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-2020-01259-EMI**
Issue Date: **April 28, 2021**
Expiration Date: **May 28, 2021**

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: United States Department of Homeland Security
Plum Island Animal Disease Center
P.O. Box 848
Greenport, New York 11944

ACTIVITY: Ten-Year Maintenance Dredging with Beach and Upland Placement

WATERWAY: Gardiners Bay

LOCATION: 40550 Main Road, Orient, Town of Southold, Suffolk County, New York

Dredge Location: Orient Point Harbor

Dredge Material Placement Location: Orient Point State Park Beach

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, 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 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.

Date:
2021.04.26
13:06:08 -04'00'

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Encls

WORK DESCRIPTION

The permit applicant, United States Department of Homeland Security (USDHS), has requested Department of the Army (DA) authorization to conduct dredging, with ten years maintenance with placement of dredged material at a designated beach placement and upland area. The project is located in at Orient Point Harbor in Gardiners Bay at 40550 Main Road, Orient, Town of Southold, Suffolk County, New York

The proposed work would involve the following:

Maintenance dredge with ten years maintenance, by hydraulic dredge, approximately 9,200 cubic yards (CY) of material from an approximately 12,987 square yard irregularly shaped area (approximately 116,883 square feet or 2.68 acres) and extend to a depth of 14 feet below the plane of Mean Low Water (MLW) with two feet of allowable overdraft (maximum depth of 16 feet below MLW). The approximate slope of the dredge area would be approximately 3 to 1.

The total volume of dredged material (approximately 9,200 cubic yards) would be placed above the plane of Spring High Water over three locations totaling approximately 4,505 square yards (approximately 40,545 square feet or 0.93 acres) at Orient Point State Park Beach with return flow to the waterway.

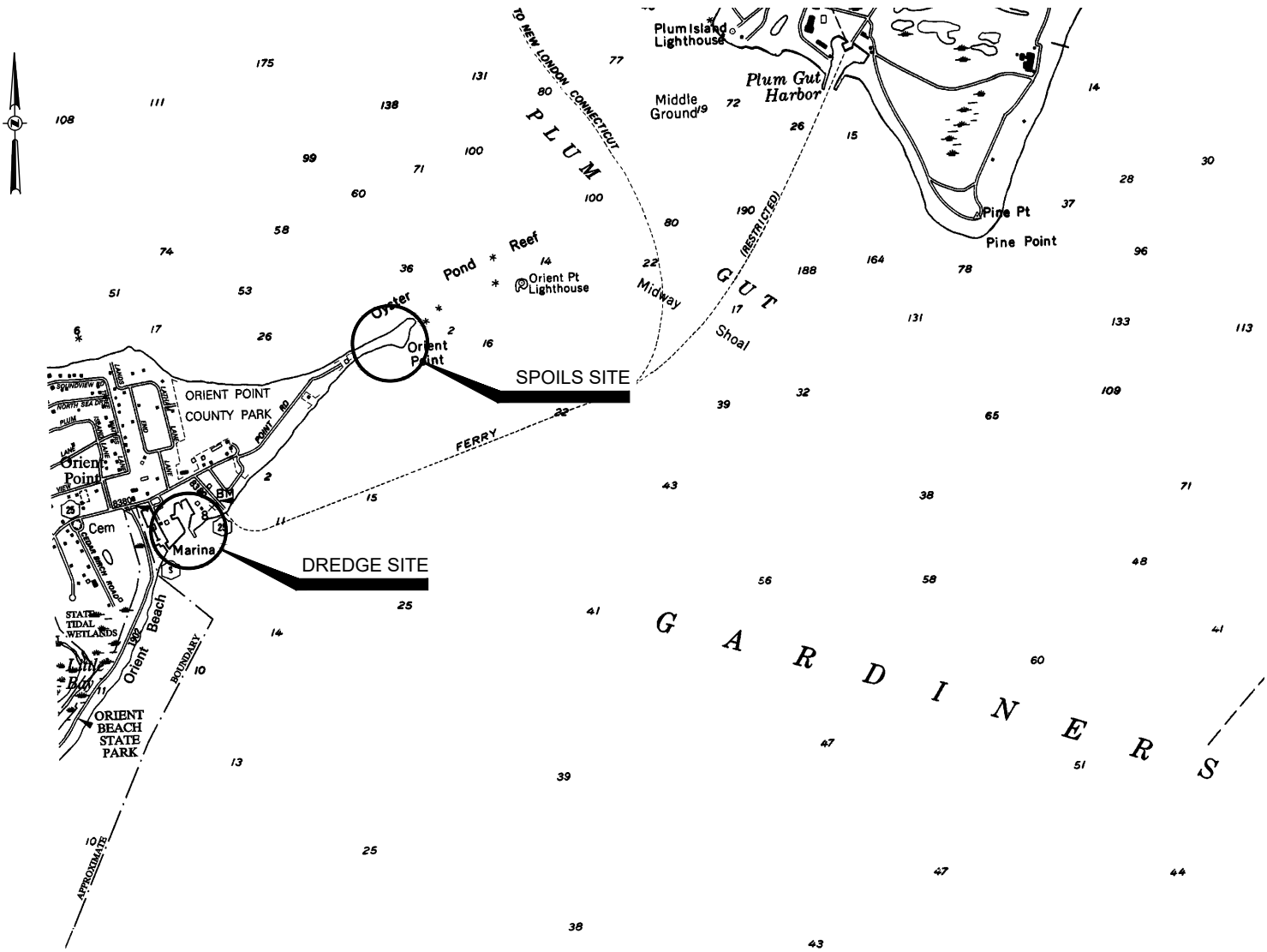
The applicant has also proposed an alternate upland diked area for placement of the dredged material. The upland diked area is located west of the dredge area and will allow for a maximum of 3,845 CY of material to be stored and dewatered with return flow to the waterway through a 24-inch diameter return flow pipe prior to disposal at an approved upland location.

The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing a similar volumes of material from within the same dredging area with beach and upland placement at the above referenced areas. The amount of material to be dredged over the ten-year maintenance dredging period is approximately 29,000 CY.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a turbidity curtain around the project area.

The purpose of this project is to maintain save navigation at the USDHS Orient Point Harbor to allow for the continued use of the passenger and freight ferries that are essential for the Plum Island Animal Disease Center facility operation.

USACE FILE: NAN-2020-01259-EMI



VICINITY MAP

SCALE : 1" = 2,500'

0 2,500

NOTES:

1. **SOURCE:** NYSDOT PLANIMETRIC INDEX MAP DD63
2. **LATITUDE:** 41° 09' 15.48" N, **LONGITUDE:** 72° 14' 33.31" W
3. **VERTICAL DATUM:** NAVD88
4. **TIDAL REFERENCE:** GARDINERS BAY
5. **ADJACENT PROPERTIES:**
   ORIENT POINT FERRY: 240 FT EAST OF DREDGE SITE

PWGC
CLIENT DRIVEN SOLUTIONS
P.W. GROSSER CONSULTING ENGINEER AND HYDROGEOLOGIST, P.C.
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Phone: (631) 589-6353 • Fax: (631) 589-8705
E-mail: INFO@PWGROSSER.COM

ORIENT POINT DREDGING

PLUM ISLAND ANIMAL DISEASE CENTER

ORIENT, TOWN OF SOUTHOLD
SUFFOLK COUNTY, NEW YORK 11957

Project:	PSI1901
Designed by:	SMR
Approved by:	AJL
Drawn by:	SMR
Date:	02/10/2021
Figure No:	G-01

Unauthorized alteration or addition to this drawing and related documents is a violation of Sect. 7209 of the New York State Education Law

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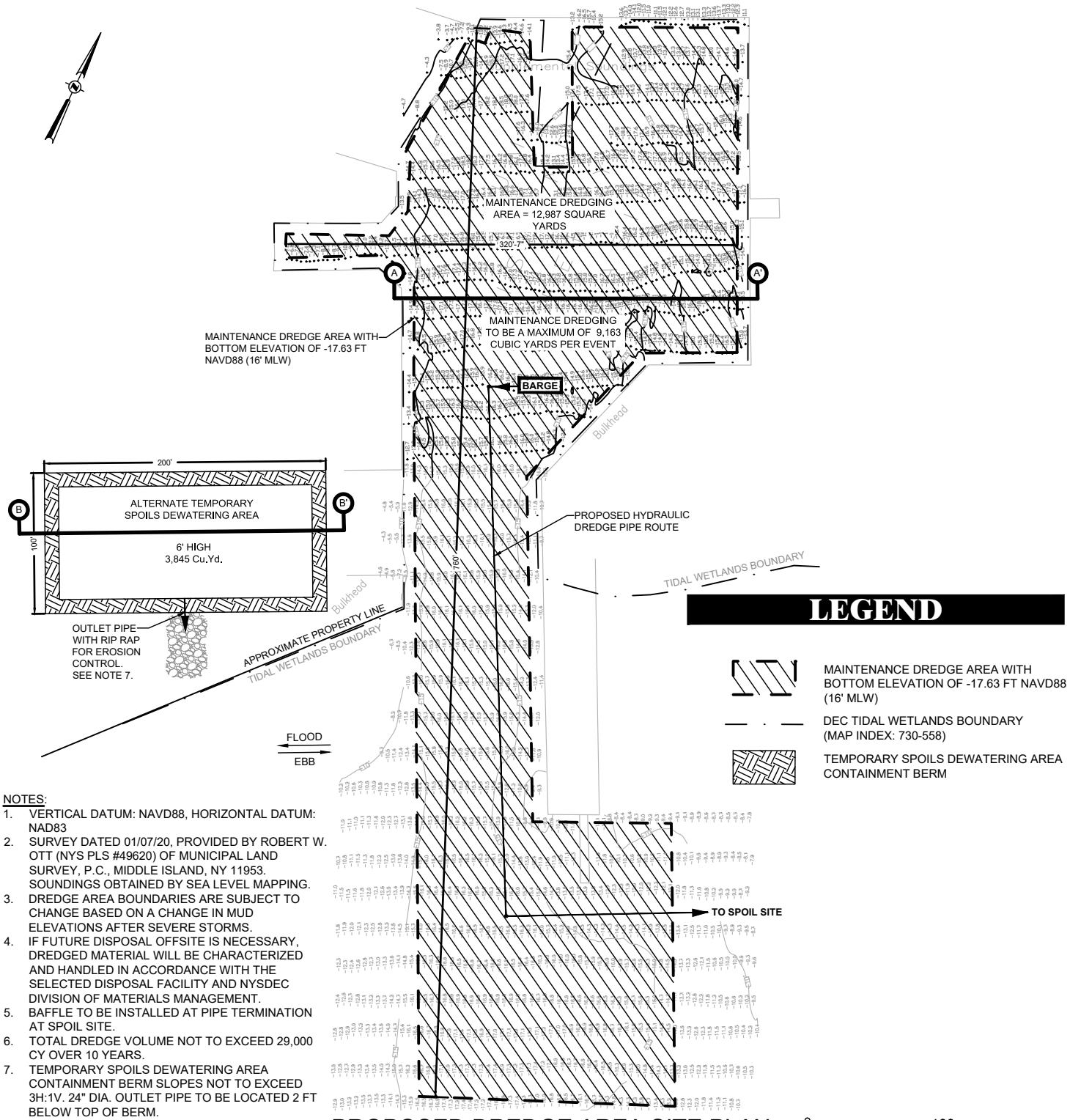

PROPOSED DREDGE AREA SITE PLAN

SCALE : 1" = 100'

NOTES:

1. VERTICAL DATUM: NAVD88, HORIZONTAL DATUM: NAD83
2. SURVEY DATED 01/07/20, PROVIDED BY ROBERT W. OTT (NYS PLS #49620) OF MUNICIPAL LAND SURVEY, P.C., MIDDLE ISLAND, NY 11953. SOUNDINGS OBTAINED BY SEA LEVEL MAPPING.
3. DREDGE AREA BOUNDARIES ARE SUBJECT TO CHANGE BASED ON A CHANGE IN MUD ELEVATIONS AFTER SEVERE STORMS.
4. IF FUTURE DISPOSAL OFFSITE IS NECESSARY, DREDGED MATERIAL WILL BE CHARACTERIZED AND HANDLED IN ACCORDANCE WITH THE SELECTED DISPOSAL FACILITY AND NYSDEC DIVISION OF MATERIALS MANAGEMENT.
5. BAFFLE TO BE INSTALLED AT PIPE TERMINATION AT SPOIL SITE.
6. TOTAL DREDGE VOLUME NOT TO EXCEED 29,000 CY OVER 10 YEARS.
7. TEMPORARY SPOILS DEWATERING AREA CONTAINMENT BERM SLOPES NOT TO EXCEED 3H:1V. 24" DIA. OUTLET PIPE TO BE LOCATED 2 FT BELOW TOP OF BERM.
8. SPRING HIGH WATER (ELEV. +1.1') WAS DETERMINED BY AVERAGING THE HIDE TIDE DATA FROM SPRING 2020 AT NOAA'S MONTAUK STATION (STATION ID: 8510560)
9. MEAN HIGH WATER AT ELEVATION +0.9 PER NOAA'S VDATUM
10. MEAN LOW WATER AT ELEVATION -1.6 PER NOAA'S VDATUM

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Project:	PSI1901
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Approved by:	AJL
Drawn by:	SMR
Date:	02/10/2021
Figure No:	2 OF 4 G-02

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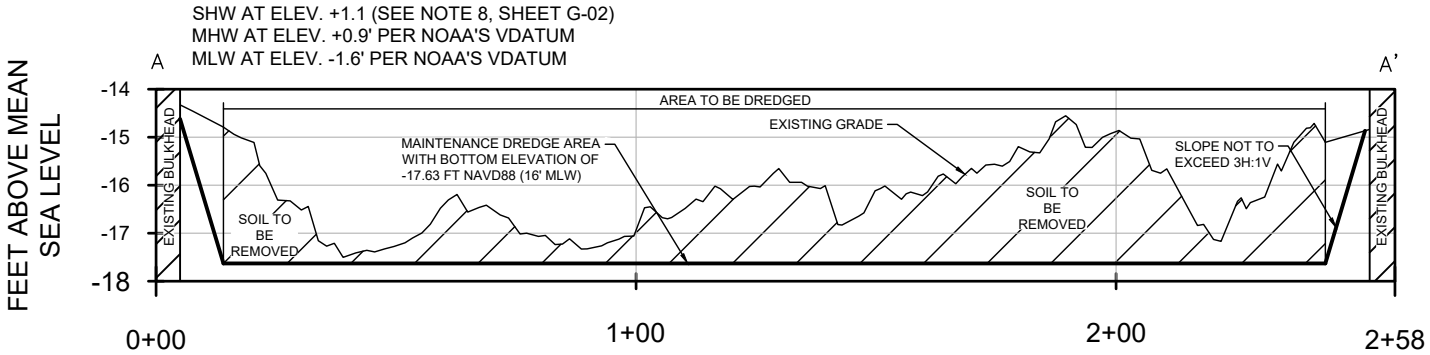
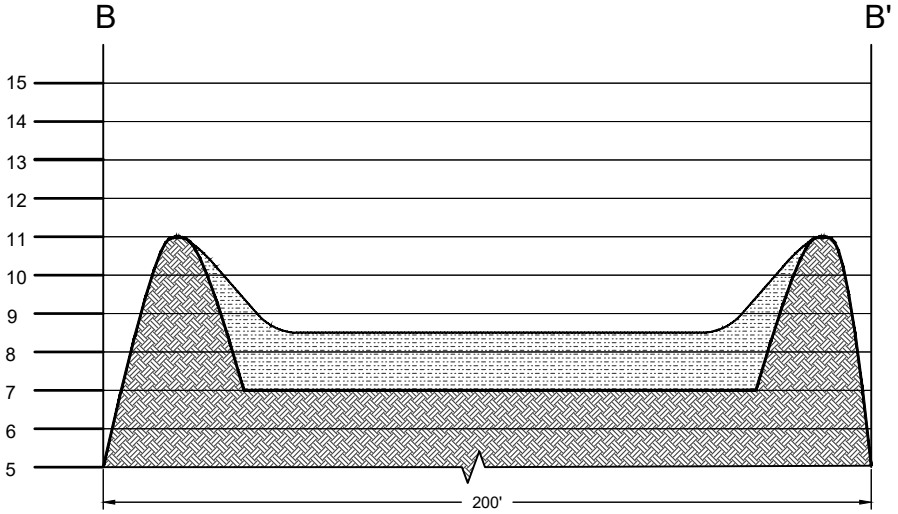


PROFILE A–A'

0 40 HORIZONTAL SCALE: 1" = 40'

0 4 VERTICAL SCALE: 1" = 4'



LEGEND

TEMPORARY SPOILS DEWATERING AREA

MATERIAL TO BE DEPOSITED

NOTES:

1. CAPACITY = 3,845 Cu. YARDS
2. SHW AT ELEV. +1.1 (SEE NOTE 8, SHEET G-02)
3. MHW AT ELEV. +0.9' PER NOAA'S VDATUM
4. MLW AT ELEV. -1.6' PER NOAA'S VDATUM

PROFILE B-B'

0 50 SCALE: 1" = 50'

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Figure No:	3 OF 4 G-03

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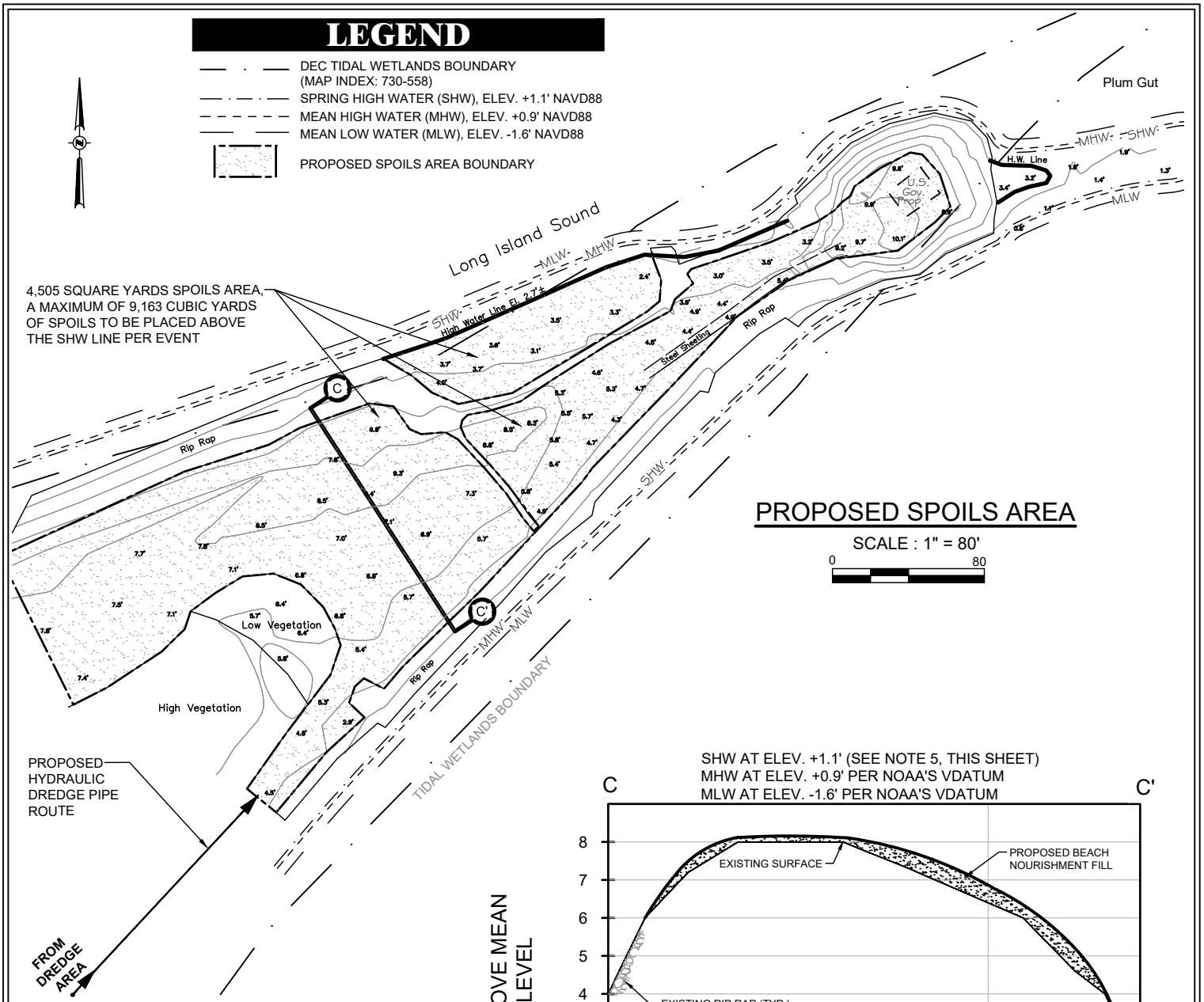

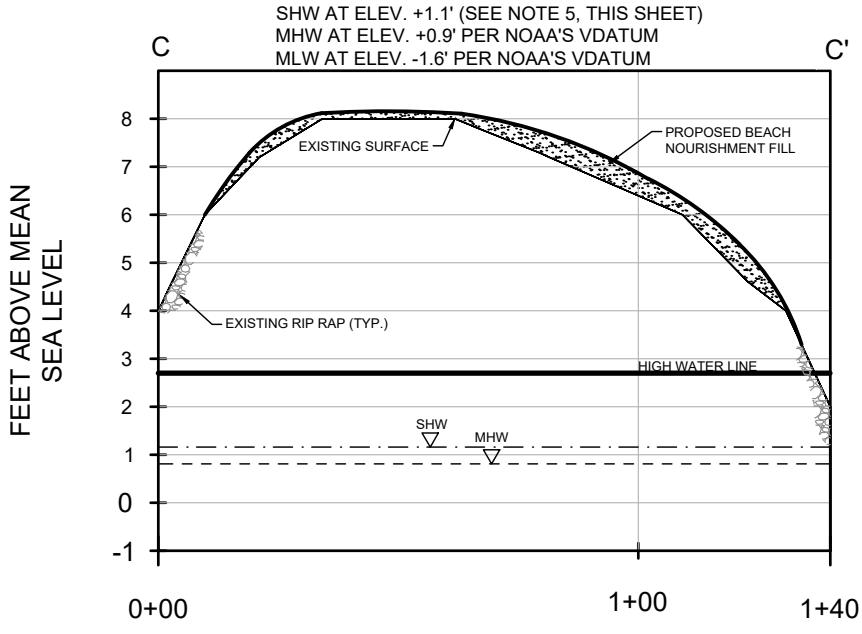

PROPOSED SPOIL AREA PROFILE C-C'

0 40 HORIZONTAL SCALE: 1" = 40'

0 4 VERTICAL SCALE: 1" = 4'

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Figure No:	4 OF 4 G-04

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