



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-2023-00081-EKO**
Issue Date: **September 26 ,2023**
Expiration Date: **October 26 ,2023**

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: Smith Creek 124 LLC
P.O Box 1010
Hampton Bays, NY 11946

ACTIVITY: Ten-Year Maintenance Dredging and Marina Improvements

WATERWAY: Smith's Creek

LOCATION: 124 Springville Road, Hampton Bays, Town of Southampton, Suffolk County,
New York

Dredge Location: Smith's Creek

Dredge Material Placement Location: Upland on 124 Springville Road before
disposal at an approved upland site

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

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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 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.

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 email 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 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.

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 will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C.

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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. Please send all comments and questions concerning this application to Zachary.J.Kocsik@usace.army.mil.

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 permit applicant, Smith Creek 124 LLC, has requested Department of the Army (DA) authorization to reconfigure the northern part of the marina and to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an upland disposal area with return flow to the waterway. The project is located at 124 Springville Road, Hampton Bays, Town of Southampton, Suffolk County, New York.

The proposed work would involve the following:

The removal of all existing marina dock structures. Install from the bulkhead a new approximately five-foot-wide by four-foot-long fixed platform from the north end of the fixed platform install a new approximately three-foot-wide by 12-foot-long ramp leading to a new approximately four-foot-wide by four-foot-long float. Farther south along the bulkhead install from the bulkhead a new approximately five-foot-wide by four-foot-long fixed platform from the north end of the fixed platform install a new approximately three-foot-wide by 12-foot-long ramp leading to a new approximately four-foot-wide by four-foot-long float. Farther south along the bulkhead install from the bulkhead a new approximately five-foot-wide by four-foot-long fixed platform from the north end of the fixed platform install a new approximately three-foot-wide by 12-foot-long ramp leading to a new approximately four-foot-wide by four-foot-long float. Install a new approximately five-foot-wide by 242-foot-long main float. On the south side of the main float install a new approximately three-foot-wide by 40-foot-long finger float, moving north between 20-30 feet, install two (2) new approximately three-foot-wide by 35-foot-long finger floats, install a new approximately two-foot-wide by 30-foot-long finger float, install six (6) new approximately two-foot-wide by 25-foot-long finger floats. Install 29 new 12-inch diameter timber piles.

Maintenance dredge with ten-years maintenance, by mechanical clam shell dredge, approximately 100-cubic yards (CY) of material from an approximately 2,300 square foot irregularly shaped area and extend to a depth of 4.0 feet below the plane of Mean Low Water (MLW) with no overdraft. The dredge material will be placed in two upland locations to be dewatered with return flow to the waterway before being disposed of at an approved upland disposal site.

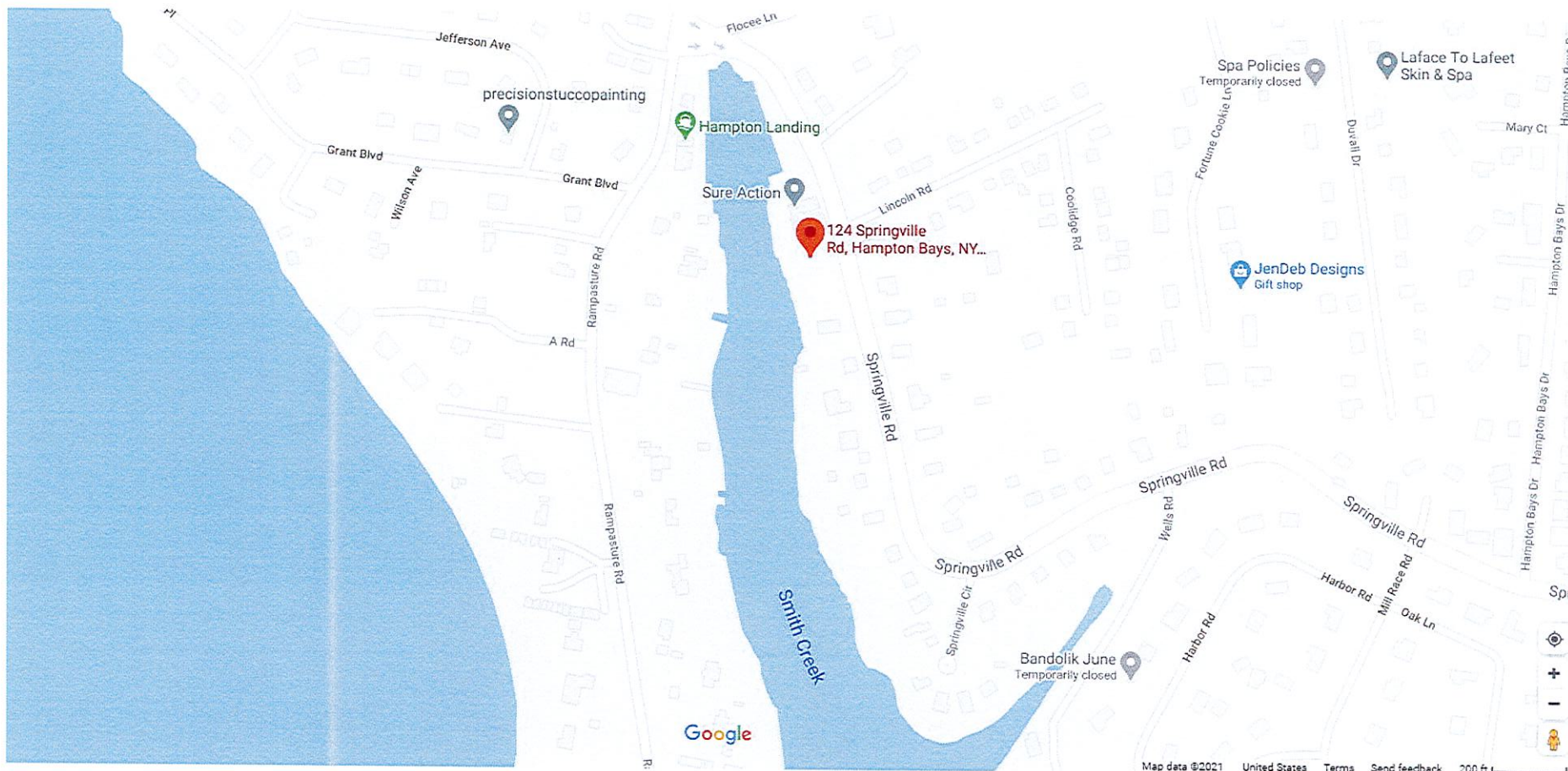
The applicant plans to conduct two (2) additional dredging events within the ten-year maintenance dredging period removing approximately 100CY of material within the same dredging area with disposal at the same upland sites.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by doing dredging with a clamshell or closed bucket dredge, dredging between June 1 and December 31 to minimize impacts to spawning finfish and shellfish, preventing barge overflow of dredge material, and performing the marina reconfiguration after the dredging is complete.

The purpose of this project is to maintain safe navigation and use of the marina facilities and to allow for more efficient use of the marina.

Hampton Boat Works

124 Springville Road, Hampton Bays, NY 11946 | SCTM #900-293-4-2



Land Use Ecological Services, Inc.
570 Expressway Drive South, Suite 2F
Medford, NY 11763
Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Google Maps (www.google.com).
Latitude 40° 51' 39.4" N Longitude 72° 31' 33.7" W

**SHEET 2: EXISTING CONDITIONS
& REMOVALS.**

**SHEET 3: PROPOSED CONDITIONS
& REMOVALS.**

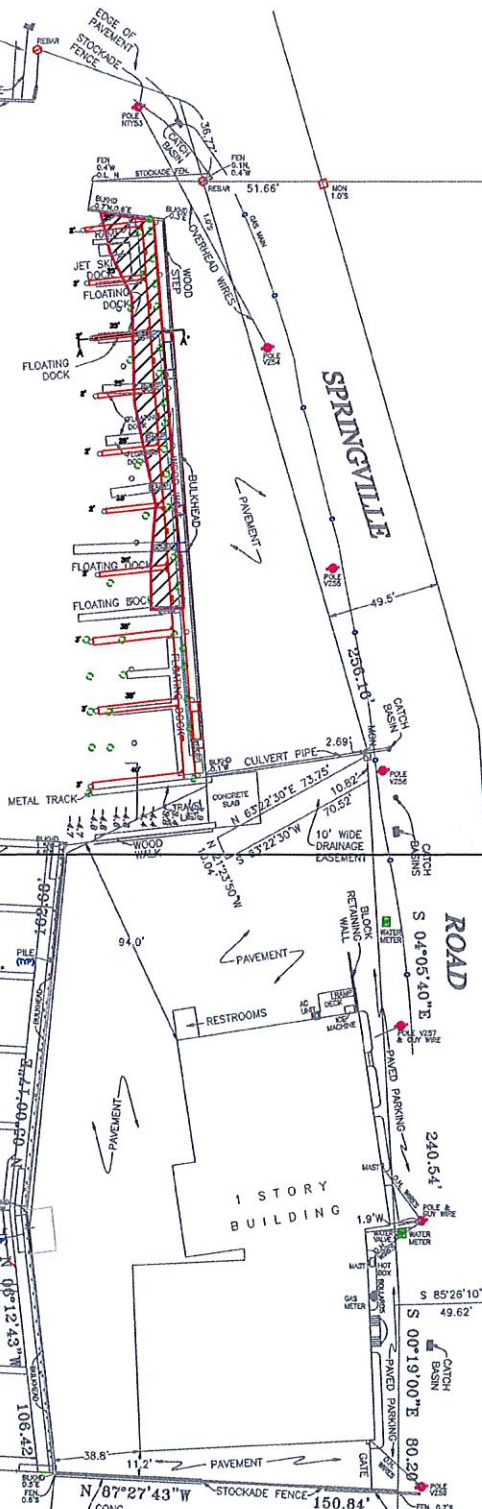
**1. MARINA IMPROVEMENT PLAN
BASED ON SURVEY PREPARED
BY SQUIRES, HOLDEN,
WEISENBACHER, SMITH, LAST
REVISED 8/21/2020.**






**2. DREDGING PLAN BASED ON
THE HYDROGRAPHIC SURVEY
PREPARED BY ROBERT FOX,
LAST REVISED 7/7/2020**

**3. LANDWARD LIMIT OF TIDAL
WETLANDS EQUIVALENT TO MHW
AT THE BULKHEAD AS
CONFIRMED 12/17/2021 BY
LAND USE ECOLOGICAL
SERVICES,**

**4. WATER DEPTH REFERENCE
TO MLW PER HYDROGRAPHIC
SURVEY.**

SMITH'S CREEK



-  EXISTING PILES
-  EXISTING STRUCTURES
-  DREDGING AREA
-  PROPOSED STRUCTURES
-  PROPOSED PILES



PREPARED FOR: SMITH CREEK 124 LLC D/B/A HAMPTON WATERCRAFT & MARINE AT: 124 SPRINGVILLE ROAD HAMPTON BAYS, NY 11946	TITLE: <h3 style="text-align: center;">OVERALL SITE LAYOUT</h3>	
	Compiled by: K.R. Prepared by: A.V. Project Mgr: K.R. Rev: -	Date: 1/10/23 Scale: AS SHOWN File: NORTH MARINA1



LAND USE ECOLOGICAL SERVICES, INC
 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F
 Medford, New York 11763 (631) 727-2400



1. MARINA IMPROVEMENT PLAN
 BASED ON SURVEY PREPARED BY
 SQUIRES, HOLDEN,
 WEISENBACHER, SMITH, LAST
 REVISED 8/21/2020.

2. DREDGING PLAN BASED ON THE
 HYDROGRAPHIC SURVEY PREPARED
 BY ROBERT FOX, LAT REVISED
 7/7/2020






3. LANDWARD LIMIT OF TIDAL
 WETLANDS EQUIVALENT TO MHW
 AT THE BULKHEAD AS CONFIRMED
 12/17/2021 BY LAND USE
 ECOLOGICAL SERVICES.

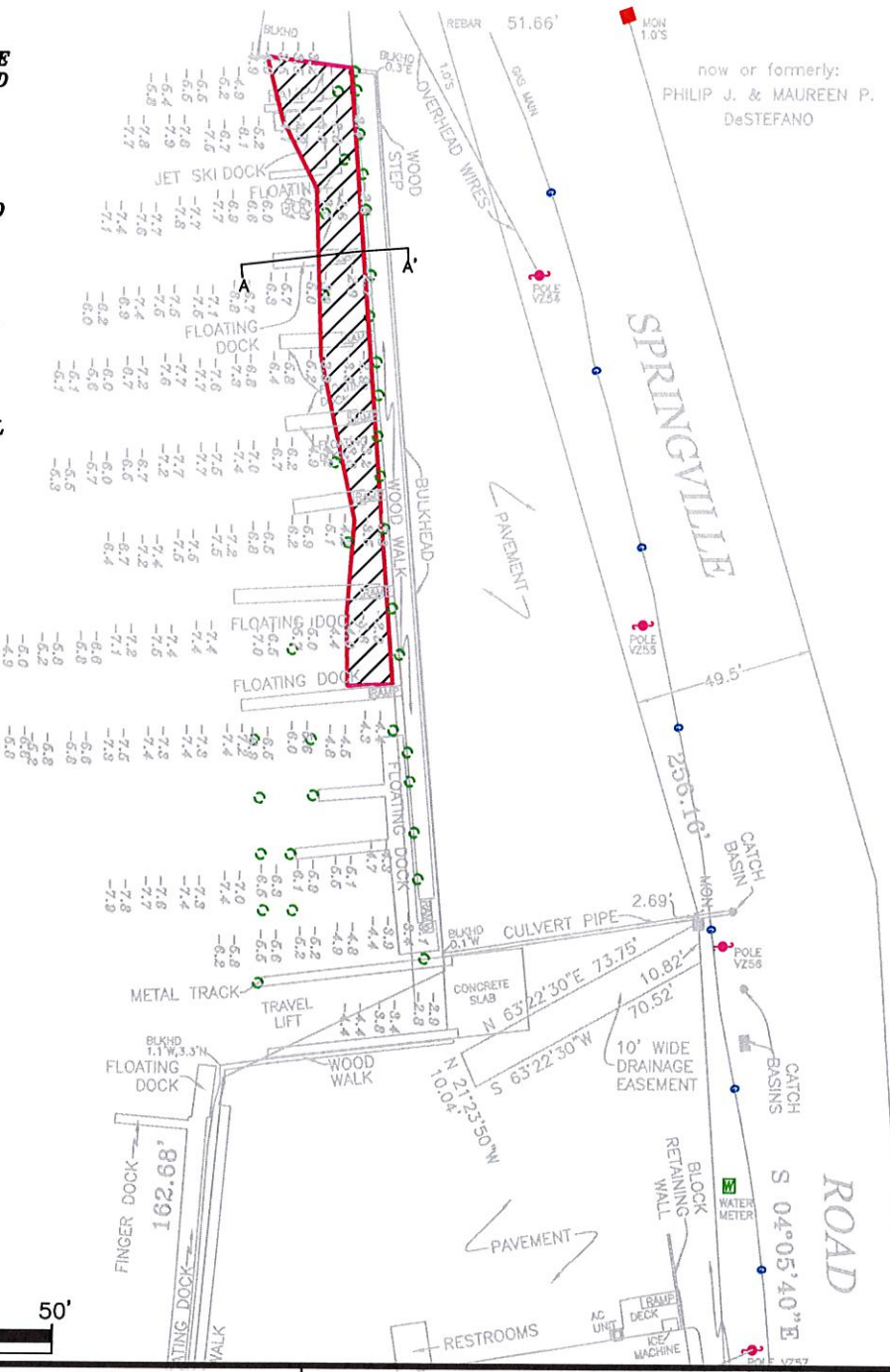
4. WATER DEPTH REFERENCE TO
 MLW PER HYDROGRAPHIC SURVEY.

5. PROPOSED DREDGE AREA:
 2,300 SF TO BE DREDGED TO -4'
 MLW FOR SAFE NAVIGATION.
 APPROX 100 CY OF DREDGE SPOIL
 TO BE DISPOSED AT AN
 APPROVED UPLAND SITE.

6. TEMPORARY DEWATERING AREA.
 AREA TO BE A MIN. OF 10'
 LANDWARD OF THE BULKHEAD
 AND SURROUNDED BY HAY BALES,
 WITH RETURN FLOW TO SMITH'S
 CREEK.

ALL EXISTING FLOAT DOCKS,
 PILES, AND WOOD WALKWAY
 NORTH OF THE TRAVEL LIFT
 TO BE REMOVED.

-  EXISTING PILES
-  EXISTING STRUCTURES
-  DREDGING AREA
-  PROPOSED STRUCTURES
-  PROPOSED PILES



PREPARED FOR: SMITH CREEK 124 LLC
 D/B/A HAMPTON WATERCRAFT & MARINE

AT: 124 SPRINGVILLE ROAD
 HAMPTON BAYS, NY 11946

Land Use LAND USE ECOLOGICAL SERVICES, INC
 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F
 Medford, New York 11763 (631) 727-2400

TITLE: EXISTING CONDITIONS & REMOVALS		
Compiled by: K.R.	Date: 1/10/23	SUFFOLK COUNTY TAX MAP#: 900-293-4-2
Prepared by: A.V.	Scale: AS SHOWN	
Project Mgr: K.R.	File: NORTH MARINA	DRAWING NO. 2 OF 4
Rev: -		



PROPOSED DREDGE AREA 2,300 SF TO BE DREDGED TO -4 MLW FOR SAFE NAVIGATION. APPROX. 100 CY OF DREDGE SPOIL TO BE DISPOSED AT AN APPROVED UPLAND SITE.

1. MARINA IMPROVEMENT PLAN BASED ON SURVEY PREPARED BY SQUIRES, HOLDEN, WEISENBACHER, SMITH, LAST REVISED 8/21/2020.

2. DREDGING PLAN BASED ON THE HYDROGRAPHIC SURVEY PREPARED BY ROBERT FOX, LAT REVISED 7/7/2020

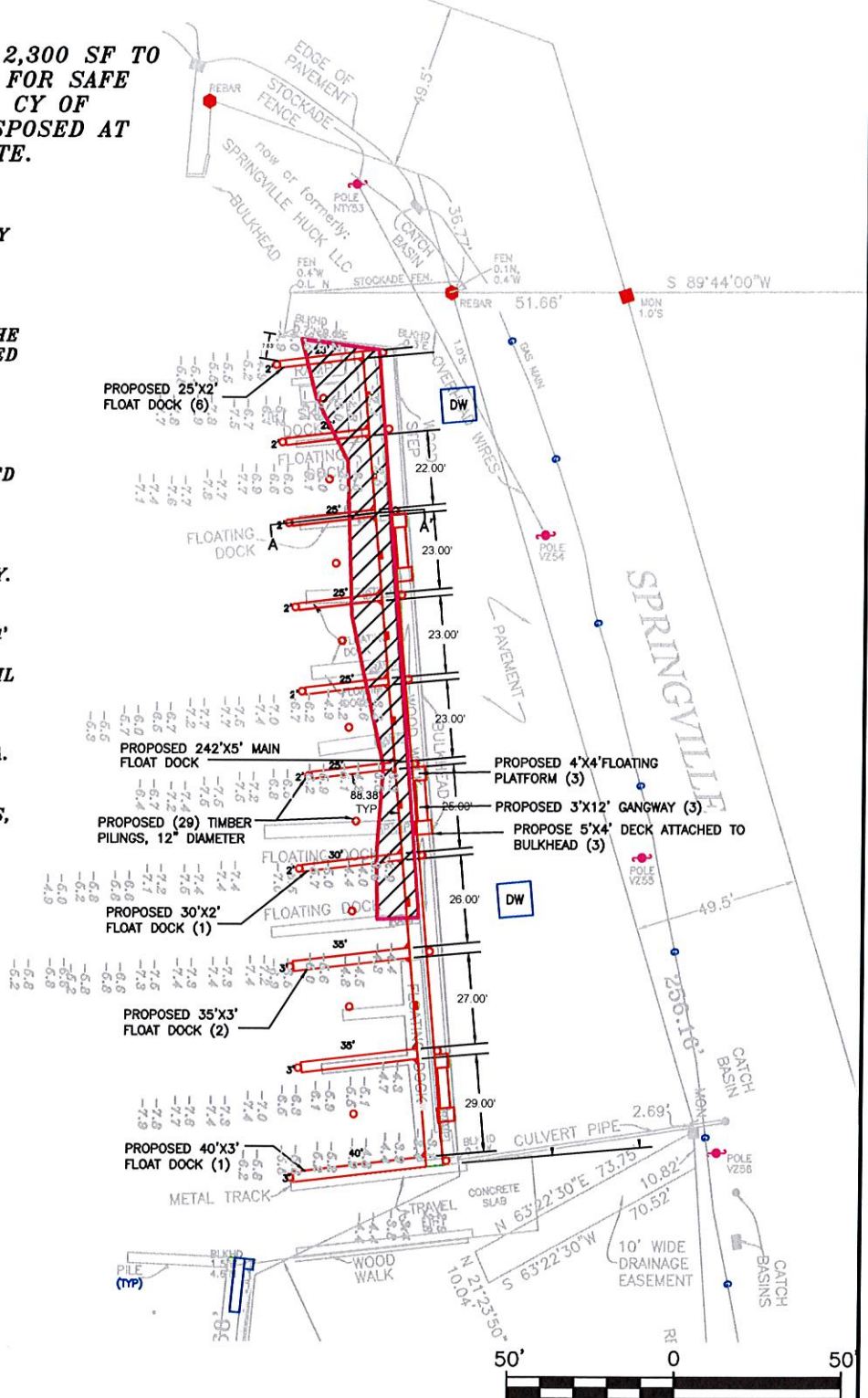
3. LANDWARD LIMIT OF TIDAL WETLANDS EQUIVALENT TO MHW AT THE BULKHEAD AS CONFIRMED 12/17/2021 BY LAND USE ECOLOGICAL SERVICES.






4. WATER DEPTH REFERENCE TO MLW PER HYDROGRAPHIC SURVEY.

5. PROPOSED DREDGE AREA: 2,300 SF TO BE DREDGED TO -4' MLW FOR SAFE NAVIGATION. APPROX 100 CY OF DREDGE SPOIL TO BE DISPOSED AT AN APPROVED UPLAND SITE.

6. TEMPORARY DEWATERING AREA. AREA TO BE A MIN. OF 10' LANDWARD OF THE BULKHEAD AND SURROUNDED BY HAY BALES, WITH RETURN FLOW TO SMITH'S CREEK.

SMITH'S CREEK



-  EXISTING PILES
-  EXISTING STRUCTURES
-  DREDGING AREA
-  PROPOSED STRUCTURES
-  PROPOSED PILES

PREPARED FOR: SMITH CREEK 124 LLC
D/B/A HAMPTON WATERCRAFT & MARINE

AT: 124 SPRINGVILLE ROAD
HAMPTON BAYS, NY 11946

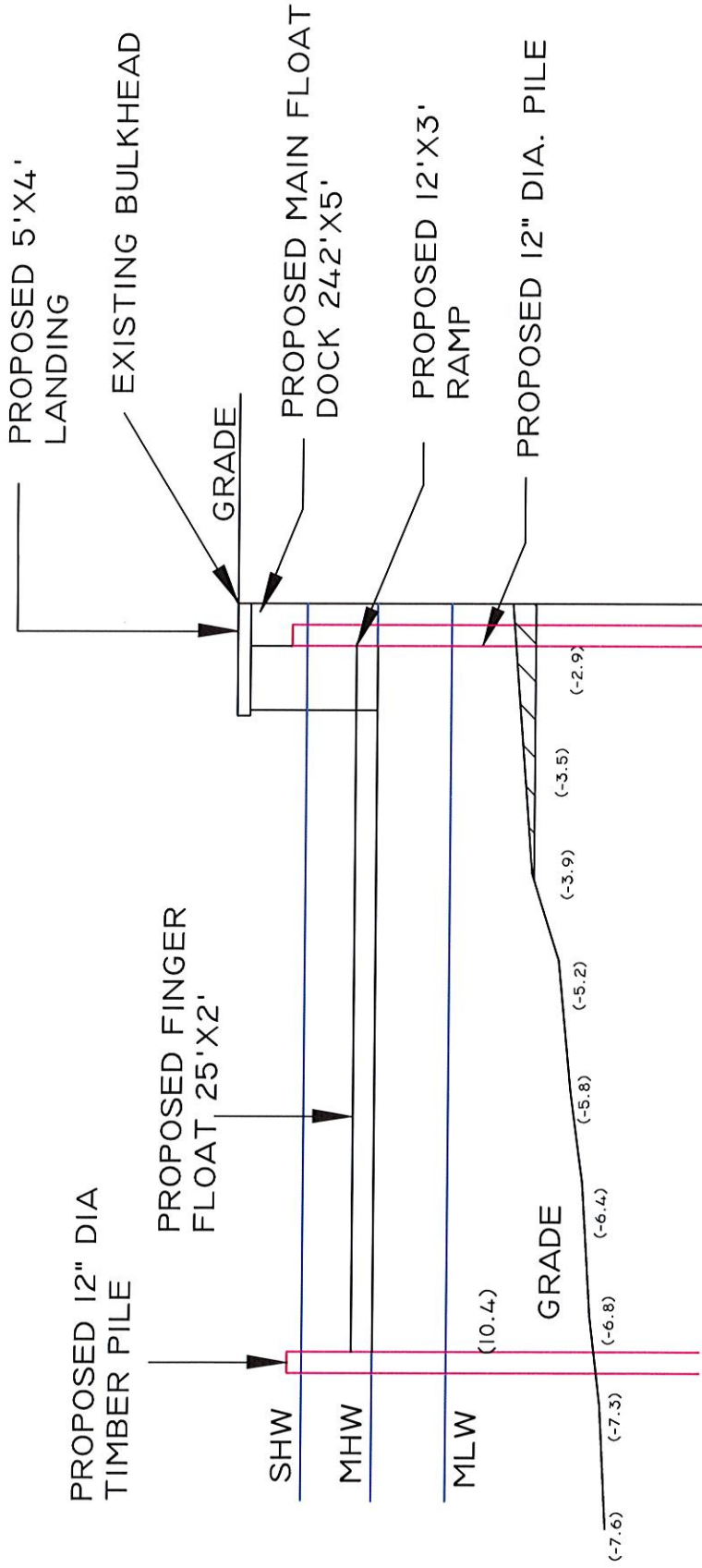
LAND USE ECOLOGICAL SERVICES, INC
570 EXPRESSWAY DRIVE SOUTH, SUITE 2F
Medford, New York 11763 (631) 727-2400

TITLE: **PROPOSED MARINA IMPROVEMENTS**

Compiled by: K.R.	Date: 1/10/23	SUFFOLK COUNTY TAX MAP#: 900-293-4-2
Prepared by: A.V.	Scale: AS SHOWN	
Project Mgr: K.R.	File: NORTH MARINA	DRAWING NO. 3 OF 4
Rev: -		

SECTION VIEW

SCALE: 1" = 8'



PROPOSED DREDGE AREA 2,300 SF TO DREDGED TO -4 MLW FOR NAVIGATION. APPROX. 100 CY OF DREDGE SPOIL TO BE DISPOSED AT AN APPROVED UPLAND SITE.



PREPARED FOR: SMITH CREEK 124 LLC D/B/A HAMPTON WATERCRAFT & MARINE 124 SPRINGVILLE ROAD HAMPTON BAYS, NY 11946	SECTION VIEW	
	TITLE:	SCTM# 900-293-4-2
AT:	Compiled by: K.R. Date: 1/10/23	Scale: AS SHOWN
LandUse LAND USE ECOLOGICAL SERVICES, INC 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400	Project Mgr: K.R. File:	Rev:
DRAWING NO.		4 OF 4