

## **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-2021-01362-EMI

Issue Date: June 3, 2022

Expiration Date: July 2, 2022

### 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: 40-44 Newtown Road Corp. & 48 Newtown Road Corp.

44 Newtown Road

Hampton Bays, New York 11946

ACTIVITY: Ten-Year Maintenance Dredging with Upland Placement with Return Flow to

the Waterway and Marina Expansion and Upgrades

WATERWAY: Shinnecock Canal

LOCATION: Hampton Watercraft & Marine (44 Newtown Road), Hampton Bays, Town of

Southampton, 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.

# CENAN-OP-RE PUBLIC NOTICE NO. NAN-2021-01362-EMI

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. 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 <a href="mailto:Christopher.W.Minck@usace.army.mil">Christopher.W.Minck@usace.army.mil</a>.

In order for us to better serve you, please complete our Customer Service Survey located at <a href="http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx">http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx</a>.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil.

Date: 2022.05.27 11:08:16 -04'00'

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

**Enclosures** 

# CENAN-OP-RE PUBLIC NOTICE NO. NAN-2021-01362-EMI

### WORK DESCRIPTION

The permit applicant, 40-44 Newtown Road Corp. & 48 Newtown Road Corp., has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with upland placement of all resultant dredged material and return flow and marina expansion and upgrades. The project is located at Shinnecock Canal in the Town of Southampton, Suffolk County, New York.

The proposed work would involve the following:

### Marina Upgrades:

<u>A&B Dock Structure</u>: Extend the A dock structure seaward with an approximately five-foot-wide by 28-foot-long float extension, relocate an existing four-foot-wide by 35-foot-long finger float to the end of the extension and construct one (1) new three-foot-wide by 35-foot-long finger float with two (2) 12-inch diameter timber piles at the end of each finger float.

<u>C&D Dock Structure</u>: Remove the existing float dock structures and all associated timber mooring piles and construct a new four-foot-wide by 20-foot-long ramp leading to a six-foot-wide by 246-foot-long float with a six-foot-wide by 127-foot-long section of float at the seaward end in a "T" configuration. On the landward side of the "T", install an approximately 5.5-foot by 5.5-foot- by 8.5-foot triangular gusset on the north side and a 7.5-foot-wide by 7.5-foot-long gusset supporting a shack.

From the north side of the landward end of the 246-foot-long section of float install, parallel to the float, an approximately three-foot-wide by 29-foot-long float extension. Install on the north side of the float 29-foot float extension, at approximately the midpoint, a three-foot-wide by 18-foot-long finger float. On the north side of the 246-foot long float heading seaward, install one (1) three-foot-wide by 30-foot-long finger float, four (4) three-foot-wide by 45-foot-long finger floats, followed by one (1) three-foot-wide by 40-foot-long finger float. On the south side of the 246-foot-long float install heading seaward install one (1) three-foot-wide by 50-foot-long finger float, one (1) three-foot-wide by 20-foot-long finger float, one (1) three-foot-wide by 35-foot-long finger float, and four (4) three-foot-wide by 40-foot-long finger floats. Forty-nine (49) 12-inch diameter timber piles will be installed to secure the floats and as mooring piles.

E Dock Bulkhead: Replace, in place approximately 410 linear feet of existing timber bulkhead.

<u>F&G Dock Structure:</u> Extend the F/G Dock Structure seaward with an approximately six-footwide by 30-foot-long float extension, relocate an existing five-foot-wide by 62-foot-long float to the seaward end of the extension in a "T" configuration, construct one (1) three-foot-wide by 30-foot-long finger float on the north side of the extension and one (1) new two-foot-wide by 25-foot-long finger float on the south side of the extension. Six (6) new 12-inch diameter timber piles will be installed to secure the floats and as mooring piles.

<u>H&I Dock Structure</u>: Extend the H/I Dock Structure seaward with an approximately six-foot-wide by 16-foot-long float extension, relocated the existing six-foot-wide by 84-foot-long float to the seaward end of the extension in a "T" configuration, construct one (1) new two-foot-wide by 30-foot-long finger float on the north side of the extension and one (1) three-foot-wide by 35-foot-long finger float on the south side of the extension. Four (4) new 12-inch diameter timber piles will be installed to secure the floats and as mooring piles.

<u>J Dock Structure:</u> Remove an approximately five-foot-wide by 80-foot-long section of the existing J dock structure, an approximately four-foot-wide by 22-foot-long float in an "L" configuration, and an approximately 78 linear foot section of bulkhead. Reconfigure the J Dock Structure by installing a new six-foot-wide by 98-foot-long main float at an angle leading to a new approximately five-foot-wide by 45-foot-long float in an "L" configuration. One (1) two-foot-wide by

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25-foot-long finger float and two (2) two-foot-wide by 20-foot-long finger floats will be relocated within the "L" configuration on the south side of the 98-foot-long float and one (1) new two-foot-wide by 20-foot-wide finger float will also be installed within the "L". Approximately 98 linear feet of bulkhead will be installed along the north side of the reconfigured main float. Three (3) new 12-inch diameter timber piles will be installed to secure the floats and as mooring piles.

### **Dredging:**

Maintenance dredge with ten-years maintenance, by mechanical dredge, approximately 2,000 cubic yards (CY) of material from an irregularly shaped 48,300 square foot area within the existing marina to a depth of six feet below the plane of Mean Low Water (MLW). The dredged material would be placed at four on-site upland dewatering locations with return flow to the waterway. The dewatering areas would be surrounded with staked haybales to contain the dredged material. After dewatering, the dredged material would be transported to a state approved upland facility.

The applicant plans to conduct two additional dredging events within the ten-year maintenance dredging period removing a maximum of approximately 2,000 CY per event from within the same dredging areas with the same dewatering and upland disposal.

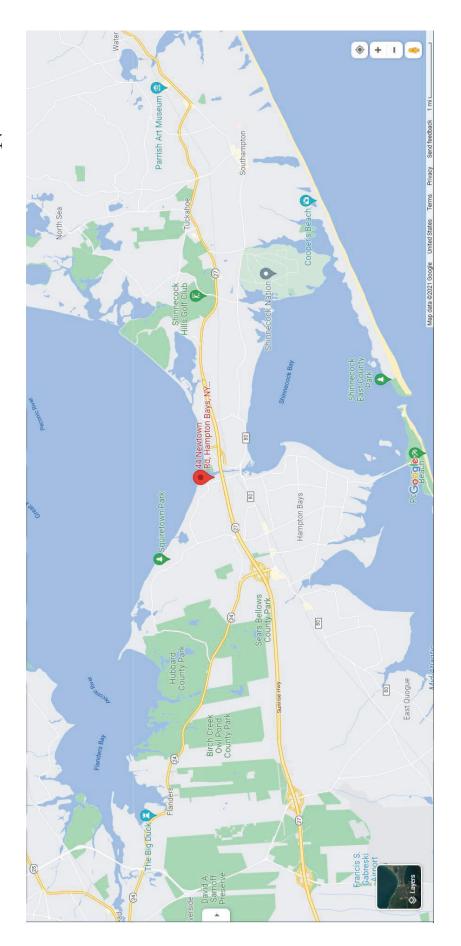
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation within the marina. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the mechanical dredge and by using a turbidity curtain around the dredge area.

The stated purpose of this project is to improve the marina functionality by reconfiguring and expanding the marina and by maintaining safe navigable depths for vessel use in the marina.

# **USACE FILE: NAN-2021-01362-EMI**

# Hampton Watercraft & Marine – Hampton Bays 44-48 Newtown Road | SCTM #900 – 188 – 2 – 10, 12, 15



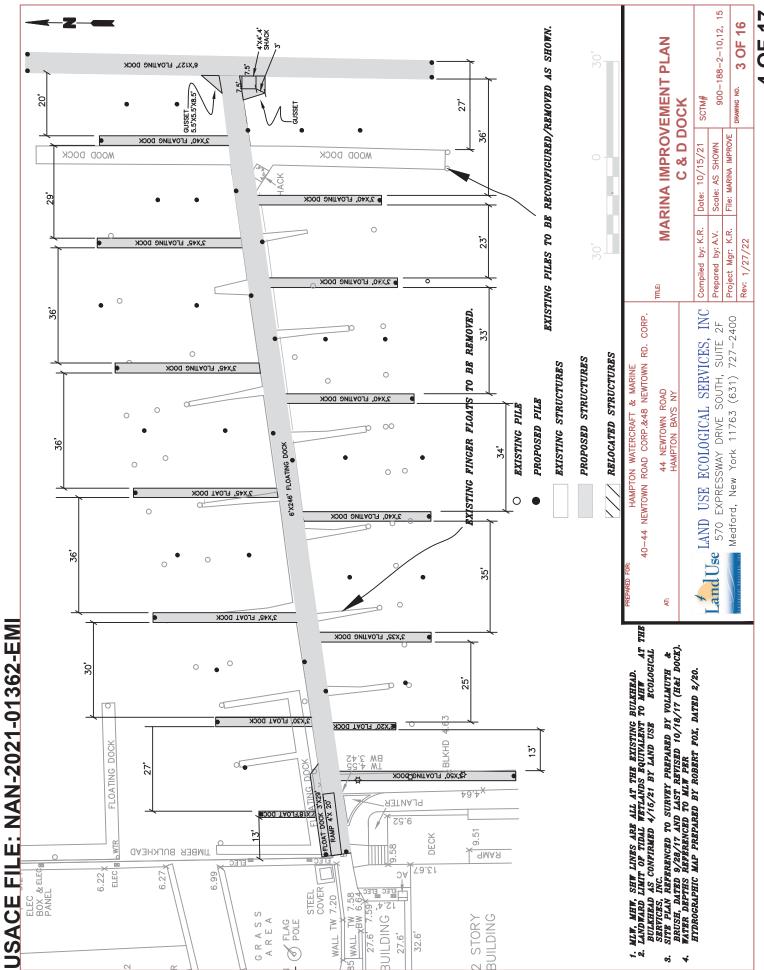


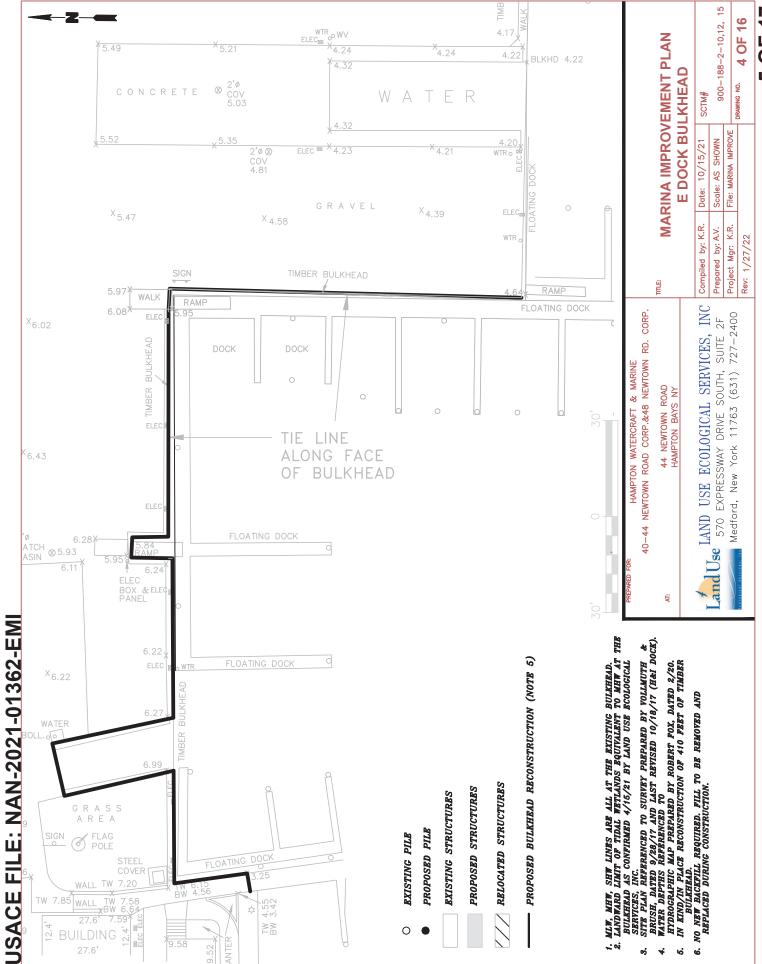
Land Use Ecological Services, Inc. 570 Expressway Drive South, Suite 2F Medford, NY 11763
Tel. 631-727-2400 Fax.631-727-2605

Location map taken from Google Maps (<u>www.google.com</u>). Latitude 40 53 32.50 N  $\,|$  Longitude -72 30 13.44 W

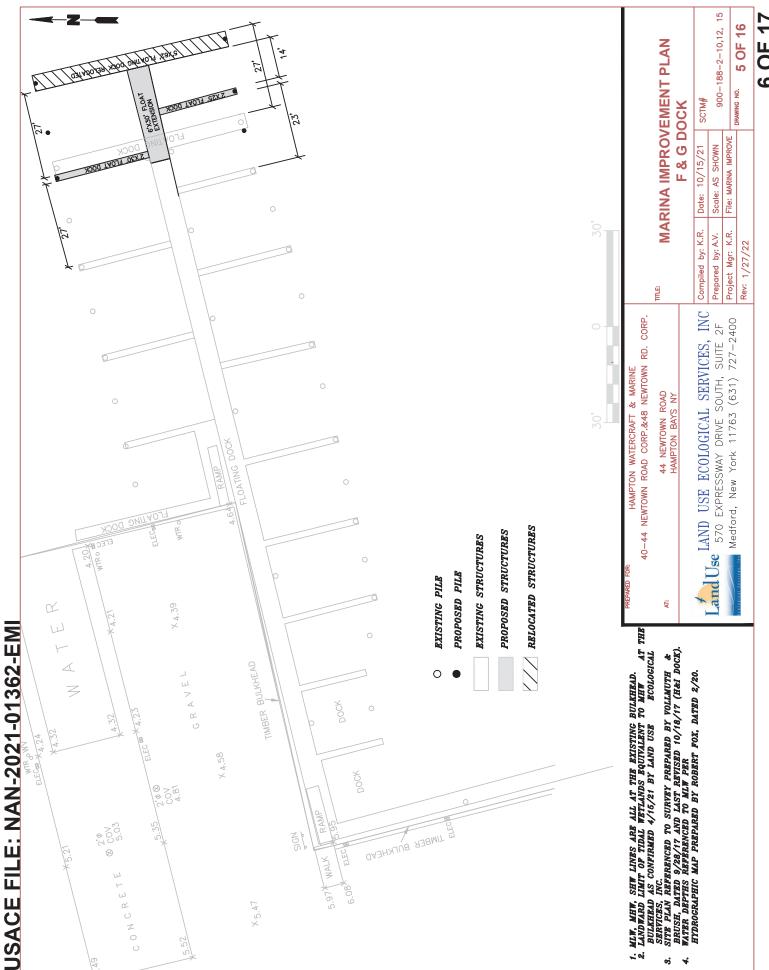
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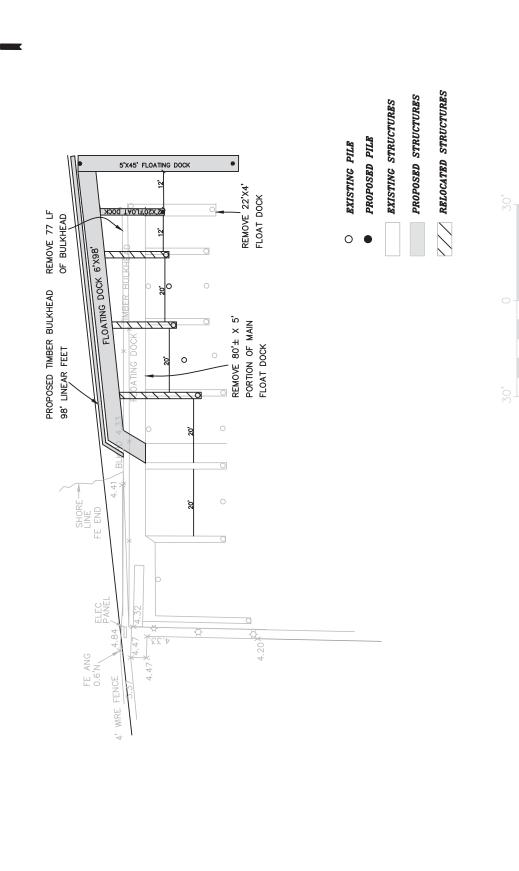
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2. LANDWARD LIMIT OF TIDAL WETLANDS EQUITALENT TO MHW
BULKHEAD AS CONFIRMED 4/16/21 BY LAND USE ECOLOGICAL
SERVICES, INC.
3. SITE PLAN REFERENCED TO SURVEY PREPARED BY YOLLMUTH &
BRUSH, DATED 9/28/17 AND LAST REVISED 10/18/17 (H&L DOCK).
4. WATER DEPTHS REFERENCED TO MLW PER.
HYDROGRAPHIC MAP PREPARED BY ROBERT FOX, DATED 2/20.

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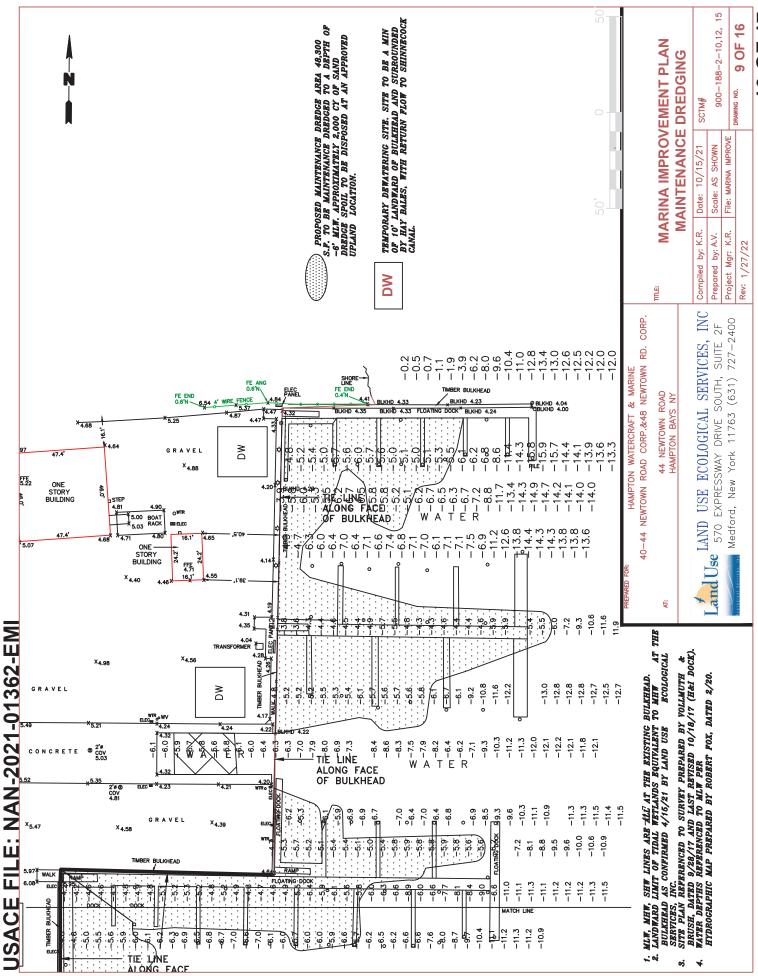
LAND USE ECOLOGICAL SERVICES, INC Land Use 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400 40-44 NEWTOWN ROAD CORP. &48 NEWTOWN RD. CORP 44 NEWTOWN ROAD HAMPTON BAYS NY AT:

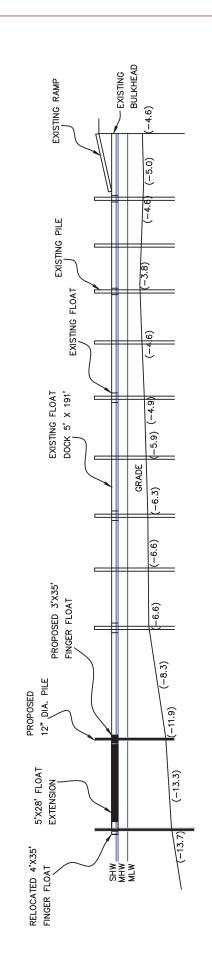
HAMPTON WATERCRAFT & MARINE

900-188-2-10,12, 15 7 OF 16 **MARINA IMPROVEMENT PLAN** DRAWING NO. SCTM# J DOCK File: MARINA IMPROVE Date: 10/15/21 Scale: AS SHOWN Compiled by: K.R. Prepared by: A.V. Project Mgr: K.R. Rev: 1/27/22 III.E

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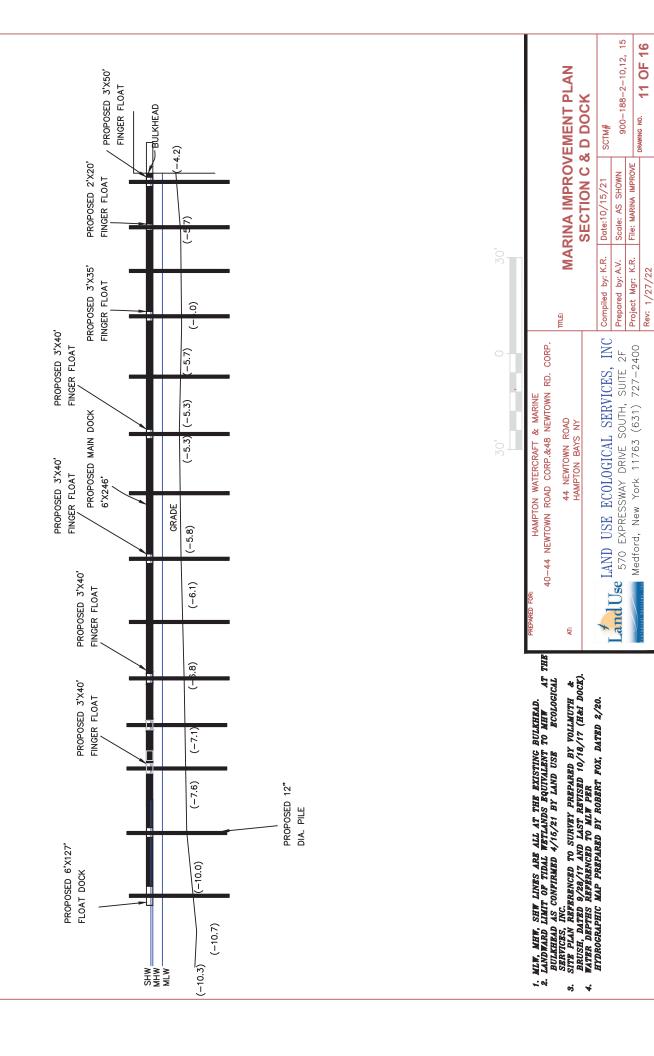
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HYDROCRAPHIC MAP PREPARED BY ROBERT FOX, DATED 2/20.

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III.E LAND USE ECOLOGICAL SERVICES, INC Land Use 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400 40-44 NEWTOWN ROAD CORP.&48 NEWTOWN RD. CORP. 44 NEWTOWN ROAD HAMPTON BAYS NY AT:

900-188-2-10,12, 15 **MARINA IMPROVEMENT PLAN** SECTION A & B DOCK DRAWING NO. SCTM# File: MARINA IMPROVE Scale: AS SHOWN Date:10/15/21 Compiled by: K.R. Project Mgr: K.R. Prepared by: A.V. Rev: 1/27/22 HAMPTON WATERCRAFT & MARINE

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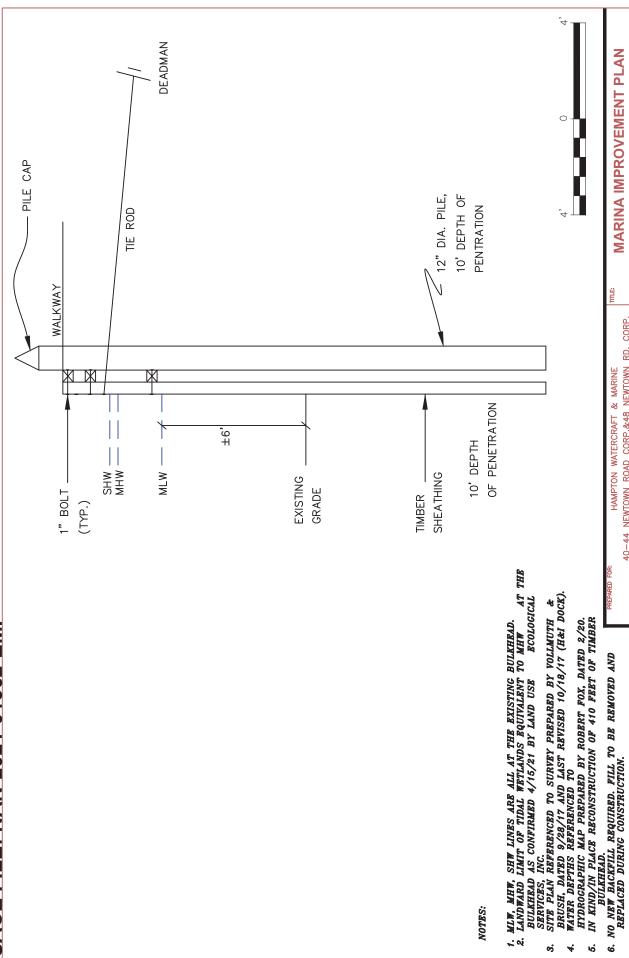


900-188-2-10,12, 15 DRAWING NO. 11 OF 16

File: MARINA IMPROVE

Project Mgr: K.R.

Rev: 1/27/22



40-44 NEWTOWN ROAD CORP.&48 NEWTOWN RD. CORP. HAMPTON WATERCRAFT & MARINE AT:

NOTES:

**MARINA IMPROVEMENT PLAN** 

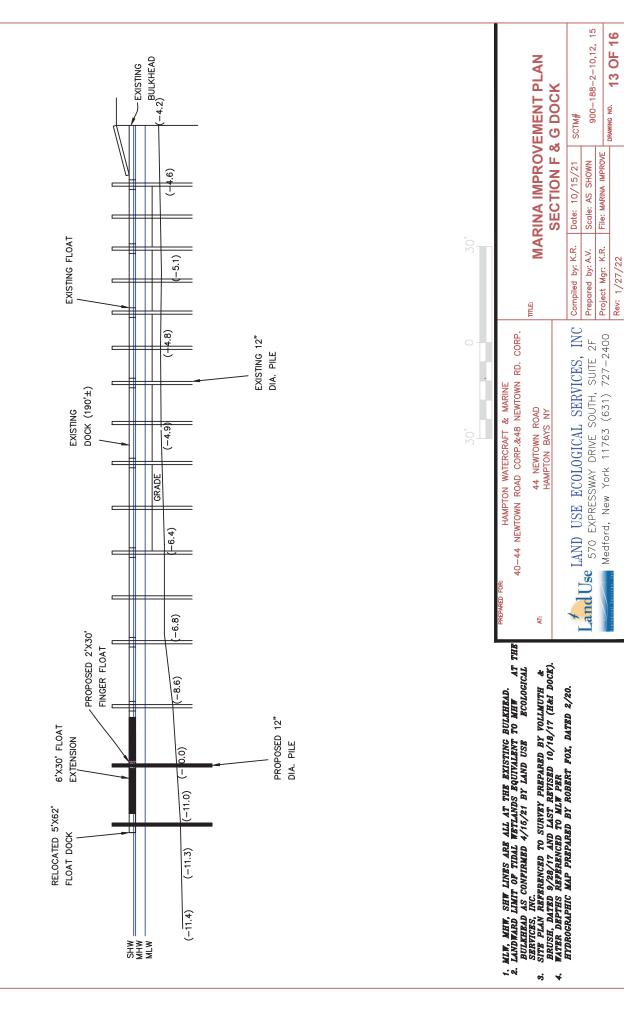
44 NEWTOWN ROAD HAMPTON BAYS NY

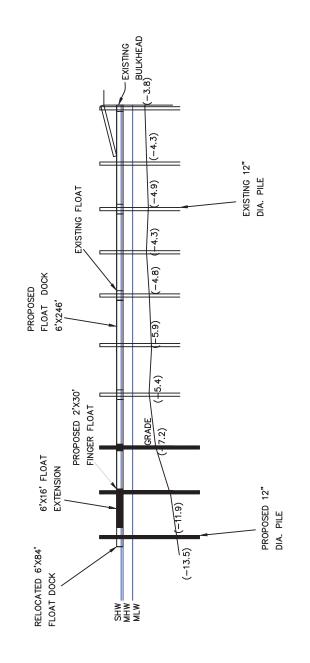
LAND USE ECOLOGICAL SERVICES, INC Land Use 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400

**BULKHEAD RECONSTRUCTION SECTION** DRAWING NO. SCTM# (TYP.) File: MARINA IMPROVE Compiled by: K.R. | Date: 10/15/21 Scale: AS SHOWN Prepared by: A.V. Project Mgr: K.R. Rev: 1/27/22

900-188-2-10,12, 15

12 OF 16





1. MLW, MHW, SHW LINES ARE ALL AT THE EXISTINC BULKHEAD.
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LAND USE ECOLOGICAL SERVICES, INC Land Use 570 EXPRESSWAY DRIVE SOUTH, SUITE 2F Medford, New York 11763 (631) 727-2400 40-44 NEWTOWN ROAD CORP. &48 NEWTOWN RD. CORP. HAMPTON WATERCRAFT & MARINE 44 NEWTOWN ROAD HAMPTON BAYS NY AT:

900-188-2-10,12, 15 14 OF 16 MARINA IMPROVEMENT PLAN SECTION H & I DOCK DRAWING NO. SCTM# File: MARINA IMPROVE Scale: AS SHOWN Date:10/15/21 Compiled by: K.R. Project Mgr: K.R. Prepared by: A.V. Rev: 1/27/22 III.E

