

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-2021-00745-EVI

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: Board of Trustees of the Freeholders and Commonalty of the Town of Southampton
Attn: Ann Welker
116 Hampton Road
Southampton, NY 11968

WATERWAY: Fresh Pond a tributary of Sag Harbor Bay

LOCATION: Dredge Location: Fresh Pond and Sag Harbor Bay

Dredge Material Placement Location: Beach placement located in Noyack, Town of Southampton, Suffolk County, New York

ACTIVITY: Dredge with ten-year maintenance with Beach placement

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

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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 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

Enclosures

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WORK DESCRIPTION

The applicant, Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, has requested Department of the Army (DA) authorization to conduct dredging, with ten-year maintenance with beach placement located within Noyack, Town of Southampton, Suffolk County, New York. The proposed dredging work is located within Fresh Pond a tributary of Sag Harbor Bay in Village of North Haven, Town of Southampton, Suffolk County, New York.

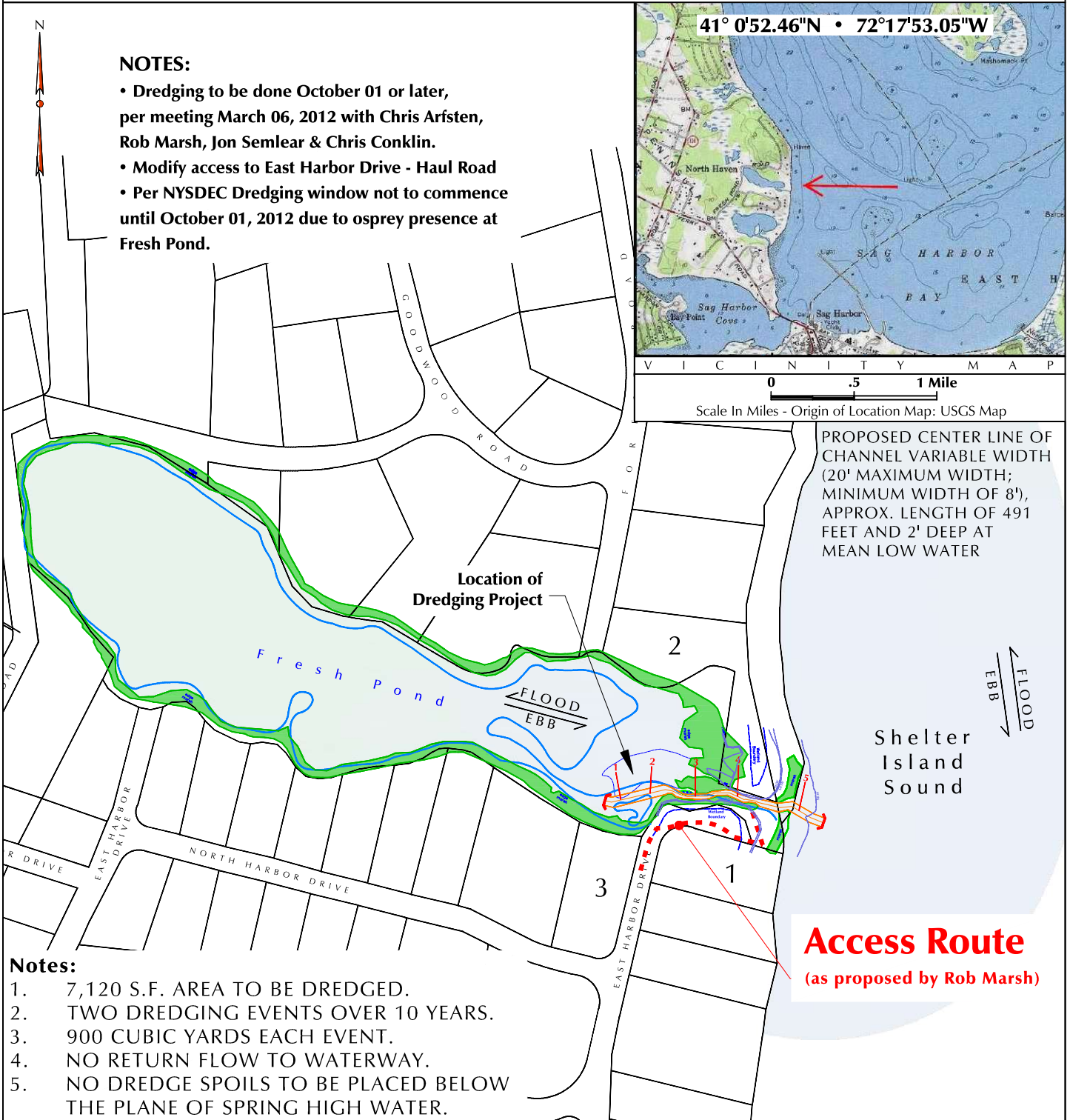
Dredge with ten-year maintenance, by long reach excavator, approximately 900-cubic yards (CY) of material from an approximately 7,120 square foot area within an irregularly shaped dredging area ranging in width between 8-feet-wide to 20-feet-wide by 491-feet-long. Dredging will be conducted to a maximum depth of 2-feet below the plane of Mean Low Water with a slope ratio of 1:3.

The resultant approximately 900 CY of dredged material would be transported via truck and placed along a beach located in Noyack, Town of Southampton, Suffolk County, New York. All dredged material will be placed along the beach above the plane of Spring High Water with no return flow back into the waterway. The duration of the dredging activity would be approximately two (2) weeks.

The applicant plans to conduct one (1) additional dredging event within the ten-year maintenance period (two total dredging events) with up to a total of approximately 900 CY of material (1,800 CY total) 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 Fresh Pond. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a long reach excavator.

The proposed work also entails the temporary installation of two (2), three-foot-wide by 30-foot-long cofferdams, one (1) cofferdam on each side of the dredging area. The stated purpose of the proposed cofferdams is to limit the amount of water flow while dredging operations are conducted.

The stated purpose of this project is to ensure tidal exchange takes place between the surface waters of Fresh Pond and Sag Harbor Bay allowing salinity concentrations to be maintained within Fresh Pond.



Purpose: Fresh Pond Dredging Project

Datum: MLW NGVD (1929)

Adjacent Property Owners:

1. Donald Keane, 301 E 48th St, New York NY 10017
2. Aviva R Sucher, 810 E 19th St Brooklyn NY 11230
3. Edwin McGuiric, 35 Manchester Ct Wayne NJ 07470

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Full Site View

0 300' 600'

Scale: 1" = 300'

Client:

Board of Trustees of the Freeholders and Commonalty of the Town of Southampton

Disclaimer: This drawing is for concept design purposes only. Prior to construction, all design elements should be evaluated by the owner site contractor and/or engineer to ensure proper design.

Name of Project:
Fresh Pond Dredging Project

Location of Project:

In: Fresh Pond
County: Suffolk County
Applicant: Board of Trustees of the Freeholders and Commonalty of the Town of Southampton
116 Hampton Road, Town Hall, Southampton NY 11968
Prepared by: Inter-Science Inc. 36 Nugent Street, Southampton NY 11968

Sheet 1 of 9

Date: 10/11/2022

1. 7,120 S.F. AREA TO BE DREDGED.
2. TWO DREDGING EVENTS OVER 10 YEARS.
3. 900 CUBIC YARDS EACH EVENT.
4. NO RETURN FLOW TO WATERWAY.

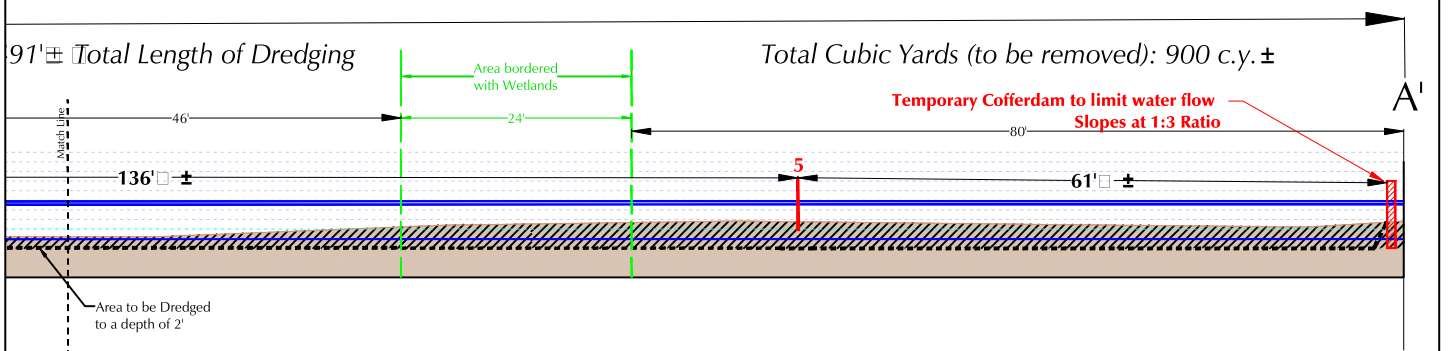
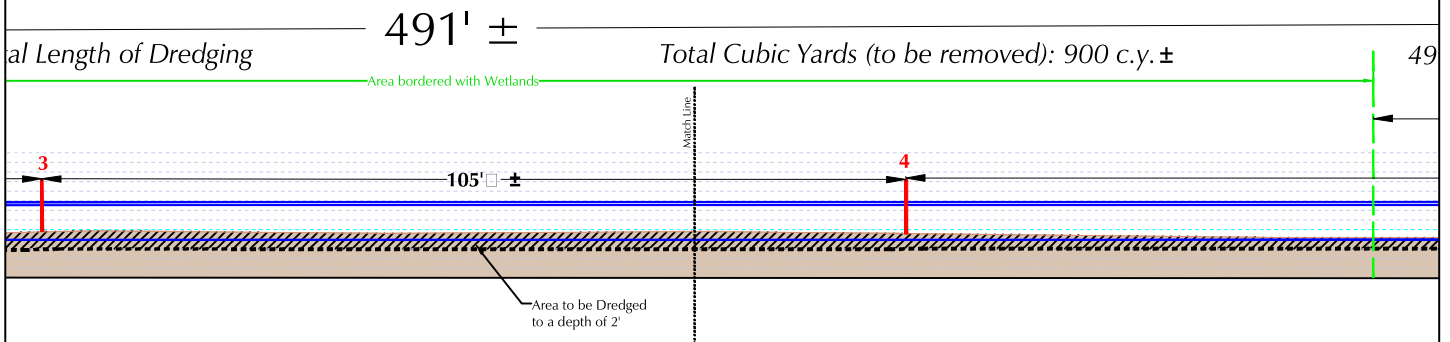
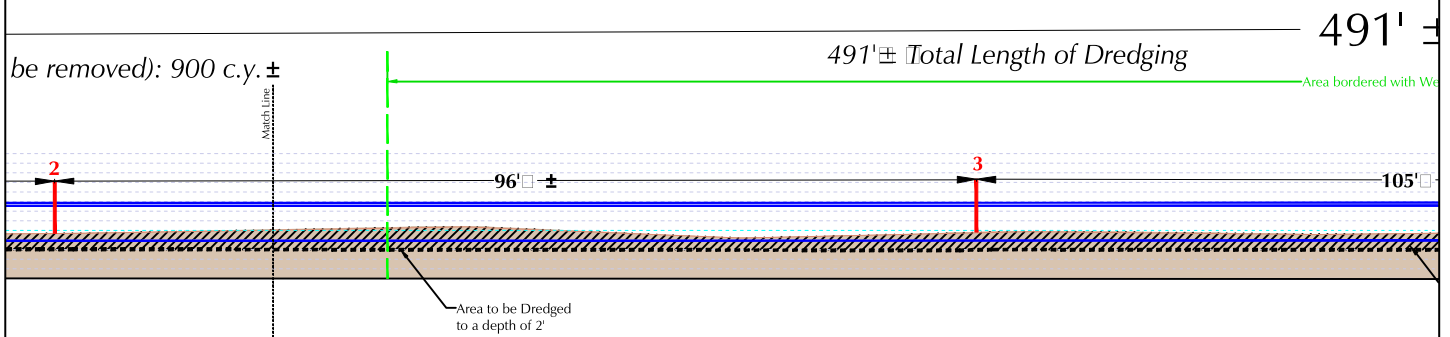
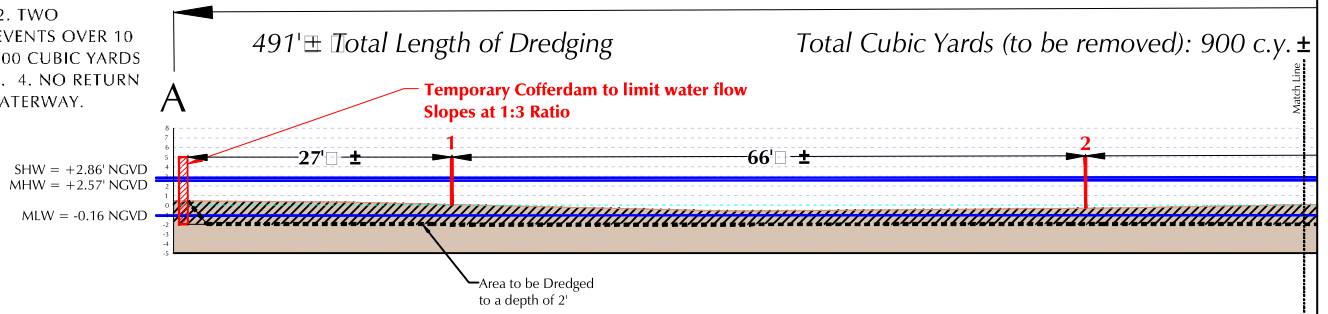
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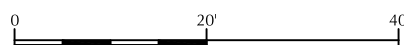
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Profile View Section A-A'



Scale: 1"=20'

Client:

Board of Trustees of the Freeholders and Commonalty of the Town of Southampton

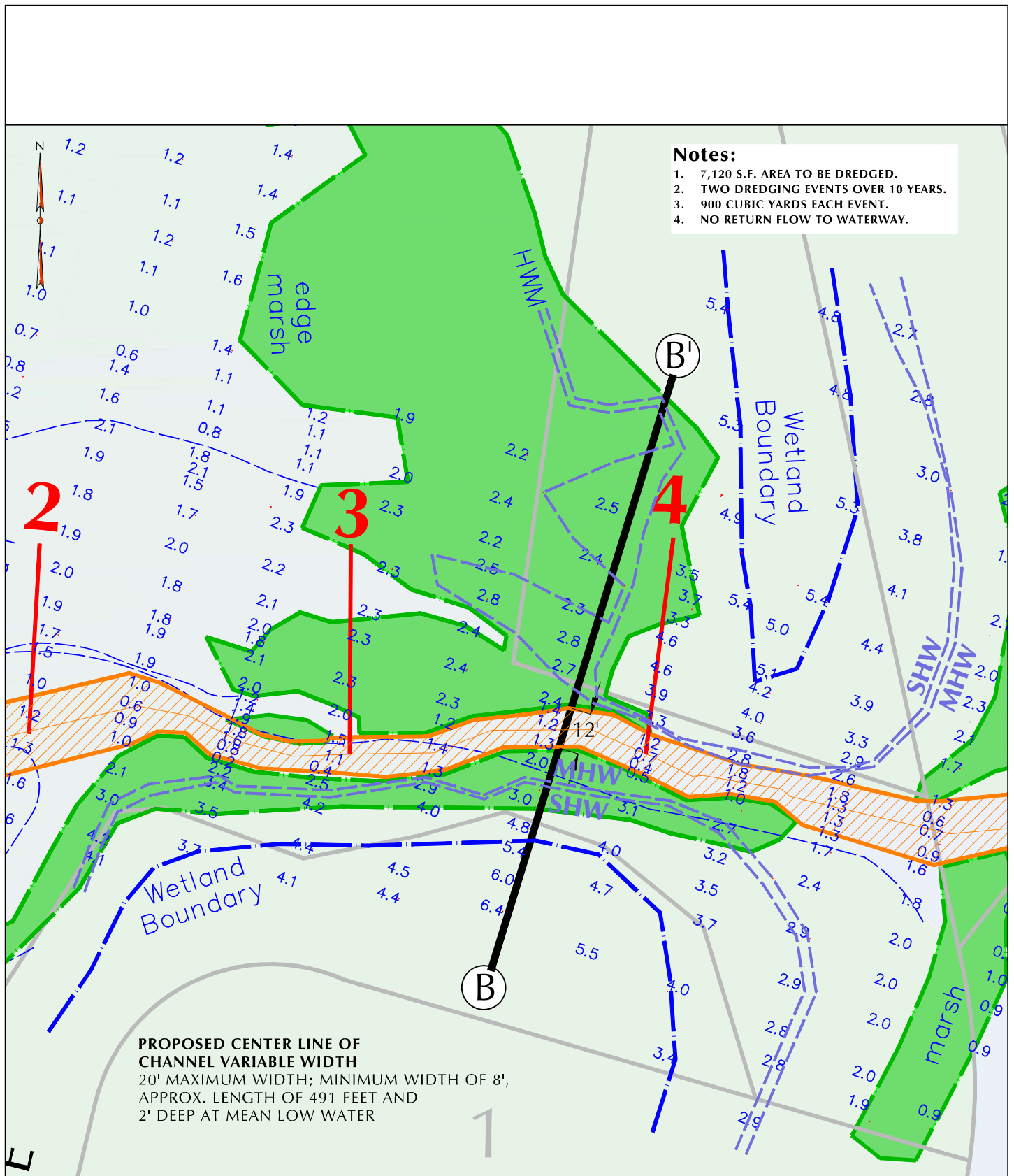
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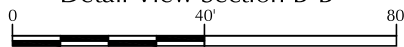
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Detail View Section B-B'



Scale: 1"=40'

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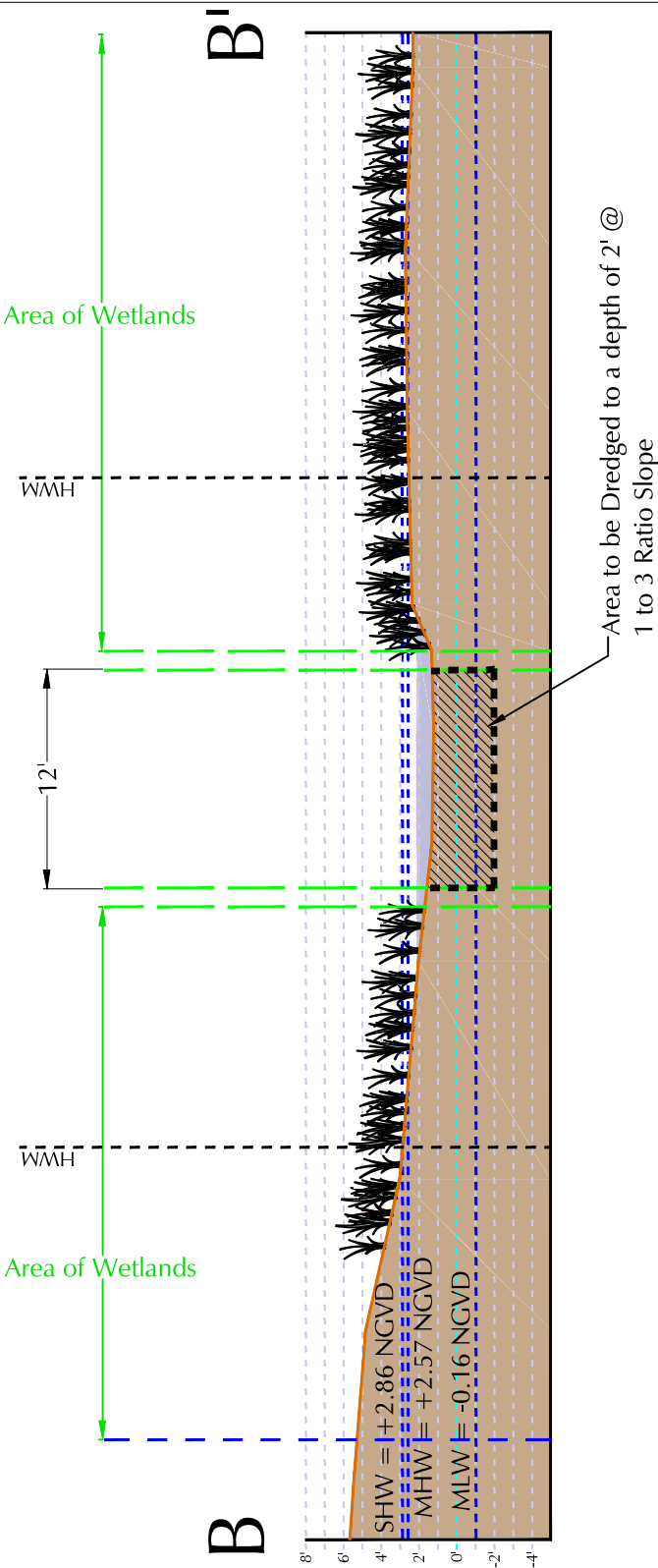
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Date: 10/11/2022

Notes:
1. 7,120 S.F. AREA TO BE DREDGED. 2. TWO DREDGING EVENTS OVER 10 YEARS. 3. 900 CUBIC YARDS EACH EVENT. 4. NO RETURN FLOW TO WATERWAY.



Purpose: Fresh Pond Dredging Project
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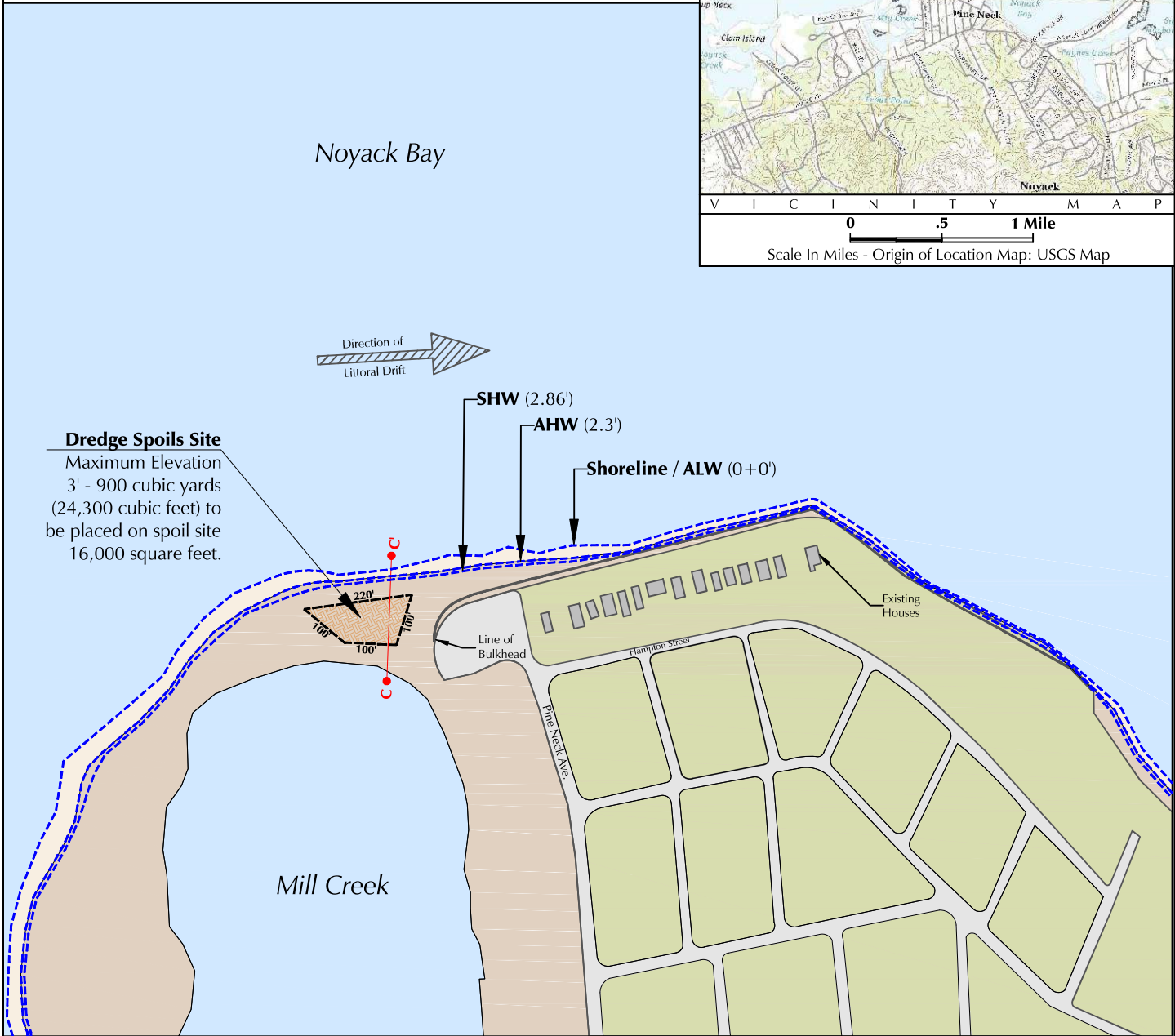
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Cross Section View B-B'
0 10' 20'
Scale: 1"=10'
Client:
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Sheet 6 of 9
Date: 10/11/2022



Date: June 17, 2022

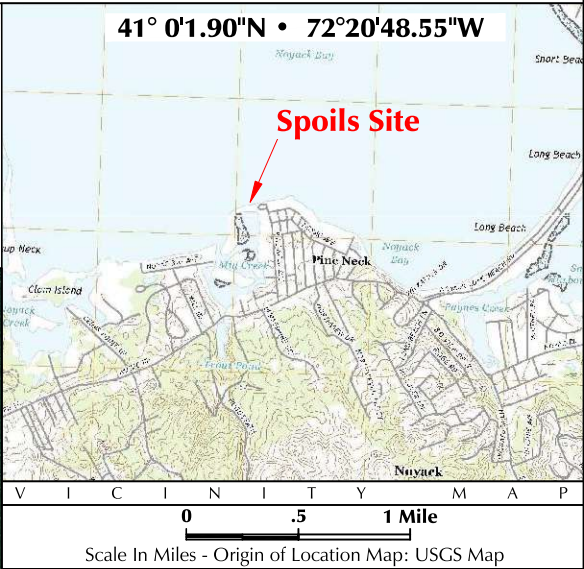


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- 5. THERE WILL BE NO DREDGED MATERIAL (SPOILS) PLACED BELOW THE PLANE OF SPRING HIGH WATER

41° 0'1.90"N • 72°20'48.55"W

Spoils Site



Noyack Bay



SHW (2.86')

AHW (2.3')

Shoreline / ALW (0+0')

Dredge Spoils Site

Maximum Elevation
3' - 900 cubic yards
(24,300 cubic feet) to
be placed on spoil site
16,000 square feet.

Line of Bulkhead

Mill Creek

Purpose: Fresh Pond Dredging Project

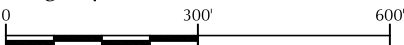
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Dredge Spoils - Full Site Aerial View



Scale: 1" = 300'

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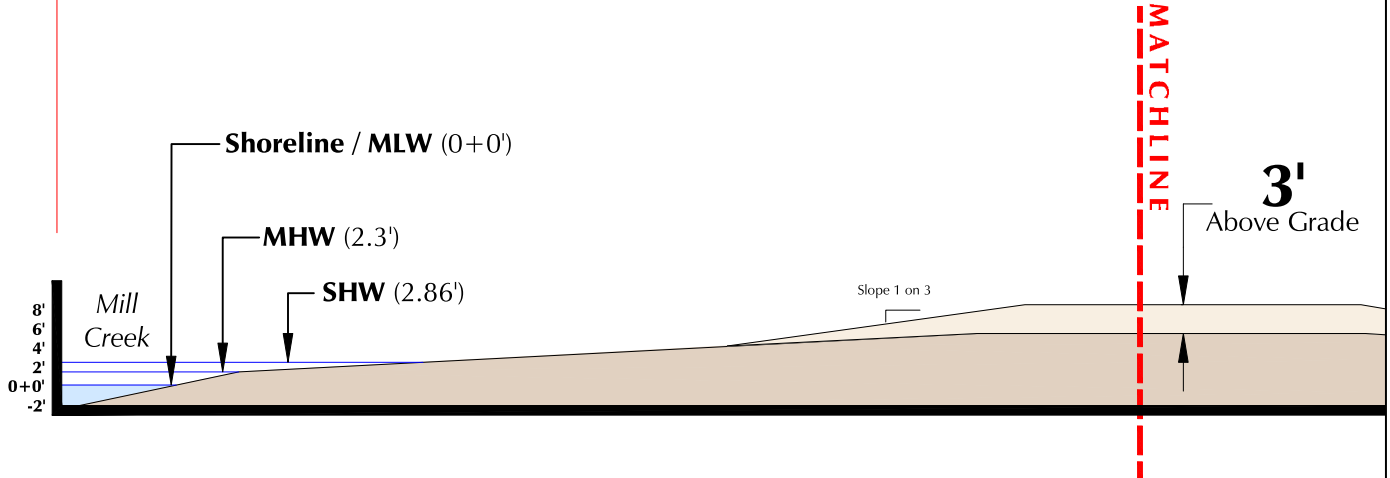
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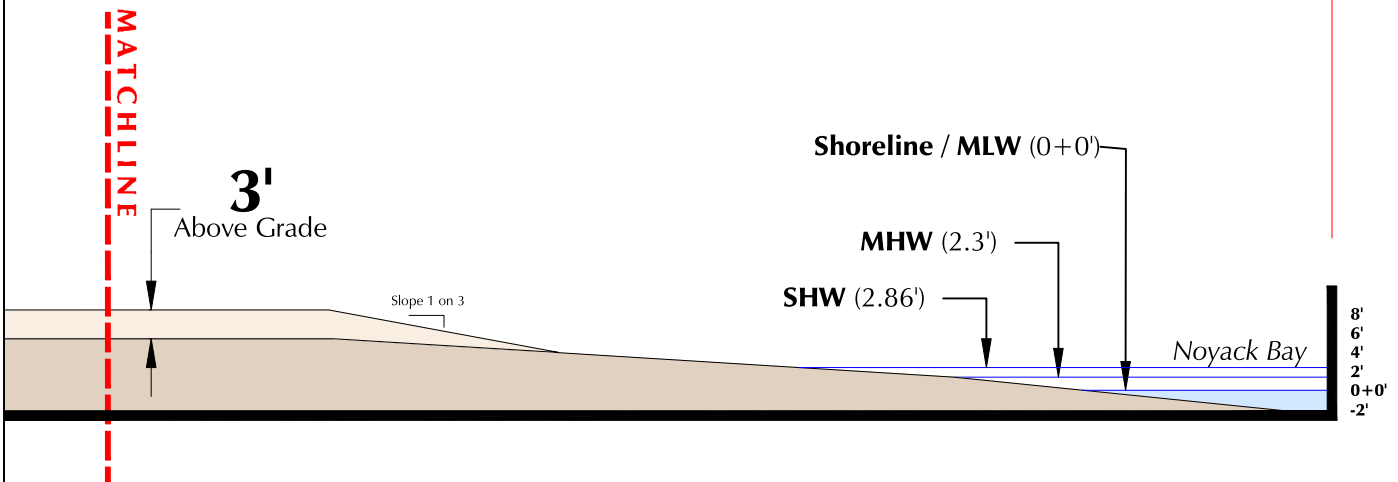
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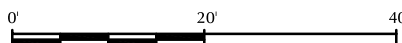
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Profile View - C-C'



Scale: 1" = 20'

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