

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-2022-00848-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: Devon Yacht Club
Attn: Pat Hollmann
P.O. Box 2549
Amagansett, NY 11930

WATERWAY: Marina Basin within Napeague Bay

LOCATION: Dredge Location: Marina Basin within Napeague Bay

Dredge Material Placement Location: Adjacent upland disposal site to the southeast of the dredging location located in Amagansett, Town of East Hampton, Suffolk County, New York

ACTIVITY: Dredge with ten-year maintenance with upland disposal

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

On June 27, 2022, this office issued a Department of the Army verification to the applicant, Devon Yacht Club to perform one-time maintenance dredging of the marina basin.

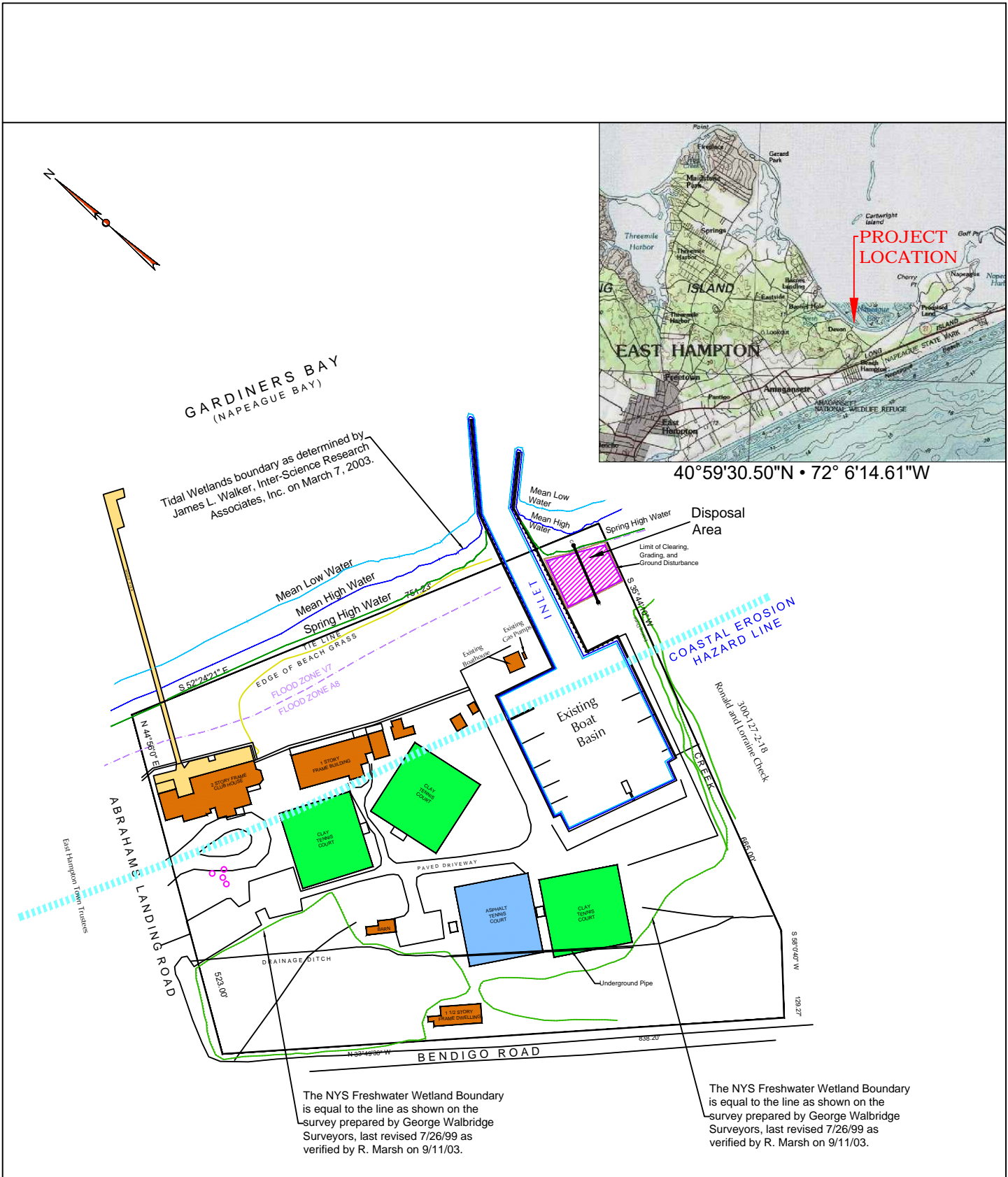
The applicant, Devon Yacht Club, has since requested Department of the Army (DA) authorization to conduct dredging, with ten-year maintenance with placement of all resultant dredged material at an upland disposal site located adjacent and to the southeast of the dredging location. The project is located within a marina basin in Napeague Bay, Amagansett, Town of East Hampton, Suffolk County, New York.

Dredge with ten-year maintenance, by long reach excavator, approximately 2,000-cubic yards (CY) of material from an approximately 13,000 square foot area. Dredging will be conducted to a maximum depth of 6-feet below the plane of Mean Low Water with a slope ratio of 1:3.

The resultant approximately 2,000 CY of dredged material would be placed at an approximately 6,000 square foot upland disposal site located to the southeast of the dredging location where the material would be dewatered with no return flow back into the waterway. Upon completion of dewatering, the approximately 2,000 CY of dredged material would then be leveled to grade above the plane of Spring High Water.

The applicant plans to conduct additional dredging annually (10 total dredging events) within the ten-year maintenance period with up to a total of approximately 2,000 CY of material per event (20,000 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 the marina basin within Napeague Bay. 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.

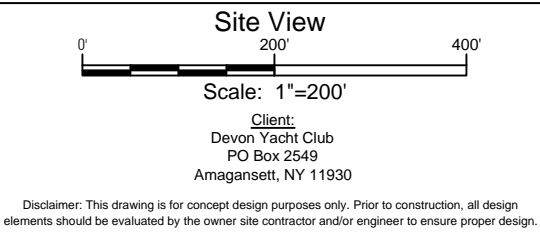
The stated purpose of this project is to provide safe navigation for recreational activities.



The NYS Freshwater Wetland Boundary is equal to the line as shown on the survey prepared by George Walbridge Surveyors, last revised 7/26/99 as verified by R. Marsh on 9/11/03.

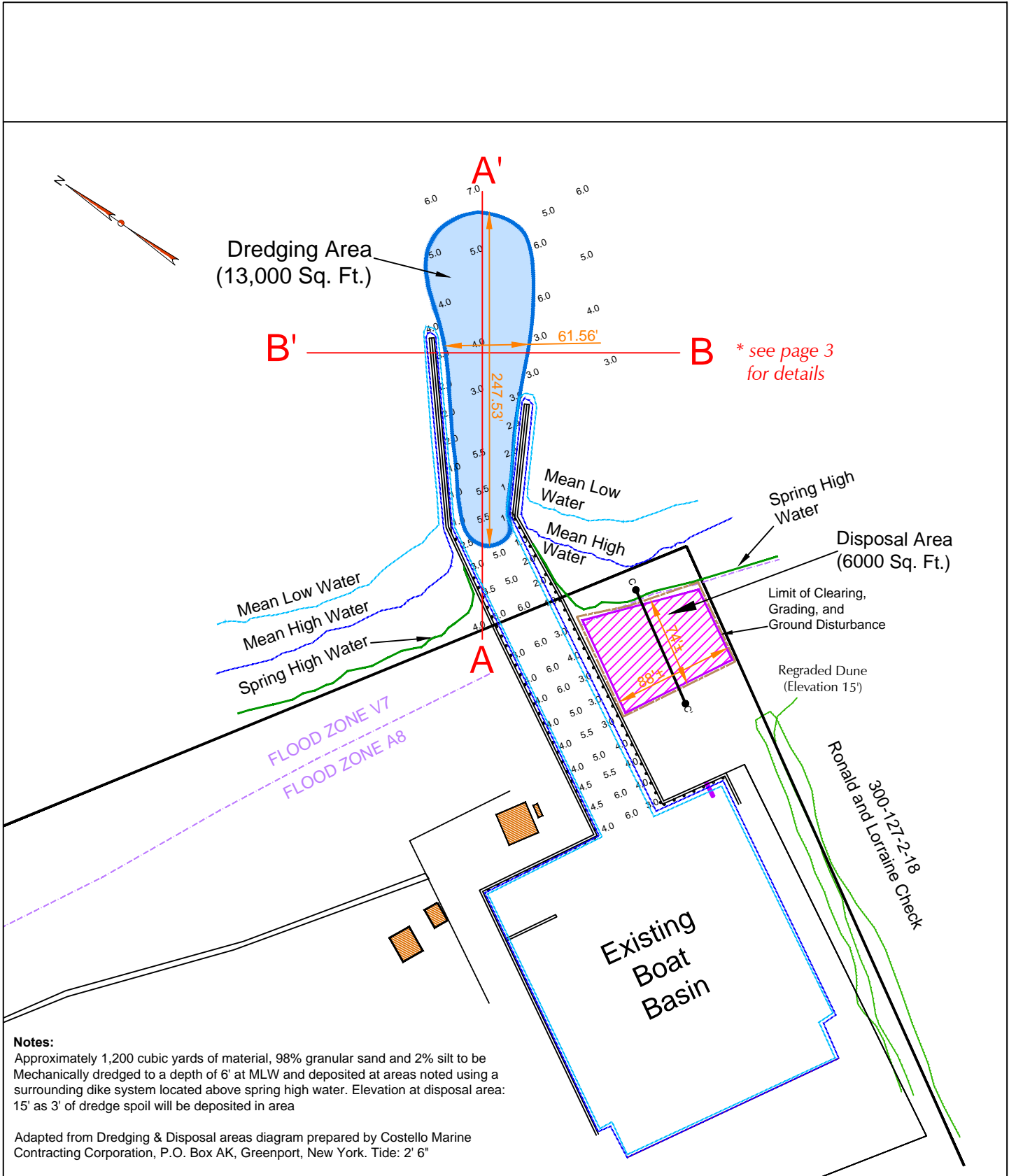
The NYS Freshwater Wetland Boundary is equal to the line as shown on the survey prepared by George Walbridge Surveyors, last revised 7/26/99 as verified by R. Marsh on 9/11/03.

Purpose: Proposed Maintenance Dredging
Datum: NGVD
Adjacent Property Owners:
 1. East Hampton Town Trustees
 PO Box 7073, Amagansett, NY 11930
 2. 300-127-2-18, Ronald and Lorraine Check
 220 W 93rd Street, Apt 12 A-D
 New York, NY 10025
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Name of Project:
 Proposed Maintenance Dredging
Location of Project:
 In: Gardner's Bay, Amagansett, Town of East Hampton
 County: Suffolk County
 Applicant: Inter-Science Research Associates
 PO Box 1201
 Southampton, NY 11969

Sheet 1 of 6 Date: 5/11/2022



Notes:

Approximately 1,200 cubic yards of material, 98% granular sand and 2% silt to be Mechanically dredged to a depth of 6' at MLW and deposited at areas noted using a surrounding dike system located above spring high water. Elevation at disposal area: 15' as 3' of dredge spoil will be deposited in area

Adapted from Dredging & Disposal areas diagram prepared by Costello Marine Contracting Corporation, P.O. Box AK, Greenport, New York. Tide: 2' 6"

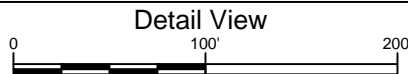
Purpose: Proposed Maintenance Dredging

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Adjacent Property Owners:

1. East Hampton Town Trustees
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Detail View

Scale: 1"=100'

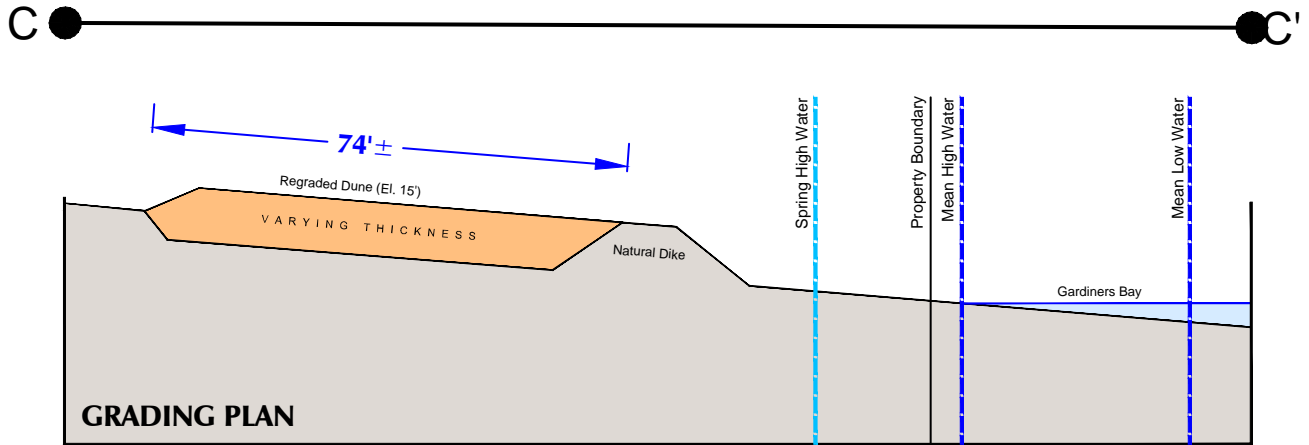
Client:
Devon Yacht Club
PO Box 2549
Amagansett, NY 11930

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.

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GRADING PLAN

Scale: 1"=40'

Purpose: Proposed Maintenance Dredging

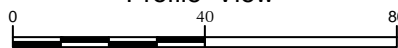
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05062022\01 - dredge acoe 05112022.dwg

Profile View



Scale: 1"=40'

Client:

Devon Yacht Club
PO Box 2549
Amagansett, NY 11930

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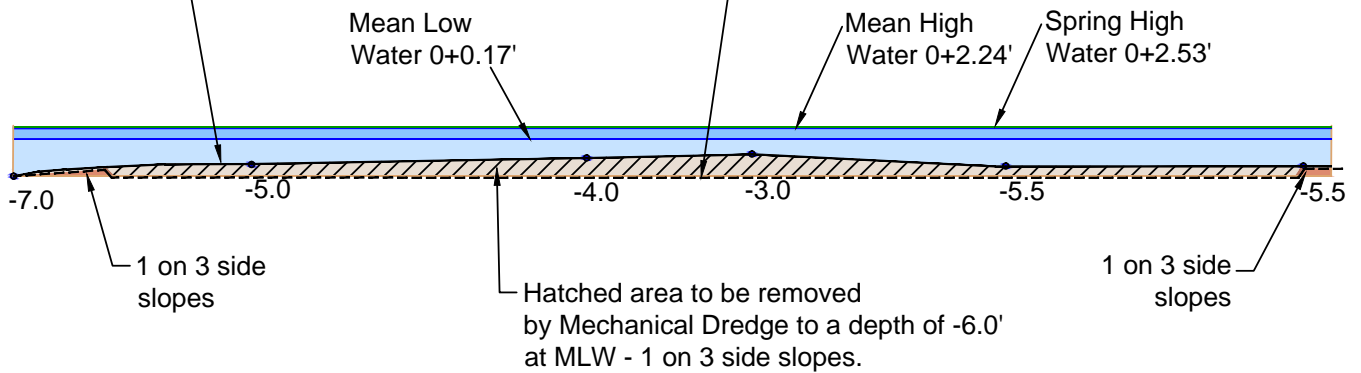
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Date: 5/11/2022

A' to A - Dredging Area

Grade before dredging, shown as solid line.

After dredging, grade is shown as dashed line below.



Purpose: Proposed Maintenance Dredging

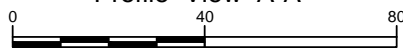
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Profile View A-A'



Scale: 1" = 40'

Client:

Devon Yacht Club
PO Box 2549
Amagansett, NY 11930

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Name of Project:
Proposed Maintenance Dredging

Location of Project:

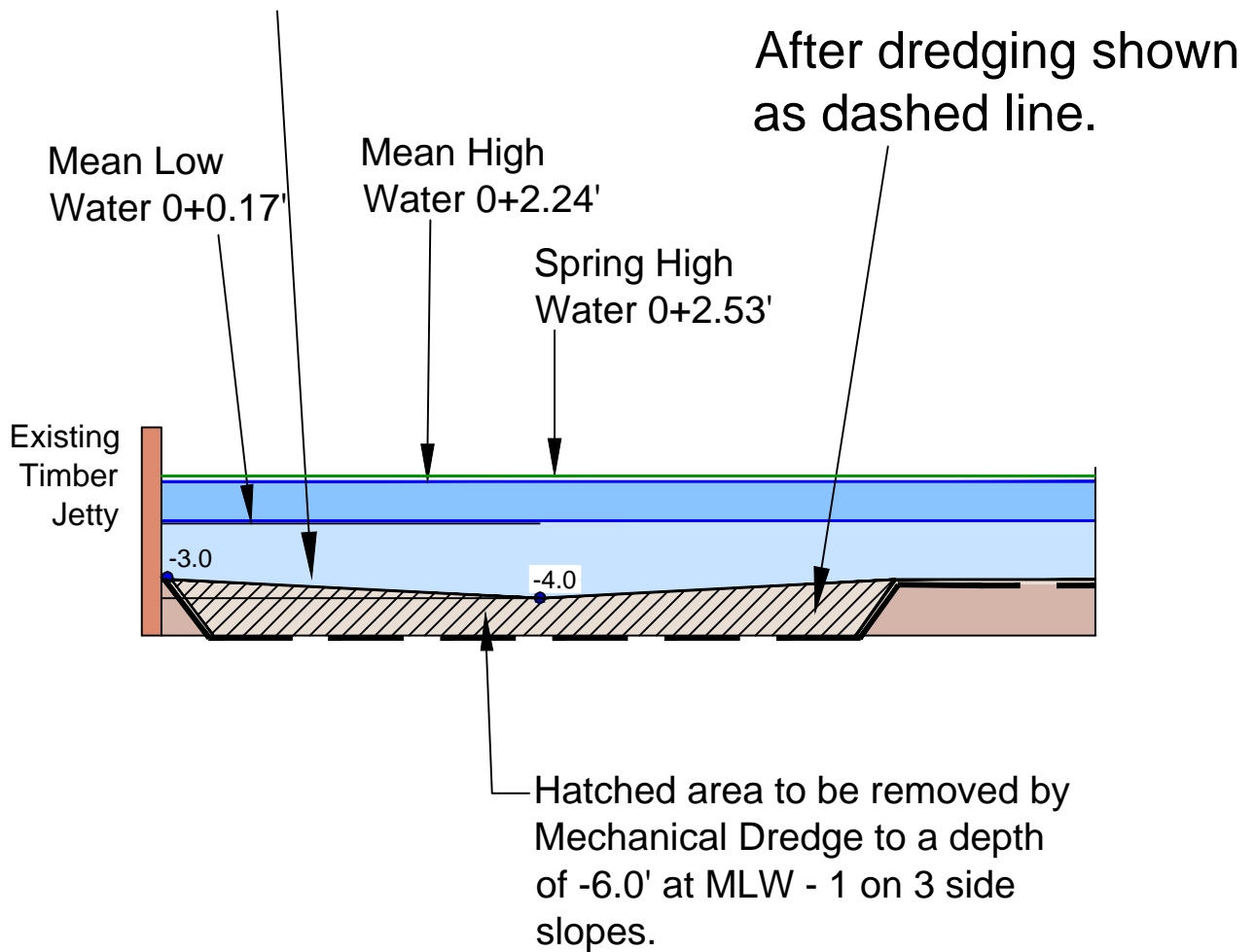
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Date: 5/11/2022

Cross Section View of B' to B - Dredging Area

Before dredging shown in as solid line.



Purpose: Proposed Maintenance Dredging

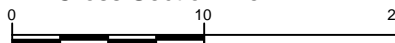
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05062022\01 - dredge acoe 05112022.dwg

Cross Section View B-B'



Scale: 1"=10'

Client:

Devon Yacht Club
PO Box 2549
Amagansett, NY 11930

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