



# 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-2020-00839-EMI**

Issue Date: October 6, 2020

Expiration Date: November 5, 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: Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, NY 11980

WATERWAY: Mud Creek (Entrance to Broadwater Cove)

LOCATION: Dredge Location: Mud Creek

Dredge Material Placement Location: Cutchogue Harbor shoreline east and west of the Mud Creek entrance channel in Cutchogue, Town of Southold, Suffolk County, New York

ACTIVITY: Dredge with ten years maintenance with beach placement

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

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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, 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 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 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.

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

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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.

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. Please send all comments and questions concerning this application to [Christopher.W.Minck@usace.army.mil](mailto: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

## **WORK DESCRIPTION**

The applicant, Suffolk County Department of Public Works (SCDPW), has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at designated beach placement areas. The project is located at Mud Creek (Entrance to Broadwater Cove), a tributary of Cutchogue Harbor in Cutchogue, Town of Southold, Suffolk County, New York.

Dredge with ten-years maintenance, by hydraulic dredge, approximately 5,000-cubic yards (CY) of material from an approximately 100-foot-wide by 700-feet-long area. The total dredging area is approximately 70,000-square feet (approximately 1.60 acres) and extends to a maximum depth of 6-feet-below the plane of Mean Low Water (MLW). The approximate slope of the channel would be 1 to 3. The dredged material would be placed at designated beach placement areas via a floating pipeline, to sites located in the vicinity of the dredging area on the Cutchogue Harbor shoreline in Cutchogue, Town of Southold, Suffolk County, New York. The floating dredge pipeline would be submerged at channel crossings to accommodate vessels transiting between Mud Creek and Cutchogue Harbor.

Approximately 1,275 CY of the estimated total dredge volume of 5,000 CY would be placed below the Plane of Spring High Water (SHW); the approximate area of fill below SHW at the beach placement sites is 34,500-square feet (approximately 0.79 acres). The remaining approximately 3,125 CY would be placed landward of SHW. The placement area to the west begins approximately 435-linear-feet west of the dredging area and extends approximately 475-linear-feet west. The placement area to the east is located approximately 160-linear-feet east of the dredging area and extends east approximately 700-linear-feet.

In addition to hydraulic dredging, mechanical dredging is proposed to supplement hydraulic dredging as needed. Mechanical dredging would be conducted using a long-reach excavator seaward of East Road along the shoreline located west of the channel entrance of Mud Creek. Excavator access would be from Pequash Street. Dredged material would be temporarily stockpiled immediately adjacent to the excavator, and then moved to the western beach placement above SHW and graded to match the existing beach profile. Up to 2,500 CY of sand may be removed during mechanical dredging events. The duration of the dredging activity would be approximately two (2) weeks. The applicant plans to conduct four (4) additional dredging events within the ten-year maintenance period removing similar volumes of material from within the same dredging area with beach placement at the above referenced areas.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation of Mud Creek. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a hydraulic dredge and floating pipeline. The use of a hydraulic dredge and floating pipeline would provide the cleanest and least obtrusive method for sediment removal and transport, minimizing to the greatest extent possible any potential adverse effects to the aquatic environment.

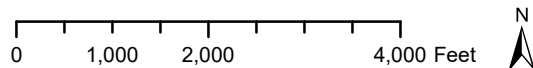
The stated purpose of this project is to maintain the entrance channel of Mud Creek to provide safe navigation for recreational marine vessels, as well as to provide sand nourishment for the Cutchogue Harbor shoreline for erosion and flood protection.





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SOURCE: SOUTHOLD USGS QUADRANGLE o41072a4



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HUNTINGTON STATION, NEW YORK

APPLICATION BY COUNTY OF SUFFOLK  
JOSEPH T. BROWN, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

## MAINTENANCE DREDGING AT:

MUD CREEK  
(ENTRANCE TO BROADWATER COVE)  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

DATE: JULY 2020

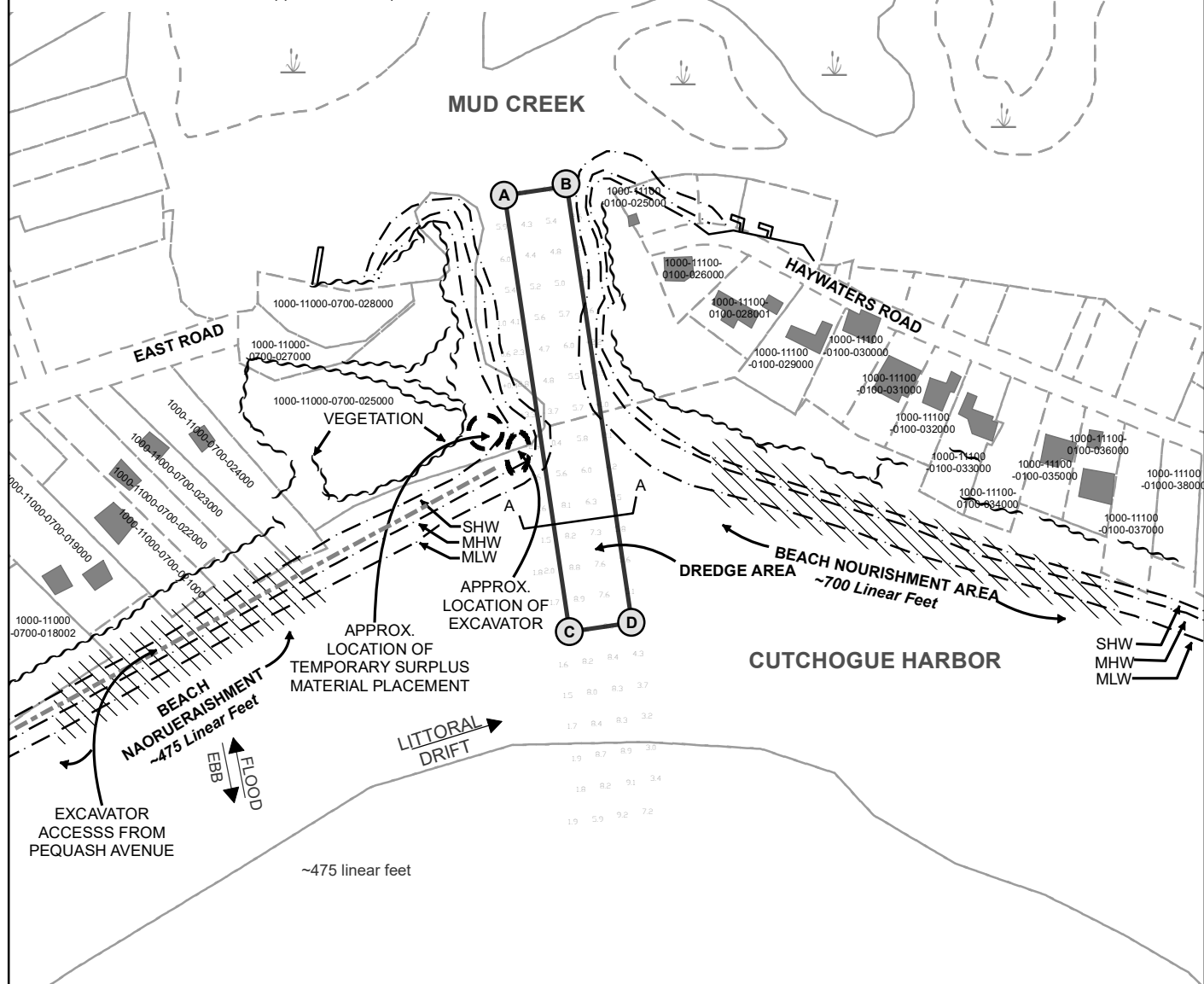
SHEET 1 OF 4

## GENERAL NOTES:

1. TYPE OF DREDGING: Maintenance
2. METHOD OF DREDGING: Hydraulic/Mechanical
3. APPROX. AMOUNT TO BE DREDGED: 5,000 cu. yds.
4. TYPE OF MATERIAL TO BE DREDGED: Sand
5. MATERIAL PLACEMENT LOCATION: Beach nourishment area east and west of channel
6. NAVIGATION CHANNEL DIMENSIONS: 700'L x 100'W x - 6'D MLW
7. SURVEY PROVIDED BY SCDPW, Datum: NGVD 29 Mean Low Water
8. EXISTING SHORELINE AND TIDAL AREAS DRAWN FROM AERIAL:  
Due to coastal vegetation and hard structures, tidal lines such as SHW, are not apparent along certain shoreline sections
9. AMOUNT OF MATERIAL TO SETTLE BELOW SHW: Up to approx. 1,275 cu. yds.
10. AREA OF FILL BELOW SHW: Approx. 34,500 sq. ft.

## DREDGE AREA COORDINATES

A	72° 27' 37.53" W	41° 0' 31.26" N
B	72° 27' 36.25" W	41° 0' 31.42" N
C	72° 27' 36.34" W	41° 0' 24.40" N
D	72° 27' 35.05" W	41° 0' 24.53" N



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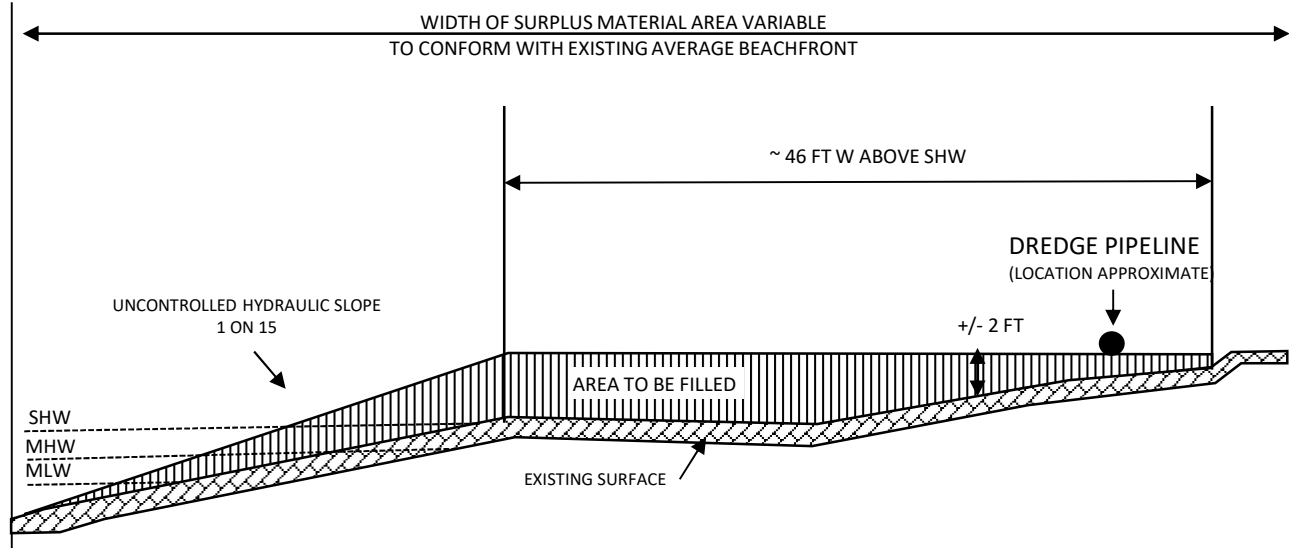
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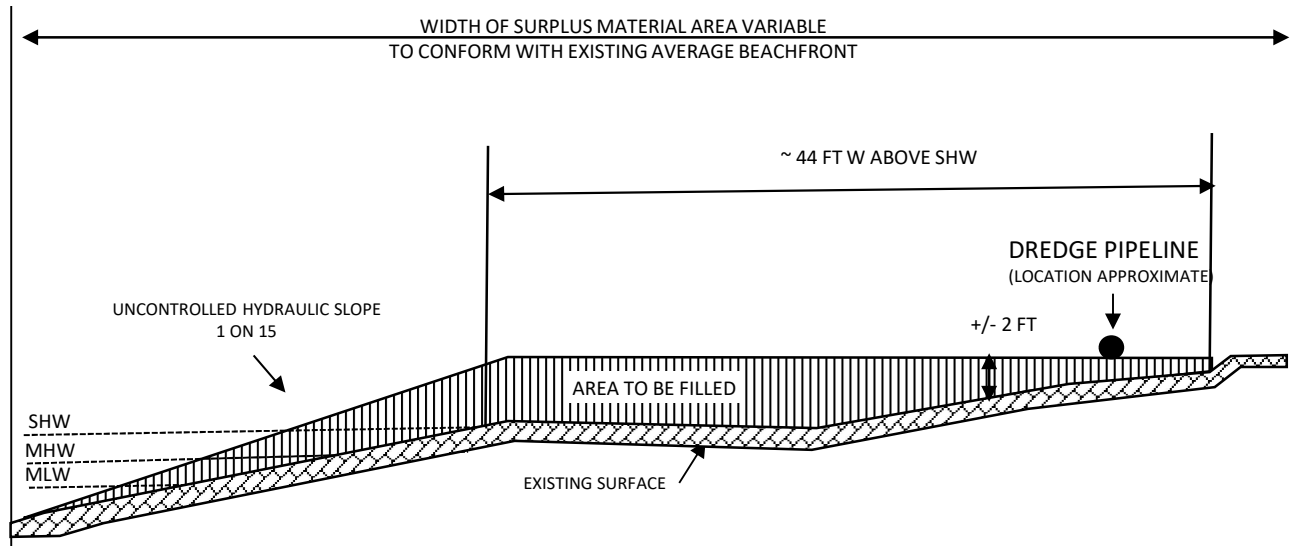
MUD CREEK  
(ENTRANCE TO BROADWATER COVE)  
TOWN OF SOUTHBOLD  
SUFFOLK COUNTY, NEW YORK

DATE: JULY 2020

SHEET 2 OF 4



**TYPICAL BEACH NOURISHMENT SECTION – EAST SIDE**  
 APPROXIMATELY 2,500 C.Y.  
 N.T.S.



**TYPICAL BEACH NOURISHMENT SECTION – WEST SIDE**  
 APPROXIMATELY 2,500 C.Y.  
 N.T.S.



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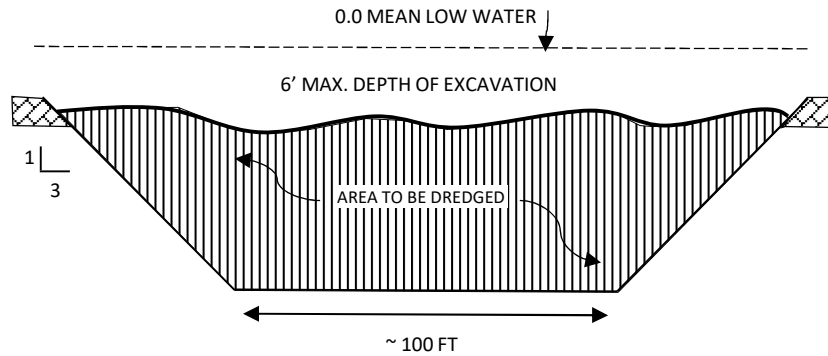
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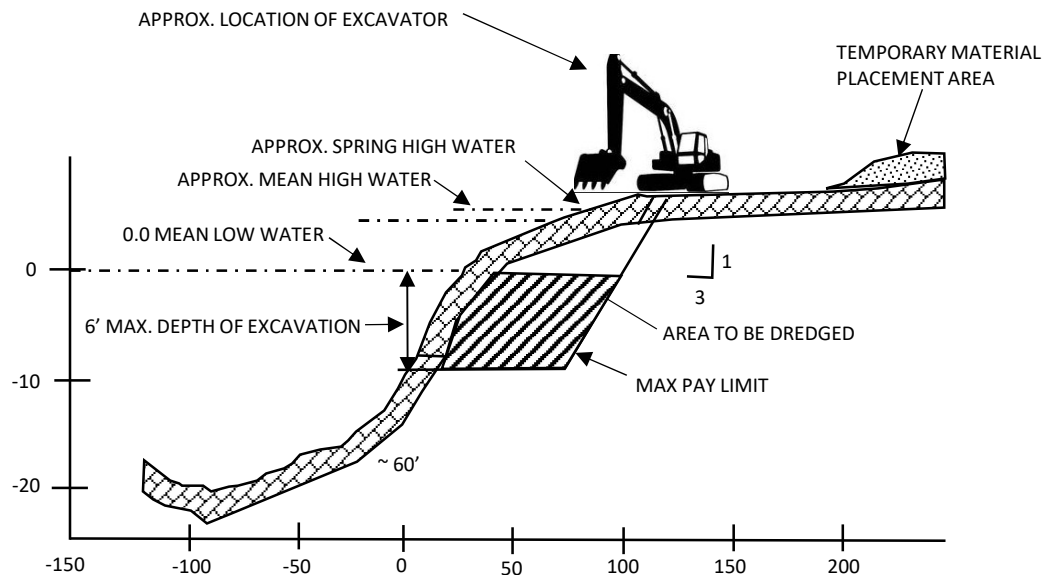
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TYPICAL CHANNEL SECTION A-A

N.T.S.



MECHANICAL DREDGE CROSS SECTION

N.T.S.



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