



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-2021-00967-EBR**
Issue Date: September 29, 2021
Expiration Date: October 29, 2021

The New York District, of the U.S. Army 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):

APPLICANTS: Douglas Lloyd
611 Lazy Point Road
Amagansett, NY 11930

Chris Anderson
619 Lazy Point Road
Amagansett, NY 11930

Damelys Marin
621 Lazy Point Road
Amagansett, NY 11930

Richard Principi
623 Lazy Point Road
Amagansett, NY 11930

ACTIVITY: Install Pressure Equalizing Modules to increase sand deposition along the shoreline

WATERWAY: Napeague Bay, a tributary of Gardiners Bay

LOCATIONS: 611 Lazy Point Road, 619 Lazy Point Road, 621 Lazy Point Road and 623 Lazy Point Road in Amagansett, Town of East Hampton, 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 WILLIAM.BRUNO@USACE.ARMY.MIL 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. Comments should be emailed to William.Bruno@usace.army.mil.

Any person may request, in writing via email, 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.

Review 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. The applicants have received water quality

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certifications from New York State Department of Environmental Conservation, Permit ID 1-4724-01169/00006, Permit ID 1-4724-02354/00004, Permit ID 1-4724-02039/00006 and Permit ID 1-4724-00112/00006 in accordance with Section 401 of the Clean Water Act.

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. In letters dated February 13, 2020, New York State Department of State issued Coastal Zone Management Concurrence with Consistency Certifications, F-2019-0923, F-2019-0924, F-2019-0927 and F-2019-0929 for the proposed work.

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) 790-8516 and ask for William T. Bruno.

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>.

Encl

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

DESCRIPTION OF PROPOSED WORK

The applicants, Douglas Lloyd, Chris Anderson, Damelys Marin and Richard Principi, have requested Department of the Army authorization to install Pressure Equalizing Modules (PEMs) to conduct a five year pilot study designed to allow more water to drain through the top layer of the beach for an anticipated increase in sand accretion along the shoreline at 611 Lazy Point Road, 619 Lazy Point Road, 621 Lazy Point Road and 623 Lazy Point Road in Napeague Bay, a tributary of Gardiners Bay, Town of East Hampton, Suffolk County, New York.

The regulated work would involve:

Installation, using a small truck with an attached trailer and an earth drill on rubber tracks, of a perpendicular to the shoreline row, of up to ten (10) Pressure Equalizing Modules, per site, between the Spring High Water line and the Mean Low Water line. Each Pressure Equalizing Module measures approximately 2.5-inches in diameter by 6-feet-long. Each Pressure Equalizing Module will be vertically buried in the sand within the intertidal zone to a depth of approximately 8-feet below existing grade with up to 2-feet of cover and spaced approximately 8-feet apart. The regulated work would occur along an approximately 800-linear-foot section of shoreline.

The stated purpose of this project is to conduct shoreline stabilization through increasing sand accretion over time.

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THIS OFFICE*****

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FIGURE 1: PROJECT LOCATION

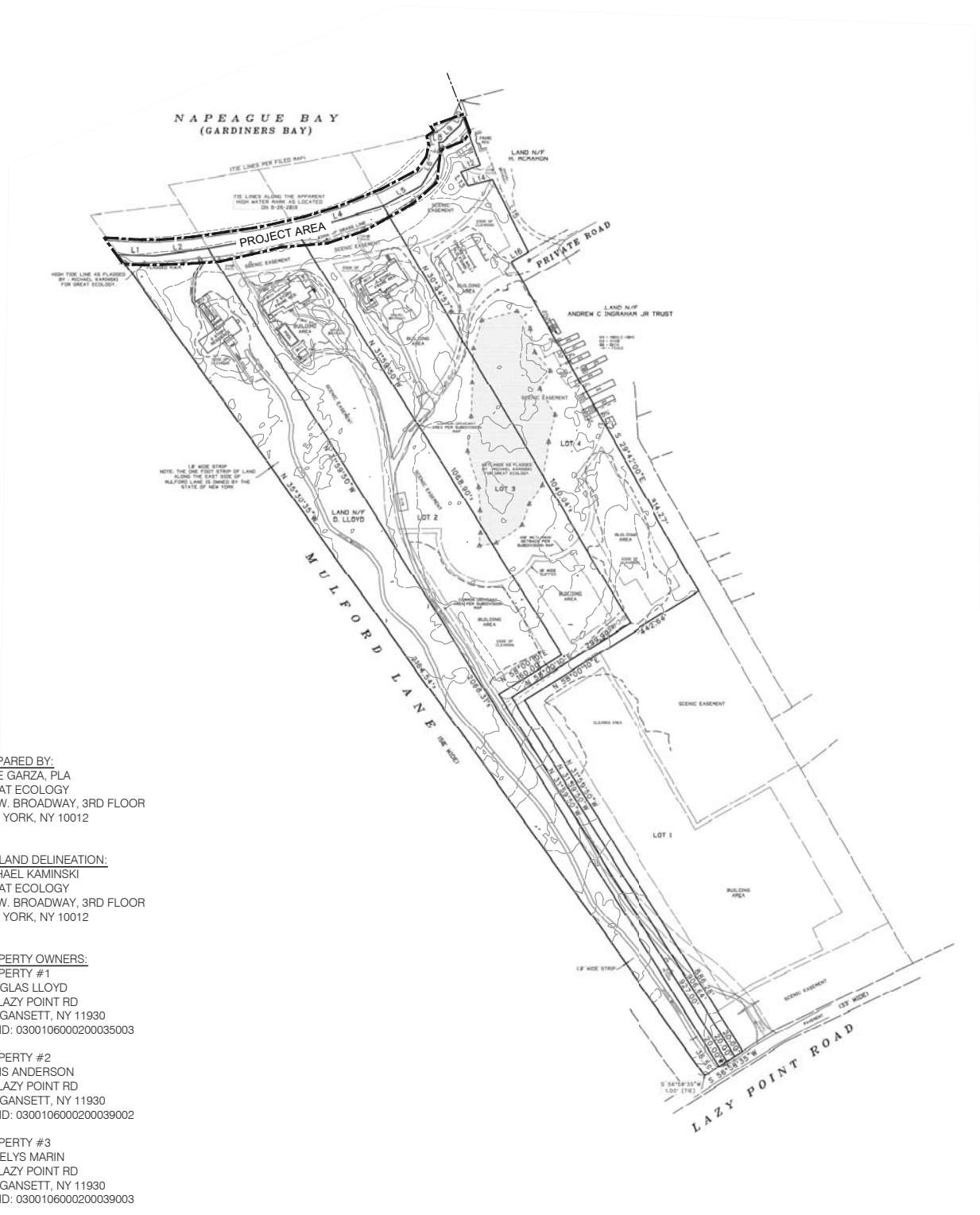


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LEGEND

--- PROJECT AREA



PREPARED BY:
ELLIE GARZA, PLA
GREAT ECOLOGY
379 W. BROADWAY, 3RD FLOOR
NEW YORK, NY 10012

WETLAND DELINEATION:
MICHAEL KAMINSKI
GREAT ECOLOGY
379 W. BROADWAY, 3RD FLOOR
NEW YORK, NY 10012

PROPERTY OWNERS:
PROPERTY #1
DOUGLAS LLOYD
611 LAZY POINT RD
AMAGANSETT, NY 11930
TAX ID: 0300106000200035003

PROPERTY #2
CHRIS ANDERSON
619 LAZY POINT RD
AMAGANSETT, NY 11930
TAX ID: 0300106000200039002

PROPERTY #3
DAMELYS MARIN
621 LAZY POINT RD
AMAGANSETT, NY 11930
TAX ID: 0300106000200039003

PROPERTY #4
RICHARD PRINCIPI
623 LAZY POINT RD
AMAGANSETT, NY 11930
TAX ID: 0300106000200039004

LAZY POINT BEACH EROSION CONTROL PROJECT
PROJECT AREA VICINITY MAP

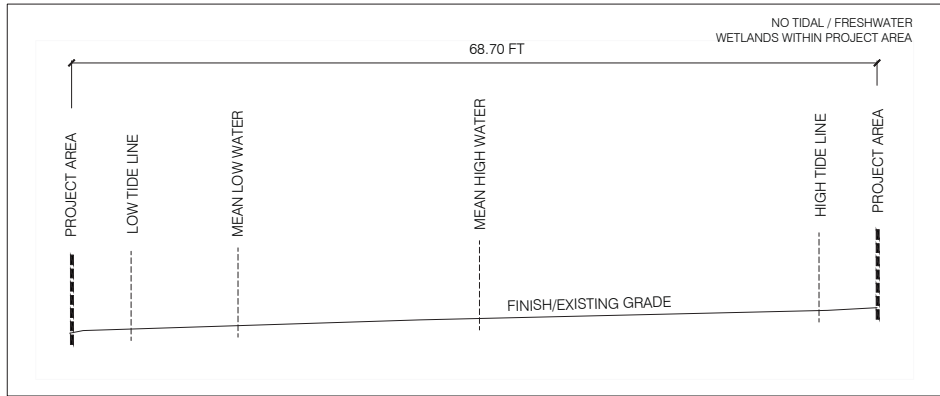
PREPARED: NOVEMBER 8, 2019 REVISED: MAY 16, 2021

SHEET 1 OF 5
SCALE: 1" = 100' 0"

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SECTION A

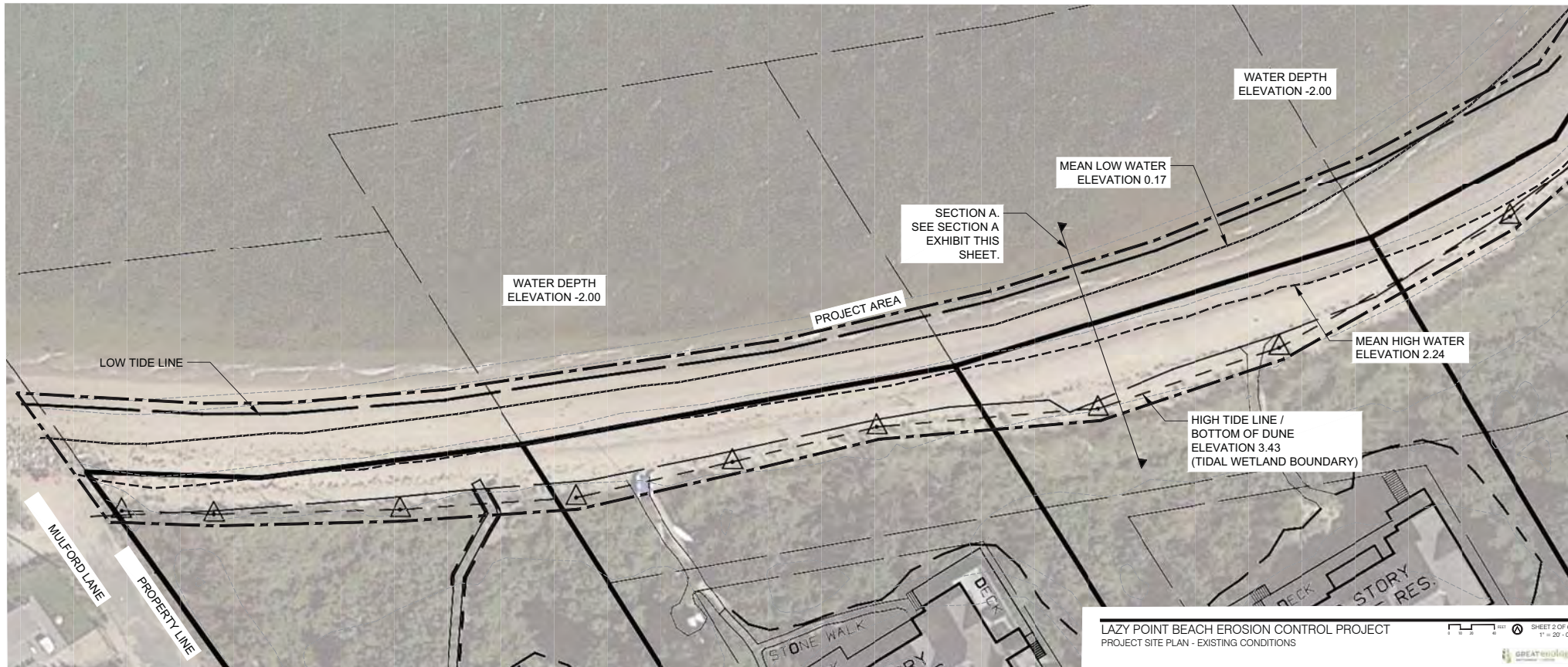


LEGEND

- HIGH TIDE LINE / BOTTOM OF DUNE
- LOW TIDE LINE
- MEAN LOW WATER
- MEAN HIGH WATER
- 2 FT EXISTING CONTOUR
- PROJECT AREA

NOTE:

2. WATER DEPTH, MEAN HIGH WATER AND MEAN LOW WATER ELEVATION DATA FROM NOAA DATUMS FOR 8510560, TIDAL EPOCH 1983-2001.



LAZY POINT BEACH EROSION CONTROL PROJECT
PROJECT SITE PLAN - EXISTING CONDITIONS

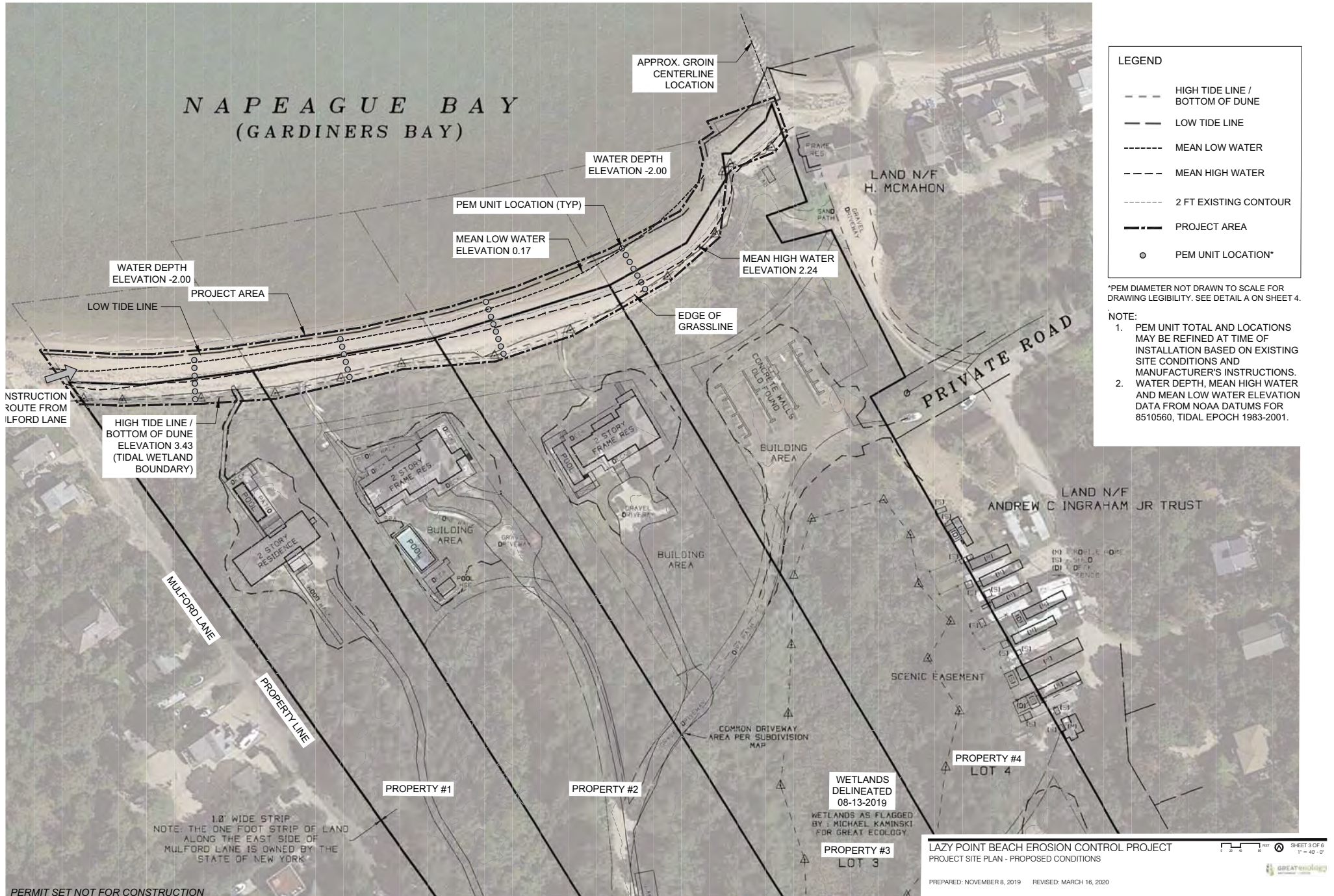
PREPARED: NOVEMBER 8, 2019 REVISED: MARCH 16, 2020

1" = 20'-0" SHEET 2 OF 5



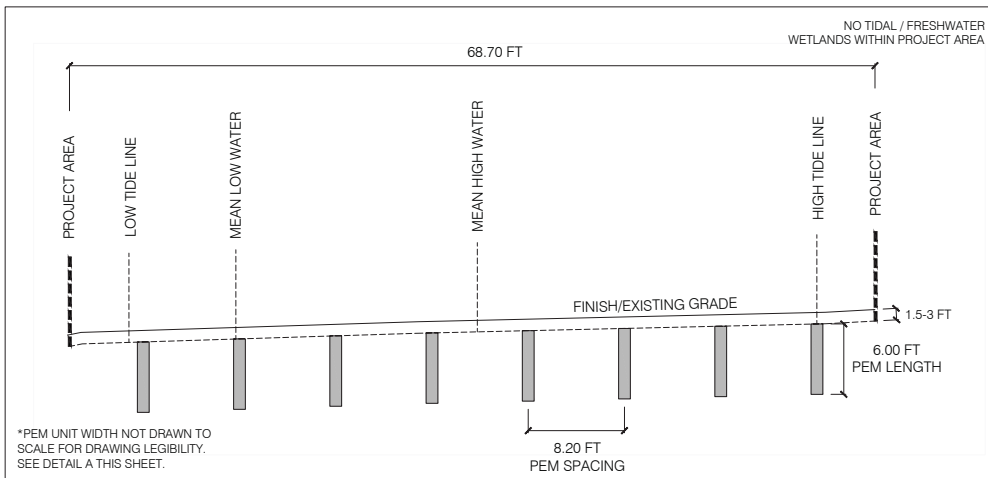
PERMIT SET NOT FOR CONSTRUCTION

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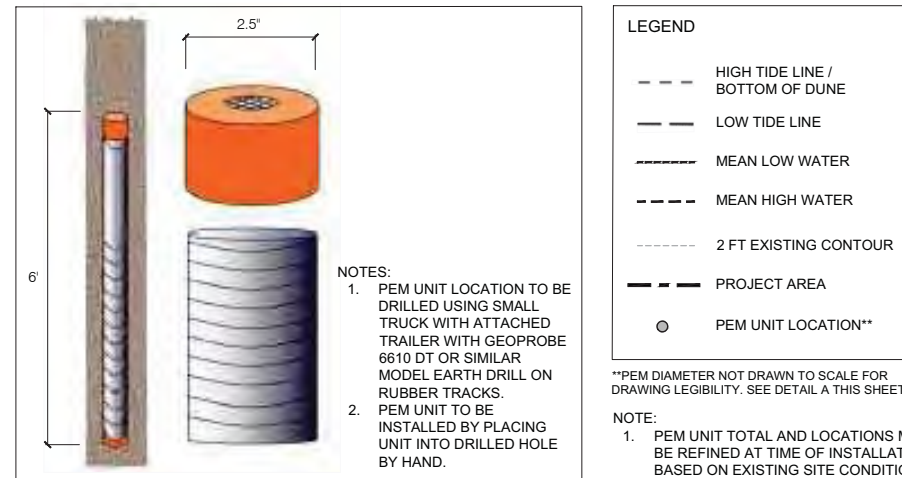


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SECTION B

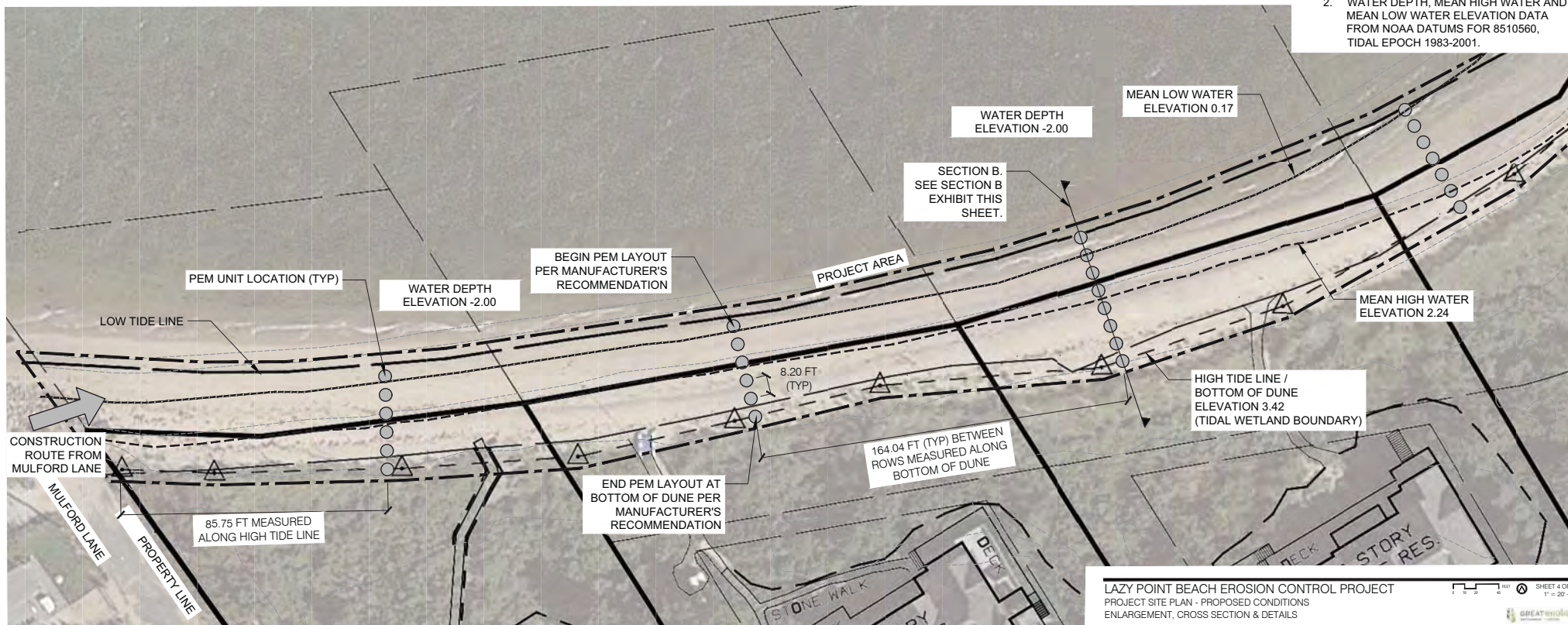


DETAIL A - PEM UNIT DETAIL



**PEM DIAMETER NOT DRAWN TO SCALE FOR DRAWING LEGIBILITY. SEE DETAIL A THIS SHEET.

- NOTE:
1. PEM UNIT TOTAL AND LOCATIONS MAY BE REFINED AT TIME OF INSTALLATION BASED ON EXISTING SITE CONDITIONS AND MANUFACTURER'S INSTRUCTIONS.
 2. WATER DEPTH, MEAN HIGH WATER AND MEAN LOW WATER ELEVATION DATA FROM NOAA DATUMS FOR 8510560, TIDAL EPOCH 1983-2001.



LAZY POINT BEACH EROSION CONTROL PROJECT

PROJECT SITE PLAN - PROPOSED CONDITIONS

ENLARGEMENT, CROSS SECTION & DETAILS

PREPARED: NOVEMBER 8, 2019 REVISED: MARCH 16, 2020

SHEET 4 OF 9

1" = 20'-0"

GREATWATER

PERMIT SET NOT FOR CONSTRUCTION