

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-2022-00986-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) and Section 404 of the Clean Water Act (33 U.S.C. 1344):

APPLICANT: Ponquogue Marine Basin, Inc.
86 Foster Avenue
Hampton Bays, NY 11946

WATERWAY: Fosters Creek a tributary of Shinnecock Bay

LOCATION: 86 Foster Avenue, Hampton Bays, Town of Southampton, Suffolk County, New York

Dredge Location: Boat Basin within Fosters Creek a tributary of Shinnecock Bay

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

ACTIVITY: Installation of Bulkheads and Structures along with Dredging with Ten-year Maintenance with Upland Disposal and Habitat Establishment

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

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2022-00986-EVI

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 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.

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PUBLIC NOTICE NO. NAN-2022-00986-EVI

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.

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

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2022-00986-EVI

WORK DESCRIPTION

The applicant, Ponquogue Marine Basin, Inc., has requested Department of the Army (DA) authorization to install a new approximately 295 linear foot low sill vinyl style bulkhead and an approximately 200 linear foot vinyl style bulkhead on the eastern terminus of the property. In addition, approximately, 702 square feet of *Spartina Alterniflora* will be planted within the intertidal zone landward of the proposed low sill bulkhead and approximately 111 square feet of existing *Spartina Alterniflora* is to be temporarily disturbed during installation of both bulkheads however the area will be revegetated with *Spartina Alterniflora* after installation of bulkheads is complete. The existing grade will remain the same.

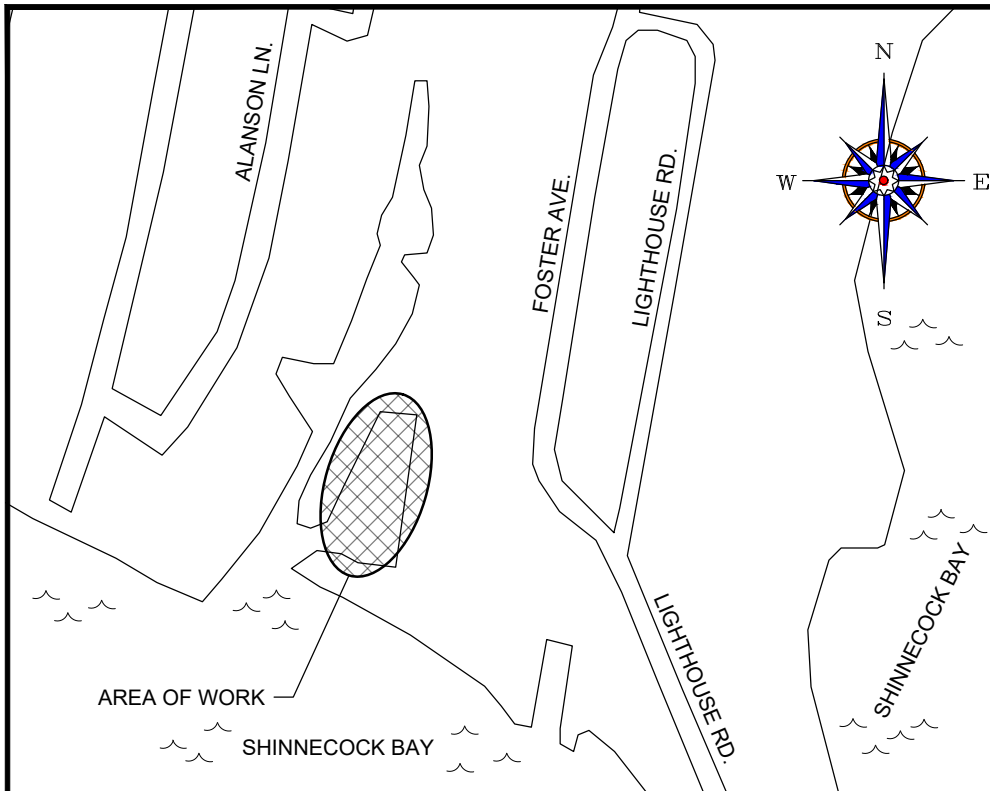
The proposed work also includes the installation of a new six-foot-wide by 102-foot-long float, six-foot-wide by 42-foot-long float, two (2), three-foot-wide by 25-foot-long finger floats and seven (7), 10-inch diameter mooring piles on the southern terminus of the property. An existing six-foot-wide by 44-foot-long float will be relocated slightly west of the existing location.

Lastly, the applicant has requested to dredge with ten-year maintenance, by mechanical clamshell bucket dredge either from land or barge-mounted approximately 2,891 cubic yards (CY) of dredged material from within an approximately 30,033 square foot area. Dredging will be conducted to a depth of 6-feet below the plane of Mean Low Water.

The resultant 2,891 CY of dredged material would be placed at an upland dewatering site located to the southeast of the dredging location with weirs installed in order to drain remaining water back into the boat basin. It is anticipated that the dredging activities will take approximately 2-3 weeks.

The applicant plans to conduct additional dredging an additional 2-3 times (4 total dredge events) within the ten-year maintenance period with up to a total of approximately 2,500 CY of material per event (approximately 10,000 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 boat basin within Fosters Creek. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a mechanical clamshell bucket dredge.

The stated purpose of this project is to stabilize the shoreline while also allowing safe navigable water depths for recreational and commercial boaters transiting in and out of the boat basin and creating new tidal vegetative wetland.



KEY MAP
SCALE: 1" = 500'

TOPOGRAPHIC AND MAP INFORMATION FROM HYDROGRAPHIC SURVEY
DONE BY ROBERT H. FOX.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145,
PROFESSIONAL ENGINEERING AND LAND SURVEYING, SECTION 7209 FOR
ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A
LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN
ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR
LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND
SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND NOTATION
"ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH
ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

11-16-22	REVISED AS PER COMMENTS FROM NYSDEC & ARMY CORP.	JRW
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COVER SHEET
PONQUOGUE MARINE
BASIN, LLC.
S.C.T.M.#: 900-374-02-03



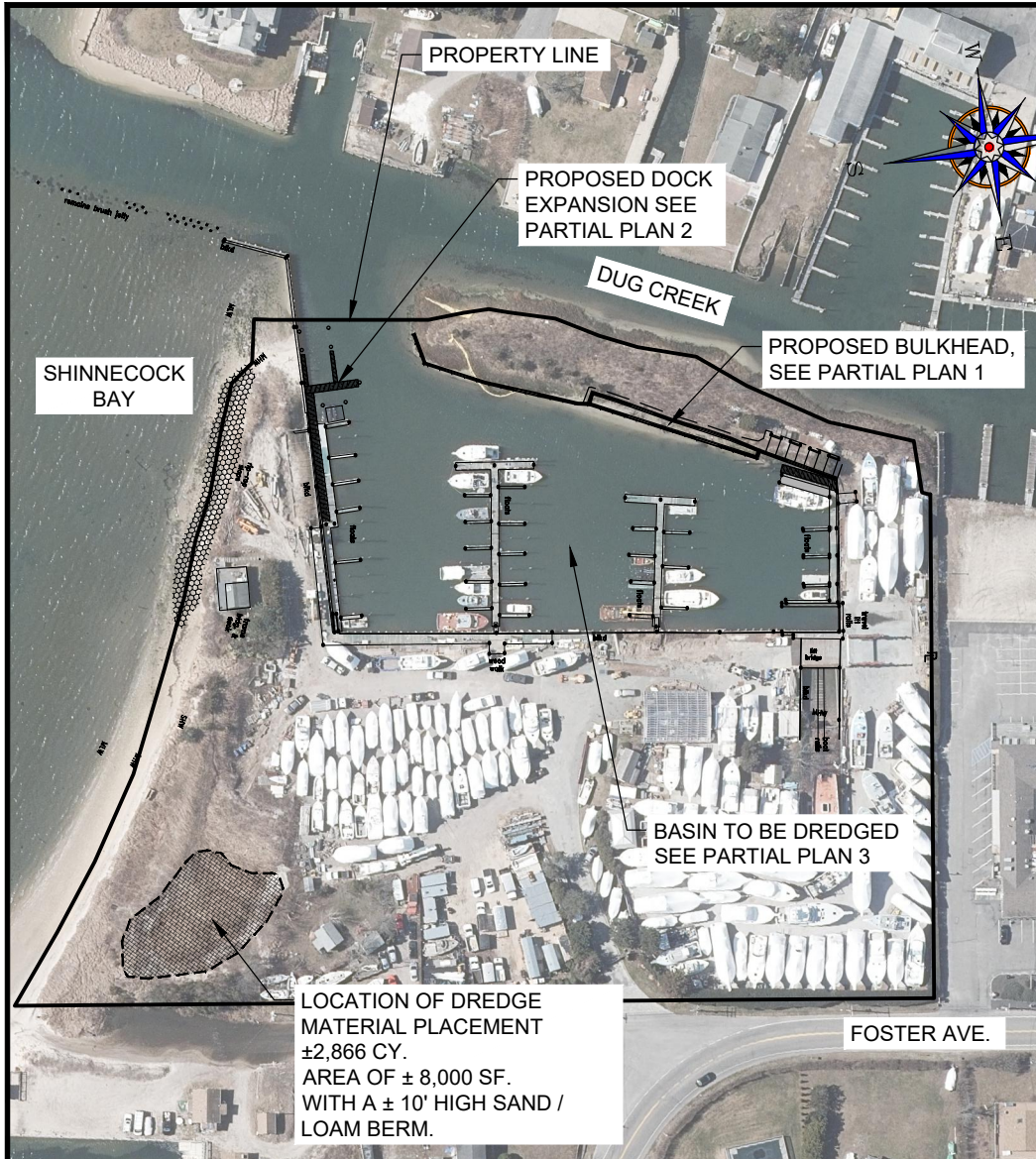
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engineers • architects • surveyors

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DATE:	9-27-22
CADD:	22063 WPP.DWG
PROJECT NO.:	22063

DRAWING NO.:
WPP-1
SHEET NO.:
1 OF 10



LEGEND

×14.0	EXISTING SPOT ELEVATION
×(10.5)	PROPOSED SPOT ELEVATION
— (12) —	PROPOSED CONTOUR
— 8 —	EXISTING CONTOUR

GRAPHIC SCALE (IN FEET)



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**OVERALL PLAN
PONQUOGUE MARINE
BASIN, LLC.**
S.C.T.M.#: 900-374-02-03



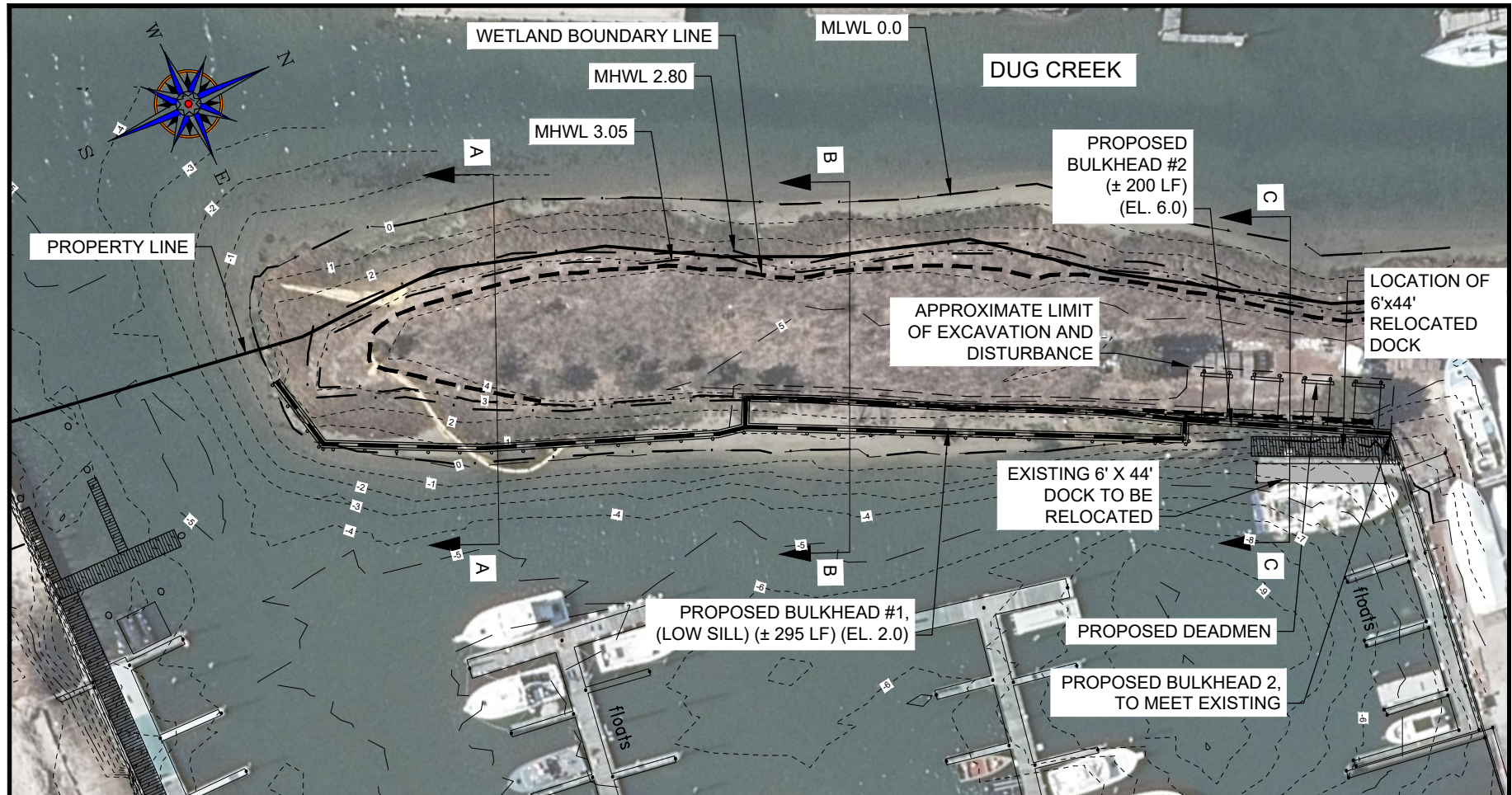
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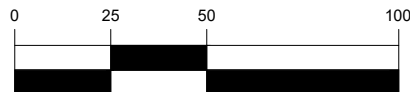
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WPP-3
SHEET NO.:
3 OF 10



LEGEND

— 8 —	EXISTING CONTOUR
- · - · -	SHWL 3.05
- · - · -	MHWL 2.80
- · - · -	MLWL 0.0
— — — —	WETLAND BOUNDARY LINE

GRAPHIC SCALE (IN FEET)



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**PARTIAL PLAN 1
PONQUOGUE MARINE
BASIN, LLC.**
S.C.T.M.#: 900-374-02-03



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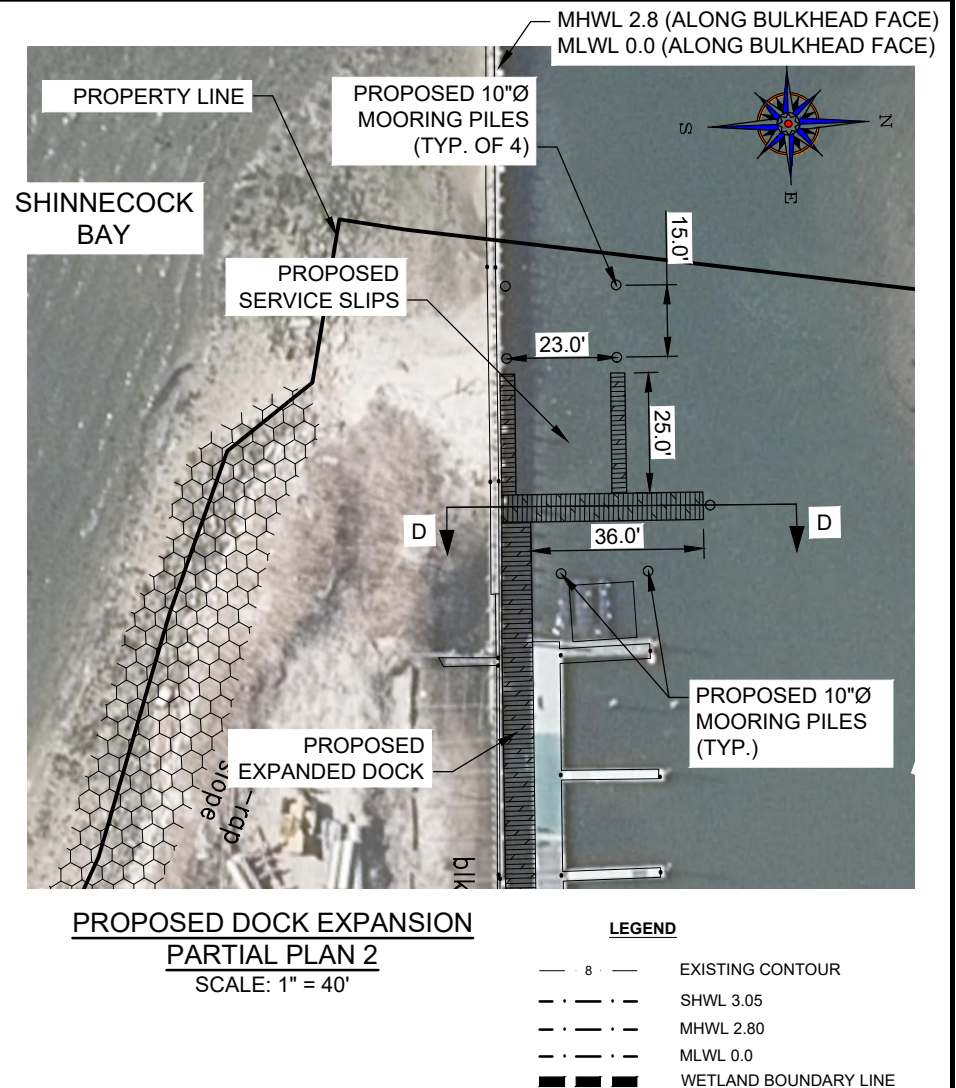
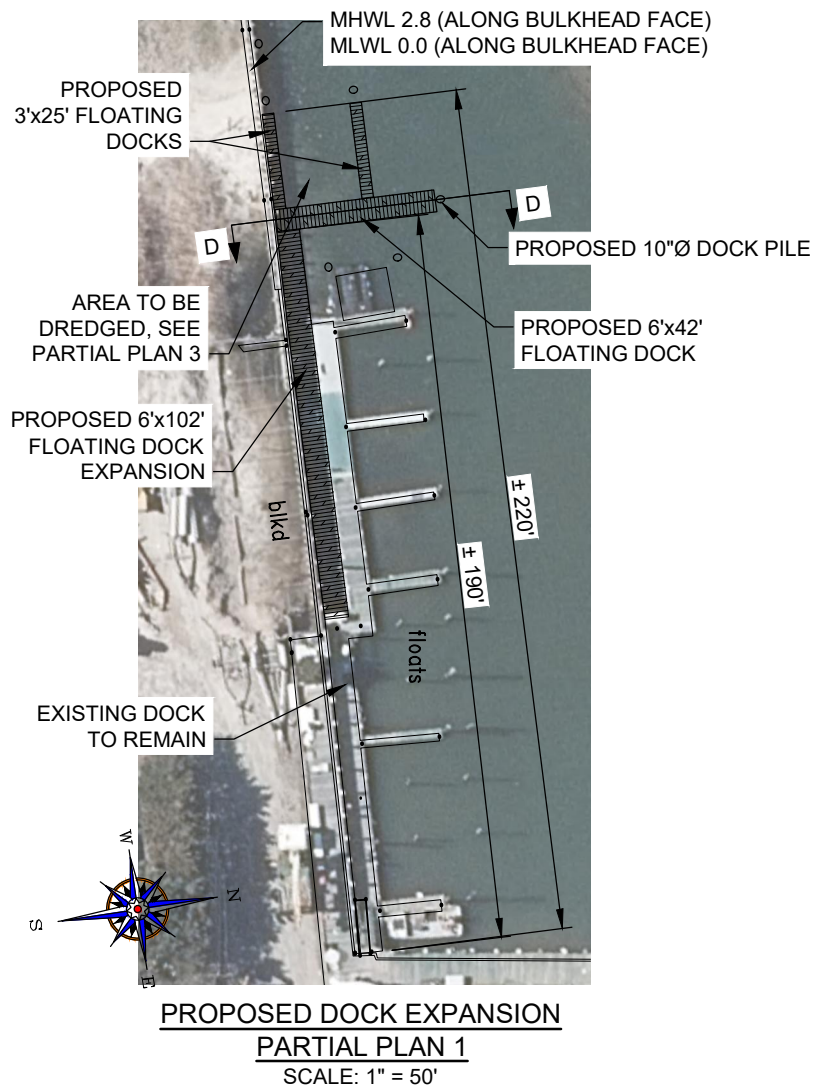
PROJECT NO.: 22063

DRAWING NO.:

WPP-4

SHEET NO.:

4 OF 10



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**PARTIAL PLAN 2
PONQUOGUE MARINE
BASIN, LLC.**
S.C.T.M.#: 900-374-02-03



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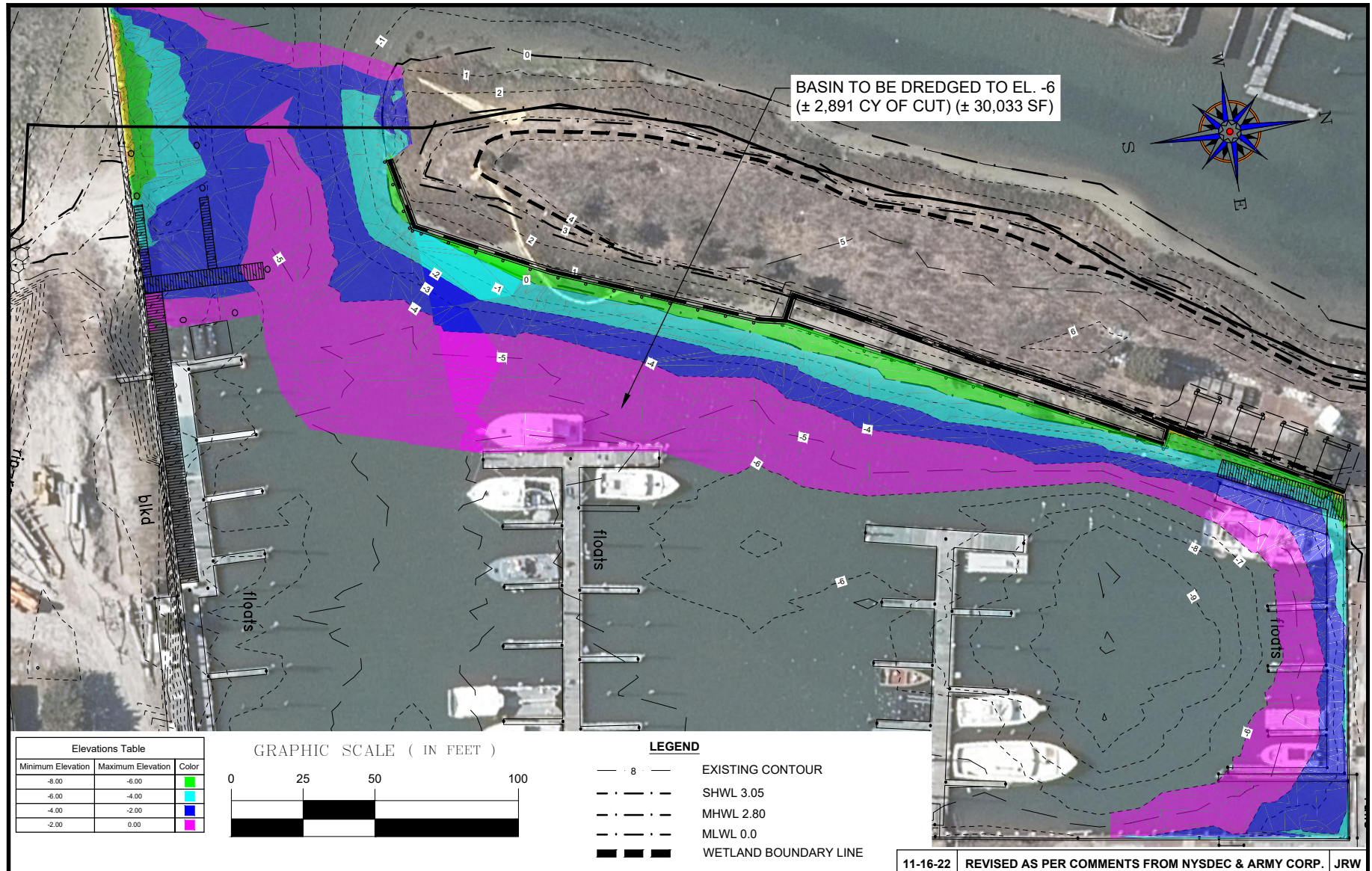
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PROJECT NO.:	22063

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WPP-5

SHEET NO.:
5 OF 10



**PARTIAL PLAN 3
PONQUOGUE MARINE
BASIN, LLC.**
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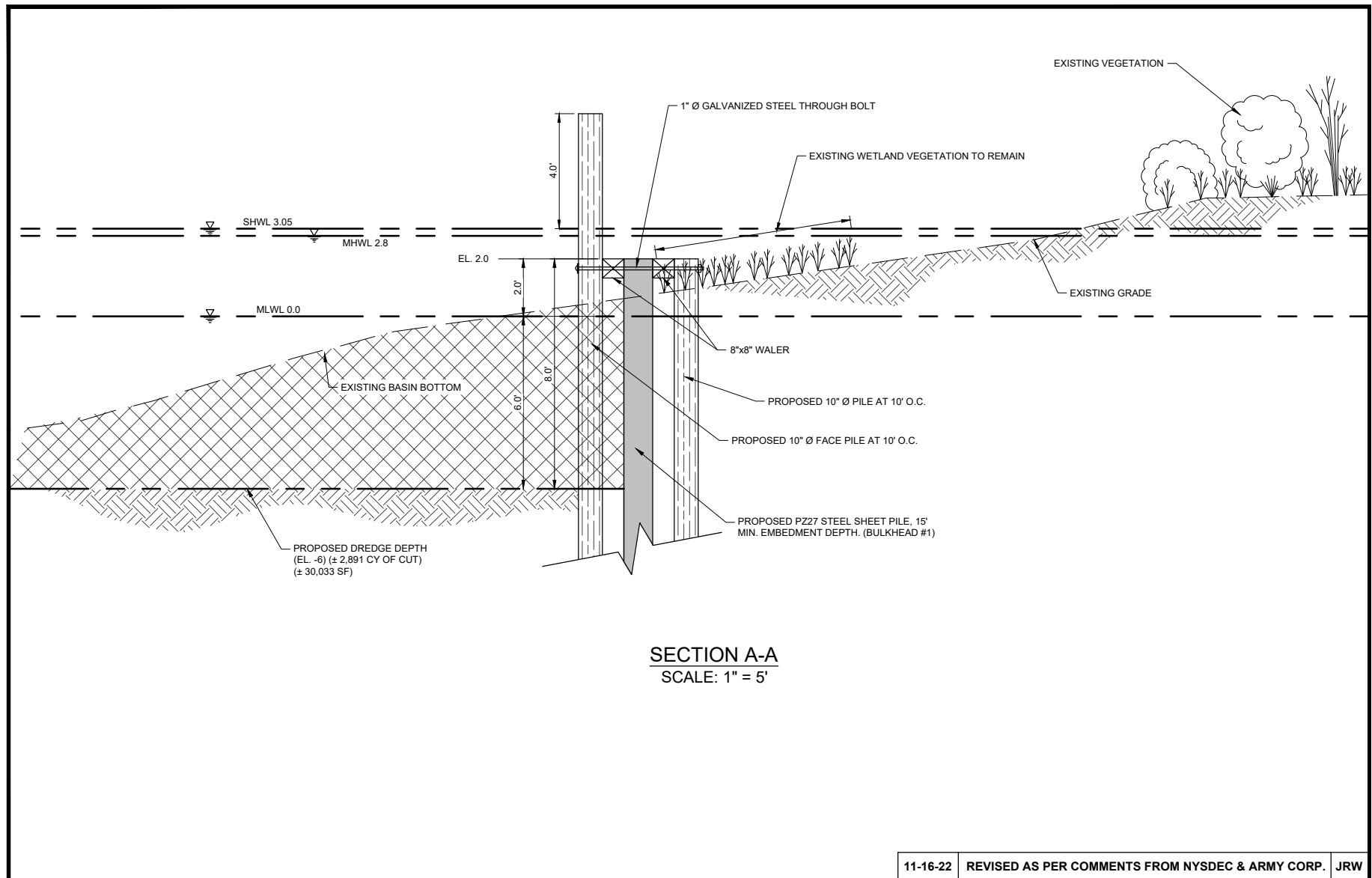
PROJECT NO.: 22063

DRAWING NO.:

WPP-6

SHEET NO.:

6 OF 10



SECTION A-A
SCALE: 1" = 5'

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SECTION A-A
PONQUOGUE MARINE
BASIN, LLC.
S.C.T.M.#: 900-374-02-03



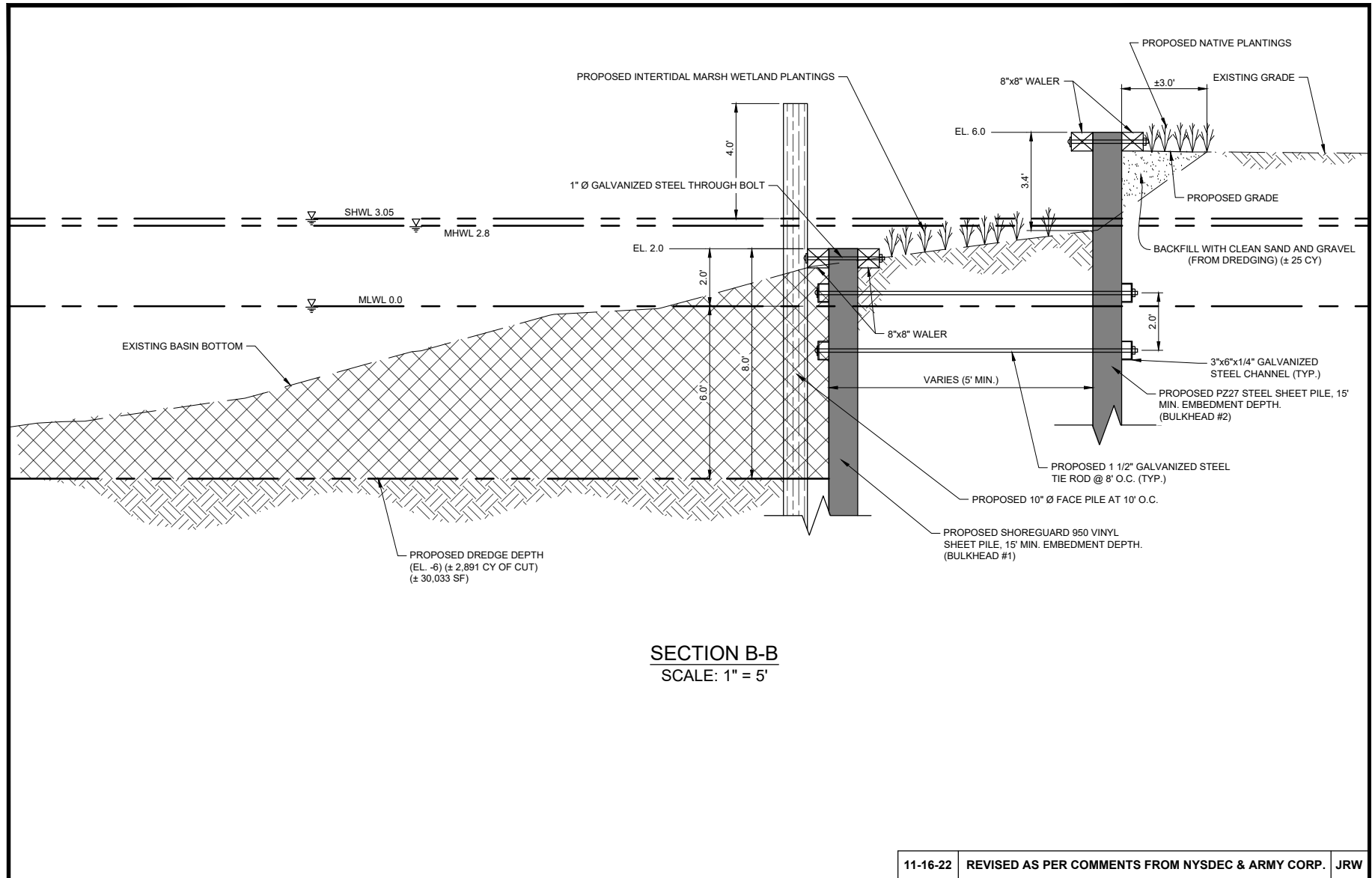
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PROJECT NO.:	22063

DRAWING NO.:	WPP-7
SHEET NO.:	7 OF 10



**SECTION B-B
PONQUOGUE MARINE
BASIN, LLC.**
S.C.T.M.#: 900-374-02-03



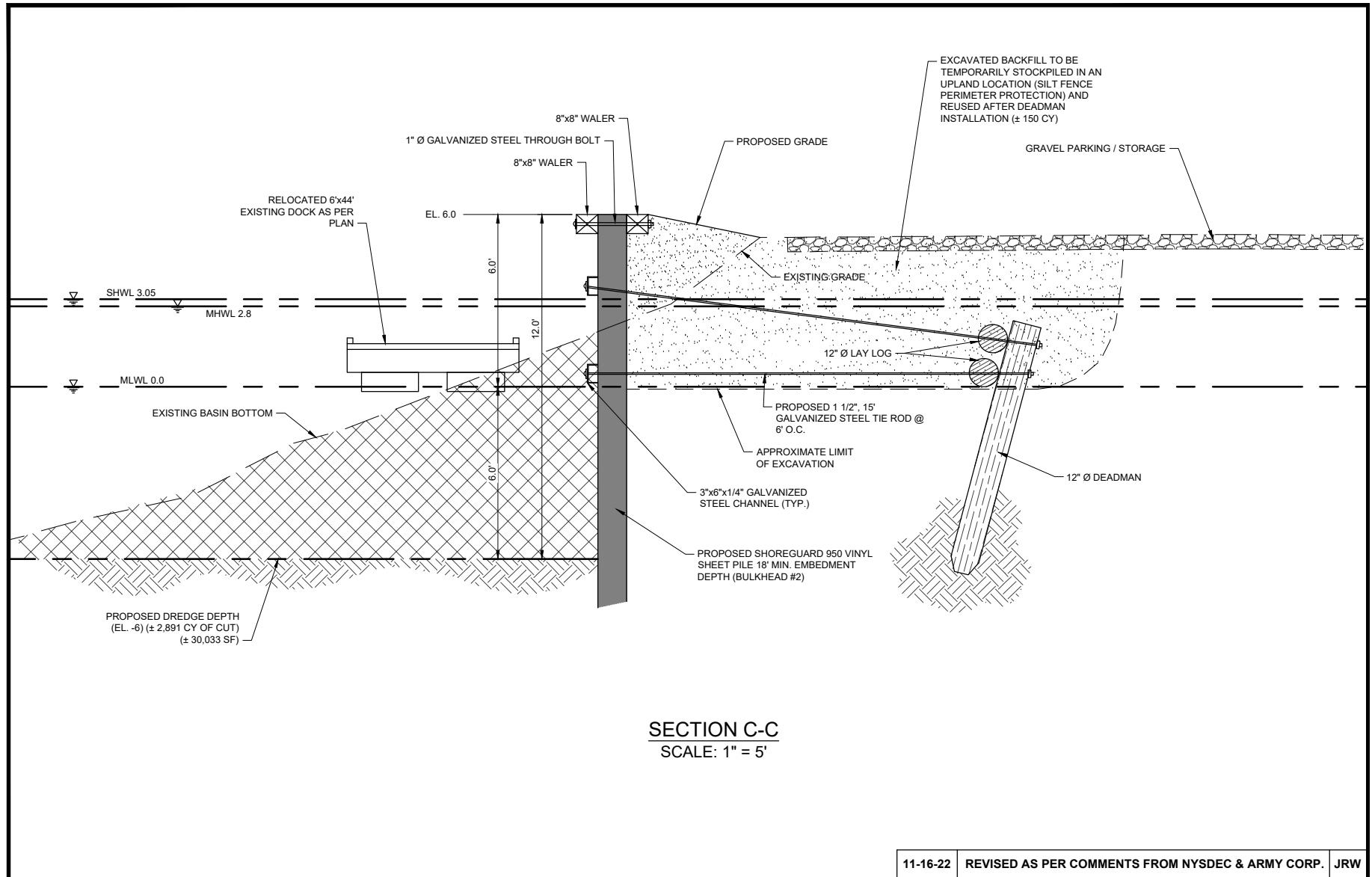
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PROJECT NO.:	22063

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SHEET NO.:
8 OF 10



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SECTION C-C
PONQUOGUE MARINE
BASIN, LLC.
S.C.T.M.#: 900-374-02-03



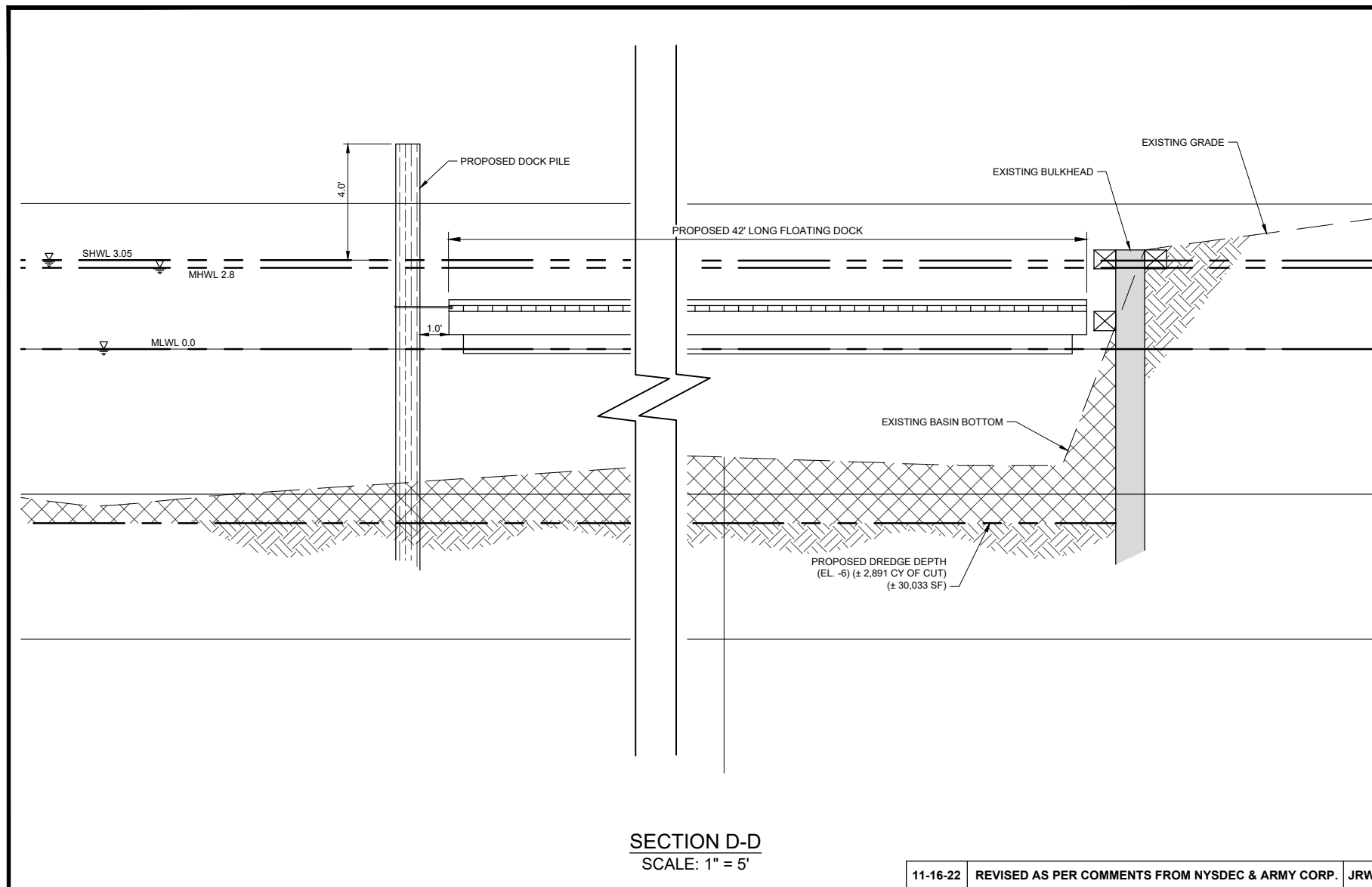
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PROJECT NO.:	22063

DRAWING NO.:
WPP-9
SHEET NO.:
9 OF 10



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SECTION D-D
PONQUOGUE MARINE
BASIN, LLC.
S.C.T.M.#: 900-374-02-03



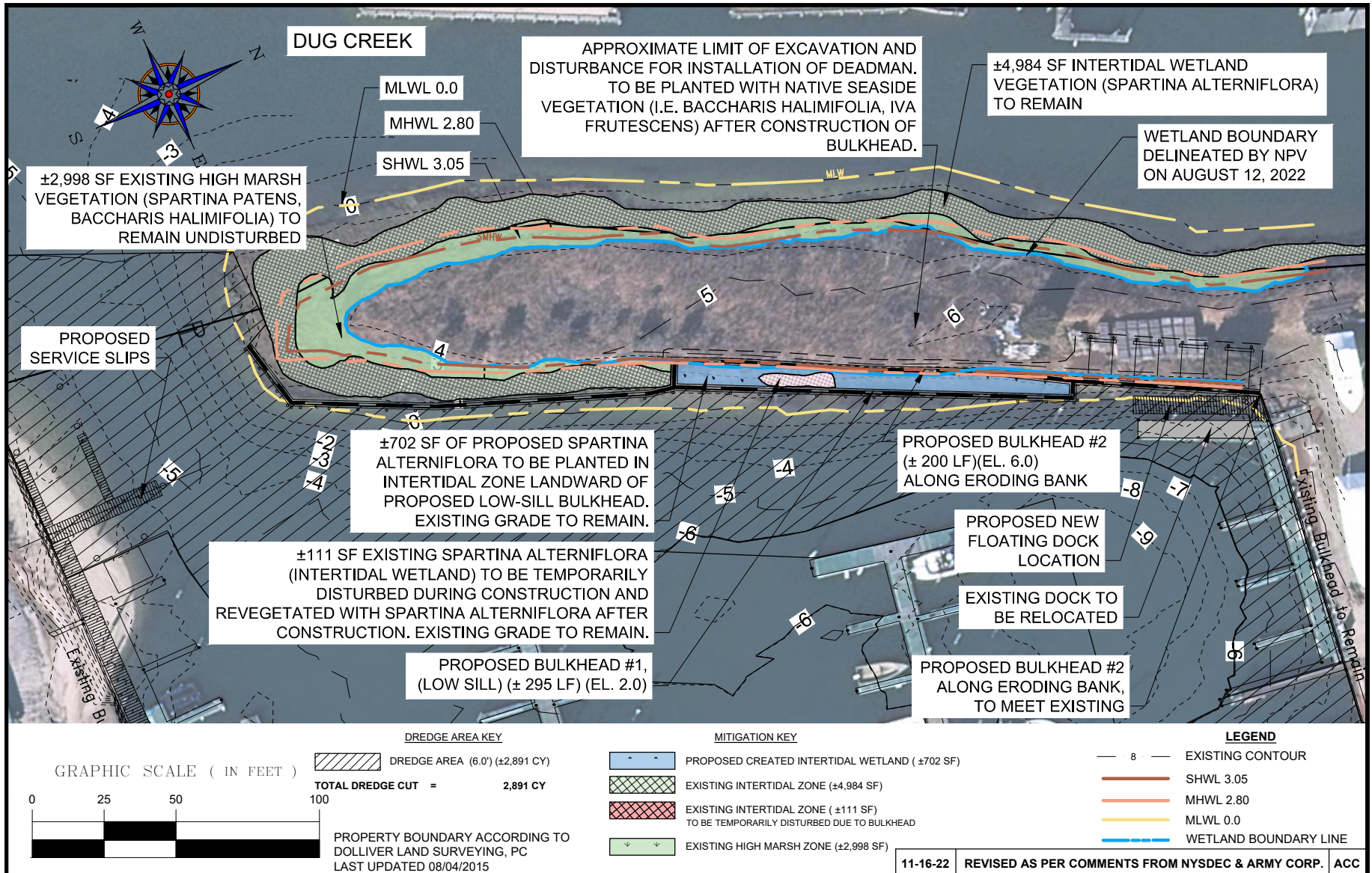
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PROJECT NO.:	22063

DRAWING NO.:
WPP-10
SHEET NO.:
10 OF 10



**MITIGATION /
REVEGETATION PLAN**

**PONQUOGUE MARINE
BASIN, LLC.**

S.C.T.M.#: 900-374-02-03



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RP-4

SHEET NO.:

1 OF 1