



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Edward Morris
Town of Brookhaven

Published:
Expires:

**New York District
Permit Application No. NAN-2025-00226**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) **and/or** Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Edward Morris
Town of Brookhaven
286 Hawkins Road
Centereach, NY 11720

AGENT: Keith J. Masseria
LMKA
437 South Country Road
Brookhaven, NY 11719

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Patchogue Bay. The project/review area is located on the South side of Brightwood Street, 443 feet south of the intersection of Brightwood Street and Dock Street in Town of Brookhaven, at Latitude 40.748 and Longitude -73.015; in Patchogue, Suffolk County, New York.

EXISTING CONDITIONS: An existing Marina, Sandspit Marina, home to approximately 100 recreational vessels. The low depth throughout the facility is currently impeding safe access to the facility and a navigational hazard.

PROJECT PURPOSE:

Overall: The stated purpose of this project is to maintain safe navigable depths for vessel use in the waterway.

PROPOSED WORK: The applicant requests authorization to dredge, with ten years maintenance, by mechanical dredge, approximately 35,500 cubic yards (CY) from a 351,900 square foot area to a depth of five feet below the plane of Mean Low Water (MLW). The approximate slope of the channel would be 1 to 3. The dredged material

would be placed in an upland area on site to dewater. Once dewatered, the material will be transported to an approved upland disposal site. The applicant plans to conduct five (5) additional dredging events within the ten-year maintenance dredging period removing a maximum of approximately 7,100 CY per event from within the same dredging area with the same disposal area.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: 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 of Sandspit Marina in Patchogue Bay. Any potential impacts would be temporary and would be offset by implementing best management practices associated with the proposed use of a turbidity curtain.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The proposed work is dredging and does not require compensatory mitigation.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS

Piping Plover	<i>Charadrius melodus</i>	Endangered	USFWS
Roseate Tern	<i>Sterna dougallii dougallii</i>	Endangered	USFWS
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	USFWS
Sandplain Gerardia	<i>Agalinis acuta</i>	Endangered	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: 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.

COASTAL ZONE MANAGEMENT ACT: 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection

Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

OTHER AUTHORIZATIONS: 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:

- NYSDEC

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Lindsey Neuwirth at lindsey.neuwirth@usace.army.mil. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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.

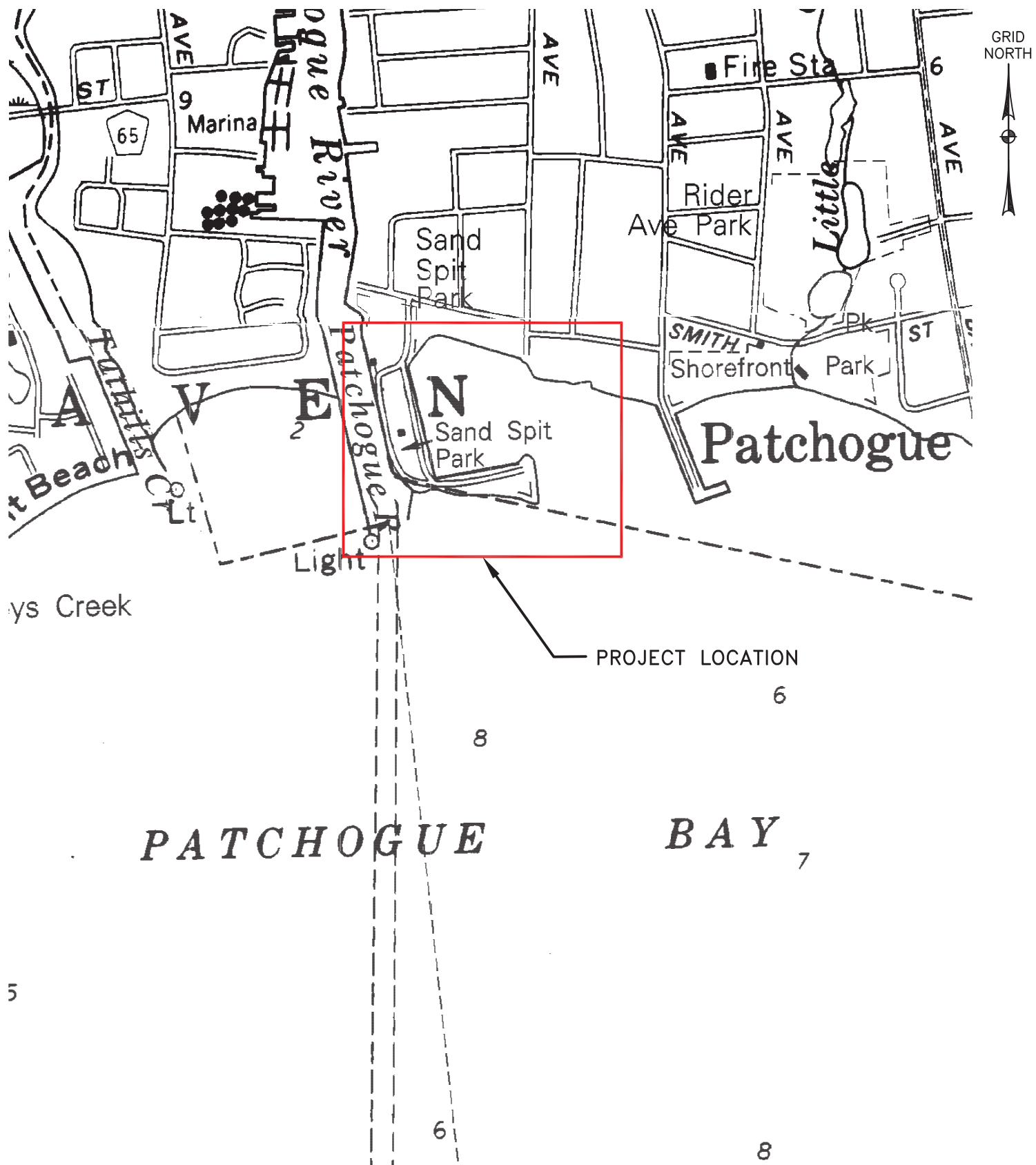
In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

[FOR AND IN BEHALF OF]

Stephan A. Ryba

Chief, Regulatory Branch



SANDSPIT MARINA VICINITY MAP

PATCHOGUE
SUFFOLK COUNTY, NEW YORK

LONGITUDE: -73.015 EASTING: 667580.77
LATITUDE: 40.748 NORTHING: 4512678.51
USGS QUAD: SAYVILLE

0 250
1" = 250'

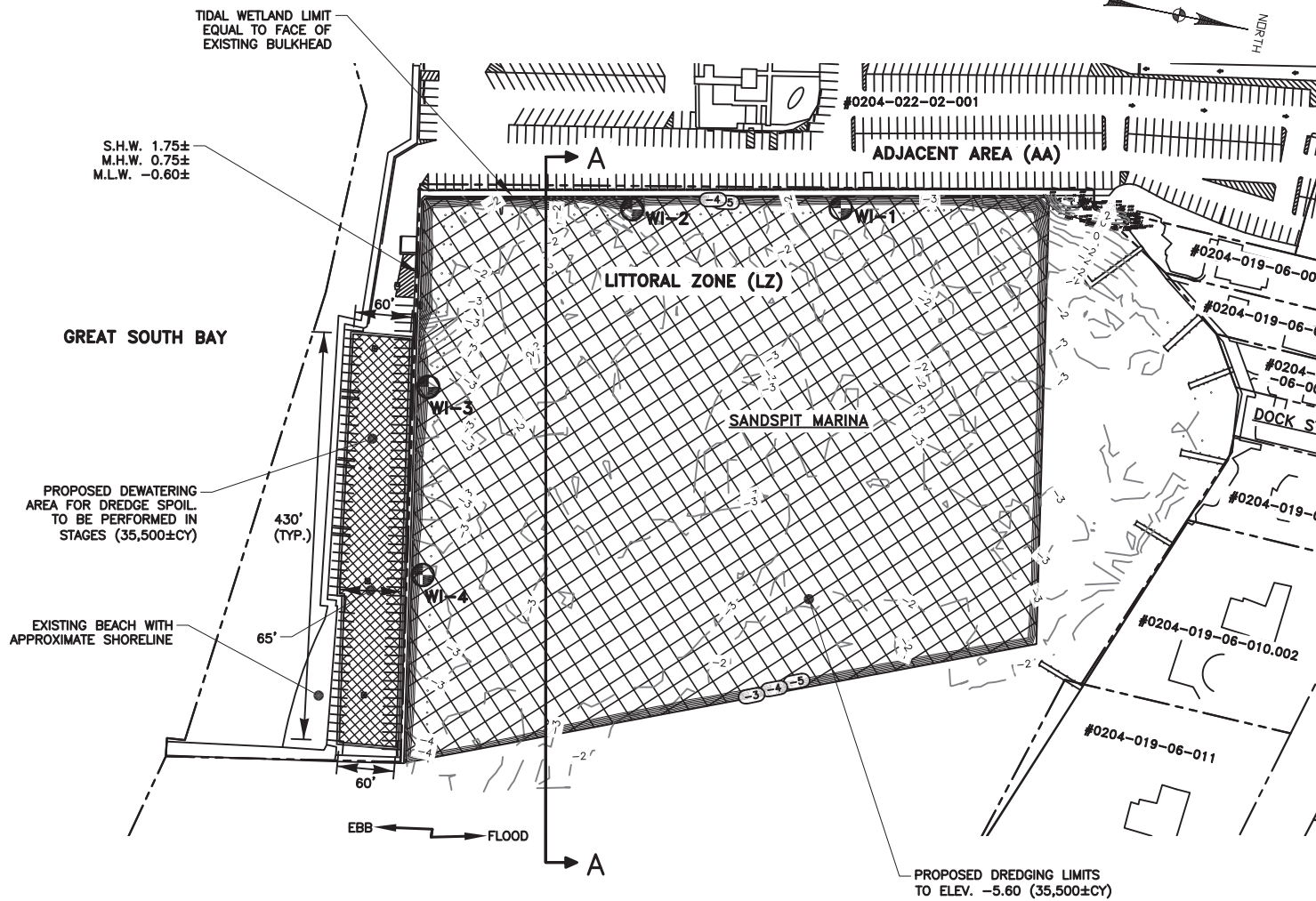
MARCH 2025
24189.000



L. K. McLEAN ASSOCIATES, D.P.C.

Mar 13, 2025 - 10:54am
Z:\Shared\Projects\24189.000 Sandspit Marina 10 Year Maintenance Dredging Permit\Civil DWG\Working Drawings\Vicinity Map.dwg

Mar 11, 2025 - 02:11pm
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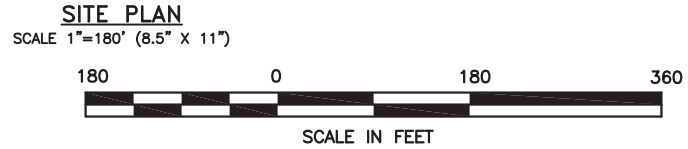
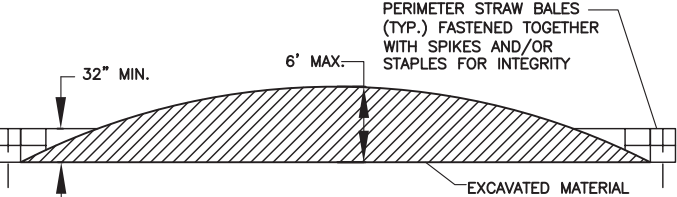


- NOTE:**
1. HORIZONTAL DATUM IS REFERENCED TO NAD83, LONG ISLAND ZONE AND THE VERTICAL DATUM IS REFERENCED TO NAVD88.
 2. A CLAM SHELL BUCKET SHALL BE USED ON EITHER A BARGE MOUNTED CRANE AND/OR LAND MOUNTED CRANE TO PERFORM THE DREDGING/EXCAVATION OPERATION.
 3. ALL DEBRIS AND DRY SPOIL FROM THE SITE SHALL BE REMOVED AND PLACED ON ADJACENT LAND WHERE SHOWN ON THE PLAN. AFTER DRYING, THE MATERIAL WILL BE TRANSPORTED TO A NYSDEC APPROVED UPLAND AREA.
 4. TOTAL AREA OF DREDGING IS EQUAL TO 351,900± S.F.
 5. APPROXIMATE VOLUME OF DISPOSAL AFTER EXCAVATION HAS BEEN COMPLETED IS 35,500± CY.
 6. PROPOSED CONTOURS REPRESENT THE MAXIMUM AMOUNT OF MATERIAL TO BE DREDGED. LIMITS OF DREDGING MAY BE REDUCED A.O.B.E.
 7. MAXIMUM DREDGE DEPTH SHALL BE 5' BELOW M.L.W.
 8. NO FILL SHALL BE PLACED BELOW S.H.W.
 9. ALL DREDGING TO BE PERFORMED WITHIN THE LIMITS OF THE SANDSPIT MARINA BOAT BASIN.
 10. DREDGING SHALL ONLY BE PERFORMED DURING NYSDEC AND ACOE APPROVED DREDGE WINDOWS.
 11. ALL DREDGE SPOILS SHALL ULTIMATELY BE DISPOSED OF AT A NYSDEC APPROVED UPLAND AREA AFTER DRYING.

LEGEND

- LIMITS OF PROPOSED DREDGING TO EL. -5.60 (35,500±CY)
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED LIMIT OF DISTURBANCE LINE
- PROPOSED DEWATERING AREA FOR DREDGE SPOIL TO BE PERFORMED IN STAGES (35,500±CY)
- APPROXIMATE SUFFOLK COUNTY TAX MAP LINES
- SEDIMENT SAMPLING LOCATION (SEE SEDIMENT SAMPLING PLAN)

#XXXX-XXX-XX-XXX SCTM# REFERENCE NUMBER

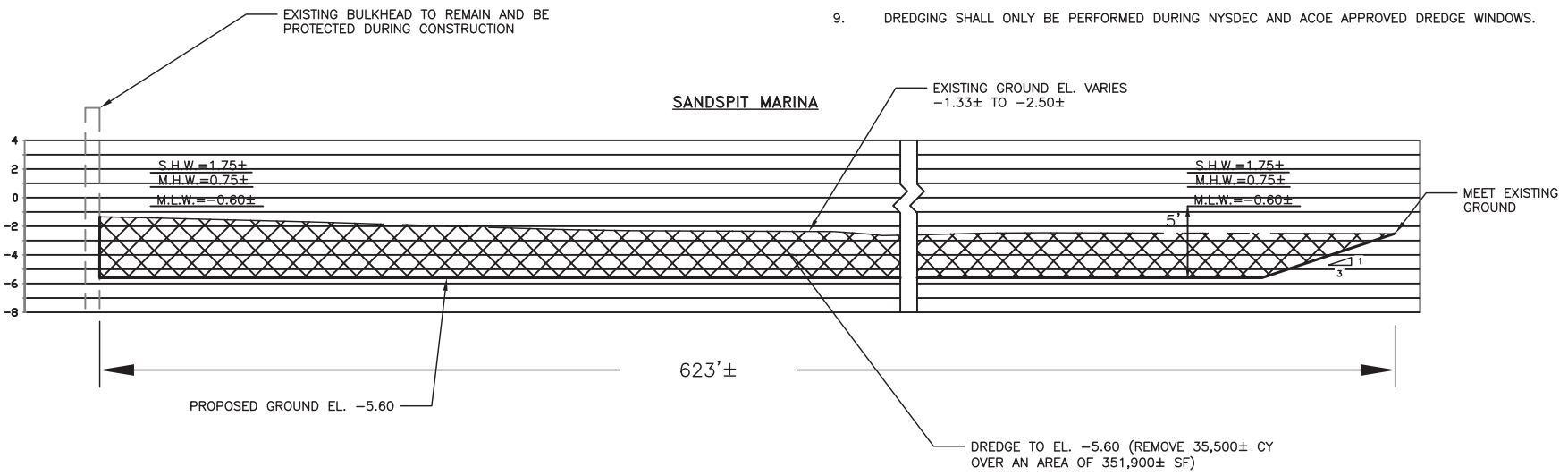


PROJECT DESCRIPTION: SANDSPIT MARINA 10 YEAR MAINTENANCE DREDGING	1. BEARING AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE. 2. ELEVATIONS SHOWN HEREON REFERENCE NAVD 1988.	DATUM: S.H.W.=1.75± M.H.W.=0.75± M.L.W.=-0.60±	ADJACENT WATER BODY: PATCHOGUE BAY

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
SUFFOLK COUNTY TOWN OF BROOKHAVEN SANDSPIT MARINA 10-YEAR MAINTENANCE DREDGING			
DREDGING PLAN			
L. K. McLEAN ASSOCIATES, D.P.C. ENGINEERING & SURVEYING 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By:	KJM	Scale:	AS NOTED
Drawn By:	SPJ	Date:	MARCH 2025
Approved By:	RAS	File No.	24189.000
			Sheet No. 3 OF 4

NOTE:

- 1. HORIZONTAL DATUM IS REFERENCED TO NAD83, LONG ISLAND ZONE AND THE VERTICAL DATUM IS REFERENCED TO NAVD88.
- 2. A CLAM SHELL BUCKET SHALL BE USED ON EITHER A BARGE MOUNTED CRANE AND/OR LAND MOUNTED CRANE TO PERFORM THE DREDGING/EXCAVATION OPERATION.
- 3. ALL DEBRIS AND DRY SPOIL FROM THE SITE SHALL BE REMOVED AND PLACED ON ADJACENT LAND WHERE SHOWN ON THE PLAN. AFTER DRYING, THE MATERIAL WILL BE TRANSPORTED TO A NYSDEC APPROVED UPLAND DISPOSAL AREA.
- 4. TOTAL AREA OF DREDGING IS EQUAL TO 351,900± S.F.
- 5. PROPOSED CONTOURS REPRESENT THE MAXIMUM AMOUNT OF MATERIAL TO BE DREDGED. LIMITS OF DREDGING MAY BE REDUCED A.O.B.E.
- 6. MAXIMUM DREDGE DEPTH SHALL BE 5' BELOW M.L.W.
- 7. NO FILL SHALL BE PLACED BELOW S.H.W.
- 8. ALL DREDGING TO BE PERFORMED WITHIN THE LIMITS OF THE SANDSPIT MARINA BOAT BASIN.
- 9. DREDGING SHALL ONLY BE PERFORMED DURING NYSDEC AND ACOE APPROVED DREDGE WINDOWS.



SECTION A-A
DREDGING

SCALE 1"=12' (8.5 X 11)

PROJECT DESCRIPTION:
SANDSPIT MARINA 10 YEAR
MAINTENANCE DREDGING

- 1. BEARING AS SHOWN ARE IN NEW YORK STATE PLANE COORDINATE SYSTEM NAD 1983, LONG ISLAND ZONE.
- 2. ELEVATIONS SHOWN HEREON REFERENCE NAVD 1988.

DATUM:
S.H.W.=1.75±
M.H.W.=0.75±
M.L.W.=-0.60±

ADJACENT WATER BODY:
PATCHOGUE BAY

DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
SUFFOLK COUNTY TOWN OF BROOKHAVEN			
SANDSPIT MARINA 10-YEAR MAINTENANCE DREDGING			
TYPICAL SECTION			
L. K. McLEAN ASSOCIATES, D.P.C.			
ENGINEERING & SURVEYING 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By:	KJM	Scale:	AS NOTED
Drawn By:	SPJ	Date:	MARCH 2025
Approved By:	RAS	File No.	24189.000
			4 OF 4