



# 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-2022-00159-EMI**

Issue Date:

Expiration Date:

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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: Cross Sound Ferry Services  
2 Ferry Street  
New London, Connecticut 06371

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

WATERWAY: Gardiners Bay

LOCATION: Cross Sound Ferry Terminal, Orient Point, 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

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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

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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 [Christopher.W.Minck@usace.army.mil](mailto:Christopher.W.Minck@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

**WORK DESCRIPTION**

The permit applicant, Cross Sound Ferry Services, has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an upland onsite location. The project is located at Gardiners Bay, at the Cross Sound Ferry Terminal in Orient Point, Town of Southold, Suffolk County, New York.

The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by mechanical dredge and/or land based excavator, up to 5,000 cubic yards (CY) of material from an approximately 130 to 240-foot-wide by approximately 400-foot-long trapezoidal shaped dredging area totaling approximately 74,000 square feet to a depth of 15 feet below the plane of Mean Lower Low Water (MLLW). The approximate slope of the channel system would be 1 to 3. The dredged material would be placed onto a barge or onshore with return flow to the waterway and then moved by payloaders to an upland location on site adjacent to Point Road.

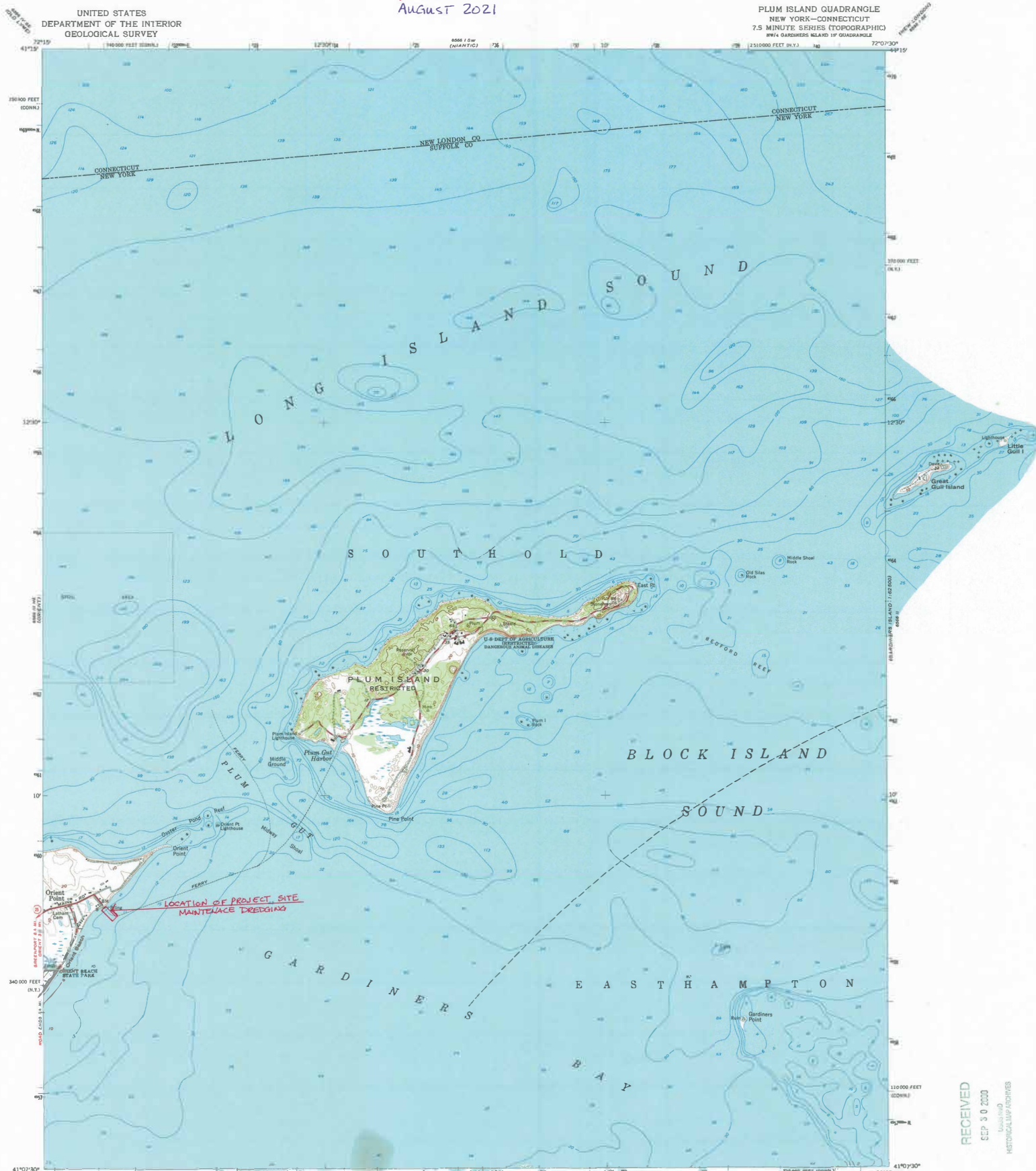
The applicant plans to conduct dredging annually, up to two times per year removing approximately 250 cubic yards of material per event within the ten-year maintenance dredging period removing a maximum of approximately 5,000 CY over the ten-year period from within the same dredging area with upland placement at the above referenced area.

The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by limiting the dredging activity to the minimum necessary to maintain depths for the ferries to safely dock.

The stated purpose of this project is to maintain safe docking conditions at the ferry terminal.

CROSS SOUND FERRY  
LOCATION OF MAINTENANCE DREDGINGS  
AUGUST 2021

PLUM ISLAND QUADRANGLE  
NEW YORK-CONNECTICUT  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
NW4 GARDINERS ISLAND 1st QUADRANGLE



Mapped, edited, and published by the Geological Survey

Control by USGS

Topography from aerial photographs by photogrammetric methods. Aerial photographs taken 1954. Field check 1954

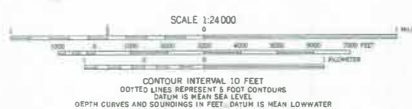
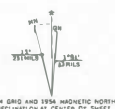
Hydrography compiled from USCGS chart 362 (1953)

Polyconic projection. 1927 North American datum

10,000 footgrids based on New York coordinate system

Long Island zone, and Connecticut coordinate system

1,000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue



ROAD CLASSIFICATION

Heavy-duty	Light-duty
Medium-duty	Unimproved dirt
U.S. Route	State Route

PLUM ISLAND, N. Y.-CONN.  
NW4 GARDINERS ISLAND 1st QUADRANGLE  
N4107.5-W7207.5/7.5

1954

AND MORE IN NW-SECTORS

RECEIVED  
SEP 30 2020  
United States  
Geological Survey

1534 6-407-41725-4



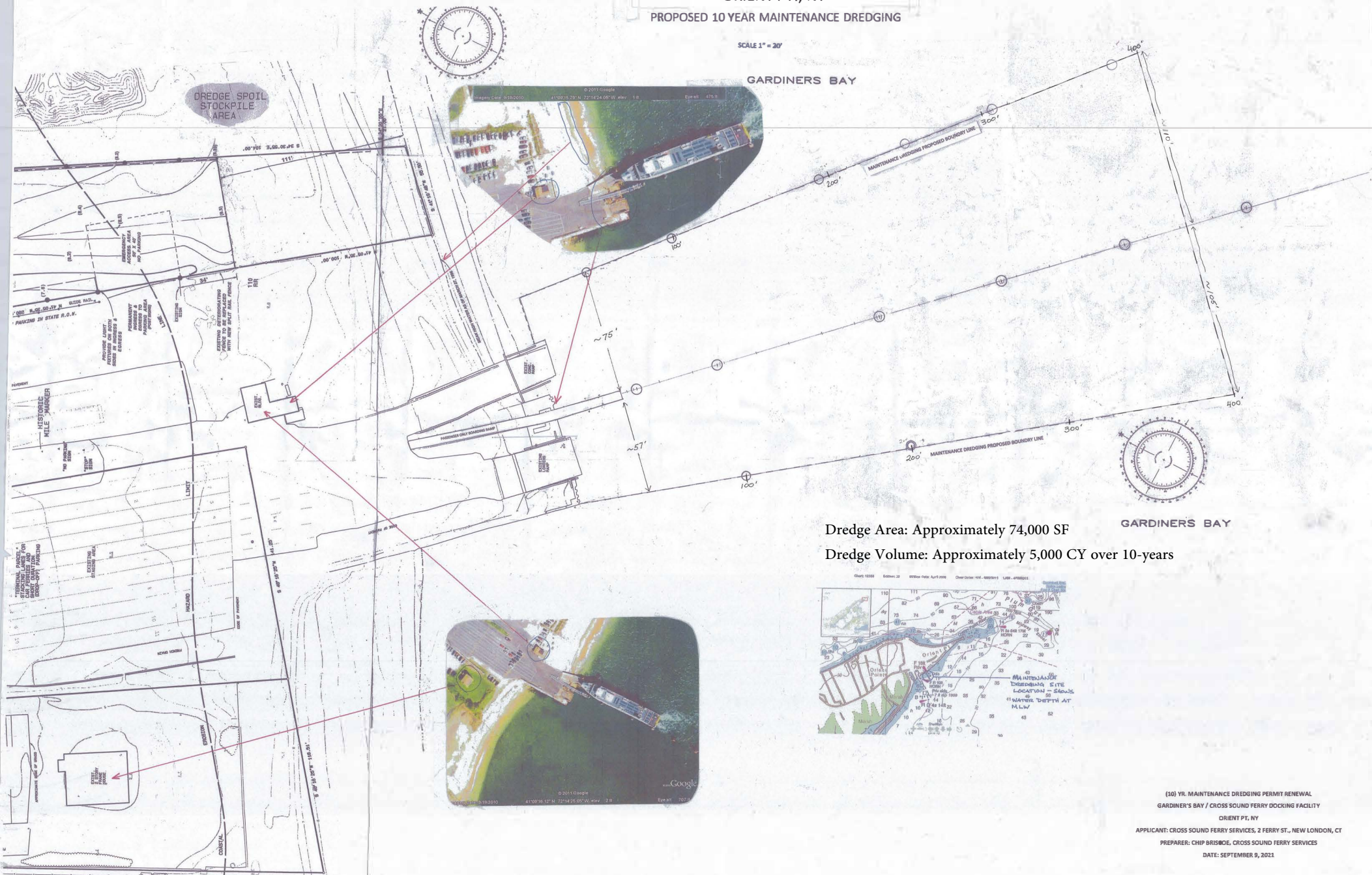
## CROSS SOUND FERRY DOCKING FACILITY

ORIENT PT., NY

PROPOSED 10 YEAR MAINTENANCE DREDGING

SCALE 1" = 20'

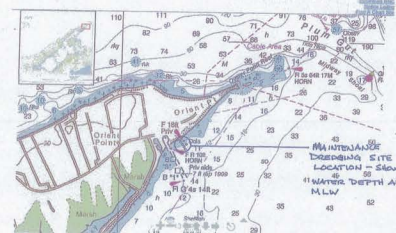
GARDINERS BAY



Dredge Area: Approximately 74,000 SF

Dredge Volume: Approximately 5,000 CY over 10-years

GARDINERS BAY



(10) YR. MAINTENANCE DREDGING PERMIT RENEWAL  
GARDINER'S BAY / CROSS SOUND FERRY DOCKING FACILITY

ORIENT PT., NY

APPLICANT: CROSS SOUND FERRY SERVICES, 2 FERRY ST., NEW LONDON, CT

PREPARER: CHIP BRISBIDE, CROSS SOUND FERRY SERVICES

DATE: SEPTEMBER 9, 2021

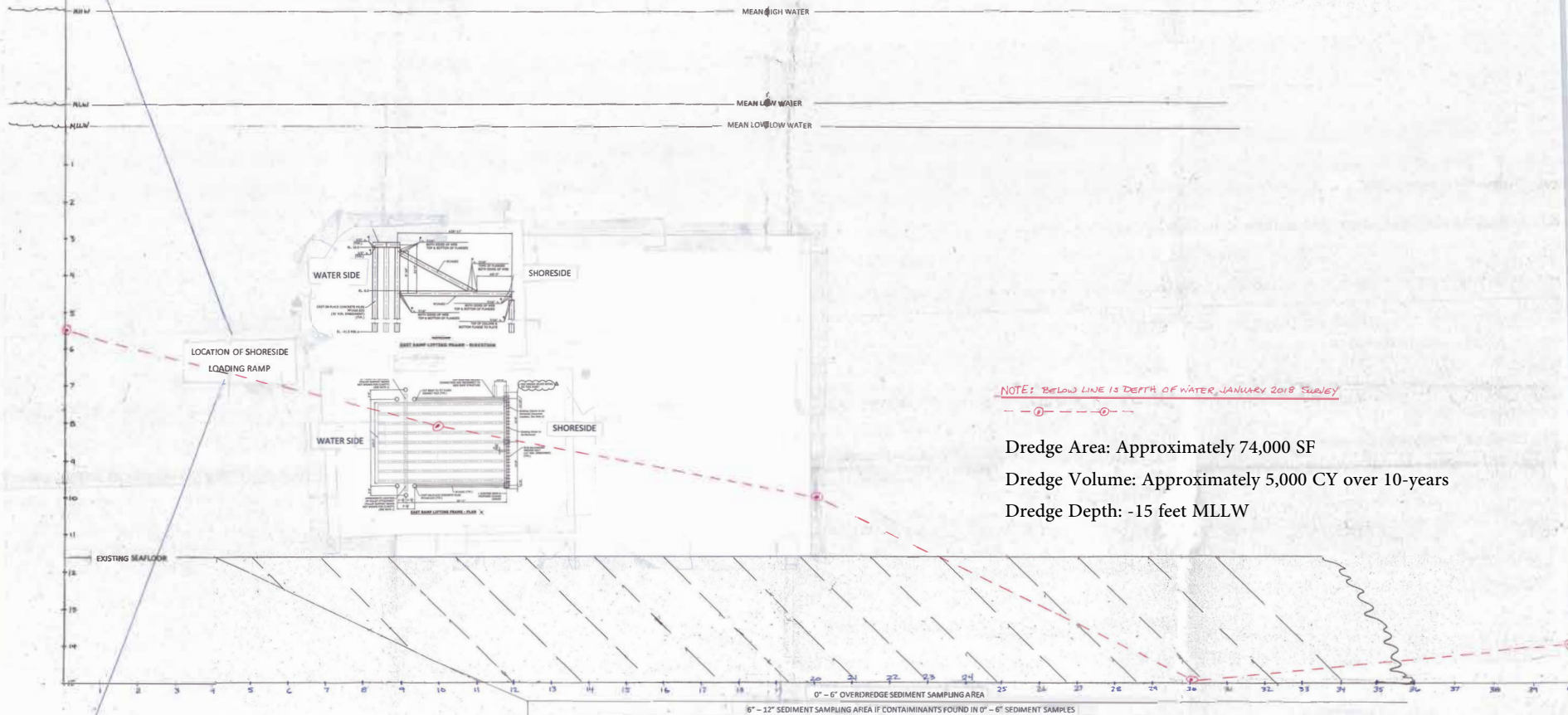


## CROSS SOUND FERRY DOCKING FACILITY

### CROSSVIEW

(10) YR. MAINTENANCE DREDGING PERMIT

ENLARGED SHORESIDE CROSSVIEW  
SCALE 1" = 1'



Dredge Area: Approximately 74,000 SF  
Dredge Volume: Approximately 5,000 CY over 10-years  
Dredge Depth: -15 feet MLLW

FULL CROSSVIEW  
SCALE 1" = 15'

CROSSVIEW  
CROSS SOUND FERRY DOCKING FACILITY / GARDINERS BAY  
FT. OF STATE RD. 25, DOCK RD., ORIENT PT., NY  
APPLICANT & PROPERTY OWNER  
CROSS SOUND FERRY SERVICES  
2 FERRY ST., NEW LONDON, CT 06320

PREPARER  
CHIP BRISCOE, CROSS SOUND FERRY SERVICES  
SEPTEMBER 12, 2021

