



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-2019-00427-ESW**

Issue Date: **July 1, 2020**

Expiration Date: **August 1, 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: Tilcon New York Inc.
Attn: Kyle McLoone
9 Entin Road
Parsippany, New Jersey 07054

ACTIVITY: 10-year maintenance dredging

WATERWAY: Port Jefferson Harbor

LOCATION: 300 Beach Street, Village of Port Jefferson, Town of Brookhaven, 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

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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 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

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with, the approved state coastal zone management program. In a letter dated September 19, 2019, the Department of State issued a "General Concurrence" letter with a recommendation of, ""Dredging to maintain existing boat channels should be scheduled between September 15 and December 15 to minimize adverse effects on aquatic organisms, and to allow for dredged material placement when wildlife populations are least sensitive to disturbance".

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, or you would like to submit electronic comments, you may contact Amanda Regan, of this office, at (917) 790-8618 or e-mail Amanda.M.Regan@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 Regulatory Program, visit our website at <http://www.nan.usace.army.mil/Missions/Regulatory>.



for: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

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WORK DESCRIPTION

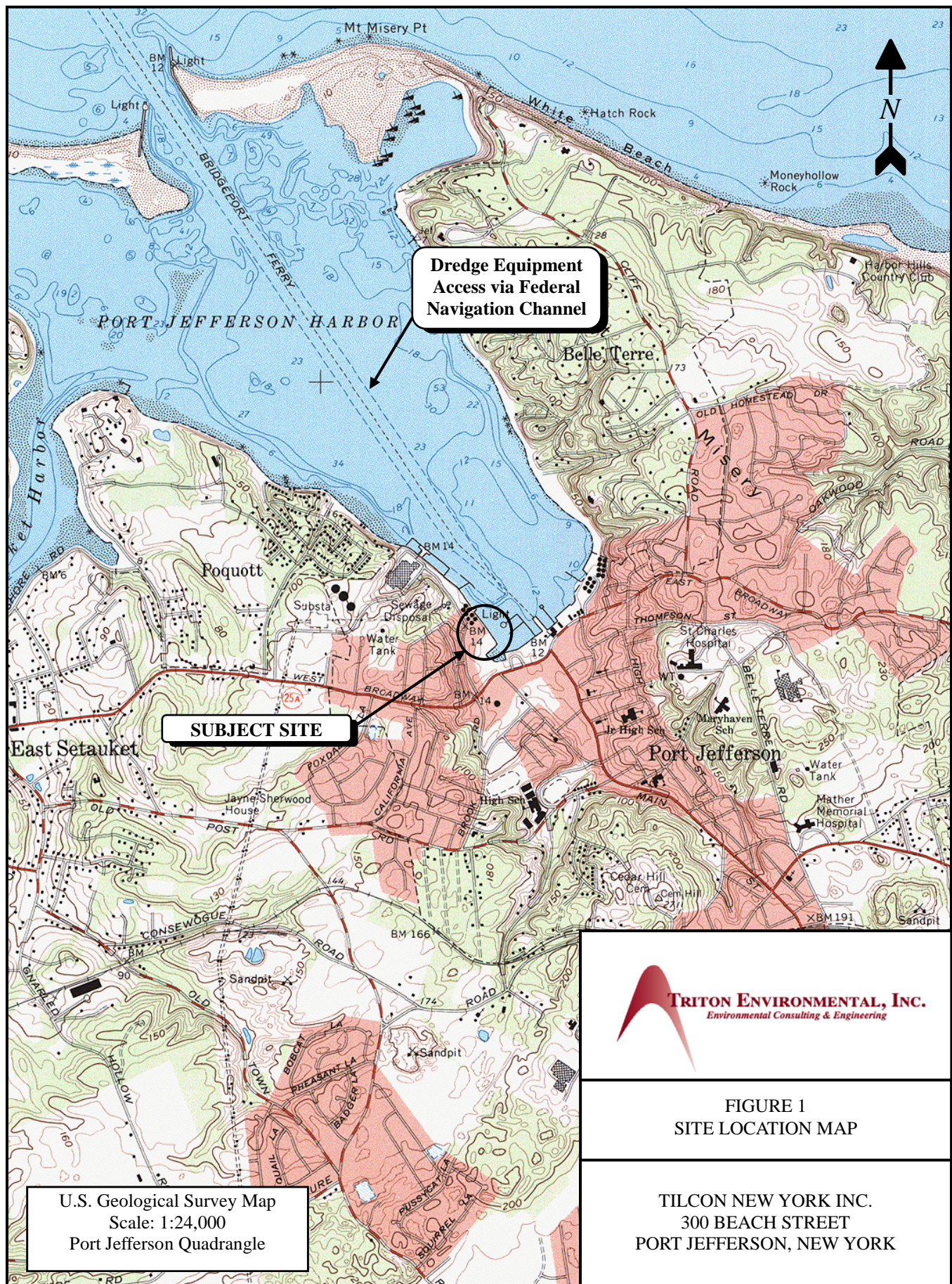
The applicant, Tilcon New York, Inc., has requested Department of the Army (DA) authorization to dredge, with ten years maintenance, Port Jefferson Harbor. The project site is located at 300 Beach Street in the Village of Port Jefferson, Town of Brookhaven, Suffolk County, New York.

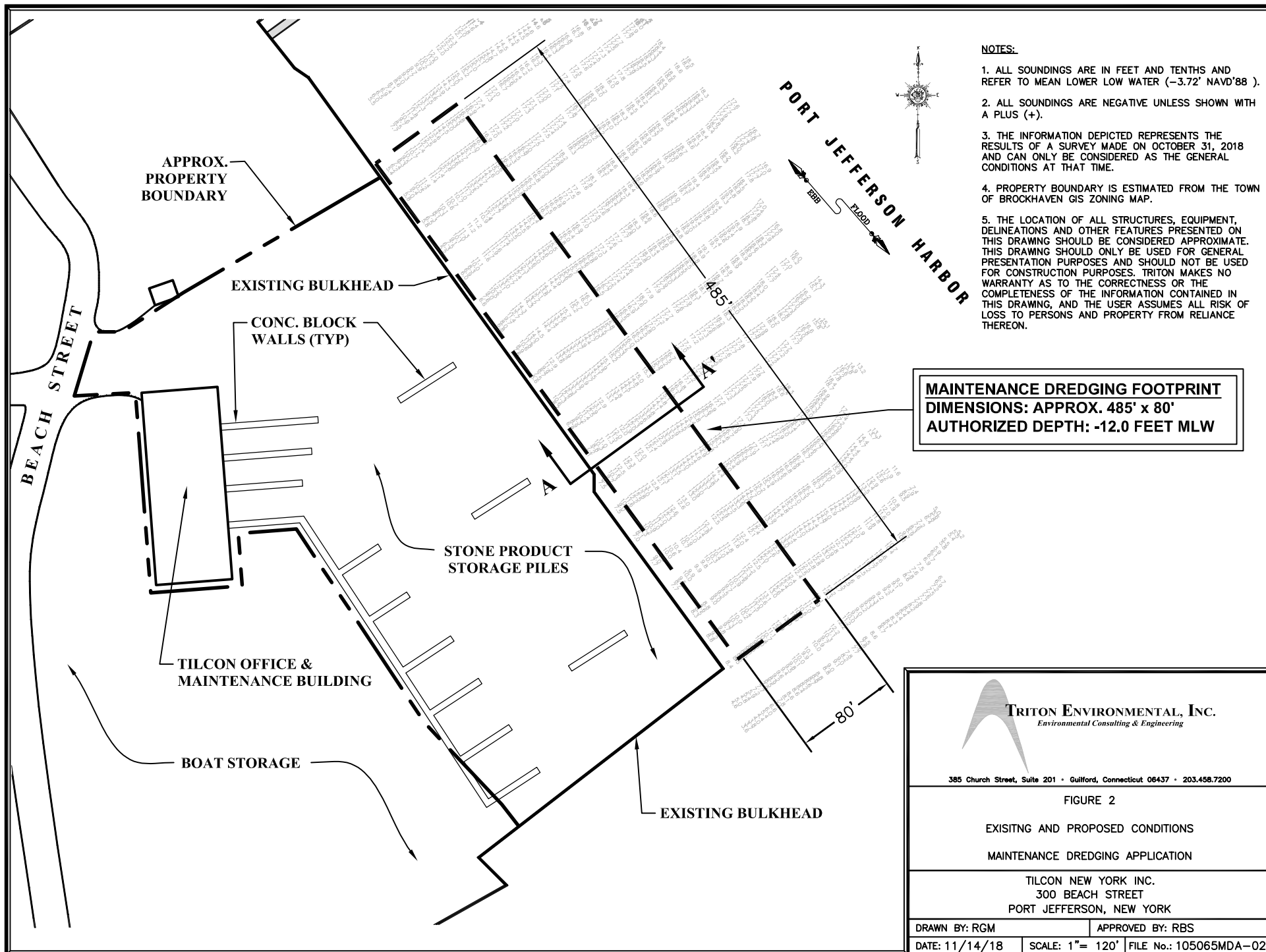
The proposed work would include mechanical dredging of a total of approximately 38,800 cubic yards of a 36,000 square foot area (0.83 acres) that was previously dredged. The material will be dredged with a clamshell bucket and will include annual dredge events (up to ten maintenance events total) over a ten-year period with removal of approximately 2,000 cubic yards of material during each event. The material would be dredged from an 80-foot-wide by 450-foot-long area to a depth of -12 feet below the plane of Mean Low Water (MLW) NAVD 88. The material would be placed upland on site for dewatering with return flow to the waterway.

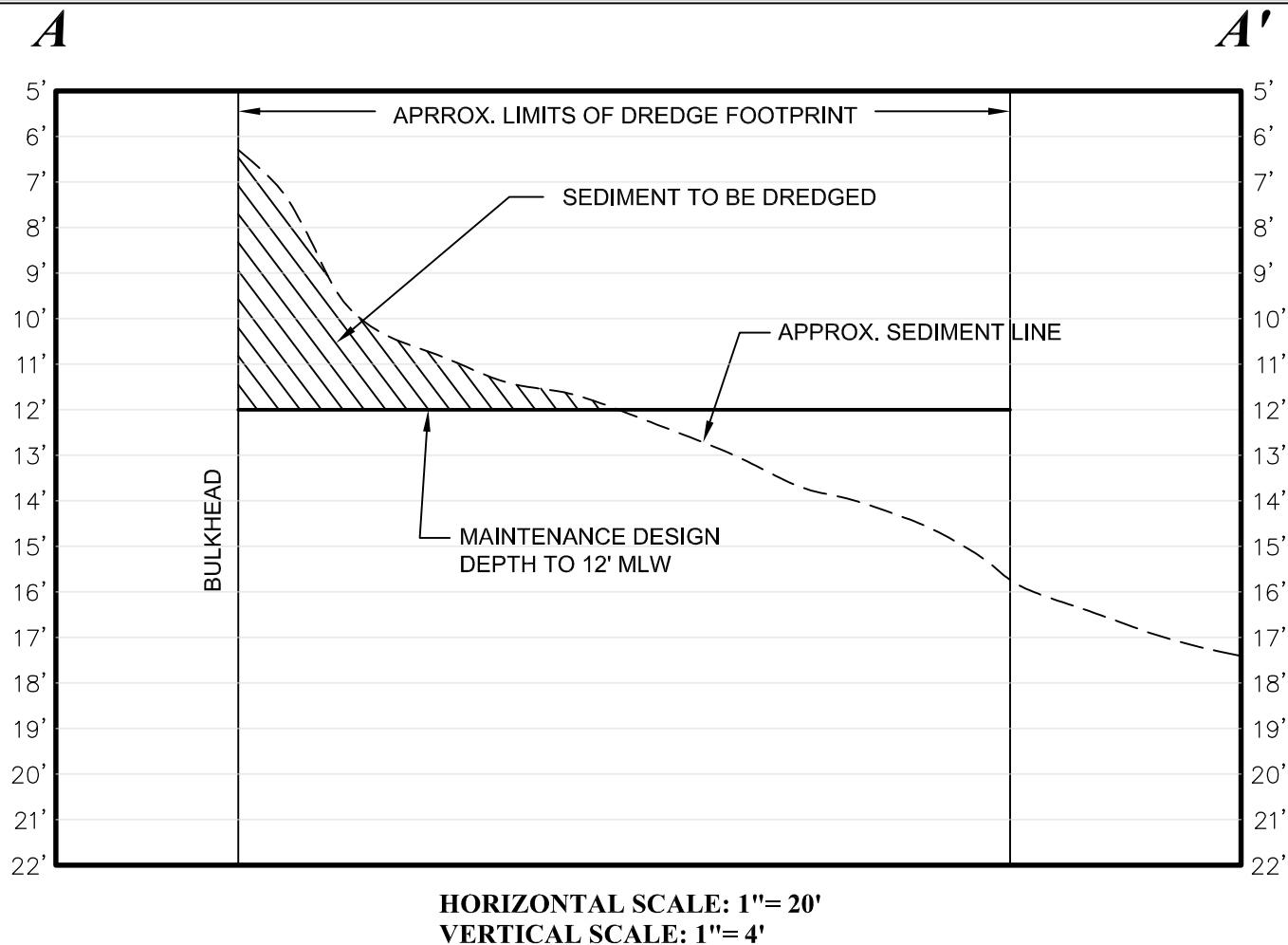
In accordance with the state Water Quality Certificate, the applicant is proposing to reuse suitable dewatered material on site and dispose of the unsuitable material at a state approved upland disposal facility.

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 achieve the project purpose. Additionally, the applicant would utilize a turbidity curtain around the work area to minimize interaction with aquatic species.

The stated purpose of this project is to provide adequate depths for safe navigation in the waterway.







NOTES:

1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (-3.72' NAVD'88).
2. ALL SOUNDINGS ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+).



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 Environmental Consulting & Engineering

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FIGURE 3

CROSS SECTION A-A'

MAINTENANCE DREDGING APPLICATION

TILCON NEW YORK INC.
 300 BEACH STREET
 PORT JEFFERSON, NEW YORK

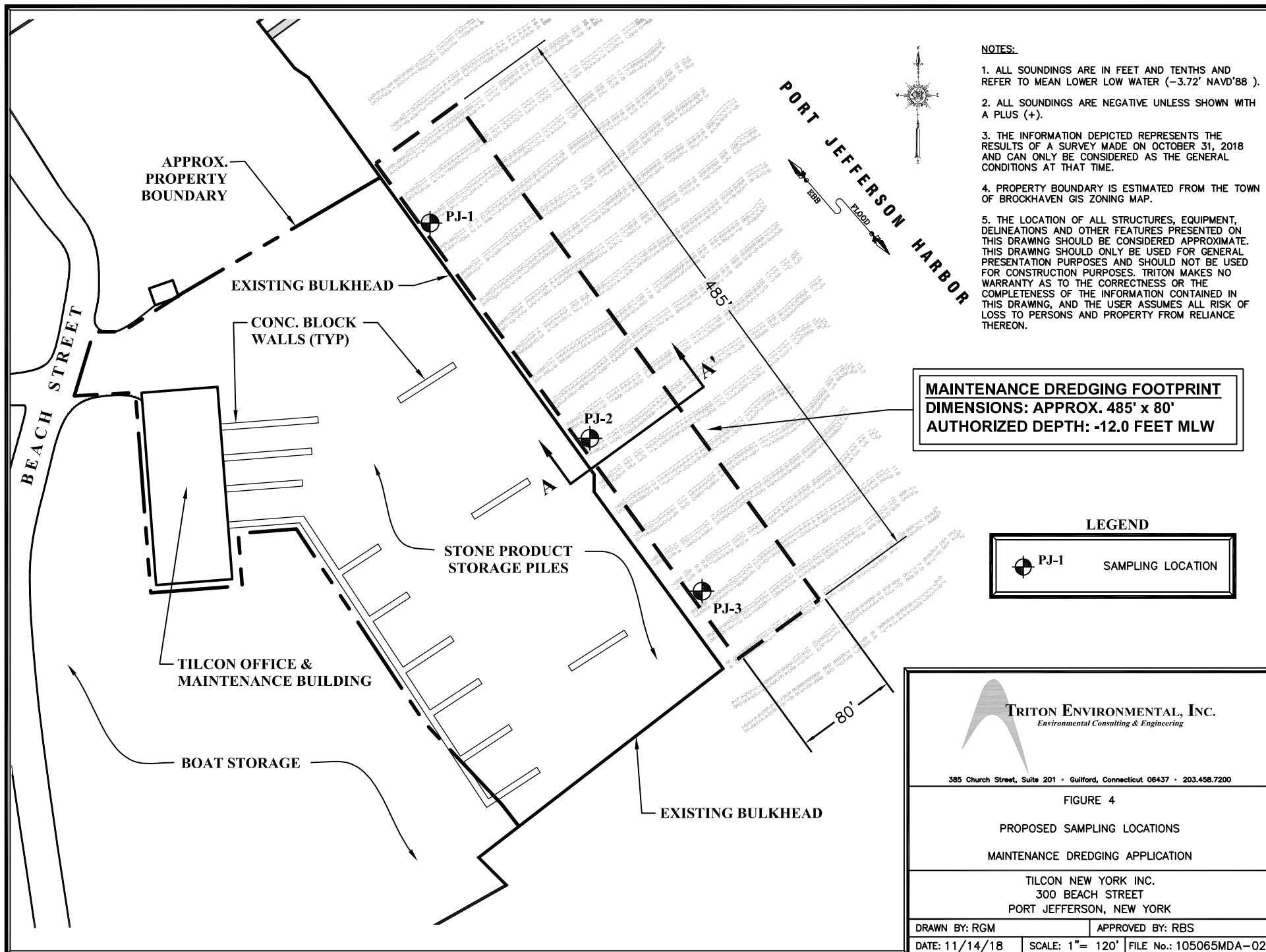
DRAWN BY: RGM

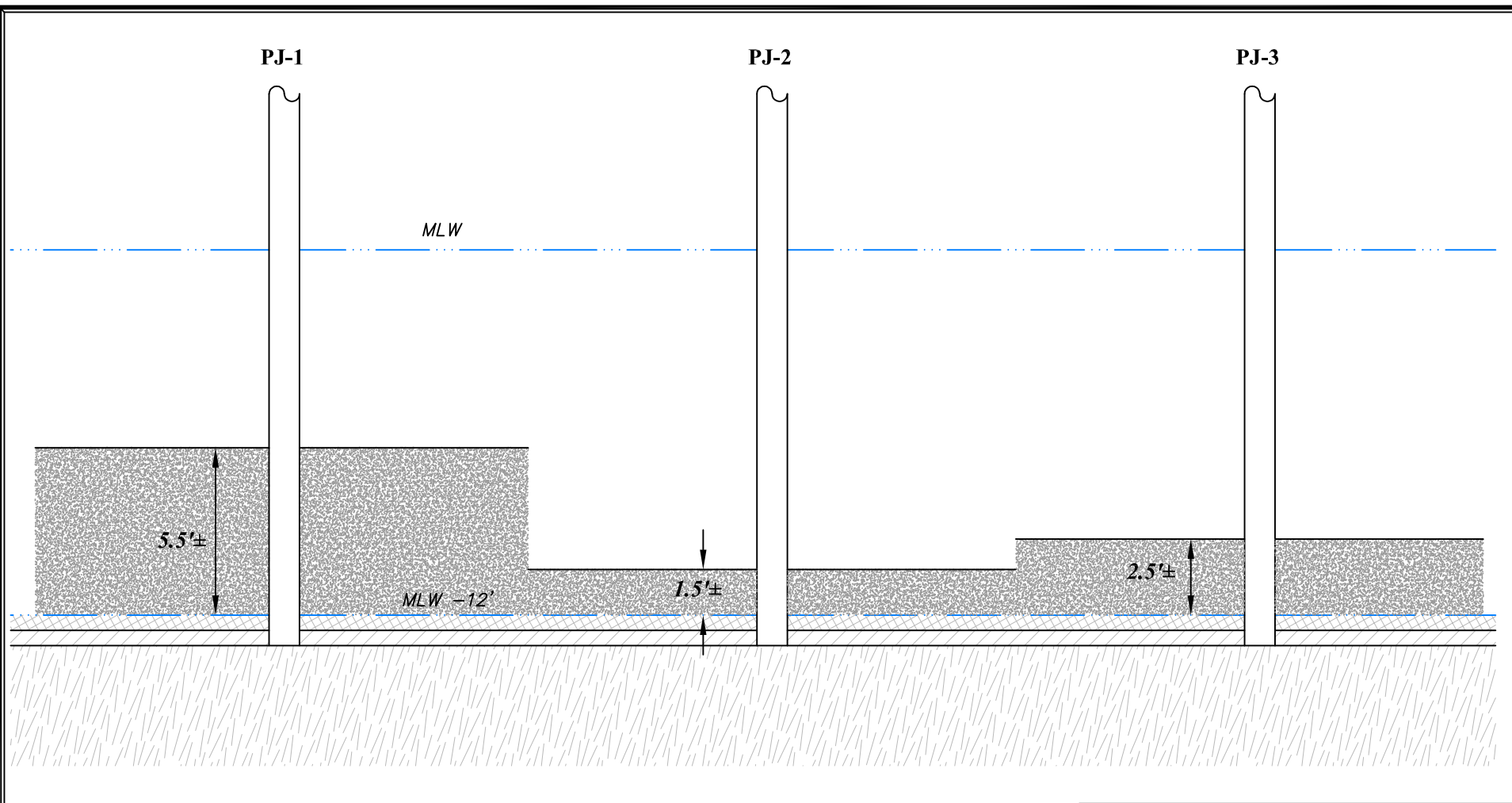
APPROVED BY: RBS

DATE: 11/14/18

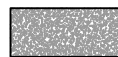
SCALE: 1"= 120'

FILE No.: 105065MDA-02





LEGEND



MATERIAL TO BE DREDGED



MATERIAL TO BE EXPOSED
(0"–6" BELOW DREDGE DEPTH)



MATERIAL TO BE EXPOSED
(>6"–12" BELOW DREDGE DEPTH)

NOTES:

1. THE LOCATION OF ALL STRUCTURES, EQUIPMENT, DELINEATIONS AND OTHER FEATURES PRESENTED ON THIS DRAWING SHOULD BE CONSIDERED APPROXIMATE. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. TRITON MAKES NO WARRANTY AS TO THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION CONTAINED IN THIS DRAWING, AND THE USER ASSUMES ALL RISK OF LOSS TO PERSONS AND PROPERTY FROM RELIANCE THEREON.



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FIGURE 5

PROPOSED SAMPLING CROSS SECTIONS

MAINTENANCE DREDGING APPLICATION

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300 BEACH STREET
PORT JEFFERSON, NEW YORK

DRAWN BY: RGM

APPROVED BY: RBS

DATE: 11/14/18

SCALE: 1" = 120'

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