



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-2021-01083-EMI**
Issue Date: **February 17, 2022**
Expiration Date: **March 18, 2022**

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: Goldsmith's Boat Shop, Inc.
PO Box 1436
Southold, New York 11971

ACTIVITY: Breakwater Restoration and Vegetated Tidal Wetland Establishment

WATERWAY: Shelter Island Sound

LOCATION: 64150 Main Road, Town of Southold, 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE.

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2021-01083-EMI

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.

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,

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2021-01083-EMI

should be so addressed.

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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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>.

Enclosures

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

WORK DESCRIPTION

The permit applicant, Goldsmith's Boat Shop, Inc., has requested Department of the Army (DA) authorization to breakwater restoration in the Shelter Island Sound in the Town of Southold, Suffolk County, New York.

The proposed work would involve the following:

Discharge approximately 1,500 cubic yards of clean sand below the plane of Spring High Water (SHW) over approximately 13,400 square feet to raise the elevation of the natural breakwater 2.5 feet (6 inches above the plane of Mean High Water (MHW)). Of the approximately 13,400 square foot area, approximately 7,000 square feet of the existing breakwater consists of stone and sporadic high marsh vegetation including *Distichlis spicata* and *Limonium carolinianum*. The entire approximately 13,400 square foot elevated breakwater would be replanted with *Spartina patens* to establish a high marsh.

Along the south side of the breakwater, discharge approximately 1,020 cubic yards of rip-rap stone along approximately 450 linear feet of the natural breakwater over approximately 5,400 square feet, of which approximately 870 cubic yards of stone would be discharged below the plane of SHW, over approximately 4,500 square feet. Along the north side of the breakwater, discharge approximately 120 cubic yards of stone rip-rap below the plane of SHW along approximately 394 linear feet of the natural breakwater, over approximately 3,200 square feet.

Along the north, west and east sides of the breakwater, construct approximately 497-linear feet of low-sill bulkhead around the breakwater to a height of approximately one-foot below MHW. On the north side of the natural breakwater, establish an intertidal marsh by dredging approximately 240 cubic yards of material to a depth of two feet below the plane of Mean Low Water (MLW) over an approximately 12-foot-wide area (approximately 4,800 square feet) in-front of the low-sill bulkhead. The approximately 240 cubic yards of dredged material will be placed behind the low sill bulkhead over an approximately 12-foot-wide area (approximately 4,400 square foot). *Spartina alterniflora* will be planted between the low sill bulkhead and the plane of MHW to establish a low marsh (approximately 4,400 square feet).

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using silt curtains around the project area during dredging and construction and establishing approximately 17,800 square feet of wetland vegetation (high and low marsh) to offset the approximately 7,000 square feet of high marsh that will be permanently disturbed.

The purpose of this project is to restore, enhance and stabilize the existing breakwater, which has historically provided erosion protection for the marina.



PURPOSE:
SHORELINE STABILIZATION

DATUM: NAVD 1988
TAX MAP #: SCTM 1000-56-7-1
ADJ. PROPERTY OWNERS:
1. TOWN OF SOUTHOID
2. MILL CREEK PARTNERS, INC.

VICINITY MAP
N.T.S.

VACHRIS
ENGINEERING
370 OLD COUNTRY ROAD
GARDEN CITY, NEW YORK

SHORELINE STABILIZATION

IN: SHELTER ISLAND SOUND
AT: 64150 MAIN ROAD
SOUTHOID, NEW YORK
COUNTY OF: SUFFOLK
APP. BY: GOLDSMITH'S BOAT SHOP, INC.
DATE: DECEMBER 2021 (REV-1)
SHT. 1 OF 5





PURPOSE:
SHORELINE STABILIZATION

DATUM: NAVD 1988
TAX MAP #: SCTM 1000-56-7-1
ADJ. PROPERTY OWNERS:
1. TOWN OF SOUTHOOLD
2. MILL CREEK PARTNERS, INC.

SITE PLAN
N.T.S.

VACHRIS ENGINEERING
370 OLD COUNTRY ROAD
GARDEN CITY, NEW YORK

SHORELINE STABILIZATION
IN: SHELTER ISLAND SOUND
AT: 64150 MAIN ROAD
SOUTHOOLD, NEW YORK
COUNTY OF: SUFFOLK

APP. BY: GOLDSMITH'S BOAT SHOP, INC.
DATE: DECEMBER 2021 (REV-1)
SHT. 2 OF 5



AREA OF WORK

ADJACENT PROPERTY OWNERS

①	TOWN OF SOUTHOOLD	SCTM #1000-56-6-12.1	SOUTHOOLD, NY
②	MILL CREEK PARTNERS, INC.	SCTM #1000-56-7-2	SOUTHOOLD, NY

PURPOSE:
SHORELINE STABILIZATION

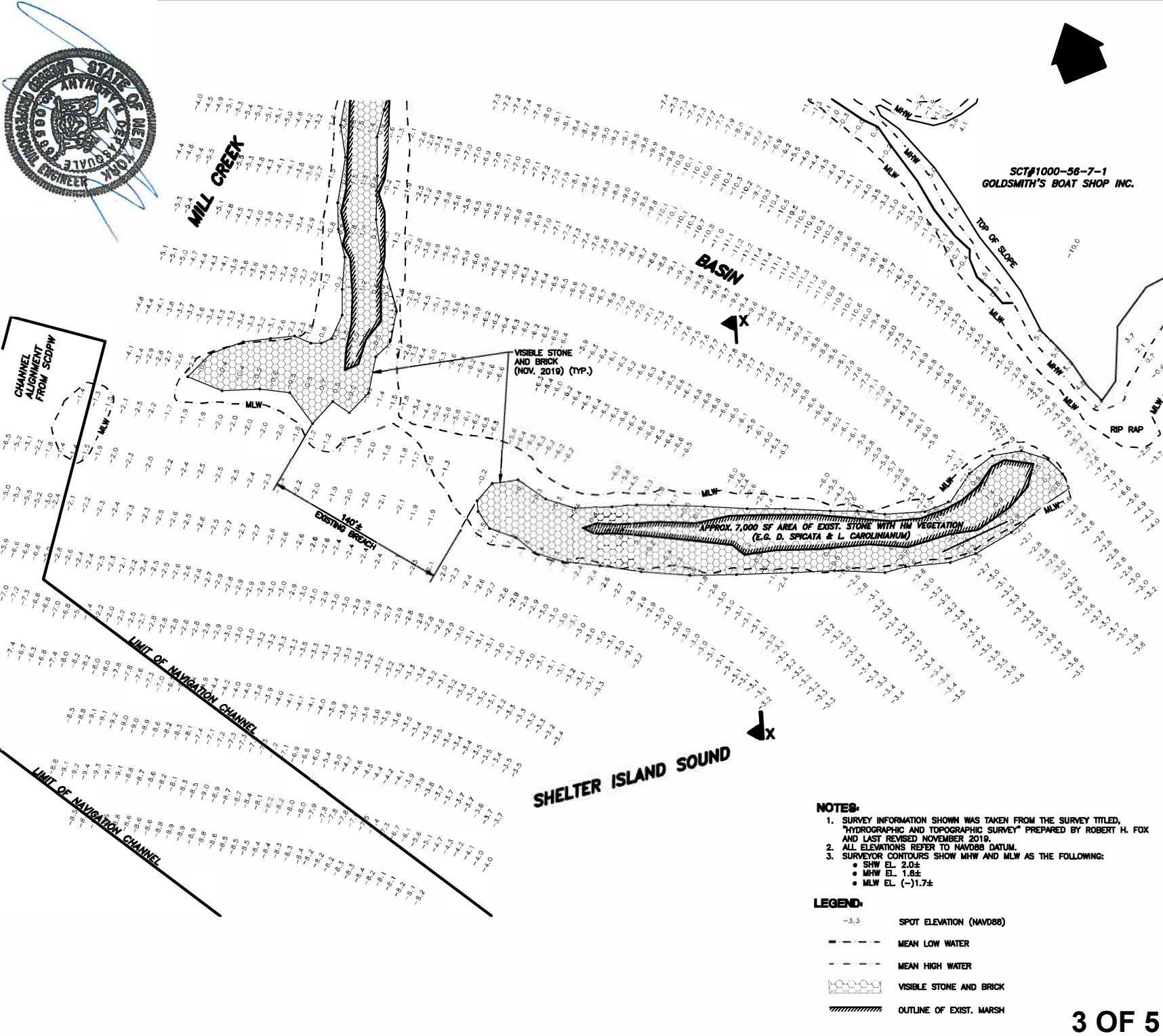
DATUM: NAVD 1988
TAX MAP #: SCTM 1000-56-7-1
ADJ. PROPERTY OWNERS:
1. TOWN OF SOUTHDOLD
2. MILL CREEK PARTNERS, INC.

EXISTING CONDITIONS PLAN
1"=100'

VACHRIS ENGINEERING
370 OLD COUNTRY ROAD
GARDEN CITY, NEW YORK

SHORELINE STABILIZATION
IN: SHELTER ISLAND SOUND

AT: 64150 MAIN ROAD
SOUTHDOLD, NEW YORK
COUNTY OF: SUFFOLK
APP. BY: GOLDSMITH'S BOAT SHOP, INC.
DATE: DECEMBER 2021 (REV-1)
SHT. 3 OF 5





PURPOSE:
SHORELINE STABILIZATION

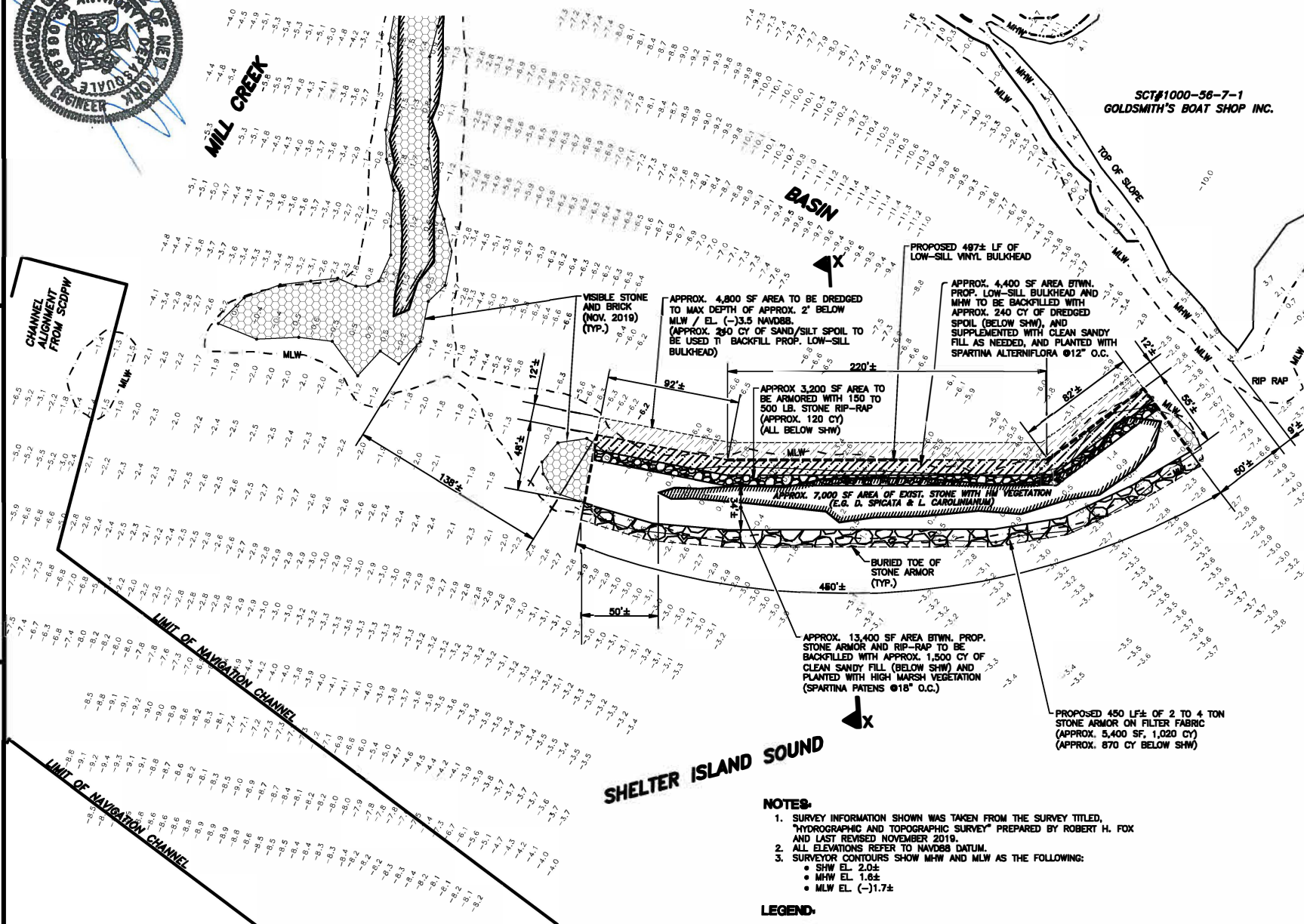
DATUM: NAVD 1988
TAX MAP #: SCTM 1000-56-7-1
ADJ. PROPERTY OWNERS:
1. TOWN OF SOUTHD
2. MILL CREEK PARTNERS, INC.

PROPOSED LAYOUT PLAN
1"=100'

VACHRIS ENGINEERING
370 OLD COUNTRY ROAD
GARDEN CITY, NEW YORK

SHORELINE STABILIZATION

IN: SHELTER ISLAND SOUND
AT: 64150 MAIN ROAD
SOUTHD, NEW YORK
COUNTY OF: SUFFOLK
APP. BY: GOLDSMITH'S BOAT SHOP, INC.
DATE: DECEMBER 2021 (REV-1)
SHT. 4 OF 5



NOTES:

1. SURVEY INFORMATION SHOWN WAS TAKEN FROM THE SURVEY TITLED, "HYDROGRAPHIC AND TOPOGRAPHIC SURVEY" PREPARED BY ROBERT H. FOX AND LAST REVISED NOVEMBER 2019.
2. ALL ELEVATIONS REFER TO NAVD88 DATUM.
3. SURVEYOR CONTOURS SHOW MHW AND MLW AS THE FOLLOWING:
 - SHW EL. 2.0±
 - MHW EL. 1.6±
 - MLW EL. (-)1.7±

LEGEND:

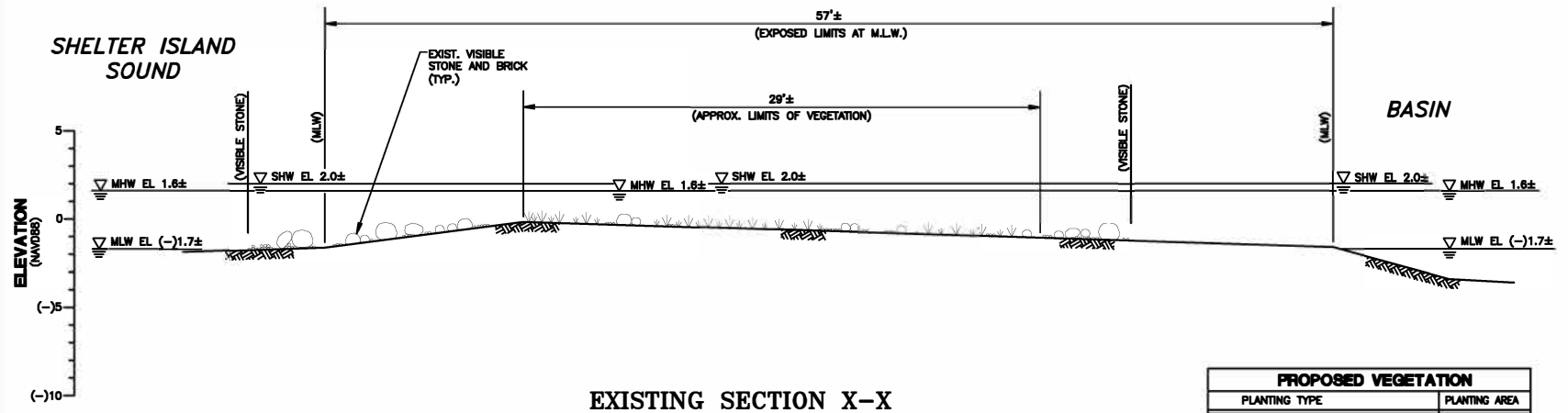
-3.3	SPOT ELEVATION (NAVD88)		PROP. 2 TO 4 TON STONE ARMOR
- - - -	MEAN LOW WATER		PROP. 150 TO 500 LB STONE RIP-RAP
- . - . - .	MEAN HIGH WATER		PROP. DREDGE SPOIL BACKFILL
- - - - -	PROP. LOW-SILL VINYL BULKHEAD		VISIBLE STONE AND BRICK
- - - - -	487± LINEAR FEET		OUTLINE OF EXIST. MARSH
	PROP. DREDGE AREA		

PURPOSE:
SHORELINE STABILIZATION

DATUM: NAVD 1988
TAX MAP #: SCTM 1000-56-7-1
ADJ. PROPERTY OWNERS:
1. TOWN OF SOUTHDOLD
2. MILL CREEK PARTNERS, INC.

SECTIONS
1"=10'

SHORELINE STABILIZATION
IN: SHELTER ISLAND SOUND
AT: 64150 MAIN ROAD
SOUTHDOLD, NEW YORK
COUNTY OF: SUFFOLK
APP. BY: GOLDSMITH'S BOAT SHOP, INC.
DATE: DECEMBER 2021 (REV-1)
SHT. 5 OF 5



PROPOSED VEGETATION	
PLANTING TYPE	PLANTING AREA
SPARTINA ALTERNIFLORA (BTWN. LOW-SILL BULKHEAD AND MHW)	4,400 SF
SPARTINA PATENS (BTWN. STONE ARMOR AND RIP-RAP)	13,400 SF
TOTAL PLANTING AREA	17,800 SF

