



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-2024-00394

Issue Date: October 23, 2024

Expiration Date: November 22, 2024

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: Orient Wharf Company, Inc
c/o Peter McGreevy
P.O. Box 243
Orient, New York 11957

ACTIVITY: Ten-Year Maintenance Dredge with Return Flow

WATERWAY: Orient Harbor

LOCATION: 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 MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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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 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.

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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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

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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.

- 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 matthew.look@usace.army.mil

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

 Digitally signed
by Rosita Miranda

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

Enclosures

WORK DESCRIPTION

The applicant, Orient Wharf Company, Inc, has requested Department of the Army authorization for ten-year maintenance dredge, in the Orient Harbor, Town of Southold, Suffolk County, New York.

The work would involve:

Ten-year maintenance dredge via a clamshell bucket from a barge-mounted crane. Approximately 900 cubic yards of material would be dredged from an area of approximately 16,565 square feet to a depth of 5 feet below mean low water. Dredging is estimated to occur once a year, dredging approximately 900 cubic yards per event.

The dredged material to be stored and dewatered in a 30-foot (ft) by 100 ft staging area with haybales and silt fencing before being brought to an approved upland site. There will be return flow from the dewatering site.

The stated purpose of this project is to maintain safe and navigable water depths at the marina.

Suffolk Co.

72°20'15"

T3

72°18'30"

U3

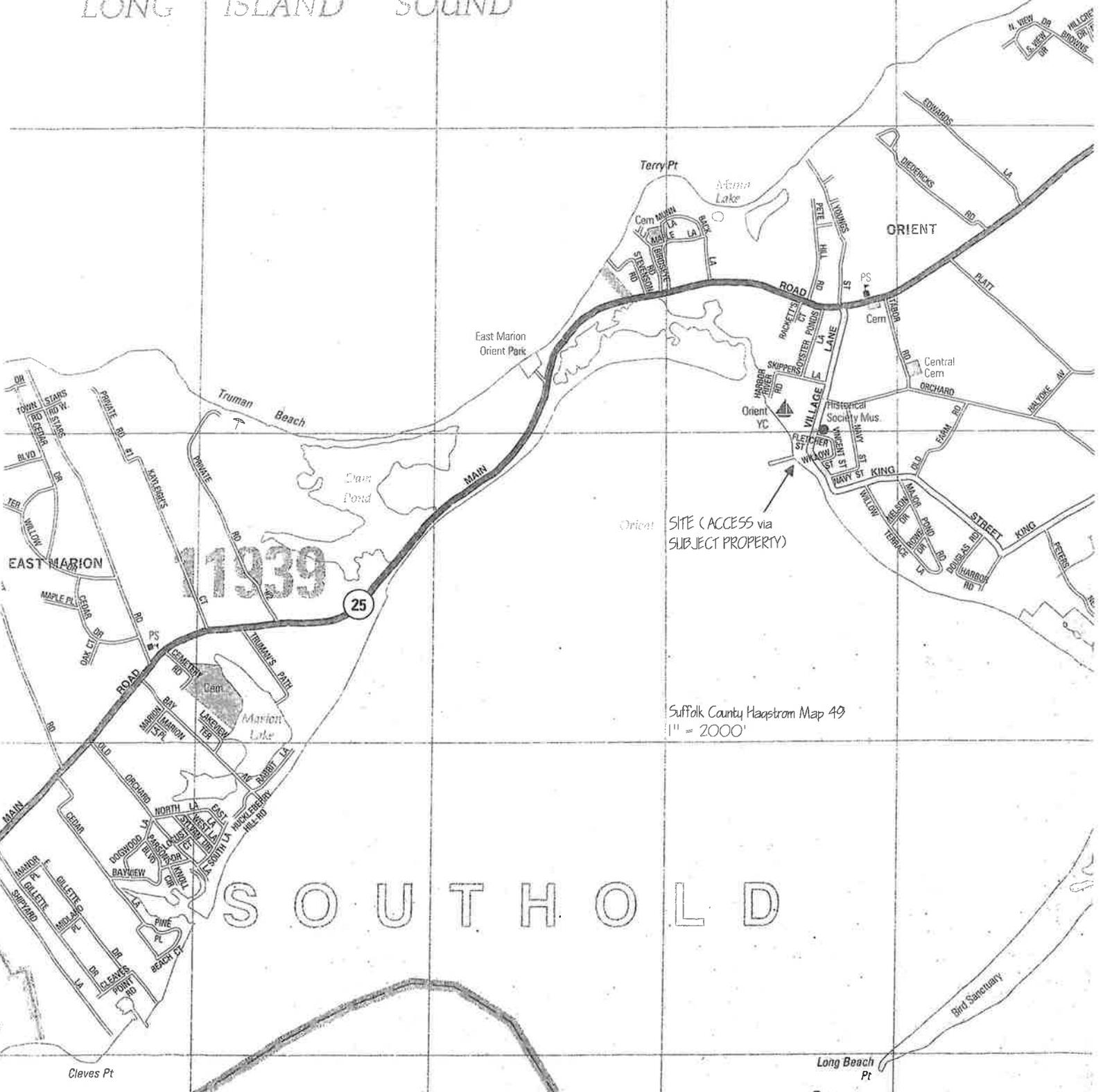
72°16'45"

V3

72°15'00"

W3

LONG ISLAND SOUND



11939

25

Orient SITE (ACCESS via SUBJECT PROPERTY)

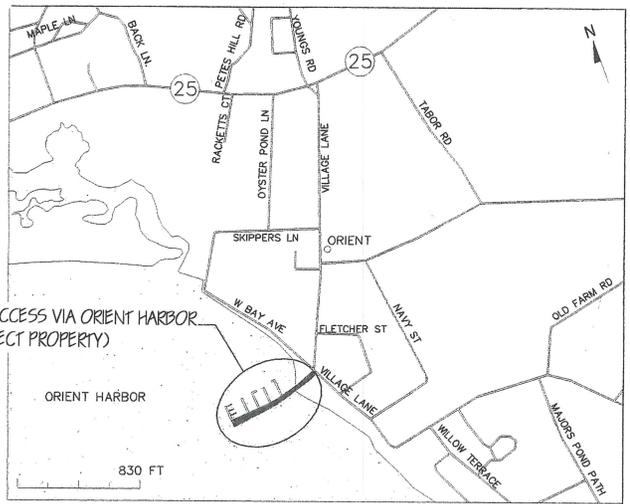
Suffolk County Mapstrom Map 49
1" = 2000'

SOUTHOLD

PORT SHEFFER

Long Beach Pt

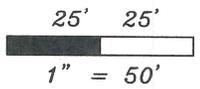
● LH



SITE (ACCESS VIA ORIENT HARBOR & SUBJECT PROPERTY)

EN-CONSULTANTS
1319 NORTH SEA ROAD
SOUTHAMPTON, NY 11968
631-283-6360

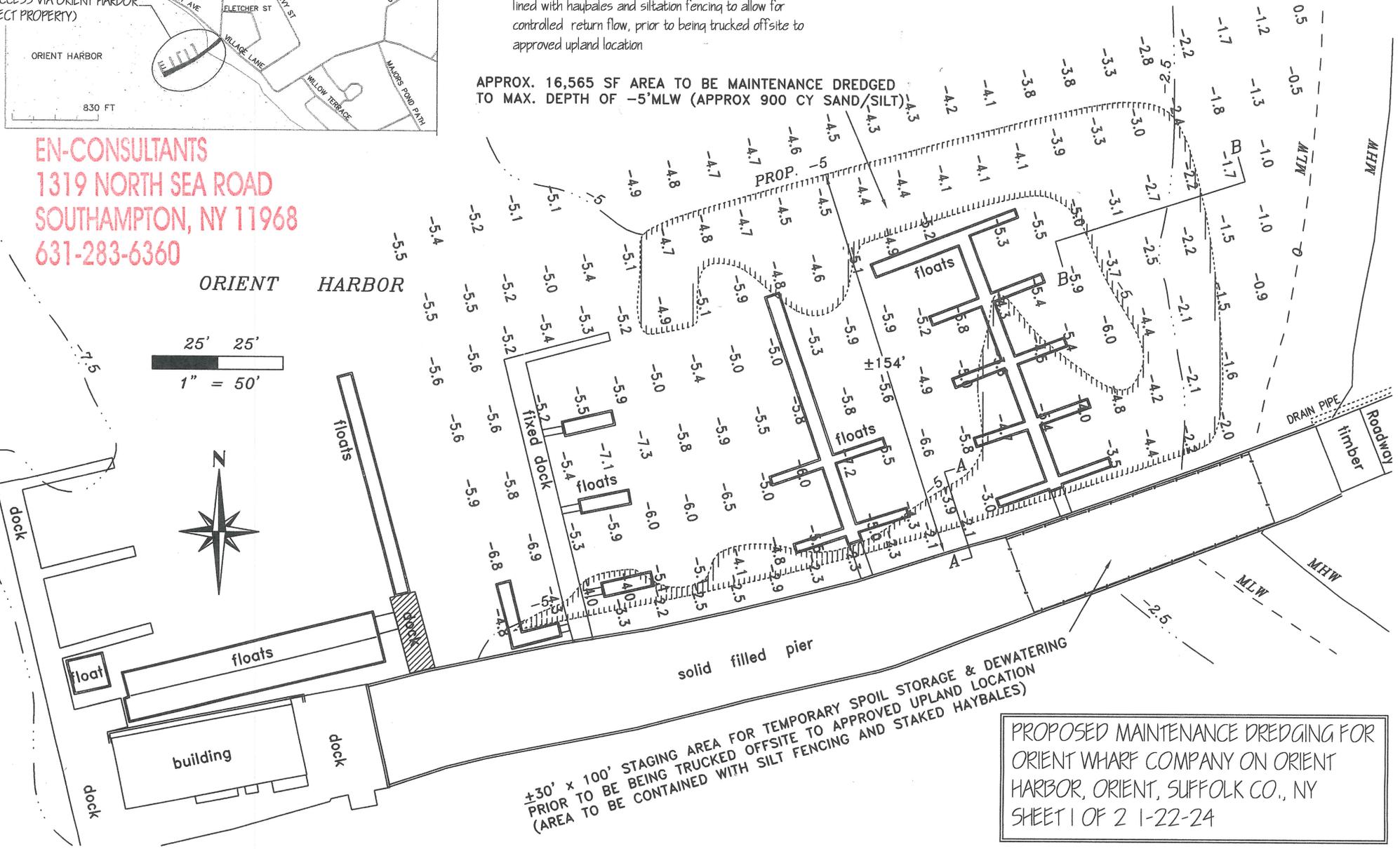
ORIENT HARBOR



Notes:

1. Purpose: To maintain safe and sufficiently navigable water depths at commercial marina
2. Datum: MLW
3. Water depths (referenced to MLW) and approximate spoil volume transcribed from hydrographic survey prepared by Robert H. Fox, dated 10-10-18
4. Approximately 900 cubic yards sand/ silt spoil to be dredged barge-mounted clamshell bucket crane
5. Spoil to be temporarily stored and dewatered in $\pm 30' \times 100'$ staging area on filled pier (seaward of timber bridge), using 40 cy capacity roll-off container lined with haybales and siltation fencing to allow for controlled return flow, prior to being trucked off-site to approved upland location
6. Prior maintenance dredge permits: NYSDEC No. 1-4738-03228/ 0004 (exp. 12-22-23); Town of Southold Wetlands/ CEMP Nos. 9583 & 9583C (valid through 11-13-2029)
7. Project location: 2110 Village Lane, Orient, NY; SCTM 1000-24-2-28.1

APPROX. 16,565 SF AREA TO BE MAINTENANCE DREDGED TO MAX. DEPTH OF $-5'$ MLW (APPROX 900 CY SAND/SILT)

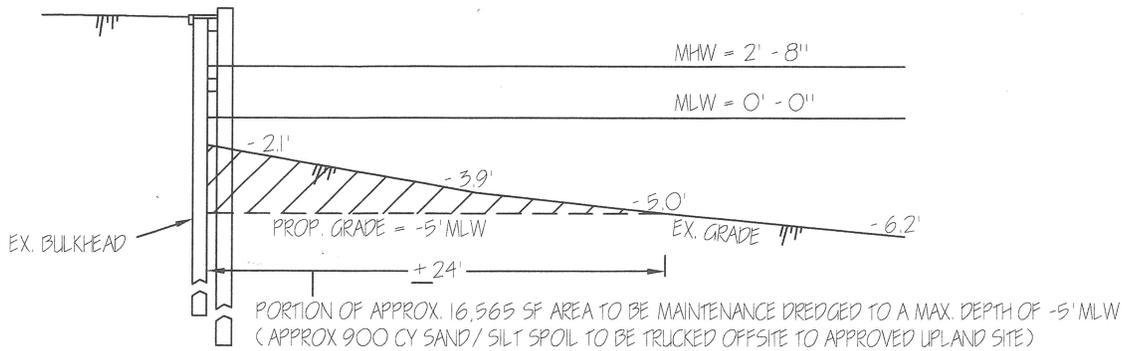


$\pm 30' \times 100'$ STAGING AREA FOR TEMPORARY SPOIL STORAGE & DEWATERING PRIOR TO BE TRUCKED OFFSITE TO APPROVED UPLAND LOCATION (AREA TO BE CONTAINED WITH SILT FENCING AND STAKED HAYBALES)

PROPOSED MAINTENANCE DREDGING FOR ORIENT WHARF COMPANY ON ORIENT HARBOR, ORIENT, SUFFOLK CO., NY
 SHEET 1 OF 2 1-22-24

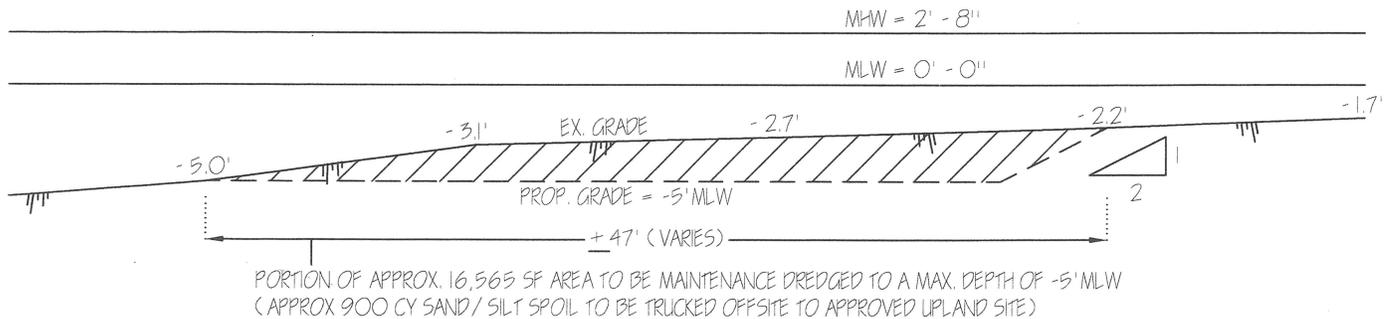
SECTION A-A: THRU PORTION OF MAINTENANCE DREDGE AREA

1" = 10'



SECTION B-B: THRU PORTION OF MAINTENANCE DREDGE AREA

1" = 10'



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1319 NORTH SEA ROAD
SOUTHAMPTON, NY 11968
631-283-6360

PROPOSED MAINTENANCE DREDGING FOR
 ORIENT WHARF COMPANY ON ORIENT
 HARBOR, ORIENT, SUFFOLK CO., NY
 SHEET 2 OF 2 1-22-24