



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-2023-00888-TREC
Issue Date: July 26, 2024
Expiration Date: August 26, 2024

To Whom It May Concern:

The New York District, U.S. Army Corps of Engineers (USACE) 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: Gordon Henry
Paradise Point Association, Inc
240 Briar Lane
Southold, NY 11971

ACTIVITY: Maintenance dredging of an existing canal

WATERWAY: Southold Bay

LOCATION: Basin Road/225 Briar Lane, 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 USACE 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 USACE 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 SENT VIA ELECTRONIC MAIL TO kristin.b.andrade@usace.army.mil, OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF KRISTIN ANDRADE AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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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 USACE 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 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 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

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Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, 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 Kristin.B.Andrade@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/business/buslinks/regulat/index.php?survey>.

For more information on New York District USACE programs, visit our website at <http://www.nan.usace.army.mil>



Jon T. Coleman
FOR AND ON BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Paradise Point Association, Inc, has requested Department of the Army authorization to maintenance dredge approximately 1,720 square feet and 3,750 square feet areas from Southold Bay in Southold, Suffolk County, New York.

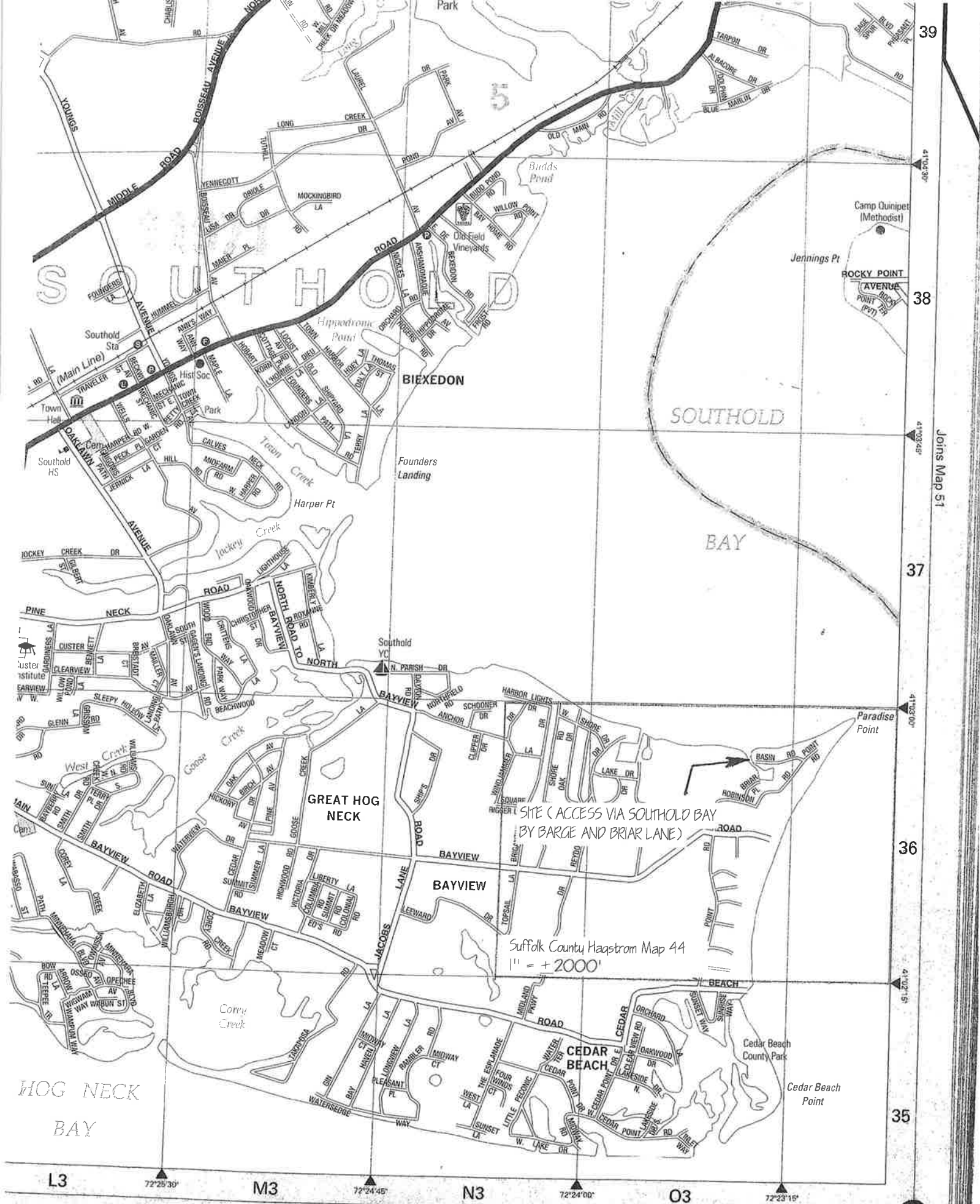
The work would involve the following:

The removal of material from 1,720 square foot and 3,750 square foot areas within the existing 20-foot wide navigation channel. The area will be dredged to the max depth of -4'MLW (with max side slopes) via barge mounted clamshell bulkhead crane. The material will be deposited landward of SHW and tidal wetlands. The material will be temporarily dewatered in an upland area and then transported to the site via small machinery.

The applicant has 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. Any potential impacts would be temporary and would be offset by implementing best management practices.

The stated purpose of this project is to improve boating access.

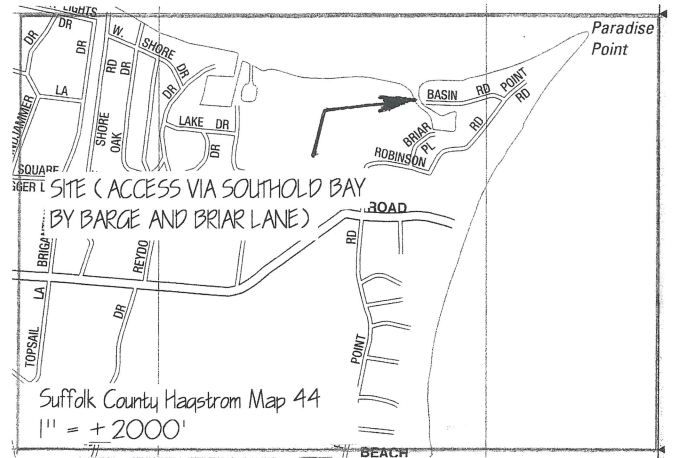
The applicant is requesting a 10-year permit for maintenance dredging.





APPROX. 1,875 SF FILLED
JETTY TO BE USED FOR
PLACEMENT OF APPROX.
±65 CY SPOIL

SOUTHOLD BAY



APPROX. 20' WIDE, 1,730 SF PORTION OF
EX. NAVIGATION CHANNEL TO BE MAINTENANCE
DREDGED TO A MAX. DEPTH OF -4' MLW (WITH
1:2 SIDE SLOPES TO MEET EXISTING BOTTOM)
(APPROX 90 CY SAND/SPOIL, ANTICIPATED)

APPROX. 3,000 SF FILLED JETTY TO BE USED
FOR PLACEMENT OF UP TO ±100 CY SPOIL

Notes:

1. Purpose: To continue maintenance of sufficient water depths within historically established and legally maintained navigation channel connecting boat basin to Southold Bay
2. Datum: MLW = 0'-0"
3. Water depths (referenced to MLW) transcribed from bathymetric map prepared by Sea Level Mapping, last dated October 5, 2023
4. Approximately 1,730 sf and 3,750 sf area within existing 20-ft wide navigation channel to be maintenance dredged to max. depth of -4' MLW (with max. 1:2 side slopes) via barge-mounted clamshell bucket crane.
5. Approx. 240 cy of sand/ silt spoil to be deposited landward of SHW and tidal wetlands in approx. 1,875 sf, 3,000 sf and 925 sf on-site deposition areas. Material to be placed in 925 sf spoil area may be temporarily dewatered in 1,875 sf site, then transported to 925 sf site via small machinery, e.g., skid steer. All machinery will operate/ be stored landward of wetlands.
6. Project location: Basin Road/ Briar Lane, Southold; SCTM Nos. 1000 - 81 - 1 - 16.10 & 16.11

APPROX. 20' WIDE, 3,750 SF PORTION OF
EX. NAVIGATION CHANNEL TO BE MAINTENANCE
DREDGED TO A MAX. DEPTH OF -4' MLW (WITH
MAX. 1:2 SIDE SLOPES TO MEET EX. BOTTOM)
(APPROX 150 CY SAND/SPOIL, CURRENT)

APPROX. 925 SF SANDY,
PRIOR SPOIL SITE TO BE
USED FOR PLACEMENT OF
UP TO ±75 CY SPOIL

1" = 50'

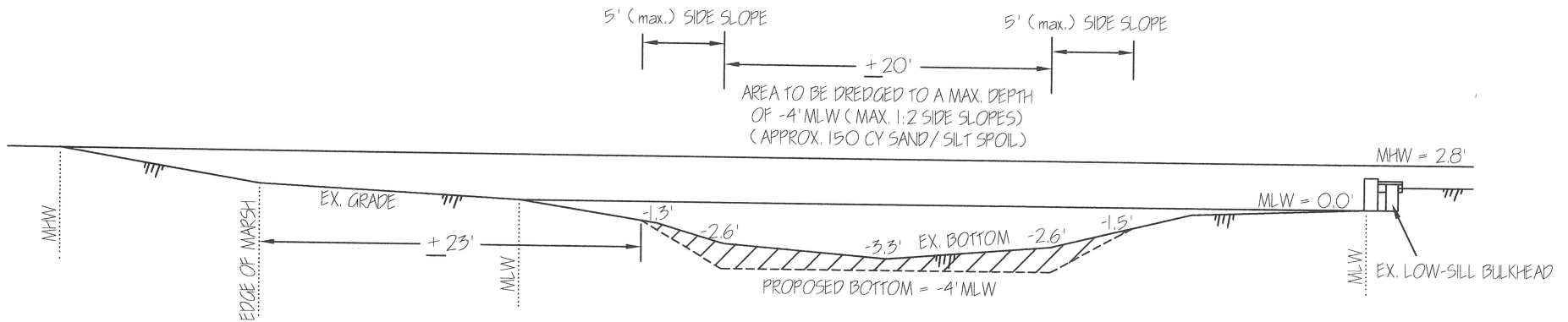
PROPOSED MAINTENANCE DREDGING FOR
PARADISE POINT ASSOCIATION, INC.,
IN CHANNEL BETWEEN SOUTHOLD BAY AND
BOAT BASIN, SOUTHOLD, SUFFOLK CO., NY
SHEET 1 OF 2 10-5-23

EN-CONSULTANTS
1319 NORTH SEA ROAD
SOUTHAMPTON, NY 11968
631-283-6360

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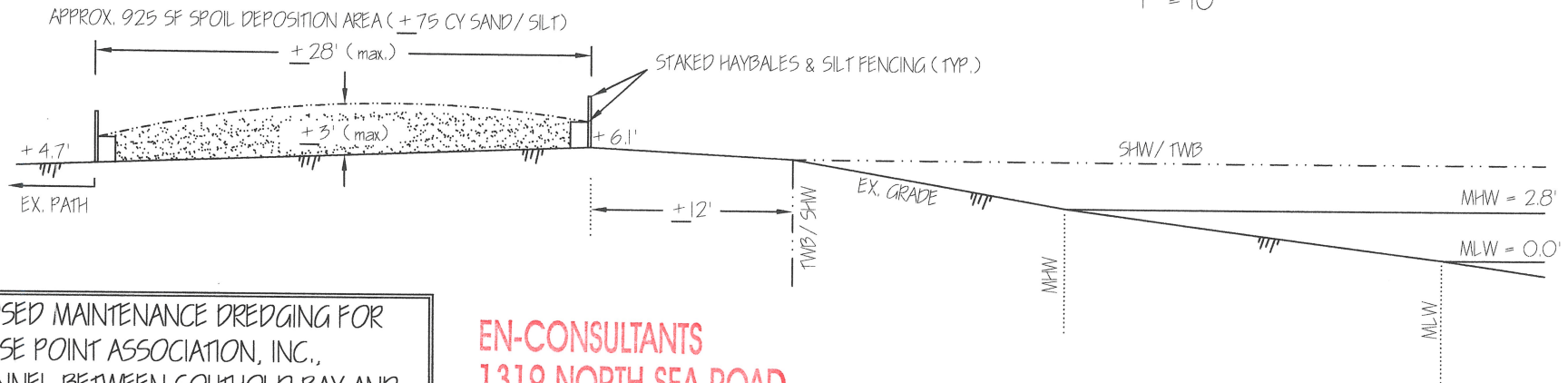
SECTION A-A THRU PROPOSED DREDGE AREA

SCALE :1" = 10'



SECTION B-B THROUGH PROPOSED SPOIL DEPOSITION AREA

1" = 10'



PROPOSED MAINTENANCE DREDGING FOR
PARADISE POINT ASSOCIATION, INC.,
IN CHANNEL BETWEEN SOUTHBOLD BAY AND
BOAT BASIN, SOUTHBOLD, SUFFOLK CO., NY
SHEET 2 OF 2 10-5-23

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NAN-2023-00888-TREC Drawing 3 of 3