



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-2021-00733-EKO**
Issue Date:
Expiration Date:

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).

APPLICANT: John and Nancy Paganucci
148 Dogwood Lane
Manhasset, NY 11030

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal and No Return Flow to the Waterway

WATERWAY: Tidal Basin

LOCATION: 9 Washington Drive, Hampton Bays, Town of Southampton, 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

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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.

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.

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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 Zachary.J.Kocsik@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>.

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

Enclosures

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WORK DESCRIPTION

The permit applicant, John and Nancy Paganucci, has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an upland disposal area with no return flow to the waterway. The project is located at 9 Washington Drive, Hampton Bays, Town of Southampton, Suffolk County, New York.

The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by mechanical clam shell or closed-bucket land-based excavator, approximately 100-cubic yards (CY) of material from an approximately 1,035 square foot irregularly shaped area and extend to a depth of 3 feet below the plane of Mean Low Water (MLW) with no overdraft. The approximate slope of the channel would be 1 to 3. The dredged material would be placed at a designated upland area for disposal and dewatering with no return flow to the waterway. The disposal site is located at 9 Washington Drive, Hampton Bays, Town of Southampton, Suffolk County, New York. Additionally, existing structures including an approximately 2.5-foot-wide by 15-foot-long ramp, and approximately three-foot-wide by 45-foot-long float with a four-foot-wide by four-foot-long ramp pad will be temporarily removed and replaced, in-place, after the dredging event.

The applicant plans to conduct four (4) additional dredging events within the ten-year maintenance dredging period removing similar volumes of material within the same dredging area with disposal at the same upland site.

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, using and a mechanical clamshell or land-based excavator when mechanically dredging, and preventing large overflow of dredge material.

The purpose of this project is to maintain safe navigation within the canal for recreational marine vessels.

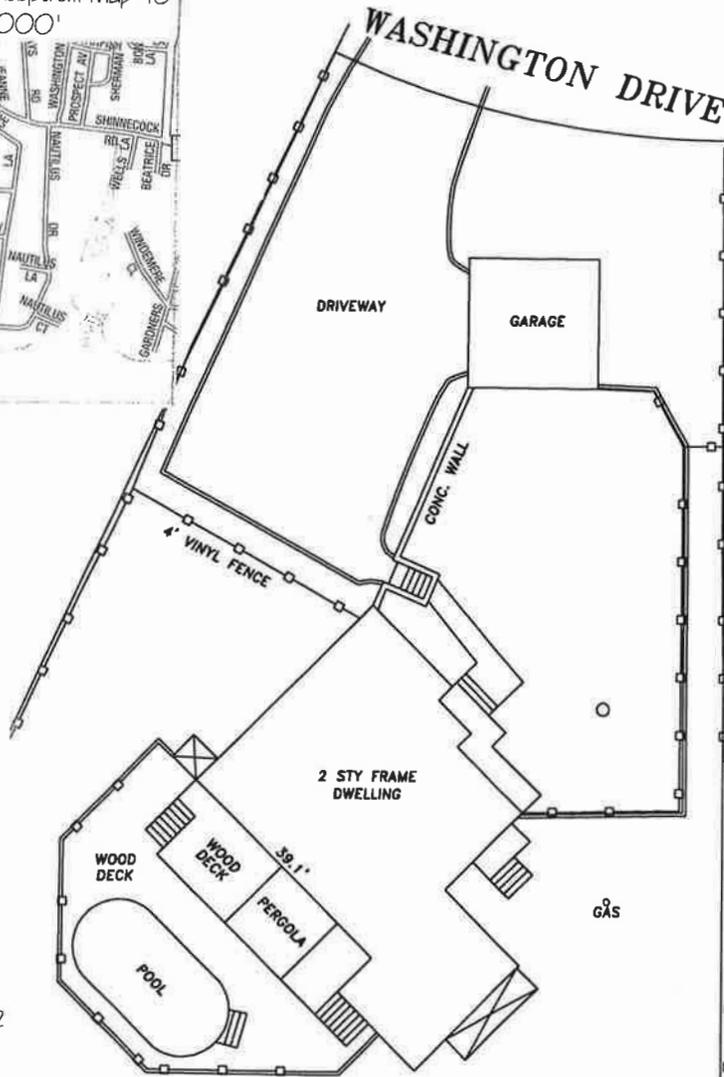
Suffolk Mapstrom Map 48

1" = 2000'

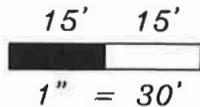
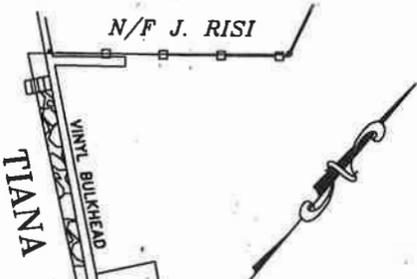
SITE (ACCESS VIA SUBJECT PROPERTY AND TIANA BAY BY BARGE)

Notes:

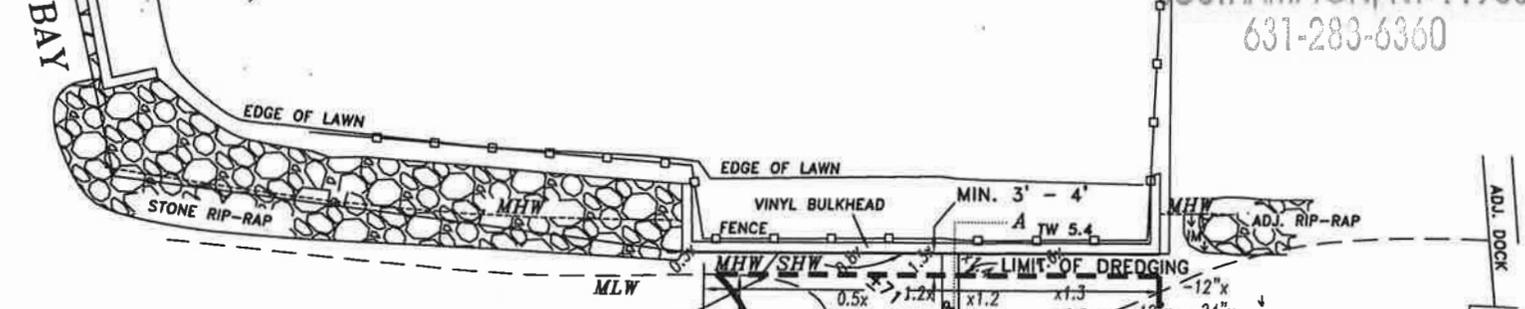
1. Purpose: To restore and maintain safe, navigable water depths beneath existing floating dock.
2. Water depths (referenced to MLW) transcribed from hydrographic survey prepared by Kenneth M. Woychuk Land Surveying, PLLC, dated 2-25-21
3. Approximately 100 cubic yards sand spoil to be dredged via barge-mounted clamshell bucket crane and/ or land-based excavator and trucked offsite to approved upland site
4. Silt curtain to be deployed around dredge site
5. Prior dredge permits include Dept. of the Army Permit No. 2004-00956-L1; NYSDEC TWP No. 1-4756-03101/ 00005; and Town of Southampton Trustees Permit No. 8798
6. Plan and crossview diagrams are schematic in nature and are intended only to establish project location, scope, and basic construction details for permitting purposes and are not intended to serve as or substitute for engineering or construction plans for construction purposes
7. Project location: 9 Washington Drive, Hampton Bays, Town of Southampton; SCTM #900-259-2-43.22



N/F T. ECONOMON



E N - CONSULTANTS
 1319 NORTH SEA RD.
 SOUTHAMPTON, NY 11968
 631-283-6360



LIMIT OF IRREGULARLY SHAPED, APPROX. 1,035 SF AREA (MAX. 18' x 71') TO BE DREDGED TO A MAX. DEPTH OF -3' MLW (APPROX. 100 CY SAND SPOIL TO BE BARGED OR TRUCKED OFFSITE)

EX. 2.5' x 15' RAMP & 3' x 45' FLOATING DOCK WITH 4' x 4' RAMP PAD TO BE TEMPORARILY REMOVED & REPLACED IN SAME LOCATION

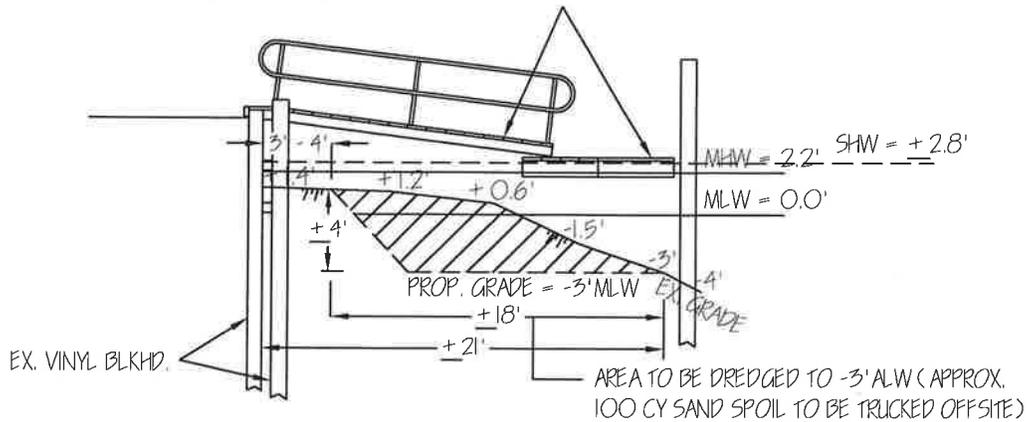
N/F EAST TIANA BOAT BASIN PARTNERS LLC

TIDAL BASIN

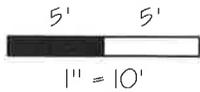
PROPOSED MAINTENANCE DREDGING FOR JOHN AND NANCY PAGANUCCI ON TIANA BAY TIDAL BASIN, HAMPTON BAYS, SUFFOLK CO., NY SHEET 1 OF 2 6-8-21, 10-21-21, 2-7-22

SECTION A-A: THRU PROPOSED DREDGING

EX. RAMP & FLOAT TO BE TEMPORARILY REMOVED AND REPLACED



NOTE: OVERALL PROPOSED DREDGE SLOPE = 2:9 (MIN. 1:1)



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PROPOSED MAINTENANCE DREDGING
FOR JOHN AND NANCY PAGANUCCI
ON TIANA BAY TIDAL BASIN,
HAMPTON BAYS, SUFFOLK CO., NY
SHEET 2 OF 2 6-8-21, 10-21-21, 2-7-22