



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-2021-01045-EBR**
Issue Date: December 28, 2022
Expiration Date: January 27, 2023

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):

APPLICANT: Conkling Advisors, LLC
Attn: Andrew Salomon
PO Box 12
East Marion, New York 11939

ACTIVITY: Maintenance dredging, bank stabilization and aquatic habitat restoration activities

WATERWAY: Peconic Bay

LOCATION: Brick Cove Marina, 1760 Sage Blvd, 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 William.Bruno@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 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.

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 has not received a water quality certification from New York State Department of Environmental Conservation.

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 a letter dated May 26, 2022, New York State Department of State issued a Coastal Zone Management Concurrence with Consistency Certification, F-2021-0700, 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

*****PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH
THIS OFFICE*****

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>.

A handwritten signature in black ink that reads "Rosita Miranda". The script is cursive and fluid.

FOR AND IN BEHALF OF

Stephan A. Ryba
Chief, Regulatory Branch

Encl

DESCRIPTION OF PROPOSED WORK

The applicant, Conkling Advisors, LLC, has requested Department of the Army authorization for one-time maintenance dredging activities at Brick Cove Marina in Peconic Bay in the Town of Southold, Suffolk County, New York.

One-Time Maintenance Dredging

The work includes one-time maintenance dredging, via a crane on a barge, a total volume of approximately 835 cubic yards (CY) from two areas, one within an existing marina basin and the other its entrance channel. The marina basin dredging area, will vary in width from approximately 20-feet-wide to 33-feet-wide by approximately 119-feet-long, approximately 3,475 square feet (SF) and extends to a maximum depth of 4-feet-below the plane of Mean Low Water (MLW). The rectangular-shaped entrance channel dredging area with two spurs will vary in width from approximately 55-feet-wide to approximately 65-feet-wide by approximately 207-foot-long, approximately 7,250 SF and extends to a maximum depth of 6-feet-below the plane of MLW. The total dredging area is approximately 10,725 SF (approximately 0.25 acres). The applicant may utilize a barge to dredge the seaward areas of the inlet and for placement of dredged materials onto the easterly peninsula. The dredged material will be placed on a barge, then transferred to the area within the confines of the proposed block wall and bulkhead on the eastern peninsula via the barge/crane with no return flow to the waterway.

Eastern Peninsula

On the Eastern Peninsula the work includes construction of an approximately 200 linear foot (LF) of a doublewall block retaining wall system to an elevation of 7.00 feet (NAVD 88) along the south shoreline of easterly peninsula. Also proposed is the removal of approximately 660 CY of existing riprap from an approximately 2,300 SF area (to be carted offsite to a licensed disposal facility) along the southerly shoreline of the easterly peninsula. The existing rip-rap is proposed to be replaced with a 2,300 SF revetment constructed of locally sourced stone with a 1.5 ton/stone top layer and 50lb/stone base layer landward of MLW which will result in the placement of approximately 515 CY of stone over an approximately 1,700 SF area below the plane of Spring High Water (SHW) and approximately 145 CY of stone over an approximately 600 SF area above the plane of SHW. Along the western point of the easterly peninsula the work includes the construction of an approximately 40 LF bulkhead to an elevation 7.00 feet (NAVD 88). Along the northerly shoreline of the easterly peninsula the work includes the construction of an approximately 245 LF of bulkhead to an elevation of 7.00 feet (NAVD 88).

Along the northerly shoreline of the easterly peninsula 6 feet seaward of and parallel to the abovementioned new bulkhead the work includes the construction of an approximately 237 LF low-sill bulkhead to an elevation ± 0.33 feet (NAVD 88) to create 1,375 SF of vegetated intertidal salt marsh planted with Smooth Cordgrass (*Spartina alterniflora*).

Of the total approximately 835 CY of dredged material, approximately 690 CY is proposed to be placed between the doublewall southerly block wall and the north and west bulkheads on the eastern peninsula resulting in approximately 35 CY of fill placed over an approximately 1,150 SF area below the plane of SHW and approximately 655 CY of fill over an approximately 5,250 SF area above the plane of SHW.

No work is proposed on the western peninsula.

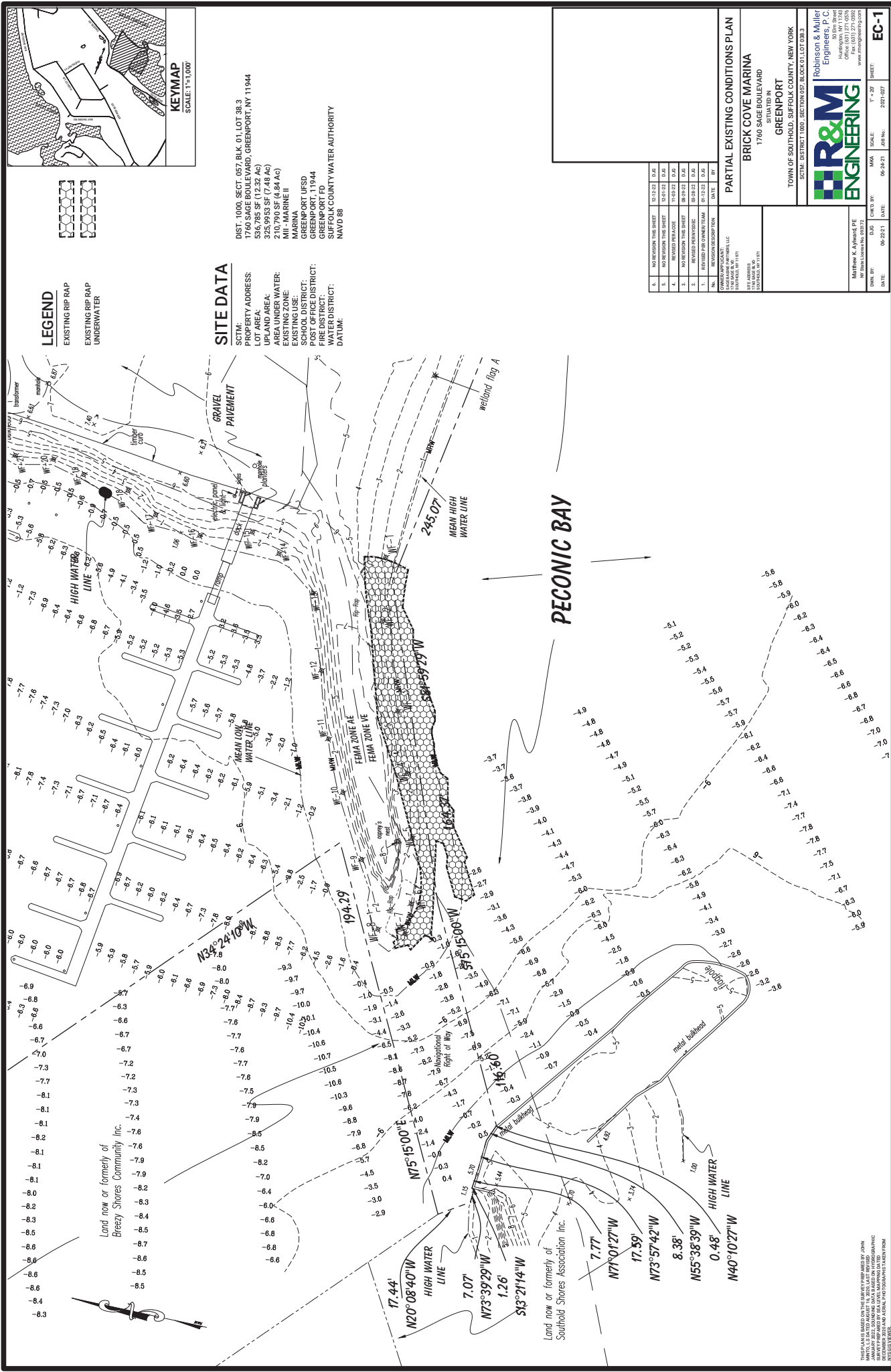
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area

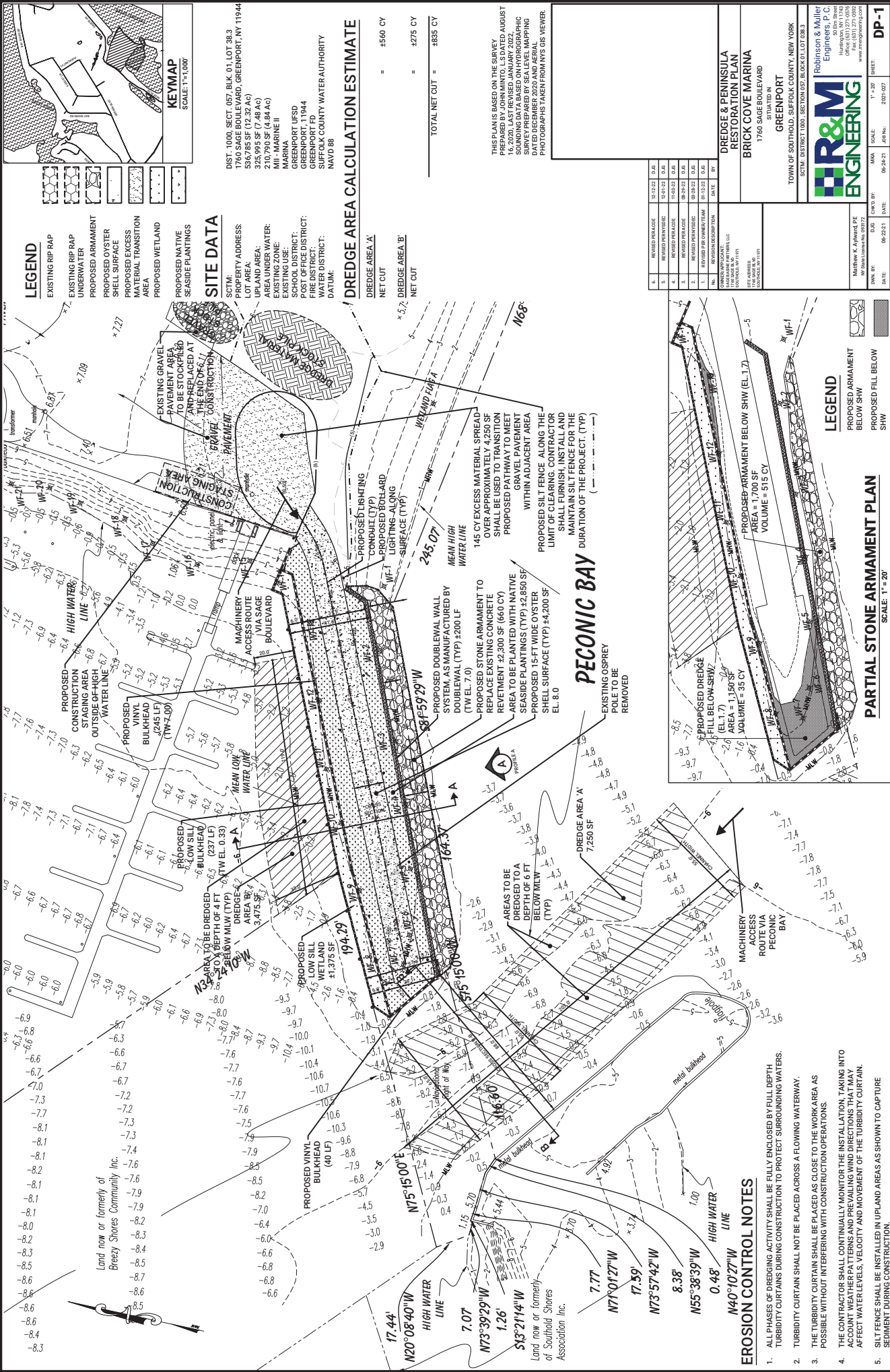
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THIS OFFICE*****

required for safe and reasonable navigation and by incorporating the establishment of approximately 1,375 SF of intertidal wetlands planted with Smooth Cordgrass (*Spartina alterniflora*).

The stated purpose of the project is to restore safe navigable depths to the marina, stabilize the shoreline and to enhance the aquatic environment.









SHW:	SPRING HIGH WATER
MHW:	MEAN HIGH WATER
MLW:	MEAN LOW WATER

NOTE:

DOUBLEWALL WALL SYSTEM MAY BE USED AS AN ALTERNATIVE IN LIEU OF PROPOSED NORTH FACING VINYL BULKHEAD.

No.	REVISION DESCRIPTION	DATE	BY
1.	REVISED PER OWNER/TEAM	01-12-22	J.S.
2.	REVISED PER NYSDOT	03-28-22	J.S.
3.	REVISED PER AOE	08-29-22	J.S.
4.	REVISED PER AOE	11-09-22	J.S.
5.	NO REVISION THIS SHEET	12-01-22	J.S.
6.	REVISED PER AOE	12-12-22	J.S.

CROSS SECTION DETAILS

BRICK COVE MARINA

SITUATED IN
GREENIDOT

TOWN OF SOUTHDOWN, SUFFOLK COUNTY, NEW YORK

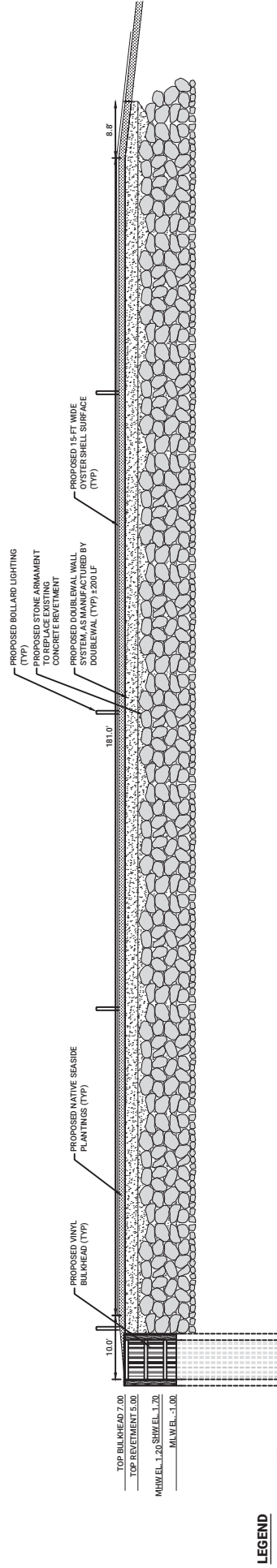
R&M
ENGINEERING

Robinson & Muller
Engineers, P.C.
50 Elm Street
Huntington, NY 11743
Office: (813) 271-0576
Fax: (813) 271-0592

SC7M: DISTRICT 1000, SECTION 057, BLOCK 01, LOT 038.3

ENGINEERING
Matthew K. Aylward, PE
 NY State License No. 093172
 Office: (631) 271-0370
 Fax: (631) 271-0592
 www.jmengineering.com

DWN. BY:	DJG	CHK'D. BY:	MKA	SCALE:	1" = 50'	SHEET:
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SOUTH VIEW OF EASTERN PENINSULA PROFILE

CONSTRUCTION METHODOLOGY SCHEDULE

1. INSTALLATION OF CONSTRUCTION FENCING DURING ALL PHASES OF CONSTRUCTION TO IDENTIFY AND DELINEATE THE WORK AREA.
2. INSTALLATION OF PERIMETER EROSION CONTROL MEASURES FOR TEMPORARY STABILIZATION OF DISTURBED AREAS DURING CONSTRUCTION
3. REMOVAL OF PORTIONS OF THE EXISTING CONCRETE RETEMENT LOCATED ON THE SOUTH SIDE OF THE EASTERN PENINSULA IN CONFLICT WITH THE INSTALLATION OF THE DOUBLEWALL AND BULKHEAD. MACHINERY ACCESS VIA DREDGE ELEVATOR, VEHICULAR AND PEONIC BAY (BOAT BARGE).
4. ERECT LIGHT DUTY DIRT CURTAIN AND BEGIN DREDGING OF MATERIAL WITHIN CHANNEL (AREA A) AND MARINA (AREA B) TO PREPARE FOR DOUBLEWALL AND BULKHEAD CONSTRUCTION.
5. CHANNEL SEDIMENT CONTROL ON BARGE TO MINIMIZE SEDIMENT OR MATERIAL TRANSFER BACK INTO CHANNEL VIA RETURN FLOW.
6. STAGE CONSTRUCTION EQUIPMENT, CONSTRUCTION MATERIALS, AND DREDGE MATERIAL WITHIN THE UPLAND GRAVEL PAVEMENT AREA (UPLAND OF MMW). DREDGE MATERIAL SHALL BE PLACED TO ALLOW DRYING.
7. BEGIN INSTALLATION DOUBLEWALL WALL SYSTEM (3200 LF) ALONG THE SOUTHERN SIDE OF THE EASTERN PENINSULA TO ESTABLISH THE PERIMETER OF TEMPORARY FOOTPRINT.
8. ALLOW SILL BULKHEAD AND BULK HEAD SYSTEMS ALONG THE NORTHERN AND WESTERN SIDES OF THE EASTERN PENINSULA TO REMAIN IN PLACE TO PROVIDE TEMPORARY FOOTPRINT FOR CONSTRUCTION OF THE PERIMETER STRUCTURE IS ESTABLISHED. BEGIN BACKFILL OF THE EASTERN PENINSULA WALL/BULKHEAD WITH STOCKPILED DREDGE MATERIAL VIA CRANE AND BARGE. TANKDEM. BACKFILL ELEVATION WILL RISE WITH THE ELEVATION OF THE DOUBLEWALL ELEVATION.
10. TURNOVER/SUPPLY OF MATERIAL FOR BACKFILL OF THE DOUBLEWALL AND ALLOW FOR A STEADY CONSUMPTION OF MATERIAL FOR BACKFILL OF THE DOUBLEWALL AND BULKHEAD SYSTEMS VIA CRANE AND BARGE TANKDEM.
11. BEGIN REMOVAL OF REMAINING EXISTING CONCRETE RETEMENT AND INSTALL NEW STONE ORNAMENT ALONG THE SOUTHERN SIDE OF THE EAST PENINSULA UP TO THE DOUBLEWALL WALL SYSTEM. PROGRESS SHALL BE LINEAR TO MAINTAIN SHORELINE PROTECTION AT ALL TIMES.
12. FINAL INSTALLATION OF THE DOUBLEWALL SYSTEM AND BULKHEAD TO MEET FINAL PENINSULA GRADE. COMPLETE FINAL GRADING AND INSTALLATION OF INFRASTRUCTURE COMPONENTS.
13. INSTALL VEGETATION FOLLOWING SITE STABILIZATION, SOIL RESTORATION, AND APPLY TOPSOIL WHERE NECESSARY. INSTALLATION OF LOW SILL BULKHEAD PLANTING, UPLAND NATIVE SEASIDE PLANTINGS, SEEDING NR 500.
15. INSTALLATION OF OYSTER SHELL SURFACE
16. REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES, UPON COMPLETION OF SITE STABILIZATION.
17. INSTALLATION OF MISCELLANEOUS SITE FINISHES OF THE EASTERN PENINSULA.

NOTES

1. EXISTING RIP RAP/RUBBLE DEBRIS AND OBSTRUCTIONS SHALL BE REMOVED AND DISPOSED OF AT A LICENSED DISPOSAL FACILITY OFF-SITE.
2. MEAN HIGH WATER LEVEL IS BASED ON THE SURVEY PREPARED BY JIM LAND SURVEYING, JOHN MINTO, LS DATED AUGUST 16, 2020, LAST REVISED JANUARY 2022, DATUM NAD83.
3. MEAN LOW WATER LEVEL IS BASED ON THE HYDROGRAPHIC SURVEY PREPARED BY SEAL WATER LEVEL (SEE THE HYDROGRAPHIC SURVEY) DATUM MEAN LOWER LOW WATER.
4. CONTRACTOR SHALL USE THE APPROXIMATE 635 CUBIC YARDS OF DREDGED MATERIAL TO BACKFILL RETAINED AREA ON EASTERN PENINSULA, AND ADJACENT UPLAND AREA. COMPACTION SHALL BE IN MAXIMUM 12" LIFTS.
5. CONTRACTOR SHALL INSTALL APPROXIMATELY 2,300 SQUARE FEET [TOTAL AREA OF SEAWALL AND SLOPE] OF 3" NOMINAL SIZE STONE. THE BASE OF THE SEAWALL ALONG SOUTHERN SHORELINE OF 3' FT NOMINAL SIZE STONE, RIP RAP SHALL CONSIST OF TOP LAYER OF 3' FT NOMINAL SIZE STONE (1.5 TON/STONE), WITH AN UNDERLAYER OF 6" NOMINAL SIZE STONE (60 LBS/STONE). ALL STONE SHALL BE FROM A LOCAL QUARRY.
 - a. QUANTITY OF STONE ARMAMENT ABOVE SHW: 600 SF (145 CY)
 - b. QUANTITY OF STONE ARMAMENT BELOW SHW: 1,700 SF (615 CY)
6. EASTERN PENINSULA: LENGTH PROPOSED BULKHEADS:
 - a. LOW SILL BULKHEAD: 237 FT
 - b. BULKHEAD: 285
7. LENGTH OF PROPOSED SEAWALL (DOUBLEWALL): +200 LF
8. AREA OF PROPOSED WETLAND: 1,375 SF

DREDGE AND MATERIAL DISPOSITION ESTIMATE

EAST PENINSULA EARTHWORK

NET FILL	=	\$690 CY
TOTAL DREDGE VOLUME: 835 CY		
835 CY - 1690 CY = 145 CY EXCESS MATERIAL		
ANY EXCESS MATERIAL SHALL BE USED TO TRANSITION PROPOSED PATHWAY TO MEET GRAVEL PAVEMENT.		
a.	QUANTITY OF DREDGE MATERIAL BELOW SHW:	1,150 SF (95 CY)
b.	QUANTITY OF DREDGE MATERIAL ABOVE SHW:	5,250 SF (655 CY)

6.	REVISED PERACOE	12-12-22	0.0
5.	NO REVISION THIS SHEET	12-01-22	0.0
4.	REVISED PERACOE	11-03-22	0.0
3.	REVISED PERACOE	08-29-22	0.0
2.	REVISED PER NYSDC	03-28-22	0.0
1.	REVISED PER OWNER TEAM	01-12-22	0.0
Rev.	PERMANENT RECORD TOTAL	24	0.0

SA DATE	EA DATE	TOWN OF SCITAMA DATE		M 06-26-2011
NO. DESCRIPTION 1770 DAVIS RD SAGABADE PARTNERS, LLC 1770 DAVIS RD SAGABADE, WA 98101 DIST ADDRESS 1770 DAVIS RD SAGABADE, WA 98101				CHKS BY: D.G. 06-22-2011
		Matthew K. Aylward, P.E. NY State License No. 093372	OWN. ID: DATE:	

THIS PLAN IS BASED ON THE SURVEY
PREPARED BY JOHN MINTO, L.S DATED AUGUST
16, 2020, LAST REVISED JANUARY 2022,
SOUNDING DATA BASED ON HYDROGRAPHIC
SURVEY PREPARED BY SEA LEVEL MAPPING
DATED DECEMBER 2020 AND AERIAL
PHOTOGRAPHS TAKEN FROM NY'S GIS VIEWER.