



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-2020-01177-EVI
Issue Date: June 22, 2021
Expiration Date: July 21, 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: Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

WATERWAY: Heil's Creek, a tributary of Moriches Bay

LOCATION: Dredge Location: Heil's Creek, Moriches Bay

Dredge Material Placement Location: Newport Beach in Town of Brookhaven, Suffolk County, New York and an upland diked off area

ACTIVITY: Dredge with ten-year maintenance with beach placement and upland disposal

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

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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, 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 adversely 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 life stages 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.

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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. If you have any questions concerning this application, you may contact this office at (917) 790-8379 and ask for Robert T. Vietri.

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

Encl

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WORK DESCRIPTION

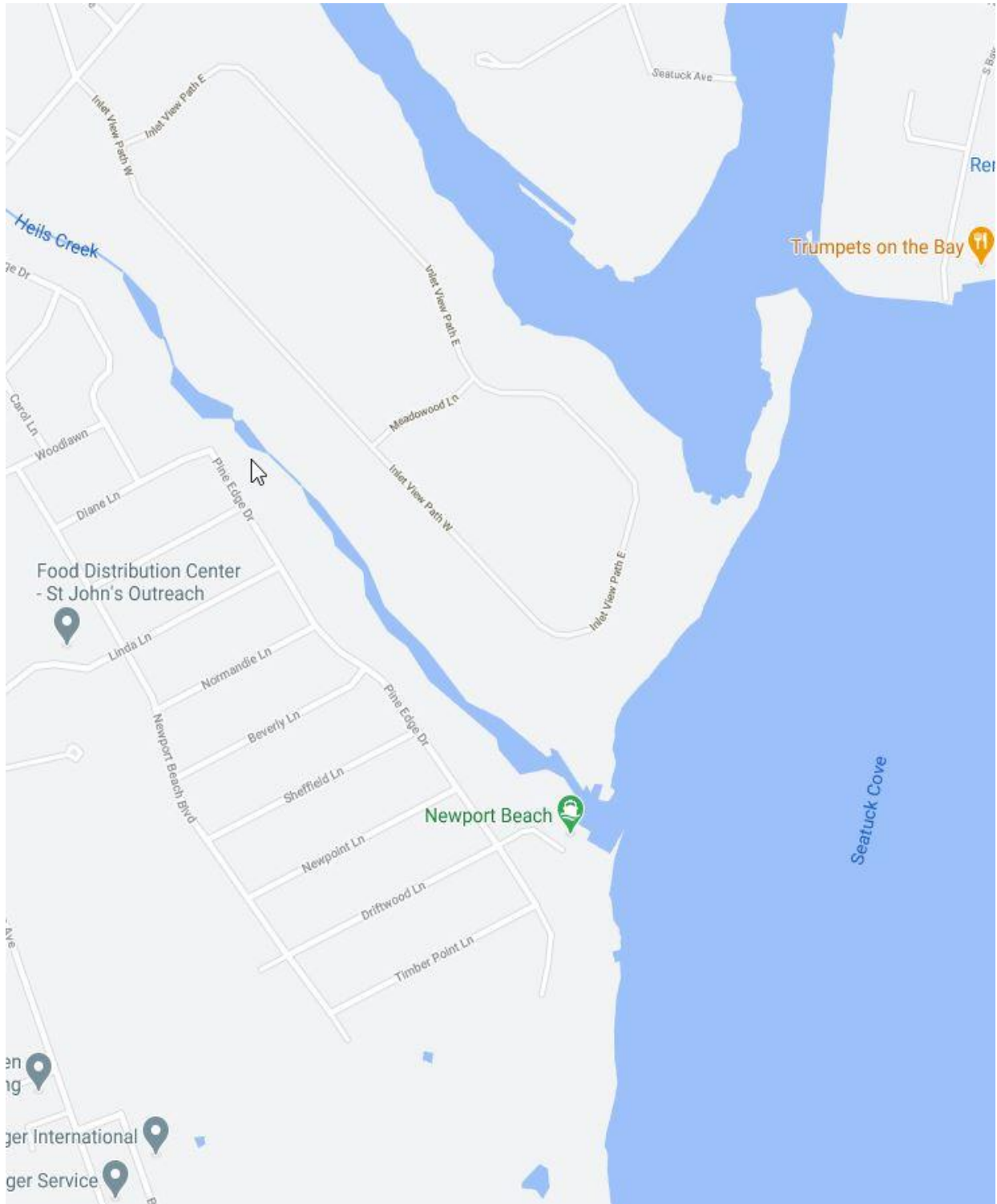
The applicant, Town of Brookhaven, has requested Department of the Army (DA) authorization to conduct dredging, with ten-year maintenance with placement of all resultant dredged material at Newport Beach, Town of Brookhaven, Suffolk County, New York and an upland diked off area. The project is located within Heil's Creek, a tributary of Moriches Bay in the Town of Brookhaven, Suffolk County, New York.

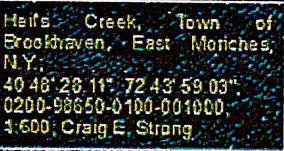
Dredge with ten-year maintenance, by mechanical clam shell bucket dredge, approximately 1,532-cubic yards (CY) of dredged material from an approximate 28-foot-wide by 472-foot-long area. The total dredge area within the channel is approximately 13,216 square feet (approximately 0.3 acres) and extends to a maximum depth of 4-feet-below the plane of Mean Low Water (MLW). The approximate slope of the channel would be 1 to 3.

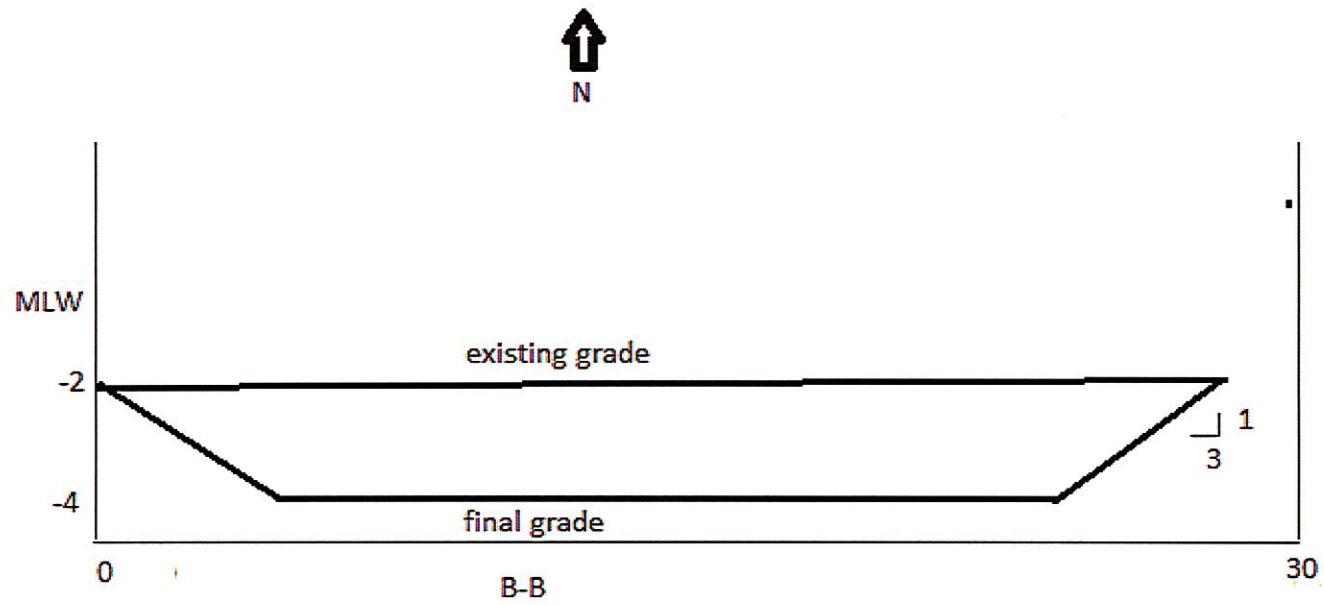
The resultant approximately 1,532 CY of dredged material would be placed at an upland diked off area located at an adjacent parking lot (approximately 1000 CY) and placed along Newport Beach in Town of Brookhaven, Suffolk County, New York (approximately 500 CY). All dredged material placed along Newport Beach will be above the plane of Spring High Water and will be spread evenly via bulldozer. The upland diked off area will have a drainage line that will enter back into Moriches Bay. The purpose of the upland diked off area is to allow dewatering of dredged material and allowing the excess water to return to the waterway. Once the dredged material is dewatered, the approximately 1000 cubic yards of dredged material will be brought to a landfill located in Town of Brookhaven, Suffolk County, New York. 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 with up to a total of approximately 1,500 CY of dredged material per event and have 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 Heil's Creek navigational channel. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a mechanical dredge.

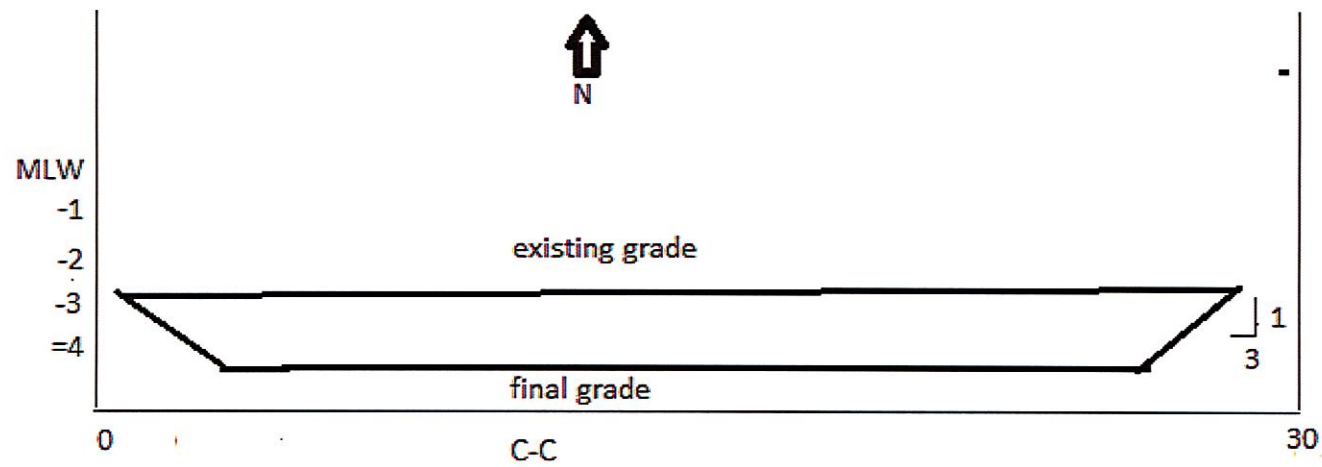
The stated purpose of this project is to provide safe navigation for recreational marine vessels entering in and out of Heils Creek.







Heils Creek, Town of Brookhaven, 12/31/2019,
East Moriches, NY, Craig E. Strong Edited 3/19/2021



Heils Creek, Town of Brookhaven, 12/31/2019,
East Moriches, NY, Craig E. Strong Edited 3/19/2021

