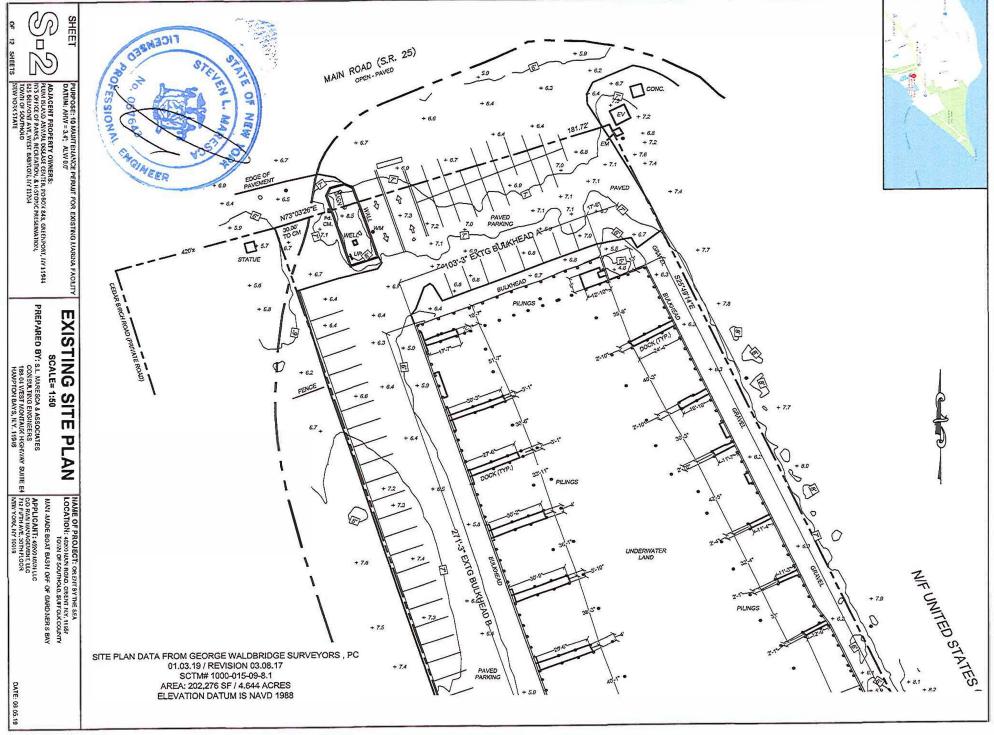
PURPOSE: 10 MANTENANCE PERMT FOR EXISTING MARWA FACILITY DATUM: AHW = 3.4°, ALW 0.0°

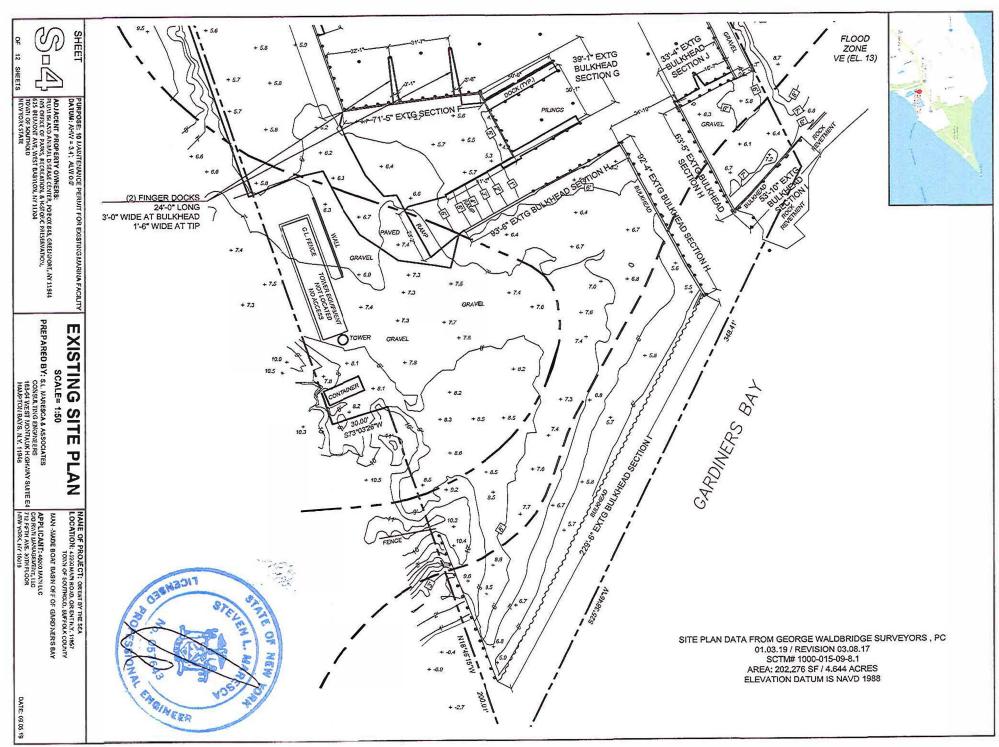
EXISTING SCALE= 1:120 SITE PLAN

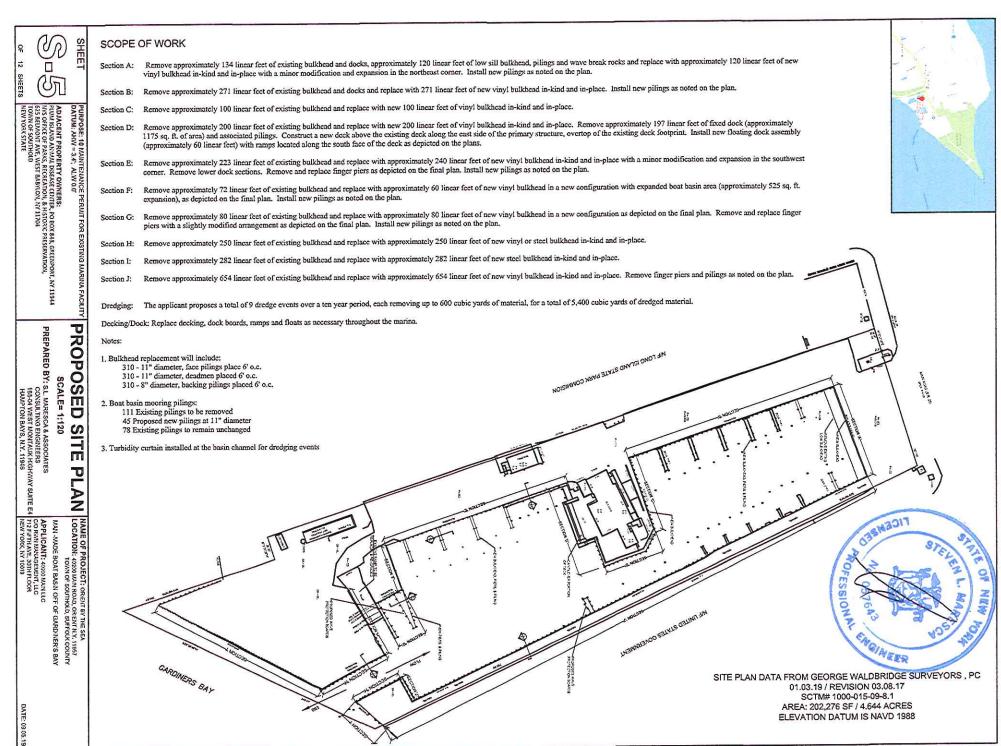
PREPARED BY: S.L. MARESCA & ASSOCIATES
CONSULTING ENGINEERS
1824 WEST MONTAUK HIGHWAY SUITE EN
HAMPTON BAYS, N.Y. 11946

NAME OF PROJECT: ORENT BY THE SEA LOCATION: 40200 MAN ROAD, ORENT MY, 11857 TOWN OF SOUTHOLD, SUFFOLK COUNTY MAN -WADE BOAT BAS'N OFF OF GARDNER'S BAY

DATE: 09.05.19







NAME OF PROJECT; OR:E/IT BY THE SEA LOCATION: 402001/ACTROAD, OR:E/IT BY: 11557 TOWN OF SOUTHOLD, SUFFOLK COURTY

SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS, PC 01.03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8.1 AREA: 202,276 SF / 4.644 ACRES **ELEVATION DATUM IS NAVD 1988**



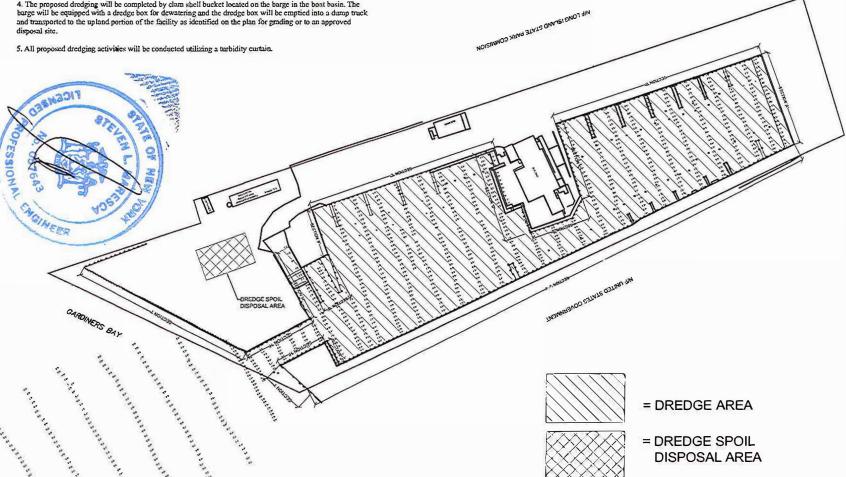
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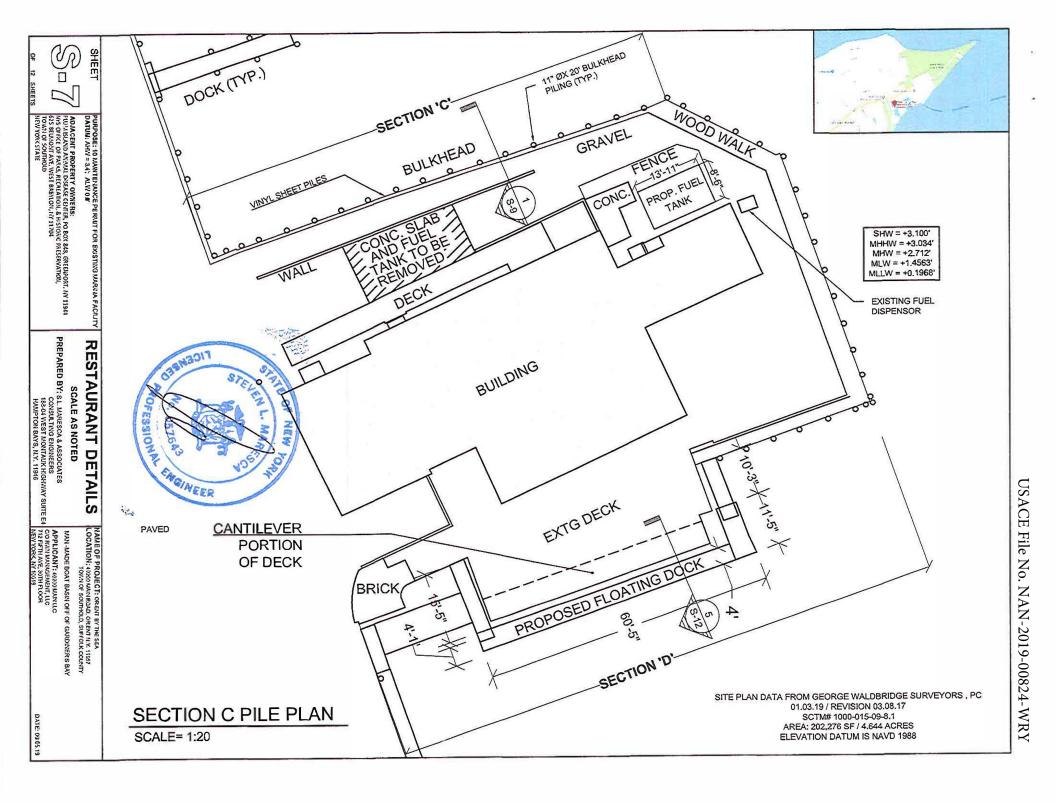
No.

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SCOPE OF DREDGING

- The applicant proposes a total of 9 dredging events over a ten year period, each removing up to 600 cubic yards of material for a total of 5,400 cubic yards of dredged material.
- 2. The proposed project will not include over depth dredging. The anticipated dredging will be conducted to a depth of -6' MLW.
- 3. Dredge spoils will be dewatered on the dredging barge and placed on the upland portion of the facility as identified on the plan or to an approved site.
- 4. The proposed dredging will be completed by clam shell bucket located on the barge in the boat basin. The barge will be equipped with a dredge box for dewatering and the dredge box will be emptied into a dump truck and transported to the upland portion of the facility as identified on the plan for grading or to an approved disposal site.





PURPOSE: 10 MANTEHANCE PERMIT FOR EXISTING MARWA FACELTY DATUM: ANY = 3.4°; ALW 0.0°

DALACEHT PROPERTY OWNERS:

HUMISLAND AMPAL DISEASE EDITER, PO BOX 843, GREENPORT, NY 11944 INTS OFFICE OF PARKS, RECEATION, 26 INSTOCE PRESERVATION, 4535 BELLOFIT ME, WEST BABYLON, NY 11794 TOWN OF SOMFIGID.

DOCK VIEWS
SCALE AS NOTED
ARED BY: S.L. MARESCA& ASSOCIATES

PREPARED BY: S.L. MARESCA & ASSOCIATES
CONSULTING ENGINEERS
CO RV.
HAMPTON BAYS, N.Y. 11845
KRAY

NAME OF PROJECTI: ORENT BY THE SEA.
LOCATION: ADXIMANI ROAD, ORENT N.Y. (1537
TOWN OF SOUTHON, DE SFOCK COUNTY
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APPLICANT: ACCO MARNICO
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DATE: (6.05.19

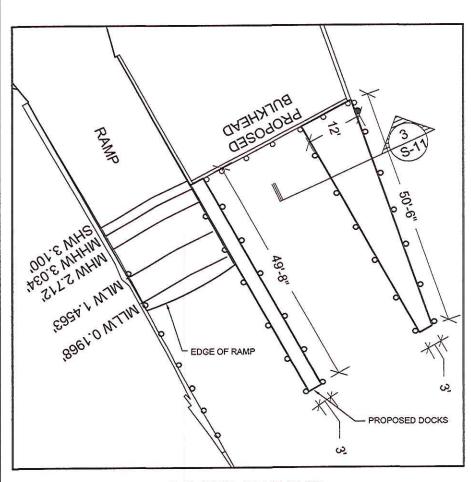
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SHW = +3.100' MHHW = +3.034' MHW = +2.712' MLW = +1.4563' MLLW = +0.1968'



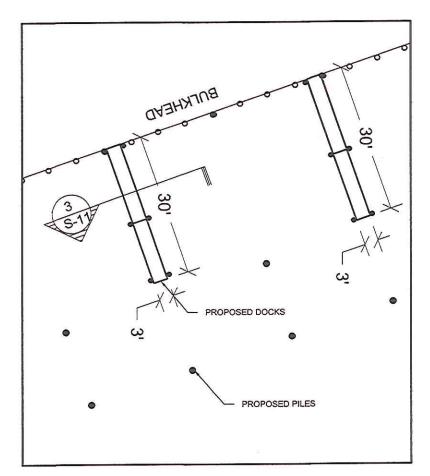
USACE File No. NAN-2019-00824-WRY

SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS , PC 01.03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8.11 AREA: 202,276 SF / 4.644 ACRES ELEVATION DATUM IS NAVD 1988



DOCKS AT RAMP

SCALE= 1:20



TYPICAL FINGER DOCKS ALONG SECTION E

SCALE= 1:20

ALL WOOD TO BE 2.5 CCA TREATED LUMBER ALL HARDWARE TO BE HOT DIPPED GALVANIZED

SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS, PC 01.03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8.1 AREA: 202,276 SF / 4.644 ACRES **ELEVATION DATUM IS NAVD 1988**



MLLW = +0.1968'

SHW = +3.100' MHHW = +3.034'MHW = +2.712'MLW = +1.4563'

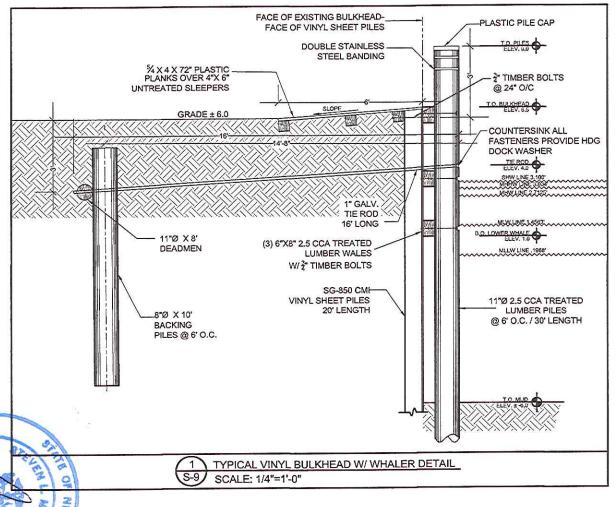
ADJACEHT PROPERTY OWNERS:
#UM ISLAND ANAML DISEASE CENTER, PO BOX \$48, GREDIPORT, NY 11544
NY SOFFIC OF PARCE, RECEATION, E MESTORIC PRESERVATION,
625 EULVOUT AVE, WEST BABNON, NY 11704
TOWN DO SOUTHOU
NEW YORK STATE PURPOSE: 10 MAINTENANCE PERMIT FOR EXISTING MARRIA FACILITY DATUM: A15V = 3.4°; ALW 0.0° PREPARED BY: REPLACEMENT BULKHEAD DETAILS SECTION GHWAY SUITE E4

NAME OF PROJECT: ORENT BY THE SEA
LOCATION: 47209 MAN ROAD, ORENT NY, 11857
TOWN OF SOUTHOLD, SUFFOLK COURTY MAN JUADE BOAT BASIN OFF OF GARDINER'S BAY

DATE: 09.05.19

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ADJACENT PROPERTY OWNERS:

RUM SLAVIO ARMAL DOSASE CENTER, PODOX 243, GREURON, NY 11944
INS OFFICE OF PACE, RECREATION, B. MSTOSZ PASSENATION,
625 BELVONT AVE, VIEST BASNION, NY 11704
TOWN TO SOUTHOOD

NEW YORK STATE PURPOSE: 10 HAVITTENANCE PERMIT FOR EXISTING HARRIA FACALITY DATUM; ANY = 3.4°, ALY 0.0°

PREPARED BY: S.L. MARESCA & ASSOCIATES CONSULTING ENGINEERS SCALE AS NOTED

WHALER SPLICE

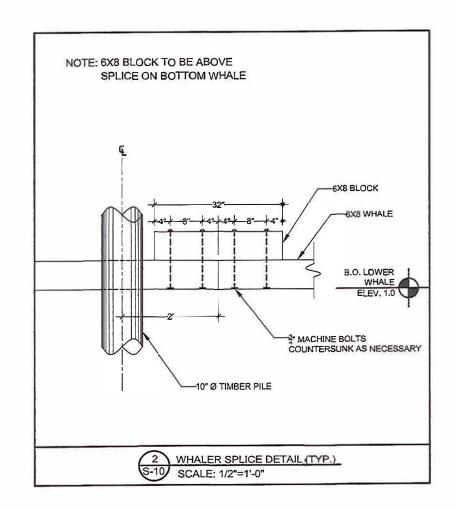
183-04 WEST MONTAUX HIGHWAY SUITE E4 HAMPTON BAYS, N.Y. 11946

DETAILS NAME OF PROJECT: Ο REITIBY THE SEA LOCATION: 40200 MAIN ROAD, OREST N.Y. 11857 1'00/21 OF SOUTHALD, SUFFOLK COUNTY MAN-MADE BOAT BASIN OFF OF GARDWER'S BAY

ALL WOOD TO BE 2.5 CCA TREATED LUMBER ALL HARDWARE TO BE HOT DIPPED GALVANIZED

SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS, PC 01,03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8.1 AREA: 202,276 SF / 4.644 ACRES **ELEVATION DATUM IS NAVD 1988**







PREPARED BY: S.L. MARESCA & ASSOCIATES CONSULTING ENGINEERS

183-04 WEST MONTAUK HIGHWAY SUITE E4 HAMPTON BAYS, N.Y. 11946 SCALE AS NOTED

TYPICAL FINGER

DOCK

NAME OF PROJECT: OREHT BY THE SEA LOCATION: 40200 MAIN ROAD, ORIENT H.Y. 11557 TOWN OF SOUTHOLD, SUFFOUX COURTY

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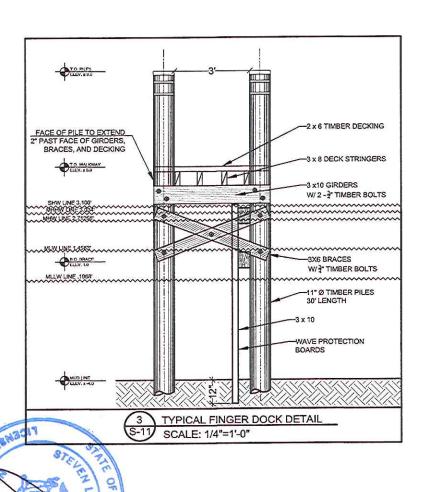
MAN-MADE BOAT BASIN OFF OF GARDINER'S BAY

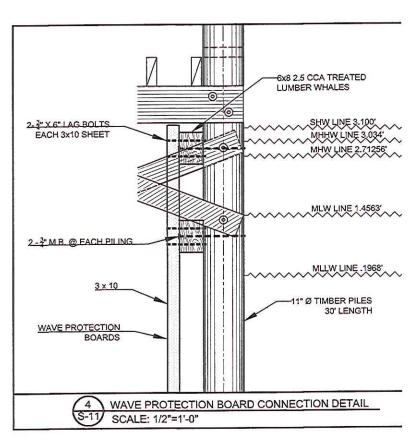
DATE: 09 05.19

SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS , PC 01.03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8.1 AREA: 202,276 SF / 4,644 ACRES ELEVATION DATUM IS NAVD 1988



SHW = +3.100' MHHW = +3.034' MHW = +2.712' MLW = +1.4563' MLLW = +0.1968'

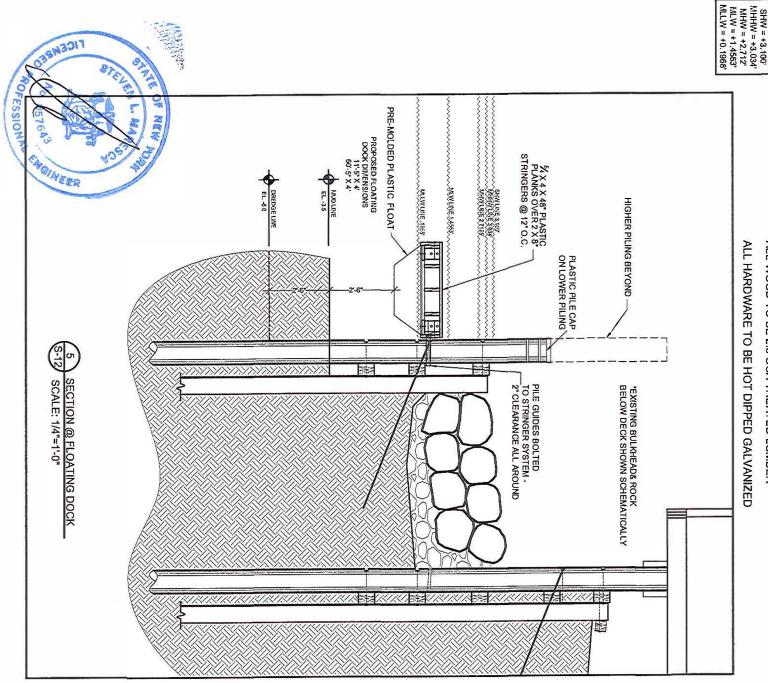






SITE PLAN DATA FROM GEORGE WALDBRIDGE SURVEYORS, PC 01.03.19 / REVISION 03.08.17 SCTM# 1000-015-09-8-1 AREA: 202,276 SF / 4,644 ACRES ELEVATION DATUM IS NAVD 1988

ALL WOOD TO BE 2.5 CCA TREATED LUMBER



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12 SHEETS

ADJACENT PROPERTY OWNERS:
PUM SLAND ANNAL OSEAS CENTER, PO BOX 848, GEED/POR, NY 11941
NY OFFICE OF PANC, RECEATION, B. HOTORY PRISERVATION,
EDS EUL/OHT AFF, WEST RABITON, NY 11704
TOWNOR SOUTHOLD
NEW YORK STATE

IPURPOSE: 10 MANTEMANCE PERMIT FOR EXISTING MASSIA FACILITY DATUM: ANY = 3.4°; ALWO,0' SCALE AS NOTED

PREPARED BY: S.L. MARESCA & ASSOCIATES
CONSULTING ENGINEERS
18304 WEST MONTAUK HONWAY SUITE E4
HAMPTON BAYS, N.Y. 11946

FLOATING DOCK SECTION DETAIL NAME OF PROJECT: OR ENTRY THE SEA COATE OF SOUTH ON SECOND OF SECOND MAN HADE BOAT BASIN OFF OF GARDINER'S BAY

DATE: 09.05.19