



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-2020-00995-EMI**
Issue Date: **October 30, 2020**
Expiration Date: **November 29, 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: East Hampton Town Trustees
P.O. Box 7073
Amagansett, New York 11930

ACTIVITY: Maintenance Dredge with ten years maintenance with beach placement

WATERWAY: Fresh Pond

LOCATION: Dredge Location: Channel between Fresh Pond and Napeague Bay

Dredge Material Placement Location: Napeague Bay shoreline east of the Fresh Pond channel in Amagansett, Town of East Hampton, 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.

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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 has a federally approved coastal zone management program, the applicant has certified in the

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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.

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, East Hampton Town Trustees, 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 Fresh Pond, a tributary of Napeague Bay, in Amagansett, Town of East Hampton, Suffolk County, New York.

The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by excavator or long reach excavator, approximately 2,200-cubic yards (CY) of shoaled material from an approximately 40-foot-wide by 700-foot-long channel and an approximately 75-foot diameter semi-circular sand trap on the west side of the channel. The total dredging area is approximately 28,000 square feet (approximately 0.64 acres) and extends to a maximum depth of two-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 areas via bulldozer or bobcat, to sites located east of the dredging area on the Napeague Bay shoreline in Amagansett, Town of East Hampton, Suffolk County, New York.

Approximately 1,245 CY of the estimated dredge volume of the total estimated dredge volume of 2,200 CY would be placed below the plane of Spring High Water (SHW); the approximate area of fill below SHW at the beach placement site is approximately 20,000-square feet (approximately 0.45 acres). The remaining approximately 955 CY would be placed landward of SHW. The placement areas are located east of the dredge area and is split into two approximately 50-foot-wide by 200-foot-long sections and one approximately 25-foot-wide by 200-foot-long section. Dewatering of dredged material will occur in beach placement area C with return flow to the waterway.

The applicant plans to conduct five (5) additional dredging events within the ten-year maintenance dredging period removing a maximum of approximately 2,200 CY per event from within the same dredging area with beach placement at the above referenced area.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a land-based excavator and installing turbidity curtains around both ends of the channel.

The purpose of this project is to improve tidal water exchange with the pond to improve water quality.



EAST HAMPTON TOWN TRUSTEES
SUFFOLK COUNTY, NEW YORK

FRANCIS BOCK, CLERK
BILL TAYLOR, DEPUTY CLERK
JIM GRIMES, DEPUTY CLERK
JOHN ALDRED, TRUSTEE
BEN DOLLINGER, TRUSTEE
RICK DREW, TRUSTEE
TIM GARNEAU, TRUSTEE
MIKE MARTINSEN, TRUSTEE
SUSAN MCGRAW KERBER, TRUSTEE

SHEET C1	SCALE AS NOTED	ISSUE REV 0 04/07/2020	DRAWING VICINITY MAP	FRESH POND INLET MAINTENANCE DREDGING AMAGANSETT, NY AN EAST HAMPTON TOWN TRUSTEE PROJECT	D.B. Bennett, P.E., P.C. Consulting Engineer 3 Railroad Avenue, P.O. Box 1442 East Hampton, NY 11937 631-907-0023 (T) 631-329-0324 (F)
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DREDGE SUMMARY:
DREDGE AREA: 700' X 40' (UP TO 28,000 SF)

EXCAVATION:	BELOW MHW	ABOVE MHW	TOTAL
	1875 CY	325 CY	2200 CY
DISPOSAL:	BELOW SPRING HW	ABOVE SPRING HW	TOTAL
	1245 CY	955 CY	2200 CY

DREDGE SEDIMENT DEPOSIT AREA

A - 925 CY CAPACITY

B - 370 CY CAPACITY

C - 905 CY CAPACITY

SPRING HIGH WATER (0.96' NAVD 88)

PROPOSED SILT CURTAIN

PROPOSED SAND TRAP

PROPOSED INLET DREDGING

STOCKPILE DEWATER

PROPOSED SAND PLACEMENT LOCATION

PROPOSED DOUBLE ROW OF SILT CURTAINS

LINE OF ACCESS

PROPOSED STAGING

SEPTEMBER 2019 AERIAL IMAGE

Fresh Pond Rd

Gross Hwy

300 ft

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FRESH POND INLET MAINTENANCE
DREDGING
AMAGANSETT, NY
AN EAST HAMPTON TOWN TRUSTEE PROJECT

DRAWING
EXISTING VS PROPOSED
INLET

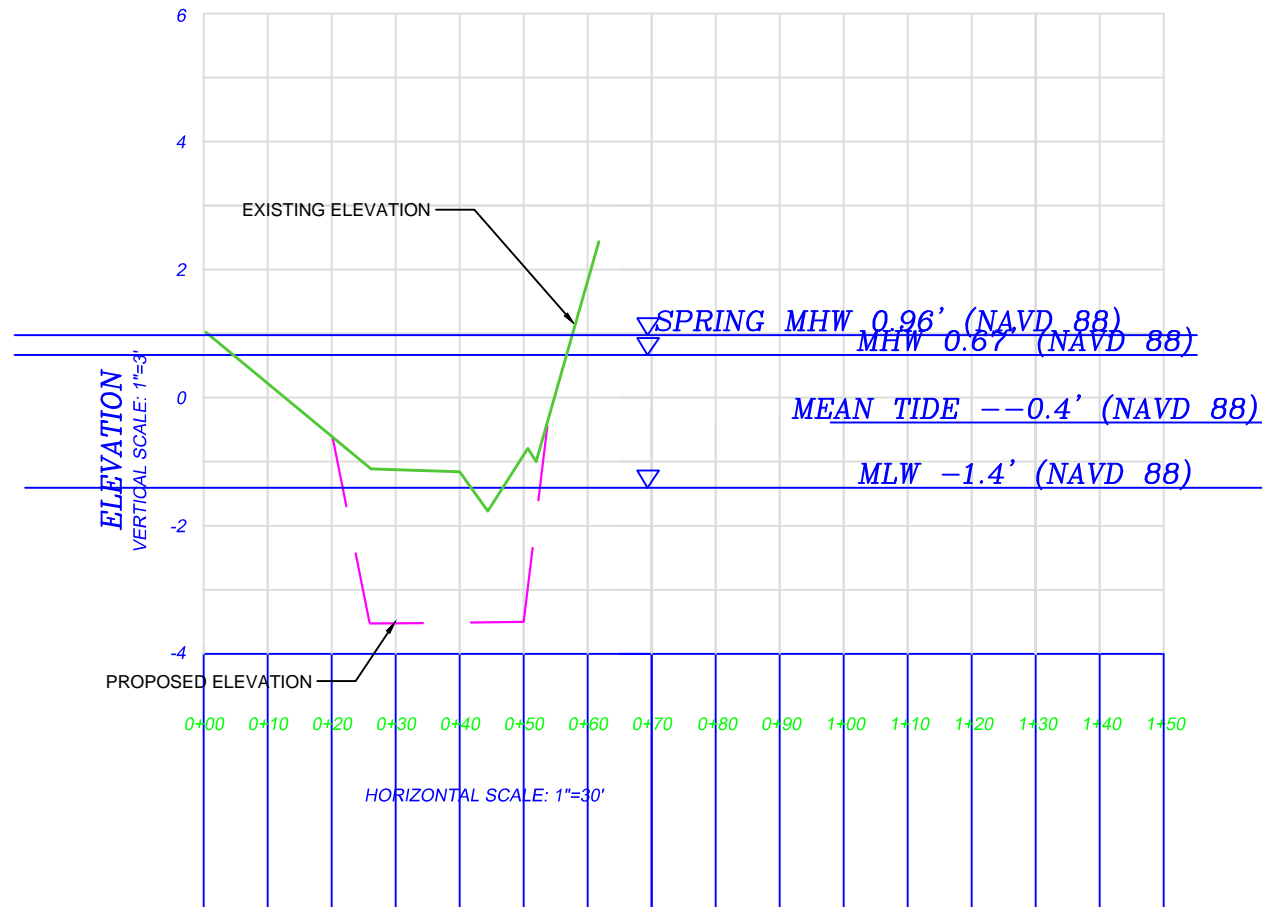
ISSUE
REV 0 04/07/2020

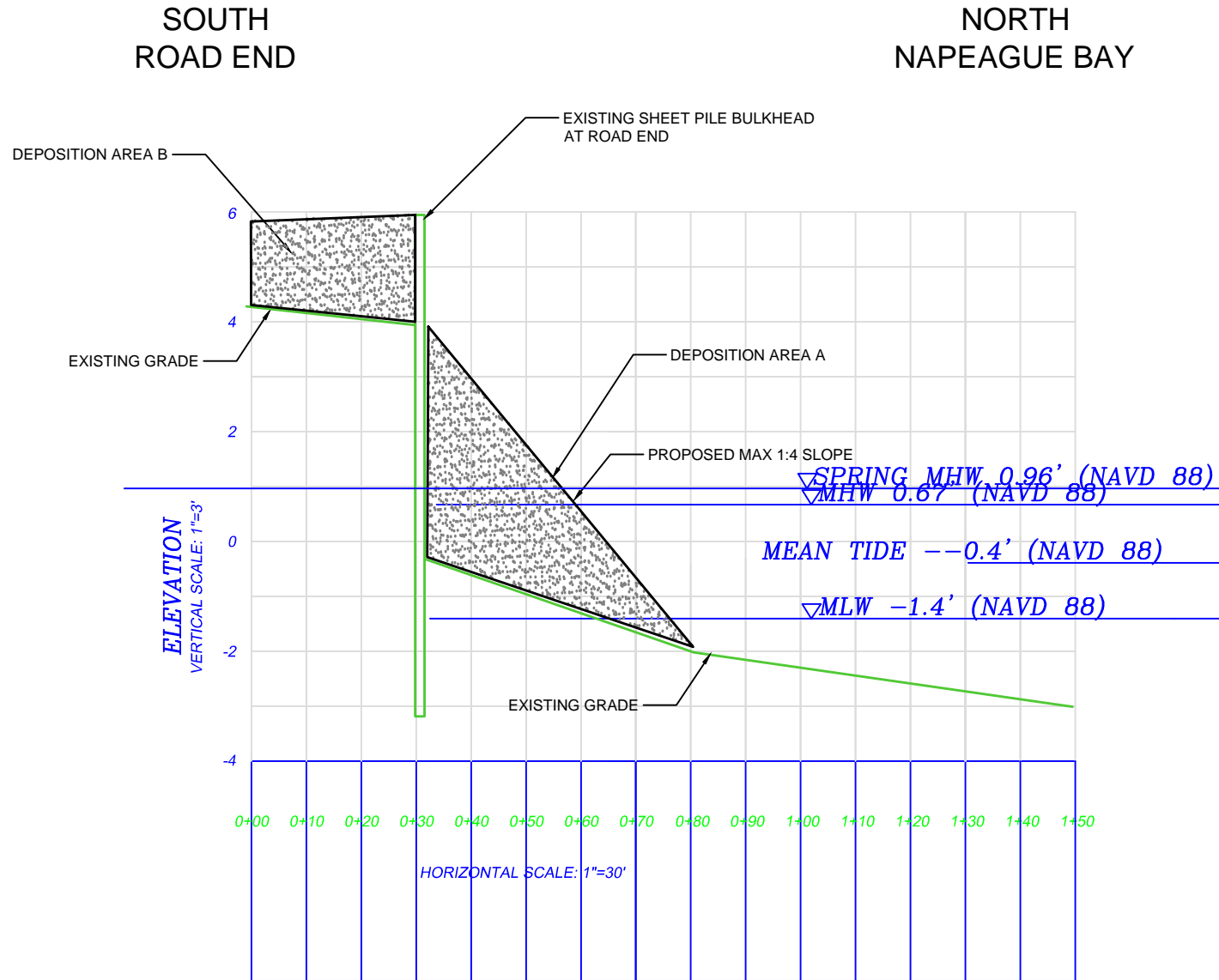
SCALE
1" = 150'

SHEET
C2

MAX SIDE SLOPE 1 RISE TO 3 RUN
PROPOSED BASE ELEVATION -2.3' (NAVD 88)

MHW +0.67' (NAVD 88)
MEAN TIDE -0.4' (NAVD 88)
MLW -1.4' (NAVD 88)





TYPICAL SECTION AT AREA A & B

D.B. Bennett, P.E., P.C. | Consulting Engineer
3 Railroad Avenue, P.O. Box 1442
East Hampton, NY 11937
631-907-0023 (T) 631-328-0324 (F)

**FRESH POND INLET MAINTENANCE
DREDGING**
AMAGANSETT, NY
AN EAST HAMPTON TOWN TRUSTEE PROJECT

DRAWING
**TYPICAL PROPOSED
DEPOSITION AREA SECTION**

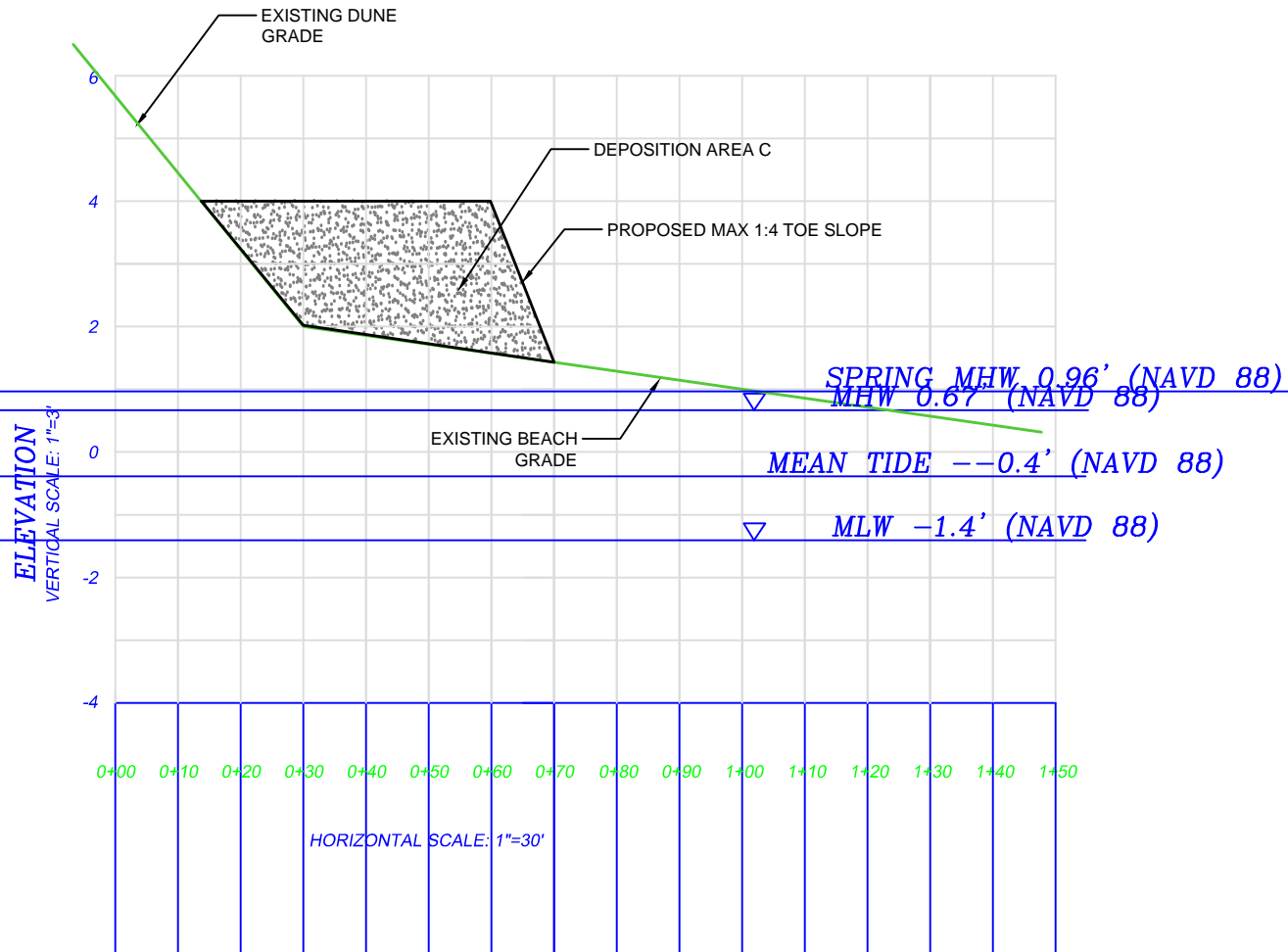
ISSUE
REV 0 04/07/2020

SCALE
1" = 30'

SHEET
C4

SOUTH
EXISTING DUNE

NORTH
NAPEAGUE BAY



TYPICAL SECTION AT AREA C

D.B. Bennett, P.E., P.C. | Consulting Engineer
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FRESH POND INLET MAINTENANCE
DREDGING
AMAGANSETT, NY
AN EAST HAMPTON TOWN TRUSTEE PROJECT

DRAWING
TYPICAL PROPOSED
DEPOSITION AREA SECTION

ISSUE
REV. 0 04/07/2020

SCALE
1" = 30'

SHEET
C5