



JOINT PUBLIC NOTICE

US Army Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090
Attn: Regulatory Branch

State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 01606-5127

US Army Corps of Engineers New England District
696 Virginia Road
Concord, MA 01742-2751
Attn: Regulatory Branch

In replying refer to:
PN Number: NAN-2020-00894-EVI
Issue Date: **September 18, 2020**
Expiration Date: **October 18, 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: Village of Bayville
34 School Street
Bayville, New York 11709

ACTIVITY: Maintenance dredging with open-water disposal at the Western Long Island Sound Disposal Site (WLDS), bank stabilization activities and expansion of an existing marina

WATERWAY: Dredging: Mill Neck Creek, a tributary of Oyster Bay Harbor
Dredged Material Placement: Western Long Island Sound

LOCATION: Dredging: Village of Bayville, Town of Oyster Bay, Nassau County, New York

Dredged Material Placement: WLDS

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers-New York District, US Army Corps of Engineers-New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

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 the 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 Robert.T.Vietri@usace.army.mil 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, by writing to the District Engineer 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in

ocean waters, the evaluation of the impact of the activity in the public interest will also 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/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 76,000-square feet of EFH for the attached list of species and their life stages. Habitat at this site can be described as silt and sand. Loss of this habitat may adversely affect any of the attached list of species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Dredged material disposal is proposed for the Western Long Island Sound Disposal Site (WLDS). This is an open water site, which provides EFH for the listed species and their life stages as shown on the attached table. Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect any of the species listed on the attached sheet. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with NMFS regarding EFH 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 listed places located within the permit area. Presently unknown archaeological, scientific, 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 water quality certificates or waivers from the appropriate state

agencies 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, approved state coastal zone management programs. By this public notice, we are requesting states 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.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Barge overflow and decanting of dredged material will not occur during the dredging of this proposed project. Therefore, the only Section 404 activity involved in this application is the placement of the dredged material at the WLDS.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Land and Water Resources Division, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3019.

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) 790-8516 and ask for Robert T. Vietri, or email Robert.T.VietriW@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey 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, the Village of Bayville, has requested Department of the Army authorization to perform dredging, bank stabilization activities and the expansion of an existing marina in the Village of Bayville, Town of Oyster Bay, Nassau County, New York, with open-water disposal of the dredged material at the Western Long Island Sound Disposal Site (WLDS).

The proposed work involves mechanical dredging, via an environmental bucket dredge of approximately 12,045 cubic yards (CY) of material from an irregularly-shaped area totaling approximately 76,000 square feet (1.79 acres) to a maximum depth of 6-feet below the Plane of Mean Low Water (MLW). Decanting of excess water at the dredging site is not proposed. All dredged material is proposed for deposition in dump scows for transport and open-water placement at the WLDS.

The work includes the installation of an approximately 56-linear-foot bank stabilization consisting of approximately 21 CY of rip-rap located landward of the existing fixed pier and below the plane of Spring High Water.

Also proposed is the installation of a 4-foot-wide by 110-foot-long west-facing main float, secured by two (2) timber pilings extending off of an existing four-foot-wide by 63-foot-long float with eight (8) 2.5-foot-wide by 20-foot-long finger floats, four (4) facing north and four (4) facing south and each secured by a timber piling.

The stated purpose of this project is to provide safe navigation, mooring, shoreline stabilization and recreational access to the waterway.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts, to the maximum extent practicable, by limiting the dredging area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed dredging equipment and open-water dredged material placement.

Sampling and Testing:

Based on an evaluation of the data that characterize the material proposed to be dredged, the applicant has sampled and tested the areas to be dredged. The Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The Corps finds that placement at the WLDS would be suitable.

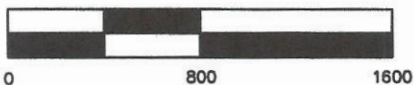
The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at this disposal site.



LOCATION MAP

PERMITTING AGENT
 DRU ASSOCIATES, INC.
 40 HITCHING POST LANE
 GLEN COVE, NY 11542
 PHONE 516-676-7107

1 inch = 800 ft.



LOCUS MAP
CREEK ROAD
 PREPARED FOR

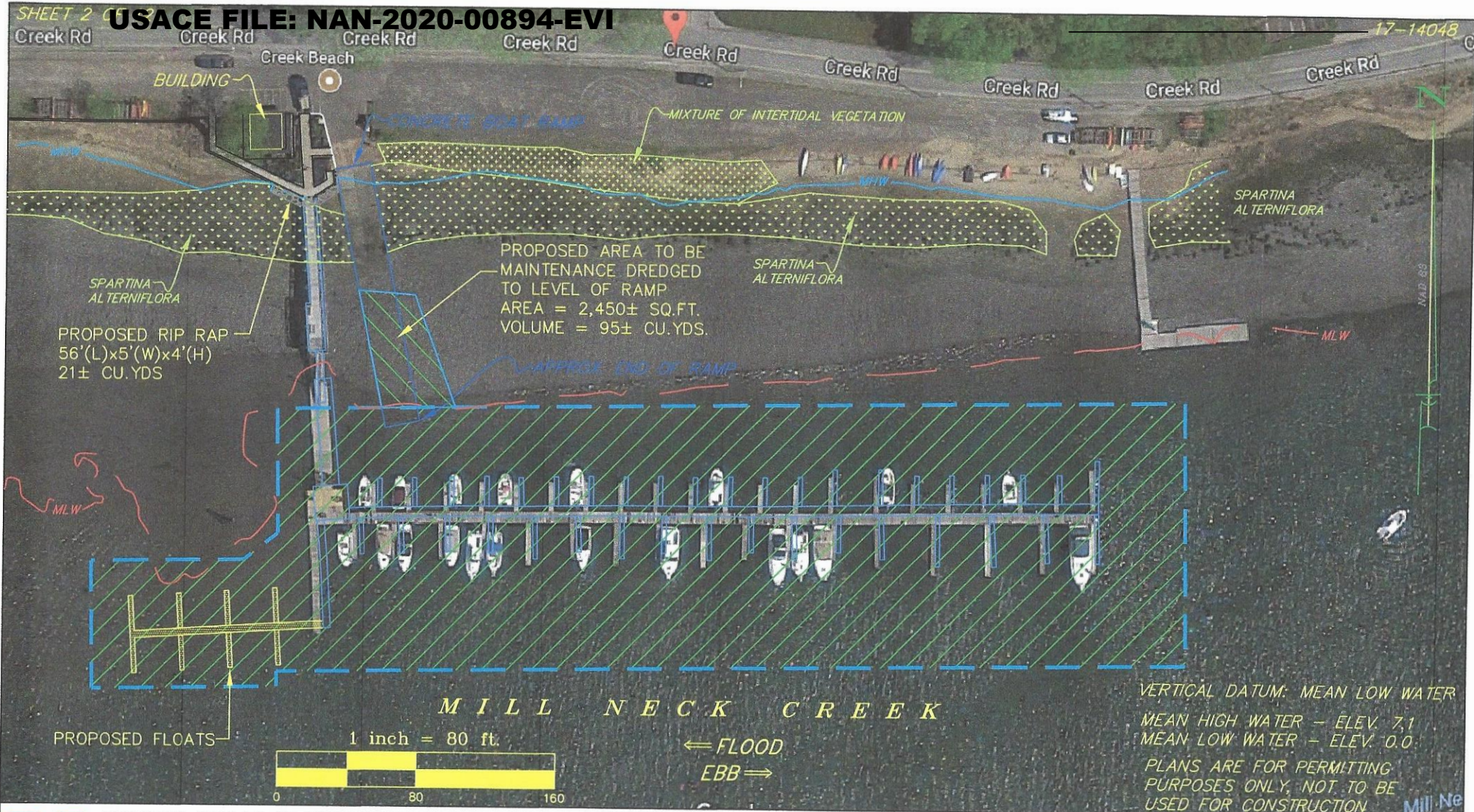
INC. VILLAGE OF BAYVILLE
 BAYVILLE, NEW YORK

SCALE: 1" = 800 FT. OCTOBER 19, 2017


REVISED: MAY 8, 2020


WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©



VERTICAL DATUM: MEAN LOW WATER
 MEAN HIGH WATER - ELEV. 7.1
 MEAN LOW WATER - ELEV. 0.0
 PLANS ARE FOR PERMITTING PURPOSES ONLY, NOT TO BE USED FOR CONSTRUCTION

 PROPOSED AREA TO BE MAINTENANCE DREDGED TO 6' BELOW MEAN LOW WATER
 PROPOSED AREA = 73,305± SQ.FT.
 PROPOSED VOLUME TO BE MAINTENANCE DREDGED TO 6' BELOW MEAN LOW WATER = 11,950± CU.YDS.

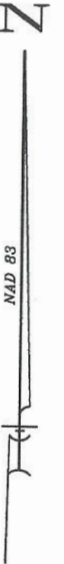
 PROPOSED AREA TO BE MAINTENANCE DREDGED TO LEVEL OF RAMP
 PROPOSED AREA = 2,450± SQ.FT.
 PROPOSED VOLUME TO BE MAINTENANCE DREDGED TO LEVEL OF RAMP = 95± CU.YDS.

PROPOSED TOTAL AREA TO BE MAINTENANCE DREDGED = 75,755± SQ.FT.
 PROPOSED TOTAL VOLUME TO BE MAINTENANCE DERDGED = 12,045± CU.YDS.

PROXIMITY MAP
 DEPICTING CREEK MARINA DREDGING PROJECT 2017
 CREEK ROAD
 PREPARED FOR
INC. VILLAGE OF BAYVILLE
 BAYVILLE, NEW YORK

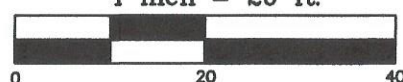
SCALE: 1" = 80 FT. OCTOBER 19, 2017
 REVISED: MAY 8, 2020

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

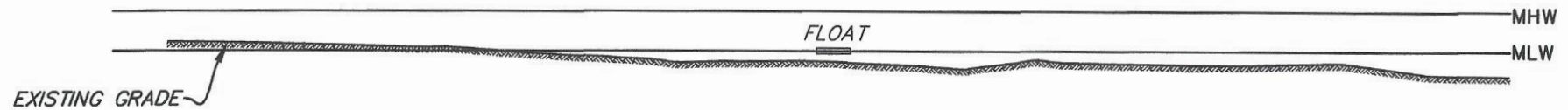


SCALE: 1" = 80 FT. MAY 8, 2020
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
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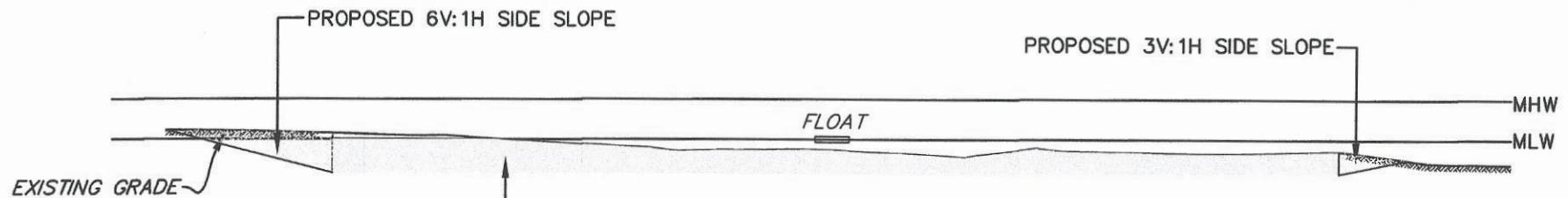
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CROSS SECTION A - A



PROPOSED AREA TO BE MAINTENANCE-
DREDGE TO 6' BELOW MEAN LOW WATER

CROSS SECTION 'A - A'

IMPROVEMENT LOCATION SURVEY
DEPICTING EXISTING & PROPOSED CROSS SECTIONS
FOR CREEK MARINA DREDGING PROJECT 2017

CREEK ROAD
PREPARED FOR

INC. VILLAGE OF BAYVILLE
BAYVILLE, NEW YORK

SCALE: 1" = 30 FT.

OCTOBER 19, 2017

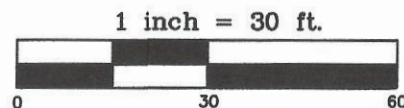
REVISED: MAY 8, 2020

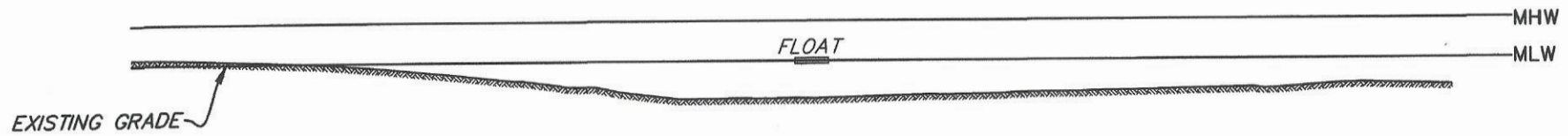
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
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VERTICAL DATUM: MEAN LOW WATER

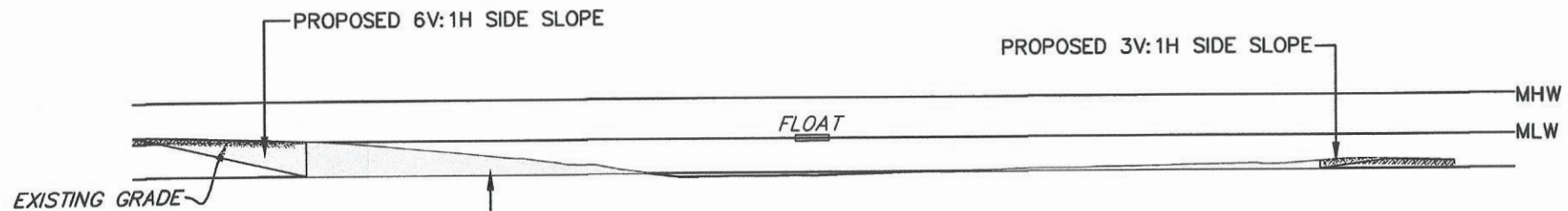
MEAN HIGH WATER - ELEV. 7.1
MEAN LOW WATER - ELEV. 0.0

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION





CROSS SECTION B - B



CROSS SECTION 'B - B'

IMPROVEMENT LOCATION SURVEY
DEPICTING EXISTING & PROPOSED CROSS SECTIONS
FOR CREEK MARINA DREDGING PROJECT 2017

CREEK ROAD
PREPARED FOR

INC. VILLAGE OF BAYVILLE

BAYVILLE, NEW YORK

SCALE: 1" = 30 FT.

OCTOBER 19, 2017

REVISED: MAY 8, 2020

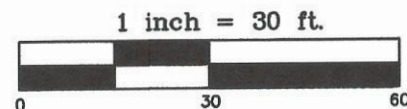
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

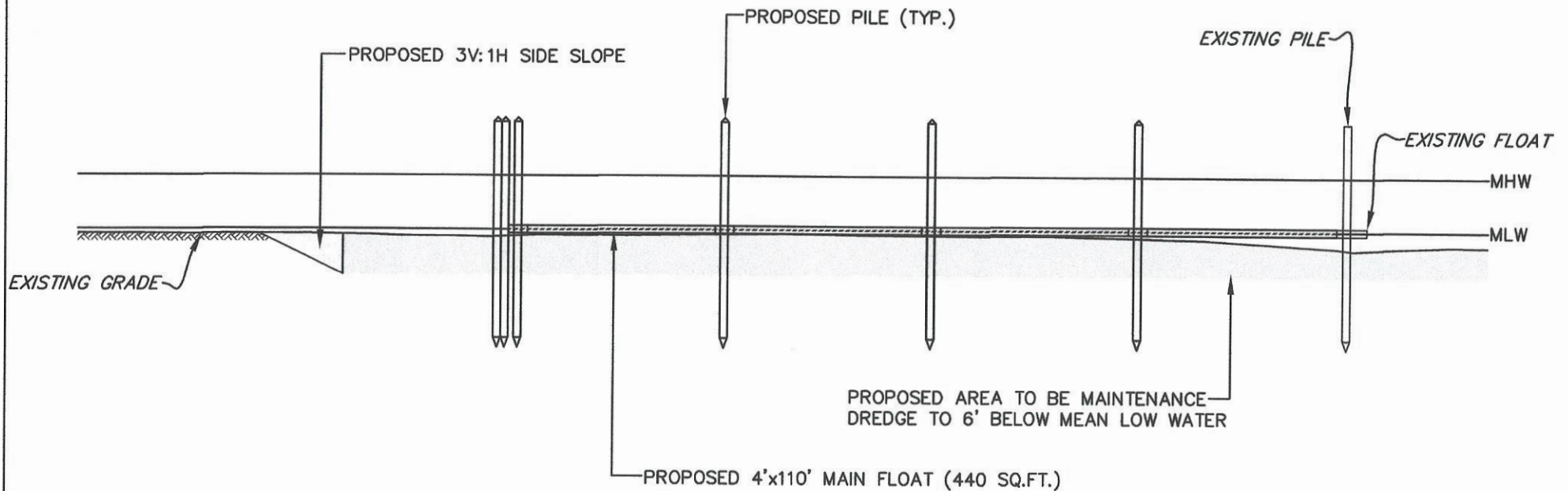
LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
170 NOROTON AVENUE ~ 203-655-3331 ~ **6 of 8** CONN. ©

VERTICAL DATUM: MEAN LOW WATER

MEAN HIGH WATER - ELEV. 7.1
MEAN LOW WATER - ELEV. 0.0

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION





CROSS SECTION C - C

IMPROVEMENT LOCATION SURVEY
DEPICTING PROPOSED CROSS SECTION
FOR CREEK MARINA DREDGING PROJECT 2017
CREEK ROAD
PREPARED FOR

INC. VILLAGE OF BAYVILLE
BAYVILLE, NEW YORK

SCALE: 1" = 20 FT.

OCTOBER 19, 2017

REVISED: MAY 8, 2020

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

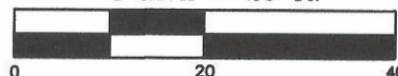
LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

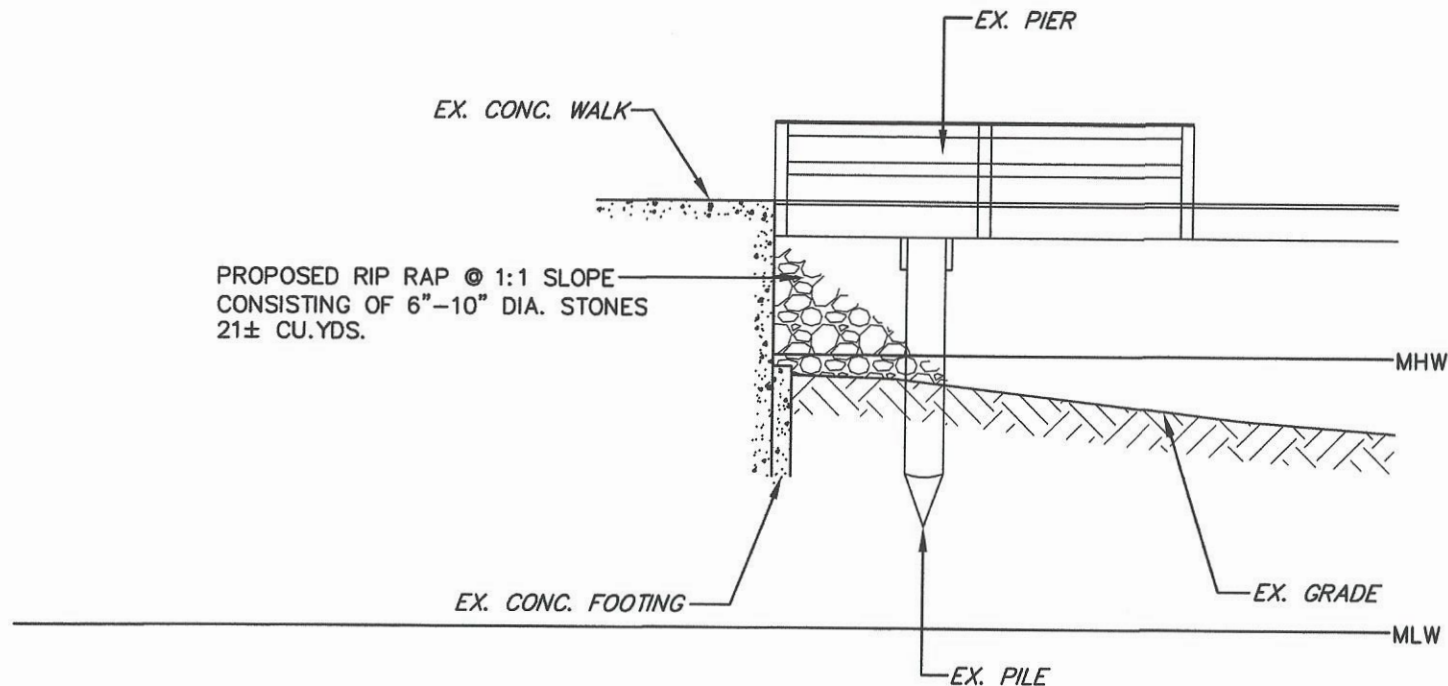
VERTICAL DATUM: MEAN LOW WATER

MEAN HIGH WATER - ELEV. 7.1
MEAN LOW WATER - ELEV. 0.0

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION

1 inch = 20 ft.





CROSS SECTION D - D

IMPROVEMENT LOCATION SURVEY
DEPICTING PROPOSED CONDITIONS FOR
CREEK MARINA DREDGING PROJECT 2017
CREEK ROAD
PREPARED FOR

INC. VILLAGE OF BAYVILLE
BAYVILLE, NEW YORK

SCALE: 1" = 5 FT.

OCTOBER 19, 2017

REVISED: MAY 8, 2020

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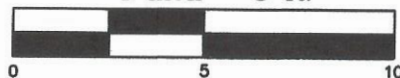
VERTICAL DATUM: MEAN LOW WATER

MEAN HIGH WATER - ELEV. 7.1

MEAN LOW WATER - ELEV. 0.0

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION

1 inch = 5 ft.



EFH Data Notice: Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

Greater Atlantic Regional Office
Atlantic Highly Migratory Species Management Division

Query Results
















Degrees, Minutes, Seconds: Latitude = 40°53'58" N, Longitude = 74°26'17" W
Decimal Degrees: Latitude = 40.90, Longitude = -73.56































The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

*** WARNING ***




Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
			Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
			Atlantic Herring	Juvenile Adult	New England	Amendment 3 to the Atlantic Herring FMP
			Pollock	Adult Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Red Hake	Adult Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Winter Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			Sand Tiger Shark	Neonate/Juvenile	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH
			Scup	Larvae Eggs Juvenile Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
			Longfin Inshore Squid	Juvenile Adult Eggs	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Atlantic Mackerel	Eggs Larvae Juvenile Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
			Atlantic Butterfish	Eggs Larvae Adult Juvenile	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Summer Flounder	Juvenile Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
			Black Sea Bass	Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

HAPCs

Show	Link	Data Caveats	HAPC Name	Management Council
			Summer Flounder	MAFMC

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data. **For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)

Mid-Atlantic Council HAPCs,
No spatial data for summer flounder SAV HAPC.