

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-2019-00691-EMI
Issue Date: September 23, 2019
Expiration Date: October 23, 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).

APPLICANT: Cove Condominium Owners Association
P.O. Box 738
Melville, New York 11747

ACTIVITY: 10 Year Maintenance Dredging with Upland Disposal

WATERWAY: Corey Creek, a tributary of Little Peconic Bay

LOCATION: East of Meadow Court, Southold, 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.

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.

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2019-00691-EMI

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 is 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.

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 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.

**CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2019-00691-EMI**

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

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) 790-8547 and ask for Christopher Minck.

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

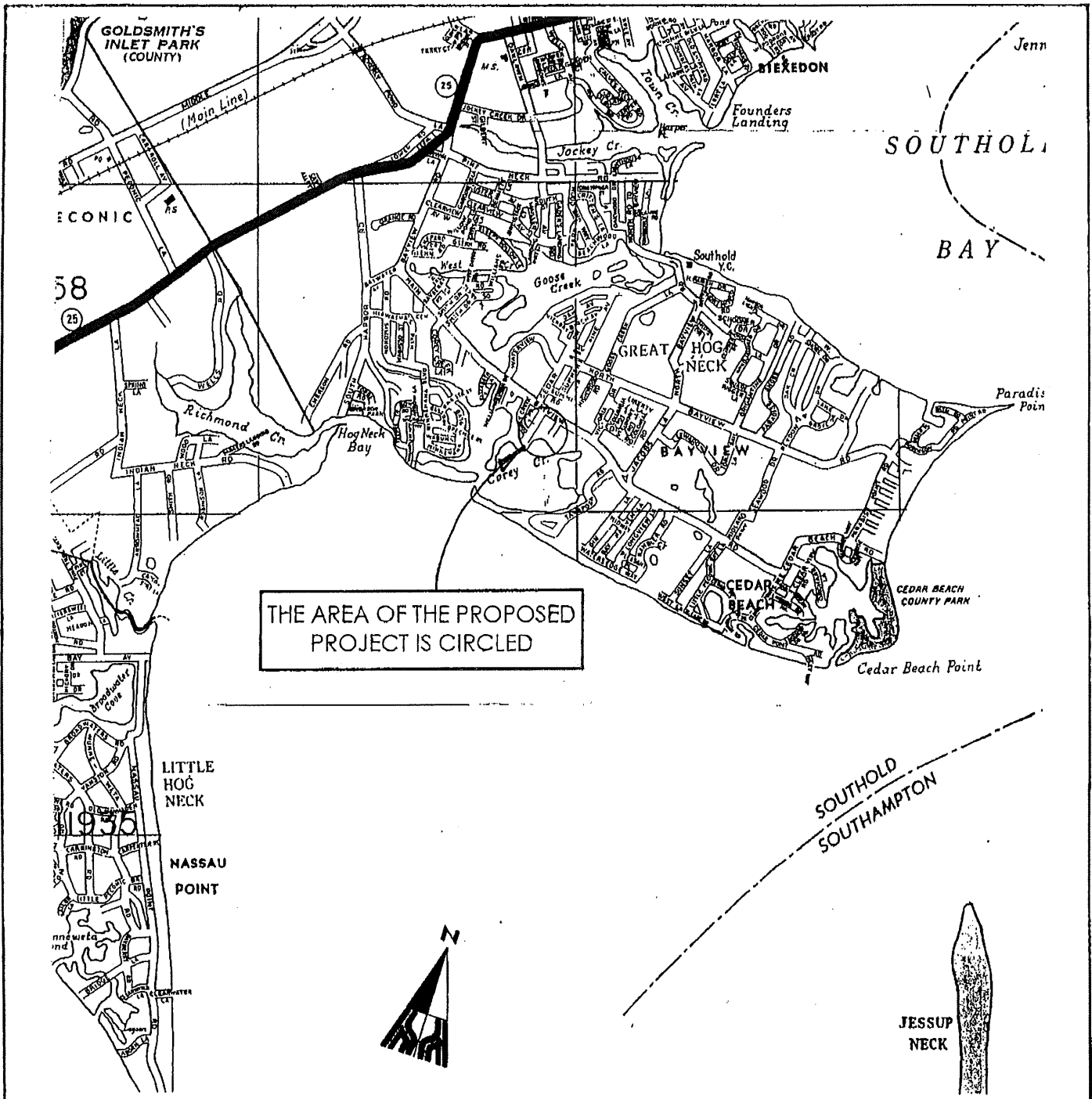
WORK DESCRIPTION

The permit applicant, Cove Condominium Owners Association, has requested Department of the Army authorization to perform dredging, with ten years maintenance with upland disposal. The project is located in Corey Creek, a tributary of Little Peconic Bay, East of Meadow Court, Southold, Town of Southold, Suffolk County, New York.

The regulated work would involve the dredging of approximately 82 cubic yards of material to a maximum depth of three feet below the plane of Mean Low water (MLW) within a footprint of approximately 8,500 square feet (approximately 185-feet-long by a width ranging from 30 to 60-feet). The material will be mechanically dredged from land on the western side with a clamshell bucket or via barge. The dredged material will be placed upland in a portion of the existing parking lot surrounded by a silt fence for dewatering with no return flow. The dredged material will be used as backfill behind the existing bulkhead. A maximum of four additional dredging events will occur over the next 10 years.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by utilizing a turbidity curtain around the mouth of the channel to be dredged. Additionally best management practices and appropriate pollution controls will be utilized.

The purpose of the project is to restore bottom depths to allow for safe recreational access in and out of the channel from the owners' docking area.



CORPS OF ENGINEERS DATA

PURPOSE: Maintenance dredge to open channel to property owners' docking area.

IN: Corey Creek **DATUM:** MLW
COUNTY: Suffolk **AT:** Mattituck
STATE: New York

VICINITY MAP
 Cove Condominiums Homeowners Assn
 SCTM #1000-87-5-20

10F3

USACE FILE: NAN-2019-00691-EM1

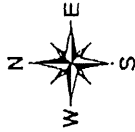
PROPOSED DREDGE PLAN
COVE CONDOMINIUM HOMEOWNERS ASSN.
BAYVIEW, SHOUTHOLD, N.Y.

S.C.T.M.# 1000 - 07 - 5 - 26

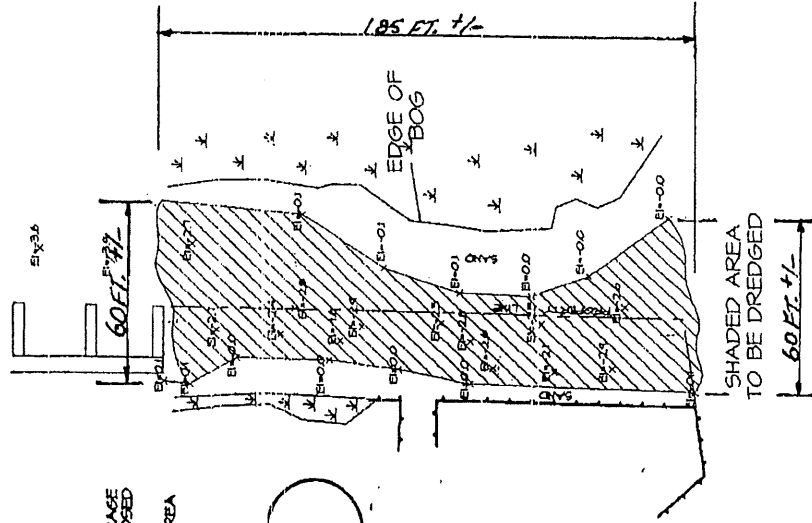
DEPTHS RECORDED JUNE 15, 2011

NOTES:

- EXISTING WATER DEPTHS SURVEYED IN USING CONVENTIONAL SURVEY EQUIPMENT UNDER THE DIRECTION OF JOHN C. EHLERS L.S. 900202
- EXISTING WATER DEPTHS REFER TO MLW (AVERAGE LOW WATER) THROUGHOUT THE AREA OF PROPOSED DREDGING ARE ALL 0.0' OR LESS
- PROPOSED WATER DEPTHS THROUGHOUT THE AREA OF DREDGING TO BE 3' BELOW MLW



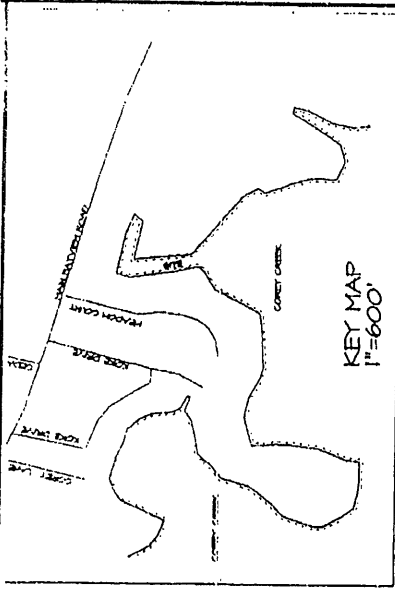
PROJECT PLAN



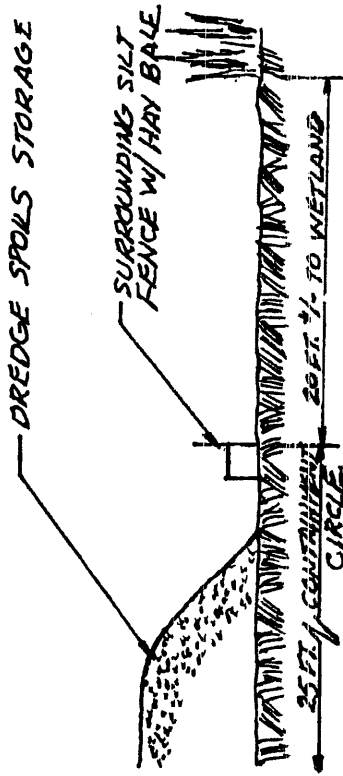
On site storage site for approx. 82 cu. yds. of spoils with surrounding silt fence. To be used as backfill for bulkheads

Direction of Ebb and Flood In Tidal Waters

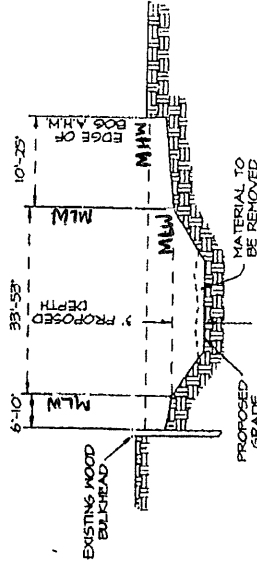
CORPS OF ENGINEER DATA
PURPOSE: MAINTENANCE DREDGE TO OPEN CHANNEL TO PROPERTY OWNERS' DOCKING AREA
DATUM: MLW



KEY MAP
1" = 600'



TYPICAL SECTION VIEW



REVISED BY M.A. KIMACK

DATE: MAY 12, 2019

SEPT. 4, 2019 Sept. 19, 2019

20F3

USACE FILE: NAN-2019-00691-EMI

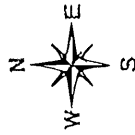
PROPOSED DREDGE PLAN
COVE CONDOMINIUM HOMEOWNERS ASSN.
BAYVIEW, SHOUTHOLD, N.Y.

S.C.T.M.# 1000 - 87 - 3 - 26

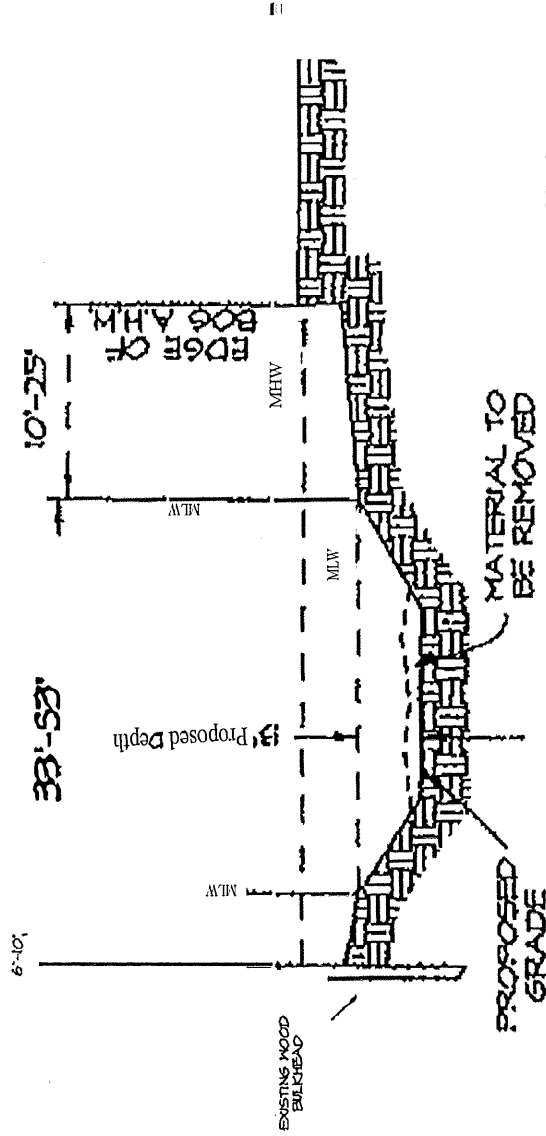
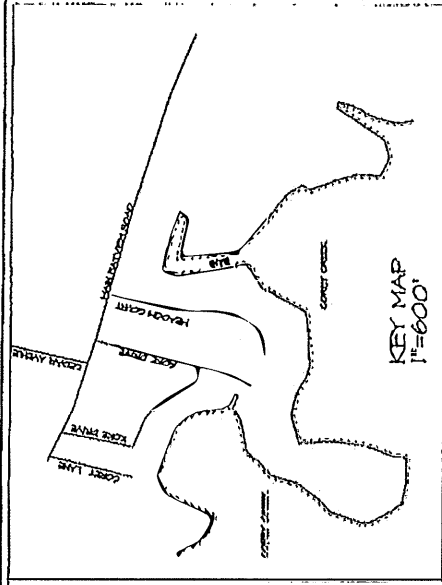
DEPTHS RECORDED JUNE 15, 2011

PROPOSED WATER DEPTHS THROUGHOUT THE AREA OF
DREDGING TO BE 5' BELOW M.L.W.

VOLUME OF SPILL TO BE REMOVED IS 82 CUBIC YARDS



TYPICAL
SECTION VIEW



REVISED BY M.A. KIMACK

DATE: MAY 12, 2019

CORPS OF ENGINEER DATA
PURPOSE: MAINTENANCE DREDGE TO OPEN CHANNEL TO
PROPERTY OWNERS' DOCKING AREA

DATUM: MLLW

30F3