



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-2018-00494-EMI**
Issue Date: **July 1, 2020**
Expiration Date: **July 31, 2020**

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: Gardiners Bay Estates Homeowner Association, Inc.
c/o Mike Griffin
PO Box 4
East Marion, New York 11939

ACTIVITY: 10-year maintenance dredging and beach placement

WATERWAY: Spring Pond, a tributary of Shelter Island Sound

LOCATION: (41.118978, -72.338189), 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 EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE.

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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 email 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 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 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

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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.

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, please contact Christopher Minck, Project Manager, of this office at Christopher.W.Minck@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, Gardiners Bay Estates Homeowner Association, Inc, has requested Department of the Army (DA) authorization to perform dredging, with 10-year maintenance, and beach placement in Spring Pond, a tributary of Shelter Island Sound, at (41.118978, -72.338189), Town of Southold, Suffolk County, New York.

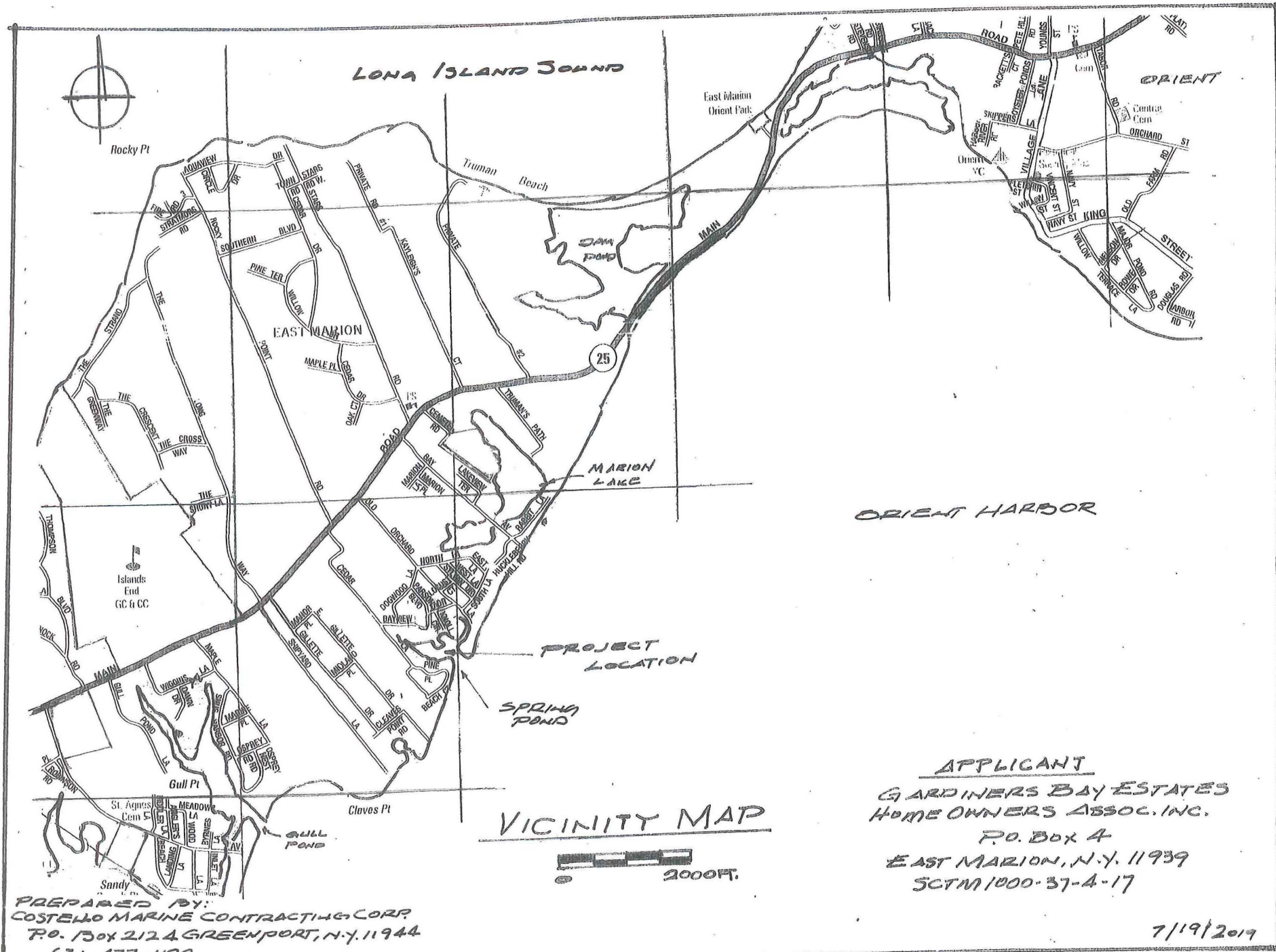
The proposed regulated work would include dredging approximately 750 cubic yards of material from an approximately 50-foot-wide by 100-foot-long area to a depth of -8 feet below Mean Low Water (MLW) to create a deposition basin. Additionally, approximately 1,000 cubic yards of material would be dredged from a 25-foot-wide by 1,100-foot-long channel to a depth of -4 feet below MLW. The dredged material would be placed at two upland beach locations. A clam shell bucket would be used for the proposed dredging activities.

All dredged material will be placed into a container on a barge and once full will be deposited on two upland beach location. On the east side of the inlet, approximately 1,500 cubic yards of dredged material would be placed over a 100-foot-wide by 200-foot-long area on the beach above Spring High Water to be spread as beach nourishment. The remaining 250 cubic yards of dredged material would be placed on the west side of the inlet on the beach between multiple jetties above Spring High Water to be used as beach nourishment. There will be no overflow from dredge material placement into the barges and no return flow from the disposal sites.

The applicant proposes to perform the above dredging and beach placement activities a total of four (4) times over the course of a 10-year period.

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 conduct the proposed work by performing the work within the confines of a turbidity curtain for the in-water work and behind hay bales and silt fencing for the beach nourishment work.

The stated purpose of this project is to maintain safe navigable depth within Spring Pond.

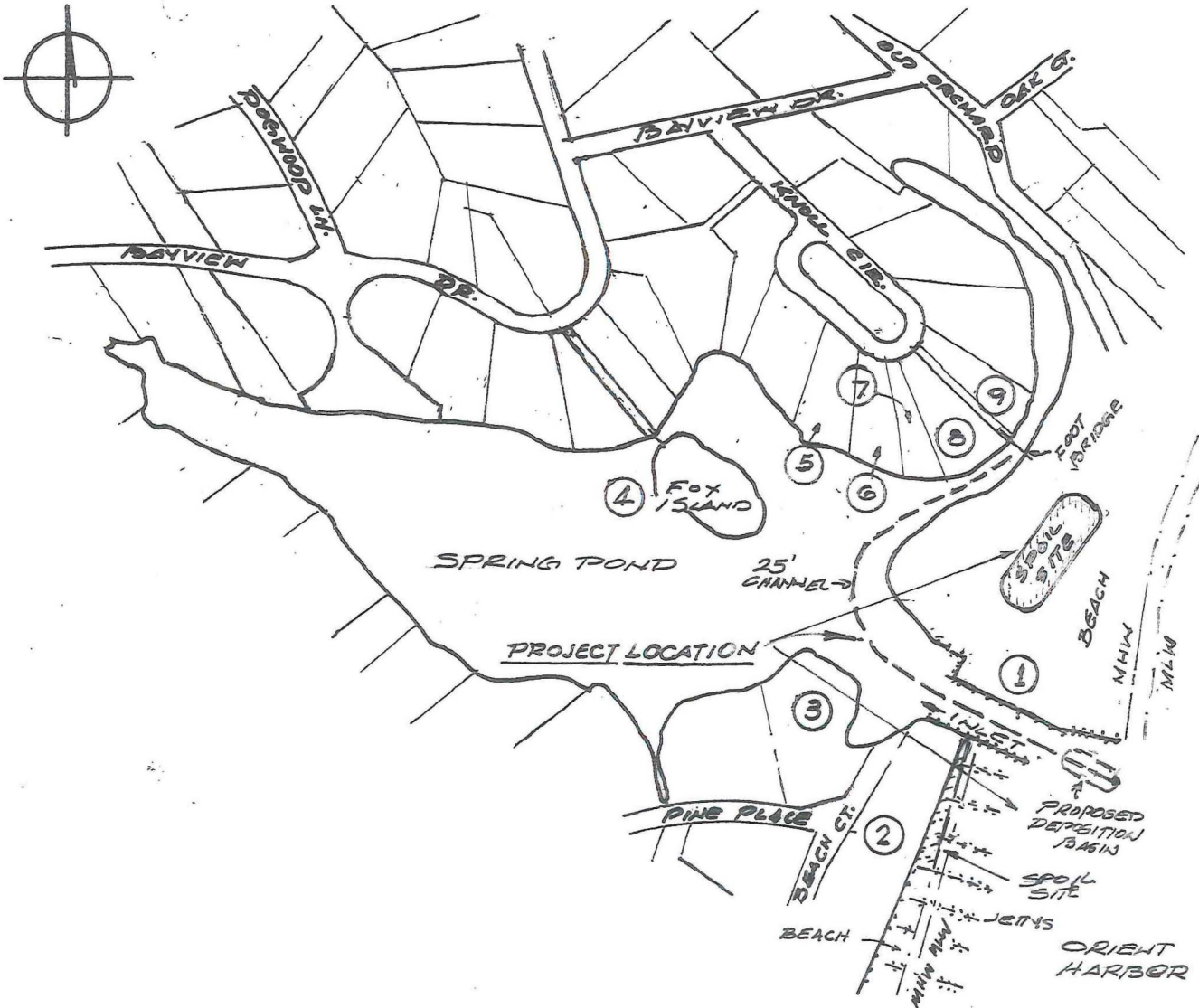


SHEET 1 OF 9

PREPARED BY:
 COSTELLO MARINE CONTRACTING CORP.
 P.O. Box 2124 GREENPORT, N.Y. 11944
 (31) 477-1199

APPLICANT
 GARDINERS BAY ESTATES
 HOME OWNERS ASSOC. INC.
 P.O. Box 4
 EAST MARION, N.Y. 11939
 SCTN 1000-37-4-17

7/19/2019



LOCATION MAP

0 400 FT.

41°07'07"N 72°20'19"W

APPLICANT

GARDINERS BAY ESTATES
HOMEOWNERS ASSOC. INC.

P.O. BOX 4

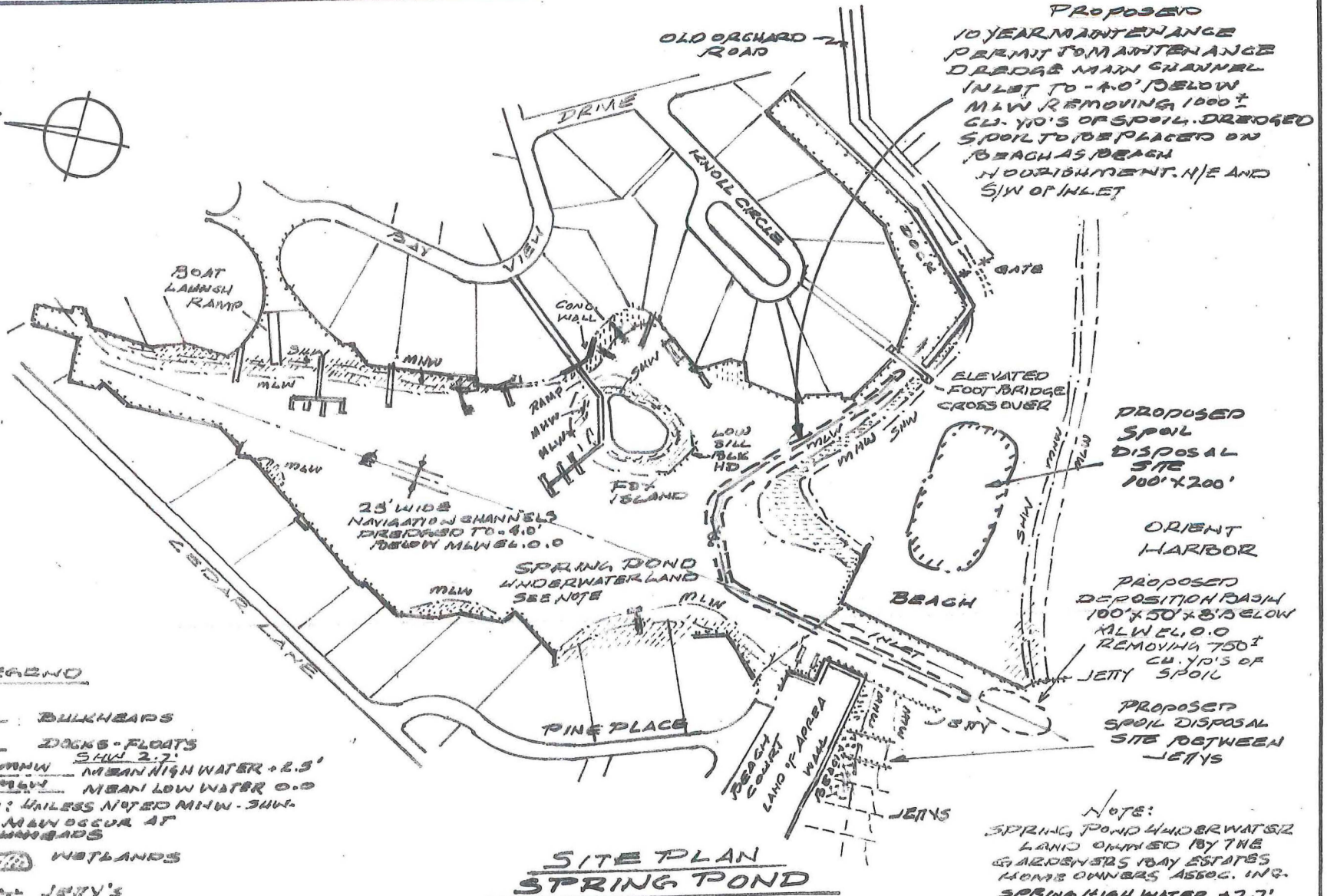
EAST MARION, N.Y. 11939

SCTM 1000-37-4-17

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COSTELLO MARINE CONTRACTING CORP.
P.O. Box 2124 GREENSBORO, N.Y. 11944
631-477-1199

7/19/2019



LEGEND

- BULKHEADS
- DOCKS-FLOATS
- MHW MEAN HIGH WATER +2.3'
- MLW MEAN LOW WATER 0.0
- NOTE: UNLESS NOTED MHW, MLW AND MHW OCCUR AT BULKHEADS**
- WETLANDS
- JETTY'S

**SITE PLAN
 SPRING POND**

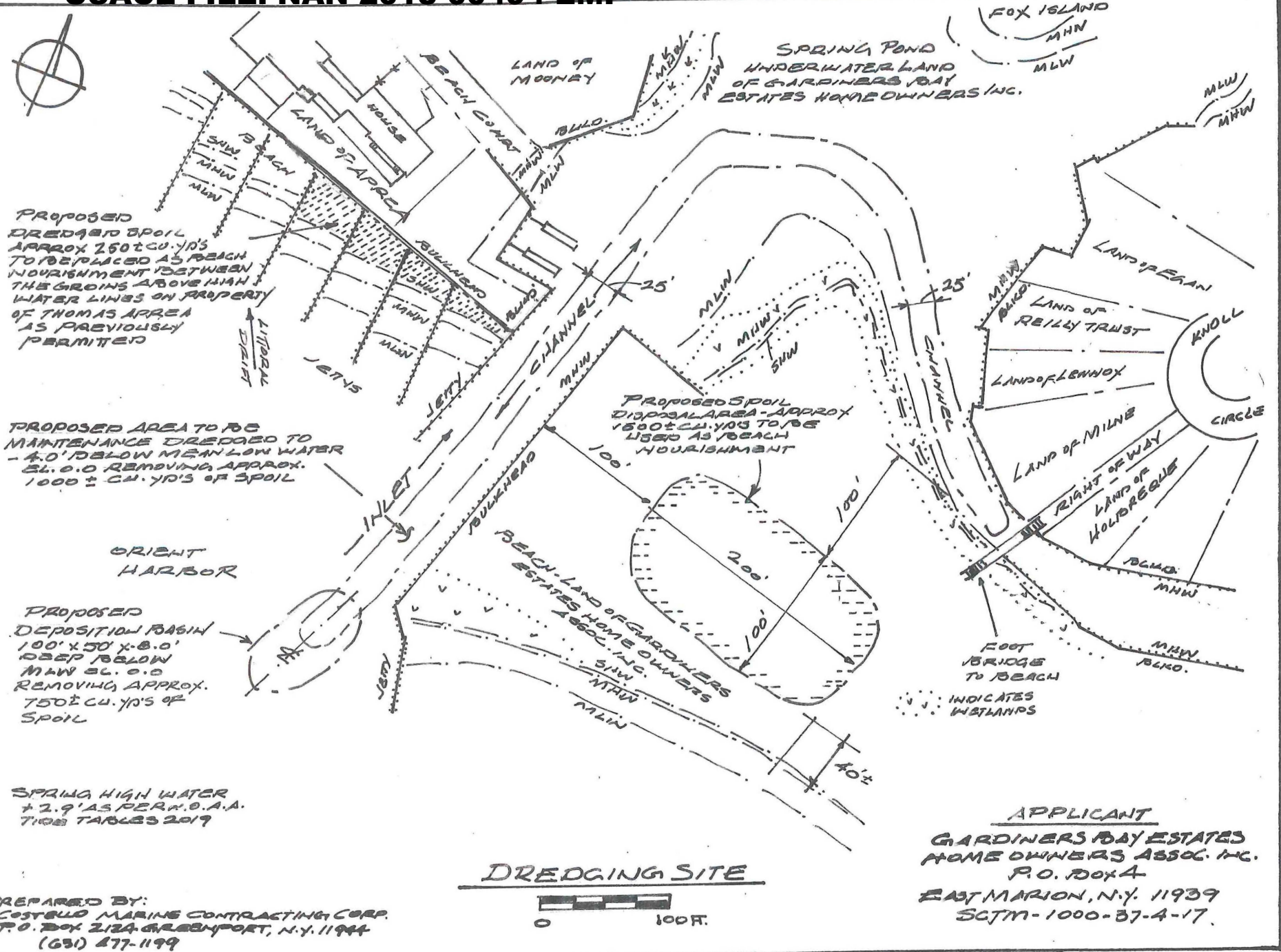


GARDINERS BAY ESTATES HOME OWNERS ASSOCIATION INC.
 P.O. Box 4
 EAST MARION, N.Y. 11959

PREPARED BY:
 COSTELLO MARINE CONTRACTING CORP.
 P.O. Box 2124 GREENPORT, N.Y. 11944
 (609) 477-1199

7/19/2019

SHEET 5 OF 9



PROPOSED DREDGED SPOIL APPROX 250 ± CU. YD'S TO BE PLACED AS BEACH NOURISHMENT BETWEEN THE GROINS ABOVE HIGH WATER LINES ON PROPERTY OF THOMAS APREA AS PREVIOUSLY PERMITTED

PROPOSED AREA TO BE MAINTENANCE DREDGED TO -4.0' BELOW MEAN LOW WATER - EL. 0.0 REMOVING APPROX. 1000 ± CU. YD'S OF SPOIL

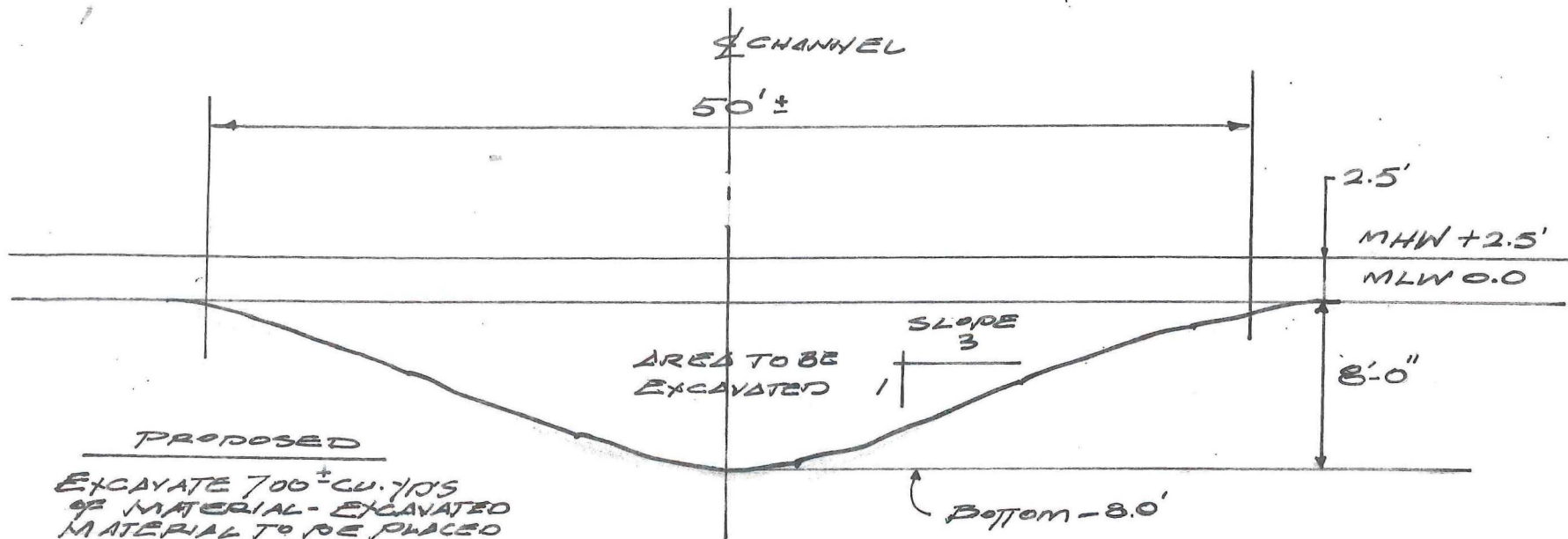
PROPOSED DEPOSITION BASIN 100' x 50' x 8.0' DEEP BELOW MHW EL. 0.0 REMOVING APPROX. 750 ± CU. YD'S OF SPOIL

SPRING HIGH WATER + 2.9' AS PER N.O.A.A. TIDES TABLES 2019

DREDGING SITE

PREPARED BY:
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124 GREENPORT, N.Y. 11944
 (631) 477-1199

APPLICANT
 GARDINERS BAY ESTATES HOME OWNERS ASSOC. INC.
 P.O. BOX 4
 EAST MARION, N.Y. 11939
 SCTM-1000-37-A-17.



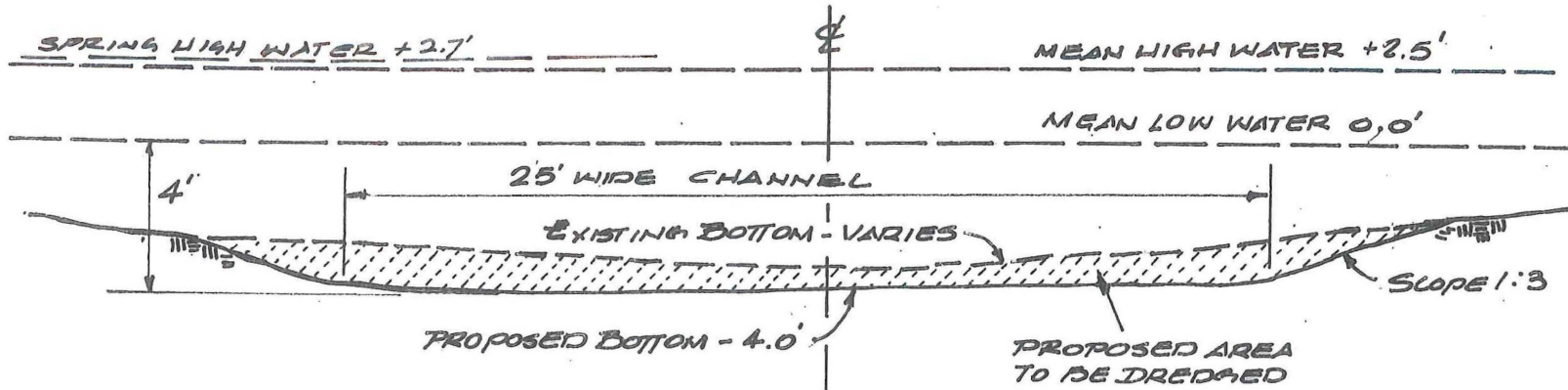
PROPOSED
EXCAVATE 700[±] CU. YDS
OF MATERIAL - EXCAVATED
MATERIAL TO BE PLACED
ON BEACH AS BEACH
NOURISHMENT ON N/E
AND S/W BEACH AREAS
SEE DETAILS SHEETS
NO 5 & 9

PROFILE - DEPOSITION BASIN

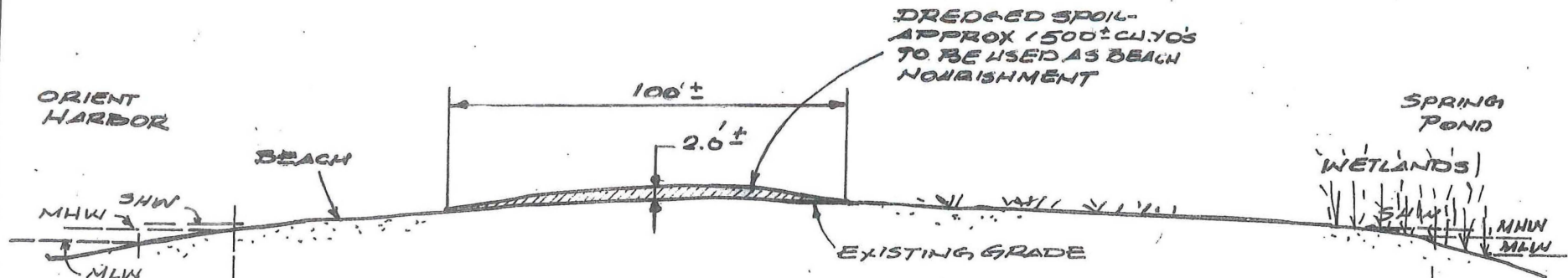


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APPLICANT
GARDINERS BAY ESTATES
HOME OWNERS ASSOC. INC.
P.O. Box 4
EAST MARION, N.Y. 11939
SCTM-1000-37.4.17



DREDGING PROFILE (TYPICAL)



NORTH-EAST BEACH AREA PROFILE

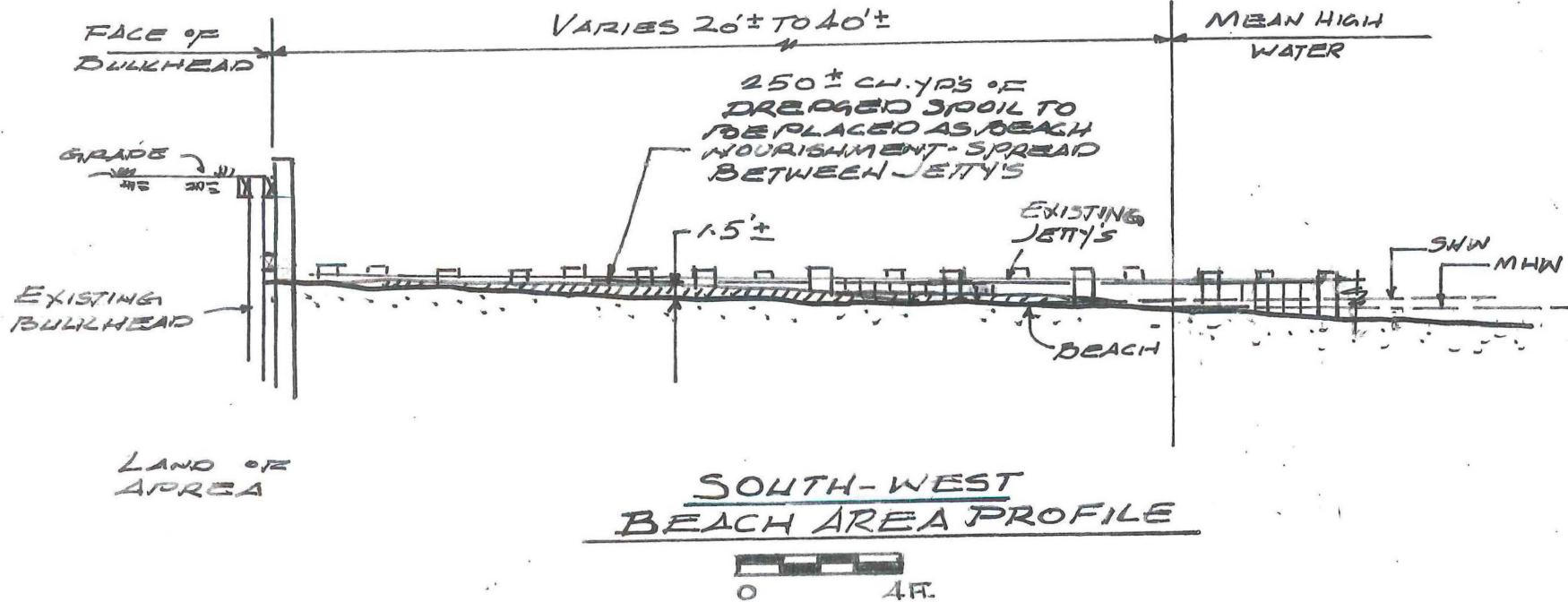


SPRING HIGH WATER 2.7' AS PER N.O.A.A. TIDE TABLES 2019

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APPLICANT
 GARDINERS BAY ESTATES HOME OWNERS ASSOCIATION INC.
 P.O. BOX 4
 EAST MARION, N.Y. 11939
 SGTM 1000-87-4-17
 7/19/2019

SHEET 8 OF 9



SPRING HIGH WATER
+2.7' AS PER N.O.A.A.
TIDE TABLES 2019

APPLICANT

GARDINERS BAY ESTATES
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SCTM-1000-37-4-17

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